

COMMENTARY AND GUIDELINES ON CANON 4

The Canon 4 Working Group's earlier consultation identified several concerns in terms of the clarity of the existing Canon 4 and the way in which it has been implemented in recent Episcopal Elections. In response to these concerns the Group has drafted a 'Commentary' and a set of 'Guidelines' linked to the Canonical text which, it hopes members of the Electoral Synod would find helpful during an Episcopal Election. These, if accepted, would be adopted by Resolution of General Synod. They would not have any 'legal' status, rather they are intended to assist electors in the task of calling and electing a Bishop.

The text below provides an outline of what might be included in a Commentary and a set of Guidelines. Fully worked out final versions of both documents will be presented to Diocesan Synods and the General Synod in 2023, should the revised Canon 4 be passed at first reading by the 2022 General Synod.

A key change in focus in the revised Canon is placing 'discernment' at the heart of the electoral process. Given this, a brief note on the importance of discernment throughout the calling and election of a Bishop is appended to the outlines of the Commentary and set of Guidelines. It will also be suggested that all electors and members of the Preparatory Committee receive diocesan training on discernment before the Mandate is issued.

Commentary – outline

This commentary is designed to provide a "User's Guide" to Canon 4 and clarify what can often appear as very dense legal text. Precisely drafted text is necessary for a clear set of rules and procedures governing an Episcopal Election, but the intent of the resulting Canon is not always self-evident to non-specialists. Hence the need for a commentary. The rationale for each section, or grouped sections, will be explored in turn in the fully worked out version and aligned with each of the major headings listed in the Canon:

- Preliminaries
- The Electoral Synod
- Preparatory Committee for a Diocesan Episcopal Election
- The meeting of the Electoral Synod with the Candidates
- The Electoral Meeting
- Episcopal Ordination and Installation
- Objections to proceedings of the Electoral Synod

The Commentary should be read alongside the Guidelines. Whereas the Commentary explains the rationale for each section; the Guidelines provide information on how an Episcopal Election should be undertaken.

Guidelines – outline

The Guidelines will assist in the process of calling and electing a Bishop. They are designed to provide a 'check list' of tasks to be completed from the announcement of a vacancy in the see to the consecration and installation of a new Bishop. They should read alongside the Commentary on Canon 4. Whereas the Guidelines will provide information on how an

Episcopal Election should be conducted: the Commentary will explain the rationale for the revised Canon.

The rationale for each section, or grouped sections, will be explored in turn in the fully worked out version and aligned with each of the major headings listed in the Canon:

- Preliminaries
- The Electoral Synod
- Preparatory Committee for a Diocesan Episcopal Election
- The meeting of the Electoral Synod with the Candidates
- The Electoral Meeting
- Episcopal Ordination and Installation
- Objections to proceedings of the Electoral Synod

The Guidelines will be drafted to promote a more uniform and consistent operation of Canon 4 across all dioceses. It is hoped that dioceses will follow them and thereby undertake an Episcopal Election in which the work of the Holy Spirit is evident through the process of 'discernment' and candidates are treated with appropriate dignity and respect. The whole province is invited to underpin each election of a new Bishop in prayer.

Electing a Bishop is one of the most important moments in the life of a Diocese and a key responsibility of the Electoral Synod. It requires time and commitment from every elector and candidate.

Discernment of Vocation

The Election is a process governed by the Canons of the SEC; however, it is also a process of choosing someone whom God is calling to serve, a process of vocational discernment by the Preparatory Committee, the Electoral Synod, and the candidates. Offering oneself as a candidate is itself a vocation, as is serving as an elector. It requires faithful prayer even more than it requires correct procedure.

The entire process, not just the final election, is about discernment. Attentiveness to the leading of the Holy Spirit by everyone involved needs prayerful reflection and silence as well as listening and speaking. The meetings of the Electoral Synod begin with the Eucharist, during which the Synod should pray for the guidance of the Spirit, and the candidates should be prayed for by name. But prayer should be allowed for at other times. These might include the beginning and ending of meetings, before and after meeting a candidate in interview, and before any ballot.

Draft: Guidelines for the Election of a Bishop

When we elect a Bishop, we discern God's will for our diocese. This is why we surround our election process with prayer and give our time and best energies to it, alert to the movement of God's Holy Spirit amongst us. It is a privilege.

These Guidelines, which should be read alongside the Commentary, are offered to encourage us to do this well, to attend diligently to the training we are given and to treat all who offer themselves as candidates with proper care and compassion.

Confidentiality

It is essential to note that the whole electoral process is confidential. Only the name of the newly elected Bishop will be made public. Electoral Synod members must understand how crucial this is to the integrity of the process and our care for all who, like us belong to the Body of Christ.

Practical Arrangements

1. The Diocesan Standing Committee should nominate one member of the Diocesan Office staff (or a Diocesan Official) to be the direct link with the Convening Bishop, the Standing Committee, Preparatory Committee and the candidates. This Diocesan Link will welcome individuals, book rooms for meetings and accommodation for those who require it. They should ensure that all the practical needs arising from the electoral process are met. (Action: Standing Committee)
2. For the sake of consistency and confidentiality it should be clear who will deal with correspondence with nominees and referees. It may be the Diocesan Link. (Action: Standing Committee)
3. The Standing Committee (or equivalent) will prepare a Description of the Diocese and Role Description. These constitute the diocesan documents and they need not be confined to text-based documents. (Action: Standing Committee)
4. Where possible, diocesan clerical and lay members of the Preparatory Committee should be elected at the Diocesan Synod held immediately prior to the issuing of the Mandate. Those seeking this role should have relevant experience and expertise and offer themselves only after careful and prayerful consideration. (Action: Standing Committee)
5. At the first meeting of the Electoral Synod, provincial and diocesan documents will be discussed, and training given. A provisional timetable will be agreed, thus allowing all members to 'clear their diaries'. (Action: Convener)
6. Preparatory Committee members will also receive mandatory training. (Action: Convener)
7. Preparatory Committee members must receive all documentation relevant to their task. (Action: Diocesan Link and Convener)
8. The Convener, together with the Preparatory Committee and the College of Bishops should ensure that spiritual and pastoral support is available to all who enter this process of discernment. It must be remembered that any discernment process is spiritually and emotionally demanding for those at its heart and care and sensitive follow-up should be offered to all within the process, at all stages. (Action: Convener and Provincial Director of Ordinands)

