

STANDING COMMISSION ON CONSTITUTION AND CANONS

MEMBERSHIP

Mr. Duncan A. Bayne, <i>Chair</i>	Olympia, VIII, 2006
Mr. Matthew Livingood, <i>Vice-Chair</i>	Oklahoma, VII, 2009
Mr. William Fleener, Jr., <i>Secretary</i>	Western Michigan, V, 2006
Ms. Rosalie Simmonds Ballentine	Virgin Islands, II, 2006
The Rt Rev. Dorsey F. Henderson, Jr.	Upper South Carolina, IV, 2009
Mr. Lawrence R. Hitt II	Colorado, VI, 2009
The Rev. Gregory A. Jacobs	Ohio, V, 2006
The Rt. Rev. Charles E. Jenkins	Louisiana, IV, 2006
Mr. Thomas A. Little	Vermont, I, 2009
The Rev. Stan Runnels	Mississippi, IV, 2006
The Rt. Rev. Stacy F. Sauls	Lexington, IV, 2006, <i>member as well as EC liaison</i>
The Rev. Ward H. Simpson	Eau Claire, V, 2009

Commission Representatives at General Convention

The Rt. Rev. Stacy F. Sauls and Deputy Duncan A. Bayne are authorized to receive non-substantive amendments to this report.

SUMMARY OF THE COMMISSION'S WORK

The Standing Commission on Constitution and Canons (hereinafter "the Commission" or "SCCC") met in Atlanta, Georgia in February, 2004, St. Thomas, Virgin Islands in October, 2004, Orlando, Florida in February, 2005, Seattle, Washington in June, 2005, and Phoenix, Arizona in December, 2005. At its organizational meeting the Commission elected Duncan A. Bayne as its Chair, Matthew Livingood as its Vice-Chair, and William Fleener, Jr. as its Secretary. At its initial meeting and in subsequent meetings the Commission received comment and took action as reflected in this report.

Revisions to Title III Pursuant to General Convention Resolution 2000–A073

The 73rd General Convention, sitting in Denver in 2000, adopted Resolution 2000–A073, providing that the Standing Commission on Ministry Development (SCMD), "in consultation with the Standing Commission on Constitution and Canons," undertake a full review of Title III. SCMD presented to the 74th General Convention its draft of Canons 1 through 9 of Title III, covering the life and work of deacons and priests, and left other parts of Title III for development between 2003 and 2006. In furtherance of its charge under this resolution, three of SCCC members, The Rt. Rev. Stacy F. Sauls, Lawrence Hitt II, and Duncan Bayne worked on various occasions with SCMD in its preparation of the additional proposed changes to Title III. In addition, the entire SCCC devoted portions of its meetings in June and December, 2005, to reviewing the changes proposed by SCMD, and suggesting editorial changes to assist internal consistency and consistency with other Canons.

Revision of the Disciplinary Canons

The 73rd General Convention, in response to comments from SCCC from the prior triennium and other commentary, adopted Resolution 2000–A028, providing for the appointment of a Task Force of not more than twelve persons to assess, in the light of the Church's theology and experience, the present models of professional discipline as represented by the existing Title IV, by other denominations, and by other professions, and present its recommendations to the 75th General Convention.

At its initial meeting in the last triennium, February, 2001, the Commission appointed the Rt. Rev. Catherine M. Waynick, Duncan A. Bayne and Steven Hutchinson to represent SCCC on the Task Force. The Rev. Canon George Brandt, Jr. subsequently joined the Task Force on behalf of SCCC, but resigned by October, 2004. The Task Force

has met on numerous occasions since formation in person and by phone and developed a paper on the theology of discipline which was presented to the 74th General Convention as part of its Blue Book report.

The Task Force determined to offer an entirely new Title IV for consideration by the Church. A draft of this revised Title was first offered for public comment in October, 2004, and was the subject of many presentations during the ensuing months. SCCC received a presentation in October, 2004, made substantive comments out of its meeting in February, 2005, and made comments as to form out of its meeting in December, 2005. We understand the Task Force has completed its work and is offering the final draft of a revised Title IV elsewhere in the Blue Book, for adoption by the 75th General Convention.

Update Concerning Preparation of Supplement to White & Dykman

The Commission has expressed concerns over several triennia about the need for a comprehensive supplement to the 1981 edition of the "Annotated Constitution and Canons for the Government of The Protestant Episcopal Church of the United States of America, otherwise known as the Episcopal Church," commonly referred to as "White & Dykman." Major canonical and constitutional changes have occurred in 1994, 1997, 2000, and 2003, none of which are reflected in White & Dykman. This triennium the Commission has been working directly with Robert Royce, Esq., who has drafted supplements to the Constitution and Titles I, II and V of the Canons. It is SCCC's hope that a new edition of White & Dykman, covering the Constitution and Titles I, II and V, will be available electronically by the time General Convention opens in Columbus.

