

# THE CONSTITUTION AND CANONS TOGETHER WITH THE RULES OF ORDER



*for the government of the*  
**EPISCOPAL DIOCESE OF SOUTH DAKOTA**

*Revised at the Diocese of South Dakota's Annual Convention 2020*

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# **THE CONSTITUTION OF THE DIOCESE OF SOUTH DAKOTA**

## **ARTICLE I TITLE AND BOUNDS OF THE DIOCESE**

This Diocese shall be known as The Diocese of South Dakota and shall be comprised of all designated congregations in the State of South Dakota, the Santee Mission in the State of Nebraska, and St. John's Episcopal Church, Browns Valley, Minnesota on Sisseton Mission.

## **ARTICLE II THE GENERAL CONVENTION CONSTITUTION AND CANONS**

The Church in this Diocese is a constituent part of The Protestant Episcopal Church in the United States of America (the "Episcopal Church"), acknowledges its authority as exercised in the General Convention of the Episcopal Church and hereby accedes to the Constitution and Canons of the General Convention, now existing and as hereafter amended.

## **ARTICLE III DIOCESAN CONVENTIONS**

### **Section 1. Annual**

There shall be an Annual Convention of the Diocese at such time and place as may be designated by the Ecclesiastical Authority, in consultation with the Diocesan Council. The Ecclesiastical Authority with the consent of the Diocesan Council, may change either the time or the place of the Annual Convention, or both, provided that notice is given to delegates at least thirty days before the Convention.

### **Section 2. Special**

A Special Convention may be called by the Ecclesiastical Authority with the consent of the Diocesan Council. Notice shall be given to delegates of the last Annual Convention and each body entitled to select delegates and to each organization entitled to delegates at least thirty days before the said Convention.

### **Section 3. Membership in Conventions**

The Bishop, Bishop Coadjutor, Suffragan Bishops, and all Presbyters and Deacons canonically and physically resident in the diocese shall have seat and vote. Each Parish, Organized Mission, Parochial Mission and Mission Station is entitled to seat and vote by delegates to each Convention. The Convention, by Canon, shall provide the method of election, qualification and number of lay delegates, and may designate other organizations within the Diocese for membership in such Convention.

### **Section 4. Quorum**

A majority of lay delegates who are certified as provided by Canon and a majority of the Clergy entitled to vote as defined by Canon, when duly assembled, shall constitute a quorum for the transaction of business.

### **Section 5. Presiding Officer**

The Diocesan Bishop shall be the President and presiding officer of every Convention, or may designate another Bishop of the Diocese. In the absence of any Bishop, the Chancellor shall act as presiding officer. If there be no Bishop or Chancellor present, then the Standing Committee, with the consent of the Diocesan Council, shall appoint a presiding officer of the convention. The presiding officer may appoint other persons to perform functions necessary to the Convention.

## **Section 6. Canons**

The Annual Convention may, from time to time, enact Canons which shall stand as law of the Diocese provided that they are not in conflict with this Constitution or the General Convention Constitution and Canons.

## **ARTICLE IV GOVERNANCE**

### **Section 1. Bishop**

The Ecclesiastical Authority of the Diocese is vested in the Bishop; and as such the Bishop shall have such authority and duties as provided by the General Convention Constitution and Canons, this Constitution and the Diocesan Canons.

### **Section 2. Standing Committee**

When the Diocese is without a Bishop or Bishop Coadjutor or each Bishop is unable to act as such, the Ecclesiastical Authority of the Diocese shall devolve to the Standing Committee. Otherwise the Standing Committee shall act as a council of advice as requested by the Bishop and shall have such other duties and authority as provided by the General Convention Constitution and Canons, this Constitution and Diocesan Canons.

### **Section 3. Diocesan Council**

The secular, financial, business and administrative affairs of the Diocese shall be determined and overseen by a Diocesan Council, which for state law purposes shall constitute the Diocese's Board of Directors. The Diocesan Council shall be constituted and have such duties and authority as set forth in the Diocese Canons.

### **Section 4. Officers**

In addition to the Bishop, the officers of the Diocese shall be the Chancellor, Secretary, Treasurer and Registrar, whose selection, duties and authority shall be as provided by the Diocesan Canons. The Convention by Canon or Resolution may provide for such other officers, deputies and assistants as it may from time to time determine necessary for the administration of the Diocese.

### **Section 5. The Chapter of Calvary Cathedral**

The Chapter of Calvary Cathedral, a South Dakota nonprofit religious corporation, is hereby designated as the holding corporation for the property of the Diocese. It shall have such powers as are granted by law and Diocesan Canons which are not in conflict with the General Convention Constitution and Canons. The Convention by Canon shall provide for governance of the Corporation.

