

STANDING COMMISSION ON CONSTITUTION AND CANONS

MEMBERSHIP

Mr. Thomas A. Little, <i>Chair</i>	Vermont, I, 2009
Mr. Kevin J. Babb, <i>Vice Chair</i>	Springfield, V, 2012
Mr. Matthew Livingood, <i>Secretary</i>	Oklahoma, VII, 2009
The Reverend Carol Barron	Southeast Florida, IV, 2012
The Right Reverend Robert L. Fitzpatrick, <i>Replacing the Right Reverend Catherine Waynick, Indianapolis, V</i>	Hawaii, VIII, 2012
The Right Reverend Dorsey F. Henderson	Upper South Carolina, IV, 2009
Mr. Lawrence R. Hitt II	Colorado, VI, 2009
The Right Reverend Samuel Johnson Howard	Florida, IV, 2012
Ms. Joan Geiszler-Ludlum	East Carolina, IV, 2012
The Rev. Luis Fernando Ruiz Restrepo	Colombia, IX, 2012
Ms. Diane Sammons	Newark, II, 2012
The Reverend Ward H. Simpson	Eau Claire, V, 2009

REPRESENTATIVES OF THE COMMISSION AT GENERAL CONVENTION: The Right Reverend Dorsey F. Henderson and Deputy Thomas A. Little are authorized to receive non-substantive amendments to this report.

SUMMARY OF WORK

The Standing Commission on Constitution and Canons (SCCC or the Commission) met in Chicago, Illinois, in November 2006; San Diego, California, in May 2007; Phoenix, Arizona, in November 2007; Orlando, Florida, in April 2008; and New Orleans, Louisiana, in September 2008. In addition, the Commission met via telephone conference call three times: June 2007, June 2008 and December 2008. At its organizational meeting the Commission elected Matthew Livingood as its Chair; Kevin Babb as its Vice-Chair; and Thomas Little as its Secretary. At the request of the Chair, Mr. Little assumed the Chair in April 2008 for the remainder of the triennium. At its initial meeting and in subsequent meetings the Commission received comments and took action as reflected in this report. For detailed accounts of the Commission's proceedings, readers are referred to the minutes of the Commissions meetings, available at the Commission's web page on The Episcopal Church web site, http://www.episcopalchurch.org/gc/ccab/ccab_21595_33_ENG_HTM.htm.

REVIEW OF CANONICAL MANDATE; COMPLIANCE WITH CANON 1.1.2(N)(2)

The canonical mandate of the Commission is as follows:

CANON I.1.2(n)

(3) A Standing Commission on Constitution and Canons. The Standing Commission shall:

(i) Review such proposed amendments to the Constitution and Canons as may be submitted to the Commission, placing each such proposed amendment in proper Constitutional or Canonical form including all amendments necessary to effect the proposed change. The Commission shall express its views with respect to the substance of any such proposal only to the proponent thereof; Provided, however, that no member of the Commission shall, by reason of membership, be deemed to be disabled from expressing, before a Legislative Committee or on the floor of the House of membership, personal views with respect to the substance of any such proposed amendment.

(ii) Conduct a continuing comprehensive review of the Constitution and Canons with respect to their internal consistency and clarity, and on the basis of such a review propose to the General Convention such technical amendments to the Constitution and Canons as in the opinion of the Commission are necessary or desirable in order to achieve such consistency and clarity without altering the substance of any Constitutional and Canonical provisions; Provided, however, that the Commission shall propose, for the consideration of the appropriate Legislative Committees of the two Houses, such amendments to the Constitution and Canons as in the opinion of the Commission are technically desirable but involve a substantive alteration of a Constitutional or Canonical provision.

- (iii) On the basis of such review suggest to the Executive Council and the Domestic and Foreign Missionary Society such amendments to their respective By-laws as in the opinion of the Commission are necessary or desirable in order to conform the same to the Constitution and Canons.
- (iv) Discharge such other duties as shall from time to time be assigned by the General Convention.

The 2006 General Convention Resolution A112 resolved, in pertinent part, that “all Commissions and Committees reevaluate their mandate and placement within the Church structure.” In response, the Commission considered adding the Rules of Order of the Houses of Deputies and Bishops, and the Joint Rules of Order, to the Commission’s canonical mandate. After due consideration the Commission determined not to make that recommendation, partly in deference to a pending review of the Rules of Order undertaken separately under the aegis of the President of the House of Deputies.

In undertaking its work, the Commission strove to keep its study and deliberations within the bounds of its canonical mandate and to refrain from judicial interpretation of the Constitution and Canons, in accordance with the limitations expressed in its authority and duties assigned by Canon I.1.2(n)(3).

ANTI-RACISM SELF-EXAMINATION AND REFLECTION

The Commission began its triennial work in Chicago in late 2006 in communion with the other Committees, Commissions, Agencies and Boards, working in break-out groups, large groups and as a Commission, exploring how race and racism are often imbedded in the culture, society, politics, economy and other systems and structures in our individual and community lives. The Commission reflected on its mandate and on whether and how race and racism may be apparent or hidden in the triennial work that lay ahead.

This effort ultimately took shape in the form of an examination of whether the Title IV disciplinary system may be culturally, legally and otherwise inappropriate and culturally insensitive when imposed on jurisdictions of our church outside of the United States—where legal and cultural institutions do not resemble those involved in the Anglo-American judicial system that underlies the current Title IV. Under the leadership of Commission member Ward Simpson, the Commission studied a possible “waiver” process that would enable a non-U.S. province or diocese to seek approval to enact an alternative disciplinary process that, while assuring fundamental due process and fairness to the parties to a proceeding, would reflect local legal and cultural norms. The Commission concluded that this concept requires further study in light of the potentially comprehensive changes to Title IV to be brought before the 76th General Convention, and broader participation from other church bodies, including the Standing Commission on the Structure of the Church.