Actions with regard to Resolutions referred to the Commission by General Convention

The 74th General Convention referred to SCCC certain resolutions for its action, as necessary or appropriate.

Resolution 2003–A085 desired that the Book of Common Prayer and the Constitution and Canons of the Episcopal Church allow reception of members of the Evangelical Lutheran Church of America. After review by SCCC and consultation with members of the Standing Commission on Ecumenical and Interreligious Relations, it was determined that no revisions of the Constitution and Canons were necessary to accomplish this end.

Resolution 2003–A106, among other matters, resolved that the Standing Commission on Liturgy and Music, in consultation with SCCC, examine canons and rubrics that govern the development and use of liturgical materials, and to propose amendments authorizing appropriate local and regional liturgical alternatives. SCCC has received no contact or consultation with SCLM during the triennium.

Resolution 2003–A010 addressed the continuing commitment of The Episcopal Church to the eradication of racial injustice in the Church and in secular society. To that end, all persons seeking appointment to the several standing commissions and other committees, boards and auxiliary organizations were required to have had anti-racism training or agree to have this training within a year of their appointment. SCCC spent an evening and a day on anti-racism training at its meeting in Orlando, Florida in January, 2005, and has continued with internal training at each of its meetings since then.

Resolution 2003–B023 was referred by the 74th General Convention to SCCC. This resolution purported to amend the Constitution, Article II, Section 2, by placing consent to the election of Bishops in the Standing Committees and the Bishops of the Dioceses in the Province where the election occurred. Following review and discussion, SCCC recommends that no action be taken with respect to this proposed legislation.

Compliance with Canon 1.2.2.(n)(2)

The Commission continues to refrain from judicial interpretation of the body of church law in accordance with the limitations expressed in its authority and duties assigned by Canon 1.2.2.(n)(2).

Resolutions For Action

Constitutional Amendments adopted on first reading in 2003 and proposed for second Reading in 2006

Resolution A018 Amend Article II. 2 [Election of Bishops–Second Reading]

- 1 *Resolved*, the House of _____ concurring, That the second sentence of Article II, Section 2 of the Constitution
- 2 be amended to read as follows:
- 3 Section 2. No one shall be ordained and consecrated Bishop until the attainment of thirty years of age; nor
- 4 without the consent of a majority of the Standing Committees of all the Dioceses, and the consent of a majority
- 5 of the Bishops of this Church exercising jurisdiction. But if the election shall have taken place within ~~three~~
- 6 ~~months next~~ *one hundred and twenty days* before the meeting of General Convention, the consent of the House
- 7 of Deputies shall be required in place of that of a majority of the Standing Committees. No one shall be
- 8 ordained and consecrated Bishop by fewer than three Bishops.

EXPLANATION

This amendment was adopted by the 74th General Convention as 2003–A039.

Resolution A019 Amend Article I.7 [Meeting of General Convention–Second Reading]

- 1 *Resolved*, the House of _____ concurring, That Article I, Section 7, of the Constitution be amended to read as
- 2 follows:
- 3 Section 7. The General Convention shall meet not less than once in each three years, at a time and place
- 4 ~~determined in accordance with the Canons. appointed by a preceding Convention; but if there shall appear to the~~
- 5 ~~Presiding Bishop, acting with the advice and consent of the Executive Council of the Church or of a successor~~
- 6 ~~canonical body having substantially the powers now vested in the Executive Council, sufficient cause for~~
- 7 ~~changing the place or date so appointed, the Presiding Bishop, with the advice and consent of such body, shall~~
- 8 ~~appoint another place or date, or both, for such meeting.~~ Special meetings may be *held as* provided for by
- 9 Canon.

EXPLANATION

This amendment was adopted by the 74th General Convention as 2003–A143.

Resolution A020 Amend Article I.2 [House of Bishops–Second Reading]

- 1 *Resolved*, the House of _____ concurring, That Article I, Section 2, of the Constitution be amended as follows:
- 2 ~~Each Bishop of this Church having jurisdiction, every Bishop Coadjutor, every Suffragan Bishop, every~~
- 3 ~~Assistant Bishop, and every Bishop who by reason of advanced age or bodily infirmity, or who, under an~~
- 4 ~~election to an office created by the General Convention, or for reasons of mission strategy determined by~~
- 5 ~~action of the General Convention or the House of Bishops, has resigned a jurisdiction, shall have a seat, and~~
- 6 ~~a vote in the House of Bishops. A majority of all Bishops entitled to vote, exclusive of Bishops who have~~
- 7 ~~resigned their jurisdiction or positions, shall be necessary to constitute a quorum for the transaction of business.~~
- 8 *All Bishops of this Church shall have seat and voice in the House of Bishops. Each Bishop of this Church having jurisdiction,*
- 9 *Bishop Coadjutor, Bishop Suffragan, Assistant Bishop, and every Bishop holding an office created by General Convention shall*
- 10 *have a vote in the House of Bishops. A majority of all Bishops entitled to vote shall be necessary to constitute a quorum for*
- 11 *transaction of business.*

EXPLANATION

This amendment was adopted by the 74th General Convention as 2003–B005.

