

THE REPORT OF THE
COMMITTEE ON
CONSTITUTION &
CANONS

*The 185th
Convention of the
Diocese of
Michigan
October 25/26, 2019*

**PROPOSED AMENDMENTS TO THE CONSTITUTION AND CANONS OF
THE EPISCOPAL DIOCESE OF MICHIGAN**

This document serves as notice of the proposed amendments to be considered by the clergy and lay delegates to the 185th Convention of the Diocese of Michigan

*****Proposed Changes to the Constitution*****

Changes to the Constitution regarding Special Elections and Members of Conventions

Proposed Change 1#

Existing Article

**ARTICLE IV
Conventions**

Annual Convention. There shall be a Convention of this Diocese in each year (the “Annual Convention”), held at such time and place within this Diocese as shall have been determined by the preceding Annual Convention. If the preceding Annual Convention has not made such a determination, or if the Ecclesiastical Authority, acting with the advice and consent of the Diocesan Council, determines that there is sufficient cause to change the time or place determined by the preceding Annual Convention, the Annual Convention shall be held at the time and place determined by the Ecclesiastical Authority.

Special Convention.

(a) The Ecclesiastical Authority may call a special Convention at such place within this Diocese and time, and for such purpose, as is provided in written notice given as provided by Canon not less than 30 days prior to such Convention. The business of a special Convention shall be limited to those matters set forth in the notice of that Convention.

(b) A special Convention shall be called by the Ecclesiastical Authority if the call for a special Convention is made by written petition to the Ecclesiastical Authority, with a copy to the Standing Committee, to convene a special Convention signed by (i) not less than fifteen (15) members of the clergy canonically and actually resident in this Diocese of not less than ten (10) different parishes or missions, and (ii) vestries or Bishop's committees of

not less than ten (10) different parishes or missions, respectively, unless the Standing Committee determines by majority vote that the subject of the petition is not canonically permitted to come before Convention. In the case of a call for special Convention by petition, the Ecclesiastical Authority shall convene a special Convention of the Diocese not less than thirty (30) nor more than ninety (90) days after presentation of such petition, and the business at such special Convention shall be limited to the matters set forth in the petition.

Proposed (additions in bold/underline)

Annual Convention. There shall be a Convention of this Diocese in each year (the “Annual Convention”), held at such time and place within this Diocese as shall have been determined by the preceding Annual Convention. If the preceding Annual Convention has not made such a determination, or if the Ecclesiastical Authority, acting with the advice and consent of the Diocesan Council, determines that there is sufficient cause to change the time or place determined by the preceding Annual Convention, the Annual Convention shall be held at the time and place determined by the Ecclesiastical Authority.

Special Convention.

(a) The Ecclesiastical Authority may call a special Convention at such place within this Diocese and time, and for such purpose, as is provided in written notice given as provided by Canon not less than 30 days prior to such Convention. The business of a special Convention shall be limited to those matters set forth in the notice of that Convention.

(b) A special Convention shall be called by the Ecclesiastical Authority if the call for a special Convention is made by written petition to the Ecclesiastical Authority, with a copy to the Standing Committee, to convene a special Convention signed by (i) not less than fifteen (15) members of the clergy canonically and actually resident in this Diocese of not less than ten (10) different ~~parishes or missions~~ **congregations**, and (ii) **the governing bodies** ~~vestries or Bishop's committees~~ of not less than ten (10) different ~~parishes or missions~~ **congregations**, respectively, unless the Standing Committee determines by majority vote that the subject of the petition is not canonically permitted to come before Convention. In the case of a call for special Convention by petition, the Ecclesiastical Authority shall convene a special Convention of the Diocese not less than thirty (30) nor more than ninety (90) days after presentation of such petition, and the business at such special Convention shall be limited to the matters set forth in the petition.

63 ***Rationale:*** *The change in lines 55 to 57 are to make the language of Constitution consistent with*
64 *the canons in referencing “congregations” rather than “parishes and missions.”*

1 Article IV Proposed Change 2#

2 **Existing Article**

3 **Members of Convention.**

4 (a) The members (“Members”) of Convention with voice and vote shall be (i) the Bishop, (ii)
5 all other bishops, and other members of the clergy canonically and actually resident within
6 the Diocese and members of the clergy canonically serving a cure within this Diocese, and
7 (iii) three lay delegates from each congregation, whether parish or mission, in union with
8 Convention. The Canons shall provide for method of admitting parishes and missions into
9 union with Convention of this Diocese and for election of lay delegates. The lay delegates
10 serving as Members at the most recently adjourned Annual Convention shall serve as
11 delegates to any special Convention convened prior to an Annual Convention unless
12 replaced by action of the vestry or Bishop’s committee of a parish or mission, respectively,
13 which the lay delegates serve.