REVISION OF THE TITLE IV DISCIPLINARY CANONS

The 75th General Convention adopted Resolution A153, creating a second Title IV Task Force acknowledging that the recommendations of the first Task Force (see 2000 General Convention Resolution A028) required further work, reflection and perfection, and setting forth six critical goals, including moving Title IV “towards a reconciliation model for all appropriate circumstances.” The Commission maintained close relations with Task Force II, facilitated by the joint membership of SCCC members Sammons and Henderson. At the Commission’s April 2008 meeting, Task Force II member Duncan Bayne and consultant Sally Johnson created a PowerPoint presentation of the Task Force’s January 2008 “Exposure Draft” of a comprehensive revision of Title IV. They explained the major points of the draft and distributed a comparative table of Title IV provisions pre- and post-proposal and a “highlights” document. The Commission members shared their questions and comments on the draft.

On September 30, 2008, the Commission held a joint meeting with the Task Force, where Task Force members explained the changes they were considering making to the January 2008 draft in response to the extensive comments received over the preceding nine months from SCCC and others across the church community. The Commission’s Minutes of the joint meeting contain a detailed account of the Task Force’s presentation and the Commission’s questions and comments.

The Task Force presents its report and proposed final draft of a revised Title IV elsewhere in this Blue Book report for review and action by the 76th General Convention.

UPDATE CONCERNING PREPARATION OF SUPPLEMENT TO WHITE & DYKMAN

The 75th General Convention adopted Resolution A023, adding to the Commission's mandate the "continuing and comprehensive review and update" of the Annotated Constitution and Canons (popularly known as "White & Dykman"). Pursuant to A023, and continuing its work from the last triennium, the Commission maintained its collegial, collaborative relationship with Robert C. Royce, the editor of the Annotated Constitution and Canons. This resulted in Mr. Royce completing and releasing for publication a Supplement (through General Convention 2006) covering the Constitution and Titles I, II and V of the Canons, with editorial and assistance from Commission members Little, Geiszler- Ludlum and Hitt. This Supplement, together with the original editions and the 1981, 1989 and 1992 Supplements, have now been posted on the web site of the Archives of The Episcopal Church: http://www.episcopalarchives.org/digital_archives.html.

Titles III and IV present ongoing problems as their wholesale changes (2003 and 1994, respectively) are not conducive to the conventional White & Dykman serial, section-by-section revision commentary method. It seems unlikely that Title III will undergo another wholesale revision anytime soon, and the Commission supports undertaking that Supplement as soon as practicable. Inasmuch as Title IV is undergoing a General Convention-sanctioned review (by the 2006-2009 Title IV Task Force); any Supplement to Title IV might better await the settling of the legislative dust after the 2009 General Convention.

The Commission expresses its gratitude for editor Robert Royce's diligent and faithful analysis and exposition, including his recently published "Commentary on the Canons: 'Standing Committee Consents to Episcopal Ordinations,'" also available on the Archives' web site.

ACTIONS WITH REGARD TO RESOLUTIONS REFERRED TO THE COMMISSION BY GENERAL CONVENTION AND OTHERS

The 75th General Convention referred certain Resolutions to the Commission for its review and action. In addition, certain other Resolutions were referred to the Commission by the Secretary of General Convention and the Commission received requests for review from the Standing Commission on the Structure of the Church.

A007: There continues to be uncertainty about what constitutes a "closed" or "removed" congregation for purposes of parochial reporting. The Commission has prepared a proposed Resolution addressing this.

A034: This Resolution asked the Commission to study the use of the term "canonical residence" in the Canons and assess whether there are any problems, in practice, with the current Canons. A canonical residence establishes jurisdiction over clergy or establishes domicile, entitling the clergy person to exercise certain rights and privileges. A word search of the Canons reveals fourteen instances of "canonical residence" and seventy-eight instances of "canonically resident." Neither term occurs in the Constitution. The terms are pervasive in the Canons, and any effort to make substantive changes in the meaning and function of the terms would likely be a large undertaking. The terms are not defined in the Canons, except contextually, by how they are used and how they function. In the past triennium of the Commission's work there was discussion about difficulties arising when a priest is alleged to have committed a Title IV offense in a diocese other than the one in which he or she is canonically resident, if the Bishop of the diocese of canonical residency is not responding to the concerns about the alleged offense in a timely manner. It was noted that canonical residency is implicated in the diocesan convention clergy voting canons in many if not all dioceses.

The Commission sent a survey on this issue to the Chancellors' e-mail Listserv, the Standing Commission on Ministry Development, the Title IV Task Force II, the Chancellor to the Presiding Bishop, the Church Pension Group, the National Episcopal Clergy Association, the Office of Pastoral Affairs of the Presiding Bishop and the Secretary of General Convention, receiving four responses. The responses suggested that where clear and consistent tracking of canonical residence and adherence to the procedures provided by the canons are followed,

there are few identifiable difficulties that are amenable to legislative action. SCCC recommends no further action at this time.

A078 (JOINTLY REFERRED TO SCCC AND THE STANDING COMMISSION ON LITURGY & MUSIC): The Commission understands that the other Commission referred this Resolution to the House of Bishop's Theology Committee. The Commission has not been asked for any assistance within the scope of its canonical mandate.

A027: This Resolution involves the change in time period from three months to 120 days in the "no election-of-a-bishop" period leading up to a General Convention. The Resolution was made moot by the adoption of Resolution A082 in 2006.

