

CANON THREE -- ELECTION AND APPOINTMENT OF BISHOPS

1 When a vacancy occurs in the See of Fredericton, the Diocesan Council shall summon an electoral meeting of the Diocesan Synod for the election of a Bishop to be held not less than forty-five nor more than ninety days after the vacancy has occurred, at which meeting no business other than such election shall be transacted.

2(1) When

- (a) at the request of the Bishop, the Synod by resolution, or
- (b) the Synod by resolution carried by a two-thirds vote of both the clergy and lay members present, voting by orders,

declares it advisable that a Coadjutor Bishop or Suffragan Bishop should be elected, the Synod shall elect such Coadjutor Bishop or Suffragan Bishop at a subsequent regular meeting or at a special meeting called for the purpose.

2(2) The resolution referred to in clause (1)(b) is valid without the assent of the Bishop or other Chair.

3(1) The Metropolitan shall preside at the election of a Bishop, if available.

3(2) In the absence of the Metropolitan or at his or her request, the Chancellor, or in his or her absence, the Vice-Chancellor, shall preside.

3(3) If neither the Metropolitan, nor the Chancellor, nor the Vice-Chancellor is present, the Synod shall elect a chair from among the lay members of the Synod.

3(4) The Bishop may preside at the election of a Coadjutor Bishop or Suffragan Bishop.

3(5) At the request of, or in the absence of, the Bishop, the Chancellor or Vice-Chancellor shall preside.

3(6) If neither the Bishop, nor the Chancellor, nor the Vice-Chancellor is present, the Synod shall elect a chair from among the lay members of Synod.

4(1) When the date for convening a meeting of the Diocesan Synod for the election of a Bishop, Coadjutor Bishop or Suffragan Bishop has been selected pursuant to Section 1 or 2, the Secretary of Synod shall send a notice to all delegates of Synod convening the Electoral Synod.

4(2) Such notice shall designate the place, time and the date for the Electoral Synod, which shall not be earlier than thirty days from the date of the notice.

4(3) The notice shall further invite written nominations of eligible persons for the election and shall specify that any nomination must be signed by one clergy and one lay delegate or substitute lay delegate to Synod.

4(4) Nominations shall be sent to the Secretary of Synod and shall close thirty days before the time fixed for the Electoral Synod.

4(5) At least twenty-one days before the date of the Electoral Synod the Secretary of Synod shall send to all Synod delegates a list of the names received in nomination at that time, with brief biographical information concerning each nominee, in a form approved by the Diocesan Council.

4(6) When the Diocesan Council has fixed the date for an electoral synod, it shall appoint a Nomination Review Committee charged with ensuring that nominations for episcopal office and

nominee biographical and other statements conform to diocesan legislation in substance and format, and with power to reject non-conforming nominations or statements.

5(1) When the Electoral Synod convenes, the person presiding shall read, in alphabetical order, the names received in nomination.

5(2) Voting on the list of nominees shall take place in accordance with Section 6 and the agenda and procedure adopted by the Electoral Synod.

5(3) When a nominee does not receive:

(a) on any ballot, at least one vote in each order, or

(b) on any of the first four ballots, an aggregate in both orders of ten votes, or

(c) on the fifth or any subsequent ballot, an aggregate in both orders of twenty-five votes the name of that nominee shall be deleted from the list of nominees and a further ballot shall be taken on the reduced list of nominees.

5(4) At any time after the fourth ballot, the Electoral Synod may, by motion carried by a majority of both orders voting together, direct the Chair to call for further nominations. Such nominations shall be made from the floor. Each nomination must be made jointly by one clerical member and one lay member of the Electoral Synod. A nominee whose name has been deleted pursuant to subsection (3) may be re-nominated.

5(5) When further nominations are made, the Electoral Synod shall recess until brief biographical information concerning each new nominee, in a form approved by the Diocesan Council, has been provided to the members of the Electoral Synod.

5(6) A nominee may, at any time, withdraw his or her name from the list of nominees.

6(1) The person who is chosen by the votes, taken by ballot, of two-thirds of the clergy present and voting, and two-thirds of the lay members present and voting at any such meeting or adjournment thereof, shall be declared elected to the office of Bishop, Coadjutor Bishop, or Suffragan Bishop, as the case may be.*

* Note that Canon Three of the Ecclesiastical Province of Canada provides as follows:

Confirmation of Elections

4.(1) If the Metropolitan is not the President of an electoral synod at which a bishop is elected, the President and Secretaries of the synod shall, within seven days after the election, certify the election to the Metropolitan.

