

# CANONS OF THE DIOCESE OF THE MISSOURI VALLEY

As Amended by the 28th Diocesan Synod: June 2008

## CANON 1 NAME

The name of this jurisdiction of the Anglican Church in America shall be the Diocese of the Missouri Valley.

## CANON 2 OBJECTS AND PURPOSES

The objects and purposes of this Diocese shall be to provide for the advancement, well-being, right-ordering and good government of Christ's flock within this jurisdiction.

## CANON 3 WORSHIP

### 3.1 Standard of Worship

The *Book of Common Prayer* in its 1928 edition or 1962 Canadian edition shall be the Standard of Public Worship in this jurisdiction, together with missals and devotional manuals based on and conforming to those Books of Common Prayer. The 1549 Prayer Book has been the model for current developed worship and, as such, should be used for guidance and reference. The *Hymnal 1940*, together with the 1939 Canadian *Book of Praise*, shall be the primary musical standard for public worship.

### 3.2 Corporate Worship

**A.** In every parish where a priest is available, the Holy Communion must be celebrated every Sunday, on the other Holy Days of obligation -those being the Feast of the Circumcision (Jan. 1), the Ascension, All Saints (Nov. 1), and Christmas Day (Dec. 25)-, and on those days for which Propers appear in the *Book of Common Prayer*.

**B.** It is the responsibility of every priest with cure of souls to celebrate (or provide for the celebration of) the Holy Communion as frequently as may be required to meet the spiritual needs and reasonable requests of the people committed to his charge. The Daily Office of Morning and Evening Prayer should be read in the church, or otherwise publicly, wherever practicable.

**C.** It is the responsibility of every communicant member of the Church to celebrate and keep the Lord's Day (Sunday), and the other Holy Days of Obligation, by participating in the public worship of the Church, and to receive the Holy Communion at least on the Feasts of Easter, Christmas and Whitsunday every year.

If there be a Vacancy in the See, the Standing

### 3.3 Admission to Communion

An instructed, baptized person who has not had the opportunity to be Confirmed by a Bishop in Apostolic Succession, but is, in the judgment of his priest, "ready and desirous to be Confirmed" and capable of discerning the Body of the Lord (*1 Cor. 11:26-29*) may be admitted to Holy Communion with the written approval of the Bishop Ordinary.

### 3.4 Officiants at Services

No person shall regularly officiate nor shall he regularly assist in any official role, at any service of the Church in this Diocese unless he be a Communicant in good standing, or a member preparing for admission to Communion, duly trained for his role, examined as to training and qualifications and approved by the Incumbent, and licensed by the Bishop Ordinary where required. (A person not in Communion with this Church may be invited by the Incumbent upon occasion to fulfil an official function, provided that he perform no acts reserved by the *Book of Common Prayer* to those in Holy Orders.) Exceptions to this Canon may be specifically authorized by the Bishop Ordinary in exceptional circumstances.

## CANON 4 ACCESSION

This Diocese accedes to the Constitution and Canons of the Anglican Church in America, and shall be bound and governed by the provisions thereof.

## CANON 5 DIOCESE AS A CORPORATION

This Diocese is incorporated in the State of Illinois as a Nonprofit Corporation under the provisions of Illinois statutes. The members of the Standing Committee are the Directors of the Corporation.

## CANON 6 ECCLESIASTICAL AUTHORITY

### 6.1 Ordinary

The ecclesiastical authority within this Diocese, with Ordinary Jurisdiction and Authority, shall be the Bishop Ordinary.

### 6.2 Standing Committee

Committee shall be the Guardian of the Spiritualities of

this Church and See; except that such authority of the Standing Committee shall not extend to the performance of episcopal acts.

## **CANON 7 OFFICE OF THE BISHOP**

### **7.1 Bishop Ordinary**

The Bishop Ordinary of the Diocese shall be the Chief Executive Officer of the Diocese.

### **7.2 Election of Bishop Ordinary**

**A.** Upon the death, resignation or removal of the Ordinary, the Standing Committee becomes the Guardians of the Spiritualities of the Diocese, and shall apply immediately to the President of the House of Bishops of the Anglican Church in America for a Writ of Election. Upon receipt of the Writ of Election, the Chairman of the Guardians of the Spiritualities (i.e., the Vice-Chairman of the Standing Committee now having assumed the Chairmanship in the absence of an Ordinary) shall issue without delay a Writ of Summons, causing a Special Meeting of the Diocesan Synod to be called and convened as an Electoral Synod for the purpose of electing a Bishop Ordinary not less than twenty-five nor more than ninety days following receipt of the Writ of Election.

**B.** The Guardians of the Spiritualities, with the assent of the President of the House of Bishops, shall also arrange with a Bishop of this Church for episcopal oversight of the Diocese until a new Bishop Ordinary can be elected, ordained and consecrated (or, if already a Bishop, translated). With the assent of the President of the House of Bishops, such episcopal oversight shall include acting as President of the Electoral Synod.

**C.** Candidates for Bishop Ordinary may be nominated by the Vestry of any constituent congregation of this Diocese, or any five Electors, whether clerical or lay, at the Election Synod.

### **7.3 Election to Other Bishoprics**

**A.** With the advice and consent of the Diocesan Synod and of the President of the House of Bishops (or the House of Bishops if the Bishop of this Diocese is the President of the House of Bishops), the Bishop Ordinary may establish one or more Suffragan or Assistant Bishoprics within the Diocese. Appointment to such a bishopric shall be by the Bishop Ordinary.

**B.** With the advice and consent of the Diocesan Synod, the Bishop Ordinary may petition the President

**E.** The President shall keep an Electoral Synod in session, save for Divine Service and meals, until resolution of the election be made pursuant to the provisions of this Canon. Upon any failure to achieve a

of the House of Bishops (or the House of Bishops if the Bishop of this Diocese is the President of the House of Bishops) for a Writ of Election of a Bishop coadjutor of this Diocese. Upon receipt of such Writ, the Bishop Ordinary shall Summon a special Meeting of the Diocesan Synod to be convened as an electoral Synod for the purpose of electing a Bishop Coadjutor, not less than twenty-five nor more than ninety days following receipt of the Writ of Election. The Bishop Ordinary, if he be the President of the House of Bishops, or with the assent of the President of the House of Bishops, may act as President of such Electoral Synod.

