

## **Canons, By-laws and Regulations Committee**

During the past year the Canons, By-laws and Regulations (CBRs) Committee met several times to discuss and review proposed new or revised legislation. Although only one piece of work was completed, there are several others that are in various stages of development.

The one piece of work completed was revision of the episcopal election legislation. Following the most recent election in March 2007, a task group was charged with reviewing the legislation in view of how the processes worked. In September, the Executive Committee considered the recommendations and made some suggestions. The legislation was further refined and brought to the Executive Committee in June 2009, at which time the revised legislation was approved.

Accordingly, the revised C.2.03 THE ELECTION PROCESS was revised by adding item number five. Section C.2.05 is renamed EPISCOPAL ELECTION COMMITTEE and a new number two is added to this section, outlining the additional membership of several support persons.

C.2.06 has amended the nomination process by changing the number of nominators required to at least ten but not more than fifteen, representing at least five lay and five clergy members of Synod. Also, each member may only nominate one person.

C.2.08 THE ELECTION adds the name of the Episcopal Election Committee where appropriate. C. 2.09 THE ELECTORAL SYNOD has added a new number thirteen to ensure the recognition of all those who had allowed their names to be placed in nomination.

All of the changes are to Canon 2 and have been approved by Executive Committee. They must now be voted on by Diocesan Synod in October. As this is a Canon, voting will be conducted by Houses.

By-law 2 further expands the processes for conducting an episcopal election by including the Episcopal Election Committee where appropriate. Section B.2.03 QUESTIONS FOR THE ELECTION OF A BISHOP adds a new part five, which clarifies the development of the questions to be used during the regional meetings.

B.2.05 DUTIES OF EPISCOPAL ELECTION COMMITTEE added a new part 1a) and added a few words to 1b) and 1d) and a new part 2 to expand the consultation aspect of developing the questions.

B.2.06 is a new section and has been created to recognize that those agreeing to be nominated are moving to a new place and may need support. Accordingly, the position of Chaplain to the nominees is created.

B.2.07 makes a few clarifications of the processes relating to Public Meetings Prior to the Election of a Bishop, and B.2.08 clarifies the Duties of the Moderator.

B.2.09 presents the Time Schedule for Preparation for the Election of a Bishop. There are a few minor changes here to be more precise about the timing of the election process.

All of these By-law changes have been approved by the Executive Committee but must now be confirmed by Synod.

In addition to the foregoing, the Executive Committee approved changes to R.5.01(3) addressing the disposition of funds realized from the proceeds of the sale of property by parishes. As this is a regulation, it became effective as of the date of passing and was distributed to parishes following the meeting.

These two pieces of legislation are appended to this report.

Canon Judy Darling, Chair

For the CBR Committee: Robin MacKay, Chancellor; Ann Bourke, Vice-Chancellor; the Ven. Paul Blunt; and Canon Alan Winship

## CANON 2

### THE BISHOP

#### C.2.03 THE ELECTION PROCESS

1. The Episcopal Officer shall convene an Electoral Synod, with the assistance of the Executive Committee, the Secretaries of Synod, the Diocesan Profile Committee, and the **Episcopal Election Committee**.
2. The nominees for the office of Bishop shall be introduced to members of the Diocese by means of **regional** Public Meetings and by publication of written material by the **Episcopal Election Committee**, in accordance with the By-laws.
3. Nominees for the Office of Bishop shall be invited to respond in written form, and orally at the Public Meetings, to a series of formal Questions developed in accordance with the By-laws.
4. Where no specific time is specified in this Canon for an event or action to take place, the time shall be that stipulated in the By-laws.
5. **All communications concerning the episcopal election will go out electronically to all parishes and Synod members, unless other arrangements have been made.**

#### C.2.05 EPISCOPAL ELECTION COMMITTEE

1. The **Episcopal Election Committee** shall be an ad hoc committee of the Executive Committee comprising:

- a) three lay members of Synod and three clerical members of Synod nominated by the Secretaries of Synod; and
  - b) such additional lay members of Synod and clerical members of Synod as Executive Committee in its discretion sees fit to appoint.
- 2. The Episcopal Election Committee should also include four non-voting members appointed for their specific skills, as follows:**
- a) the moderator of the regional Public Meetings;**
  - b) the secretary**
  - c) a technical support person to administer the web page; and**
  - d) a Chaplain to the nominees, who should be nominated by the incumbent bishop but appointed by the Executive Committee.**
- 3. The Episcopal Election Committee shall perform those duties assigned to it by By-law.**

