

THE CANONS OF THE DIOCESE OF SOUTHWESTERN VIRGINIA

As in Effect at the Close of the Council of 2009

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CANON 1

OF A LIST TO BE MADE OF THE CLERGY IN THE DIOCESE

Sec. 1 Within one week before every meeting of the Council of this diocese there shall be prepared under the direction of the ecclesiastical authority a list of all the clergy of this church canonically resident in this diocese, annexing the names of their respective congregations or institutions of learning in which they are engaged, or in regard to those who are not so engaged, their places of residence only. This list, corrected to date, shall be the evidence of a clergy member's right to a seat in the Council subject to the provision of the constitution, and shall be laid before the Council on the first day of the meeting and the names of clergy called therefrom. Such list shall be prefixed to the journal by the secretary of the diocese and transmitted to the secretary of the General Convention.

Sec. 2 The right of any clergy member to membership in the Council, if disputed or claimed, shall be determined by the Council itself, according to the provisions of the constitution.

Sec. 3 It shall be the duty of the clergy to attend regularly at every meeting of the Council, unless excused by the Bishop.

Sec. 4 The reasonable expenses of clerical delegates to Council shall be paid by the congregation or organization they represent.

CANON 2: 2(b)

Explanation:

The following amendment should have been included with Council's amendments in 2008 as to the filing of parochial reports. Those amendments changed the date for filing to coincide with the National Canons. Canon 2:2(b) was overlooked and this change will delete reference to the previous filing deadline.

CANON 2

OF LAY DELEGATES AND THE EVIDENCE OF THEIR APPOINTMENT

Sec. 1 It shall be the duty of each congregation to send to the Council the number of lay delegates to which it is entitled in accordance with its status as of the close of the previous meeting of Council. These elections shall be held no later than March 31 each year.

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Sec. 2 The election of lay delegates shall be in accordance with the following paragraphs of this section:

- (a) A parish having not more than 200 communicants in good standing shall be entitled to two delegates and two alternates. For each 150 communicants in good standing, or fraction thereof, in excess of 200 communicants in good standing, a parish shall be entitled to one additional delegate and one additional alternate. Such delegates and alternates shall be elected by the vestry unless the parish at a meeting duly convened, by resolution duly adopted authorizes the election of such delegates and alternates by the voting members of the congregation as defined in Canon 14, Section 2. The communicant strength of a parish shall be determined by the most recent timely filed parochial report.
- (b) Delegates and alternates shall be communicants of the parish who meet the eligibility requirements for vestry election set forth in Canon 14, section 1(b).
- (c) A mission as defined in Canon 22, Section 2 shall be entitled to one delegate and one alternate.

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Sec. 3 The election of lay delegates to the Council shall be certified at once by the rector or clergy member in charge and the secretary or one of the wardens of the parish; if there be no rector or clergy member in charge, by the secretary and one of the wardens.

Sec. 4 The certificate of election shall be made on such form as shall be presented to the congregations by the secretary of the Diocese, from time to time, for such purpose. But the Council shall have the right, if it deems proper, to receive other evidence of election if the need thereof arises.

Sec. 5 The secretary of the diocese shall prepare a list of certified persons, which list shall be used in the organization of the Council and received as evidence that the persons therein named are entitled to seats. No parish shall be entitled to representation in Council unless its parochial report and parish audit report shall have been received by the secretary of the diocese by the date specified in the canon entitled "Of Parish Registers And Parochial Reports," except that this provision may be waived by a majority vote of the Council. If the right of any lay delegate to membership is questioned, the matter shall be referred to a committee on elections for examination and report.

Sec. 6 In case any delegates shall be unable to attend the Council to which they were elected, their places shall be filled by an alternate, properly elected; such change being made known to the secretary of the diocese by any other delegate from the same parish, or if from a

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mission, by any other delegate to Council, prior to the alternate being recognized as a delegate by the Council.

Sec. 7 The reasonable expenses of lay delegates and alternates to Council shall be paid by the parish whom they represent.

Sec. 8 The lay members of the Standing Committee and of the Executive Board, not otherwise delegates, shall have seat and voice at the Council.

CANON 3

OF THE DUTIES OF THE SECRETARY OF THE DIOCESE

Sec. 1 The secretary of the diocese shall make minutes of the proceedings of the Council or cause them to be made by assistants approved by Council and have them printed in the journal; shall preserve its journals and records, attest its public acts, and deliver to any successor all books, papers and records in the secretary's possession relating to its affairs. The secretary shall keep a list of all congregations and the status of each congregation, and append the same annually to the journal.

Sec. 2 The secretary shall give notice of the time and place of the meeting of the Council and perform such other duties as the Council may direct.

CANON 4

OF THE DUTIES OF THE TREASURER OF THE DIOCESE

Sec. 1 The treasurer of the diocese shall receive and take care of all moneys and other property entrusted to his or her keeping and disburse and dispose of the same as ordered by the Council or the executive board. The treasurer shall render annually to the Council and to the congregations a statement showing all receipts and expenditures.

Sec. 2 The treasurer shall be bonded in a sum and manner provided by the executive board.

CANON 5

Explanation

The Bishop has appointed Alan Boyce as Canon for Administration. This amendment provides flexibility in the title for the Diocesan administrator.

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CANON 5

OF THE DEPUTY OR CANON FOR ADMINISTRATION

There shall be elected by the Council, upon nomination by the Bishop, a deputy or canon for administration to the Bishop who shall be a communicant of this church and who shall serve at the pleasure of the Council. In the event of a vacancy in such office occurring between meetings of Council, the executive board shall have power, upon nomination by the Bishop to fill such office until the next meeting of Council. The deputy or canon for administration shall have such powers and duties as may be assigned or delegated by the Bishop or Council.

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CANON 6

OF THE STANDING COMMITTEE

Sec. 1 In case of a vacancy in the episcopate, the powers and duties to be performed by the Bishop, as regards to discipline, except the pronouncing of sentence of suspension, disposition or degradation from the ministry, shall belong to and be performed by the Standing Committee.

Sec. 2 It shall be the duty of the Standing Committee, at every annual Council, to make a report of its proceedings.

Sec. 3 It shall be the duty of the Standing Committee to act, when necessary on matters of discipline of priests and deacons, as the Diocesan Review Committee as stipulated by the Canons of the Episcopal Church.