### **7.4 Composition and Conduct of Election Synods**

**A.** Each Electoral Synod of this Diocese for any election to the Episcopate thereof or therein shall be composed of (1) Clerical Electors who shall comprise the Clerical House of Electors of this Diocese, and (2) Lay Electors who shall comprise the Lay House of Electors of this Diocese.

All Priests and Deacons of this Church canonically resident in this Diocese, who are in good standing therein, shall be, act and serve as Clerical Electors of this Diocese and be members of its Clerical House of Electors.

The canonical Delegates to the Diocesan Synod from each congregation in canonical union with this Diocese shall be, act and serve as Lay Electors of this Diocese and be members of its Lay House of Electors.

**B.** The President and Presiding Officer of any Electoral Synod of this Diocese shall be the President of the House of Bishops or his duly appointed Episcopal Deputy.

**C.** A canonical quorum in either House of Electors shall consist of not less than sixty percent of those Electors entitled to seat and vote, provided that at least one Elector shall be present from at least sixty percent of the congregations in canonical union with this Diocese.

**D.** For there to be any canonical election to the Episcopate in this Diocese, save where otherwise provided in the Constitution and Canons of this Church, or of this Diocese, the person so elected must receive a two-thirds majority, separately, in each House of Electors, of those present and voting, a canonical quorum being present in each House.

canonical quorum in either or both Houses, it shall be within the discretion of the President to recess such Electoral Synod for a period not to exceed fifteen days. Upon any subsequent failure to achieve a canonical

quorum, the President shall return the License and Writ of Election to the President of the House of Bishops and prorogue that Electoral Synod with his Benediction.

**F.** No Electoral Synod in this Diocese shall recognize any proxy vote of franchise under any name pleaded whatsoever.

**G.** No Electoral Synod of this Diocese shall have any legislative authority or jurisdiction, or transact any other business than that of the election to the Episcopate specified in the Writ of Election concerned. All matters or questions regarding parliamentary procedure shall be left to the discretion of the President of the Electoral Synod concerned.

**H.** Upon receipt of any Writ of Summons to an Electoral Synod of this Diocese by the appropriate authority, pursuant to the Constitution and Canons of this Church or Diocese, any Elector (clerical or lay) of this Diocese shall be under formal, canonical obligation to attend the said Synod unless he have the express leave of the President thereof.

**I.** The Order of Business of an Electoral Synod in this Diocese shall be as follows:

1. All Electoral Synods shall begin with the celebration of the Holy Communion for the guidance of the Holy Spirit in the endeavors thereof. The celebrant shall be the President of that Synod, who may present his Charge to the Synod in lieu of the Sermon.

2. Upon the President's call to order of the two Houses of the Synod in joint session, the License and Writ of Election, the Writ of Summons, and any Writ of Commission to the President shall be read out.

The President shall then appoint a Recording Secretary, and two tellers and scrutineers, for each House of the Synod, if practical from among those present who are not themselves Electors of that Synod. Each Recording Secretary shall determine and report to the President the number of Electors present in the House concerned, the existence of a canonical quorum therein, and the number of Electors' votes required for canonical election. The President shall thereupon report these findings to the joint session.

The requirements for a canonical quorum being met in each House, the President shall declare the Electoral Synod duly constituted for canonical election, and ready to proceed thereto.

3. Whenever the Houses of the Synod shall sit separately, the President may choose to preside in either House himself, and to preside in the other House through a Deputy appointed by himself.

7. To be validly cast, a ballot must be freely

**J.** The Rules of Procedure in any Electoral Synod of this Diocese shall be as follows:

1. Upon the declaration of the President that nominations are in order of persons to be considered by the Synod for election to the Episcopate, the name of any man meeting the Constitutional and Canonical qualifications of this Church may be advanced from the floor, provided that he have been nominated by the Vestry of any constituent congregation of this Diocese, or have the formal support of at least five Electors of that Synod, and that he give assurance to the Synod that he is willing to be nominated and to serve if elected, or, if he be not present, that such assurance from him be provided in writing at the time of his nomination.

2. Nominations may be closed by motion passed by concurrent majorities of the two Houses of the Synod, save that the President shall always allow time for further nominations if only one name has been advanced, or they may be closed by declaration by the President upon no further names being advanced after an interval of two full minutes since the last previous nomination unless notice be given the President of an impending nomination, in which case he may give more time at his discretion.

3. Nominations once closed may be reopened by the President at his discretion after the fifth canonical casting of ballots has been completed, counted and reported, if no election has been achieved therein.

4. The President of an Electoral Synod shall not at any time allow or permit any campaigning or campaign speeches or other similar political activity whatsoever, beyond the simple identification of the nominees at the time of their nomination, and, further, such identification shall be limited to a period of three minutes' duration.

5. Before each round of canonical casting of ballots there shall be a period of silent prayer. During this period, there shall be no discussion, nor shall any motions or business be entertained. After prayers, each Elector shall write on his blank ballot only the name of that nominee he believes to be called by God to the Episcopate in that election. If any Elector believes no candidate nominated has been so called, such Elector shall cast a blank ballot.

6. The appropriate tellers and scrutineers shall supervise each canonical casting of ballots in each House of the Synod, and report the results thereof to the President thereof or his Deputy.

given and free of influence, direct or indirect, before or

during the election, by any insider or outsider through fear, deceit, bribery, false representation, or any other form of simony. Each such ballot must be secret and certain, absolute, and for a determined, identifiable person, and cast unconditionally and without any stipulation of any kind whatsoever.

**K.** Besides the two-thirds majority in each House, the following methods of election may be recognized under the conditions specified:

1. **Postulation:** After the seventh canonical casting of ballots has been completed, counted and reported, no election having been achieved, the President may entertain a motion to elect by Postulation, from any ten Electors of that Synod.

Such motion shall specify the names of the persons to be forwarded to the President of the House of Bishops of this Church and the House of Bishops for their election, from among those names, to the Bishopric for whose election the Electoral Synod concerned has been convened. It shall specify further that the Electoral Synod concerned fully concedes and assigns its authority and duty to elect to that Bishopric, to the said President of the House of Bishops and House of Bishops, and that their election in that regard constitutes a true and valid election in this Diocese.