(2) When a bishop is elected the Metropolitan shall forthwith notify the other bishops of the province.

(3) Each bishop shall, within seven days after being notified of the election, inform the Metropolitan that he or she concurs with, or objects to, the election.

(4) **A bishop may object to an election on the ground that the person elected either has not attained 30 years of age, is not a priest or bishop of the Anglican Church of Canada or of a church in full communion therewith, is deficient in learning, training or experience, has either directly or indirectly secured or attempted to secure the office by improper means, is guilty of crime or immorality, or teaches or holds, or within the previous five years has taught or held, anything contrary to the doctrine or discipline of the Anglican Church of Canada.**

(5) The House of Bishops of the Ecclesiastical Province of Canada shall consider and determine any objection to an election and the decision of the House of Bishops is final.

6(2) The Synod may, at any such meeting, by the same majority as is required to elect, request the House of Bishops of the Province of Canada to appoint a Bishop, a Coadjutor Bishop, or a Suffragan Bishop.

7 Any priest in Holy Orders of the Anglican Church of Canada or of some church in full communion therewith who is at least thirty years of age may be elected to episcopal office.

8 No election shall be vitiated by the absence of any of the persons summoned to the meeting at which the election takes place or by the failure of any parish to elect lay representatives.

9 The Chair of the meeting and the Secretary of Synod shall forthwith notify the Metropolitan of the Province of Canada of every election made under this Canon.

10 Any question as to the validity of an election shall be submitted to the Metropolitan prior to the consecration of the person elected, or, if he or she is already consecrated, prior to his or her undertaking episcopal duties in the Diocese, and the decision of the Metropolitan shall be final.

11 Every Bishop, Coadjutor Bishop, or Suffragan Bishop shall before his or her consecration, or, if already consecrated, before exercising any episcopal duties in the Diocese, make and subscribe before the Metropolitan or some other person appointed by him or her the following declaration:

I, N., chosen Bishop of the See of Fredericton (or Bishop Coadjutor, or Bishop Suffragan of the Diocese of Fredericton), promise that I will teach and maintain the doctrine and discipline of the Anglican Church of Canada: and I declare that I consent to be bound by all rules and regulations which have been made or which may be made by the Synod of the Diocese of Fredericton; and I agree immediately to resign the said office together with all the rights and emoluments appertaining thereto if sentence requiring such resignation is at any time passed upon me after due examination and trial had by the Tribunal acknowledged by the Synod of the Diocese for the trial of a Bishop, saving all rights of appeal allowed by Canon.

12 Every such declaration, or a certified copy thereof, shall be filed forthwith with the Secretary of the Synod.

13 The Coadjutor Bishop or Suffragan Bishop shall perform such diocesan duties and exercise such episcopal functions as the Bishop may assign him or her and, where the Diocesan Council has declared the Bishop to be incapacitated, such duties as the Bishop himself or herself might have exercised but for such incapacity.

14 Should any difference arise between the Bishop and his or her Coadjutor or Suffragan relative to their respective rights and duties, it shall be referred to and decided by the House of Bishops of the Province of Canada.

15 The Coadjutor Bishop when duly consecrated shall have the right to succession to the See of Fredericton, shall succeed to the same immediately it becomes vacant, and shall be installed as Bishop of the See, provided that previous to his or her installation he or she makes the declaration required of a Bishop by section 11.

16(1) The Bishop may, with the approval of the Diocesan Council by a two-thirds majority of members voting, appoint a bishop of the Church or of a church in full communion with the Church to be an Assistant Bishop.

16(2) The Diocesan Council shall not adopt the resolution provided for in subsection (1) unless notice of intention to propose the resolution has been given in the notice of the meeting at which it is to be considered.

16(3) An Assistant Bishop holds office at the pleasure of the Bishop and ceases to hold office when the Bishop who appointed the Assistant Bishop ceases to be diocesan bishop.

16(4) An Assistant Bishop shall perform such diocesan duties and exercise such episcopal functions as the Bishop assigns.

16(5) Sections 11, 12 and 14 of this Canon apply to an Assistant Bishop *mutatis mutandis*.