CANON 7:1(a)(i)

Explanation

In keeping with the proposed Canon 5 amendment as to title change, this proposal ensures that the Diocesan administrator is a member of the Executive Board of the Diocese.

CANON 7

OF THE EXECUTIVE BOARD

Sec. 1:

- (a) The executive board shall consist of:

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- i. The Bishop, the Bishop Coadjutor, if there be one, the Suf-
fragan Bishop, if there be one, the ~~Deputy or Canon~~ for
Administration, the chancellor, the treasurer, and at least
one (but not more than two) representative(s) of the youth
of the diocese who shall be elected for a one-year term by
the executive board, as ex officio members with the right to
vote;
- ii. The president of each convocation, who shall serve for a
period commensurate with the term of that office; two
clergy members, and one additional lay person from each
of the convocations, to be elected by the convocations at
their fall meetings to serve for a period of three years; and
- iii. If the election of additional members at large seems advis-
able, not more than two additional members, each of whom
shall be a clergy member or lay person canonically resident
in the diocese, to be elected by the executive board, such
members to hold office until the annual Council next fol-
lowing their election. No member from a convocation who
has served for a full three-year term shall be eligible for re-
election until the annual Council following the expiration
of such term. The executive board shall have the power to
fill all vacancies occurring in its membership during recess
of Council.
- (b) The Bishop of the diocese shall be the chair of the executive board. The
board shall elect annually from its membership a vice chair of the board,
who, at the request of or in the absence of the chair, shall preside at meet-
ings of the board. In the absence of the chair and the vice chair, the board
shall choose one of its members to preside at meetings of the board. In
case the episcopate be vacant, the executive board shall elect some presby-
ter of its membership to be chair of the board and to serve during the va-
cancy in the episcopate, or so long as such presbyter's membership on the
board continues.
- (c) The executive board shall elect for itself and define the duties of secretary.
The secretary shall be elected at the first meeting following the annual
Council and shall serve for a period of one year, or until the next annual
Council.

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Sec. 2 The board shall hold regular meetings at such time and place as it shall select or it
may be called into session at any time by the ecclesiastical authority of the diocese.

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Sec. 3 The board shall, subject to the authority of the Bishop, exercise general care and oversight of all matters affecting the welfare and work of the diocese and shall establish such departments, committees and other organizational structures as it from time to time may deem necessary or appropriate to the discharge of its responsibilities, including a commission on housing and service for the aging and elderly.

Sec. 4 The board shall have authority to disburse and appropriate such funds as are made available by the Council for the work under the direction of this board.

Sec. 5 The board shall include in its annual report to Council a proposed annual diocesan budget for the current calendar year. Any proposed change in the annual diocesan budget as presented shall be referred to the committee on finance for its consideration and report prior to action by Council.

Sec. 6 Pending the adoption of an annual diocesan budget as hereinabove provided, the executive board shall prepare and furnish to the treasurer of the diocese a schedule of payments for the ensuing fiscal year, which schedule of payments shall first provide for fixed obligations and then for other objects in the program of the diocese, within the amount of estimated receipts. This schedule of payments shall be the warrant of the treasurer of the diocese for disbursement of the amount specified therein. Upon the approval by the executive board of the proposed annual diocesan budget, such budget shall be the warrant of the treasurer of the diocese for payments provided therein, until final action of the Council upon the budget, at which time the budget finally adopted shall become the warrant of the treasurer to make the expenditures provided therein.

Sec. 7 The board shall, upon nomination of the Bishop, fill any vacancy occurring in any office or position created by the constitution or canons for which no other procedure is provided for filling such vacancy.

Sec. 8 The Executive Board is empowered and entrusted to make decisions and to authorize the Trustees of the Funds of the Protestant Episcopal Church in the Diocese of Southwestern Virginia, Inc., as well as the Southwestern Episcopal Fund, Inc., in decisions regarding money matters not specified in the annual budget adopted by Council, in amounts of up to an aggregate of \$500,000 for the year; and to make decisions involving the acceptance, management, retention, mortgaging, sale and other aspects relating to Diocesan property, especially real estate, in such amounts; to retain auditors and accept their reports and implement their audit suggestions; and implement their audit suggestions; and to authorize, consolidate, amend or rescind line item expenditures in the annual budgets within categories set by Council; provided, however, that all such actions be reported to the following annual Council in such detail as Council may require.

CANON 8

OF FINANCES

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Sec. 1 The fiscal year shall begin January first.

Sec. 2 All accounts having to do with receipts and expenditures of money of all diocesan organizations shall be audited at the close of each year by a certified public accountant, provided, however, that if the amount of income for the year as shown by the account shall be less than three thousand dollars, or if a certified public accountant be not available, the audit may be made by an accountant bookkeeper in no way connected with the subject matter of the account.

Sec. 3 From time to time as may be deemed expedient, or at the direction of the executive board of the diocese, the treasurer of the diocese shall send to each clergy member in charge and to each treasurer of a congregation of the diocese a statement showing the amount of the congregation's the support of the work of the diocese and the general church with the amount paid in and due on each.

Sec. 4 No special appropriation shall be made nor any expense authorized by Council, which shall involve the expenditure of more than one hundred dollars, unless the same shall have been first referred to a special finance committee of the Council, or in default of such action by such committee until the resolution authorizing such expenditure of funds be offered in open Council and laid over until the following day before action shall be taken upon such resolution.

CANON 9

OF THE COMMISSION ON MINISTRY

Sec. 1 There shall be a commission on ministry consisting of twelve clergy and lay persons. The Council, at each annual meeting, shall elect three members, upon nomination by the Bishop, to serve for a term of four years. Members shall continue in office until their successors are elected. The Bishop shall appoint from the Commission on Ministry membership a chair and appoint a secretary. Vacancies occurring during recess of Council may be filled by appointment of the Bishop and confirmation of the Standing Committee until the next meeting of Council.

