

## **CANON FOUR**

### **OF THE ELECTION OF BISHOPS TO VACANT SEES**

The making of a Bishop in the Scottish Episcopal Church comprises election by the Electoral Synod of the Diocese, ordination to the episcopate and installation to the see.

#### **1. DEFINITIONS**

In this Canon

“Bishop-Elect” shall mean the person stated in the Declaration referred to in Section 27 of this Canon as the person elected as the Bishop of the Diocese in question;

“Candidate” shall mean a person whose name shall have been included by the Preparatory Committee in the list of candidates for the vacant bishopric at the conclusion of its work in terms of Section 9 of this Canon;

“Convener of the Preparatory Committee” shall mean the person so specified to act as the Convener of the Preparatory Committee in terms of Section 5 of this Canon;

“Convener of the Electoral Synod” shall mean the person so specified to act as the Convener of the Preparatory Committee in terms of Section 14 of this Canon;

“Convener” shall mean the Convener of the Preparatory Committee where the term appears in Sections 5 to 11 of this Canon; and Convener of the Electoral Synod where the term appears in Sections 14 to 34 of this Canon;

“Description of the Diocese” means the document describing the diocese in question referred to in Section 3 of this Canon;

“Electoral Synod” means the body constituted in Section 12 of this Canon;

“the list of names of candidates” means the list prepared by the Preparatory Committee in terms of Section 9 of this Canon;

“Preliminary Meeting of the Electoral Synod” means the meeting referred to in Section 16 of this Canon;

“Preparatory Committee” means the body constituted in Section 5 of this Canon;

“Provincial Panel for Episcopal Elections” means the standing body constituted in Section 2 of this Canon.

## **2. PROVINCIAL PANEL FOR EPISCOPAL ELECTIONS**

There shall be a standing Provincial Panel for Episcopal Elections. The Diocesan Synod of each diocese shall elect from among its own number two persons, one lay and one clerical, to serve on the Provincial Panel for Episcopal Elections. The period of office of such persons shall be not more than three years in the first instance, but they may be re-elected for a second term of office. The order in which elections to the Panel shall take place in the dioceses shall be determined by resolution under this Canon.

## **PRELIMINARIES**

### **3. DESCRIPTION OF THE DIOCESE**

At a suitable time after the intention of the Bishop to resign has been intimated in terms of Canon 7 or as soon as the See has become vacant (whichever is the sooner), the Standing Committee (or the equivalent body) of the Diocesan Synod, shall cause to be compiled a Description of the Diocese, together with such future plans and intentions for the work of the Diocese as seem relevant to the compilers.

This Description shall be circulated to all members of the Electoral Synod and to the Diocesan Bishops, and shall be passed to members of the Preparatory Committee for use by that Committee in the selection of candidates under Section 9 of this Canon.

#### 4. ISSUE OF THE MANDATE

Within twenty one days of a Diocese becoming vacant, the Primus shall issue to the Dean of that Diocese the Mandate for the Election in terms of Appendix No.1, with a copy to each of the Chancellor of the Diocese, the Clerk to the Episcopal Synod, and the Convener of the Standing Committee of the General Synod. At the same time as issuing the Mandate, the Primus shall inform the Dean of the name of the Convener of the Preparatory Committee, appointed under Section 5 of this Canon.

The issue of the Mandate shall inaugurate the Electoral procedures.

#### 5. PREPARATORY COMMITTEE FOR A DIOCESAN EPISCOPAL ELECTION

All preparations for the meeting of the Electoral Synod shall be the responsibility of a Preparatory Committee, comprising the Primus as Convener; one other bishop, nominated by the College of Bishops; five members of the Provincial Panel for Episcopal Elections chosen by the Standing Committee of the General Synod (of whom at least two shall be laity and at least two shall be clerics, and including both members from the diocese concerned); and two further lay and two further clerical members chosen by the Diocesan Synod.

Notwithstanding Section 5 of Canon 3, if the Primus is unable or unwilling to act for any part of the procedures set out in this Canon, another Diocesan Bishop, at the request of the Primus or on the instruction of the College of Bishops, may act in place of the Primus. If a Bishop is appointed to replace the Primus in the conduct of an episcopal election, that Bishop shall act in place of the Primus as Convener in all matters concerning that election. Should the Bishop so appointed become unable or unwilling to act, the College of Bishops shall appoint another of their members to act.