## **ARTICLE V ELECTION OF BISHOP**

### **Section 1. Manner of Election**

The election of a Bishop, Bishop Coadjutor, or Suffragan Bishop of this Diocese shall be made at an Annual Convention or by a Special Convention called for that purpose.

### **Section 2. Method of Voting**

The selection shall be made by a concurrent vote of the clergy and laity, with the two orders voting separately by ballot. A concurrence of a majority of both orders is required for an election.

### **Section 3. Special Provisions**

Prior to the balloting, the Convention, either Annual or Special, may by resolution provide for additional requirements not in conflict with the General Convention Constitution and Canons. The Convention may increase the percentage of each order required to elect a Bishop, Bishop Coadjutor, or Suffragan Bishop.



## **ARTICLE VI STANDING COMMITTEE**

### **Section 1. Membership**

The Standing Committee shall be elected by Annual Convention and shall consist of eight members made up of four confirmed adult communicants of this Church in good standing and four canonically resident members of the clergy, of which no more than two shall be deacons. Members shall be elected for a term of four years and shall serve no more than two terms, unless at least one year has elapsed after the expiration of the second term.

### **Section 2. Vacancies**

Vacancies occurring in the membership shall be filled by the Diocesan Council between meetings of the Annual Convention. At the succeeding Annual Convention such vacancy shall be filled by election for the unexpired term. Service in the filling of an unexpired term shall not restrict such person from serving two full terms. Absence from two successive meetings of the Standing Committee, unless excused by the President or Bishop, shall be deemed to create a vacancy to be filled under this Section.

### **Section 3. Officers**

The Standing Committee shall select from its membership a President and Secretary within ninety days after the annual Convention.

### **Section 4. Meetings**

Meetings may be had upon the call of the President, the Bishop or two members. A quorum shall consist of a majority of qualified members, or as otherwise prescribed by the General Convention Constitution and Canons.

## **ARTICLE VII AMENDMENTS AND ALTERATIONS**

### **Section 1. Process**

Amendments and alterations to this Constitution must be approved by two successive meetings of the Annual Convention by a majority vote of each order present. Notice of the same shall be given by mailing a copy of the proposed amendments or alterations at least 15 days prior to the opening date of each Convention to the person in charge of the congregation or organization entitled to representation at the Diocesan Convention, who must distribute the same to the applicable delegates.

### **Section 2. Referral**

All amendments and alterations, except those proposed by the Diocesan Council, must be first considered by the Chancellor or the Committee on Canons of the Convention to determine whether such are consistent with the General Convention Constitution and Canons and be reported to the Convention accordingly.

## CANONS OF THE DIOCESE OF SOUTH DAKOTA

### CANON 1 DEFINITIONS

In addition to terms defined and referenced elsewhere in these Canons, the following terms shall have the ascribed meanings wherever capitalized:

- 1.1 *Adult Communicant:* a Communicant sixteen years of age or over.
- 1.2 *Bishop:* The Diocesan Bishop unless the context clearly indicates otherwise.
- 1.3 *Canon:* The Canons of the General Convention or this Diocese, as the context indicates, but otherwise, any and all such Canons.
- 1.4 *Church or ECUSA:* The Protestant Episcopal Church in the United States of America, also known as The Episcopal Church.
- 1.5 *Cleric or Clergy:* includes all ordained Bishops, priests and deacons or the equivalent Clergy of churches in full communion with the Church.
- 1.6 *Congregation:* any Parish, organized mission, parochial mission or mission station.
- 1.7 *Convention:* Any annual or special convention of this Diocese.
- 1.8 *Communicant:* a member of this Church who has received Holy Communion in this Church at least three times during the preceding year.
- 1.9 *Communicant in Good Standing:* a Communicant who has been faithful in corporate worship, unless for good cause prevented, and has been faithful in working, praying and giving for the spread of the Kingdom of God.
- 1.10 *Confirmed:* refers to a person Baptized and Confirmed as set forth in the Book of Common Prayer or other process recognized as such by the tradition of the Church.
- 1.11 *Council:* The Diocesan Council or, in context, the Niobrara Council.
- 1.12 *Delegate:* A selected and qualified representative to the Diocesan Convention or Convocation, as the context indicates.
- 1.13 *Deputy:* A selected and qualified representative to General Convention or Provincial Synod.
- 1.14 *Diocese:* The Diocese of South Dakota.
- 1.15 *Diocese Body:* The Diocesan Council, the Diocese Convention and any committee, commission, organization, board or other group of the Diocese consisting of elected and/or appointed members.
- 1.16 *Ecclesiastical Authority:* the Bishop, but if that office is vacant, the duties shall be performed by the Standing Committee of the Diocese in consultation with the Diocesan Council.
- 1.17 *Vicar:* Clergy member in charge of a mission Church. In the event that the minister in charge is a lay person then he or she shall be known as a “lay minister.”

