

**Diocese of New Jersey
Report of the Standing Committee on Constitution and Canons 2014**

Introduction

The Committee reviewed requests received from members of the diocese for possible changes in the constitution and canons of the diocese. As provided in Canon 75, Section 1, as amended at last year's convention, proposals for amendments to the constitution or canons must be sent to the Committee by December 1 of the prior year for consideration and report. The following proposals were received prior to such deadline.

**Part I
Canon 21**

Canon Phyllis Jones, Chief Financial Officer of the Diocese, proposed that the canon governing the investments permitted for the Venture in Mission Loan Fund, The Capital and Revolving Fund, and the R. Bowden Shepherd Trust Fund be amended to allow investment in shares of the Diocesan Investment Trust (the "DIT"). Currently these funds may only invest assets in government-insured interest-bearing bank accounts, federal government securities, or approved money-market funds.

Canon Jones, in a memorandum to Diocesan Council, noted that the DIT option has been endorsed by her Finance Office as well as the Loan and Grant Committee, and that objections to the change did not appear significant:

Concern has been raised that [adding this investment option] will jeopardize the principal of the funds, since the DIT does take advantage of equity investments as well as fixed-income investments. We would submit that the very same concern for preservation of the principal drives our request, because such a narrow, short-term view in today's world has already begun to jeopardize the principal of the funds and will continue to do so.

In the current economic environment and considering the financial status of the overwhelming majority of our congregations, loan activity is very slow. Most churches are not taking loans because they don't have the operating revenue to pay them back. This is borne out by the low loan-out percentages reflected on the loan reports. Without the funds being loaned out and with the current restrictions on investments, there is no opportunity for these funds to earn interest. The cost of living, however, continues to increase, which means that under the current scenario the real principal as measured by purchasing power of these funds is being eroded every day.

In the era when Canon 21 was written, when interest rates were higher, the institutional church was healthier, loan activity was greater and turnover in these funds was quicker, the limitations contained in the canon made a lot more sense. That's not the world we live in now, and the reality is that we need the availability of an option that envisions investment of these idle funds over much longer periods of time. Liquidity of equity investments in today's world is also much improved over what it was when the canon was written, enabling much quicker reaction to changing market conditions as well as easy access to funds when loans are granted.

The track record of the DIT speaks for itself, and the institutional investment professionals who give so generously of their time and expertise as members of our DIT Trustees have a depth and breadth of experience that many businesses would envy.

The Committee has been advised that this proposal was considered at the November meeting of the Diocesan Council and approved by that body. (Members of Diocesan Council serve also as trustees of these three trusts.) Finally, we note that there is no mandate that any trust funds be invested in the DIT; it is only an added option for Diocesan Council members to consider in managing these trusts.

Accordingly, the Committee moves the following implementing resolution:

Implementing Resolution I: *Resolved*, That Section 4 of Canon 21 of the Canons of the Diocese of New Jersey be amended as follows (insertion shown by double-underline):

SECTION 4. The balances on hand in the three loan funds shall be kept on deposit in one or more interest bearing bank accounts, fully insured by the federal government, or a direct obligation of the federal government, or the Diocesan Investment Trust, or in any recognized money market funds approved by the Finance and Budget Committee of the Diocese. The interest shall be distributed proportionately among the three loan funds in a manner directed by the trustees and shall be added to and become part of the principal of the several loan funds.

The Standing Committee on Constitution and Canons recommends the adoption of this implementing resolution.

Part II

Canons 49 & 50

Last year the convention approved a revision of the classification canons of Part IV of our diocesan canons, Canons 46 through 57. At the time of the Episcopal Election Convention, a question was raised as to lack of clarity as to the voting rights in convention of lay deputies elected by mission congregations and the congregation of Trinity Cathedral. At that convention, Bishop Cuncell ruled that the intent of the revisions was not to remove such voting rights, and voting by such deputies was permitted. To avoid future confusion, the Rev'd Dr. John Mitchell, chair of the Committee, proposed clarifying amendments, by adding a new section under Canon 49 relating to the Cathedral and some additional language in Section 3 of Canon 50, governing elections in parishes and missions.