A028: As noted in the minutes of the November 2006 meeting, this Resolution was introduced to clean up the then new Canon III.11. Because of other 2006 legislative action (the adoption of A082), however, the only editing necessary in 2009 would be to insert after the words "Deacon and Priest," the phrase "and the certificates." The Commission accordingly has prepared a corrective Resolution.

A029: The 2006 enactment of A082 renders action on A029 moot.

A030: The Commission concluded that the 2006 enactment of A082 renders action on A030 moot.

A033: This Resolution contains editing "housekeeping" changes to conform the Canons to Constitutional changes adopted at second reading in 2003, relating to trials of Bishops. No action was taken on A033 in 2006. A033 would have amended Canons IV.6, .14, .15 and the Title to Appendix A of Title IV. These canonical changes were first proposed in 2003 (D056), but D056 was not adopted in concurrence by both Houses. Resolution A033 was recommended by SCCC in its 2006 Blue Book report and also by the Title IV Task Force in its 2006 Blue Book report (as part of Resolution A153). Accordingly, SCCC believes that A033 should be re-submitted for action in 2009 (with action contingent on the outcome of the Title IV proposal from the Task Force) and has prepared a Resolution to that effect.

A035: Time expired at the 2006 General Convention before action could be taken on this Resolution in the House of Deputies. The Resolution would have revised the Rules of Order of the House of Deputies to prohibit bringing a constitutional or canonical change to the floor of the House on the last day of General Convention, if the change had not previously been on the floor prior to the last day. The House of Bishops adopted A036 in 2006, making this change to its Rules of Order. SCCC is resubmitting this Resolution for action in 2009.

A104: At the November 2006 meeting the Commission concluded, after reviewing this Resolution, that no "clean-up" work is necessary.

A112 (STUDY OF THE COMMISSION'S CANONICAL MANDATE): As noted above, the Commission discussed the ongoing Rules of Order study sponsored by the President of the House of Deputies, as reported by liaison Polly Getz. The Commission concluded that it was wise to let that process continue and defer action on any proposal to expand the Commission's mandate to include the Rules of Order.

A159 (COMMITMENT TO THE INTERDEPENDENCE OF THE ANGLICAN COMMUNION): The Commission reviewed its prior discussions of this Resolution, including the anti-racism dialogue in November 2006 which led to the May 2007 discussion of Commission member Larry Hitt's A159 reflection and proposal (see March 2007 minutes) to explore inviting visitors from around the Anglican Communion to attend certain meetings of The Episcopal Church Committees, Commissions, Agencies and Boards, to foster greater collegiality and awareness of our governance structure and polity. The logistical and cost implications of the proposal were discussed. The Commission recommends no action at this time.

A169 (THE QUADRILATERAL AND EXERCISE OF MINISTRY): Following discussion at the November 2006 meeting, the Rev. Dr. Gregory Straub, Secretary of the General Convention, referred the Resolution to the Standing Commission on Ministry Development for review and possible action.

D031: The Commission voted to participate in the Millennium Development Goals through an allocation of 0.7% of its budget for each year of the triennium.

A020: This amendment to the Constitution had its first reading in 2003 (B005). At second reading in 2006, the House of Bishops amended the Resolution, making it a “second” first reading. The Resolution now proposes to amend Article I.2 as follows:

Resolved, That Article I, Section 2, of the Constitution be amended as follows: All Bishops of this Church, *except any excluded by canon or under the Rules of the House*, shall have seat and voice in the House of Bishops. Each Bishop of this Church having jurisdiction, Bishop Coadjutor, Bishop Suffragan, Assistant Bishop, and every bishop holding an office created by General Convention shall have a vote in the House of Bishops. A majority of all Bishops entitled to vote shall be necessary to constitute a quorum for transaction of business.

The Commission recommends A020 for adoption at second reading in 2009.

A021: This amendment to the Constitution had its first reading in 2006. The Commission recommends that this Resolution be adopted at second reading in 2009. The Resolution reads as follows:

Resolved, That the last paragraph of Article VIII of the Constitution be amended to read as follows:
A bishop may permit *an ordained minister in good standing in a Church with which this Church is in full communion as specified by the Canons who has made the foregoing declaration*, or a minister ordained in the Evangelical Lutheran Church in America or its predecessor bodies who has made the promise of conformity required by that Church in place of the foregoing declaration to officiate on a temporary basis as an ordained minister of this Church.

A051: This Resolution urges continuing Committees, Commissions, Agencies and Boards to conduct their work via electronic means to the extent practicable, considering the expense of meeting in person. The Commission has met eight times, including thrice by telephone conference call.

A153 (CREATING THE NEW TITLE IV TASK FORCE): As noted earlier in this report, the Commission has been collaborating with the Task Force as it developed its working and final drafts.

D068: This Resolution died in the General Convention Canons Committee in 2006. The Resolution proposed to amend Canon IV.10 by striking the words “good faith.” The Commission determined to make no recommendation on the Resolution.

B009 (ASSISTANT REGISTRAR AT ORDINATION OF A BISHOP): This Resolution proposed the creation of a Registrar of the House of Bishops to maintain the documents connected with the Ordination and Consecration of Bishops, which was not acted on. The Secretary of the General Convention requested that SCCC consider developing canonical changes to Canon I.1.5(b) to create the position of Deputy Registrar to reflect current practice. The Commission concluded that there are polity and practice issues which SCCC is unable to resolve within its mandate. The Commission recommends a Resolution directing the Standing Commission on the Structure of the Church to study the issues in the next triennium and bring forward comprehensive recommendations.