**CANON 2**  
**DEPUTIES TO GENERAL CONVENTION AND PROVINCIAL SYNOD**

**2.1     Deputies to General Convention**

At the Diocesan Convention preceding the General Convention by at least twelve months there shall be elected (i) as many clerical and lay deputies as is prescribed by the General Convention Constitution and Canons, (ii) a like number of clerical and lay alternates.

**2.2     Representative to Provincial Synod**

The Bishop shall appoint with the approval of the Diocesan Council one representative to the Provincial Synod, based on the criteria of the Provincial Synod's Ordinance VII, section 2 describing membership of the Provincial Synod.

**2.3     Resignation or Disability of a Deputy**

In the event of death, resignation or disability of a Deputy the Bishop shall designate the successor from the alternate deputies in the same order, by rank of election. In the event that there not be sufficient alternates to fill such a vacancy, the remainder of the Deputies shall select a qualified person in that same order to so serve. During the course of a General Convention the chairperson of the deputation is authorized to certify the transfer of credentials of a Deputy to an alternate as the same may be authorized by General Convention Canons and Rules of Order of the House of Deputies.

**2.4     Term of Office**

All Deputies and their alternates to General Convention shall assume their office at the time of the commencement of the General Convention to which they were elected and continue in office until the commencement of the next General Convention.

**2.5     Duties of General Convention Deputies**

Each seated Deputy shall (a) communicate with the Diocese the actions and the positions established by the General Convention; (b) assist the appropriate bodies, commissions, committees and officers to understand and carry out those actions and positions directed by General Convention; and (c) develop procedures and guidelines, in writing, which will better enable them to carry out their responsibilities under General Convention and Diocesan Canons and Resolutions.

**2.6     Duties of Diocese**

The Diocese shall provide a forum at the Diocesan Convention, Region Deanery Assemblies and in such other places and manner as the Deputies shall determine necessary to carry out their duties. Diocese Bodies shall report their actions in such manner as requested by the Deputation so that the Deputation can determine if the actions and positions established by the General Convention are being enabled.

**CANON 3**  
**THE DIOCESAN CONVENTION**

**3.1     Membership**

3.1.1 Clerical Order: All Clergy canonically and physically resident in the Diocese shall be members of the Convention. The Bishop's latest list of such qualified Clergy shall be determinative unless corrected by the Convention. In addition, all resigned Bishops of this Diocese who continue to reside in this Diocese shall have the right to vote in all Diocesan Conventions, but need not be counted to determine a quorum.

3.1.2 Lay Order. Each Congregation shall be entitled to representation by a number of lay Delegates at the rate of the largest of the following: (i) one lay Delegate for each 25 attendees, or fraction thereof, based on the average Sunday attendance for the prior calendar year; (ii) at least two Delegates. In the event that any occurrence or circumstance temporarily impairs a Congregation from normal gathering for worship in the year otherwise counted, then upon request or otherwise, the Diocesan Council or the Bishop with the Council's concurrence, may accord that Congregation the number of Convention delegates determined by the year before the impairment.

3.1.3 Other Delegates. The following additional persons, not otherwise a lay Delegate, shall be a Delegate to the Convention: Lay members, including ex-officio, of the Diocesan Council and Standing Committee; the President; ; one Delegate each selected by the South Dakota Episcopal Women's Council and the Niobrara Episcopal Church Women's Council; one youth elected by each Region Deanery and the Niobrara Deanery all of whom shall be of the age of 14 years or more and who are baptized members of this Church in good standing; and the Convocation Officers as set out in Canon 9.3.

### 3.2 **Selection of Lay Delegates**

A Congregation's Lay Delegates and alternates must be elected at a meeting of that Congregation. In the event that there are not sufficient alternate Delegates then the Vestry or Bishop's Committee shall appoint such alternate Delegates. Emergency appointment of lay Delegates may be made in the event there are insufficient Delegates or alternates, by the remaining Delegates, clerical or lay, of the Congregation involved. Written certification of lay Delegates and alternates must be sent to the Diocesan Office not less than thirty days prior to the Convention by the priest in charge or in his absence by a warden. All lay Delegates must be Confirmed Adult Communicants of this Church in good standing, unless otherwise specifically provided in this Canon.