#### C.2.06 NOMINATION PROCESS

- 1. A person is eligible for nomination to the office of Bishop if he or she meets the requirements of the Canons, By-laws and Regulations of the Provincial Synod of Ontario, and of the Diocese of Ottawa, as amended from time to time.
- 2. All nominations shall be in writing, accompanied by the written consent of the nominee. Where a nomination is made before the date of the Electoral Synod, it shall be accompanied by written biographical, professional and personal information.
- 3. A nomination may be made by **not less than ten and not more than 15** persons who are eligible to vote at the Electoral Synod, at least **five of whom** shall be **lay persons** and at least **five of whom** shall be **clerics**. No person shall nominate himself or herself.
- 4. Each person may only sign the nomination papers of one nominee.**
- 5. One or two nominations may be made by the House of Bishops of Ontario.
- 6. Nominations may be made at any time prior to the Electoral Synod, and may be received on the floor of the Electoral Synod at any time prior to the meeting being called to order.

#### C.2.08 THE ELECTION

- 1. The Episcopal Officer shall within 20 days from the notification of such vacancy (the

“Date of the Call”) summon an Electoral Synod, which shall take place at Ottawa within a reasonable time, not less than **six** months from the occurrence of the Vacancy.

2. Within a reasonable time after the Date of the Call, and within such specific times as may be stipulated by By-law:
  - a) the Diocesan Profile Committee shall meet and review the Profile;
  - b) the Executive Committee (meeting specially for this purpose if necessary) shall:
    - i) appoint the **Episcopal Election Committee**
    - ii) designate a subsequent meeting of Executive Committee (meeting specially for the purpose if necessary) prior to the Election Date to consider matters pertaining to the Election (the "Pre-Election Executive Committee Meeting");
  - c) the **Episcopal Election Committee** shall develop the Questions;
  - d) the **Episcopal Election Committee** shall:
    - i) organize and plan the **regional** Public Meetings;
    - ii) prepare the following documents, together with such other documents as the **Episcopal Election Committee** may consider to be appropriate, and shall cause them to be mailed forthwith to all the members of the Electoral Synod and to the Metropolitan of the Province of Ontario:
      - A) a report containing an updated profile, identified talents/gifts and proposed questions, and inviting Parishes to review and return comments on the proposed questions to the **Episcopal Election Committee** no later than 10 days prior to the date of the meeting of the Pre-Election Executive Committee;
      - B) nomination forms;
      - C) a copy of extracts from the Canons, By-laws and Regulations pertaining to the election of a Bishop; and
      - D) a schedule of dates, times and places for the Regional Meetings;

- iii) having consulted with the Parishes, recommend the Questions to the Executive Committee; and
- iv) cause to be distributed to the members of the Electoral Synod, and to the Episcopal Officer, the names of the nominees together with their biographical information and any of their written responses to the Questions, and a schedule of **regional** Public Meeting dates to introduce the nominees; and
- e) the Secretaries of Synod shall cause the Questions to be distributed to all nominees.

#### C.2.09 THE ELECTORAL SYNOD

1. A quorum of the Electoral Synod shall comprise half of the Lay Members registered and entitled to vote and half of the Clerical Members registered and entitled to vote.
2. The Electoral Synod shall be chaired by the Episcopal Officer.
3. The Secretaries of Synod shall report at the beginning of the Electoral Synod on the number of Lay Members and Clerical Members who are in attendance and duly registered.
4. If the report of the Secretaries of Synod indicates that there is not a quorum present, the Electoral Synod shall be adjourned without debate to a date within the next ensuing three months.
5. Voting shall be by Order, by successive ballots. A nominee is elected when he or she has received a majority of votes in both Orders. The Chair shall not have a vote.
6. If after three ballots no nominee has been elected, then the nominee who has attained the fewest votes (as determined by adding the percentage of Clergy votes to the percentage of Lay votes for each nominee) shall be dropped from each succeeding ballot, until a nominee is elected or the number of nominees has been reduced to two.
7. If during the course of the Electoral Synod the number of persons who are present and vote in either Order (but not both Orders), as confirmed by the Secretaries of Synod, falls below 50% but not less than 20% of those registered and entitled to vote (the "Deficient Order"), the Electoral Synod shall proceed, but on the basis that a nominee is elected when he or she has received at least two-thirds of the votes in the Deficient Order and a majority of votes in the remaining Order.
8. If during the course of the Electoral Synod the number of persons who are present and vote in either Order falls below 20% of those registered and entitled to vote, or the number of persons who are present and vote in both Orders falls below 50% of those registered and entitled to vote, as confirmed by the Secretaries of Synod, then the Electoral Synod shall be adjourned without debate to a date within the next ensuing three

months as appointed by the Chair.