9. The Preparatory Committee will seek nominations for the role of Bishop in the vacant diocese. They may seek further information from the nominees and interview them prior to making a short-list for the Electoral Synod. (Action: [Preparatory Committee](#))

10. Nominations may be made to the Convener by potential candidates themselves or by a third party. All nominations should be acknowledged. (Action: [Convener](#))

11. Some nominees may be eliminated at this early stage, but most will be invited to submit an application. They should receive the diocesan documents a copy of Canon 4 and its Commentary, and an application form or questionnaire as agreed by the Preparatory Committee. This should not be an overly lengthy document and it should seek to discern the nominee's vocation to episcopal ministry. Dates for possible interviews should be notified at this point. (Action: [Preparatory Committee](#)).

12. On receipt of the application form or questionnaire the Preparatory Committee may choose to interview some or all nominees. The Committee should communicate all details of the process clearly, giving at least 14 days' notice. Interviewees should receive written details of the time, location, and any presentation that is required. They should also be asked if they have any accessibility or dietary needs. Care must be taken in arranging times for interviews to ensure that candidates do not have to encounter other candidates. Meeting other candidates can be embarrassing and difficult. Appropriate arrangements must be made to avoid this taking place. (Action: [Preparatory Committee and Diocesan Link](#)).

13. It will be the responsibility of the Diocesan link person to work closely with the Preparatory Committee to arrange accommodation and the reimbursement of travel and other expenses. Where relevant, interviewees' spouses should be invited to visit and offered accommodation. (Action: [Diocesan Link](#))

14. Careful thought should be given to the welcome offered to interviewees and their spouses. They should have the opportunity to visit the Bishop's residence, for example, and the Diocesan Office. A 'host' or 'minder' should be offered to each interviewee. (Action: [Diocesan Link](#))

15. Questions should be agreed prior to interview and care taken to eliminate bias. Prior to interview, members of the Preparatory Committee should decide who will ask which questions. This ensures a structured approach to the interview. (Action: [Preparatory Committee](#))

16. All interviewees should be informed of the result of their interviews as soon as possible. Whether proceeding to the short-list or not, feedback must be offered to interviewees by the Convener. (Action: [Convener](#))

17. Candidates short-listed should be informed of the date, time and location of their meeting with the Electoral Synod. They should be told the time of the eucharist, who will meet and support them, where they will wait and, ideally, in what order they will make their presentation. They should be given full details of the nature and theme of the presentation expected of them and of available technology. (Action: [Diocesan Link](#))

18. The Synod location must be fit for purpose and any previously agreed technology must be in full working order. To avoid suggestions of bias and to maintain confidentiality, the location

chosen for the Synod should not be in one of the candidates' charges. (Action: Convener and Diocesan Link)

19. After the Synod has made its decision, candidates must be notified as quickly as possible. Those not elected must receive continuing care and kindness. See Note 8 above. (Action: Convener)

24th January 2023

CANON FOUR

OF THE CALLING AND ELECTION OF BISHOPS TO VACANT SEES

1. DEFINITIONS

In this Canon

“Bishop-Elect” means the person stated in the Declarations referred to in Sections 28 and 30 of this Canon as the person elected as the Bishop of the Diocese in question;

“Candidate” means any 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 16 of this Canon, and "Candidates" shall be construed accordingly;

"Commentary" means the Commentary adopted by the General Synod under Resolution 2 of this Canon, which Commentary is at all times subordinate to this Canon;

“Convener of the Preparatory Committee” means the person so specified to act as the Convener of the Preparatory Committee in terms of Section 15 of this Canon;

“Convener of the Electoral Synod” or "Convener" means the person so specified to act as the Convener of the Electoral Synod in terms of Section 6 of this Canon;

“Description of the Diocese” means the document or other method of presentation describing the diocese in question referred to in Section 4 of this Canon;

"Electoral Process" means the process for the election of a Bishop-Elect contained in this Canon;

“Electoral Synod” means the body constituted in Section 8 of this Canon;

“Electoral Meeting” means the electoral meeting of the Electoral Synod;

“Electors” means the members of the Electoral Synod present at any meeting;

"Electronic Means" means any method of transmission of information, sound or images between computers or other machines, other than facsimile machines, designed for the purpose of sending and receiving such transmissions and which allows the recipient to reproduce the information, sound or images transmitted in a tangible medium of expression;

"Guidelines" means the Guidelines adopted by the General Synod under Resolution 1 of this Canon, which Guidelines are at all times subordinate to this Canon;

“the List” means the list of names of candidates prepared by the Preparatory Committee in terms of Section 16 of this Canon;

“Mandate” means the document in terms of Appendix 1 to the Code of Canons;

“Preliminary Meeting" means the Preliminary Meeting of the Electoral Synod being the meeting referred to in Section 10 of this Canon;

“Preparatory Committee” means the body constituted in Section 15 of this Canon;

“Provincial Panel for Episcopal Elections” means the standing body constituted under Section 3 of this Canon;

"Stage" means the First Stage, Second Stage and Third Stage of the electoral process specified in Section 12 of this Canon and "Stages" shall be construed accordingly.

PRELIMINARIES

2. CONFIDENTIALITY AND DISPOSAL OF DOCUMENTATION

- (a) All documents and proceedings arising under this Canon shall be subject to a duty of confidentiality such that they shall be treated as strictly confidential by all persons involved in all or any of the proceedings arising under the Canon and who are subject to the Canons of the Church.
- (b) At the conclusion of the Electoral Process all documentation issued to the Electoral Synod and the Preparatory Committee shall be disposed of in such a way as the Convener shall direct.