CONSENT TO TRANSLATION: The Commission adopted Ward Simpson’s proposal to provide a canonical counterpart to the Constitutional provision (Article II.8) for the “translation” of a bishop from one diocese to another diocese. The Constitutional provision addresses the eligibility of a Bishop Diocesan of Diocese ‘A’ to be elected as a Bishop of Diocese ‘B’ after five years of being elected as Bishop of Diocese ‘A’. White & Dykman

editor Robert Royce informed the Commission that Article II.8 applies to the translation of Bishops Diocesan and Coadjutor, but does not expressly address the translation of Bishops Suffragan or the Assisting Bishops.

The Commission recommends revising Canons III.11.4(b), III.11.3(c), and the addition of a new subsection (5) to Canon III.11 and has proposed a Resolution to that effect.

CANON III.11.4(B): The Commission reviewed a suggestion to revise Canon III.11.4(b) to specify that telephone conference call and other technology-based meetings by a Standing Committee, and the use of counterpart signatures on a Standing Committee's consent, are acceptable. The Commission concluded that the conference call technology proposal needed further study. The Commission recommends adoption of the counterpart signatures revision, and accordingly has drafted a proposed Resolution.

LETTER FROM B+E+S+T (BISHOPS' EXECUTIVE SECRETARIES TOGETHER): B+E+S+T contacted the Commission seeking revision of the procedure for communicating Title IV disciplinary actions. The Commission reviewed the request and concluded that the proposed overhaul of Title IV, in the form of the January 2008 Exposure Draft, appeared to be addressing the concerns raised in the B+E+S+T proposal.

A147 (CHURCH PENSION GROUP HEALTHCARE COVERAGE FEASIBILITY STUDY): In response to 2006 Resolution A147, the Church Pension Group undertook a study of whether and how to provide healthcare benefits to all lay employees in the Church. Sally Johnson, Patrick Cheng and Timothy Vanover presented the interim CPG report to the Commission in April 2008. The Commission communicated its comments on the proposal to CPG.

ELECTION OF MEMBERS OF A COURT FOR THE TRIAL OF A BISHOP ON NON-DOCTRINAL MATTERS: Action taken in the 2003 and 2006 General Conventions resulted in amendments to the Constitution and Canons to create two courts, one for a presentment on an offense of doctrine (only Bishops on the court), and one for all other offenses (bishops, clergy and lay persons on the court). No action was taken in 2006, however, to elect or appoint members to the non-doctrinal court. Clarifying language and election of members of the Court may require action in 2009.

REQUESTS FOR REVIEW FROM STANDING COMMISSION ON THE STRUCTURE OF THE CHURCH: The Commission received three requests for review of draft Resolutions from the Standing Committee on the Structure of the Church (SCSC) concerning Canon I.1.4.3 (create a Joint Audit Committee of Executive Council and the Domestic and Foreign Missionary Society), Canon I.15.10 (cf. Resolution B020 from 2006) and Canon I.9 (add a new Section 10 to give canonical status to procedures for allocation of funds from the General Convention to the provinces). The Commission communicated its comments and concerns to SCSC.

OTHER BUSINESS: The Commission received a number of inquiries and requests from the Chancellor to the President of the House of Deputies (see SCCC March 2007 minutes). The Commission reviewed these and responded with suggestions and comments and, in some cases advice that the matters appeared to involve substantive policy or similar issues lying outside the mandate of the Commission.

GOALS AND OBJECTIVES FOR THE 2010-2012 TRIENNIUM

The Commission sees the following as its key goals and objectives for the next triennium:

- Review any Title IV revision for technical corrections and canonical consistency;
- Provide resources and direction for a Title III Supplement to White & Dykman;
- Continue to review the full body of the Constitution and Canons, and 2009 Resolution referrals, consistent with its Canon I.1.2(n) mandate; and
- Further study a possible Title IV "waiver" process for use by non-U.S. province or diocese to seek approval to enact an alternative disciplinary process that, while assuring fundamental due process and fairness to the parties to a proceeding, would reflect local legal and cultural norms.

BUDGET REPORT

The Commission met nine times during the triennium (four times by telephone conference call) and expended \$44,681, leaving \$18,319 unexpended from its budget.

The Commission expects to meet a similar number of times in the 2010-2012 triennium. This will require a budget of \$10,000 for 2009 (assuming certain expenses are borne elsewhere for the convening of all Committees, Commissions, Agencies and Boards as was the case in 2006); \$35,000 for 2010; and \$20,000 for 2011; for a total of \$65,000 for the triennium.

ACKNOWLEDGEMENTS

The Commission wishes to express its gratitude to its members for their many contributions during the triennium; to the Commission's liaisons (the Rt. Rev. Stacey F. Sauls, Executive Council liaison; Mark Duffy, liaison for the Presiding Bishop; and Polly Getz, liaison to the President of the House of Deputies) for their thoughtful counsel; to the Secretary of the General Convention, Gregory Straub, for his guidance and encouragement; and to all of the staff members of the General Convention and The Episcopal Church whose steady and patient work made the Commission's meetings, travel and deliberations not only possible, but enjoyable.

RESOLUTIONS FOR ACTION

CONSTITUTIONAL AMENDMENTS ADOPTED ON FIRST READING IN 2006 AND PROPOSED FOR SECOND READING IN 2009

RESOLUTION A051 AMENDING ARTICLE VIII OF THE CONSTITUTION

1 *Resolved*, the House of _____ concurring, That the last paragraph of Article VIII of the Constitution be amended
2 to read as follows:

3 A bishop may permit *an ordained minister in good standing in a church with which this church is in full communion as*
4 *specified by the Canons who has made the foregoing declaration, or a minister ordained in the Evangelical Lutheran*
5 Church in America or its predecessor bodies who has made the promise of conformity required by that
6 church in place of the foregoing declaration to officiate on a temporary basis as an ordained minister of this
7 church.