Constitutional Amendments proposed for first reading

Resolution A021 Amend Article VIII [First Reading]

- 1 *Resolved*, the House of _____ concurring, That the last paragraph of Article VIII of the Constitution be amended
- 2 to read as follows:
- 3 A bishop may permit *an ordained minister in good standing in a Church with which this Church is in full communion as*
- 4 *specified by the Canons who has made the foregoing declaration, or a minister ordained in the Evangelical Lutheran*
- 5 *Church in America or its predecessor bodies who has made the promise of conformity required by that Church*
- 6 *in place of the foregoing declaration to officiate on a temporary basis as an ordained minister of this church.*

EXPLANATION

The current Constitution only permits occasional services by clergy of the ELCA. This amendment should remove the need to amend the Constitution each time this Church enters into an agreement of full communion.

Canonical Amendments proposed for adoption

TITLE I

Resolution A022 Amend Canon I.1.2(i)

- 1 *Resolved*, the House of _____ concurring, That Canon I.1.2(i) be amended by deleting the same, as follows:
- 2 ~~(f) It shall be the duty of each Commission to give appropriate notice in the Church press of issues before it~~
- 3 ~~and the time and place of meetings at which such issues are to be considered, together with instructions as to~~
- 4 ~~the manner in which members of the Church may address their views to such Commission.~~

EXPLANATION

This provision is simply not honored in practice. There is no effective "church press" in which notice of upcoming meetings and issues can be published, nor instructions given as to how matters may be brought before a commission. The General Convention office has requested this provision be deleted.

Resolution A023 Amend Canon I.1.2(n)(3)

- 1 *Resolved*, the House of _____ concurring, That Canon I.1.2(n)(3) be amended by adding the following
- 2 subparagraph (iv), and renumbering the existing subparagraph (iv) as (v):
- 3 *(iv) Conduct a continuing and comprehensive review and update of the authorized "Annotated Constitution and Canons for the*
- 4 *Government of the Protestant Episcopal Church in the United States of America otherwise known as The Episcopal Church"*
- 5 *to reflect actions of General Convention which amend the Constitution and Canons and, in the discretion of the Commission,*
- 6 *develop other materials which are appropriate to the purpose of the "Annotated Constitution and Canons," and facilitate the*
- 7 *publication of this document and related materials. The Commission may provide or support forums to promote commentary,*
- 8 *discussion, and understanding of the Constitution and Canons.*

EXPLANATION

The *Annotated Constitution and Canons* (frequently referred to as White & Dykman) is an important reference tool for those seeking to gain an understanding of the Constitution and Canons of the Church. Updating of this reference is a difficult task when left only to periodic charge by Convention. It is proposed that this work become part of the ongoing charge for this Commission. It is hoped that use of new forms of publication may lower the cost and speed the development and dissemination of this work. In addition, it is proposed that this charge would include creating or encouraging discussion and exposition regarding the Constitution and Canons of the Church. The Church would benefit from robust forums in which commentary and discussion could be offered.

Resolution A024 Amend Canon I.9.1

- 1 *Resolved*, the House of _____ concurring, That the last sentence of Canon I.9.1 be amended to read as follows:
- 2 The Ninth Province shall consist of the Dioceses of this Church in Colombia, the Dominican Republic,
- 3 Ecuador, Honduras, ~~and~~ Puerto Rico *and Venezuela.*

EXPLANATION

The 74th General Convention approved the inclusion of the Diocese of Venezuela as a member of The Episcopal Church upon the satisfaction of certain conditions. The Executive Council has received satisfactory evidence that the Church in Venezuela has fulfilled the stated conditions, and has approved the accession of the Diocese of Venezuela to the General Convention of The Episcopal Church.

Resolution A025 Amend Canon I

- 1 *Resolved*, the House of _____ concurring, That Canon I be amended by adding a new section 20, as follows:
- 2 *Sec.1. The Episcopal Church has a relationship of full communion with those Churches in the historic episcopal succession and*
- 3 *with whom it has entered into covenant agreements including:*
- 4 *(a) those duly constituted Dioceses, Provinces, and regional Churches in communion with the See of Canterbury,*
- 5 *(b) the Old Catholic Churches of the Union of Utrecht,*
- 6 *(c) the Philippine Independent Church, and*
- 7 *(d) the Mar Thoma Syrian Church of Malabar.*
- 8 *Sec.2. The Episcopal Church has a relationship of full communion with the Evangelical Lutheran Church of America under*
- 9 *the terms of "Called to Common Mission," which was adopted by the 73rd General Convention of the Episcopal Church as*
- 10 *Resolution A040.*

EXPLANATION

This canon is intended to clarify the meaning of "full communion" referenced in the amendment to Article VIII of the Constitution.