#### 6. ASSESSOR

The Convener shall appoint a discreet lay person learned in the Law and being a communicant in this Church to act as Assessor to the Convener of the Preparatory Committee and of the Electoral Synod.

**7. SETTING UP OF THE PREPARATORY COMMITTEE**

Within seven days of the receipt of the Mandate, the Dean of the Diocese shall send to the Convener of the Preparatory Committee the description of the Diocese, prepared in terms of Section 3 of this Canon; together with the names of the two lay and two clerical members, elected by the Diocesan Synod for service on the Preparatory Committee. The Convener of the Preparatory Committee shall within fourteen days of the receipt of these papers summon by letter the first meeting of the Preparatory Committee.

**PREPARATORY STAGE**

**8. CONFIDENTIALITY**

All meetings of the Preparatory Committee shall be in private, and at all meetings the proceedings shall be confidential, with the exception of the declaration of the list of names of candidates. All documents submitted to or produced by the Committee shall be regarded as confidential to the Committee, with the exception of the list of names of candidates, following the declaration of that list in terms of Section 18 below.

**9. WORK OF THE PREPARATORY COMMITTEE**

All meetings of the Preparatory Committee shall take place within the Diocese concerned. The Convener and six members shall constitute a quorum of the Preparatory Committee provided that this includes at least two diocesan members and one provincial member.

The Preparatory Committee shall prepare a list of names of candidates for the vacant bishopric, consisting of not less than three and not more than five names. In determining the content of this list, the Preparatory Committee shall receive suggestions from whomsoever wishes to make them; shall consult interested parties (including the Diocesan Standing Committee and the College of Bishops); may interview prospective candidates; and may use such other means as it may see fit to employ. Suggestions sent to the Preparatory Committee shall include an indication of the willingness of the person suggested to be considered for candidacy by the Preparatory Committee.

In addition to the list of names of candidates, the Preparatory Committee shall provide a *curriculum vitae*, prepared by each candidate; a statement from each, in the form of responses to a questionnaire prepared by the Preparatory Committee and completed by each candidate; and a form of assent to nomination as candidate (in terms of Appendix No. 2) from each candidate. These documents shall be confidential to the Preparatory Committee, the College of Bishops and to the members of the Electoral Synod. The names of candidates shall remain confidential until the list of names of candidates is declared in terms of Section 18 below.

Should the name of a clerical member of the Preparatory Committee be suggested for inclusion on the list of names of candidates, the Convener shall ask that member whether, should the Committee so decide, that member would be willing to be so included. If the member declares a willingness to be considered for inclusion on the list, that member shall cease to be a member of the Preparatory Committee forthwith. If the member concerned is a member of the Provincial Panel for Episcopal Elections (as provided for in Section 2 of this Canon), the Convener shall ask the Standing Committee of the General Synod to select a replacement from the Provincial Panel. If the member concerned is one of the additional clerical members chosen by the Diocesan Synod of the diocese in question, in terms of Section 5 of this Canon, the Convener shall ask the Standing Committee (or the equivalent body) of the Diocesan Synod concerned to nominate a cleric from among those who were members of the last Diocesan Synod held before the issue of the mandate. In the event of the clerical member of the Provincial Panel for the vacant diocese being thus disqualified, the Convener shall invite an Alternate Clerical Member, elected by the Diocesan Synod at its first meeting after the See became vacant, to take that person's place on the Preparatory Committee, such invitation being normally in the order of votes cast in that election.

#### **10. ASSENT OF THE COLLEGE OF BISHOPS**

Prior to the meeting of the Preparatory Committee at which the list of names of candidates is agreed, the College of Bishops shall have been consulted. The name of any person who is not agreed as acceptable by the College of Bishops may not be included in the list of names of candidates. The reasons for such decisions shall be recorded in the minutes of the College of Bishops, which minutes shall be

confidential. Such members of the Preparatory Committee as are bishops shall be charged by the College of Bishops with informing the Preparatory Committee of the unacceptability of any proposed candidate. The appearance of any name on the list of names of candidates shall be regarded as evidence that that name is acceptable to the College of Bishops.