The Committee, after review, has determined that the proposal by Fr. Mitchell provides needed clarification and, in addition, gives canonical implementation of the current practice of the Cathedral in conducting its annual meeting. The committee, therefore, proposes the following implementing resolution, which sets forth relevant portions of the two canons that remain unamended:

Implementing Resolution II: *Resolved*, That Canons 49 and 50 of the Canons of the Diocese of New Jersey be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

CANON 49

The Cathedral

SECTION 1. Trinity Cathedral of the Diocese of New Jersey, situated at Trenton in the Diocese of New Jersey, is designated as The Cathedral of the Diocese, with the rights, powers, and privileges conferred upon it by law and by the Joint Consolidation Agreement entered into on the May 4, 1949, between the corporation known as The

Cathedral Church of the Diocese of New Jersey and the parish corporation known as Trinity Cathedral in the Diocese of New Jersey, and by the Constitution and Bylaws of the Cathedral adopted pursuant to such Agreement.

SECTION 2. The governing body of Trinity Cathedral shall be a Chapter. The Chapter shall consist of the Bishop, who shall be the presiding officer; the Bishop Coadjutor, if there be one, the Suffragan Bishops, if there be any; the Archdeacons of the Diocese, if there be any; the Dean of the Cathedral; four presbyters and four lay persons elected by the Diocesan Convention for three-year terms; three members appointed in writing by the Bishop for three-year terms; the following members elected by and from the Cathedral congregation, namely, a Senior Warden and a Junior Warden each elected for two-year terms, and nine other lay persons elected for three-year terms; and a Treasurer and a Clerk elected by the Chapter.

. . . .

SECTION 6. There shall be an annual meeting of the Congregation of the Cathedral, at which the qualified voters shall elect by ballot, by a majority of the votes cast, to serve for the ensuing year, from among the voters of the Cathedral congregation, three Deputies and three alternate Deputies to the Diocesan Convention, who shall all be communicants in good standing, and who shall represent the Cathedral in the Conventions of the Diocese. The meeting shall also elect the Wardens and Chapter members provided for in Section 2 of this Canon, convocation representatives, and such other officers as may be provided for by the Constitution or Bylaws of the Cathedral.

CANON 50

Election of Church Officers in Parishes and Missions

SECTION 1. There shall be an annual meeting in every Parish for the election of officers, prayers having been said immediately before said meeting, and due notice having been given as required by law. Said meeting shall be held on a date which may be fixed at a regular or special meeting of the Congregation. There shall be an annual meeting for those Missions that elect officers, to be held also with opening prayers and upon like notice.

. . . .

SECTION 3. At said annual meeting the qualified voters shall elect by ballot, by a majority of the votes cast, to serve for the ensuing year, from among the voters in the Parish or Mission, three Deputies and three alternate Deputies to the Diocesan Convention, who shall represent the Parish or Mission in the Conventions of the Diocese, and a Warden or Wardens, who shall all be communicants in good standing; and also such other Vestrymembers or Mission Committee members, and such other officers as may be provided for by the Parish or Mission charter or bylaws, and six Representatives to the Convocation in which the Congregation is located, who shall all be communicants if such suitable for the office can be found.

SECTION 4. For the purposes of this Canon, the term "communicant" shall be as defined by the Constitution and Canons of The Episcopal Church.

SECTION 5. No provision of this Canon which may conflict with the Charter of any Parish shall have any force in such Parish.

The Standing Committee on Constitution and Canons recommends the adoption of this implementing resolution.