3. PROVINCIAL PANEL FOR EPISCOPAL ELECTIONS

- (a) There shall be a Provincial Panel for Episcopal Elections.
- (b) 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.
- (c) The period of office of such persons shall be not more than four years in the first instance, but they may be re-elected for a second term of office.
- (d) The Standing Committee of the Diocese shall have the power to fill any casual vacancies arising in the membership including a clerical member disqualified in terms of Section 16, on the condition that such person appointed will hold office until the next Diocesan Synod.
- (e) If, before the next Diocesan Synod, an Electoral Process under this Canon has commenced, the person shall continue in office until the Diocesan Synod following the completion of the Electoral Process.
- (f) The person shall be entitled to stand thereafter for such office for the full period of four years.
- (g) Any member of the Panel who has been appointed to a Preparatory Committee shall continue to serve on that Committee notwithstanding an expiry of period of office.

4. OVERSIGHT DURING VACANCY AND DESCRIPTION OF THE DIOCESE

- (a) During the vacancy of the see, until the newly elected Bishop is installed, a Bishop nominated by the College of Bishops shall act as Bishop of the Diocese, with full powers.
- (b) As soon as the intention of the Bishop to resign has been intimated in terms of Canon 7, or after the death of the Bishop, or the removal of the Bishop due to incapacity in terms of Canon 64, or the removal of the Bishop in terms of Canon 54, the Standing Committee of the Diocese shall complete and circulate a Description of the Diocese, together with such future plans and intentions for the work of the Diocese as seem relevant to said Standing Committee.
- (c) It shall also promote training on the Electoral Process and discernment for the calling of a Bishop.
- (d) The Description of the Diocese shall be circulated to all members of the Electoral Synod, the College of Bishops, the Preparatory Committee and the Candidates.

5. ISSUE OF THE MANDATE

- (a) Within twenty-one days of a Diocese becoming vacant, the Primus shall issue the Mandate to the Dean of that Diocese 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.
- (b) The date of issuing the Mandate may be extended by the College of Bishops.
- (c) In the event of there being a vacancy in the office of Dean, the Mandate shall be issued to the Synod Clerk of that Diocese.
- (d) The issue of the Mandate shall inaugurate the Electoral Process.

THE ELECTORAL SYNOD

6. CONVENERSHIP OF ELECTORAL SYNOD

- (a) The meetings of the Electoral Synod shall be convened by the Primus.
- (b) The Convener shall have no vote in the deliberations of the Electoral Synod.
- (c) The organisation of the meetings of the Electoral Synod shall be the responsibility of the Convener with the assistance of the Standing Committee of the Diocese.
- (d) 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 shall act in place of the Primus.

- (e) If a Bishop is appointed to replace the Primus in the conduct of the Electoral Process, that Bishop shall act in place of the Primus in all subsequent matters concerning that Electoral Process.
- (f) Should the Bishop so appointed become unable or unwilling to act, the College of Bishops shall appoint another of their members to act.

7. ASSESSOR

- (a) The Convener of the Electoral Synod shall appoint the Chancellor of the Diocese, whom failing the Registrar of the Diocese or a legally qualified person to act as Assessor to the Electoral Synod and Assessor to the Preparatory Committee.
- (b) The Assessor shall attend all meetings of Electoral Synod and the Preparatory Committee.
- (c) If the Assessor is not able to attend any meeting, the Convener shall be entitled to excuse such non-attendance, and at the Convener's sole discretion appoint a legally qualified person to act as Assessor.

8. MEMBERSHIP OF THE ELECTORAL SYNOD

- (a) The membership of the Electoral Synod shall comprise the members, as defined in Sections 3 and 4 of Canon 50, of the Diocesan Synod who as at the date of the Mandate are qualified to vote at that Synod.
- (b) Any cleric who has allowed their name to appear on the List at any Stage may not participate in the Electoral Process at that Stage.
- (c) Such cleric shall not be excluded from participation at a Stage when their name does not appear on the List.
- (d) Any Lay Representative who ceases 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 Mandate.
- (e) In the event of any Lay Representative being unable to attend any Meeting of the Electoral Synod, the Alternate Lay Representative may attend any such Meetings as a voting member of the Electoral Synod and shall continue as a voting member of the Electoral Synod in place of the Lay Representative until the election has taken place.
- (f) Written confirmation of such substitution should if possible be made by the Lay Representative or the Vestry Secretary of the congregation to the Convener of the Electoral Synod within 10 days of the date of the next Meeting, to ensure inclusion in the roll of Electors for such meeting.

- (g) In unforeseen circumstances where any Lay Representative or the Alternate Lay Representative has suddenly become indisposed, the Convener has a discretion to allow the Lay Representative or the Alternate Lay Representative to attend later meetings of the Electoral Synod.
- (h) The roll of Electors shall be amended accordingly.

9. DIVISION INTO HOUSES

- (a) It shall be competent for the Electoral Meeting 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 shall decide.
- (b) 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 for this.
- (c) During such separate meetings, each house shall elect one of their number to take the chair for that meeting.

10. PRELIMINARY MEETING OF THE ELECTORAL SYNOD

- (a) The Convener shall summon a Preliminary Meeting of the Electoral Synod.
- (b) The Summons can be by Electronic Means or by letter.
- (c) The Preliminary Meeting shall take place within 21 days of the issuing of the Summons.
- (d) Recipients of the Summons should also receive a copy of the Mandate, the Guidelines and the Commentary.
- (e) All members of the College of Bishops shall normally attend the Preliminary Meeting.
- (f) They may contribute to the discussion but shall have no vote in the deliberations.
- (g) All members of the Preparatory Committee already appointed shall normally attend the Preliminary Meeting.
- (h) They may contribute to the discussion but shall have no vote in the deliberations unless they are members of the Electoral Synod in their own right.