## **11. TIME LIMITS**

The Preparatory Committee shall produce the list of names of candidates and the other documentation required under Section 9 of this Canon at a date to be determined at the first meeting of the Committee, which date to be within one hundred and twenty days of the issue of the Mandate. In the event of the Preparatory Committee failing, for whatever reason, to produce the list of names of candidates by this date, the Convener of the Electoral Synod shall convene a meeting of the Synod, by the means described in Section 18 of this Canon, at which the reasons for the failure shall be explained and a new date fixed by which the Preparatory Committee shall have produced the list of names of candidates. Should the Preparatory Committee again fail to produce the list by the new date, the Convener of the Electoral Synod shall convene a meeting of the Electoral Synod, at which the election shall be declared void. Immediately after such declaration, the Primus shall issue a fresh mandate, in terms of Section 4 of this Canon.

## **THE ELECTORAL SYNOD**

### **12. MEMBERSHIP OF THE ELECTORAL SYNOD**

The membership of the Electoral Synod shall comprise the members, as defined in Canon 50, Sections 3 and 4, of the last Diocesan Synod held before the issue of the mandate who were qualified to vote at that Synod, except that no cleric who has resigned a charge in the diocese and has not been instituted, licensed or commissioned to another charge or sphere of duty in terms of Canon 50, Section 4 in the same diocese shall be a member of the Electoral Synod.

No cleric whose name is included on the list of names of candidates prepared by the Preparatory Committee in terms of Section 9 of this Canon may be a member of the Electoral Synod.

Notwithstanding elections of Lay Representative subsequent to the last Diocesan Synod held before the issue of the mandate, only those Lay Representatives in office at the date of that Diocesan Synod may be members of the Electoral Synod; but any such Lay Representative who subsequent to that meeting has ceased to be a communicant member of the congregation by which that Lay Representative was elected shall be ineligible to serve, in which case that person's place at the Electoral Synod shall be taken by the Alternate Lay Representative of that congregation in office at the date of the last Diocesan Synod before the issue of the mandate.

In the event of a Lay Representative in office at the time of the last Diocesan Synod before the issue of the mandate being unable to attend the Preliminary Meeting of the Electoral Synod, the Alternate Lay Representative of the congregation in question shall be counted as a member if present at that meeting of the Electoral Synod, and shall continue as a member of the Electoral Synod in place of the Lay Representative until the election has taken place or a fresh mandate has been issued.

### 13. DIVISION INTO HOUSES

It shall be competent for any meeting of the Electoral Synod held under this Canon to divide into a house of Clergy and a house of Laity for discussion, should that be the wish of a majority of the members of either house present and voting, for such time as the Convener, appointed in accordance with Section 14 hereof, shall decide. If before the two houses reassemble together, a majority of either house considers it advisable that the trend of their discussions should be transmitted to the other, the Convener shall arrange therefor. During such separate meetings, each house shall elect one of their number to take the chair for that meeting.

14. CONVENERSHIP

The meetings of the Electoral Synod shall be convened by the Convener of the Preparatory Committee, appointed under Section 5 of this Canon. The Convener shall have no vote in the deliberations of the Electoral Synod.

15. CLERK TO THE ELECTORAL SYNOD

The Registrar of the Diocese shall act in an honorary capacity as Clerk to all Meetings of the Electoral Synod. In the event of the Registrar being unable or unwilling so to act, the Convener shall appoint the Synod Clerk or some other Elector to fulfil this duty.

16. PRELIMINARY MEETING OF THE ELECTORAL SYNOD

Within fourteen days of issuing of the Mandate, the Convener shall by letter summon a Preliminary Meeting of the Electoral Synod to be held on such day and at such hour and in such place within the Diocese as after consultation with the Dean they shall see fit, but not less than fourteen nor more than twenty days after the date of posting such letter. With the letter there shall be sent to each member of the Electoral Synod a copy of the Mandate.

17. BUSINESS OF THE PRELIMINARY MEETING

At the Preliminary Meeting the Convener shall explain to the members of the Synod the working of the process under this Canon.