EXPLANATION

This amendment was adopted as A021 in 2006. The explanation from the 2006 Blue Book Report stated: "The current Constitution only permits occasional services by clergy of the ELCA. This amendment should remove the need to amend the Constitution each time this church enters into an agreement of full communion." The Commission recommends adoption at second reading in 2009.

RESOLUTION A052 AMENDING ARTICLE I, SECTION 2 OF THE CONSTITUTION

1 *Resolved*, the House of _____ concurring, That Article I, Section 2, of the Constitution be amended as follows:
2 ~~All Bishops, unless under discipline, have seat and voice in the House of Bishops. Each Bishop of this~~
3 ~~Church having jurisdiction, every Bishop Coadjutor, every Suffragen Bishop, every Assistant Bishop, and~~
4 ~~every Bishop who by reason of advanced age or bodily infirmity, or who, under an election to an office~~
5 ~~created by the General Convention, or for reasons of missionary strategy determined by action of the General~~
6 ~~Convention or the House of Bishops, has resigned a jurisdiction, shall have a seat, voice and a vote in the~~
7 ~~House of Bishops. A majority of all Bishops entitled to vote, exclusive of Bishops who have resigned their~~
8 ~~jurisdiction or positions, shall be necessary to constitute a quorum for the transaction of business.~~
9 *All Bishops of this Church shall have seat and voice in the House of Bishops. Each Bishop of this Church having jurisdiction,*
10 *Bishop Coadjutor, Bishop Suffragan, Assistant Bishop, and every Bishop holding an office created by General Convention shall*
11 *have a vote in the House of Bishops. A majority of all Bishops entitled to vote shall be necessary to constitute a quorum for the*
12 *transaction of business.*

EXPLANATION

This amendment was adopted as A020 in 2006. The amendment had its first reading in 2003 (B005). The House of Bishops amended the Resolution at second reading in 2006, rendering it a first reading instead of a second reading; the House of Deputies concurred in this action. The text of B005 is set forth below. The Commission recommends adoption of the Resolution at second reading in 2009.

CONSTITUTIONAL AMENDMENTS PROPOSED FOR FIRST READING

The Commission proposes no Constitutional amendments for first reading in 2009.

CANONICAL AMENDMENTS PROPOSED FOR ADOPTION

TITLE I

RESOLUTION A053 AMEND CANON I.4.1(C)

1 *Resolved*, the House of ____ concurring, That Canon I.4.1(c) is hereby amended to read as follows:
2 **Sec. 1 (c)** ~~Except as its membership may include additional persons elected prior to the adjournment of the~~
3 ~~meeting of the General Convention in 1976 for terms which have not expired, [I]he Executive Council shall~~
4 be composed (a) of twenty members elected by the General Convention, of whom four shall be Bishops, four
5 shall be Presbyters or Deacons, and twelve shall be Lay Persons *who are confirmed adult communicants in good*
6 *standing* (two Bishops, two Presbyters or Deacons, and six Lay Persons to be elected by each subsequent
7 regular meeting of the General Convention); (b) of eighteen members elected by the Provincial Synods; (c) of
8 the following ex officis members: the Presiding Bishop and the President of the House of Deputies; and (d)
9 the Vice-President, the Secretary, and the Treasurer of the Executive Council, who shall have seat and voice
10 but no vote. Each province shall be entitled to be represented by one Bishop or Presbyter or Deacon
11 canonically resident in a diocese which is a constituent member of the province and by one Lay Person who
12 is a confirmed adult communicant in good standing of a diocese which is a constituent member of the
13 province, and the terms of the representatives of each province shall be so rotated that two persons shall not
14 be simultaneously elected for equal terms.

EXPLANATION

The proposed amendment clarifies that lay persons elected by General Convention must be confirmed adult communicants in good standing, consistent with the criteria for lay persons representing the provinces.

RESOLUTION A054 ADD CANON I.4.6(J)

1 *Resolved*, the House of ____ concurring, That Canon I.4.6(j) is hereby added to read as follows:
2 *(j) Each diocese shall report annually to the Executive Council the name and address of each new congregation, and of each*
3 *congregation closed or removed by reason of any of the following:*
4 *a. dissolution of the congregation;*
5 *b. removal of the congregation to another diocese due to cession or retrocession of geographic territory in which the congregation is*
6 *located, pursuant to Articles V.6 or VI.2 of the Constitution;*
7 *c. removal of the congregation to a new physical location or address, identifying both the location or address from which the*
8 *congregation has removed, and the successor location or address; and*
9 *d. merger of the congregation into one or more other congregations, in which case the diocese shall include its report the names of*
10 *all congregations involved in the merger, and the physical location and address at which the merged congregations shall be*
11 *located.*

EXPLANATION

The 2006 General Convention took no action on Resolution A007, the Blue Book report explanation of which stated that it was necessary in order to obtain “data essential to maintain accurate records of The Episcopal Church’s active congregations and to ensure that each congregation is included in the annual Parochial Report process.” This Resolution clarifies and expands upon A007. The Commission recommends its adoption in 2009.

