

**GENERAL CONVENTION OF THE EPISCOPAL CHURCH 2009
ARCHIVES' RESEARCH REPORT**

RESOLUTION NO.: 2009-A057

TITLE: Canonical Implementation of Constitution Article II, Section 8 and Adjustments to the Wording of Testimonials and Consent Documents used in the Election and Consecration of Bishops

PROPOSER: Standing Commission on Constitution and Canons

COMMITTEE: Canons

Directly Related: (attached)

2006-A082 Amend Canons in Title III.[Ministry]

1991-A023 Amend Constitution Article II.8 [Election of Bishops to Other Jurisdictions--Second Reading]

Indirectly Related:

None

In preparing this report, the Archives researched the resolutions of General Convention for the period 1976 through 2006, selecting "direct" resolutions that have a substantive bearing on the proposed legislation. Committee members who are interested in obtaining copies of "indirectly related" resolutions, legislative history before 1976, or who require other research assistance should contact the Archives at 800-525-9329 before Convention or at Convention in the General Convention Secretariat.



Resolution Number: 2006-A082
Title: Amend Canons in Title III.[Ministry]
Legislative Action Taken: Concurred as Amended
Final Text:

[*Resolved*, That Canon III.11.3-5 is amended to read as follows.]

Sec. 3.

(a) When a Diocese desires the ordination of a Bishop-elect, if the date of the election occurs within one hundred twenty days before a meeting of the General Convention, the Standing Committee of the Diocese shall, by its President, or by some person or persons specially appointed, forward to the Secretary of the House of Deputies evidence of the election of the Bishop-elect by the Convention of the Diocese, together with evidence that the Bishop-elect has been duly ordered Deacon and Priest, evidence of acceptance of election, and a testimonial signed by a constitutional majority of the Convention, and a summary of biographical information relating to the Bishop-elect; in the following words:

We, whose names are hereunder written, fully sensible of how important it is that the Sacred Order and Office of a Bishop should not be unworthily conferred, and firmly persuaded that it is our duty to bear testimony on this solemn occasion without partiality, do, in the presence of Almighty God, testify that we know of no impediment on account of which the Reverend A.B. ought not to be ordained to that Holy Office. We do, moreover, jointly and severally declare that we believe the Reverend A.B. to have been duly and lawfully elected and to be of such sufficiency in learning, of such soundness in the Faith, and of such godly character as to be able to exercise the Office of a Bishop to the honor of God and the edifying of the Church, and to be a wholesome example to the flock of Christ.

(Date) _____ (Signed) _____

The Secretary of the Convention shall certify upon this testimonial that it has been signed by a constitutional majority of the Convention.

(b) The Standing Committee shall also forward to the Secretary of the General Convention, with the testimonial and other documents, certificates from a licensed medical doctor and licensed psychiatrist, appointed by the Ecclesiastical Authority with the approval of the Presiding Bishop, that they have thoroughly examined the Bishop-elect as to that person's medical, psychological and psychiatric condition and have not discovered any reason why the person would not be fit to undertake the work for which the person has been chosen. Forms and procedures agreed to by the Presiding Bishop and The Church Pension Fund shall be used for this purpose.

(c) The Secretary of the House of Deputies shall present the testimonials to the House, and if the House consents to the ordination of the Bishop-elect, notice of its consent, certified by the President and the Secretary of the House, together with the testimonials, shall be sent to the House of Bishops.

(d) If a majority of the Bishops of this Church exercising jurisdiction consent to the ordination, the Presiding Bishop shall, without delay, notify the Standing Committee of the Diocese electing and the Bishop-elect of the consent.

Sec. 4.

(a) If the date of the election of a Bishop occurs more than one hundred and twenty days before the meeting of the General Convention, The Standing Committee of the Diocese for which the Bishop has been elected shall by its President, or by some person or persons specially appointed,

immediately send to the Presiding Bishop and to the Standing Committees of the several Dioceses a certificate of the election by the Secretary of Convention of the Diocese, bearing a statement that evidence of the Bishop-elect's having been duly ordered Deacon and Priest as to the Bishop-elect's medical, psychological and psychiatric examination required in Sec. 3(b) of this Canon have been received and that a testimonial signed by a constitutional majority of the Convention must also be delivered in the following form:

We, whose names are hereunder written, fully sensible of how important it is that the Sacred Order and Office of a Bishop should not be unworthily conferred, and firmly persuaded that it is our duty to bear testimony on this solemn occasion without partiality, do, in the presence of Almighty God, testify that we know of no impediment on account of which the Reverend A.B. ought not to be ordained to that Holy Office. We do, moreover, jointly and severally declare that we believe the Reverend A.B. to have been duly and lawfully elected and to be of such sufficiency in learning, of such soundness in the Faith, and of such godly character as to be able to exercise the Office of a Bishop to the honor of God and the edifying of the Church, and to be a wholesome example to the flock of Christ.