The Preliminary Meeting shall be competent to discuss, in whatever manner may be directed by the Convener or chosen by the Meeting, all procedures to be followed in the implementation of this Canon, the Description of the Diocese or the subjects which it might have been expected to cover, the qualities which might be sought of candidates for the bishopric, and the names of persons who might be suitable candidates for the bishopric. It shall be the duty of the Convener to ensure that any such names be considered by the Preparatory Committee.



At the Preliminary Meeting, the Convener shall announce the date on which the Preparatory Committee shall declare the list of names of candidates, determined under Section 11 of this Canon; and the date of the Meeting of the Electoral Synod with the candidates, which shall be not less than thirty nor more than sixty days after the declaration of the list of names of candidates; and the date of the Electoral Meeting of the Synod, which shall normally be not less than five nor more than fifteen days after the Meeting with the Candidates.

Any of these dates may be extended by a specified period upon a decision of the majority of the members of either house present and voting at the Preliminary Meeting of the Electoral Synod. Notice of such extension shall be transmitted to any member of the Synod not present when such a decision was taken.

## **THE MEETING OF THE ELECTORAL SYNOD WITH THE CANDIDATES**

### **18. CONVENING**

The Convener of the Electoral Synod shall convene the Synod on the day announced under Section 17 of this Canon, by letter, sent by First Class post and posted not less than two days before the date on which the Preparatory Committee shall declare the list of names of candidates. The letter shall also include the list of names of candidates and those other papers prepared by the Preparatory Committee for the use of the Electoral Synod, and specified under Section 9 of this Canon; and a note of the date fixed under Section 17 of this Canon for the date of the Electoral Meeting of the Synod. The contents of this letter shall remain confidential to the members of the Electoral Synod and of the Preparatory Committee until the date on which the Preparatory Committee declares the list of names. All other papers issued to the Synod in the course of the electoral process shall remain confidential to the Electors, and at the conclusion of the proceedings shall be disposed of in such fashion as the Convener shall direct.

**19. MEETING OF THE ELECTORAL SYNOD WITH CANDIDATES**

The candidates will be introduced to the meeting by the Convener, and the meeting will proceed as the Convener may direct and as prescribed by Resolution under this Canon. While any candidate is present, the Electoral Meeting shall not divide into houses, as provided in Section 13 of this Canon.

**THE ELECTORAL MEETING**

**20. CONSTITUTION AT CELEBRATION OF HOLY COMMUNION**

On the day specified under Section 17 of this Canon for the holding of the Electoral Meeting of the Electoral Synod, there shall be a celebration of the Holy Communion, at which the Primus shall preside, following which the Convener shall constitute the Electoral Meeting of the Synod.

**21. ROLL-CALL**

Following the reading of the Mandate, the roll of clerical and lay members of the Synod shall be called, and those present shall answer to their names. Immediately thereafter, objection may be stated to the inclusion of any name on that roll; and any person claiming to be a member may ask to be included on that roll. Such objection or claim shall be disposed of forthwith, and shall not be competent at a later stage of the proceedings.

The Convener, acting on the advice of the Assessor, shall decide on any such objection or claim, and the Convener's decision shall be final and not subject to appeal.

The Convener shall have discretion on cause shown to admit to the number of those present at the Electoral Meeting any member whose name is recorded on the roll thus read and to the inclusion of whose name no objection has been sustained, or any person who claims to be a member of the Synod, and who in either case was unable to be present at the calling of the roll.

These proceedings in the Electoral Meeting shall take place in public; all subsequent proceedings shall be in private and shall be and shall remain confidential. Confidentiality as to the result of the election shall be maintained by all members until the Convener intimates that the Meeting is dissolved.

## 22. PROCEDURE

After the calling of the roll, the Convener shall place before the Synod the list of names of candidates and may invite discussion. In due course, the Convener shall call upon the Synod to vote upon the list of candidates. The vote shall be by ballot by houses, one vote being cast by each member of Synod. No votes may be cast by proxy.

