

REPORT OF THE COMMITTEE ON CONSTITUTION AND CANONS
TO THE
108th ANNUAL MEETING OF THE CONVENTION

October 24, 2009

The Committee on Constitution and Canons makes the following Report to the 108th Annual Meeting of the Convention of the Diocese.

This Report was not received by delegates at least thirty (30) days before the time of this Convention, as required by Rule XVIII of the Rules of Order. The Committee requests that the Convention act to suspend Rule XVIII as it applies to this Report, and proceed to consider and act upon this Report. A two-thirds (2/3rds) vote is required.

1. To Amend Article II.2 of the Constitution by adding, after the current last sentence, the following:

A member of the Clergy of a Church with which The Episcopal Church is in Full Communion, who is serving in a Parish or Mission in this Diocese, shall have seat and vote in the Convention.

So that Article II, §§ 1 and 2, shall read, in their entirety:

Of The Convention

Section 1 There shall be a Convention of this Diocese, consisting of the Bishop, the Bishop Coadjutor and the Suffragan Bishop, if there be such, and the Clergy and Laity as follows:

Section 2 The Bishop, the Bishop Coadjutor, and the Suffragan Bishop shall each have a seat and vote in the Convention. All Clergy canonically established in the Diocese shall be entitled to a seat and vote in the Convention, provided that they have been canonically resident within the Diocese for at least two months preceding the meeting of the Convention and provided that their place of residence is within 15 miles of the borders of this Diocese. All other Clergy canonically resident in this Diocese but not actually residing within its borders or within 15 miles of them shall be entitled to all privileges of membership of this Convention except the right to vote for elected officials, in an Episcopal election, for the Deputies to the General Convention and Provincial Synod, and in any vote by Orders. Clergy who are canonically resident in this Diocese but not actually residing within its borders or within 15 miles of them may be granted by the Convention the right to vote on all matters, provided that they are actively engaged in programs that advance the mission of the Diocese, as certified by the Bishop and the Standing Committee to the Convention. A member of the Clergy of a Church with which The Episcopal Church is in Full Communion, who is serving in a Parish or Mission in this Diocese, shall have seat and vote in the Convention.

Committee Comments:

The Episcopal Church and the Evangelical Lutheran Church in America have acted to be in Full Communion with each other, effective January 1, 2001. The Diocese has, and expects to continue to have, ordained Lutheran Clergy serving in Congregations in the Diocese. The Rev. Daina Salnitis is now serving at St. Helena's. This Amendment, which must be passed by two consecutive Conventions, will allow such Clergy to have seat and vote in the Convention. The Lutheran Church amended its National Constitution in 1999 to permit ordained Episcopal Clergy who serve in Lutheran congregations to have seat and vote in its Regional Synods. In this Diocese, and perhaps throughout the Episcopal Church, participation in Diocesan governance is a matter of Diocesan Constitution and Canons.

Committee Recommendation:

This proposal to amend the Diocesan Constitution requires affirmative votes at two successive Diocesan Conventions. The amendment was approved by the 107th Annual Meeting of the Convention in 2008. Passage at this 108th Convention is necessary to complete the amendment. This amendment would be effective immediately upon passage.

The Committee recommends the adoption of this amendment.

2. A proposal submitted by Rev. J. Eliot Moss on behalf of the Diocesan Deputation to the 2009 General Convention:

To amend Canon 4 ("Of The Deputies To The General Convention") as indicated:

Section 1

(a) At the Annual Meeting of the Diocese in the calendar year two years preceding a triennial meeting of the General Convention, ~~four~~ *eight* members of the Clergy and ~~four~~ *eight* Laypersons shall be elected as *Deputies and Provisional Deputies* to represent the Diocese at the General Convention. *The four (4) candidates in each Order receiving the highest number of votes shall be elected as Deputies. The four candidates in each Order receiving the next highest number of votes shall be elected as Provisional Deputies, to serve, as needed, in the order of the number of votes received.*

(b) At the Annual Meeting of the Diocese in the calendar year immediately preceding a triennial meeting of the General Convention, the Convention shall fill any vacancies among the *Deputies and Provisional Deputies* for General Convention, ~~and shall elect four members of the Clergy and four Laypersons to act as Provisional Deputies to the General Convention.~~

Explanation: The Deputies to the most recent General Convention found that it is desirable that *Deputies and Provisional Deputies* ("Alternates") have adequate time to prepare for serving at General Convention. It is common for at least one Deputy not to be available to

serve, so electing Provisional Deputies the fall before General Convention makes it difficult for them to participate fully in the preparation. However, it is also desirable to allow for election of additional Deputies and Provisional Deputies, as given in Canon 4.1.b, to help guarantee that there will be four Deputies and at least one Provisional Deputy available to serve at General Convention.

The proposed change also brings our canons more in line with those of the Episcopal Church, which require the Deputies be elected at least one year before General Convention (Canon I-1.4(a) *“All jurisdictions of this Church entitled by the Constitution or Canons to choose Deputies to the General Convention shall be required to do so not later than twelve months preceding the opening date of the General Convention for which they are chosen. Deputies of jurisdictions failing so to elect may not be seated unless permitted by ruling of the Presiding Officer.”*). As it is, a Provisional Deputy that advances to serve as a Deputy (or an alternate at General Convention) is elected less than 12 months prior to General Convention.