Sec. 2 The commission on ministry shall assist the Bishop in (a) matters pertaining to the enlistment and selection of persons for the ministry and in the guidance and pastoral care of all postulants and candidates for holy orders and deacons, if there be such, and professional church workers, (b) matters pertaining to the continuing education and career development of the clergy, (c) the deployment of clergy for the fullest development of the church's human resources, and (d) the establishment of standards and the provision of training for lay leaders in the diocese. The commission on ministry shall have such other duties pertaining to the ministry of the diocese as are prescribed in the canons of the general church and as may be assigned to it by the Bishop.

Sec. 3 The commission on ministry may from time to time adopt rules for the performance of its duties, subject to the approval of the Bishop, provided the same are consistent with

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the canons of the general church and of this diocese. Such rules may include the appointment of committees of the commission on ministry to act on its behalf. The commission on ministry, subject to the approval of the Bishop, may cooperate and coordinate with commissions on ministry of other dioceses in performing its duties. The commission on ministry shall make an annual report to the Council.

CANON 10

OF THE COMMITTEE ON CHURCH PROPERTY

Sec. 1 The Council shall elect a committee on church property to consist of two clergy members and three lay persons, one of whom shall be the chancellor, who shall continue in office until their successors are elected as hereinbefore provided.

Sec. 2 It shall be the duty of the said committee, under the direction of the executive board:

- (a) To take such steps as may be necessary to recover or secure any property, real or personal, belonging to any congregation within this diocese, the legal title to which is not vested in duly constituted trustees;
- (b) In the case of any property which is determined by the executive board to be abandoned property, the said committee shall take such steps, through the trustees holding the legal title thereto, or the survivor of them if there be any or if there be no such trustee or trustees, then through any one or more members of the congregation, either to cause the title to and possession of (where appropriate) said property to be transferred to the trustees of the funds of the Protestant Episcopal Church in the Diocese of Southwestern Virginia, Inc., or to make sale thereof, in accordance with the statutes of this state in that case made and provided and to cause to be paid over to the trustees of the funds of the Protestant Episcopal Church in the Diocese of Southwestern Virginia, Inc., the proceeds of such sale to be subject to the order and disposition of the Council or the executive board during recess of Council, and
- (c) To render such assistance as it reasonably may to the executive board, the trustees of the funds of the Protestant Episcopal Church in the Diocese of Southwestern Virginia, Inc., and to the trustees and congregation of parishes and missions in matters relating to church property, including the carrying out of the provisions of other canons relating to church property.

CANON 11

OF A COMMISSION ON CHURCH ARCHITECTURE

Sec. 1 The Bishop, acting with the advice and consent of the executive board, shall appoint annually a commission on church architecture.

Sec. 2 It shall be the duty of all congregations and institutions connected with the diocese to permit this commission to make recommendations and submit suggested plans when any construction is contemplated and to cooperate to this end; but, where grants are made by the Council or the executive board, the approval of this commission shall be deemed necessary.

CANON 12

OF THE DUTIES OF THE MEMBERS OF THE CHURCH

The members of this church should conform to its teachings and to the creed upon which it is founded and should as far as in them lies, live in the exercise of those Christian principles and duties prescribed in the Holy Scriptures and illustrated in the Book of Common Prayer and should further instruct their families and those dependent upon them in the like duties and principles, both by example and precept. They should use all sober and godly conversation, should daily exercise family worship, be charitable in act and word, and celebrate and keep holy the Lord's Day, giving all due attention to the services of the church and to public worship.

CANON 13 (7)

Explanation

Between 1999 and 2000, ECUSA and ELCA (Evangelical Lutheran Church of America) entered into a full communion agreement called Called to Common Mission. Under the agreement, each Church recognizes the validity of each other's baptisms and ordinations. The agreement does not form a merger between the denominations nor does it define shared communion as joint membership.

Recently, joint parishes between ECUSA and ELCA have emerged, often under the leadership of clergy from one of the denominations. In these parishes, there are both Lutheran and Episcopal Members.

This amendment makes clear that Episcopalians in these congregations are under the same ecclesiastical authority as members in other congregations of the Diocese. In particular, it notes how these members should be represented at Council.

CANON 13

OF THE PARISH AND ITS ORGANIZATION

Sec. 1:

- (a) It shall be lawful for any number of persons, at least ten of whom shall be adult confirmed communicants of the church in good standing, to be admitted into union with the Council as a parish according to the following procedure:
- (b) It shall adopt, at a duly called and constituted meeting, of which at least two weeks' notice shall be given at the regular services, a resolution declaring its desire to be admitted into union with the Council as a parish.
- (c) It shall make a report signed by and certified to by a majority of such persons to the annual Council to be held next thereafter, showing:
 - i. That it has adopted a resolution declaring its desire to be admitted into union with the Council as a parish.
 - ii. That it has not less than ten adult communicants in good standing set out in Section 1(a) of this canon.
 - iii. That it is now fulfilling and discharging the following undertakings:
 - A. Hold regular services at least weekly throughout the year;
 - B. Organize and operate a christian education program;
 - C. Pay a proportionate amount of its income, to be pledged annually, for the support of the work of the diocese and general church.

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- D. Pay its operating expenses and a salary and allowances to its clergy not less than the minimum salary and allowances approved by the executive board. If any parish, or applicant for status as a parish, for any reason, should determine that it is unable to pay the minimum salary and allowances approved by the executive board, it shall have the right to petition the executive board to relieve it of the obligation created by this canon. In such instance, the executive board shall have the authority to deal with any petitioning parish, or applicant for status as a parish, on the merits of its case, and the decision reached by the executive board, after full consideration of the petition of any particular parish, or applicant for status as a parish, shall be final.
- E. That it undertakes and promises by God's help to do and perform all things necessary to enable its members to sign the petition set out in Section 2 of this canon.

Sec. 2 At least forty days, but not more than ninety days, prior to the annual Council to which the report is made, as provided in subsection (c) of the preceding section, the following petition shall be made to the ecclesiastical authority.