11. PROCEDURES OF THE PRELIMINARY MEETING

- (a) The Preliminary Meeting shall start with a celebration of the Eucharist at which the Convener of the Electoral Synod shall preside, following which the Convener shall constitute the Preliminary Meeting.
- (b) Following the reading of the Mandate, the roll of clerical and lay members of the Electoral Synod shall be called.
- (c) 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.
- (d) Such objection or claim shall be disposed of forthwith and shall not be competent at a later stage of the proceedings.
- (e) 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.
- (f) At the Preliminary Meeting the Convener shall explain to the members of the Synod the working of the process under this Canon.
- (g) The Preliminary Meeting may 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 and all matters relating to the election of a Bishop under this Canon.
- (h) If not already elected at the last Diocesan Synod prior to the issue of the Mandate, the Preliminary Meeting shall, from its own membership, elect two additional clerical members and two additional lay members to join the Preparatory Committee.
- (i) No congregation shall be represented by more than one member on the Preparatory Committee.

12. TIMETABLING BY PRELIMINARY MEETING AND STAGES

- (a) The Preliminary Meeting shall approve a provisional timetable for all possible meetings of the Electoral Synod under a single Mandate including all of the Stages.
- (b) The Electoral Process shall be completed within one year of the date of the Vacancy even if it is necessary to engage in all three Stages.
- (c) The provisional timetable may be extended at the discretion of the Convener with the support of a majority of the Electoral Synod.
- (d) Consultation may be carried out by Electronic Means or letter and notice of a decision shall be transmitted by the same method to all members of the Electoral Synod.

(e) The three Stages of the Electoral Process are as follows:-

FIRST STAGE

ELECTION BY ELECTORAL SYNOD AT FIRST ATTEMPT

- The Preparatory Committee sends the List to the Electoral Synod.
- The Meeting of the Electoral Synod with the Candidates.
- The Electoral Meeting at which the Bishop-Elect is elected.

SECOND STAGE (Should there be no List or no successful election)

ELECTION BY ELECTORAL SYNOD AT SECOND ATTEMPT

- Further Meeting of Electoral Synod.
- The Preparatory Committee sends the List to the Electoral Synod.
- The Meeting of the Electoral Synod with the Candidates.
- The Electoral Meeting at which the Bishop-Elect is elected.

THIRD STAGE (Should there be no List or no successful election at the second Stage)

ELECTION BY EPISCOPAL SYNOD

- A meeting between members of the Episcopal Synod and the Diocesan Members of the Preparatory Committee.
- The Meeting of the Episcopal Synod at which the Bishop-Elect is elected.

13. QUORUM

- (a) The quorum for all meetings of the Electoral Synod shall be as defined in the Diocesan Constitution or, should no quorum be specified, it shall be one half of those entitled to vote.
- (b) Should circumstances make it difficult to ensure a quorum, the Convener shall have the discretion to extend the periods within which such meetings may be held.

14. VALIDITY OF PROCEEDINGS

- (a) The validity of the proceedings at any meeting under this Canon shall not be affected by the failure of any of the members of the Electoral Synod, Preparatory Committee or Episcopal Synod to attend.

PREPARATORY COMMITTEE FOR A DIOCESAN EPISCOPAL ELECTION

15. MEMBERSHIP

- (a) The preparation of all documentation for meetings of the Electoral Synod, other than the Preliminary Meeting, shall be the responsibility of a Preparatory Committee.
- (b) The Preparatory Committee shall comprise
 - (i) the Convener of the Electoral Synod who shall act as Convener of the Preparatory Committee,
 - (ii) one other bishop, nominated by the College of Bishops,
 - (iii) 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, including both members from the diocese concerned), and
 - (iv) two further lay and two further clerical members chosen by the last Diocesan Synod prior to the issuing of the Mandate, which failing the Electoral Synod from among its own members at the Preliminary Meeting.

16. WORK OF THE PREPARATORY COMMITTEE

- (a) All meetings of the Preparatory Committee shall take place within the Diocese concerned.
- (b) Where it is not possible or permissible to meet in person, or it is easier for members to participate, meetings can be held using Electronic Means.
- (c) 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.
- (d) The Preparatory Committee shall prepare a List consisting of not less than three and not more than five names.
- (e) In determining the content of this List, the Preparatory Committee shall consult interested parties, including the Diocesan Standing Committee and the College of Bishops.
- (f) In determining the content of this List, the Preparatory Committee may receive suggestions from whomsoever wishes to make them; may interview prospective Candidates; and may use such other means as it sees fit to employ.
- (g) Any suggestions submitted shall include an indication of the willingness of the person suggested to be considered for candidacy by the Preparatory Committee.
- (h) In addition to the List, the Preparatory Committee shall provide
 - (i) a *curriculum vitae*, prepared by each Candidate,
 - (ii) a statement from each, in the form of responses to a questionnaire prepared by the Preparatory Committee and completed by each Candidate, and

- (iii) a form of assent to nomination as Candidate (in terms of Appendix No.2) from each Candidate.
- (i) The List shall not be made public and shall be treated as confidential by all those who receive it.
- (j) If a clerical member of the Preparatory Committee declares a willingness to be considered for inclusion on the List, that member shall immediately cease to be a member of the Preparatory Committee.
- (k) If the member concerned is a member of the Provincial Panel for Episcopal Elections but not the member for the Diocese in question, the Standing Committee of the General Synod shall select a replacement from the Provincial Panel for Episcopal Elections.
- (l) If the member concerned is one of the additional clerical members chosen by either the Diocesan Synod or the Electoral Synod, the Standing Committee of the Diocese shall nominate a replacement cleric from among those who were members of the Diocesan Synod at the date of the issue of the Mandate.
- (m) In the event of the clerical member of the Provincial Panel for Episcopal Elections being the Diocesan member thus disqualified, a replacement shall be appointed in terms of Section 3.
- (n) The Preparatory Committee shall endeavour to produce the List within the provisional timetable at both the first and second Stages agreed by the Electoral Synod in terms of Section 12, but if this cannot be done it may seek an extension.
- (o) In the second Stage the List shall contain not less than two and not more than five names.
- (p) If the Preparatory Committee is unable to produce a List at the Second Stage, or if no Candidate is elected at the Second Stage, the third Stage shall commence and the right of Election shall pass to the Episcopal Synod.