Such motion must receive the concurrent assent of at least two-thirds of the Electors in each House present and voting, with the assent of the President of that Synod, in order to pass.

2. **Inspiration:** After the nomination of any person as provided in Section **J.** herein above, any Elector may stand and, having been duly recognized, may declare that he gives his vote to the person named and will support him in the Episcopate. If that Elector is followed in this action by two-thirds or more of the Electors from each of the Houses of that Synod, likewise acclaiming the same nominee, the President shall thereupon inquire if any Elector present doubts that such is a true and valid election.

If no such doubt be raised in question of such election, the President shall thereupon declare that the person so acclaimed has been elected. If a doubt be raised by any Elector, however, at any time in this procedure, the President shall cause the Synod to return to the normal nominating process as herein above set forth.

**L.** The procedures to declare and certify the results of the balloting, and to close the Electoral Synod, shall be as follows:

1. Upon any person receiving a concurrent two-thirds majority of those present and voting in each House of the Synod, either by canonical casting of

ballots or by Inspiration as set forth herein, the President of the Election Synod shall declare that person elected, provided that in the case of an election to a bishopric other than that of Bishop Ordinary or Bishop Coadjutor, the Consent of the Bishop Ordinary of this Diocese shall be required in order to complete the election.

2. Following the President's Declaration of Election, he shall summon the person so elected before the joint session of that Synod, wherein he shall render formally the canonical question, as to whether the person so elected will accept such election to the Bishopric concerned. Upon the canonical acceptance thereto by the elect, the President shall declare him validly and truly elected and shall take immediate order for the canonical certification of election by that Electoral Synod.

3. Such order having been taken, the President shall require each Elector having taken part in the election to sign the appropriate Certificate of Election for the House of which he is a member, which Certificates and Returns shall be attested to by the Guardians of the Spiritualities or the members of the Standing Committee, whichever shall apply, before their departure from that session of the Electoral Synod.

The President shall also subscribe his hand and seal, to the Certificates of Election and Returns, or make some other clear form of canonical attestation.

One full set of Certificates of Election and Returns shall be forwarded forthwith to the President of the House of Bishops.

4. If the Electoral Synod concerned has made canonical choice for the method of Postulation as herein above set forth, the President thereof shall require all of the Electors to so certify and attest, in the same manner as for a completed election.

5. When the President of the Electoral Synod concerned has determined that the Synod has completed all of its canonical business, certifications and returns, he shall prorogue such Synod with his Benediction.

## **7.5 Failure to Elect**

**A.** If any Electoral Synod of this Diocese which shall have been summoned for the purpose of the election of a Bishop Ordinary thereof, shall have failed so to elect or Postulate for election, pursuant to the provisions of this Canon, within a period of six months from the date of issuance of the License and Writ of Election for the same, such election for the Office of a Bishop Ordinary for this Church and See shall revert to, rest with, and be vested in the President of the House of Bishops of

this Church and its House of Bishops by the Right of Devolution.

**B.** If any Electoral Synod of this Diocese which shall have been summoned for the purpose of the election to a Bishopric therein other than that of Bishop Ordinary, shall have failed so to elect or Postulate for election, pursuant to the provisions of this Canon, such Electoral Synod shall be prorogued by the President thereof, and such License and Writ of Election shall cease and determine.

It shall be left to the discretion of the President of the House of Bishops, with the advice of the other Bishops of this Church, as to whether to issue any other License and Writ of Election to the Bishop Ordinary of this Diocese concerning the proposed election.

## **7.6 Marriage Tribunal**

The Bishop Ordinary shall appoint a Marriage Tribunal, the members of which shall serve at his pleasure.

## **CANON 8 STANDING COMMITTEE**

### **8.1 Membership**

**A.** The Bishop Ordinary shall be a full voting member of the Standing Committee and shall preside at the meetings thereof when present. The Committee shall elect from its own body a President, who shall preside in the absence or incapacity of the Bishop Ordinary, and a Secretary.

**B.** The Chancellor, the Secretary, and the Treasurer of the Diocese shall be ex-officio members of the Standing Committee with seat and voice, but without vote.

**C.** In addition to the Bishop Ordinary, there shall be three clergy and three lay members of the Standing Committee, chosen as follows: The Bishop Ordinary shall appoint one clergy member and one lay member, to serve for a term of one year, who shall be eligible for reappointment. The Synod shall, at each annual meeting, elect one clergy member and one lay member, to serve for a term of two years. Election of both clergy and lay members shall be by the whole Synod.

**D.** No elected member of the Standing Committee may serve more than two full terms consecutively. Two full years must then elapse before he may serve again.

### **8.2 Meetings**

The Standing Committee shall meet following the adjournment of any meeting of the Synod, and at any

other time upon the call of the Chairman or of one-third of the members of the Committee. The reasonable expenses of the members of the Committee incurred in connection with attendance at meetings of the Committee may be paid by the Diocese. Normal notice for meetings shall be given ten days in advance thereof. In an emergency a meeting may be convened on shorter notice. The Standing Committee may vote by mail or telephone on any matter, and such action, when recorded by the Secretary of the Diocese, or his deputy, shall have the same effect as any action of the Standing Committee taken in a meeting assembled, provided that the Secretary certifies that all voting members were afforded the opportunity to vote by mail or telephone.

### **8.3 Quorum**

A majority of the actual voting membership of the Standing Committee shall constitute a quorum; however, a majority vote of the actual voting membership of the Committee shall be required to determine any matter being voted upon.

### **8.4 Vacancies**

The Bishop Ordinary shall appoint a replacement to fill any vacancy on the Standing Committee occurring between annual meetings of the Synod. If the vacancy be in a position elected by the Synod, the Synod, at its next annual meeting, shall elect a person of the like order to fill any unexpired term.

### **8.5 Duties and Functions**

The Standing Committee shall be the Bishop Ordinary's Council of Advice, and shall be the Guardians of the Spiritualities of the Diocese if there be no Bishop Ordinary, or if he be unable to act. The Standing Committee also shall be empowered to carry out the directives of the Synod in accordance with these Canons, and to perform temporarily the functions of any Diocesan Commission authorized by the National Canons, but not yet established in the Diocese, save that of the Marriage Tribunal.