TITLE II: There are no proposed amendments to Title II.

TITLE III

The Standing Commission on Ministry Development is proposing further changes to Title III, both as to existing provisions, and the consolidation, amendment and renumbering of present Canons 10 through 23 (see SCMD Blue Book p. 228).

Resolution A026 Amend Canon III.12.1(d)

- 1 *Resolved*, the House of _____ concurring, That Canon III.12.1(d) be amended to read as follows:
- 2 (d) The provisions of this Section 1 shall be fully applicable to all Members of the Clergy ordained in ~~the~~
- 3 ~~Evangelical Lutheran Church in America or its predecessor bodies before January 1, 2001, as well as those~~
- 4 ~~ordained after that date by Bishops of that Church.~~ *any Church in the process of entering the historic episcopate succession*
- 5 *with which The Episcopal Church is in full communion as specified in Canon I.20, subject to the covenant of the two Churches*
- 6 *as adopted by the General Convention.*

EXPLANATION

This amendment is intended to bring consistency between this section, Article VIII of the Constitution (assuming the proposed amendment is adopted), and Canon I.20 (if adopted). If new Canon III.10, proposed by SCMD is adopted, this language would replace Canon III.10.2(a)(4) of that legislation.

In the event that the proposals submitted by SCMD are not adopted by General Convention, SCCC recommends the adoption of the following four resolutions, to bring the provisions consistent with the change adopted by the 74th General Convention to Canon III.16.4(a).

Resolution A027 Amend Canon III.16.3(a)

- 1 *Resolved*, the House of _____ concurring, That Canon III.16.3(a) be amended by deleting the words "three
- 2 months" and inserting the words "*one hundred and twenty days*" in their place; and be it further
- 3 *Resolved*, That Canon III.16.9(b) be amended by deleting the words "three months" and inserting the words
- 4 "*one hundred and twenty days*" in their place; and be it further

1 *Resolved*, That Canon III.16.9(c) be amended by deleting the words "three months" and inserting the words
 2 "*one hundred and twenty days*" in their place.

Resolution A028 Amend Canon III.16.3(a) & (b)

1 *Resolved*, the House of _____ concurring, That Canon III.16.3(a) and (b) be amended to read as follows,
 2 including portions of Canon III.16.4, and that the balance of Canon III.16.4 be deleted:

3 3(a). When a Diocese desires the ordination of a Bishop-elect, ~~if the date of the election occurs within three~~
 4 ~~months before a meeting of the General Convention~~, the Standing Committee of the Diocese shall, by its
 5 President, or by some person or persons specially appointed, *immediately send to the Presiding Bishop and to the*
 6 *Standing Committees of the several Dioceses a certificate of the election by the Secretary of Convention of the Diocese, forward*
 7 ~~to the Secretary of the House of Deputies evidence of the election of the Bishop-elect by the Convention of~~
 8 ~~the Diocese~~; together with evidence that the Bishop-elect has been duly ordered Deacon and Priest, evidence
 9 of acceptance of election, *a summary of biographical information relating to the Bishop-elect*, and a testimonial signed
 10 by a constitutional majority of the Convention, ~~and a summary of biographical information relating to the~~
 11 ~~Bishop-elect~~; in the following words:

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

20 **(Date)** _____ **(Signed)** _____

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

23 **[Editor's Note: Text relocated from III.16.4(a)]** The Presiding Bishop, without delay, shall notify every
 24 Bishop of this Church exercising jurisdiction of the Presiding Bishop's receipt of the certificates mentioned
 25 in this Section and request a statement of consent or withholding of consent. Each Standing Committee, in
 26 not more than *one hundred twenty* ~~120~~ days after the sending by the electing Diocese of the certificate of the
 27 election, shall respond by sending to the Standing Committee of the Diocese electing either the testimonial
 28 of consent in the form set out in paragraph (b) of this Section or written notice of its refusal to give consent.
 29 ~~If a majority of the Standing Committees of all the Dioceses consent to the ordination of the Bishop-elect,~~
 30 ~~the Standing Committee of the Diocese electing shall then forward the evidence of the consents, with other~~
 31 ~~necessary documents described in this Sec. 3(a) and (b) of this Canon, to the Presiding Bishop. If the Presiding~~
 32 ~~Bishop receives sufficient statements to indicate a majority of those Bishops consents to the ordination, the~~
 33 ~~Presiding Bishop shall, without delay, notify the Standing Committee of the Diocese electing and the~~
 34 ~~Bishop-elect of the consent.~~

35 **[Editor's Note: Text Relocated from III.16.4(b)]** Evidence of the consent of each Standing Committee
 36 shall be a testimonial in the following words, signed by a majority of all the members of the Committee:

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

44 **(Signed)** _____

45 If a majority of the Standing Committees of all the Dioceses consents to the ordination of the Bishop-elect,
 46 the Standing Committee of the Diocese electing shall then forward the evidence of the consent, with the other

1 necessary documents described in Sec. 3(a) and (b) of this Canon, to the Presiding Bishop. If the Presiding
 2 Bishop receives sufficient statements to indicate a majority of those Bishops consents to the ordination, the
 3 Presiding Bishop shall, without delay, notify the Standing Committee of the Diocese electing and the
 4 Bishop-elect of the consent.