Part III

Canon 9

Diocesan Canon 9 governs elections for a new bishop, and the events leading up to the electing convention. Following last year's electing convention, members of the Episcopal Election Committee proposed changes to Canon 9 to conform the text to current practice. In addition, members of the Transition Committee submitted a separate proposal to delineate the role of the Transition Committee, which had not previously been included in the canon but has functioned in the last two elections. The substance of these proposals had been discussed by the proposers with the candidates, with participants in the pre-election gatherings, and with voters at the electing convention.

The two committees had in this past election divided up tasks, including giving the Transition Committee oversight of the Electing Convention. To continue this procedure, part of the proposed amendments includes renaming the Episcopal Election Committee to the Bishop Search and Nomination Committee. The recommendations include shortening the timetables in the canon and reducing the maximum number of candidates to be proposed by the Bishop Search and Nomination Committee from eight to six. This reduction does not affect the number of candidates that can be nominated independently. Finally, in view of the opportunity to make independent nominations, and the difficulty of obtaining background checks for candidates who might not be nominated until the opening of the electing convention itself, the proposals eliminate the option of making nominations from the floor.

The Committee on Constitution and Canons, after review, has determined that the proposals by the two committees provide needed clarification of the roles of these committees and reflect the practice in a process that has generally been viewed as successful. Some language changes have been made by the Committee to the original proposals in order to clarify meaning and to conform to a uniform canonical style. The Committee notes that a different canon, Canon 12, governs certain procedures for the election of a Bishop Suffragan or Bishop Coadjutor, which may not be entirely consonant with the procedures of Canon 9. The Committee has declined to review Canon 12 at the present time, however, since that was outside the scope of the current proposals by the Episcopal Election Committee and the Transition Committee, but it may be considered in the future.

The Committee, therefore, proposes the following implementing resolution, which addresses the proposals of both the Episcopal Election Committee and the Transition Committee:

Implementing Resolution III: *Resolved*, That Canon 9 of the Canons of the Diocese of New Jersey be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

CANON 9

Episcopal Elections

Composition of the Committee

SECTION 1. Composition of the Bishop Search and Nomination Committee. When a bishop is to be elected, there shall be ~~an Episcopal Election~~ a Bishop Search and Nomination Committee consisting of 16 Convocational Members and six Members-At-Large, elected in the following manner:

- (a) One member of the clergy and one lay person shall be elected in each convocation of the Diocese in accordance with the provisions of Section 2 of this Canon.
- (b) Six additional Members-At-Large, either clergy or lay, shall be elected by the Convocational Members. The election shall be by majority vote of all the Convocational Members. In electing the Members-At-Large, the Convocational Members shall be as inclusive as possible to insure that the Committee is representative of the entire Diocese.
- (c) In addition to the elected members, a Chair shall be appointed by the Bishop with the advice and consent of the Standing Committee. If there is no Bishop, the appointment shall be made by the Standing Committee. The Committee, including all At-Large Members, shall elect a Vice-Chair from the members of the Committee. ~~The Chair shall vote only in order to break a tie vote of the Committee.~~
- (d) Lay members of the Committee shall be confirmed adult communicants in good standing of a parish or mission within the Diocese. Clergy members shall be canonically resident in the Diocese.
- (e) Vacancies among Convocational Members shall be filled by appointment of the Dean of the Convocation. Vacancies among the Members-At-Large shall be filled by the Committee.

Election of Committee Members by Convocation.

SECTION 2. Election of Bishop Search and Nomination Committee Members by Convocations. Convocational Members shall be elected in the following manner:

- (a) When the Ecclesiastical Authority announces the call for the election of a bishop, the Ecclesiastical Authority shall appoint a specific Sunday for Special Meetings to be held in each parish and mission of the Diocese to elect special delegates to a special meeting in each convocation for the purpose of electing members of the ~~Episcopal Election~~ Bishop Search and Nomination Committee. On that Sunday, every parish and mission in the Diocese shall hold a special meeting of the Congregation, in accordance with the provisions of the Canons of the Diocese and the laws of the State of New Jersey, for the purpose of electing six special delegates to the special meeting of the Convocation. The Chair of the meeting shall forthwith certify to the Dean of the Convocation and to the Ecclesiastical Authority the names and addresses of the persons elected.
- (b) On the fourth Sunday thereafter, the Dean of each convocation shall convene a Special Meeting to elect members of the ~~Episcopal Election~~ Bishop Search and Nomination Committee, due notice having been given to each church in the convocation. Those entitled to vote at the meeting shall be the six duly certified Special Delegates from each parish and mission in the Convocation and all members of the clergy, canonically resident in the Diocese, who exercise their ministry within the Convocation or who reside in the Convocation. The election shall be by ballot and a majority of the votes cast shall be necessary for election. It

shall be the duty of each Dean to certify forthwith to the Ecclesiastical Authority the names, addresses and the telephone numbers of the persons elected.

Self-Study and Profiles

SECTION 3. Self-Study and Diocesan Profile. The Bishop Search and Nomination Committee shall be responsible for conducting a Diocesan Self-Study. Using information developed by a Diocesan Self-Study, the Committee shall develop a Diocesan Profile. The Committee may engage such professional assistance as it deems reasonable to complete its task.

Obtaining Candidates

SECTION 4. Obtaining Candidates.

(a) The Bishop Search and Nomination Committee shall take the steps necessary to encourage the recommendation of qualified candidates and shall circulate the Diocesan Profile and other pertinent information to all clergy, parishes, and missions of the Diocese, the ~~Clergy Deployment Office~~ Office of Transition Ministry of the Episcopal Church, the Presiding Bishop and all active Bishops of the Episcopal Church notifying them that recommendations are being received, and stating the process for nomination and election.

(b) ~~SECTION 5.~~ The Committee shall screen all candidates recommended and shall establish its own procedures for determining which candidates are best suited for nomination. It shall submit a list of no fewer than four nor more than ~~eight~~ six candidates to be placed in nomination at the Electing Convention.

(c) Not later than one year after it is constituted, the Committee shall report to the members of the Electing Convention and to the Diocese as a whole, the names of the persons to be nominated by it at the Electing Convention, together with a brief biography of each nominee. ~~Subject to the consent of the Ecclesiastical Authority, the committee shall fix the date, time and place of the Electing Convention, and include notice of the same~~ the Electing Convention with its report. The date of the electing Convention shall not be less than three months nor more than ~~seven~~ five months after the date the report is issued.

~~The Ecclesiastical Authority may for good cause adjourn the date of the Electing Convention and reschedule the same with the advice and consent of the committee.~~

Independent Nominations

SECTION 65. Independent Nominations. When the Bishop Search and Nomination Committee has announced its list of nominees, there shall be a period of 30 days after the date when its report is issued during which Independent Nominations to the electing Convention may be made. No independent nominations shall be received after that date. The Committee shall provide, upon request, a Nomination Petition Form on which the deadline for submitting independent nominations and the method of submitting them is clearly stated. The Nomination Petition shall require the signatures of at least two persons from at least five Convocations.

Final Report of Committee

SECTION 67. Final Report of the Bishop Search and Nomination Committee. After the period for receiving independent nominations has expired, the Bishop Search and Nomination Committee ~~committee~~ shall publish an Election Booklet containing the names, photographs, and biographical sketches of all nominees and such other material about the nominees as the eCommittee shall choose to include. The Election Booklet shall state which nominees were nominated by the eCommittee and which were nominated independently, but in every other respect all nominees shall be treated equally. The Election Booklet shall include a detailed statement of the election process including the Proposed Rules of Order and Agenda for the Electing Convention. The Election Booklet shall be distributed to each member of the Electing Convention not less than ~~45~~ 30 days before the electing Convention and also made available to the Diocese as a whole.