## **CANON 9 COLLEGE OF PRIESTS**

There shall be a College of Priests of the diocese which shall be comprised of all priests canonically resident and in good standing in the Diocese. Non-parochial and retired Priests, in order to remain in good standing, shall advise the Bishop Ordinary annually of their residence, and submit to him a report of their ministerial activities during the past twelve months, or if there have been none, of the reasons preventing.

## **CANON 10 OF DEACONS**

## **CANON 11 OFFICERS OF THE DIOCESE**

### **11.1 Chancellor**

**A.** The Bishop Ordinary, with the advice and consent of the Standing Committee, shall appoint some able Communicant of the Diocese in good standing, trained in the law, to be the Chancellor of the Diocese.

**B.** The Diocesan Chancellor shall have the following duties:

1. To be advisor, confidential or otherwise, to the Ordinary, the Standing Committee, the Synod or either House thereof, the Marriage Tribunal and Consistory Court.

2. To examine and approve, as to the requirements of civil and canon law, all contracts entered into by the Diocese and any other canonically established agency, instrumentality or organization of the Diocese.

3. To deliver to his successor all records and papers pertaining to his office.

### **11.2 Treasurer**

**A.** The Bishop Ordinary, with the advice and consent of the Standing Committee, shall appoint some able Communicant of the Diocese in good standing, competent to handle financial affairs, to be the Treasurer of the Diocese.

**B.** The Diocesan Treasurer shall have the following duties:

1. To receive and account for all monies collected by authority of the Diocese or deposited with him for any Church purpose, keeping a separate account of each such fund upon which any payments are made to him.

2. To deposit all funds of the Diocese with one or more financial institutions approved by the Standing Committee.

3. To make the specific payments from each fund, as promptly as collections will allow, in conformity with the canonically established budget of the Diocese, and in accordance with rules adopted by and upon the order of persons authorized by the Standing Committee; provided, however, that the Bishop Ordinary shall have sole authority to make or to authorize payments from the Bishop Ordinary's Discretionary Fund.

4. To give to the Auditor elected in

Each deacon will function under the supervision of the Bishop Ordinary, or of a bishop or priest designated by delegation of the Bishop Ordinary.

accordance with these canons such assistance and cooperation as the same may require in connection with performance of the duties of the auditor.

5. To deliver to his successor in office all funds, books, and papers pertaining to his office.

**C.** The Treasurer's accounts shall at all times be subject to inspection under the authority of the Bishop Ordinary, the Synod, or the Standing Committee, and he shall furnish a statement at least quarterly to the Ordinary, to each member of the Standing Committee and to each Parish, and an annual statement to each member of the Synod at the annual meeting of the Synod.

### **11.3 Secretary**

**A.** The Bishop Ordinary, with the advice and consent of the Standing Committee, shall appoint some able Communicant of the Diocese in good standing, capable of performing the duties and responsibilities of Secretary, to be the Secretary of the Diocese.

**B.** The Diocesan Secretary shall have the following duties:

1. To be, under the supervision of the Bishop Ordinary, the Administrative Officer of the Diocese;

2. To record the proceedings of the Synod, and to deposit same among the permanent records of the Diocese;

3. To preserve the official records, papers and books of the Diocese;

4. To notify promptly all persons concerned of all canonically authorized meetings, elections, resolutions or actions taken;

5. To furnish the Ordinary, the Synod, the Standing Committee, the Consistory Court, the College of Priests, and the various commissions of the Diocese, appropriate official lists of the Clergy and of the Congregations of the Diocese, in such a way as to meet the needs thereof;

6. To prepare, attest to and submit such reports, lists of delegates or other representatives, and records of the Diocese or any canonically established element or agency thereof, as may be required, to any National or International ecclesiastical body or authority;

7. To supervise the proper publication of the proceedings of the Synod, and publication of such other matters as may be directed by the Standing

Committee;

8. To keep in a separate book a Register of all Clergy canonically resident in the Diocese, indicating the dates of, and other pertinent data concerning their respective ordinations and receptions, all transfers to or from other Dioceses, and all dismissals, depositions or deaths of the Clergy of the Diocese;

9. To keep a Register of all Congregations affiliated with the Diocese, showing their respective organizations, admissions, successions of clergy in charge, other clergy serving in the Parish, and such other particulars as may be necessary to indicate their respective status and history;

10. To deliver to his successor in office all records and papers pertaining to his office.

**C.** The Congregations of the Diocese shall have the obligation to submit to the Secretary, on forms provided by him for that purpose, the report required by Canon 4 of the Canons of the Anglican Church in America, to be submitted no later than February 1 of each year ('Annual Parish Report'). The Secretary shall collect, organize and permanently preserve the same.

#### **11.4 Historiographer**

**A.** The Bishop Ordinary, with the advice and consent of the Standing Committee, may appoint some able Communicant of the Diocese in Good Standing, capable of performing the duties of Historiographer, to be the Historiographer of the Diocese.

**B.** The Diocesan Historiographer shall receive, file, index and preserve any books, papers, journals, reports, manuscripts, pamphlets or other documents pertaining to the Diocese, the Congregations, and other institutions of the Diocese, and to the Church generally, or to the history thereof.

#### **11.5 Deputy Officers**

The Standing Committee from time to time may authorize deputy diocesan officers who shall exercise all the powers and duties of the principal officer in his absence, and shall perform such duties as the principal officer may assign. Such deputy offices shall be filled by the Bishop Ordinary with the advice and consent of the Standing Committee.

#### **11.6 Removal of Officers**

Any officer or deputy officer of the Diocese may be removed from his office by the Bishop Ordinary, or, for good cause, by an affirmative vote of two-thirds of the membership of the Standing Committee.

#### **11.7 Archdeacon**

Subject to the consent of the House of Clergy of the Synod of this Diocese, the Bishop Ordinary may appoint to the Office of Archdeacon an able and Godly priest of this Diocese. The consent aforesaid having been obtained, the Bishop shall appoint the Archdeacon by collation.

