

Provincial Canon IX

CANON IX

C9.00 ELECTION OF A BISHOP

C9.01 Whenever a vacancy in the Episcopate of a diocese in the Province has occurred, or an event has occurred that will result in such a vacancy, the provisions of this Canon shall apply to that diocese.

Definitions

C9.02 In this Canon, unless the context otherwise requires:

- (a) "Administrator" means the Administrator of the diocese, or the person who under the constitution and canons of the diocese would become the Administrator when the vacancy in the Episcopate of the diocese occurs, and, if the said constitution or canons do not provide for such an Administrator, or if the Administrator shall fail to act in accordance with this Canon, means the senior clerical dignitary in the diocese;
- (b) "Chair" means the person presiding, or entitled to preside, at a meeting;
- (c) "Council" means the body of the diocese, by whatever name it may be designated, constituted by the diocesan synod under its constitution and canons to exercise the powers of the 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;
- (d) "diocese" means a diocese referred to in section C9.01 in which an election of a bishop is to take, or is taking, place;
- (e) "diocesan synod" means the governing body of a diocese, by whatever name it may be designated, constituted under the constitution of a diocese;
- (f) "vacancy" shall extend to the situation where the election of a coadjutor bishop or suffragan bishop has been approved under section 6.34 of the Constitution of the Province.

Consultations Concerning Episcopal Election

C9.03 In the event that the resignation of a bishop is submitted pursuant to section 6.44 or 6.45 of the Constitution, or that notification has been given to the Metropolitan that a vacancy in the Episcopate of a diocese has occurred, or is about to occur, as provided for in the Constitution of the Province, the Administrator shall promptly consult with the Metropolitan and the Council with respect to the calling of an election to fill that vacancy, and the day and place of the election.

Notice of Meeting of Synod and Appointment of Diocesan Search Committee

C9.04 No earlier than 30 days prior to the date upon which a vacancy in the Episcopate of a diocese shall occur nor later than 30 days after the occurrence of the vacancy, the Council shall

- (a) cause to be issued a notice calling a meeting of the members of the Synod of the diocese to elect a bishop to fill the vacancy; such meeting to be held on the day, and at the time and place, determined by the Council after the consultation provided for in section C9.03 has taken place, and
- (b) elect or appoint the members from the diocese of the Diocesan Search Committee provided for in section C9.08.

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Election by an Electoral College

C9.05 If the constitution or canons of a diocese provide for the election of a bishop by an electoral college, by whatever name it may be designated, and not by the Synod of that diocese at a meeting, the provisions of this Canon relating to a meeting of the members of the Synod of a diocese and to its procedures shall apply, with necessary changes in matters of detail, to that electoral college, and to its meetings and procedures, and, in such case, unless the context otherwise requires the word "Synod" used in this Canon shall be deemed to mean that electoral college.

Day and Time of Meeting

C9.06 The meeting referred to in section C9.04 shall

- (a) not be held until the occurrence of the vacancy, unless the Metropolitan, on the application of the Council, shall otherwise determine; and
- (b) be held on a day not less than 84 days, nor more than 112 days, from the date of the issue of the notice; provided that the Metropolitan, on the application of the Council, may approve a day for the holding of the meeting that is in excess of 112 days, but not more than 182 days from the day of the issue of the notice.

Content of Notice of Meeting of Synod

C9.07(1) The notice calling the meeting of Synod to elect a bishop shall

- (a) be in writing;
- (b) designate the day, time and place thereof;
- (c) be given to the members of Synod;
- (d) state the purpose of the meeting;
- (e) state that any member of Synod may submit in writing to the Secretary of the Diocesan Search Committee (whose name and address shall be designated) the name or names of any person or persons proposed by that member to fill the vacancy, such submission to be made not later than 42 days before the date of the meeting, or such shorter or longer period as the Administrator and the Metropolitan may determine;

- (2) The notice referred to in subsection (1) may, in addition, give notice of any business, not related to the election, that the Council may desire to bring before the members of Synod.