RESOLUTION A055 AMEND CANON I.12 AS FOLLOWS:

- 1 *Resolved*, the House of _____ concurring, That Canon I.12 is hereby amended to read as follows:
- 2 **Sec. 1.** In every diocese the Standing Committee shall elect from their own body a President and a Secretary.
- 3 They may meet in conformity with their own rules from time to time, and shall keep a record of their
- 4 proceedings; and they may be summoned to a special meeting whenever the President may deem it necessary.
- 5 They may be summoned on the requisition of the Bishop, whenever the Bishop shall desire their advice; and
- 6 they may meet of their own accord and agreeably to their own rules when they may be disposed to advise the
- 7 Bishop.
- 8 **Sec. 2.** In all cases in which a Canon of the General Convention directs a duty to be performed, or a power
- 9 to be exercised, by a Standing Committee, or by the Clerical members thereof, or by any other body
- 10 consisting of several members, a majority of said members, the whole having been duly cited to meet, shall
- 11 be a quorum; and a majority of the quorum so convened shall be competent to act, unless the contrary is
- 12 expressly required by the Canon.
- 13 **Sec. 3.** *Any document required to be signed by members of the Standing Committee or by the Clerical members thereof, or by*
- 14 *any other body consisting of several members may be signed in counterparts and the joined counterparts shall be considered a*
- 15 *single document.*

EXPLANATION

Good stewardship of the limited resources available to the church demands that we recognize the appropriate use of teleconferencing and video conferencing as valid forums for church deliberations and decision making. Documents signed in counterparts are a key tool for such meetings and save considerable time when compared to the current practice of requiring all signatures to appear on the same signature page.

TITLE II

The Commission proposes no Resolutions amending Title II.

TITLE III

RESOLUTION A056 AMEND CANON III.11.4 (A)

- 1 *Resolved*, the House of _____ concurring, That Canon III.11.4 (a) is hereby amended to read as follows:
- 2 **(a)** If the date of the election of a Bishop occurs more than one hundred and twenty days before the meeting
- 3 of the General Convention, The Standing Committee of the diocese for which the Bishop has been elected
- 4 shall by its President, or by some person or persons specially appointed, immediately send to the Presiding
- 5 Bishop and to the Standing Committees of the several dioceses a certificate of the election by the Secretary of
- 6 Convention of the diocese, bearing a statement that evidence of the Bishop-elect's having been duly ordered
- 7 Deacon and Priest, *and a certificate* as to the Bishop-elect's medical, psychological and psychiatric examination
- 8 required in Sec. 3(b) of this Canon have been received and that a testimonial signed by a constitutional
- 9 majority of the Convention must also be delivered in the following form:
- 10 We, whose names are hereunder written, fully sensible of how
- 11 important it is that the Sacred Order and Office of a Bishop
- 12 should not be unworthily conferred, and firmly persuaded that it
- 13 is our duty to bear testimony on this solemn occasion without
- 14 partiality, do, in the presence of Almighty God, testify that we
- 15 know of no impediment on account of which the Reverend A.B.
- 16 ought not to be ordained to that Holy Office. We do, moreover,
- 17 jointly and severally declare that we believe the Reverend A.B.
- 18 to have been duly and lawfully elected and to be of such
- 19 sufficiency in learning, of such soundness in the Faith, and of
- 20 such godly character as to be able to exercise the Office of a
- 21 Bishop to the honor of God and the edifying of the Church, and
- 22 to be a wholesome example to the flock of Christ.
- 23 (Date) _____ (Signed) _____
- 24

25 The Presiding Bishop, without delay, shall notify every Bishop of this Church exercising jurisdiction of the
26 Presiding Bishop's receipt of the certificates mentioned in this Section and request a statement of consent or
27 withholding of consent. Each Standing Committee, in not more than one hundred and twenty days after the
28 sending by the electing body of the certificate of the election, shall respond by sending the Standing Committee of
29 the diocese for which the Bishop is elected either the testimonial of consent in the form set out in paragraph (b)
30 of this Section or written notice of its refusal to give consent. If a majority of the Standing Committees of all the
31 dioceses consents to the ordination of the Bishop-elect, the Standing Committee of the diocese for which the
32 Bishop is elected shall then forward the evidence of the consent, with the other necessary documents described in
33 Sec. 3(a) of this Canon, to the Presiding Bishop. If the Presiding Bishop receives sufficient statements to indicate
34 a majority of those Bishops consents to the ordination, the Presiding Bishop shall, without delay, notify the
35 Standing Committee of the diocese for which the Bishop is elected and the Bishop-elect of the consent.

EXPLANATION

During review of other proposed amendments to the procedures for the Ordination of Bishops, SCCC noted that the reference to a certificate evidencing the bishop-elect's medical, psychological and psychiatric examination was missing from the provision. Research found that the Title III rewrite contained in A082, adopted by the 75th General Convention, did not include the reference to such a certificate but that it was intended by inference from the rest of the provision.

RESOLUTION A057 CANONICAL IMPLEMENTATION OF CONSTITUTION ARTICLE II, SECTION 8 AND ADJUSTMENTS TO THE WORDING OF TESTIMONIALS AND CONSENT DOCUMENTS USED IN THE ELECTION AND CONSECRATION OF BISHOPS

1 *Resolved*, the House of _____ concurring, That Canon III.11 is hereby amended by adding a new section 5 and
2 renumbering the remaining sections.