The Archdeacon shall hold Office at the pleasure of the Bishop Ordinary. He shall exercise such jurisdiction and authority as may be appointed, committed or assigned to him by, and under the direction of, the Bishop Ordinary. Within such purview, he shall:

**A.** Ascertain that all who may hold ecclesiastical office within the same perform their duties with diligence, and he shall bring to the Bishop Ordinary's attention whatsoever may need consideration, correction, or control by the Bishop Ordinary, and whatsoever merits praise and recognition;

**B.** Upon receipt of Letters Mandatory of the Bishop Ordinary, perform the Service of Institution for the Bishop Ordinary of any priest to be instituted to any benefice as the Rector or Incumbent;

**C.** Co-ordinate activities among such Rural Deaneries as may exist in the Diocese, and enquire into the causes of nonpayment of such sums as may be due to the Clergy, or to the Diocese, from the respective congregations thereof;

**D.** Perform such other duties as may be required of him by the Bishop Ordinary or set forth for him in the Canons of this Diocese.

The Archdeacon, upon resignation of his charge as Rector or Incumbent of the Parish or other congregation of which he is such, shall tender to the Bishop Ordinary his resignation as Archdeacon. Upon the death, retirement, resignation, translation or removal of the Bishop Ordinary, he shall tender his resignation as Archdeacon to the Successor in the See.

Whenever a vacancy occurs in the Office of Archdeacon, the Bishop Ordinary may appoint an Acting Archdeacon to fill that Office until the adjournment of the next regular meeting of the Diocesan Synod.

#### **11.8 The Dean and the Cathedral**

**A.** The Bishop Ordinary, with the advice and consent of the Synod of the Diocese, may designate one parish church of this Diocese as the Cathedral Church thereof.

Until the designated property be free of all encumbrance, it will be styled the 'Pro-Cathedral' of the Diocese, also known as the 'Cathedral Parish,' or colloquially as 'The Cathedral.' Upon retirement of all such encumbrance, and with the advice and consent of the Annual Meeting of the Diocesan Synod next following such retirement, the 'Pro-Cathedral' will thereafter formally be styled the Cathedral of the Diocese.

Except as required by the preceding paragraph, all references herein to "... the Cathedral ..." are understood to apply equally to the 'Pro-Cathedral.'

The Cathedral will remain a parish church of this Diocese, subject to all such legislation, governance and tribunals as pertain to such churches, and to their Ministers, as may be contained in the Canons of this Diocese and of the Anglican Church in America.

**B.** The Rector of the Cathedral Parish will normally have the title, 'Dean of the Diocese.' As Rector, he will have the Cure of Souls in the Cathedral Parish.

The Dean shall hold such Title at the pleasure of the Bishop Ordinary, and shall perform such duties as may be assigned him by the Bishop Ordinary or set forth for him in the Canons of this Diocese. Upon resignation from his charge as Rector of the Cathedral Parish he shall forthwith tender to the Bishop Ordinary his resignation as Dean of the Diocese.

Wherever a vacancy occurs within the Office of the Dean of the Diocese, the Bishop Ordinary may appoint an Acting Dean to fill that Office until the vacancy is filled.

**C.** Assistant Ministers at the Cathedral Parish will be titled and styled 'Assistant' or 'Assistant Curate' (colloquially: 'Curate') unless otherwise herein provided.

**D.** The Bishop Ordinary may appoint by collation such Canons of the Diocese as shall seem to him appropriate. Canons of the Diocese, when resident in the Cathedral Parish or when visiting therein, will be entitled to a seat in Choir in the Cathedral, but not to permanent or designated stalls. No permanent or designated stalls will be assigned other than those of the Dean and the Bishop Ordinary.

Removal of Canons of the Diocese from the dignity of that title may be effected by action of the Bishop Ordinary, or alternatively by a two-thirds vote of the membership of the Chapter upon presentation of the issue to that Body by the Dean or any three members of the Chapter.

**E.** Parochial governance of the Cathedral Parish will be exercised through the Rector, Wardens and Vestry

thereof, according to the By-Laws of the Parish.

Functions identified by the Bishop Ordinary as Diocesan functions of the Cathedral will be governed through the Chapter, which shall consist of the Bishop Ordinary (who shall be President and Chairman thereof), the Dean of the Diocese, the Rector of the Parish (if he be not the Dean), and the Archdeacon, Rural Deans, and Canons of the Diocese (if such there be). Members of the Wardens and Vestry of the Cathedral Parish are entitled to voice in the deliberations of the Chapter.

### **11.9 Rural Deans and Deaneries**

**A.** Parishes, Missions and other congregations of this Diocese may be grouped into Rural Deaneries by the Bishop Ordinary, with the advice and consent of the Diocesan Synod. The boundaries of the Rural Deaneries shall be as determined and made, or from time to time redetermined and made, by the Bishop Ordinary.

**B.** Rural Deans are Officers of the Bishop Ordinary. They receive their commission and appointment from him, and hold their office at his pleasure.

Every Rural Dean shall, subject to the general supervision of the Archdeacon, assist the Bishop Ordinary in his pastoral care and office, within the limits of his Deanery. He shall from time to time, or upon request, report to the Archdeacon or Bishop Ordinary on the State of the Church therein, and shall perform such other duties as may be required of him by the Bishop Ordinary, or set forth for him in these Canons.

A Rural Dean resigning his charge as Rector or Incumbent of his Parish or Congregation shall forthwith tender to the Bishop Ordinary his resignation as Rural Dean. Upon the death, retirement, resignation, translation or removal of the Bishop Ordinary, every Rural Dean shall tender his resignation to the Successor in the See.

**C.** A Rural Dean shall have no power or authority to interfere, on his own motion, in matters of internal discipline or dispute in any Parish or other congregation within the Deanery, save at the express, formal commission of the Bishop Ordinary.

### **11.10 Use of Clergy in Episcopal Orders**

If from time to time there be a retired bishop, or a clergyman otherwise duly in Episcopal Orders as recognized by this Church, living in this Diocese, and canonically resident herein for at least one year, the Bishop Ordinary may appoint such bishop as 'Episcopal Vicar,' either for a term certain or to serve at the pleasure of the Bishop Ordinary, for the purpose of



securing such episcopal assistance as may allow him more effectively to carry out his pastoral duties herein.