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Diocesan Search Committee

C9.08(1) A Diocesan Search Committee (the Committee) shall be established consisting of the following members:

- (a) From the diocese, three members of the Order of Clergy (clerical members) and three members of the Order of Laity (lay members) appointed by the Council, as provided in section C9.04; and,
 - (b) From the Provincial Panel, constituted under section 6.11, of the Constitution of the Province, one bishop, one clerical member and one lay member, appointed by the Metropolitan from among such members of the Provincial Panel as are not from the diocese; and
 - (c) In the case of an election of a bishop coadjutor or bishop suffragan, the bishop who holds the See of the diocese.
- (2) The appointments required pursuant to subsection C9.08(1) shall be made within 28 days after the resignation or notification of a vacancy referred to in section C9.03 has been received by or given to the Metropolitan. [Note: this must refer to C9.08(1)(b) because section C9.04(b) deals with the time frame for appointing the diocesan members of the Search Committee.]
- (3) Upon a vacancy occurring in the membership of the Committee by reason of the death, resignation or inability to act of a member, a successor to that member shall be appointed by the Metropolitan, if the member was appointed by the Metropolitan, and by the Council, if the member was appointed by the Council.

First Meeting of Diocesan Search Committee

C9.09 The Administrator shall convene the first meeting of the Committee within 72 days after the resignation, or notification of a vacancy referred to in section C9.03 has been received or given to the Metropolitan, as the case may be, and at that meeting the Committee shall elect a Chair, appoint a secretary, (who may, but need not, be a member of the Committee), and determine its procedures.

Functions of Diocesan Search Committee

- C9.10 The Committee at its first or subsequent meetings shall
- (a) determine, and set out in memorandum form, the general qualifications and requirements that relate to the Episcopal vacancy and also any specific qualifications that might be required or desirable with respect to the person to fill the vacancy;
 - (b) deliver to the Administrator, at least 65 days prior to the day of the meeting of Synod, the memorandum referred to in clause (a);
 - (c) receive in writing from members of the Synod of the diocese and from members of the Provincial House of Bishops 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 consent of that person to being so proposed has been obtained;

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- (d) determine which of the persons proposed pursuant to clause (c), in the opinion of the Committee meet
 - (i) the canonical requirements for election;
 - (ii) the requirements determined pursuant to clause (a).
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- (e) inform the proposer of any person proposed as a nominee for election pursuant to clause (c) whom the Committee does not intend to propose to nominate for election, of that fact;
- (f) consider persons, additional to those identified pursuant to clause (d), who in the opinion of the Committee meet
 - (i) the canonical requirements for election;
 - (ii) the requirements determined pursuant to clause (a);
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- (g) enquire of the persons identified pursuant to clauses (d) and (f) whether or not they consent to being nominated for election, and obtain from those persons who do so consent signed written confirmation of such consent.
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- (h) prepare a list, arranged alphabetically, of those persons identified pursuant to clauses (d) and (f) who have consented to being nominated for election;
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- (i) determine what information about each person to be nominated they consider appropriate for communication to the members of Synod and the form in which such information should be communicated, subject only to the following limitations:
 - (i) as a minimum there shall be a brief *curriculum vitae* prepared for each person to be nominated,
 - (ii) the Committee shall ensure that the format in which the information is communicated to the members of Synod is standardized and that the quality of the production of the communication regarding each person to be nominated is uniform,
 - (iii) the Committee shall be governed by any cost limitations established by the Council or other diocesan financial authority in respect of the production of such materials;
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 - (iv) the identity of the person or person who proposed any person to the Committee for nomination either under this section or under section C9.11 shall not be communicated to the members of the Synod.
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- (j) obtain from the proposer of each person listed in clause (h) and, if desired by the Committee in any case, directly

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from any person to be nominated, at least 28 days prior to the day of the meeting of Synod called pursuant to section C9.04, such of the information determined to be appropriate under clause (i) which is not already in the possession of the Committee, and put the information in the form determined appropriate under clause (i);

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- (k) deliver to the Administrator at least 21 days prior to the day of the meeting of Synod called pursuant to section C9.04, the list referred to in clause (h) and the material referred to in clause (j);
- (l) at the meeting of Synod referred to in clause (k)
 - (i) present the report of the Committee, and
 - (ii) cause the persons listed pursuant to clause (h) to be nominated for election.