“We, whose names are hereunto signed, and who are members in good standing of _____, deeply sensible of the truth of the Christian religion and conscientiously attached to the doctrine, discipline and worship of the church, known as the Protestant Episcopal Church in the United States of America, and being earnestly desirous of further establishing its authority and securing its holy influences for ourselves, our families and neighbors and those who come after us, do hereby respectfully petition the ecclesiastical authority that said congregation be advanced to the status of a parish of the church in the Diocese of Southwestern Virginia under the name and title of _____ and we do hereby solemnly promise and declare that the said parish shall be forever held under the ecclesiastical authority of the Diocese of Southwestern Virginia, and in conformity with the constitution and canons of the Diocese of Southwestern Virginia, the authority of which we do hereby recognize; and to the liturgy, doctrines, discipline, rites and usages of the church we promise for ourselves and our successors corporate obedience and conformity at all times, so help us God. Furthermore, we solemnly engage and stipulate that all real property consecrated as a church or chapel, of which the said parish is or may become possessed, shall be secured against alienation from the Protestant Episcopal Church in the Diocese of Southwestern Virginia, unless such alienation is

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in conformity with its canons.

“And we do represent and declare unto the ecclesiastical authority that, since the last annual Council, said congregation has held regular services at least weekly, organized and operated a church school, and paid a proportionate amount of its income annually for the support of the work of the diocese and general church.

“And we do further represent and declare unto the ecclesiastical authority that said congregation is able to pay its operating expenses as a parish; that it is able and willing to pay to its clergy a salary and allowances not less than the minimum salary and allowances approved by the executive board.”

The petition shall be signed by not less than fifty-one percent of the members of the congregation, who are adult confirmed communicants of the church in good standing, and the minister-in-charge of the congregation, if there be one, shall approve the petition by signing it.

Sec. 3:

- (a) The ecclesiastical authority shall within ten days after receipt of the petition forward it with recommendation for its acceptance or rejection, with reasons therefore, to the secretary of the Council of the diocese. Copies of the recommendation of the ecclesiastical authority shall at the same time be sent to the officers of the congregation.
- (b) The certificate of the ecclesiastical authority and the petition together shall constitute an application for the admission of the congregation into union with the Council as a parish.

Sec. 4:

- (a) Whenever a congregation is admitted into union with Council as a parish, thereupon the officers of the congregation shall become the wardens of the parish and they shall hold office as such until the first meeting of the congregation, at which time they shall be eligible for election if otherwise qualified. The wardens shall call a meeting of the congregation in the manner described in Canon 14, to be held as practicable and convenient, at which a vestry shall be elected and all things shall be done which are necessary or desirable for the organization of the parish.
- (b) A book shall be provided for the record and minutes of the meeting, in which shall be entered in full a copy of the petition to the ecclesiastical authority, showing the names signed to the same, the certificate of its admission to be signed by the secretary of the Council, and a record of any

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other papers and action of importance to the history of the organization which may have been taken previously; after this, entry shall be made of the names of the persons who attended and are qualified to vote.

- (c) All the provisions of the statutes relating to religious incorporations and associations in the Commonwealth of Virginia, and of the canons of the General Convention and of the Diocese of Southwestern Virginia, shall be strictly followed and observed, and all acknowledgements and records thereby required shall be duly made, and the whole proceedings of the meeting shall be certified by its presiding officer and secretary and reported to the ecclesiastical authority.

Sec. 5:

- (a) Every promise and stipulation contained in the petition required for the organization of a parish, as the same are set forth in Section 2 of this canon, shall be binding upon every parish now in union with this Council, and failure of any such parish heretofore to agree hereto in writing to the contrary notwithstanding. Nothing herein contained shall require the reduction of status of a parish other than as provided in subsection (b) below.
- (b) The ecclesiastical authority may, when a parish has not, for the space of two years, complied with the conditions required for its organization as a parish, report this fact to the next annual Council and it shall thereupon become a mission.

Sec. 6 All congregations which are not identified as parishes shall be identified as missions.

Sec. 7 Any congregations in this diocese comprised of adult confirmed communicants of the church and of persons belonging to any other Christian denomination(s) (including those belonging to a church in communion with this church), and recognized by the ecclesiastical authority, shall be under the oversight and authority of the ecclesiastical authority. For purposes of Canon 2 such congregations shall be designated as parishes or missions, as appropriate. If designated as a parish, the congregation shall be entitled to send to Council the number of lay delegates to which it would otherwise be entitled based on the number of communicants in good standing of this church who are members of the congregation.

CANON 14

OF THE ELECTION OF VESTRIES

Sec. 1:

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- (a) Each parish shall elect a vestry of not less than three nor more than twenty-four members.
- (b) Those persons eligible for election as vestry members shall be as follows: adult confirmed communicants of the parish, in good standing, who have been regular worshipers in the parish in the year preceding election and regular contributors to its financial support by pledge, subscription, or some other method by which they shall be known to the treasurer of the parish. The rector or clergy member in charge, or if there be neither, the senior warden, after consultation with the treasurer of the parish, shall determine whether a nominee is eligible for election under this section.
- (c) The election of members of a vestry shall be held annually in accordance with the provisions of this canon. Voting shall be by ballot, in such form or by such method as shall be approved by the meeting. No member of a vestry shall be elected for a term of longer than three years. Having served a three-year term no member of a vestry shall be eligible for re-election until the expiration of one year, or such longer period of time not to exceed three years as may be determined by each parish.

Sec. 2 All confirmed communicants and adult baptized members belonging to the parish, who for three months preceding have been regular worshipers in the parish and regular contributors to its financial support by pledge, subscription, or some other method by which they shall be known to the treasurer of the parish, shall be entitled to vote in the election.

The following persons may vote by absentee ballot in any election in which they are qualified to vote:

- (a) Any person who will, in the regular and orderly course of his or her business, profession, or occupation, or while on vacation, be absent from the county or city in which the parish is located on the day and at the time that the election is held.
- (b) Any person who is ill or physically unable to attend the election.

All persons wishing to cast absentee ballots shall make application therefore to the chair of the teller committee or senior warden who shall, in consultation with the rector or clergy member in charge determine the eligibility of the applicant to cast an absentee ballot.

All absentee ballots shall be secretly made in writing, sealed in a signed envelope and delivered to the chair of the teller committee or senior warden at least twenty-four (24) hours prior to the beginning of the election.

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Sec. 3 The election shall be held on the first Monday in Advent, or on such other date as may be determined by the vestry. Notice shall be sent to the Bishop that such election has been held, and the persons elected shall take office January 1st following. If the election be not held until after January 1st, the persons elected shall take office immediately.

If the election be unduly delayed, the same may be held and at such time as the Bishop may order. Retiring vestry members and vestry officers shall continue in office until their successors are elected.