The Bishop Ordinary, or the Standing Committee, may establish such boards, commissions, and committees as may be necessary from time to time for the effective operation of the affairs of the Diocese.

## **CANON 13 SYNOD**

There shall be a Synod of the Diocese --consisting of the Bishop Ordinary, a House of Clergy, and a House of Laity -- through which alone the legislative jurisdiction and authority of the Ordinary shall be exercised, as set forth in these Canons.

### **13.1 Annual Meeting**

The Synod shall meet between the First Day of May and the Thirtieth Day of June each year, at a place within the Diocese and at a time, designated by the Standing Committee. Notice of said meeting shall be given in writing to the constituent Parishes, and mailed no later than the preceding Ash Wednesday. Similar notice shall be given to the canonically resident clergy.

### **13.2 Special Meetings**

Special meetings of the Synod may be called at any time or place by the Bishop Ordinary, or in his absence by the Episcopal Authority appointed and confirmed by the President of the House of Bishops, upon written notice to the constituent Parishes and canonically resident clergy of the Diocese, mailed at least thirty-five days in advance thereof.

### **13.3 Quorum and Voting**

Provided that a majority of the constituent congregations of the Diocese are represented, a majority of the active members of the House of Clergy and a majority of the House of Laity, plus the Bishop Ordinary, shall constitute a quorum for the transaction of business of the Synod, except as otherwise specifically provided in these Canons. The Synod shall deliberate in one body. Except where a larger percentage is required by the provisions of these Canons, a majority of those present and voting, a quorum being present, shall be sufficient for passage of matter brought before the Synod. Any member of the Synod may call for a vote by Houses (sometimes known as 'Vote by Orders'), in which case the required percentage shall be required in each House. No enactment or resolution in any meeting of the Synod shall have effect without the assent of the Bishop Ordinary, which shall not lightly nor without the gravest cause be withheld. The reason for any withholding of assent shall be given in writing.

### **13.4 Officers**

## **CANON 12 COMMISSIONS AND COMMITTEES**

The President of the Synod shall be the Bishop Ordinary or his designee. If there be no Bishop Ordinary, or if he be unable to act, the Acting Chairman of the Standing Committee shall serve as Presiding Officer if so appointed by lawful Episcopal Authority.

### **13.5 Rules of Procedure**

Unless otherwise provided in these Canons or in Rules of Procedure adopted by the Synod, the business of the Synod shall be conducted according to the current and most recently revised edition of *Robert's Rules of Order*.

### **13.6 Terms of Office of Diocesan Officials**

Unless otherwise provided in these Canons, for purpose of calculating the term of office of all persons elected or appointed by the Synod, or by any constituent authority or entity of the Diocese, the period between any two successive Annual Meetings of the Synod shall be deemed to be one year.

### **13.7 Election Procedures**

In all elections to office other than an Episcopal Office, where more than two candidates are duly nominated, a plurality of at least forty percent of the eligible votes cast (whether by the whole Synod or by Orders, as required) shall be sufficient to elect. Where less than a forty percent plurality is obtained on any ballot, one or more additional ballots shall be taken until the required plurality is obtained. Beginning with the third ballot, any candidate receiving less than twenty percent of the votes cast shall be dropped from subsequent balloting.

## **CANON 14 HOUSE OF CLERGY**

The House of Clergy shall consist of all Bishops, if any, other than the Ordinary, and all Priests and Deacons, active and retired, canonically resident in the Diocese and in good standing, all of whom shall have voice and vote therein.

## **CANON 15 HOUSE OF LAITY**

The House of Laity shall consist of Lay Delegates of the constituent congregations of the Diocese, elected in accordance with their respective by-laws. Each constituent congregation shall be entitled to a fixed number of delegates each having voice and vote to be determined by the number of communicants in good standing reported on the annual parochial report of the preceding year. This fixed number shall be determined as follows:

01-15 Communicants	2 Delegates
16-30 Communicants	3 Delegates
31-45 Communicants	4 Delegates
46-60 Communicants	5 Delegates

In addition, each congregation shall elect a like number of Alternates, ranked in order of precedence, who shall not have voice and vote except when properly seated to replace an absent delegate.

In addition to the elected delegates of the congregations, the Lay Members of the Standing Committee, both voting and nonvoting, and the Lay Members of the ACA Executive Council shall have seat, voice and vote in the House of Laity.

## **CANON 16 DIOCESAN COURT**

### **16.1 Composition**

The Court shall consist of three (3) Clergy and two (2) Lay members. The President of the Court shall be designated by the Bishop Ordinary from among the members of the Court and shall be a person learned in Canon Law and familiar with judicial procedures. The Court shall elect its own Vice-President and such other officers as it may deem necessary.

### **16.2 Nomination of Members**

At each Annual Meeting of the Synod, the Bishop Ordinary shall nominate three (3) persons for each expired position on the Court. The Synod shall elect one of the three nominees to the Court, and if the Synod cannot decide among the three, then lots shall be cast among them to determine who shall have the office.

### **16.3 Term of Office**

Each member of the Court shall be elected to a term of five (5) years, except that any person elected to fill a vacancy shall serve only for the duration of the unexpired term.

### **16.4 Vacancy**

In the event a vacancy occurs in the membership of the Court other than upon expiration of the term for which the member was elected, the Bishop Ordinary shall appoint a person to fill the vacancy until the next Annual Meeting of the Synod, at which time the Synod shall elect a person to fill the unexpired term.

### **16.5 Jurisdiction**

The Court shall have jurisdiction to render decisions upon all disciplinary disputes concerning any member of the Clergy who is charged with an ecclesiastical Offense under the Canons of this Diocese or the

61-75 Communicants	6 Delegates
76-90 Communicants	7 Delegates
91+ Communicants	8 Delegates

Constitution and Canons of the Anglican Church in America;

### **16.6 Presentments**

A case shall be initiated before the Court as follows:

**A.** By written petition signed by two (2) or more credible persons, Clergy or Lay, who are in Good Standing in the Diocese (except as may relate to the matter to be tried by or appealed to the Court), setting forth the relief requested; provided, however, that in any case involving alleged non-adherence to the Doctrine of this Church, the Court shall not entertain a presentment pertaining thereto unless the same is signed by five (5) unrelated, credible persons in Good Standing in the Diocese.