Committee Comments:

Since the 103rd Annual Meeting of Convention in 2004, Diocesan Canon 4 has provided that four (4) Deputies from each Order are to be elected at the Diocesan Convention two years prior to the General Convention, and that Deputies to fill existing vacancies and four (4) Provisional (Alternate) Deputies from each Order are elected at the Diocesan Convention one year prior to the General Convention. Prior to 2004, the process was substantially as proposed in this amendment. Canon 4 in its current form is Attachment 1 to this Report.

The change in 2004 was put forth by members of recent General Convention Deputations. The discussion from the Committee report regarding the 2004 proposal is as follows:

In recent years, it has been difficult to maintain a full delegation of Deputies for the General Convention. In the current system, all Deputies and all Provisional (or Alternate) Deputies are elected two years before the triennial General Convention, and there are no provisions for the filling of vacancies. The proposed Canon provides for the election of Deputies, only, two years before the General Convention. In the following year, the Convention will fill any vacancies among the Deputies, and elect four (4) Provisional Deputies for each of the Clerical and Lay Orders. Candidates are elected specifically as Deputies or Provisional Deputies. Vacancies among Deputies arising any time after the Annual Meeting at which Provisional Deputies are elected will be filled from the list of four Provisional Deputies for each Order, in the order of the number of votes received. The Council may act to appoint additional Provisional Deputies to fill vacancies for the balance of the term to be served. Since only four (4) positions in each Order would generally be up for election at any Convention [rather than the current eight (8)], the task of recruiting qualified and willing candidates in any year would be simpler.

Within Province One, the Dioceses have adopted several different approaches to the election of General Convention Deputies and Alternates. The Dioceses of Massachusetts and Vermont follow the same procedures currently described in Canon 4. The Diocese of Maine elects Deputies and Alternates, as separate offices, at the same Convention (a candidate is nominated for either a Deputy position or an Alternate position). The Diocese of Rhode Island elects Deputies and Alternates at the same Convention, but not on the same ballot. The Dioceses

of Connecticut and New Hampshire elect Deputies and Alternates at the same Convention and on the same ballot, in order of the number of votes received.

As in, Rhode Island and Vermont, our Diocese provides that General Convention Deputies be elected by Orders (Constitution Article XI.2 – at least for two ballots). It becomes quite confusing to comply with Article XI.2 and to rank the candidates from one to eight based on the number of votes received.

The proposers reference Canon I.1.4(a) of the National Canons. The Diocese has considered that the process adopted in 2004 complies with this Canon, because sufficient Delegates of each Order **are** elected more than one year prior to the General Convention. The Chancellor has received a communication from the Executive Officer and Secretary of the General Convention which confirms that interpretation.

In terms of preparation time for Delegates and Alternates, the Committee is advised that Convention Committee assignments and the Bishop and Deputy Handbook (the “Bluebook”) were not available until well after January 1, 2009, six (6) months or less prior to the 2009 Convention.

The Committee understands that the proposers intend to consult with the deputations of several recent General Conventions, and plan to present the outcome of such consultations to the Convention, along with a response to the concerns raised in 2004 which led to the change.

Committee Recommendation:

At the time of the preparation of this Report, the rationale for this proposal has not addressed the specific concerns which led to the 2004 amendments. The Committee recommends that before such an amendment is adopted, those considerations should be fully evaluated, along with the rationale presented by the proposers.

Hamilton Doherty, Jr., Esq., Chairman
Robert Sawyer, Esq.
Rev. Frances Hills

Attachment 1

CANON 4
Of The Deputies To The General Convention
(2004)

Section 1 (a) At the Annual Meeting of the Diocese in the calendar year two years preceding a triennial meeting of the General Convention, four members of the Clergy and four Laypersons shall be elected as Deputies to represent the Diocese at the General Convention.

(b) At the Annual Meeting of the Diocese in the calendar year immediately preceding a triennial meeting of the General Convention, the Convention shall fill any vacancies among the Deputies for General Convention, and shall elect four members of the Clergy and four Laypersons to act as Provisional Deputies to the General Convention.

(c) The Deputies shall continue in office until the Annual Meeting of the Convention in the calendar year two years preceding the next triennial General Convention, or until their successors are elected. Provisional Deputies shall continue in office until the Annual Meeting of the Convention in the calendar year preceding the next triennial General Convention.

(d) The Clerical Deputies and Provisional Clerical Deputies shall be Presbyters or Deacons canonically resident in the Diocese. The Lay Deputies and Provisional Lay Deputies shall be confirmed adult communicants of the Church in the Diocese.

Section 2 Provisional Deputies elected at the Annual Meeting shall be named, by Order, in the Journal in the order of votes received at their election. In the case of a vacancy occurring among the Deputies after the Convention in the calendar year immediately preceding the triennial General Convention, or of any vacancy among the Provisional Deputies, or in the case of the inability of any Deputy to attend the General Convention, the Secretary of the Convention shall designate from the list of Provisional Deputies, Clerical or Lay, in the order of their record on the Journal, so many as may be necessary to insure, as far as practicable, a full representation of the Diocese. The Council may fill vacancies among the Provisional Deputies, to serve for the balance of the term for Provisional Deputies.