A meeting of the parish may be duly convened upon the call of the rector or clergy member in charge of the parish, or of the vestry, or of three members of the parish, provided that due notice be publicly given of said meeting.

The rector or clergy member in charge of the parish, when present, shall preside at all parish meetings, except in matters of personal concern or where necessity requires that a chair be elected in the usual manner.

Ten percent of the qualified voters of the parish shall be required to constitute a quorum to transact business.

Sec. 4 Due notice of the time and place of election shall be given to every parish in which an election of vestry members is to be held.

Sec. 5 The presiding officer shall appoint, or the electors shall choose, three of their own number to act as tellers and judges of the election, and these shall decide as to the qualifications of the voters and of those persons to be elected to the vestry according to the requirements of this canon.

Sec. 6 Every person chosen as vestry member shall before acting as such, subscribe to the following declaration and promise, and this declaration and promise shall also be subscribed to in case of re-election:

“I do believe the Holy Scriptures of the Old and New Testaments to be the Word of God and to contain all things necessary to salvation; and I do yield my hearty assent and approbation to the doctrines, worship and discipline of the Protestant Episcopal Church in the United States of America; and I promise that I will faithfully execute the office of vestry member (vestry committee member) of _____ Church in _____ city/county, according to my best knowledge and skill.”

Sec. 7 At its regular meeting after election the vestry shall proceed to organize by the election of a secretary, two wardens, and a treasurer of the parish. The wardens shall be chosen from the members of the vestry. All meetings shall be opened with prayer, and a majority of those elected shall constitute a quorum.

Sec. 8 Vacancies occurring in the vestry shall be filled by a vote of the remaining members. The clergy member in charge when present, shall preside at all meetings and be entitled to cast the deciding vote in case of a tie, except in the case of personal interest. All meetings of the vestry shall be subject to call by the clergy member in charge. In case, however, of failure to call a meeting at the request of two members of the vestry, such members may, if they deem it necessary, themselves call a meeting.

Sec. 9 If for any reason a vestry member fails to attend six consecutive and duly called meetings of the vestry, his or her seat shall automatically and immediately become vacant. The vestry in that event shall elect a member to fill the vacancy and complete the unexpired term. The vestry may re-elect the same member.

CANON 15

OF THE DUTIES OF VESTRIES

Sec. 1 When a parish becomes vacant the wardens or other proper officers shall certify the fact to the Bishop. If the authorities of the parish shall for thirty days have failed to make provision for the services, it shall be the duty of the Bishop to take such measures as may be deemed expedient for the temporary maintenance of divine services therein. It shall be the duty of the Bishop, upon receiving notice that parish is to become or has become vacant, to notify all clergy of this church canonically resident in the diocese of that fact in writing within ten days so that they may in turn notify the Bishop in writing of a desire to be considered by the vestry of that parish as available for election as rector.

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Sec. 2 A rector, assistant, or clergy member in charge of a parish shall be elected by the votes of the majority of the vestry, given by ballot. In the election of an assistant, the nomination shall be made in writing by the rector.

The election of a rector or clergy member in charge must be made after open nomination of a previous meeting of the vestry, duly convened. Written notice of the time and place of the meeting of the vestry at which such election is to be held, with a statement of such purpose, shall be given to each vestry member. Before such election, sufficient evidence in writing from the ecclesiastical authority shall be had that, so far as is known and believed, the individual named is a qualified presbyter or deacon of this church.

Sec. 3 The call of the clergy member-elect shall be in writing and must express any special conditions, together with the stipulation of salary or support, which stipulation, when the clergy member is settled, shall constitute a binding contract, and the salary or support, as accruing, is to be an acknowledged debt recoverable by process of law if necessary; provided that amount may be increased or diminished as the parties may from time to time agree, due notice of which shall be given to the ecclesiastical authority by the secretary of the vestry.

Sec. 4 It shall be the duty of the vestry to cooperate with the rector or clergy member in charge of the parish for the promotion of the spiritual welfare of the parish, to see that such person is properly supported and that his or her salary and pension fund premium be paid regularly and punctually; to report to the diocese, prior to December 15 of each year, the amount which the parish will contribute to the support of the work of the diocese and general church for the next calendar year and to see that such amount will be paid in regular installments no less frequently than quarterly; to sustain and further the church's mission; to make and execute all contracts for the erection, furnishing, and preservation of the church edifice and other church property; to present annually to the Council a full statement of the financial condition of the parish; to provide for the appointment of trustees under the laws of the Commonwealth of Virginia authorized to hold the legal title of the church property; and generally as constituted agents of the congregation to transact all its temporal business.

CANON 16
OF THE DUTIES OF WARDENS AND OTHER
OFFICERS OF THE PARISH

Sec. 1 It shall be the duty of the wardens to keep watch over all church property; to make proper provision for every occasion of public worship; to collect the offerings of the people; to take charge of the font and communion plate; to provide, out of the funds of the parish under the direction of the vestry, a sufficient supply of vestments and books to be used in public worship, and also the elements for the celebration of the Holy communion; to attend to the accommodation of the congregation with seats; and to maintain order and decorum during the time of public worship; and to assure that the vestry annually review the salary and allowances received by the rector, assistants and/or clergy member in charge.

Sec. 2 It shall be the duty of the secretary of the vestry to keep correct entries of all proceedings of the vestry; and, when there is no rector or clergy member in charge of the parish, to enter upon the parish register usually kept by the rector or clergy member in charge all baptisms, specifying the Christian names and surnames of the parents, with the name and date of birth and baptism of the person baptized; also all marriages, deaths and funerals, with the dates and names of parties, and in like manner all confirmations administered in, and communicants lost or gained by the parish, and furnish a report of the same to the Bishop of the diocese.

Sec. 3 It shall be the duty of the treasurer of the parish to take charge of all offerings and income collected for the expenses of the parish and to disburse the same under the direction of the vestry. The treasurer shall also take charge of all offerings made for special purposes, except communion alms, and disburse the same for the purposes for which they were made by the parish, and shall make a report thereof to the vestry.

Sec. 4 When the work in any parish is supported by the diocese to the extent of 75 per cent of its current expense budget, such current expense budget shall be submitted by the treasurer of the parish to the executive board of the diocese for its approval.