**B.** In the case of a Presbyter or Deacon charged with an ecclesiastical Offense, the consent of three-fourths of all the members of the Standing Committee to the presentment shall be required before the matter may be sent to the Court.

**C.** In the case of a Clergyman canonically resident in this Diocese convicted in a Court of Record of any crime or misdemeanor involving immorality, or against whom a judgment has been entered in any Court of Record in a cause involving immorality, it shall be the duty of the Standing Committee to institute an inquiry into the matter. If in the judgment of the Standing Committee there is sufficient reason for further proceedings, it shall be their duty to present him, or to cause him to be presented, for trial.

### **16.7 Appeal from Court Decisions**

Appeal from any decision of the Court may be made to the Court of the Review of this Church, in accordance with the Constitution and Canons of the Anglican Church in America.

### **16.8 Administration**

The Court, under direction of the President of the Court, shall establish procedures for its internal administration and for the docketing and processing of cases. Records of all cases adjudicated by the Court shall be deposited with the Diocesan Secretary. The Court, with the consent or leave of the Ordinary in each case, may order all or part of such records sealed, subject to its later review.

## **CANON 17 CONGREGATIONS OF THE DIOCESE**

### **17.1 Designation and Legal Status:**

**A.** A non-dependent congregation, often called a Parish, shall have no fewer than twenty Baptized Members, of which not fewer than ten shall be Communicants of this Church, and shall be capable of

**B.** A dependent congregation, often called a Mission, is any congregation which does not meet the criteria set out in Canon 17.1, Section A., above.

**C.** Parishes and Missions may incorporate as religious, or not-for-profit corporations under the laws of the state in which each is located. Whether or not incorporated, each congregation shall adopt a set of By-Laws, a copy of which shall be deposited with the Secretary of the Diocese.

**D.** The term 'Parish' as used elsewhere throughout these Canons, shall be deemed to refer to all congregations of the Diocese, whether dependent or non-dependent.

**E.** Nothing in this Canon shall be construed to establish a distinction of quality, prerogative or responsibility within or between the constituent congregations of this Diocese; nor shall this distinctive language currently required by the National Canons be the basis for any future legislation or policy expanding or enhancing such distinction.

### **17.2 Admission to the Diocese**

Congregations seeking admission into this Diocese may be admitted to constituent status upon subscription to these Canons, approval by the Bishop Ordinary, and a favorable vote of the Diocesan Synod; provided, however, that between sessions of the Synod, the Bishop Ordinary, with the consent of the Standing Committee, may admit congregations into union with this Diocese provisionally, subject to ratification by the next Annual Meeting of the Synod.

### **17.3 Officers**

Each parish shall elect a Vestry, including as a minimum a Senior Warden, Junior Warden, Treasurer and Clerk, and consisting in all of not more than twelve (12) members. The parish may have such other elected or appointed officers as it deems necessary to its operations.

The Senior Warden shall be the senior lay officer of the Parish and the Junior Warden shall be responsible for the maintenance of the temporalities of the Parish. The Vestry shall function as the Board of Directors of the Parish whether or not said Parish is incorporated, and shall have responsibility for the temporal affairs of the Parish, and authority to act for the Parish in matters pertaining to those temporalities, to the extent not inconsistent with the Canons of the Anglican Church in America nor the Canons of this Diocese. The number,

supporting on any mutually agreed basis a full or part-time Clergyman, and shall be otherwise self-supporting.

mode of election and terms of office of Wardens and Vestry Members shall be set forth in the Parish By-Laws, and shall not be contrary to these Canons.

### **17.4 Meetings**

Each parish shall hold an Annual Parish Meeting which shall, in accordance with local parish procedures, effect the election of Wardens and Vestry.

### **17.5 Qualifications for Voting and Holding Office**

A voting member of any parish shall be Baptized, Confirmed by a Bishop in Apostolic Succession, regular and frequent in attendance at services and in reception of Holy Communion, at least 18 years of age, and a member of and contributor of record to that parish. Each parish may establish such additional criteria for voting membership as it may deem appropriate. Holding of office shall be restricted to voting members of the parish.

### **17.6 Parochial Property**

Each parish shall hold title to its real and personal property. The Diocese shall have no legal or equitable possessory interest therein. This provision shall not derogate from the financial interest of the Diocese in parochial property to the extent of the parish's legal indebtedness, if any, to the Diocese.

### **17.7 Pastoral Oversight and Removal**

Each parish shall function under the guidance of a Pastor, who shall be a priest or bishop of this Church, with the cure of souls therein. Each parish shall have the right to select its own priests, but no parish shall extend a call to any priest, either within or without the Diocese, without the prior written approval of the Bishop Ordinary. In extraordinary circumstances, a parish may function for a limited period under a deacon or lay reader-in-charge, designated by the Bishop Ordinary. The Incumbent of a parish may be removed from his cure, at any time, by joint action of the Bishop Ordinary and the Vestry of the parish.

### **17.8 Records**

Each parish shall maintain such records as are required by the Canons of the Anglican Church in

America (Canon 4).

## **CANON 18 HOLY ORDERS**

Men aspiring to Holy Orders in this Diocese, and the diocesan authorities thereof, shall conform to the provisions of the Constitution and Canons of the Anglican Church in America.

### **18.2 Examining Chaplains**

The Bishop Ordinary shall appoint, from amongst the Priests of the Diocese, a Board of Examining Chaplains for the Diocese. With the consent of the Bishop Ordinary, they may appoint other learned and devout clergymen to assist them as required, either for a period of time or *ad hoc* at their discretion. The Examining Chaplains shall be responsible for ascertaining the academic and spiritual readiness of candidates for ordination. At the time of his ordination, the candidate's sponsoring Priest shall present the candidate to the ordaining Bishop.

### **18.3 Appeals**

A postulant, candidate or deacon whose request for a letter (or other evidence) of recommendation as required by these provisions is denied by the Rector, Wardens and/or Vestry of his parish, may appeal his case to his Rural Dean, who shall interview and otherwise collect evidence from all of the parties involved. The Rural Dean will then recommend action to the remaining Examining Chaplains and to the Bishop Ordinary. Where the Examining Chaplains and the parochial authority cannot reach agreement, the Bishop Ordinary shall then determine the matter, provided that no parish shall be forced to accept a man ordained over the objections of its Rector, Wardens and Vestry, to minister in the said parish.

