

Title: Changing the Means of Amending Canons
Proposed by: Lionel Deimel

Resolved, that Canon XXXII be replaced in its entirety with the following:

Canon XXXII

Of Amendments

Section 1. To amend these Canons, a proposal must be submitted in writing to the Annual Convention. The proposal is adopted if approved by a majority vote of the Convention.

Section 2. A proposed amendment may be brought to the Annual Convention by the Committee on Constitution and Canons, either at the initiative of said Committee or after consideration by the Committee of a suggested change recommended by one or more persons resident in the Diocese.

Section 3. A proposed amendment may be offered in writing to the Annual Convention in the same manner and under the same conditions that apply to other resolutions to be considered by the Convention. Immediately after the proposal is introduced for debate by the Convention and has been explained by its sponsor or sponsors, but before general discussion thereof, both the Chancellor and a representative of the Committee on Constitution and Canons may, if desired, address the Convention as to the appropriateness of the proposal.

Explanation: The current Canon XXXII (see below) is vague, incomplete, and seemingly contrary to how canons are, in practice, amended. In particular,

1. The canon does not indicate that anyone ever votes on a proposed amendment. This is more than a trivial omission.
2. The canon suggests that a proposal passes from the convention to the Committee on Constitution and Canons and back to the convention. In practice, proposals usually begin with the Committee on Constitution and Canons and are offered to the convention.
3. The nature of the reporting referred to in the canon is unclear.
4. The scheduling of events in the life of a proposed canonical amendment is unclear. It has been the understanding of the diocese that a canonical change can be made at a single annual convention, but the present canon might be taken to suggest otherwise.

The proposed changes to Canon XXXII have two objectives:

1. To make the canon conform to the procedures that have, in practice, been used
2. To allow canonical amendments to be brought directly to the diocesan convention

Section 1 of the revised canon clarifies how changes are actually enacted by the convention. Section 2 describes how proposals, in practice, have come to the convention. Section 3 clarifies that a proposal may be brought directly to the convention, namely, by being proposed as any other resolution might be.

In current practice, canonical amendments are considered by the Committee on Constitution and Canons, brought to the annual convention, and are voted up or down by majority vote. Under Bishop Robert Duncan, issues were brought to the committee by the bishop or chancellor. In recent years, issues have been generated by committee members or by diocesan residents with particular concerns.

Although its intention is unclear, the present Canon XXXII appears to require that a proposed canonical change necessarily must pass through the Committee on Constitution and Canons or even be initiated by the committee. Although the committee may well have special insight into the wisdom of particular canonical changes, the need for openness and transparency in our reorganized diocese militates against the committee's being a gatekeeper for all canonical change.

The present Canon XXXII reads as follows:

Canon XXXII

Of Amendments

The Canons may be amended in the following manner only: Amendments must be proposed in writing to the Annual Convention and be referred to, and reported upon by, the Committee on Constitution and Canons.