17. ASSENT OF THE COLLEGE OF BISHOPS

- (a) Once nominations have been received, but before any interviews take place, the Preparatory Committee shall send details of those nominated to the College of Bishops, who must assent to any names going forward for further consideration.
- (b) The name of any person who is not agreed as acceptable by the College of Bishops may not be included in the List.
- (c) The reasons for such decisions shall be recorded in the minutes of the College of Bishops, which minutes shall be confidential.
- (d) 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.
- (e) The appearance of any name on the List shall be regarded as evidence that that name is acceptable to the College of Bishops.

18. PROMISES TO AND STATEMENTS BY CANDIDATES

- (a) 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 a Candidate.
- (b) No person who has been proposed as Candidate shall make any public statement, spoken or written, relating to that candidacy or the Electoral Process, other than as provided in these Canons.
- (c) Any infringement of this provision by a Candidate shall be notified to the Convener and then considered by the Electoral Synod prior to the Electoral Meeting with Candidates and the Electoral Synod may decide that the candidacy shall be treated as having been withdrawn.

THE MEETING OF THE ELECTORAL SYNOD WITH THE CANDIDATES

19. CONVENING

- (a) The Convener of the Electoral Synod shall summon the Meeting of the Electoral Synod with the Candidates by Electronic Means or letter.
- (b) Recipients of the Summons should also receive confirmation of the date of the Electoral Meeting and receive the List and those other papers prepared by the Preparatory Committee for the use of the Electoral Synod.

20. MEETING OF THE ELECTORAL SYNOD WITH CANDIDATES

- (a) The Electoral Synod's meeting with the Candidates shall start with a celebration of the Eucharist at which the Convener shall preside, following which the Convener shall constitute the meeting.
- (b) The roll of Electors as constituted under Section 11 shall be checked.
- (c) Any amendments to the roll of Electors under Section 8 shall be intimated, and if any objection is raised to the inclusion or omission of a name on the electoral roll, the Convener, on the advice of the Assessor, shall decide on such objection.
- (d) The Convener's decision shall be final and not subject to an appeal.
- (e) The Candidates shall be introduced to the meeting by the Convener, and the meeting will proceed as the Convener may direct.

THE ELECTORAL MEETING

21. CONSTITUTION AT CELEBRATION OF THE EUCHARIST

- (a) The Electoral Meeting shall start with a celebration of the Eucharist, at which the Convener shall preside, following which the Convener shall constitute the Electoral Meeting.

22. READING OF MANDATE AND CHECKING OF ROLL OF ELECTORS

- (a) Following the reading of the Mandate, the roll of Electors as constituted under Sections 11 and 20 shall be checked.
- (b) The Convener shall have discretion to admit latecomers to the Electoral Meeting on good cause being shown, although no person will be admitted once these initial proceedings have come to an end.
- (c) The initial proceedings, consisting of the Eucharist, the reading of the Mandate and the checking of the roll of Electors, shall take place in public.
- (d) All subsequent proceedings shall be in private and shall be and shall remain confidential.
- (e) Confidentiality as to the result of the election shall be maintained by all members until the Convener formally intimates that the Bishop-Elect has accepted the appointment.

23. VOTE OF "NONE"

- (a) Abstentions shall not be counted as votes.
- (b) However, any member of the Electoral Synod may vote 'None' as a vote or, in the transferable 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.
- (c) If at any stage in the voting process in terms of Section 25, Section 26 or Section 27 of this Canon, the number of votes of "None" exceeds one half of the total number of votes cast in either house, the Convener shall declare the Electoral Process unsuccessful.

24. ADJOURNMENTS

- (a) On the motion of any member of the Electoral Synod the Electoral Meeting may, before proceeding to any vote, resolve to adjourn to a specified later period of the same day.

25. PROCEDURE FOR INITIAL VOTES

- (a) After checking the roll, the Convener of the Electoral Synod shall place before the Electoral Synod the List and may invite discussion.
- (b) In due course, the Convener shall call upon the Electoral Synod to vote upon the List.
- (c) The vote shall be by ballot by houses, one vote being cast by each member of the Electoral Synod.
- (d) No votes may be cast by proxy.
- (e) At the end of the vote, the result shall be declared by the Convener.
- (f) In the event of a Candidate receiving an absolute majority of the votes of each house of members of Electoral Synod recorded as present and admitted, in terms of Section 22 of this Canon, and voting, that Candidate shall be declared by the Convener to have been elected.
- (g) In the event of no Candidate receiving an absolute 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.
- (h) This second vote shall also be by ballot by houses, one vote being cast by each member of Electoral Synod.
- (i) At the end of the second vote, the result shall be declared by the Convener in the same manner as for the first vote.
- (j) In the event of the second vote being inconclusive, where there are more than two Candidates, the Convener shall move to the voting procedure specified in Section 26 of this Canon.
- (k) Where there are only two Candidates, the Convener shall move to the voting procedure specified in Section 27 of this Canon

26. PROCEDURE FOR A TRANSFERABLE VOTE WHERE THERE ARE MORE THAN TWO CANDIDATES

- (a) Where there are more than two Candidates and no Candidate has received an absolute majority of votes in both houses, the Convener of the Electoral Synod shall call upon the Electoral Synod to proceed without further discussion to a transferable vote in which the members of Electoral Synod shall vote by placing each of the Candidates in order of preference.
- (b) An option for 'None' shall be included on the ballot paper and may be listed as a preference.
- (c) The vote shall be by ballot in each of the houses, with a transferrable vote being cast by each member of the Electoral Synod.
- (d) The count of first preference votes against each Candidate will be tallied.
- (e) The Candidate who receives the lowest number of first preference votes in each house shall be eliminated