### **18.4 Bishop's Discretion**

It shall be within the discretion of the Bishop Ordinary of this Diocese to decline to proceed with the ordination or advancement in Orders of any candidate or deacon. In such case, if the candidate or deacon applies for transfer to another diocese by Letters Dimissory, and the Bishop Ordinary elects to deny such removal for good cause, he shall state the reasons for denial in writing.

## **CANON 19 MARRIAGE AND ANNULMENT**

### **19.1 Holy Matrimony**

Each priest of this Diocese and each party intending to contract a marriage shall comply with the Constitution and Canons of the Anglican Church in America.

### **19.2 Principles of Nullity**

## **18.1 Constitution and Canons of the Anglican Church in America Apply**

Christians are not at liberty to act autonomously in the matter of contracting marriage; they are, rather, under the authority of God's laws respecting marriage, as revealed by our Lord Jesus Christ, as the same have been explicated but not altered by the Church (the Church herself being unalterably bound by God's Law).

Any attempt by a Christian to contract a marriage under circumstances where that Law decrees that an impediment to the validity of the marriage exists, is wholly null and void *ab initio*, having no canonical or sacramental effect to create a bond of marriage in the sight of God, notwithstanding the effect of any such action under the civil law. Where once a canonically and sacramentally valid marriage has existed, then the principles and canonical rules regarding nullity cannot apply, for that which once existed cannot be said never to have existed, though men may err in their knowledge of the facts of any particular case, and in the proper application of God's Law to a particular set of facts.

### **19.3 Responsibility of Parties to Invalid Marriage**

**A.** The parties to an invalid marriage relationship have an absolute duty to terminate the practice of sexual union, which is a sin if performed outside valid marriage; however, a common household may sometimes be maintained for the sake of meeting other Christian responsibilities or as a matter of necessity.

**B.** The parents of a child born or adopted in the course of an invalid marriage relationship do not, because of the fact of invalidity, cease to have an obligation to provide for the physical, mental, emotional, moral, intellectual, psychological and spiritual well-being of the child, and specifically for the child's instruction in the Christian Faith.

**C.** Upon the termination of an invalid marriage relationship, in certain cases one or both parties may continue to have obligations to the other party as a matter of Christian charity and of moral and/or civil law.

### **19.4 Legitimacy**

No finding or judgment by any tribunal of this Diocese acting pursuant to these Canons or otherwise, that a purported marriage is wholly null and void *ab initio* shall be construed as reflecting in any way upon the legitimacy of children or upon the civil validity of the relationship.

### **19.5 Pastoral Care Concerning Marriage Questions**

In matters regarding the validity or invalidity of a marriage, the Pastor, having consulted with the parties concerned, shall submit to the Bishop Ordinary all available information for a judgment. The Bishop Ordinary may consult the Marriage Tribunal, which may request further consultation with the Pastor and parties involved. The Bishop Ordinary, having rendered a judgment, shall then together with the Pastor of the parties concerned, give Godly pastoral advice regarding the appropriate course of action.

## **CANON 20 FUNDING OF THE DIOCESE**

The Bishop Ordinary's authority in matters temporal shall be exercised as follows:

### **20.1 Budget**

The Bishop Ordinary shall appoint, sufficiently in advance of the Annual Meeting of the Synod, a budget committee to prepare for submission to the Synod a budget for the conduct of business of the Diocese for the ensuing Diocesan fiscal year, as established by the Standing Committee. The Standing Committee shall review the budget prior to its submission to the Synod for action.

### **20.2 Support by Constituent Parishes**

Funds for the conduct of the business of the Diocese, as budgeted by the Synod, shall be provided through payments made by the congregations of the Diocese and by such other funds as may be available for that purpose. The standard for such payments shall be a tithe of the general operating income (including pledge and plate income) of each congregation, payable monthly to the Diocesan Treasurer.

### **20.3 Expenditure of Funds**

**A.** Budgeted funds shall be expended by authority of the diocesan element having functional responsibility for the budgeted purpose. This authority shall be exercised either by a voucher system requiring payment of vouchers, within the budgeted amount, submitted to the Treasurer by the diocesan element concerned, or by disbursement by the Treasurer to the diocesan element concerned of one-twelfth of the annual amount budgeted each month for use directly by the diocesan element. Each diocesan element shall arrange directly with the Treasurer the method best suited to its operation. The Treasurer, with the consent of the Standing Committee, may designate one or more individuals to approve disbursements and to execute drafts and checks.

**B.** Between annual Synods the Standing Committee may make modifications to the budget (as to allocation and expenditure of funds) adopted at the preceding

Synod, in the amount or amounts not to exceed \$2000 or 10% of the total budgeted income, whichever is the greater. The Standing Committee, by two-thirds approval of its voting membership, may modify the budget beyond the above limits whenever it deems such action to be required by extraordinary circumstances.

## **CANON 21 NATIONAL AND INTERNATIONAL SYNODS**

Clerical and Lay delegates and alternates who shall be canonically resident in the Diocese or Communicants in Good Standing of some constituent congregation of the Diocese, shall be elected by the Synod in such numbers as provided for by the National or International Synod to conform with National Canons. Such delegates and alternates shall continue in office until their successors are elected.

## **CANON 22 ANNUAL AUDIT**

The Standing Committee shall appoint annually a qualified person or engage a firm of auditors who shall audit the financial accounts and records of the Diocese within 45 days preceding the Annual Meeting of the Synod, and shall furnish a statement of this audit to the Synod.

## **CANON 23 AMENDMENT**

### **23.1 Notice**

Proposed amendments to these Canons shall be submitted in writing to the Diocesan Secretary at least 60 days prior to the Synod meeting at which the proposed action is to be taken, and the proposed amendments shall be submitted to all official delegates at least 30 days prior to the aforesaid meeting of the Synod. This requirement for notice may be waived by a 90% affirmative vote of the Synod.

### **23.2 Voting**

Amendment of these Canons shall require a two-thirds majority of those present and voting at two successive Annual Meetings of the Synod, or a 90% majority of those present and voting at a single such meeting.