14

15 **Proposed (additions in bold/underline)**

16

17 **Members of Convention.**

18 (a) The members (“Members”) of Convention with voice and vote shall be (i) the Bishop, (ii)
19 all other bishops, and other members of the clergy canonically and actually resident within
20 the Diocese ~~and members of the clergy canonically serving a cure within this Diocese,~~ (iii)
21 **any cleric of a church with whom The Episcopal Church is in Full Communion and who is**
22 **serving a call in a congregation of this Diocese,** and (iv~~iii~~) three lay delegates from each
23 congregation, ~~whether parish or mission,~~ in union with Convention. The Canons shall
24 provide for method of admitting **congregations** ~~parishes and missions~~ into union with
25 Convention of this Diocese and for election of lay delegates. The lay delegates serving as
26 Members at the most recently adjourned Annual Convention shall serve as delegates to any
27 special Convention convened prior to an Annual Convention unless replaced by action of
28 the **governing body of the congregation** ~~vestry or Bishop’s committee of a parish or~~
29 ~~mission, respectively,~~ which the lay delegates serve.

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31

Rationale: This change is to:

- a) (rows 20 – 22) clarify members of convention and allow clerics of churches with whom the Episcopal Church is in Full Communion and is serving in one of our diocese (e.g. our Lutherans sisters and brothers who are currently clergy serving congregations in our diocese), and
- b) (rows 23-29) align the language regarding references to congregations for consistency with the canons.

*****Proposed Changes to the Canons *****

Changes to the Canons regarding the Election of a Bishop

Proposed Change 1#

Existing Canon

1.3 Special Conventions.

1.3.1 For Purposes Other than Election of a Bishop. Special Conventions are provided for in Article IV of the Constitution, and also by applicable Canons of the Diocese.

1.3.2 For Election of a Bishop. The election of a Bishop, a Bishop Coadjutor or Bishop Suffragan of this Diocese shall be at an Annual Convention or at a special Convention called for that purpose, following a call by the Ecclesiastical Authority for such an election.

1.3.2.1 Appointment and Term of Nominating Committee. Within thirty (30) days after the Ecclesiastical Authority calls for the election of a Bishop, Bishop Coadjutor or Bishop Suffragan, the Standing Committee shall appoint a committee to be known as "The Committee for the Nomination of a Bishop" (in this Canon 1.3.2, referred to as the "Committee") consisting of eight (8) to fourteen (14) persons, of equal numbers of members of the clergy and laypersons eligible to be Members of Convention, who are broadly representative of the Diocese.

1.3.2.1.1 Convocation. The Standing Committee shall notify the Secretary of Convention of the identity of the Committee members. The Secretary shall convene the first meeting of the

Committee, and the Committee shall elect its presiding officer and secretary at the first meeting.

1.3.2.1.2 Vacancies. The Standing Committee may at any time fill any vacancies in membership of the Committee, maintaining the equal number of clergy and lay members.

1.3.2.1.3 Term. The Committee shall continue until the earlier of (i) close of the Convention at which the Bishop, Bishop Coadjutor or Bishop Suffragan shall have been elected or (ii) until the Committee shall have been discharged by action of the Convention or (iii) withdrawal of the call for election by the Ecclesiastical Authority. 1.3.2.2 Duties and Role of the Committee. The Committee shall call for, receive and may itself propose for its consideration names of persons who may lawfully be elected to the Episcopal office to be filled, and shall establish the time within which such suggested names must be filed with the Committee. If any member of the Committee is proposed for consideration as a nominee for the Episcopal office, that member shall either withdraw from consideration or resign from the Committee. The Committee shall inform itself about the persons proposed for consideration with due diligence, including background investigations sufficient to satisfy reasonable inquiry about each person's character and fitness for the office; and shall approve any person whose name it submits as nominee based on such review. Any person who is to be considered for nomination shall consent in writing to such background investigation as the Committee shall deem appropriate as a condition for consideration.

1.3.2.2.1 Budget. The Committee, with the concurrence of Diocesan Council, shall establish a budget for its official duties, which shall be funded by the Diocese.

