

# Constitution and Canons

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## APPENDIX C

### THE ELECTION, APPOINTMENT, CONSECRATION AND RESIGNATION OF BISHOPS

#### Part I - General

##### Interpretation

1. In this Canon

- "*assistant bishop*" means a bishop who is already consecrated and who is appointed to assist a diocesan bishop but who does not have a right of succession;
- "*coadjutor bishop*" means a bishop who is elected or appointed to assist a diocesan bishop and who has the right to succeed the diocesan bishop when the diocesan bishop ceases to hold the office of diocesan bishop;
- "*diocesan bishop*" means the bishop who has jurisdiction and pre-eminence in a diocese;
- "*electoral synod*" means a meeting of a diocesan synod called to elect a bishop;
- "*Metropolitan*" means the Metropolitan of the Ecclesiastical Province of Canada;
- "*suffragan bishop*" means a bishop elected or appointed to assist a diocesan bishop but who does not have a right of succession.

##### Canonical Requirements

2. Any priest or bishop of The Anglican Church of Canada or of a church in full communion therewith who is at least 30 years of age may be elected or appointed as a bishop.

##### Financial Provision

3. The Metropolitan shall ensure that there is sufficient financial provision for the support of a bishop before a bishop is elected or appointed.

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## Confirmation of Elections

- 4.1. If the Metropolitan is not the President of an electoral synod at which a bishop is elected, the President and Secretaries of the synod shall, within seven days after the election, certify the election to the Metropolitan.
- 4.2. When a bishop is elected the Metropolitan shall forthwith notify the other bishops of the province.
- 4.3. Each bishop shall, within seven days after being notified of the election, inform the Metropolitan that he or she concurs with, or objects to, the election.
- 4.4. A bishop may object to an election on the ground that the person elected either
  - a. has not attained 30 years of age,
  - b. is not a priest or bishop of the Anglican Church of Canada or of a church in full communion therewith,
  - c. is deficient in learning, training or experience,
  - d. has either directly or indirectly secured or attempted to secure the office by improper means,
  - e. is guilty of crime or immorality, or
  - f. teaches or holds, or within the previous five years has taught or held, anything contrary to the doctrine or discipline of the Anglican Church of Canada.
- 4.5. The House of Bishops of the Ecclesiastical Province of Canada shall consider and determine any objection to an election and the decision of the House of Bishops is final.

## Consecrations

- 5.1. When the election of a bishop has been confirmed, unless the person elected is already a bishop the Metropolitan shall, with the assistance of at least two other bishops, consecrate the bishop-elect.
- 5.2. Before a bishop-elect is consecrated,
  - a. the Metropolitan shall cause a duly attested certificate of election to be read during the service of consecration and shall declare that there is no constitutional or canonical impediment to the consecration, and

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- b. the bishop-elect shall make and subscribe an oath of due obedience to the Metropolitan and such other oaths, declarations or promises as are required by Canon.
- 5.3 The Metropolitan may consecrate a bishop-elect who has been elected to fill an impending vacancy in the office of diocesan bishop before the vacancy occurs and a bishop-elect so consecrated shall become the diocesan bishop immediately on the occurrence of the vacancy.

### **Retirements and Resignations**

- 6.1 Subject to any applicable secular law, a bishop ceases to hold office when he or she attains the age of 70 years.
- 6.2 A bishop may resign before attaining the age of 70 years by submitting a resignation to the Metropolitan and the House of Bishops.
- 6.3 A bishop who is the Metropolitan may resign before attaining the age of 70 years by submitting a resignation to the diocesan bishop in the province senior by consecration and the House of Bishops.

### **Diocesan Procedures**

7. In a diocese in which Part II of this Canon is not in force
  - a. bishops shall be elected or appointed in accordance with rules adopted by the diocesan synod, and
  - b. the diocesan synod may request the House of Bishops to appoint a diocesan bishop, a coadjutor bishop or a suffragan bishop.