Further Nominations

C9.11(1) Any two members of Synod, at the meeting of Synod, may nominate for election as bishop any person who meets the canonical requirements for election and who has previously consented in writing

to being nominated, if, at least seventy-two hours prior to the commencement of the meeting of Synod, such members have provided to the Secretary of the Committee

- (a) a written notice of their intention to so nominate,
- (b) a signed written consent of the intended nominee to being nominated, and

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- (c) a brief *curriculum vitae* of the person intended to be nominated, in the form approved by the Committee.
- (2) The diocesan members of the Committee shall
 - (a) review each notice of intention to nominate received pursuant to, and within the time limited by, subsection (1) and determine whether or not the intended nominee meets the canonical requirements for nomination,
 - (b) review each *curriculum vitae* received pursuant to, and within the time limited by, subsection (1) and determine whether or not it is in satisfactory form,
 - (c) advise the members of Synod, intending to make the nomination, of the conclusions reached by them pursuant to clauses (a) and (b), and
 - (d) report their conclusions to the meeting of Synod after the nomination has been made,

but shall not make any recommendation in their report with respect to the nominee or nominees.

- (3) After the report described in subsection (2) has been made, the Chair of the meeting of Synod shall rule as to the validity of any nomination made pursuant to subsection (1).

Providing Material to Members

C9.12(1) At least 14 days prior to the meeting of Synod, the Administrator shall cause to be given to each member of Synod and to each person on the list prepared pursuant to section C9.10(h):

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- (a) a list of the persons proposed by the Committee who will be nominated pursuant to clause (l) of section C9.10,
 - (b) a copy of each *curriculum vitae* prepared by the Committee pursuant to clause (j) of section C9.10,
 - (c) a notice describing the procedure for further nominations set out in section C9.11, and
 - (d) a notice describing the election procedure to be followed at the meeting of Synod set out in section C9.22.
- (2) At least 7 days prior to the commencement of the meeting of Synod, the Administrator shall appoint a Credentials Committee, the membership of which shall comprise not fewer than one clerical member and one lay member, and that committee, amongst other functions, shall determine the persons eligible to vote at the meeting, and the credentials of those persons attending the meeting, and report thereon to the meeting.
- (3) Immediately prior to the commencement of the meeting of Synod, the Administrator shall cause to be distributed to the members of Synod

- (a) a list of those persons as to whom a notice of intention to nominate, a written consent and a *curriculum vitae* have been received pursuant to section C9.11(1), and
- (b) a copy of the *curriculum vitae* provided in respect of each such person if it has been approved as to form by the diocesan members of the Committee pursuant to section C9.11(2).

Notice to Members of Synod

C9.13 A notice required by this Canon to be given to members of the Synod of the diocese shall be given in the manner provided for in the constitution or canons of the diocese for the giving of notice to its members of a meeting of Synod.

Quorum of Members

C9.14 The number of members of Synod necessary to be present at a meeting of Synod held pursuant to this Canon to constitute a quorum for the transaction of its business shall be at least sixty percent of the clerical members eligible to vote and at least sixty percent of the lay members eligible to vote.

Raising of Non-Related Matters

C9.15 Unless otherwise directed by the Metropolitan, matters shall not be raised at the meeting that are not directly related to the election, excepting, however, non-related matters concerning which notice has been given in the notice calling the meeting of Synod, and, in the latter case, such matters shall be dealt with only after the completing of the election.

Points of Order

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C9.16 Any point of order desired to be raised by a member during the meeting of Synod shall be submitted in writing to the Chair and determined by the Chair without discussion or debate.

Observers

C9.17 Unless otherwise ordered by the Metropolitan and subject to any limitations which the Metropolitan shall establish, persons who are not members of Synod shall be permitted to observe the meeting of Synod held pursuant to this Canon.

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Procedural Advisor

C9.18 The Metropolitan may appoint any person to sit with the Metropolitan at the meeting of Synod to advise the Metropolitan with regard to the procedure for the meeting and the person appointed shall have the right to address the Synod in the capacity of a procedural advisor.