3 *Section 5. If any body empowered to elect a Bishop shall elect a person who is already a member of that sacred order, the*
4 *consent process shall proceed as provided in this canon, including the requirements of section 3(b) of this canon, with only the*
5 *following variations:*

6 (a) *In lieu of the testimonial required in III.11.3(a) or III.11.4(a), the testimonial shall be in the following words:*

7 *We, whose names are hereunder written, fully aware of the sanctity of the Order and Office of a Bishop, and*
8 *firmly persuaded that it is our duty to bear testimony on this solemn occasion without partiality, do, in the presence*
9 *of Almighty God, testify that we know of no impediment on account of which the Right Reverend A.B. ought*
10 *not to be elected as Bishop/Bishop Coadjutor/Bishop Suffragan of the Diocese of _____. We do, moreover,*
11 *jointly and severally declare that we believe the Right Reverend A.B. to have been duly and lawfully elected, which*
12 *election process has affirmed that he/she is of such sufficiency in learning, of such soundness in the Faith, and of*
13 *such godly character as to exercise the Office of a Bishop for this cure, to the honor of God, and the edifying of*
14 *the Church, and to be a wholesome example to the flock of Christ.*

15 (Date) _____ (Signed) _____

16 (b) *In lieu of the testimonial required by Canon III.11.4(b), the testimonial shall be in the following words:*

17 *We, being a majority of all the members of the Standing Committee of _____, having been duly*
18 *convened, being fully aware of the sanctity of the Order and Office of a Bishop, and firmly persuaded that it is*
19 *our duty to bear testimony on this solemn occasion without partiality, do, in the presence of Almighty God, testify*
20 *that we know of no impediment on account of which the Right Reverend A.B. ought not to serve as*
21 *Bishop/Bishop Coadjutor/Bishop Suffragan of the Diocese of _____ and we hereby consent to the election*
22 *of the Right Reverend A.B. as Bishop/Bishop Coadjutor/Bishop Suffragan of the Diocese of _____. In*
23 *witness whereof, we have hereunto set our hands this _____ day of _____ in the year of our Lord*
24 _____.

25 (Signed) _____

27 (c) *In lieu of the Resolution required by Canon III.11.3(c), the Resolution shall be in the following words:*

28 *Resolved that the House of Deputies, fully aware of the sanctity of the Order and Office of a Bishop, and firmly*
29 *persuaded that it is our duty to bear testimony on this solemn occasion without partiality, do, in the presence of*
30 *Almighty God, testify that we know of no impediment on account of which the Right Reverend A.B. ought not to*

31 *serve as the Bishop/Bishop Coadjutor/Bishop Suffragan of the Diocese of _____ and we hereby*
32 *consent to the election of the Right Reverend A.B. as the Bishop/Bishop Coadjutor/Bishop Suffragan of the*
33 *Diocese of _____.*

34
35 And be it further

36
37 *Resolved*, That Canon III.11.3(c) is hereby amended to read as follows:

38 (c) The Secretary of the House of Deputies shall present the testimonials to the House *and shall introduce a*
39 *resolution for the House's consideration in the following words:*

40 *Resolved that the House of Deputies, fully sensible how important it is that the Sacred Order and Office of a*
41 *Bishop should not be unworthily conferred, and firmly persuaded that it is our duty to bear testimony on this*
42 *solemn occasion without partiality, do, in the presence of Almighty God, testify that we know of no impediment*
43 *on account of which the Reverend A.B. ought not to be ordained to that Holy Order and we hereby consent to*
44 *her/his consecration.*

45 ~~and if the House consents to the ordination of the Bishop-elect,~~ *If the House adopts the resolution*, notice of
46 its consent, certified by the President and the Secretary of the House, together with the testimonials, shall
47 be sent to the House of Bishops.

48 And be it further

49
50 *Resolved*, That Canon III.11.4(b) is hereby amended to read as follows:

51 (b) Evidence of the consent of each Standing Committee shall be a testimonial in the following words,
52 signed by a majority of all the members of the Committee:

53 We, being a majority of all the members of the Standing Committee of _____, ~~and~~
54 having been duly convened at _____, *being* fully sensible how important it is that the
55 Sacred Order and Office of a Bishop should not be unworthily conferred, and firmly persuaded
56 that it is our duty to bear testimony on this solemn occasion without partiality, do, in the
57 presence of Almighty God, testify that we know of no impediment on account of which the
58 Reverend A.B. ought not to be ordained to that Holy Order *and we hereby consent to her/his*
59 *consecration.* In witness whereof, we have hereunto set our hands this _____ day of _____ in
60 the year of our Lord _____.

61 (Signed) _____

EXPLANATION

Article II, Section 8 of the Constitution of The Episcopal Church allows a bishop to be elected as bishop of another diocese under certain conditions. Although Canons have never been adopted to formally implement this, the well established practice in the church is that persons elected under Article II, Section 8 go through a consent process that parallels the process outlined in Canon III.11. This Resolution would formally place that practice in the canons.

The Commission is mindful that some may object to the use of the phrase, “consent to the election,” as proposed in the new Section 5, and this was the source of much debate in the Commission, since many in the church feel that the consent is not to the “election,” but rather to the “consecration” of the bishop-elect. However, since Article II, Section 8 specifically refers to these consents as being “. . . to such election . . .,” this seems the most appropriate wording.

Recent experiences in the church have highlighted two weaknesses in the existing consent language in this Canon. First, the inclusion of the phrase “at _____” has been understood by some to prohibit the consideration of consent at teleconferences or video-conferences, because the members were not all physically present “at _____.” The second was that the existing consent testimonial doesn't actually consent. Rather it states that we “know of no impediment.” The addition of the phrase “and we hereby consent to her/his consecration” makes clear that

the Standing Committees' role in confirmation includes a more positive posture for the electing diocese and the bishop-elect.

In reviewing the consent process the Commission also discovered that the Canon fails to provide the wording of the consent for use by the House of Deputies when the consent is considered by that body.

It should be noted that in the first resolve, the new subsection 5(c) refers to “. . . the Resolution required by Canon III.11.3(c). . . .” This Resolution does not exist in the current canon but it is created by the second resolve.

TITLE IV

The second Title IV Task Force is proposing an entirely rewritten Title IV for adoption at the 76th General Convention. If the revised Title IV is not adopted, the following Resolutions are being proposed.