- (f) The ballot papers which listed the eliminated Candidate as the first preference shall then be recounted and the second preference votes on those ballot papers shall be counted and added to the tally of the remaining Candidates.
- (g) This process will continue until two Candidates remain.
- (h) If at any point where a second preference vote on a ballot paper is being counted and that vote is in favour of a Candidate who has been eliminated, the third preference vote shall be counted instead and so and so forth until a preference is reached in respect of a Candidate who has not been eliminated. That preference vote shall be counted as though it were the second preference.
- (i) At any stage in the process, if a Candidate receives an absolute majority of the votes of each house of members of Electoral Synod recorded as present and admitted, in terms of Section 22 of this Canon, and voting, that Candidate shall be declared by the Convener to have been elected.
- (j) When only two Candidates remain, a final round of voting under this Section shall take place using a first past the post system.
- (k) The vote shall be by ballot by houses, one vote being cast by each member of the Electoral Synod.
- (l) No votes may be cast by proxy.
- (m) At the end of the vote, the result shall be declared by the Convener.
- (n) In the event of a Candidate receiving an absolute majority of the votes of each house of members of Electoral Synod recorded as present and admitted, in terms of Section 22 of this Canon, and voting, that Candidate shall be declared by the Convener to have been elected.

27. FINAL VOTE

- (a) If voting has taken place under Section 25 and, where appropriate, under Section 26, and neither Candidate has obtained an absolute majority in both houses in the first past the post vote, the Convener may call upon the Electoral Synod to adjourn.
- (b) This adjournment will last for a period of not less than thirty and not more than ninety minutes.
- (c) Following the adjournment, the Convener shall ask the Electoral Synod to vote again on the two Candidates.
- (d) This final vote shall be by ballot by houses, one vote being cast by each member of the Electoral Synod.
- (e) No votes may be cast by proxy.
- (f) In the event of a Candidate receiving an absolute majority of the votes of each house of members of Electoral Synod, recorded as present and admitted, in terms of Section 22 of this Canon and voting, that Candidate shall be declared by the Convener to have been elected.
- (g) If at the end of this process no Candidate has an absolute majority in both houses the Convener shall declare the Electoral Process unsuccessful.

28. DECLARATION OF ELECTION BY ELECTORAL SYNOD

- (a) When a Candidate has been elected after Stage 1 or Stage 2, a Declaration in triplicate stating the result in terms of Appendix No.3 shall be signed by the Convener of the Electoral Synod in the presence of the Electoral Synod.
- (b) One copy of the Declaration 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.

29. EPISCOPAL SYNOD RIGHT OF ELECTION

- (a) Where the Convener of the Electoral Synod has declared the Electoral Process to be unsuccessful at Stage 2, the right of election shall pass to the Episcopal Synod.
- (b) Prior to the Election Meeting of the Episcopal Synod, the members of the Episcopal Synod shall meet with the Diocesan Members of the Preparatory Committee.

30. DECLARATION OF ELECTION BY EPISCOPAL SYNOD

- (a) When a Candidate has been elected by the Episcopal Synod, a Declaration in triplicate stating the result in terms of Appendix No.3 shall be signed by the Convener of the Episcopal Synod.
- (b) One copy of the Declaration 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.

31. ACCEPTANCE BY BISHOP-ELECT

- (a) The Bishop-Elect shall give written acceptance of election to the Primus within seven days of the date of the election.
- (b) The period of seven days may be extended at the discretion of the College of Bishops.
- (c) A verbal acceptance on the day of the Electoral Meeting or of the meeting of the Episcopal Synod is sufficient for the Convener of the Electoral Synod or the Primus to make a public announcement of the election result.
- (d) If the Bishop-Elect declines to accept election, or does not accept election within the seven day period or any other period extended at the discretion of the College of Bishops, the election shall proceed to the next Stage.
- (e) If all Stages have been exhausted, a Mandate shall be issued for a fresh Election.

EPISCOPAL ORDINATION AND INSTALLATION

32. ORDINATION AND INSTALLATION OF THE BISHOP-ELECT

- (a) The College of Bishops shall make provision for the ordination to the episcopate of the person elected, unless already a Bishop, and installation into the vacant see.
- (b) The ordination, if required, and the installation 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.

33. JURISDICTION

- (a) The newly elected Bishop shall take jurisdiction within the Diocese from the time of the installation.

OBJECTIONS TO PROCEEDINGS OF ELECTORAL SYNOD

34. APPEALS

- (a) The Convener of the Electoral Synod shall decide all questions of order or of any issues arising in the course of the proceedings.
- (b) There shall be no appeal in relation to decisions about the inclusion or omission of a name on the Electoral Roll.
- (c) An appeal against any other decision of the Electoral Synod or the conduct of proceedings in the Electoral Synod shall be competent to the Episcopal Synod.
- (d) Any such objections, with reasons, must have been made at the relevant meeting of the Electoral Synod and be supported by not less than one-third of the Electoral Synod members who were present at said meeting.
- (e) A written statement of the objections, with the names of the objectors, must be lodged with the Registrar of the Episcopal Synod within four days of the meeting to which they refer.
- (f) The decision of the Episcopal Synod shall be final.

35. POWERS OF EPISCOPAL SYNOD

- (a) The Episcopal Synod shall hear any appeal under this Canon
- (b) Following such hearing, the Episcopal Synod shall declare: **EITHER**
 - A:** that the objection does not affect the validity of the result of the election and that the election stands; **OR**
 - B:** that the objection has affected the validity of the result and that the election is void.
- (c) If the election is set aside, the Primus shall forthwith issue a Mandate for a fresh election.
- (d) No Bishop who has acted as the Convener in the Electoral Process shall be a member of the Episcopal Synod in any appeal.

RESOLUTIONS UNDER CANON 4

Resolution 1

Guidelines

The General Synod shall adopt Guidelines for implementation of the Electoral Process.

The Guidelines may be adopted or amended from time to time by resolution of General Synod on the recommendation of the Faith and Order Board.

Resolution 2

Commentary

The General Synod shall adopt a Commentary for all parties involved in the Electoral Process.

The Commentary may be adopted or amended from time to time by resolution of General Synod on the recommendation of the Faith and Order Board.

COMMENTARY ON CANON 4

Background

Canons determine the governance of the Church and so need to be written with precision and clarity, but the resulting text can appear opaque to the non-specialist reader. This Commentary provides a users' guide and checklist on Canon 4 to help all involved in an Episcopal election from the announcement of a vacancy to the consecration and installation of a new Bishop.