1.3.2.3 Nominations and Publication of Report of Nominations. After due consideration if the Committee for the Nomination of a Bishop deems at least two (2) of the persons considered to be qualified for the Episcopal office, it shall select not fewer than two (2) or more than five (5) of such persons, each of whom has consented to be nominated, as nominees for such office. The Committee shall prepare a written report to the Standing Committee, giving the names of the nominees, together with a brief biographical sketch of each. After approval of the names, the Standing Committee shall publicize the names of the nominees and describe and open the process for nominations by petition. If any nominee withdraws from consideration prior to the Convention, the Committee for the Nomination of a Bishop, with approval of the Standing Committee, may substitute the name of another person previously considered by the Committee and deemed qualified and who has consented to be nominated; and such a substitution shall constitute nomination of that person.

1.3.2.4 Nominations by Petition. Following the dissemination of the names of the nominees by the Standing Committee, nominations may be made by petition, which must be presented to the President of the Standing Committee at least seventy (70) days before the date set for the Convention. Such nominations must be signed by at least eight (8) lay

69 delegates and/or clergy (electors) of the Convention and accompanied by a letter of assent
70 from the person so nominated.

71
72 (a) Background and other checks as performed on the Committee Nominees shall be
73 ordered for each of the persons nominated by petition.

74
75 (b) The Standing Committee shall publicize, not less than thirty-five (35) days before the
76 date set for the Convention, the names of the lawful candidates nominated by petition.

77
78 (c) The entire list of persons nominated, whether by the Committee for the Nomination of a
79 Bishop or by petition, shall be printed and mailed by the Secretary of Convention to each
80 of the lay delegates and clergy of the Convention not later than thirty (30) days before the
81 date set for the Convention.

82
83 (d) The Standing Committee shall ensure that there are appropriate opportunities for all
84 persons nominated, whether by Committee or by petition, and the Members of Convention
85 to become mutually acquainted.

86
87 1.3.2.5 Action on Nominees at Convention. The entire list of persons nominated, whether by
88 the Committee or by petition, shall be considered at a Convention held not less than sixty
89 (60) days or more than ninety (90) days following the publication of the names of nominees
90 by the Standing Committee, on a date set by the Ecclesiastical Authority. Following the
91 seating of Members of Convention and establishment of the rules of Convention, the entire
92 list of persons nominated, whether by the Committee or by petition, shall be presented and
93 constitute a nomination of each of the nominees.

94
95 1.3.2.6 Election. Election of Bishop, Bishop Coadjutor or Bishop Suffragan shall be made in
96 the following manner: The clergy and layperson Members of Convention shall vote
97 separately, by orders. A majority of votes of each order on the same ballot shall be
98 necessary to elect.

99
100 At least 45 days prior to the election of a Bishop, Bishop Coadjutor or Bishop Suffragan, the
101 Ecclesiastical Authority shall appoint an Elections Commission. The Elections Commission
102 shall be responsible for the process for the election and the tabulation and reporting of the
103 results of elections. The Elections Commission shall consist of three members of the clergy
104 and two laypersons. The parliamentarian will serve as an ex-officio, non-voting member of
105 the committee. After the ballots have been counted and the election completed, the
106 Elections Commission shall prepare a written certificate to be signed by a majority of the
107 Commission, indicating the number of ballots cast, the number disqualified, and the results
108 of the election. The name of the person elected shall be announced by the Secretary of
109 Convention, and entered in the minutes of the Convention.

Proposed (additions in bold/underline)

1.3 Special Conventions.

1.3.1 For Purposes Other than Election of a Bishop. Special Conventions are provided for in Article IV of the Constitution, and also by applicable Canons of the Diocese.

1.3.2 For Election of a Bishop. The election of a Bishop, a Bishop Coadjutor or Bishop Suffragan of this Diocese shall be at an Annual Convention or at a special Convention called for that purpose, following a call by the Ecclesiastical Authority for such an election.

Whenever the election of a Bishop is required as provided in the Constitution and Canons of The Episcopal Church, the Standing Committee shall establish a process and budget (funded by the Diocese) for the nomination and election of such Bishop.

~~1.3.2.1 Appointment and Term of Nominating Committee. Within thirty (30) days after the Ecclesiastical Authority calls for the election of a Bishop, Bishop Coadjutor or Bishop Suffragan, the Standing Committee shall appoint a committee to be known as "The Committee for the Nomination of a Bishop" (in this Canon 1.3.2, referred to as the "Committee") consisting of eight (8) to fourteen (14) persons, of equal numbers of members of the clergy and laypersons eligible to be Members of Convention, who are broadly representative of the Diocese.~~

~~1.3.2.1.1 Convocation. The Standing Committee shall notify the Secretary of Convention of the identity of the Committee members. The Secretary shall convene the first meeting of the Committee, and the Committee shall elect its presiding officer and secretary at the first meeting.~~