At the end of the vote, the result shall be declared by the Convener. In the event of a candidate receiving a majority of the votes of each house of members of Synod recorded as present and admitted, in terms of Section 21 of this Canon, and voting, that candidate shall be declared by the Convener to have been elected. In the event of no candidate receiving a majority in both houses, the Convener shall call upon the meeting, following any further discussion which the Convener may decide to allow, to vote for a second time upon the list of candidates. This second vote shall also be by ballot by houses, one vote being cast by each member of Synod. At the end of the second vote, the result shall be declared by the Convener in the same manner as for the first vote.

## 23. PROCEDURE FOR A THIRD VOTE

In the event of no candidate receiving a majority of the votes of each house in either the first or the second vote, the Convener shall call upon the Synod to proceed without further discussion to vote by placing the candidates in order of preference. The count of the votes shall be in the first instance of first preferences; but should there be no candidate who received a majority in both houses on the basis of first preferences, the candidate with fewest first preference votes shall be excluded and the votes which expressed a first preference for that candidate shall be redistributed according to the second preferences expressed on those ballots. Should there still be no candidate with a majority in both houses, the same process of redistribution shall be carried out until only two candidates are left. If at that point neither of the remaining candidates has a majority in both houses, the Convener shall call upon the Synod to adjourn for a period of not less than thirty and not more than ninety minutes, following which the Convener shall call upon the Synod to vote again, using the method described in this Section. If at the end of the process of the redistribution of votes, no candidate has a majority in both houses, the Convener shall thereupon declare the election void.

24. VOTE OF 'NONE'

Abstentions shall not be counted as votes. Any member of Synod may however vote 'None' as a vote or, in the third ballot, as an expressed preference, if that member wishes to express the view that none of the candidates, or none of the remaining candidates, should be elected. In the event of the number of votes of 'None' exceeding one third of the total number of votes cast, the Convener shall declare the election void.

25. MAJORITIES REQUIRED

No person shall be held to be elected without having received a majority of the votes of each house of the Electoral Synod recorded as present and admitted in terms of Section 21 of this Canon and voting. Notwithstanding such majorities being achieved, in the event of the number of votes of 'None' exceeding one third of the total number of votes cast, the Convener shall declare the election void.

26. ADJOURNMENTS

On the motion of any member of the Electoral Synod the Electoral Meeting may, before proceeding to the election, resolve to adjourn to a later period of the same day.

27. DECLARATION OF ELECTION

When an election has been made, a Declaration in triplicate stating the result in terms of Appendix No.3 shall be signed in the presence of the Electoral Synod by the Convener, and one copy shall be transmitted to the Registrar of the Episcopal Synod, one to the Bishop-Elect, and one to the Diocesan Registrar for preservation and registration.

28. ACCEPTANCE BY BISHOP-ELECT

The Bishop-Elect shall give written acceptance of election to the Primus within seven days of the date of the election.

Should the Bishop-Elect decline to accept election, or not accept election within this period or as extended at the discretion of the College of Bishops, a Mandate shall be issued for a fresh Election.

**29. PROCEDURE IN CASE OF AN ELECTION BEING DECLARED VOID**

Should the Convener declare the election void, under Section 11, 23 or 24 of this Canon, the Primus shall issue a fresh Mandate for the election of a Bishop within seven days of the declaration. Should a second like declaration be made by the Convener of the Electoral Synod following the issue of a fresh mandate, the right of election shall pass for this turn to the Episcopal Synod. In the event of a fresh Mandate being issued, a new Preparatory Committee shall be appointed in terms of Section 5 of this Canon.

**30. TIME LIMITS**

If no election shall have been made within two hundred and ten days of the issue of the Mandate, or, where a fresh Election has been necessary, within one hundred and twenty days of the issue by the Convener of the letter summoning the Preliminary Meeting of the Electoral Synod for the fresh proceedings, the right of election to the bishopric shall lapse for that turn to the Episcopal Synod.

Should circumstances make it difficult to assure a quorum (as defined in the constitution of the Diocesan Synod) of members of the Electoral Synod at meetings to be held in terms of this Canon, the Convener after consultation with the College of Bishops, shall have discretion to extend the periods within which such Meetings fall to be held, and correspondingly extend the periods referred to in this Section.

The validity of the proceedings at any meeting under this Canon shall not be affected by the failure of any of members of the Electoral Synod to attend thereat.