(Date) _____ (Signed) _____

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

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

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

(Signed) _____

Sec. 5. In case a majority of all the Standing Committees of the Dioceses do not consent to the ordination of the Bishop-elect within one hundred and twenty days from the date of the notification of the election by the Standing Committee of the Diocese for which the Bishop was elected, or in case a majority of all the Bishops exercising jurisdiction do not consent within one hundred and twenty days from the date of notification to them by the Presiding Bishop of the election, the Presiding Bishop shall declare the election null and void and shall give notice to the Standing Committee of the Diocese for which the Bishop was elected and to the Bishop-elect. The Convention of the Diocese may then proceed to a new election.

Citation: Canon III.11.3-5 is excerpted from the Final Text of the revision to Canons Title III.5

through III.13. See General Convention, *Journal of the General Convention of...The Episcopal Church, Columbus, 2006* (New York: General Convention, 2007), pp. 583-630.



Resolution Number: 1991-A023
Title: Amend Constitution Article II.8 [Election of Bishops to Other Jurisdictions--Second Reading]
Legislative Action Taken: Concurred As Submitted
Final Text:

Resolved, the House of Bishops concurring, **That Article II Section 8 of the Constitution is hereby amended to read as follows:**

A Bishop exercising who has for at least five years next preceding, exercised jurisdiction as the Ordinary, or as the Bishop Coadjutor, of a Diocese, may be elected as Bishop, Bishop Coadjutor, or Suffragan Bishop, of another Diocese. ~~Provided, that he shall have served not less than five years in his present jurisdiction, and provided always, that before~~ *Before* acceptance of such election, he shall tender to the House of Bishops his a resignation of jurisdiction in the Diocese in which he *the Bishop* is then serving, conditioned on the required consents of the Bishops and Standing Committees of the Church to his *such* election, shall be submitted to the House of Bishops, and also, if he *the Bishop* be a Bishop Coadjutor, a renunciation of the his right of succession. ~~therein, and such~~ *Such* resignation, and renunciation of the right of succession in the case of a Bishop Coadjutor, shall be consented to by require the consent of the House of Bishops.

Citation: General Convention, *Journal of the General Convention of...The Episcopal Church, Phoenix, 1991* (New York: General Convention, 1992), p. 592.

TOPIC/TITLE: Canons: Canonical Implementation of Constitution Article II, Section 8 and Adjustments to the Wording of Testimonials and Consent Documents used in the Election and Consecration of Bishops

PROPOSER: Standing Commission on Constitution and Canons

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

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

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

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

19 *(Date) _____ (Signed) _____*

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

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

33
 34 *(c) In lieu of the Resolution required by Canon III.11.3(c), the Resolution shall be in the*
 35 *following words:*

36 *Resolved that the House of Deputies, fully aware of the sanctity of the Order and*

1 *Office of a Bishop, and firmly persuaded that it is our duty to bear testimony on*
2 *this solemn occasion without partiality, do, in the presence of Almighty God,*
3 *testify that we know of no impediment on account of which the Right Reverend*
4 *A.B. ought not to serve as the Bishop/Bishop Coadjutor/Bishop Suffragan of the*
5 *Diocese of _____ and we hereby consent to the election of the Right*
6 *Reverend A.B. as the Bishop/Bishop Coadjutor/Bishop Suffragan of the Diocese*
7 *of _____.*

8
9 And be it further

10
11 *Resolved, That Canon III.11.3(c) is hereby amended to read as follows:*

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

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

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

23 And be it further

24
25 *Resolved, That Canon III.11.4(b) is hereby amended to read as follows:*

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

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

37 (Signed) _____
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41
42

EXPLANATION:

Article II, Section 8 of the Constitution of The Episcopal Church allows a bishop to be elected as bishop of another diocese under certain conditions. Although Canons have never been adopted to formally implement this, the well established practice in the church is that persons elected under Article II, Section 8 go through a consent process that parallels the process outlined in Canon III.11. This Resolution would formally place that practice in the canons. The Commission is mindful that some may object to the use of the phrase, "consent to the election," as proposed in the new Section 5, and this was the source of much

Review Status: Not Yet Reviewed for Canonical Form

debate in the Commission, since many in the church feel that the consent is not to the "election," but rather to the "consecration" of the bishop-elect. However, since Article II, Section 8 specifically refers to these consents as being ". . . to such election . . .," this seems the most appropriate wording. Recent experiences in the church have highlighted two weaknesses in the existing consent language in this Canon. First, the inclusion of the phrase "at _____" has been understood by some to prohibit the consideration of consent at teleconferences or video-conferences, because the members were not all physically present "at _____." The second was that the existing consent testimonial doesn't actually consent. Rather it states that we "know of no impediment." The addition of the phrase "and we hereby consent to her/his consecration" makes clear that the Standing Committees' role in confirmation includes a more positive posture for the electing diocese and the bishop-elect. In reviewing the consent process the Commission also discovered that the Canon fails to provide the wording of the consent for use by the House of Deputies when the consent is considered by that body. It should be noted that in the first resolve, the new subsection 5(c) refers to ". . . the Resolution required by Canon III.11.3(c). . . ." This Resolution does not exist in the current canon but it is created by the second resolve.