~~1.3.2.1.2 Vacancies. The Standing Committee may at any time fill any vacancies in membership of the Committee, maintaining the equal number of clergy and lay members.~~

~~1.3.2.1.3 Term. The Committee shall continue until the earlier of (i) close of the Convention at which the Bishop, Bishop Coadjutor or Bishop Suffragan shall have been elected or (ii) until the Committee shall have been discharged by action of the Convention or (iii) withdrawal of the call for election by the Ecclesiastical Authority.~~

~~1.3.2.2 Duties and Role of the Committee. The Committee shall call for, receive and may itself propose for its consideration names of persons who may lawfully be elected to the Episcopal office to be filled, and shall establish the time within which such suggested names must be filed with the Committee. If any member of the Committee is proposed for consideration as a nominee for the Episcopal office, that member shall either withdraw~~

~~from consideration or resign from the Committee. The Committee shall inform itself about the persons proposed for consideration with due diligence, including background investigations sufficient to satisfy reasonable inquiry about each person's character and fitness for the office; and shall approve any person whose name it submits as nominee based on such review. Any person who is to be considered for nomination shall consent in writing to such background investigation as the Committee shall deem appropriate as a condition for consideration.~~

~~1.3.2.2.1 Budget. The Committee, with the concurrence of Diocesan Council, shall establish a budget for its official duties, which shall be funded by the Diocese.~~

~~1.3.2.3 Nominations and Publication of Report of Nominations. After due consideration if the Committee for the Nomination of a Bishop deems at least two (2) of the persons considered to be qualified for the Episcopal office, it shall select not fewer than two (2) or more than five (5) of such persons, each of whom has consented to be nominated, as nominees for such office. The Committee shall prepare a written report to the Standing Committee, giving the names of the nominees, together with a brief biographical sketch of each. After approval of the names, the Standing Committee shall publicize the names of the nominees and describe and open the process for nominations by petition. If any nominee withdraws from consideration prior to the Convention, the Committee for the Nomination of a Bishop, with approval of the Standing Committee, may substitute the name of another person previously considered by the Committee and deemed qualified and who has consented to be nominated; and such a substitution shall constitute nomination of that person.~~

~~1.3.2.4 Nominations by Petition. Following the dissemination of the names of the nominees by the Standing Committee, nominations may be made by petition, which must be presented to the President of the Standing Committee at least seventy (70) days before the date set for the Convention. Such nominations must be signed by at least eight (8) lay delegates and/or clergy (electors) of the Convention and accompanied by a letter of assent from the person so nominated.~~

~~(a) Background and other checks as performed on the Committee Nominees shall be ordered for each of the persons nominated by petition.~~

~~(b) The Standing Committee shall publicize, not less than thirty five (35) days before the date set for the Convention, the names of the lawful candidates nominated by petition.~~

~~(c) The entire list of persons nominated, whether by the Committee for the Nomination of a Bishop or by petition, shall be printed and mailed by the Secretary of Convention to each of~~

~~the lay delegates and clergy of the Convention not later than thirty (30) days before the date set for the Convention.~~

~~(d) The Standing Committee shall ensure that there are appropriate opportunities for all persons nominated, whether by Committee or by petition, and the Members of Convention to become mutually acquainted.~~

~~1.3.2.5 Action on Nominees at Convention. The entire list of persons nominated, whether by the Committee or by petition, shall be considered at a Convention held not less than sixty (60) days or more than ninety (90) days following the publication of the names of nominees by the Standing Committee, on a date set by the Ecclesiastical Authority. Following the seating of Members of Convention and establishment of the rules of Convention, the entire list of persons nominated, whether by the Committee or by petition, shall be presented and constitute a nomination of each of the nominees.~~

1.3.3~~2.6~~ Election. Election of Bishop, Bishop Coadjutor or Bishop Suffragan shall be made in the following manner: The clergy and layperson Members of Convention shall vote separately, by orders. A majority of votes of each order on the same ballot shall be necessary to elect.

At least 45 days prior to the election of a Bishop, Bishop Coadjutor or Bishop Suffragan, the Ecclesiastical Authority shall appoint an Elections Commission. The Elections Commission shall be responsible for the process for the election and the tabulation and reporting of the results of elections. The Elections Commission shall consist of three members of the clergy and two laypersons. The parliamentarian will serve as an ex-officio, non-voting member of the committee. After the ballots have been counted and the election completed, the Elections Commission shall prepare a written certificate to be signed by a majority of the Commission, indicating the number of ballots cast, the number disqualified, and the results of the election. The name of the person elected shall be announced by the Secretary of Convention, and entered in the minutes of the Convention.