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Canon 17:

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Explanation:

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This amendment clarifies issues relating to the number of trustees to be appointed to hold title to real property and their qualifications.

CANON 17

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OF TRUSTEES AND TITLE TO REAL ESTATE

It shall be the duty of the vestry of each parish and each mission holding real property to elect not fewer than three (3) trustees and to report to the Bishop of the diocese the names of the trustees in whom is vested the legal title to any and all real property owned by the said parish or mission, together with reference to the court order book wherein the court order appointing such trustees is entered. In the event of a vacancy it shall be the duty of the vestry to elect and to cause the appointment by the court of a successor trustee or trustees as the case may be, and to report to the Bishop the names of such successor trustee or trustees within thirty days after the entry to an order by the court appointing new or additional trustees of said parish or mission, together with the date of the entry of said order of appointment and reference to the court order book where said order is recorded.

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In order to be eligible to serve as a trustee, a person must be a communicant in good standing of this church. If any person elected as a trustee shall, after his or her election, cease to be a communicant in good standing of this church, then it shall be the duty of the vestry to declare a vacancy and to elect and to cause the appointment by the court of a successor trustee to replace such person.

CANON 18

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OF REGISTERS AND PAROCHIAL REPORTS

Sec. 1 Care shall be taken in the enrollment of members and communicants and all clergy members or persons in charge of missions shall require, as far as practicable, that members and communicants moving from one congregation to another shall conform to the provisions of the canons of the Protestant Episcopal Church in the United States of America on that subject.

Sec. 2 Every clergy member or person in charge, for each congregation for which such person is responsible, shall send to the Bishop or, if there is no Bishop, to the secretary of the diocese, for the president of the Council, (1) the parochial report, which shall be submitted not later than the first day of March of each year; and (2) the parish audit report, which shall be submitted not later than the thirty-first day of August each year; each report to be for the year ending

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the preceding 31st of December These reports shall be submitted in such form as shall be prescribed by the Bishop or the Council and provided by the secretary of the diocese.

CANON 19

OF THE CHURCH PENSION FUND

Sec. 1 In conformity with the resolution adopted by the General Convention of 1913, setting forth the principles upon which a pension system for the clergy of the church and their dependents should be constructed, pursuant to which resolution the church pension fund has been created to carry these principles into effect, the Diocese of Southwestern Virginia hereby enters into the system of the church pension fund.

Sec. 2 Any parish neglecting for two successive years to pay the full amount of its annual premium to the church pension fund shall be deprived of its rights to participate and vote in the proceedings of the Council of the diocese, according to canons in that case made and provided, and shall continue to be deprived until the said parish has paid in full all past due annual premiums, at which time it shall be restored to all its canonical rights in the Council of the diocese.

CANON 20

OF PAROCHIAL INDEBTEDNESS

Sec. 1 No indebtedness shall be incurred by a parish without the approval of the Bishop acting with the advice and consent of the Standing Committee except:

- (a) Indebtedness for capital expenditures, e. g. permanent improvements and acquisitions of or additions to real property or equipment, where the amount of such indebtedness plus indebtedness of every kind already existing shall not exceed one hundred and fifty per cent of the average annual revenues of such parish during the past three years.
- (b) Indebtedness for current expenses where the amount of such indebtedness, plus all indebtedness heretofore incurred for current expenses and still existing, shall not exceed 20 per cent of the total current revenues of such parish during the preceding fiscal year; and the payment of all such indebtedness shall be provided for in the budget of the next ensuing fiscal year with reasonable expectation of its payment out of the revenues of said year.

Sec. 2 For the purposes of Section 1 hereof, revenues shall be the total operating reve-

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nues of the parish, excluding amounts received from or for endowments or from bequests, reported in the parochial report specified in the canon entitled "Of Parish Registers and Parochial Reports."

Sec. 3 Where approval is required, the parish shall also submit for approval by the same authority a plan for amortization or other method of payment.

Sec. 4 This canon shall not apply to the refinancing of existing loans.

CANON 21**OF THE ALIENATION OF PROPERTY**

It shall not be lawful for the trustees of a parish or mission, in whom is vested the title to any real property, to encumber, alienate, or lease for more than three years real property belonging to the parish or mission which they represent without the previous written consent of the Bishop of the diocese acting with the advice and consent of the Standing Committee. It is the intention and purpose of this canon to place all unconsecrated real property under the same provision as church or chapel property as provided by the canons of the Episcopal Church regulating the alienation or encumbrance of consecrated church property.

CANON 22**OF THE FORMATION OF MISSIONS**

Sec. 1:

- (a) It shall be lawful for any parish to establish a parish mission under the terms of paragraph (b) of this section and with the advice and consent of the ecclesiastical authority.
- (b) A parish mission shall not constitute a separate cure; the rector and vestry of the parish shall manage and control the affairs of the parish mission; the geographical location of the parish mission shall be determined with the advice and consent of the ecclesiastical authority; the title to real property purchased for the use of the parish mission shall be vested in the trustees of the parish, and all furniture, fixtures, and equipment shall be the property of the parish.

Sec. 2 It shall be lawful for any number of persons, three of whom shall be adult confirmed communicants of the church in good standing, who are desirous of maintaining services in any community according to the doctrines, discipline, and worship of the Protestant Episcopal Church in the United States of America, to be formed into a mission. Such persons shall make and sign a petition to the ecclesiastical authority, who, in its discretion, may approve the same upon such terms and conditions as may be deemed expedient. If the petition is approved, the ecclesiastical authority shall make and issue a certificate stating the terms and conditions of its approval, and forward the same to the petitioners. Such persons may then assemble as a mission.

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CANON 23

OF MINISTERS OF CONGREGATIONS RECEIVING DIOCESAN SUPPORT

All ministers in charge of congregations receiving a portion of their expenses from the diocese shall be appointed and sent by the ecclesiastical authority of the diocese, upon such terms as to salary and support, tenure, scope of duties, and authority as may be agreed upon, which appointment and agreement shall be in writing.

CANON 24: 3(b)

Explanation

This amendment makes the terms of Convocation presidents consistent with that of Convocation deans, a term of three years instead of one.