**EPISCOPAL ORDINATION AND INSTALLATION**

**31. ORDINATION AND INSTALLATION OF THE BISHOP-ELECT**

The College of Bishops shall, within sixty days after the date of acceptance by the Bishop-Elect, make provision for the ordination to the episcopate of the person elected, unless already a Bishop, and installation into the vacant see which shall take place at the latest within one hundred days after the date of acceptance of election, unless the College of Bishops deem it necessary to postpone it beyond that period.

**32. OVERSIGHT DURING VACANCY**

The new Bishop shall take jurisdiction within the Diocese from the time of the installation. During the vacancy of the see, until the new bishop is installed, the Primus, or some other Bishop agreed by the College of Bishops, shall act as Bishop of the Diocese, with full powers.

**OBJECTIONS TO PROCEEDINGS**

**33. PROMISES TO AND STATEMENTS BY CANDIDATES**

No promises, either written or spoken, other than the subscriptions prescribed in Canon 12 shall be required from or given by any person as a condition of proposal as candidate for the bishopric or election as Bishop.

No person who has been proposed as candidate for the bishopric shall make any public statement, spoken or written, relating to that candidacy or to the proceedings of the election other than as provided in these Canons.

**34. APPEALS**

The Convener shall decide all questions of order or issues otherwise arising in the course of the proceedings.

Except as provided in Section 21 hereof, an appeal against any such decision or the conduct of the proceedings to the Episcopal Synod shall be competent, provided that any such objections with reasons therefor must have been stated at the relevant meeting, and be supported by not less than one-third of the members of the Electoral Synod present. A written statement thereof, with the names of the objectors, must be lodged within four days of the meeting to which it refers with the Registrar of the Episcopal Synod.

The decision of the Episcopal Synod shall be final.

### 35. POWERS OF EPISCOPAL SYNOD

In disposing of appeals under this Canon the Episcopal Synod may overrule objections to the election based on rulings which they hold erroneous, if satisfied that they have not affected the result of the election; they may correct the result, and declare the election to have taken place in conformity with such correction; and generally they shall dispose of the appeal as to them shall seem just.

If the election be set aside, the Primus shall forthwith issue a Mandate for a fresh Election.

### **RESOLUTIONS UNDER CANON 4**

1. Upon the promulgation of this Canon, it shall be the responsibility of the Standing Committee of each Diocesan Synod, or the equivalent body, to appoint two representatives, one clerical and one lay, to serve on the Provincial Panel for Episcopal Elections until such time as the Diocesan Synod meets and makes the election provided for in Section 2 of this Canon. To facilitate the setting up of the Panel and to ensure a proper succession of members of the Panel, members elected at such meetings shall serve as follows:

Clerical members from the dioceses of Argyll and Aberdeen and lay members from the dioceses of Brechin and Edinburgh shall hold office for one year.

Clerical members from the dioceses of Brechin and Edinburgh and lay members from the dioceses of Glasgow, Moray and St Andrews shall hold office for two years.

Clerical members from the dioceses of Glasgow, Moray and St Andrews and lay members from the dioceses of Argyll and Aberdeen shall hold office for three years.

All persons elected subsequent to the expiry of the periods of office of those elected initially shall hold office for three years. Any person who has served a term of office on the Panel may be elected for one further term but no one shall serve for more than two terms.

Any member of the Panel who has been appointed to a Preparatory Committee for an Episcopal Election, in terms of Section 5 of this Canon, shall continue to serve on that Committee, notwithstanding an expiry of period of office.

2. In the meeting of the Electoral Synod with the candidates, as provided under Section 19 of this Canon, the Convener of the Electoral Synod shall introduce the candidates into the meeting one at a time, inviting each to present a brief account of their views on the future of the diocese and the role of the bishop. After each of the candidates has been heard, the Convener may invite written questions from members of the Synod, and may, at the Convener's own discretion, put questions to the candidates in turn. Once each candidate has been given the opportunity to respond to any such questions, that candidate shall withdraw from the meeting. No two candidates shall be present in the meeting at any one time. Following the retreat of the last of the candidates from the meeting, the Convener shall close the meeting.

3. The organisation of the meetings of the Electoral Synod shall be the responsibility of the Convener of the Electoral Synod with the assistance of the Standing Committee of the Diocese.