Rationale: *Our canons currently include far more specificity around election committees, timelines and the details of notifications than is the norm across the Episcopal Church and the canons of other dioceses. Because the need for such elections are infrequent, the circumstances around each election and its timing unique, and the practical fact that the operations of the diocese evolve over time, it is recommended that our diocese significantly simplify our canons for such elections. These changes will allow greater flexibility to the Standing Committee in setting forth the timing and processes for the Election of a Bishop. As such:*

- a) **Rows 118 – 120** authorizes the Standing Committee to create the election process.
- b) The deletions for **rows 121-189**, eliminates the very detailed processes currently set forth.

1 **Changes to the Canons regarding the Trustees**

2
3 Proposed Change 1#

4
5 **Existing Canon**

6
7 2.3.5 Trustees.

8 2.3.5.1 Members. The Trustees shall be composed of the Bishop, who shall be the President,
9 and fifteen (15) other members, three (3) of whom shall be members of the clergy entitled to
10 vote at Convention and twelve (12) of whom shall be laypersons each of whom is a
11 communicant in good standing of a congregation that have been admitted as a Voting
12 Congregation. Four members; one member of the clergy and three laypersons, shall be
13 elected at each Annual Convention, so that their terms are staggered. The term of office
14 shall commence at a meeting of the Trustees called or scheduled not less than 90 days after
15 Annual Convention (the “annual organizational meeting”) and continue until the annual
16 organizational meeting held after the fourth Annual Convention following election. A
17 person shall not be eligible for reelection until the next Annual Convention following
18 expiration of their term unless they served only two years or less of a four year term. By
19 majority vote, the remaining Trustees may fill a vacancy on the Trustees for the unexpired
20 term by appointing a person in the same order as the person whose unexpired term is to be
21 filled, and the person so elected shall serve for the duration of the unexpired term of the
22 person creating the vacancy. In addition: at the 183rd Convention of the Diocese of
23 Michigan, the candidate receiving the fourth-highest vote total will be elected for a three
24 year term; at the 184th Convention of the Diocese of Michigan, the candidate receiving the
25 fourth-highest vote total will be elected for a two year term; and the Bishop will select one
26 member of the lay trustee class elected at the 182nd Convention of the Diocese of Michigan
27 (October 2016) to serve for a fourth year.

28
29 **Proposed (additions in bold/underline)**

30
31 2.3.5 Trustees.

32 2.3.5.1 Members. The Trustees shall be composed of the Bishop, who shall be the President,
33 and ~~fifteen (15)~~**sixteen (16)** other members, ~~three (3)~~**four (4)** of whom shall be members of
34 the clergy entitled to vote at Convention and twelve (12) of whom shall be laypersons each

of whom is a communicant in good standing of a congregation that have been admitted as a Voting Congregation. Four members; one member of the clergy and three laypersons, shall be elected at each Annual Convention, so that their terms are staggered. The term of office shall commence at a meeting of the Trustees called or scheduled not less than 90 days after Annual Convention (the “annual organizational meeting”) and continue until the annual organizational meeting held after the fourth Annual Convention following election. A person shall not be eligible for reelection until the next Annual Convention following expiration of their term unless they served only two years or less of a four year term. By majority vote, the remaining Trustees may fill a vacancy on the Trustees for the unexpired term by appointing a person in the same order as the person whose unexpired term is to be filled, and the person so elected shall serve for the duration of the unexpired term of the person creating the vacancy. ~~In addition: at the 183rd Convention of the Diocese of Michigan, the candidate receiving the fourth highest vote total will be elected for a three year term; at the 184th Convention of the Diocese of Michigan, the candidate receiving the fourth highest vote total will be elected for a two year term; and the Bishop will select one member of the lay trustee class elected at the 182nd Convention of the Diocese of Michigan (October 2016) to serve for a fourth year.~~

Rationale: *The length of a trustee’s term was increased from three to four years at the 183rd Convention of the Diocese of Michigan to allow the Diocese to benefit from an additional year of service from experienced Trustees.*

- a) Row 33: This change adds one additional clergy trustee. Without adding a fourth clergy trustee, there will not be a clergy trustee elected in each year. This change is consistent with rows 36 and 37 that one clergy trustee and three lay trustees are elected each year.
- b) Deleting rows 46-51 eliminates the language that was needed to transition the terms from three to four years. It is proposed to be eliminated as it is no longer relevant.