### **Part II - Optional Uniform Procedures**

#### **Interpretation**

8. In this Part
  - "*convening authority*" means the person or body that may call a special meeting of the diocesan synod;
  - "*Council*" means the body, by whatever name it is designated, constituted by the diocesan synod to exercise the powers of the

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diocesan synod between meetings of that synod and, where an executive committee of the Council has been constituted and has been given the powers of the Council, includes that executive committee;

- "*Search Committee*" means a Search Committee elected or appointed pursuant to section 9.

## Calling an Electoral Synod

- 9.1 In a diocese where there is no coadjutor bishop an electoral synod shall be called to elect a diocesan bishop when
- a. a vacancy occurs in the office of diocesan bishop,
  - b. the diocesan bishop has submitted a resignation to the Metropolitan and less than six months remains until the effective date of the resignation, or
  - c. the diocesan bishop has attained the age of 69 years and six months.
- 9.2 An electoral synod shall be called to elect a coadjutor or a suffragan bishop when the diocesan bishop informs the diocesan synod that in his or her opinion the diocese requires a coadjutor bishop, or a suffragan bishop, and
- a. the diocesan synod by resolution concurs in the opinion of the the diocesan synod that in his or her opinion or the diocesan bishop, and
  - b. the Metropolitan determines that there is sufficient financial provision for the support of a coadjutor bishop, or a suffragan bishop.
- 9.3 An electoral synod shall be called to elect a coadjutor bishop or a suffragan bishop where
- a. there is no coadjutor bishop,
  - b. there is no suffragan bishop, and
  - c. the Council determines that the diocesan bishop, for any cause, is unable to attend to the duties of a diocesan bishop by reason of mental or physical incapacity.
- 9.4 Where the Council determines that the diocesan bishop is unable to attend to the duties of a diocesan bishop by reason of mental or physical incapacity, the Council shall decide whether the electoral synod should elect a coadjutor bishop or a suffragan bishop.

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- 9.5 Where the convening authority is not the Metropolitan, the convening authority shall consult with the Metropolitan and, where the convening authority is not the Council, the convening authority shall consult with the Council with respect to fixing the time and place for the electoral synod.
- 9.6 After such consultation has taken place the Council shall
- a. fix a day, time and place for the electoral synod and direct the convening authority to give notice of the electoral synod,
  - b. elect or appoint the diocesan members of the Search Committee,
  - c. appoint the Secretary of the Committee who may, but need not, be a member of the Committee.
- 9.7 The date of the electoral synod shall not be earlier than 16 weeks after the day on which the Council elects or appoints the diocesan members of the Search Committee.
- 9.8 The Council may request the Metropolitan to appoint members of the Provincial Synod to the Search Committee.
- 9.9 The convening authority shall, when the Council has elected or appointed the diocesan members of the Committee, send to each member of the diocesan synod, written notice of the day, time, place and purpose of the electoral synod.
- 9.10 When a diocesan bishop or a coadjutor bishop is to be elected, or where a suffragan bishop is to be elected at an electoral synod pursuant to subsection 9.3 the convening authority shall include in the notice of the electoral synod
- a. the name and address of the Secretary of the Search Committee, and
  - b. a statement that any member of the synod may, not later than eight weeks before the date of the meeting, submit in writing to the Secretary of the Search Committee the name or names of any person or persons proposed by the member for the position to be filled.

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## Notice to the House of Bishops

10. When a diocesan bishop or a coadjutor bishop is to be elected, or where a suffragan bishop is to be elected at an electoral synod called pursuant to subsection 9.3, the convening authority shall inform the members of the House of Bishops of the Ecclesiastical Province of Canada of the name and the address of the Secretary of the Search Committee, that the Search Committee has been appointed, and that any member of the House may, not later than eight weeks before the date of the electoral synod, submit in writing to the Secretary of the Committee the name or names of any person or persons proposed by the member for the position to be filled.

## The Search Committee

- 11.1 The Search Committee shall consist of
- a. three clerical members of the diocesan synod and three lay members of the diocesan synod elected or appointed by the Council,
  - b. when requested by either the Council or the Search Committee, a bishop, a priest and a layperson appointed by the Metropolitan from among the members of the Provincial Synod from other dioceses, and
  - c. the diocesan bishop, if the electoral synod is called to elect a suffragan bishop pursuant to subsection 9.2.
- 11.2 The convening authority or a person designated by the convening authority shall convene the first meeting of the Search Committee.
- 11.3 The Search Committee shall, at its first meeting, elect a Chair and determine its procedures and may, if the Council has not done so, request the Metropolitan to appoint members of the Provincial Synod to the Committee.