RESOLUTION A058 AMEND CANONS IV.6, IV.14, IV.15 AND THE APPENDIX TO TITLE IV

- 1 *Resolved*, the House of _____ concurring, That the following sections of Title IV are hereby amended to read as
- 2 follows:
- 3 Canon IV.6.2. The Court of Review of the Trial of a Bishop is vested with jurisdiction to hear and determine
- 4 appeals from ~~the~~ determinations of the Court for the Trial of a Bishop *and the Court for the Trial of a Bishop for*
- 5 *an Offense of Doctrine*.
- 6
- 7 Canon IV.6.17. An appeal shall be heard upon the Record on Appeal of the Court for the Trial of a Bishop *or*
- 8 *the Court for the Trial of a Bishop for an Offense of Doctrine*. Except for the purpose of correcting the Record on
- 9 Appeal, if defective, no new evidence shall be taken by the Court of Review.
- 10
- 11 Canon IV.14.23. Expenses of Parties and Costs of Proceedings. Except as expressly provided in this Title, or
- 12 applicable Diocesan canon, all costs, expenses and fees of the several parties shall be the obligation of the
- 13 party incurring them. The record of proceedings of a Diocesan Ecclesiastical Trial Court shall be the expense
- 14 of the diocese. The record of proceedings of a Court of Review of a Trial of a Priest or Deacon shall be the
- 15 expense of the province. The record of Proceedings of a Review Committee, the Court for the Trial of a
- 16 Bishop, *the Court for the Trial of a Bishop for an Offense of Doctrine* and the Court of Review of a Trial of a Bishop
- 17 shall be the expense of the General Convention. Nothing in this Title precludes the voluntary payment of a
- 18 Respondent's costs, expenses and fees by any other party or person, including a diocese.
- 19
- 20 Canon IV.15 (definition of Ecclesiastical Trial Court) Ecclesiastical Trial Court shall mean a Diocesan Court
- 21 for the Trial of a Priest or Deacon established pursuant to Canon IV.4(a) and the Court for the Trial of a
- 22 Bishop *and the Court for the Trial of a Bishop for an Offense of Doctrine* pursuant to Canon IV.5.1.
- 23
- 24 The title of Appendix A to read as follows: “Rules of Procedure of the Ecclesiastical Trial Courts ~~and the~~
- 25 ~~Court for the Trial of a Bishop~~.”

EXPLANATION

This Resolution contains editing “housekeeping” changes to conform the Canons to Constitutional changes adopted at second reading in 2003, relating to trials of bishops. This Resolution is identical to Resolution A033 from 2006. No action was taken on A033 in 2006. A033 would have amended Canons IV.6, .14, .15, and the Title to Appendix A of Title IV. These canonical changes were first proposed in 2003 (D056), but D056 was not adopted in concurrence by both Houses. Resolution A033 was recommended by SCCC in its 2006 Blue Book report and also by the first Title IV Task Force in its 2006 Blue Book report (as part of Resolution A153). Accordingly, the Commission believes that this Resolution (A033 from 2006) should be re-submitted for adoption in 2009.

RULES OF ORDER

RESOLUTION A059 REGARDING HOUSE OF DEPUTIES RULES OF ORDER

- 1 *Resolved*, the House of _____ concurring, That House of Deputies Rule of Order 14 is hereby amended by re-
2 lettering the existing paragraph as (a), and adding a new paragraph (b) as follows:
3 *(b) No resolution proposing amendments to the Constitution or Canons of this Church may be presented in the House of*
4 *Deputies for an initial vote on the last legislative day of General Convention, provided, however, that any such resolution*
5 *previously considered and voted upon by this House may be considered on the last legislative day in order to consider changes to the*
6 *resolution approved by the House of Bishops.*

EXPLANATION

This Resolution is identical to Resolution A035 from 2006. Time expired at the 2006 General Convention before action could be taken on A035 in the House of Deputies. The Resolution would have revised the Rules of Order of the House of Deputies to prohibit bringing a constitutional or canonical change to the floor of the House on the last legislative day of General Convention, if the change had not previously been on the floor prior to that last day. The House of Bishops adopted A036 in 2006, making this change to its Rules of Order. As the Commission reported in its 2006 Blue Book Report (at Page 101):

“Given the important and complex nature of the Constitution and Canons of The Episcopal Church, it is reasonable for General Convention to expect proposed alterations or amendments to either of these to come to the attention of the legislative bodies as early as possible. At the least, it would seem not only wise but imperative to avoid introducing alterations or amendments for initial consideration on the very last day of General Convention so that opportunity is allowed for the Bishops and Deputies to consider carefully and adequately the merits and implications of the proposed changes.”

For these same reasons, and to make the House of Deputies Rules parallel to those of the House of Bishops, the Commission recommends adoption of this Resolution in 2009.

GENERAL RESOLUTIONS

RESOLUTION A060 REGARDING CANON I.1.5

- 1 *Resolved*, the House of _____ concurring, That the Standing Commission on the Structure of the Church be
2 directed to study the role and qualifications of the Registrar of the General Convention in the maintenance of
3 records of the ordinations and consecrations of the bishops of the church and report back to the 77th General
4 Convention.

EXPLANATION

Resolution 2006-B009 proposed the creation of a Registrar of the House of Bishops to maintain the documents connected with the Ordination and Consecration of Bishops, which was not acted on. The Secretary of the General Convention requested the Standing Commission on Constitution and Canons consider developing canonical changes to create the position of Deputy Registrar to reflect current practice. SCCC determined that in light of B009 and the current request there are polity and practice issues which SCCC is unable to resolve within its mandate and therefore recommends that the Standing Commission on Structure study the issues in the next triennium and bring forward comprehensive recommendations.