5 **[Editor's Note: Canon III.16.3]**(b) The Standing Committee *of the electing Diocese* shall also forward to the
 6 *Presiding Bishop and to the standing Committees of the several Dioceses* ~~Secretary of the General Convention~~, with the
 7 testimonial and other documents, certificates from a licensed medical doctor and licensed psychiatrist, appointed
 8 by the Ecclesiastical Authority with the approval of the Presiding Bishop, that they have thoroughly examined
 9 the Bishop-elect as to that person's medical, psychological and psychiatric condition and have not discovered
 10 any reason why the person would not be fit to undertake the work for which the person has been chosen.
 11 Forms and procedures agreed to by the Presiding Bishop and the Church Pension Fund shall be used for this
 12 purpose.

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

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

19 ~~Sec.4(a) If the date of the election of a Bishop occurs more than 120 days before the meeting of the General~~
 20 ~~Convention, the Standing Committee of the Diocese electing shall by its President, or by some person or~~
 21 ~~persons specially appointed, immediately send to the Presiding Bishop and to the Standing Committees of the~~
 22 ~~several dioceses a certificate of the election by the Secretary of Convention of the Diocese, bearing a statement~~
 23 ~~that evidence of the Bishop-elect's having been duly ordered Deacon and Priest and the certificates as to the~~
 24 ~~Bishop-elect's medical, psychological and psychiatric examination required in Sec. 3(b) of this Canon have~~
 25 ~~been received and that a testimonial in the form set out in Sec. 3(a) of this Canon has been signed by a~~
 26 ~~constitutional majority of the Convention.~~

Resolution A029 Amend Canon III.16.9

1 *Resolved*, the House of _____ concurring, That Canon III.16.9(b) be deleted, and (c) be relettered (b) and
 2 amended to read as follows:

3 ~~(b) If the election has taken place within three months before a meeting of the General Convention, the report~~
 4 ~~shall be sent with the evidence of election and testimonials as provided in Section 3(a) of this Canon.~~

5 ~~(c) If the election has taken place more than three months before the meeting of the General Convention,~~
 6 ~~†The report of the Court of Review shall be sent to the Standing Committees of the several Dioceses, with~~
 7 ~~the Certificate of the Secretary of the electing Convention relating to consent to ordain. Likewise, the Presiding~~
 8 ~~Bishop shall include the report in the communication to the Bishops exercising jurisdiction.~~

Resolution A030 Amend Canon III.17.6

1 *Resolved*, the House of _____ concurring, That Canon III.17.6 be amended to read as follows:

2 (a) When a Diocese, entitled to the choice of a Bishop, shall elect as its Bishop Diocesan, or as its Bishop
 3 Coadjutor, or as a Bishop Suffragan, a Missionary Bishop of this Church, ~~if such election shall have taken~~
 4 ~~place within 120 days before a meeting of the General Convention, evidence thereof shall be laid before each~~
 5 ~~House of the General Convention, and the concurrence of each House, and its express consent, shall be~~
 6 ~~necessary to the validity of said election, and shall complete the same; so that the Bishop thus elected shall be~~
 7 ~~thereafter the Bishop of the Diocese which has elected such Bishop.~~

8 ~~(b) If the said election has taken place more than 120 days before a meeting of the General Convention, the~~
 9 ~~above process may be adopted, or the following instead thereof, viz.: The Standing Committee of the Diocese~~
 10 ~~electing shall give duly certified evidence of the election to every Bishop of this Church having jurisdiction,~~
 11 ~~and to the Standing Committee of every Diocese. On receiving notice of the concurrence of a majority of~~
 12 ~~such Bishops and of the Standing Committees in the election, and their express consent thereto, the Standing~~

1 Committee of the Diocese electing shall transmit notice thereof to the Ecclesiastical Authority of every Diocese
 2 within tThe *Episcopal Church United States*; which notice shall state what Bishops and what Standing Committees
 3 have consented to the election. On receiving this notice the Presiding Bishop shall certify to the Secretary of
 4 the House of Bishops the altered status and style of the Bishop so elected. The Standing Committee of such
 5 Diocese shall transmit to every Congregation thereof, to be publicly read therein, a notice of the election thus
 6 completed, and also cause public notice thereof to be given in such other way as ~~they~~*it* may think proper.

TITLE IV

The Task Force on Disciplinary Policy and Procedure is proposing an entirely rewritten Title IV for adoption at the 75th General Convention. If the revised Title IV is not adopted, the following resolutions are being proposed.