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Pre-Election Proceedings at Meeting

C9.19 At the meeting of Synod:

- (1) The Metropolitan, or a person delegated by the Metropolitan, shall act as Chair;
- (2) The Secretary of Synod, if there be one, otherwise a person appointed by the Metropolitan, shall act as secretary of the meeting;
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- (3) On the nomination of the Administrator, the Chair shall appoint a Clerical Secretary and a Lay Secretary of the meeting;
- (4) The Chair shall announce the names of the members of the Credentials Committee;
- (5) On the nomination of the Administrator, the Chair shall appoint Scrutineers from among members of the Synod as follows:

For the clerical voting - two from the clerical members, one from the lay members.

For the lay voting - two from the lay members, one from the clerical members;
- (6) The Credentials Committee shall provide to the Secretaries and the Scrutineers a list of the members of Synod entitled to be present and to vote at the meeting in accordance with the constitution and canons of the diocese;
- (7) The Clerical Secretary shall call the roll of the clerical members of Synod, and ascertain and report on those present;
- (8) The Lay Secretary shall call the roll of the lay members of Synod, and ascertain and report on those present;
- (9) A motion for acceptance of the clerical and lay rolls shall be received and put to the vote of the meeting;

(10) The Credentials Committee shall report to the Chair, who shall announce to the meeting whether or not a quorum of each order is present at the meeting;

(11) If a quorum is present the meeting shall proceed;

(12) If a quorum of either or both orders is not present within three hours from the time set for the opening of the meeting, the Chair shall adjourn the meeting to convene one day later at the same time and place as the meeting being adjourned. If at the adjourned meeting a quorum of each order is present, the meeting shall then proceed;

(13) If at the adjourned meeting referred to in clause (12) a quorum of each order is not present within one hour from the time set for the adjourned meeting, the Chair shall further adjourn the meeting to such day, within three months of the day of the adjourned meeting, and at such time and place, in each case as the Metropolitan shall determine, and due notice of such reconvened meeting shall be given to the members of Synod;

(14) The procedures to be followed at the adjourned meeting referred to in clause (12) and at the reconvened meeting referred to in clause (13) in each case shall be the same, with necessary changes in matters of detail, as those to be followed had the meeting not been adjourned;

(15) If the meeting proceeds, the Chair shall provide an opportunity for members to ask questions concerning meeting and election procedures;

(16) The Diocesan Search Committee shall

(a) present its report and the list and material provided for in section C9.10, and

(b) shall cause to be nominated for election as bishop the persons listed by it for nomination as bishop;

(17) If notice of further nominations has been given to the Secretary of the Committee, together with written consents and *curricula vitae* in the manner and within the time provided for in section C9.11(l), the Chair shall permit those nominations to be made;

(18) After any such further nominations have been made pursuant to clause (17) the diocesan members of the Committee shall report to the meeting as provided for in section C9.11(2);

(19) The Chair shall rule on the validity of further nominations made pursuant to clause (17).

The Eucharist

C9.20 After completing of nominations the meeting of Synod shall adjourn for the celebration of the Eucharist, with the Metropolitan, or a delegate of the Metropolitan, as celebrant.

Reconvening of Meeting

C9.21 The meeting of Synod shall reconvene following the celebration of the Eucharist. The Metropolitan, or a delegate of the Metropolitan, shall resume the Chair.

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Voting Procedure

C9.22 The procedure for voting at the election shall be as follows:

- (1) The Credentials Committee shall report, by orders, any additions to or deletions from the previous approved rolls of members present;
- (2) A motion for acceptance of the revised clerical and lay rolls shall be received and put to the vote of the meeting;
- (3) The Scrutineers shall provide to each member of Synod a package of ballot forms, which shall be numbered for successive balloting, and of a different colour for each balloting;
- (4) Two ballot boxes shall be provided, one to receive the clerical ballots and a separate one to receive the lay ballots;
- (5) Subject to section C9.24, a majority of votes of the clerical members and of the votes of the lay members, present and voting, shall be necessary to constitute an election;
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- (6) Voting shall be by the member depositing in the appropriate ballot box a secret ballot marked by the member with the name of not more than one of the persons in nomination at the time of the balloting;
- (7) The Clerical Secretary shall call the roll of clerical members entitled to vote, each of whom as called shall deposit in the clerical ballot box the ballot intended for that balloting;
- (8) The Lay Secretary shall call the roll of lay members entitled to vote, each of whom as called shall deposit in the lay ballot box the ballot intended for the balloting;
- (9) On the conclusion of each balloting the Chair shall declare the voting on that balloting closed;
- (10) The Scrutineers shall retire and count the ballots, and shall then report to the Chair in writing
 - (a) the number of spoiled or unmarked ballots in the balloting, which ballots shall not be counted in determining the number of votes required for an election;
 - (b) the number of votes of each order required for an election;
 - (c) the results, by order, of the voting.
- (11) Upon receipt of the report of the Scrutineers, the Chair shall announce:
 - (a) the number of ballots cast in each order,
 - (b) the number of spoiled or unmarked ballots excluded from the count,

- (c) the number of votes in each order required for an election,
 - (d) the number of votes cast in each order for each candidate,
 - (e) whether or not there has been an election.
Amended 41st Synod
- (12) If there has been an election,
 - (a) the Chair shall declare the elected person to be the Bishop Elect, and
 - (b) the Chair, or the delegate of the Chair, shall inform the Bishop Elect of the election and request consent to the election and to the formal submission of his or her name to the Metropolitan, and, if such consent shall have been given,
 - (c) the Chair shall order the destruction of the ballots, and
 - (d) terminate the meeting, unless notice of matters not directly related to the election has been given pursuant to section C9.15, in which event the Chair shall declare that the election has been completed and the electoral proceedings at the meeting are terminated;
 - (13) If within a short period of time (determined by the Chair) the Bishop Elect is not available, or able to give consent, the Chair shall adjourn the meeting, to be reconvened, if consent is not given within such period of time, not exceeding seven days, as the Metropolitan determines to be reasonable, on the giving of fifteen days notice to the members of Synod;
 - (14) If, prior to the termination of the meeting, the Chair, or the delegate of the Chair, is advised by the Bishop Elect that he or she does not consent to the election, the voting shall continue from the stage where it ceased but the name of the person who had been elected but had not consented shall be removed from the list of nominees for election;
 - (15) If the announcement by the Chair pursuant to clause (11) is that there has not been an election, voting shall continue;
 - (16) Following each balloting the names of the following nominees shall be removed from the list of nominees for election:
 - (a) any nominee who received no votes,
 - (b) the nominee who has (or in the case of a tie, the nominees who have) received the lowest number of lay and clerical votes in aggregate, unless the number of votes received, although the lowest of all nominees, is at least one-fifth of the votes in either order, and
 - (c) any nominee who has given or caused to be given signed written notice to the Metropolitan stating that the nominee wishes to withdraw from the election.

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Amended 42nd Synod

(17) Voting by successive balloting shall continue in respect of the nominees remaining from time to time on the list of nominees for election until:

- (a) an election results, or
- (b) the Synod adopts a resolution pursuant to section C9.23,

and the procedures set forth in clauses (6) to (8) inclusive shall be followed in the case of each balloting, except that the Chair may dispense with a calling of rolls under clauses (7) and (8);

Amended 41st Synod

Procedure If No Election

C9.23 If the balloting pursuant to section C9.22 or this section does not result in an election, the meeting of Synod, by resolution passed by majority vote of the members, present and voting, may determine to:

- (1) continue with the election proceedings, after first restoring to the list of nominees for election the names of all those persons who were validly nominated pursuant to clauses (16) and (17) of section C9.19 who do not withdraw, and who give their consent to being re-nominated for election, and proceed with balloting in the manner provided in section C9.22, either forthwith or at an adjournment of the meeting, the day, time and place of which shall be determined by the Chair; or
- (2) discontinue the election proceedings then in progress and commence new election proceedings, and in such event section C9.03 and the subsequent sections of this Canon, with necessary changes in matters of detail, shall be followed; or
- (3) designate the Electoral College of the Province as the body to elect the bishop from between or among the nominees on the last ballot conducted pursuant to section C9.22 which election shall be held in accordance with the procedure set out in section C9.26 to C9.37.