Introduction of Nominees to the Diocese

SECTION 87. Introduction of Nominees to the Diocese. After the Election Booklet has been distributed, the Bishop Search and Nomination Committee ~~committee~~ shall provide one or more opportunities for members of the Electing Convention to meet and confer with all nominees. Opportunity shall also be afforded all members of the Diocese to meet the nominees. The eCommittee shall be responsible for establishing the time, place, and format of any pre-Convention meeting of candidates. All such meetings shall be complete at least seven days prior to the Electing Convention.

Additional Duties of the Committee

SECTION 9-8. Composition and Duties of the Transition Committee. There shall be a Transition Committee consisting of between eight and twelve members. Lay members of the committee shall be confirmed adult communicants in good standing of a parish or mission within the Diocese. Clergy members shall be canonically resident in the Diocese. The composition of the committee and its duties shall be as follows:

(a) Following the organization of the Bishop Search and Nomination Committee by the appointment of its Chair and the election of its Members-At-Large, the Standing Committee shall appoint a Chair for the Transition Committee, and the Bishop Search and Nomination Committee shall choose one of its members to be a liaison member of the Transition Committee. The Chair and the liaison member shall then consult with the Standing Committee to assist it in appointing the remaining members of the Transition Committee. Members should be considered for their aptitude, experience, and expertise in the tasks required of the committee. The committee members should organize themselves at least six months before the expected date of the Electing Convention.

(b) The Transition Committee shall be responsible for planning and overseeing the Electing Convention. Subject to the consent of the Ecclesiastical Authority, and in consultation with the Bishop Search and Nomination Committee, the Transition Committee shall fix the date, time, and place of the Electing Convention. Additional duties of the committee shall include the following:

- a.——~~The committee shall strive to ensure that the entire process of nominating and electing a Bishop is conducted in a pastoral manner.~~

- b.——The committee shall confer with the Committee on Rules of Order and Dispatch of Business ~~for the Electing Convention~~ to assist it in developing Rules of Order and an Agenda for the Electing Convention, to be included in the Election Booklet.
- e.——The committee, together with the Bishop Search and Nomination Committee, shall communicate regularly with members of the Electing Convention and with the Diocese at large to ensure an active awareness of the entire election process.

The Ecclesiastical Authority may for good cause adjourn the date of the Electing Convention and reschedule the same with the advice and consent of the Transition Committee.

(c) The Transition Committee shall provide pastoral and practical assistance to any present bishop, the bishop-elect, and their spouses and families throughout the transition process.

(d) The Transition Committee shall be responsible for planning and overseeing the leave-taking of an incumbent bishop, the relocation of the family of the bishop-elect, and the services of consecration or induction of the bishop-elect.

(e) The Transition Committee should coordinate its tasks as necessary with the Bishop Search and Nomination Committee, the Standing Committee, and diocesan staff.

Place in Nomination

SECTION 409. Placing in Nomination. At the Electing Convention, the Episcopal Election Bishop Search and Nomination Committee shall place in nomination all names listed in the Election Booklet. ~~Nominations may also be made from the floor of Convention shall not be permitted. by any member thereof in accordance with the Rules of Order. Each nomination from the floor shall be accompanied by a properly executed nomination form. Nominations shall not be seconded.~~ No nominating speeches or laudatory addresses shall be made on behalf of any nominee.

Financing

SECTION 4410. Financing. The Convention shall make an appropriation to cover the expenses of the ~~committee~~ Bishop Search and Nomination Committee and the Transition Committee and to defray the cost of ~~its~~ their work.

The Standing Committee on Constitution and Canons recommends the adoption of this implementing resolution.

Part IV Canon 32

Canon 32, governing the composition, selection, and terms of office of members of the Standing Committee on Constitution and Canons, provides:

The Committee on Constitution and Canons shall be a standing committee of the Diocese. The Committee shall consist of five persons (not less than two of whom shall be clergy and not less than two of whom shall be lay persons) who shall, by reason of their membership, be

entitled to a seat and voice in the Convention. The members of the committee shall be elected to serve for three-year terms each, or until their successors are chosen. At the first election to be held after the adoption of this amendment the Convention shall elect one clerical and one lay member for a term of three-years, one clerical and one lay member for a term of two years, and one member for a term of one year. Vacancies occurring during the recess of the Convention may be filled by the Ecclesiastical Authority until the next annual meeting of Convention.