9. If during the course of the Electoral Synod the number of nominees on the ballot remains two throughout three successive ballots, then the Episcopal Officer may in his or her discretion adjourn the Electoral Synod to a date within the next ensuing three months as appointed by the Chair.
10. If an Electoral Synod is adjourned because it has lost quorum or because it has failed to elect a nominee, then a new Electoral Synod shall take place following the same procedures as though the former meeting had not taken place.
11. If during the course of the Synod the number of nominees remaining on the ballot is one, then that person shall be considered to have been elected once a further vote is taken on the question "Is it your will that this person become the Bishop of Ottawa?" and the vote is in the affirmative based upon votes cast according to the percentage provided for in this Canon.
12. If a nominee cannot be present for the election, the nominee may, by written notice to the Secretaries of Synod, delegate a person to be present on his behalf, but such person shall not have voting privileges unless a member of the Synod in their own right. A nominee who is elected must personally give consent to the election to the Chair.
13. **Before Synod is adjourned the newly-elected bishop is welcomed and all who have offered themselves for this discernment process are thanked.**

## **BY-LAWS**

### **B.2.03           QUESTIONS FOR THE ELECTION OF A BISHOP**

1. The Questions shall be designed to:
  - a) permit the nominees to express their thoughts and feelings on pastoral, liturgical, sacramental, social and operational matters pertinent to the life of the Anglican Church in the Diocese of Ottawa and beyond;
  - b) permit the nominees to comment on their own talents and gifts that may be relevant to the office of Bishop.
2. The Questions shall be developed by the **Episcopal Election Committee** and considering the Diocesan Profile.
3. The Questions shall be circulated to parishes and to other Diocesan Community Ministries for their input.
4. The **Episcopal Election Committee** shall refer the Questions to Executive Committee

for its approval.

5. **The number of questions to be presented and the guidelines [if any] for the length of responses is at the discretion of each successive Episcopal Election Committee. Any such guidelines must remain consistent throughout the entire election process.**

#### B.2.05 DUTIES OF THE EPISCOPAL ELECTION COMMITTEE

1. The duties of the **Episcopal Election Committee** shall include the following:
  - a) **to receive nominations, but the Episcopal Election Committee may not recruit nominees;**
  - b) to prepare, **and to seek input from the diocese as a whole**, the Questions for the candidates;
  - c) to prepare and make available nomination forms;
  - d) to organize the **regional** Public Meetings;
  - e) to prepare and distribute written information about the nominees as required by the Canons; and
  - f) to make available the Diocesan Profile to members of the Diocese and in particular to those persons who wish to make a nomination to the office of Bishop and to potential nominees.
2. **In addition, the Episcopal Election Committee may invite parishes to submit in advance additional questions for use at regional Public Meetings.**

#### B.2.06 ROLE AND FUNCTION OF THE CHAPLAIN TO THE NOMINEES

1. **The primary role of the Chaplain to the nominees is pastoral and shall also include the following:**
  - a) **to attend meetings of the Episcopal Election Committee; and**
  - b) **to be available to the nominees, particularly after the election.**

#### B.2.07 PUBLIC MEETINGS PRIOR TO THE ELECTION OF A BISHOP

1. The **Episcopal Election Committee** shall convene public meetings for the purpose of introducing nominees for the office of Bishop to the Diocese.
2. There shall be a minimum of **four** Public Meetings at locations selected throughout the

Diocese for the purpose of making the meetings accessible to the majority of members of the Electoral Synod.

3. **The format for each of the four Public Meetings should be consistent.**
4. The Public Meetings shall take place not earlier than 30 days and not later than 7 days before the date of the Election.
5. A nominee who is unable to attend a Public Meeting for any reason, including but not limited to the expense of travel, may be represented by a video presentation.

**B.2.08 DUTIES OF THE MODERATOR**

1. Each Public Meeting shall be chaired by a member of the **Episcopal Election Committee** [**“the Moderator”**] who shall introduce each nominee present and invite him or her to address the meeting and to respond to the Questions.
2. The **Moderator** of each Public Meeting shall exert reasonable effort to prevent nominees from engaging in debate with one another or with members of the audience.