Amended 45th Synod

C9.24(1) If the Synod does not determine to adopt one of the alternatives set out in section C9.23, when 5 or more successive ballots have been conducted with only two nominees on the list of nominees and the balloting has not resulted in an election, on the next ballot, the percentage of the votes received by each nominee in each order shall be added together and the nominee with the greater total of percentages shall be elected.

(2) If no election results on the ballot conducted under section C9.24(1), unless the Synod adopts one of the other alternatives set out in s. C9.23, the procedure described in section C9.24(1) shall be employed on successive ballots until on a subsequent ballot the total of percentages in relation to one nominee is greater than the total of percentages in relation to the other, in which case the nominee with the greater total of percentages shall be elected.

Amended 42nd Synod; renumbered 45th Synod

Post Election Procedures

C9.25 When the Bishop-Elect has consented to the election and to the formal submission of his or her name to the Metropolitan:

- (1) the Chair shall ensure that, immediately following the election and consent of the Bishop Elect, all persons nominated in the election are made aware that the Bishop-Elect has been elected and has consented to the election and the submission of his or her name to the Metropolitan:
- (2) the Chair, the Secretary of the Diocese, and the Clerical and Lay secretaries of the meeting, shall prepare and each sign a certificate in the following form, or like effect, and shall forward the certificate, forthwith, to the Metropolitan.

Renumbered 45th Synod

CERTIFICATE

To: Metropolitan of the Ecclesiastical Province of Rupert's Land

We hereby certify that at a duly called meeting of the Synod of the Diocese of _____ held on _____, _____, for the election of a bishop (coadjutor) (suffragan) of the said Diocese, _____ was duly elected Bishop (coadjutor) (suffragan) and has consented to the election and the formal submission to you as Metropolitan of (his) (her) name.

On behalf of the Synod we request confirmation of the election.

Dated at _____ this ___ day of _____, ____.

Chair

Secretary of the Diocese

Clerical Secretary of the Meeting

Lay Secretary of the Meeting.

Election by the Electoral College

C9.26 Where the meeting of Synod has by resolution pursuant to s. C9.23(3) determined to designate the Electoral College as the body to elect the bishop, the following provisions shall apply.

Added 45th Synod

C9.27 On the day appointed for the election, the Electoral College shall meet in Church for the celebration of the Holy Communion immediately prior to the election.

Added 45th Synod

C9.28 The Metropolitan shall chair the Electoral College.

Added 45th Synod

C9.29 The Electoral College shall appoint a secretary who shall keep minutes of its proceedings of which two copies shall be made and signed by the Metropolitan and the Secretary, one copy to be retained by the Chairman and the other deposited with the Provincial Secretary.

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Added 45th Synod

C9.30 The Metropolitan shall designate a committee of three to act as a credentials committee to examine and report upon the credentials of the members present and the existence of a quorum, and shall also designate two scrutineers, one clerical and one lay.

Added 45th Synod

C9.31 The material prepared by the Search Committee with respect to the nominees on the last ballot voted upon in the Diocesan Synod shall be presented to the Electoral College.

Added 45th Synod

C9.32 The members of the College shall act and vote together.

Added 45th Synod

C9.33 The Metropolitan shall have a vote but no tie-breaking vote.

Added 45th Synod

C9.34 Every election shall be by ballot.

Added 45th Synod

C9.35 An election will require the majority of votes cast in the Electoral College be for the same person.

Added 45th Synod

C9.36 If after the casting of ballots, there is no election, voting shall continue by successive ballots with the name of the nominee receiving the lowest number of votes being withdrawn from the ballot until there are only two nominees on the ballot.

Added 45th Synod

C9.37 When a bishop has been elected the Metropolitan shall comply with section 6.06 of the Constitution.

Added 45th Synod