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CANON 24

OF CONVOCATIONS

Sec. 1 For the purpose of promoting greater unity in the diocese and the work of the church extension in its borders, the diocese adopts the system of convocations.

Sec. 2 The diocese shall be divided into convocations as follows:

- (a) Augusta--Counties of Alleghany, Augusta, Bath, Highland and Rock-bridge and the cities bounded thereby.
- (b) Lynchburg--Counties of Amherst, Bedford, Campbell and Nelson and the cities bounded thereby.
- (c) Roanoke--Counties of Botetourt, Craig, Franklin, Henry, Patrick and Roanoke and the cities bounded thereby.
- (d) Abingdon--Counties of Buchanan, Dickenson, Lee, Russell, Scott, Smyth, Tazewell, Washington and Wise and the cities bounded thereby.
- (e) New River--Counties of Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski and Wythe and the cities bounded thereby.

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- (f) The Bishop, acting with the advice and consent of the Standing Committee, may change membership of a congregation with reference to convocations, provided that a petition is received from the vestry of the particular congregation requesting such change.

Sec. 3:

- (a) In each convocation there shall be a president, who shall then serve as a lay member of the executive board from that convocation. The term of office of the president shall begin at the conclusion of the annual Council following his or her election at the fall meeting of the convocation and extend three years. No person who has served as president for a full three-year term shall be eligible for reelection until the fall meeting next succeeding the expiration of such full term. It shall be the duty of the president within the convocation to assist in the promotion of all the common tasks of the diocese, preside over convocation meetings and perform other such duties as may be assigned by the Bishop or the executive board.
- (b) In each convocation there shall be a vice president, who shall be a clergy member and also serve as dean of the convocation. The term of office of the vice president/dean shall begin at the conclusion of the annual Council following his or her election at the fall meeting of the convocation and extend ~~for three years~~. No person who has served as vice president/dean of a convocation for ~~a full three-year term~~ shall be eligible for reelection until the fall meeting next succeeding the expiration of ~~such full term~~. It shall be the duty of the vice president/dean within the convocation to provide general supervision of deacons not otherwise supervised, assist deacons and vacant congregations in maintaining a regular schedule of communion services, promote missionary development and education under the direction of the Bishop, institute new clergy when requested by the Bishop, preside over convocation meetings in the absence of the president and perform such other duties as may be assigned by the Bishop or the executive board.

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Sec. 4 In each convocation there shall be held at least three meetings in each year of the clergy and laity:

- (a) A fall meeting shall be held between October 1 and November 15 at which the delegates and members of all congregations shall express their views on the needs and opportunities of the diocese for the coming year for the guidance of the executive board in preparing the proposed budget. At the fall meeting occurring in the calendar year following the year of the meeting of the General Convention, the convocation shall nominate to the

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Council one clerical deputy and alternate and one lay deputy and alternate for election to the General Convention and one person for diocesan United Thank Offering coordinator. This meeting shall also nominate candidates that shall stand for election at Council such as, but not limited to, members of the Standing Committee, Ecclesiastical Trial Court, and Provincial Synod Deputies. Furthermore, this meeting shall elect, when appropriate, one clerical and one lay person to the executive board.

- (b) A January meeting, at which the matters and resolutions to come before Council may be reviewed and explored.
- (c) A spring meeting shall be held between April 15 and May 30 at which the members of the executive board from each convocation shall report and be accountable to their convocations; the convocation shall receive program reports and participate in a program evaluation process; delegates who have been elected to the annual Council shall receive orientation to the diocesan Council process; and the convocation shall review a proposed budget for the following year, and a projected budget for the year after.

Sec. 5 All clergy members, resident or doing duty, in any convocation and canonically connected with the diocese, are members of the convocation and entitled to all privileges thereof. Each parish, organized mission and mission station shall send as its lay delegates to the convocation meetings those persons who have been duly elected as its lay delegates and alternates, respectively, to the forthcoming annual Council. Lay delegates and alternates when serving as principals, shall be entitled to the privileges of the convocation. Members of all congregations shall be invited and encouraged to attend meetings but voting privileges of lay persons in attendance shall be limited to delegates and alternates when serving as principals.

Sec. 6 Each Convocation may enact bylaws for its management subject to the approval of the ecclesiastical authority.

CANON 25

OF DEPUTIES TO THE PROVINCIAL SYNOD

Sec. 1 At the annual Council preceding the meeting of the Provincial Synod, there shall be elected by ballot the number of deputies in each order provided for pursuant to the ordinances of the Provincial Synod and a like number of deputies in each order shall be elected as alternates. The deputies and alternates so elected shall hold office until the annual Council preceding the next meeting of the Provincial Synod, or until their successors are elected.

Sec. 2 The executive board shall include in the annual diocesan budget a proportionate sum for the necessary expenses of the deputies to the regular sessions of the Provincial Synod,

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and the sum so set aside shall be made available for the deputies before leaving for the synod.

Sec. 3 After each meeting of the Provincial Synod one of the deputies attending shall report upon the meeting to the executive board and to such other body as the Bishop or the executive board may deem appropriate.

CANON 26

OF DEPUTIES TO THE GENERAL CONVENTION AND DELEGATE TO THE TRIENNIAL MEETING

Sec. 1 At the regular annual Council in the calendar year preceding the year of the meeting of the General Convention there shall be elected by ballot the full quota of ordained persons, presbyters or deacons, canonically resident in the diocese, and the full quota of lay persons, communicants of this church in good standing in the diocese but not necessarily domiciled in the diocese, as deputies to the General Convention, and, in the same manner, there shall be elected a like number of ordained persons and lay persons to act as alternates. If the full quota of ordained persons and the full quota of lay persons is less than the total of one nominee in each order from each convocation, then the nominee or nominees not elected to General Convention will become alternates in priority as determined by the order of the election and they will take priority over elected ordained and lay alternates. The priority of elected ordained and lay alternates shall be determined by the order of their election. Not more than one clerical or lay deputy nor more than one clerical or lay alternate shall be elected from any one convocation unless there be an insufficient number of clergy members or lay persons nominated from the various convocations.