Electing a Bishop is one of the most important moments in the life of a Diocese. The process is crucially different to appointing senior executives in the public and private sector. The election of a Bishop is primarily an exercise in discernment which places it in a very different realm. Accordingly, all involved in an election will be given appropriate training. Separate guidance on this will be made available in advance of an election.

The text below follows each individual section in the Canon. Each is cross-referenced by the numeral for the relevant section.

DEFINITIONS (Section 1)

The process of election involves several bodies – the Standing Committee of the Diocese, members of the Electoral Synod, Provincial Panel for Episcopal Elections, members of the Preparatory Committee, Convener of the Electoral Synod, College of Bishops, an Assessor, and Registrar of the Episcopal Synod. Each of these has a distinctive role:

- Standing Committee is the body authorized by the Diocesan Synod to take decisions on behalf of the Synod between its meetings.
- Electoral Synod comprises clerical and lay members drawn from the diocese solely responsible for electing a Bishop unless an agreed candidate fails to emerge.
- Provincial Panel for Episcopal Elections provides a list of names from which Provincial members of the Preparatory Committee may be drawn.
- Preparatory Committee invites nominations and compiles a short-list of candidates for the Electoral Synod.
- Convener of the Electoral Synod, normally the Primus, chairs all meetings of the Electoral Synod and the Preparatory Committee.
- College of Bishops attends the first meeting of the Electoral Synod, confirms the suitability of candidates proposed by the Preparatory Committee and elects a Bishop should the Diocese on two occasions fail to do so.
- Assessor is a legally qualified individual who advises the Convener.
- Registrar of the Episcopal Synod handles any appeals against the conduct of the election for adjudication by the Episcopal Synod.
- Episcopal Synod is a meeting of the College of Bishops specifically convened to elect a Bishop.

PRELIMINARIES (Sections 2 to 5)

Confidentiality and disposal of documentation (2)

Confidentiality is to be exercised throughout the election. All involved – members of the Preparatory Committee, Electoral Synod and College of Bishops, diocesan or other staff – must not share any information about the process, with any other persons. The names of candidates will be revealed only to members of the above groups; all papers relating to them will be kept strictly confidential, and will be returned, destroyed or deleted at the end of the election.

Provincial panel for Episcopal Elections (3)

Each member of the panel currently serves for four years, renewable for an additional four years. Five members of the panel serve for each episcopal election.

Oversight during vacancy and Description of the Diocese (4)

Once a vacancy is announced, several actions are initiated. An interim Bishop of the Diocese is appointed to act during the vacancy. The Standing Committee compiles a document setting out the diocesan vision and objectives over the medium-term. Training for members of the Electoral Synod and the Preparatory Committee on the Electoral Process and discernment for the calling of a Bishop is promoted by the Standing Committee and will be provided by the province.

Issue of the Mandate (5)

The election is initiated when the Primus issues the Mandate (a legal document) normally to the Dean.

THE ELECTORAL SYNOD (Sections 6 to 12)

Convenership of the Electoral Synod (6)

The Primus convenes all meetings of the Electoral Synod from issuing the Mandate to announcing the final result. Should the Primus not be available, another Diocesan Bishop is appointed. The Convener is responsible for organising all meetings, assisted by the Standing Committee.

Assessor (7)

The Assessor is normally the Chancellor of the Diocese, failing whom a legally qualified alternate may be appointed.

Membership of the Electoral Synod (8)

The Electoral Synod comprises clerical and lay members of the Diocesan Synod in post when the Mandate is issued. Clerics who become candidates are required to step down as electors; but if subsequently not on the short list, they are re-instated. Normally each charge within the Diocese is represented by its Rector or Priest in Charge and the Lay Representative. Should any Lay Representative be unavailable, arrangements exist for the Alternate Lay Representative to be appointed.

Division into Houses (9)

The Electoral Synod comprises two houses: the house of Clergy and the house of Laity. For most of the election the Synod operates as a single body, but when a vote is taken, these are recorded separately by house. If required, the Synod can divide into two houses for discussion under a Convener elected by members of the relevant house.

Preliminary Meeting of the Electoral Synod (10)

The formal summoning of the Preliminary Meeting is made by the Convener either by electronic communication or by letter (if requested). The Summons will include copies of the Mandate, Canon 4, Commentary and Guidelines plus the diocesan documents referred to in the Guidelines. The meeting will take place within 21 days of issuing of the Summons.

Attendance at the Preliminary Meeting is expected by (i) members of the Electoral Synod, (ii) all members of the College of Bishops, and (iii) all members of the Preparatory Committee. Whilst members of all three groups may contribute to the discussion, only members of the Electoral Synod have a vote. Attendance by the College of Bishops and provincial members of the Preparatory Committee informs later discussion and decisions.

Procedures of the Preliminary Meeting (11)

The Preliminary Meeting familiarises all involved with their respective roles and tasks and agrees a timetable. Following a celebration of the Eucharist, reading of the Mandate and checking the roll of Electors, the Convener invites discussion on the diocesan documents.

Discernment should be at the heart of this discussion re-enforcing the distinction between calling a candidate to a vacant bishopric and filling a senior executive appointment in secular employment. At a later stage this does not preclude the use of well-tested methods, such as questionnaires and interviews.

If not elected at the immediately preceding Diocesan Synod, two additional clerical members and two additional lay members should be elected at this meeting to join the Preparatory Committee as diocesan representatives.

Timetabling by Preliminary Meeting and Stages of the election (12)

The Mandate covers all stages in the election with a timetable agreed at the Preliminary meeting. The timetable may be extended but the election must be concluded within one year of the date of the vacancy

The Canon streamlines former practice by identifying three Stages in the election now initiated under a single Mandate.