Resolution A031 Amend Canon IV.3.21 (c)

1 *Resolved*, the House of _____ concurring, That Canon IV.3.21(c) be amended to read as follows:
 2 (c) A Bishop may be Presented for an Offense under Canon IV.1.1(c) and any other Offenses arising out of
 3 acts alleged to be contrary to the doctrine of the Church which was the subject of the Statement of
 4 Disassociation only upon a written Presentment signed by any ten Bishops exercising jurisdiction in this
 5 Church. The Presentment shall be filed with the Presiding Bishop, together with a brief in support thereof,
 6 and a statement why the issuance of a Statement of Disassociation was not a sufficient response to the acts
 7 alleged, within six months of the issuance of a Statement of Disassociation based upon the same doctrine as
 8 was alleged in the Request for a Statement of Disassociation. The Presiding Bishop shall thereupon serve a
 9 copy of the Presentment upon the Bishop presented, together with a copy of the supporting brief and statement.
 10 The Presiding Bishop shall fix a date for the filing of an answer, brief in support thereof, and statement why
 11 the issuance of a Statement of Disassociation was a sufficient response to the acts alleged, within three months
 12 from the date of service, and may extend the time for answering for not more than two additional months.
 13 Upon the filing of an answer, supporting brief, and statement, if any, or upon the expiration of the time fixed
 14 for an answer, if none be filed, the Presiding Bishop shall forthwith transmit copies of the Presentment, answer,
 15 briefs, and statements to each member of the House of Bishops. The written consent of one-third of the
 16 Bishops qualified to vote in the House of Bishops shall be required before the proceeding may continue. In
 17 case the Presiding Bishop does not receive the written consent of one-third of all the Bishops eligible to vote
 18 within sixty days of the date the notification by the Presiding Bishop was sent to them, the Presiding Bishop
 19 shall declare the Presentment dismissed and no further proceedings may be had thereon.
 20 If the Presiding Bishop receives the necessary written consents within sixty days as specified above, the
 21 Presiding Bishop shall forthwith forward the Presentment, answer, briefs, and statements to the Presiding
 22 Judge of The Court for the Trial of a Bishop *for an Offense of Doctrine*.

Resolution A032 Amend Canon IV.5

1 *Resolved*, the House of _____ concurring, That Canon IV.5, Sections 1 through 9 be amended and renumbered
 2 as follows:
 3 Sec. 1. The Court for the Trial of a Bishop is vested with jurisdiction to try a Bishop who is duly Presented
 4 for one or more Offenses *not including the Offense in Canon IV.1.1(c). The Court for the Trial of a Bishop for an Offense*
 5 *of Doctrine is vested with jurisdiction to try a Bishop who is duly Presented for one or more Offenses pursuant to Canon IV.3.21(c).*
 6 Sec. 2. *The Court for the Trial of a Bishop shall consist of five Bishops of this Church, two Priests, and two confirmed adult lay*
 7 *communicants of this Church in good standing. Five Bishops shall be elected by the House of Bishops at each regular meeting of*
 8 *general Convention, to serve until the adjournment of the next regular meeting of General Convention. Two Priests and two*
 9 *confirmed lay communicants of this Church in good standing shall be elected by the House of Deputies at each regular meeting of*
 10 *General Convention, to serve until the adjournment of the next regular meeting of General Convention.*
 11 Sec. 2 3. The Court for the Trial of a Bishop *for an Offense of Doctrine* shall consist of nine Bishops of this Church.
 12 Three Bishops shall be elected by the House of Bishops at each regular meeting of General Convention, to
 13 serve until the adjournment of the third succeeding regular meeting of General Convention.