## Duties of Search Committee

- 12.1 When a diocesan bishop or a coadjutor bishop is to be elected, or where a suffragan bishop is to be elected pursuant to subsection 9.3, the Search Committee shall
- a. prepare for the approval of the Council, a written description of the general qualifications and requirements for the position to be filled and

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- any specific qualities that the Search Committee considers to be desirable in the person who will fill the position;
- b. receive in writing from members of the diocesan synod and from members of the House of Bishops of the Province the names of any persons proposed by them as nominees for election together with information as to the clerical position or office, address and telephone number of each person so proposed and a statement that the person has consented to be proposed;
  - c. determine which of the persons proposed pursuant to clause (b) in the opinion of the Committee meet
    - i. the canonical requirements for election, and
    - ii. the qualifications, requirements and qualities determined pursuant to clause (a);
  - d. inform the proposer of any person proposed whom the Committee does not intend to nominate for election, of that fact;
  - e. determine the names of other persons who in the opinion of the Committee meet
    - i. the canonical requirements for election, and
    - ii. the qualifications, requirements and qualities determined pursuant to clause (a);
  - f. enquire of the persons identified pursuant to clauses (c) and (e) whether they consent to being nominated for election, and obtain from those who do consent written confirmation of such consent;
  - g. prepare a list, arranged alphabetically by surname, of the persons identified pursuant to clauses (c) and (e) who have consented to being nominated;
  - h. obtain from proposers, from persons to be nominated, or otherwise the information required for communication to the members of the electoral synod;
  - i. prepare appropriate information about each person to be nominated for communication to the members of the electoral synod in such a manner that
    - i. as a minimum there is a brief curriculum vitae for each person to be nominated,
    - ii. the information is communicated in a standard format and reproduced in a uniform quality, and
    - iii. the identity of the person or persons who proposed any person for nomination under this section or under section 15 is not communicated to the members of the electoral synod; and

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- j. present its report to the electoral synod and nominate the persons listed pursuant to clause (g).
- 12.2 When a suffragan bishop is to be elected at an electoral synod called pursuant to subsection 9.2 the Search Committee shall
- a. prepare for the approval of the diocesan bishop a written description of the general qualifications and requirements for the position to be filled and any specific qualities that the Search Committee considers desirable in the person who will fill the position; and
  - b. in consultation with the diocesan bishop determine the names of at least ten persons who in the opinion of the Search Committee meet
    - i. the canonical requirements for election, and
    - ii. the qualifications, requirements and qualities determined pursuant to clause (a).

### **Nominations by Diocesan Bishop**

- 13.1 When a suffragan bishop is to be elected at an electoral synod called pursuant to subsection 9.2, the diocesan bishop shall nominate six or more of the persons whose names have been determined pursuant to clause 12.2.b and who have consented in writing to being nominated.
- 13.2 When a suffragan bishop is to be elected at an electoral synod called pursuant to subsection 9.2, the diocesan bishop shall inform the Search Committee of the names of the nominees and the Search Committee shall
- a. obtain from the nominees, or otherwise, the information required for communication to the members of the electoral synod; and
  - b. prepare appropriate information about each nominee for communication to the members of the electoral synod in such a manner that
    - i. as a minimum there is a brief curriculum vitae for each nominee, and
    - ii. the information is communicated in a standard format and reproduced in a uniform quality.

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## Notice of Nominations

14. At least two weeks before the electoral synod the convening authority shall send to each member of the synod
  - a. a list of the persons nominated by the Search Committee pursuant to clause 12.1.j or by the diocesan bishop pursuant to subsection 13.1,
  - b. a copy of the information prepared pursuant to clause 12.1.i or 13.2.b,
  - c. where the election is of a diocesan bishop or a coadjutor bishop or of a suffragan bishop pursuant to subsection 9.3, a description of the procedure for further nominations pursuant to section 15, and
  - d. a description of the procedures to be followed at the electoral synod.