The provisions for elections for this committee would appear to contemplate that in two out of three years, one lay and one clergy member would be elected, and in the third year one person independent of their order would be elected, but it has not consistently been so interpreted. The amendment specifying the clerical and lay composition of the Committee was adopted in 1977 and was complied with in the election later in that same convention and in more than a dozen succeeding years. In the conventions of 1991, 2001, 2005, and 2008, however, two clergy candidates, rather than one clergy and one lay person, were declared by the Chair to have been elected. In recent years ballots have included instructions to, for example, "Vote For 2; At Least 1 Must Be Clergy". There was some controversy about this instruction prior to last year's convention, but Bishop Cancell decided to keep this form of instruction pending any clarifying amendment to the canon.

Committeemember Paul Ambros proposed the following amended language to replace the third sentence of the current canon:

For the Diocesan Convention to be held in 2015, and for every third year thereafter, the Convention shall elect one member, who may be clergy or lay, to a full three-year term. For the two annual Conventions following such one-member election, the Convention shall elect one clergy member and one lay member to full three-year terms. Any election to fill an unexpired term shall be of a person of the same order as the member whose term was left vacant.

The proposal specifies elections of one lay and one clergy member in two out of three years with an independent choice in the third year. Rather than referring, as the current canon does, to the date of adoption of the amendment, the initial third year is defined to be the 2015 convention, at which the amendment would be in effect. This would give the Nominating Committee opportunity prior to that convention to receive appropriate nominations and to formulate appropriate ballot language and instructions. Accordingly, the Committee moves the following implementing resolution:

Implementing Resolution IV: *Resolved*, That Canon 32 of the Canons of the Diocese of New Jersey be amended to read as follows (deletions shown by strikethrough, insertions by double-underline):

CANON 32

Committee on Constitution and Canons

The Committee on Constitution and Canons shall be a standing committee of the Diocese. The Committee shall consist of five persons (not less than two of whom shall be clergy and not less than two of whom shall be lay persons) who shall, by reason of their membership, be entitled to a seat and voice in the Convention. The members of the committee shall be elected to serve for three-year terms each, or until their successors are chosen. For the Diocesan Convention to be held in 2015, and for every third year thereafter, the Convention shall elect one member, who may be clergy

or lay, to a full three-year term. For the two annual Conventions following such one-member election, the Convention shall elect one clergy member and one lay member to full three-year terms. Any election to fill an unexpired term shall be of a person of the same order as the member whose term was left vacant. At the first election to be held after the adoption of this amendment the Convention shall elect one clerical and one lay member for a term of three years, one clerical and one lay member for a term of two years, and one member for a term of one year. Vacancies occurring during the recess of the Convention may be filled by the Ecclesiastical Authority until the next annual meeting of Convention.

The Standing Committee on Constitution and Canons recommends the adoption of this implementing resolution.

Conclusion

The Committee has received no further timely proposals for consideration this year. The Committee reminds members of Convention that proposals for amendments to the constitution or canons must be submitted to the Committee by December 1, 2014 for consideration at the 2015 diocesan convention.

The Committee appreciates the input it receives from other diocesan bodies within the areas of their expertise. The Committee also notes that the Reverend Terence Blackburn and Richard Peirce, Esq., are completing their current terms on the Committee. While Fr. Blackburn has been nominated for a further term, Mr. Peirce has declined to run. We thank them both for their service to the Committee.

Respectfully submitted,

The Reverend Dr. John P. Mitchell, Chair
The Reverend Terence Blackburn, Vice-Chair
Paul De Sarno, Esq.
Richard Peirce, Esq.
Canon Paul Ambos, Esq., Secretary