- **First Stage:** an election following receipt of a short-list from the Preparatory Committee and a meeting with the candidates.
If following the first Stage, there be neither a short-list nor a preferred candidate
- **Second Stage:** an election following receipt of a short-list from the Preparatory Committee and a meeting with the candidates.
if following the second Stage, there be neither a short-list nor a preferred candidate
- **Third Stage:** an election by the Episcopal Synod.

Quorum (13) and validity of proceedings (14)

The Diocesan Constitution normally defines the quorum for all meetings, failing which the number shall be one half of those entitled to vote. Should any member involved in the election fail to attend a meeting, this does not affect the validity of that meeting's proceedings.

PREPARATORY COMMITTEE FOR A DIOCESAN EPISCOPAL ELECTION

Membership (15)

The Preparatory Committee comprises a Bishop as Convener, a second Bishop, five members drawn from the Provincial Panel and four members directly elected by the Diocese. The five members representing the provincial interest are the Convener, a second Bishop plus three members drawn from the Provincial Panel but from outwith the Diocese. In terms of diocesan representation, two members (one clerical and one lay) are drawn from the Provincial Panel, and four members (two clerical and two lay) are elected by the Diocese. With five provincial members and six diocesan members, provincial interests will be addressed, but the Diocese will have a majority reflecting its historic role in the election of its Bishop. No charge can have more than one member on the Preparatory Committee.

Work of the Preparatory Committee (16)

The task of the Preparatory Committee is to invite nominations and prepare a short-list of candidates to present to the Electoral Synod. In the secular world this group screens job applications and produces a short-list.

Nominations should include the candidate's CV and a willingness to stand. The Preparatory Committee may decide to issue a questionnaire and interview candidates. Should at any stage in the process a member of the Preparatory Committee become a candidate, a new member is selected from either the Provincial Panel or, for a diocesan representative, by the Standing Committee.

At the first Stage the short-list comprises between three and five names, but at the second Stage this comprises between two and five names. This flexibility is designed initially to produce a wide range

of candidates, or at the second Stage two appointable candidates to be submitted to the Electoral Synod.

Assent of the College of Bishops (17)

The Canon includes assent by the College of Bishops to reflect the diverse roles of a Bishop within the Province and wider world alongside that in the Diocese. The assent is placed at this stage in the election so it can be undertaken discretely and to minimise its impact on an individual candidate.

Promises to and Statements by Candidates (18)

Any form of lobbying or self-promotion by a candidate or supporters is prohibited. On examining such alleged behaviour, the Electoral Synod may choose to remove the candidate from further consideration.

THE MEETING OF THE ELECTORAL SYNOD WITH THE CANDIDATES (Sections 19 and 20)

The Meeting commences with a celebration of the Eucharist (19) followed by a reading of the Mandate and checking of the roll of Electors (20). The Convener then introduces each candidate in turn.

THE ELECTORAL MEETING (Sections 21-28)

Following a celebration of the Eucharist (21) the Convener constitutes the Electoral meeting. Each of the following sections defines procedures to be followed during the Electoral meeting namely: a reading of the Mandate and checking of the roll of Electors (22); handling use of the “None” vote (23); any adjournment of the meeting (24); initial votes (25); use of a transferable vote (26); final vote (27); and declaration of election by the Electoral Synod (28).

Voting procedures during the election: 25, 26, 27

The Synod votes by houses with each member casting one vote (25). Should there be no majority in either house, Synod members may cast their vote a second time (25). Should there still be no majority, transferable votes will be cast, with the option of ‘None’ being included (26). This vote requires Synod members to rank the candidates in order of preference, with the candidate with the lowest number of first preference votes being excluded. That candidate’s votes are then redistributed based on second preferences. Should no preferred candidate in both houses emerge, this process continues until only two candidates remain (26). At this point a final round of voting is called using a ‘first past the post’ system for the two remaining candidates (26). Should votes under Sections 25 and 26 not produce a candidate with a majority in both houses, the Convener may call an adjournment following which a final vote is taken (27).

This system of voting is designed to maximise the chances of an election by the Electoral Synod. Should this not prove possible, the election moves to the third Stage (12) and the task of election passes to the Episcopal Synod.

PROCEDURES FOLLOWING SUCCESSFUL VOTE OR ELECTION BY THE EPISCOPAL SYNOD Sections 28-31

Following a successful vote, the Convener declares the result of the election and communicates this to the Bishop-Elect, the Registrar of the Episcopal Synod and the Diocesan Registrar (28).

Should the right of election pass to the Episcopal Synod (29), its members will meet with the diocesan members of the Preparatory Committee, before proceeding with the election. The purpose of this meeting will be to explore the names of potential candidates without prejudice to the final decision announced by the Episcopal Synod. Following election by the Episcopal Synod, the decision is communicated to the Bishop-Elect, the Registrar of the Episcopal Synod and the Diocesan Registrar (30).

On acceptance by the Bishop-Elect **(31)** the Convener makes this public, potentially on the day of the Electoral Meeting. Should the Bishop-Elect decline to accept, the next Stage in the Election is initiated. This may involve moving either to the second Stage or the third Stage in the agreed timetable **(12)**. Should all Stages become exhausted, a Mandate for a new election is issued.

EPISCOPAL ORDINATION AND INSTALLATION: Sections 32 and 33

The arrangements for the ordination and installation of the elected Bishop falls to the College of Bishops which will consult with the Diocese in terms of the arrangements. This normally will take place within 100 days of the acceptance of election **(32)**. Once installed the new Bishop will take over jurisdiction within the Diocese **(33)**.

OBJECTIONS TO PROCEEDINGS OF ELECTORAL SYNOD: Sections 34 and 35

Any question on order or process arising during the election will be resolved by the Convener of the Electoral Synod during its proceedings. Appeals relating to the proceedings of the election must have been made at the relevant meeting of the Electoral Synod. Such an appeal must be forwarded to the Registrar of the Episcopal Synod within four-days of the meeting to which it refers and supported by at least one third of members of the Electoral Synod present. The decision of the Episcopal Synod shall be final **(34)**. Following an appeal, the Episcopal Synod may either reject it and declare that the election stands or accept the appeal and declare the election void **(35)**.

24th January 2023