Sec. 2 It shall be the duty of each of the deputies and delegates elected to signify to the secretary of the diocese, thirty days before the meetings of the General Convention, whether he or she accepts or declines the election. Should vacancies occur through any cause whatever, the secretary of the diocese shall issue certificates of election to the alternate deputies in the order of their election. Should the diocese's full quota of deputies not be filled by acceptances of those elected, the Bishop may fill any vacancies by appointment, with the advice and consent of the executive board.

Sec. 3 There shall also be elected in the calendar year preceding the year of the meeting of the General Convention a diocesan United Thank Offering coordinator from among the nominees for that office submitted by the five convocations who shall also be a Triennial Meeting delegate. The runner-up in this election becomes the assistant United Thank Offering coordinator and the United Thank Offering coordinator's alternate to the Triennial Meeting.

Sec. 4 The executive board shall include in the annual diocesan budget a proportionate sum for necessary expenses of the deputies to the regular sessions of the General Convention, and of the two alternates, one in the clerical order and one in the lay order, next in succession, and of the delegate to the Triennial Meeting, and the sum so set aside shall be made available for

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the deputies and alternates to the General Convention and for the delegate or alternate to the Triennial Meeting prior to their leaving for the General Convention and the Triennial Meeting.

CANON 27

OF THE TRIAL OF A CLERGY MEMBER NOT BEING A BISHOP

Presentment and Trial of Priests and Deacons.

Section 1. Presentments and trials of priests and deacons within the Diocese of Southwestern Virginia shall be conducted in accordance with the provisions of Title IV of the Canons of the General Convention as such canons are amended from time to time.

Section 2. At the January 1996 meeting of the Council, the Council shall elect an Ecclesiastical Trial Court consisting of three (3) priests or deacons and two (2) lay persons. To be eligible for election, clergy must be canonically resident within the Diocese of Southwestern Virginia, while lay candidates must be qualified to serve on a vestry within the diocese. The three (3) priests will be nominated and elected for initial staggered terms of one (1), two (2) and three (3) years respectively. The two (2) lay persons will be nominated and elected for initial, staggered terms of two (2) and three (3) years, respectively. Thereafter, nominations are to be made according to such process as the executive board may provide and successors will be elected at succeeding Councils. Succeeding terms shall be for three (3) years. Members of the Ecclesiastical Trial Court may succeed themselves once and may be reelected (and succeed themselves once again) after a hiatus of at least two (2) years.

Section 3. Vacancies on the Ecclesiastical Trial Court shall be filled by majority vote of the remaining members of the Ecclesiastical Trial Court, subject, however, (except as to those required to be filled by the process specified in Title IV.4(a).8 of the Canons of the General Convention) to the will of the Council expressed at the next ensuing annual meeting. The person elected to fill the vacancy shall be a person of the same order as the person who has vacated.

Section 4. The Ecclesiastical Trial Court shall convene within two (2) months after each regular meeting of Council, organize itself for the presentment and trial of priests and deacons, conduct such business as is required by Title IV of the Canons of the General Convention and perform any other tasks which may prove expedient.

Section 5. If the Presiding Judge or Church Attorney resigns, becomes disqualified from serving, or is otherwise unable to serve, the Ecclesiastical Trial Court shall (a) elect or provide for a successor Presiding Judge or Church Attorney, or (b) elect an acting Presiding Judge or provide for an acting Church Attorney to serve with regard to matters involving the disqualifying circumstances. Vacancies in any other office of the Court shall be filled by the Court in any manner which proves feasible.

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CANON 28**OF THE PROCEEDINGS IN THE TRIAL OF A
LAY PERSON AFTER REPULSION BY THE MINISTER
FROM THE HOLY COMMUNION**

If any person repelled from the holy communion shall allege to the Bishop that injustice has been done, or if, notwithstanding such person's profession of being ready and willing, in truth and sincerity, to comply with the requisitions expressed in the rubric in order to be restored to the holy communion, repulsion shall be continued, the person may complain in writing to the Bishop, setting forth the grounds thereof and desiring restoration to the communion, and then the Bishop, unless finding it fit to restore the communicant from the insufficiency of the cause assigned by the minister shall nominate two of the clergy and two of the laity of whom the minister repelling shall elect one of the clergy members and the communicant one of the lay persons; it shall be the duty of the two thus chosen to take without delay the evidence in the case, under oath and in writing, of such witnesses as maybe produced by either of the parties and to certify the same to the Bishop, who thereupon, unless for his or her own satisfaction or for good cause shown by either of the parties interested further evidence is desired, shall proceed to adjudge the case. If further evidence be required, it shall be obtained and certified, either by the same commission or by another appointed in the manner above prescribed, as the Bishop may direct. And when the evidence is thus produced the Bishop shall adjudge the case and shall communicate the judgment whenever made to the minister repelling and the communicant repelled, which judgment shall be final and conclusive; provided, that in case the judgment shall direct a further continuance of the repulsion, such person shall, nevertheless, be subject to all the conditions and provisions of the rubric.

CANON 29**OF RESOLUTIONS TO BE PRESENTED TO COUNCIL**

All resolutions, petitions and memorializations to be presented to the Council from any permanent, semi-permanent or ad hoc committee, department, or commission within this diocese, except if such committee, department, or commission shall have been in existence less than two months prior to the opening date of Council, shall be mailed, at least two weeks prior to such opening date, to all diocesan clergy, to all senior and junior wardens in the diocese, and to all delegates and alternates to Council.

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CANON 30
OF ALTERATIONS IN OR ADDITIONS
TO THE CANONS

Sec. 1 The committee on constitution and canons shall mail to delegates to the Council, at least two weeks prior to the opening day of the Council, copies of any alterations in or additions to the canons which it proposes to submit to the Council. Such alterations or additions may be considered by the Council immediately upon their presentation to the Council.

Sec. 2 No other proposed alterations in or additions to the canons shall be considered by the Council unless at least one day's previous notice thereof be given in open Council; which alterations or additions must then be referred to and reported upon by the committee on constitution and canons.

Sec. 3 No proposed alterations in or additions to the canons may be adopted by the Council without a two-thirds majority of the votes cast.

CANON 31
OF THE CANONS OF THIS DIOCESE

The definitions found in the Canons for the Government of the Protestant Episcopal Church in the United States of America, as amended, shall apply to the canons of this diocese.

All other canons to which this diocese has been heretofore subject are hereby repealed.