- 1 *Sec 4.* All judges shall serve until their successors are elected and qualify; *Provided, however,* there shall be no
2 change in the composition of a Court as to a proceeding pending before it, while that proceeding is unresolved
3 except as specified in Canon IV.5.3.
- 4 ~~Sec.3-5(a)~~ No judge shall sit as a member of a Court ~~for the Trial of a Bishop~~ who is a Complainant, or is
5 related to the Respondent or Complainant by affinity or consanguinity, or who is excused pursuant to Canon
6 IV.14.13; nor shall any Judge sit who, upon objection made by either party for any reason, is deemed by the
7 other members of the Court to be disqualified.
- 8 (b) The death, permanent disability rendering the person unable to act, resignation or declination to serve as
9 a member of ~~the a Court for the Trial of a Bishop~~ shall constitute a vacancy in the *that* Court. The recusal or
10 disqualification of a member of ~~the a Court~~ from consideration of a particular Presentment shall constitute a
11 temporary vacancy in ~~the that~~ Court.
- 12 (c) Notices of resignations or declinations to serve shall be given by any Bishop chosen to serve as a member
13 of the Court for the Trial of a Bishop *or Court for the Trial of a Bishop for an Offense of Doctrine* by written notice
14 sent to the Presiding Bishop.
- 15 (d) *Notices of resignation or declinations to serve shall be given by any Priest or Lay Person chosen to serve as a member of the*
16 *Court for the Trial of a Bishop by written notice sent to the President of the House of Deputies.*
- 17 (e) Notices of recusal shall be given by a Judge to the Presiding Judge.
- 18 ~~Sec. 4 6.~~ *The Each* Court ~~for the Trial of a Bishop~~ shall from time to time elect from its own membership a
19 Presiding Judge, who shall hold office until the expiration of the term for which chosen. If in any proceeding
20 before ~~the a Court~~ the Presiding Judge is disqualified or is for any cause unable to act, ~~the that~~ Court shall elect
21 from its members a Presiding Judge pro tempore.
- 22 ~~Sec. 5-7.~~ When ~~the a~~ Court is not in session, if there is a vacancy in the office of the Presiding Judge, the
23 Bishop who is senior by consecration shall perform the duties of the office of Presiding Judge.
- 24 ~~Sec. 6 8.~~ Vacancies occurring in ~~the a Court for the Trial of a Bishop~~ shall be filled as follows:
- 25 (a) In the case of a temporary vacancy due to the recusal or disqualification of any Judge, the remaining
26 Judges may appoint a Judge to take the place of the one so disqualified in that particular case. If the recused
27 or disqualified Judge participated in any proceedings other than consideration of whether any Judge should
28 be disqualified, the remaining Judges shall decide whether or not the Judge will be replaced for the remainder
29 of that case.
- 30 (b) In the case of a vacancy in the Court, the remaining Judges shall have power to fill such vacancy until the
31 next General Convention, when the House of Bishops shall choose a ~~person~~ Bishop to fill ~~such a vacancy of a~~
32 *Bishop and the House of Deputies shall choose a Priest or Lay Person, respectively, to fill a vacancy of a Priest or Lay Person.*
33 The person so chosen shall serve during the remainder of the term.
- 34 ~~Sec. 7 9.~~ Not less than five of the Judges shall constitute a quorum, but any lesser number may adjourn the
35 Court from time to time.
- 36 ~~Sec. 8 10.~~ (a) Upon receiving a Presentment, the Presiding Judge shall, within 30 days, send to each member
37 of the Court a copy of the Presentment. If the Presentment is issued pursuant to Canon IV.3.2.1(c) the Presiding
38 Judge shall also send a copy of the supporting briefs, answer, and statements.
- 39 (b) The Presiding Judge of the Court shall, within not more than three calendar months from the Presiding
40 Judge's receipt of the Presentment, summon the Respondent to answer the Presentment in accordance with
41 the Rules of Procedure.
- 42 (c) Court proceedings at which the Respondent and Church Attorney are to appear shall be held within the
43 Diocese of the accused Bishop, or within the Diocese where the accused Bishop lives or serves, at the discretion
44 of the Court. The Court may, for good cause, appoint another place for any such proceedings or conduct such
45 proceedings by telephone conference provided that all participants can hear and be heard by all other participants
46 in the telephone conference.
- 47 ~~Sec. 9 11.~~ Within three months following each regular meeting of General Convention, the Court ~~for the Trial~~
48 ~~of a Bishop~~ shall appoint a Church Attorney to serve until the next regular meeting of General Convention
49 and until a successor is duly appointed and qualified, and from time to time for good cause and upon the

- 1 request of the Church Attorney, appoint one or more assistant Church Attorneys to act for and in the place
- 2 of the Church Attorney.

Resolution A033 Amend Canons IV.6, 14, 15 & Appendix

- 1 *Resolved*, the House of ____ concurring, That the following sections of Title IV be amended to read as follows:
- 2 Canon IV.6.2. The Court of Review of the Trial of a Bishop is vested with jurisdiction to hear and determine
- 3 appeals from ~~the~~ determinations of the Court for the Trial of a Bishop *and the Court for the Trial of a Bishop for*
- 4 *an Offense of Doctrine*.
- 5 And be it further
- 6 *Resolved*, That Canon IV.6.17 be amended to read as follows:
- 7 Canon IV.6.17. An appeal shall be heard upon the Record on Appeal of the Court for the Trial of a Bishop
- 8 *or the Court for the Trial of a Bishop for an Offense of Doctrine*. Except for the purpose of correcting the Record on
- 9 Appeal, if defective, no new evidence shall be taken by the Court of Review.
- 10 And be it further
- 11 *Resolved*, That Canon IV.14.23 be amended to read as follows:
- 12 Canon IV.14.23. Expenses of Parties and Costs of Proceedings. Except as expressly provided in this Title, or
- 13 applicable Diocesan canon, all costs, expenses and fees of the several parties shall be the obligation of the
- 14 party incurring them. The record of proceedings of a Diocesan Ecclesiastical Trial Court shall be the expense
- 15 of the Diocese. The record of proceedings of a Court of Review of a Trial of a Priest or Deacon shall be the
- 16 expense of the Province. The record of Proceedings of a Review Committee, the Court for the Trial of a
- 17 Bishop, *the Court for the Trial of a Bishop for an Offense of Doctrine* and the Court of Review of a Trial of a Bishop
- 18 shall be the expense of the General Convention. Nothing in this Title precludes the voluntary payment of a
- 19 Respondent's costs, expenses and fees by any other party or person, including a Diocese.
- 20 And be it further
- 21 *Resolved*, That the meaning of Ecclesiastical Trial Court in Canon IV.15 be amended to read as follows:
- 22 Canon IV.15 Ecclesiastical Trial Court shall mean a Diocesan Court for the Trial of a Priest or Deacon
- 23 established pursuant to Canon IV.4(A) and The Court for the Trial of a Bishop *and the Court for the Trial of a*
- 24 *Bishop for an Offense of Doctrine* pursuant to Canon IV.5.1.
- 25 And be it further
- 26 *Resolved*, That the title of Appendix A be amended to read as follows:
- 27 Rules Of Procedure Of The Ecclesiastical Trial Courts ~~And The Court For The Trial Of A Bishop~~