**B.2.09 TIME SCHEDULE FOR PREPARATION FOR THE ELECTION OF A BISHOP**

**From Call to Electoral Synod  
Timeline for the Election of a Bishop**

Call



Within 30 days	<ul style="list-style-type: none"> <li>• Profile Review</li> <li>• <b>Episcopal Election Committee</b> elected by Executive Committee (may require special meeting).</li> </ul>
Within 45 days	<ul style="list-style-type: none"> <li>• Profile and <b>Episcopal Election Committees</b> meet to: consider updated Profile, identify gifts and talents nominees may need, and develop Questions.</li> <li>• <b>Episcopal Election Committee</b> shall prepare first mailing, including but not limited to: Profile, Nomination Forms, copy of Election Regulations, planned dates for regional meetings, proposed Questions. Diocesan members will be invited to comment.</li> </ul>

90 + 1 or more days before Synod	<ul style="list-style-type: none"> <li>• Questions finalized.</li> <li>• Diocesan Executive Committee meets to approve the Questions.</li> </ul>
60 + 1 or more days before Synod	<ul style="list-style-type: none"> <li>• Questions sent to nominees by Secretaries of Synod.</li> </ul>
<b>60 days before Synod</b>	<ul style="list-style-type: none"> <li>• <b>Closing date for nominations for which materials are to be circulated.</b></li> </ul>
Between 60 and 31 days before Synod	<ul style="list-style-type: none"> <li>• Synod members receive names of nominees, biographies, and written responses to the Questions posed, as well as a reminder of regional meeting dates and locations.</li> </ul>
Between 30 and 7 days before Synod	<ul style="list-style-type: none"> <li>• <b>Four</b> regional meetings convened.</li> </ul>
<b>Between 60 days and the calling to order of Synod</b>	<ul style="list-style-type: none"> <li>• <b>Any nominee(s) raised up during this period are still eligible but their materials will not be circulated to Synod members.</b></li> </ul>

## Synod

### N. B.

1. The actual date of the Synod will be determined by the Secretaries in consultation with the presiding Episcopal Officer but will reflect the above timeline.
2. The time from the first mailing to Synod members until the Diocesan Executive meeting called to approve the questions for nominees is flexible. This allows for parish and other Diocesan input to the proposed questions. Allowing for surface mail delivery times and the processing of responses by the **Episcopal Election Committee**, the time will probably be a minimum of three weeks.
3. It is anticipated that an Electoral Synod may be held approximately **180** days from the Call.

### Regulation 5.01(3)

3. The net principal proceeds of the sale of real property that is no longer used (redundant) for the purposes of an existing worshipping community in that location within the Diocese shall be paid as soon as possible to The Incorporated Synod of the Diocese of Ottawa. The Incorporated Synod of the Diocese of Ottawa shall then, on the advice of the Administration and Finance Committee (A&F) and with the approval of the Executive Committee, disburse the net proceeds of sale as follows:
  - a) In the case of the sale of surplus real property by a Parish still engaged in ministry

in the Diocese of Ottawa, the Diocese may remit some or all of the net proceeds of sale to the Parish for its own capital or ministry projects, and the balance if any shall be remitted to the Church Extension Fund (CEF).

- b) In all other cases, the net proceeds of sale shall be paid over to the CEF, except that in the circumstances specified below, the amount paid to the CEF shall be reduced, and the amount of the reduction shall be disbursed accordingly:
- i) At the request of the Deanery in which the redundant church property was sold, the Archdeacon with the concurrence of the Bishop may propose to A&F that up to one half of the sale proceeds received be deposited in the Consolidated Trust Fund (CTF) in the name of the Diocese on behalf of the congregation(s) in the Deanery charged with pastoral care of those affected by the closing of the church. The resulting income earned will be directed to the said congregation(s). The funds so deposited will remain in the CTF for a period of five years, which may be renewed on written request to A&F by the Archdeacon of the Deanery. If not renewed, or at the end of the renewal period, the proceeds will be deposited in the CEF.
  - ii) On application by the Archdeacon on behalf of the congregation(s), from time to time, some or all of the principal remaining in trust in the CTF may be made available with approval of A&F. Approval will be given if the proposed use of funds is in keeping with the objective of promoting the ministry of the Anglican Church of Canada within the Diocese of Ottawa. The funds cannot be used for basic church operating expenses.
  - iii) If at any time within six months of the sale of the redundant property, and with the approval of the Bishop and of A&F, a project is developed to use those sale proceeds of church property, which were deposited in the CTF and which in consultation with the Archdeacon are found to be no longer appropriate in the provision of ministry in that deanery or area, the proceeds of sale shall then be used as required for the approved project.