## Further Nominations

15. At an electoral synod where a diocesan bishop or a coadjutor bishop is to be elected, or where a suffragan bishop is to be elected pursuant to subsection 9.3, any two members of the synod may nominate any person who meets the canonical requirements for election for election and who has consented in writing to be nominated if, at least 72 hours before the commencement of the electoral synod, such members have provided to the Secretary of the Search Committee
  - a. written notice of their intention to nominate,
  - b. the intended nominee's written consent to nomination, and
  - c. a brief curriculum vitae of the intended nominee in a form prescribed by the Council or approved by the Search Committee.

## Quorum

- 16.1 Subject to any canon enacted under section 27, a quorum of the electoral synod consists of a majority of the clerical members of the synod and a majority of the lay members of the synod.
- 16.2 If a quorum is not present at the time appointed for the opening of the synod, the members present may adjourn from time to time until a quorum is obtained and it is not necessary that any further summons be sent to the members of the synod.

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## President

- 17.1 The Metropolitan or a bishop designated by the Metropolitan shall be the president of the electoral synod.
- 17.2 If the Metropolitan or the designated bishop is unable to preside the members of the electoral synod shall elect a president from among the lay members of the synod.

## Celebration of Holy Communion

18. On the day appointed for the meeting of the electoral synod the members of the synod shall gather for a celebration of the Holy Communion.

## Election Procedures

- 19.1 When the electoral synod convenes, following celebration of Holy Communion, the president shall
- a. unless the electoral synod has been called to elect a suffragan bishop pursuant to subsection 9.2, permit further nominations to be made pursuant to section 15,
  - b. if further nominations are made, suspend the meeting until the curricula vitae of those nominees are distributed to the members of the synod,
  - c. read the names of all nominees in alphabetical order by surname, and
  - d. introduce the nominees who are present.
- 19.2 A nominee may withdraw his or her name from the balloting at any time.
- 19.3 The members of the electoral synod vote by secret ballot, the orders of clergy and laity voting separately.
- 19.4 The president of the electoral synod shall appoint a committee of the clerical and lay members of the synod to separately collect and count the ballots cast by the clerical and lay members of the synod.

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- 19.5 After each ballot the president shall announce the number of clerical and lay votes cast for each nominee and shall declare removed from the balloting the name of
- a. any nominee who did not receive any votes, and
  - b. the one nominee, if any, who received the fewest votes in both orders simultaneously, unless only two nominees remain.
- 19.6 Subject to subsection (7), balloting shall continue until a nominee is elected or until only two nominees remain.
- 19.7 Subject to any diocesan canon enacted under section 27, balloting shall continue until a nominee receives the votes of two thirds of the members of the order of clergy present and voting and two thirds of the votes of the members of the order of laity present and voting.
- 19.8 When fewer than three names remain in the balloting, if an election does not occur after three further ballots, the electoral synod may
- a. by a majority of each order decide to continue balloting on the same name or names,
  - b. by a majority of each order decide to adjourn and direct the summoning of another electoral synod within six months,
  - c. by a majority of either order decide to open the meeting to re-nomination of any of those nominees who have earlier withdrawn their names or whose names have earlier been removed from the balloting, or
  - d. by the same number of votes in each order as is required for an election request the House of Bishops of the Ecclesiastical Province of Canada to appoint a bishop,
- but, if the electoral synod has been called to elect a suffragan bishop pursuant to subsection 9.2, no such decision or request shall be made without the concurrence of the diocesan bishop.
- 19.9 If at any time only one name remains in the balloting the members of the electoral synod shall mark their ballots "in favour" or "not in favour" of the nominee whose name remains.