EXPLANATION (for the preceding three resolutions)

In 2000 the 73rd General Convention adopted on First Reading an amendment to Constitution Article IX proposed by SCCC which accomplished two things: first, it authorized more than one Court for Bishops, and second, authorized Priests and Lay Persons to sit on such Court. It was anticipated that should this amendment receive approval upon its Second Reading at the 74th General Convention, changes to the Canons would be proposed and adopted to flesh out this change. As it happened, the Constitutional amendment passed on Second Reading and the Constitution was thereupon changed, but no Canonical changes had been proposed by SCCC. Individuals proposed the appropriate Canonical changes by Resolution 2003–D056, but the same was not adopted by the concurrence of both Houses. These Canonical changes are now being re-proposed by SCCC.

GENERAL RESOLUTIONS

Resolution A034 Canonical Residence Study

- 1 *Resolved*, the House of ____ concurring, That the Standing Commission on Constitution and Canons be
- 2 directed to study the definition and use in the Constitution and Canons, and elsewhere in the Church, of the
- 3 term "canonical residence," and make recommendations to the 76th General Convention whether said term
- 4 should be discontinued or modified, or whether some alternative should be instituted to replace those terms.

EXPLANATION

The American practice of canonical residence is somewhat anomalous in the Anglican Communion. The current scope of application of the term creates duties for Bishops which are in many instances impossible to fulfill. It further creates an illusion of supervision and responsibility which as a practical matter may not exist. It is time to look seriously at the concept of "canonical residence" to see if some alternative might be more feasible.

RULES OF ORDER

Resolution A035 Amend HDRO 14

- 1 *Resolved*, That House of Deputies Rule of Order 14 be amended by re-lettering the existing paragraph as (a),
- 2 and adding a new paragraph (b) as follows:
- 3 *(b) No resolution proposing amendments to the Constitution or Canons of this Church may be presented in the House of Deputies*
- 4 *for an initial vote on the last legislative day of General Convention, provided, however, that any such resolution previously considered*
- 5 *and voted upon by this House may be considered on the last legislative day in order to consider changes to the resolution approved*
- 6 *by the House of Bishops.*

Resolution A036 Amend HBRO XVIII

- 1 *Resolved*, That the House of Bishops Rule of Order XVIII be amended by lettering the existing paragraph as
- 2 (a), and adding a new paragraph (b) as follows:
- 3 *(b) No resolution proposing amendments to the Constitution or Canons of this Church may be presented in the House of Bishops*
- 4 *for an initial vote on the last legislative day of General Convention, provided, however, that any such resolution previously considered*
- 5 *and voted upon by this House may be considered on the last legislative day in order to consider changes to the resolution approved*
- 6 *by the House of Deputies.*

EXPLANATION

Given the important and complex nature of the Constitution and Canons of The Episcopal Church, it is reasonable for General Convention to expect proposed alterations or amendments to either of these to come to the attention of the legislative bodies as early as possible. At the least, it would seem not only wise but imperative to avoid introducing alterations or amendments for initial consideration on the very last day of General Convention so that opportunity is allowed for the Bishops and Deputies to consider carefully and adequately the merits and implications of the proposed changes.

FINANCIAL REPORT

The Commission met five times during the Triennium as a body, and several of its members met at other times with SCMD and the Task Force on Disciplinary Policy and Procedure. Out of a budget authorized by the 74th General Convention of \$48,000, the Commission has spent \$47,268 to date, with a few expenses still to be recorded, so it appears that SCCC has accomplished its work within the established budget. No further meetings are scheduled prior to the 75th General Convention.

The Standing Commission on Constitution and Canons expects to meet approximately six times during the next triennium. We request a budget of \$34,000 for 2007, \$24,000 for 2008, and \$5,000 for 2009, for a total of \$63,000 for the triennium.