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## Procedure When Election Occurs

- 20.1 When there is an election the President shall
- a. declare the elected person to be the bishop-elect, and
  - b. inform the bishop-elect of the election and request that person's consent to the election and to the formal submission of his or her name to the Metropolitan, and, where such consent is given order that the ballots be destroyed.
- 20.2 If within a reasonable time, as determined by the President, the person elected is not available or able to consent to the election or does not consent to the election, the President shall
- a. announce to the members of the electoral synod
    - i. that the elected person has not consented to the election, and
    - ii. that if the elected person does not consent to the election within seven days after the adjournment, the electoral synod shall be reconvened on a date which is at least thirty days after the day on which the electoral synod adjourns; and
  - b. adjourn the electoral synod.
- 20.3 When an electoral synod is adjourned pursuant to subsection (2) and the person elected does not consent to the election within seven days after the day on which the meeting is adjourned, the president of the electoral synod shall reconvene the synod by giving each member of the synod notice stating that
- a. the elected person has not consented to the election within seven days after the electoral synod was adjourned, and
  - b. the electoral synod is to be reconvened on such date and at such time and place as is set out in the notice.
- 20.4 A notice given pursuant to subsection (3) shall be given a reasonable time, as determined by the president, before the synod reconvenes.
- 20.5 At an electoral synod that is reconvened pursuant to subsection (3), the members shall resume voting from the point at which it ceased but the name of the person who was elected and who did not consent shall be removed from the list of nominees.

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## Validity of Election or Appointment

- 21.1 When the elected person has consented to the election, unless the president is the Metropolitan, the president shall forthwith notify the Metropolitan of the election.
- 21.2 Any question as to the validity of the process followed in electing or appointing a bishop shall be submitted to the Metropolitan before the consecration, or, in the case of a bishop already consecrated before the installation, of the person elected or appointed and the decision of the Metropolitan is final.

## Appointment of an Assistant Bishop

22. The diocesan bishop may appoint a bishop of the Anglican Church of Canada or of a church in full communion therewith to be an assistant bishop for a term of not more than five years at any time after
- a. the diocesan bishop informs the diocesan synod that in his or her opinion the diocese requires an assistant bishop,
  - b. the diocesan synod, by resolution, concurs in the opinion of the diocesan bishop, and
  - c. the Metropolitan determines that there is sufficient financial provision for the support of an assistant bishop.

## Forms and Regulations

23. The Council may prescribe forms for use under this Canon and may make such regulations, not inconsistent with this Canon, as are necessary to facilitate the orderly conduct of an electoral synod.

## Coadjutor Bishop's Right of Succession

24. A coadjutor bishop, when consecrated, has the right to succession to the office of diocesan bishop and succeeds to that office immediately it becomes vacant.

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## Duties of Coadjutor, Suffragan and Assistant Bishops

25. A coadjutor bishop, suffragan bishop or assistant bishop shall perform such duties and exercise such Episcopal functions as the diocesan bishop assigns and, if the diocesan bishop is mentally incapacitated to a degree that he or she is not able to fully perform Episcopal duties and functions, shall perform such Episcopal duties and exercise such Episcopal functions as the diocesan bishop could, but for the incapacity, perform and exercise.

## When in Force in a Diocese

- 26.1 This Part shall come into force in a diocese when the diocesan synod adopts a Canon that
- a. declares it to be in force, and
  - b. repeals all diocesan Canons inconsistent herewith.
- 26.2 The synod of a diocese in which this Part is in force may adopt a Canon
- a. declaring that this Part is not in force, and
  - b. prescribing rules and procedures for the election or appointment of bishops in the diocese.

## Diocesan Modifications

27. The synod of a diocese in which this Part is in force may, by canon, prescribe
- a. that the quorum of the electoral synod consists of a percentage or fraction of the members of each order greater than a simple majority;
  - b. that a percentage or fraction of the votes of the members of each order greater present and voting smaller than two-thirds, but not less than a simple majority is required for an election;
  - c. that the diocesan bishop shall hold office for a fixed term and the circumstances in which such term shall be extended;
  - d. that the term of office of a suffragan bishop shall expire at a time related to the occurrence of a vacancy in the office of diocesan bishop.

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*Note: The text was supplied by the Ecclesiastical Province of Canada whose Synod has the sole power to amend it. While every effort has and will be made to ensure that this text is accurate, in the event of any discrepancy between this version and their official printed version, the latter shall prevail*

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