### 3.3 **Rules of Order**

Rules of Order shall be adopted by the Convention for its governance. They shall be proposed by the Chancellor for both annual and special Conventions as the circumstances require and prior to adoption may be amended by the Convention adopting. Any subsequent Convention may amend the Rules of Order. In the event circumstances require that amended or new Rules of Order need to be effective for a particular Convention before its commencement, such Rules of Order may be adopted by the Diocesan Council upon advice of the Chancellor. Such Council-adopted Rules of Order shall not be effective for any subsequent Convention unless ratified by the Convention.

### 3.4. **Expenses of Delegates**

Each Congregation and each other body authorized under this Canon to send Delegates to any Diocesan Convention shall pay the expenses of those Delegates attending. The Diocesan Council shall establish a restricted fund from which it may authorize payments to assist Congregations to meet the minimum reimbursement required hereunder. The Council shall utilize for this purpose any surplus left in all annual and special Convention accounts together with any other funds available to it for such purpose.

### 3.5. **Registration Fee**

The Diocesan Council shall set the registration fee for all Conventions in such amount as is necessary to meet the costs and needs of conducting that Convention.

## **CANON 4 THE DIOCESAN COUNCIL**

### 4.1 **Membership**

4.1.1 The voting membership of the Diocesan Council shall consist of the Bishop, the Chancellor, the Treasurer and one person each, either lay or clerical, elected from each Region Deanery, the Diocesan Convention and the Niobrara Convocation.

4.1.2 Other Bishops of the Diocese, Archdeacon of the Diocese, Canon to the Ordinary, Administrator and other Diocesan staff, shall be ex officio non-voting members.

4.1.3 All voting members must be Confirmed Adult Communicants of this Church in good standing, eighteen years of age or over. No voting member of the Diocesan Council shall be a member of the Standing Committee or Commission on Ministry.

#### **4.2 Term of Office for Elected Members**

4.2.1 The term of office shall be for a period of four years. Non-officer members shall be eligible for election to two consecutive terms. Appointment to fill an unexpired term shall not restrict election for two whole consecutive terms.

4.2.2 Newly elected members of the Diocesan Council shall take office at the first regular meeting of the Council held after the Diocesan Convention, the date of which shall be set by the by-laws of the Diocesan Council. They shall hold office until their successors are elected or appointed.

#### **4.3 Officers**

The officers of The Diocese of South Dakota, a corporation, and also the Council, shall be the Bishop, Chancellor, Secretary, Treasurer and Administrator. The Bishop shall be the presiding officer. In his absence the Chancellor shall preside. The Secretary, Treasurer and Administrator shall be selected by the Council with approval of the Bishop and shall serve at its pleasure. The officers shall be responsible to conduct the affairs of the Corporation and the Council in accordance with the directives of the Diocesan Council.

#### **4.4 Committees**

The Diocesan Council is authorized to establish such committees and commissions as it deems necessary to carry out the work of the Diocese. The duties, responsibilities and powers of such committees and commissions shall be as set forth in the by-laws or a statement adopted by the Council. No such committee or commission shall be funded unless the said by-laws or statement have been adopted by the Council. The Diocesan Council is also authorized to establish such committees from its membership as may be needed to carry out its functions.

#### **4.5. Vacancies**

Vacancies occurring in the membership shall be filled within forty-five days. Such appointment shall be done by the Region Deanery Council for the Region Deanery until the next meeting of the Region Deanery Assembly, by the Standing Committee for the Diocesan Convention until the next meeting of the Diocesan Convention, or by the Niobrara Council for the Niobrara Convocation (the "Convocation") until the next meeting of the Convocation. An election shall then be held in the Assembly, Convention, or Convocation where the vacancy has occurred for the balance of the unexpired term. If appropriate body shall not fill a vacancy within six months after the occurrence of the vacancy then the Standing Committee shall appoint a person from the area concerned to serve the balance of the term. A vacancy is created if the representative moves out of the Region Deanery or Diocese.

#### **4.6 Duties**

The Diocesan Council shall implement actions assigned to it by the Diocesan Convention; review diocesan, regional and local programs and goals; administer legal functions of the Diocese; control the property of the Diocese when acting as the Board of Directors of The Chapter of Calvary Cathedral; determine budget policies of the Diocese; recommend programs to the Diocesan Convention; determine priorities and conceive, implement, fund and execute programs for the Diocese; and perform all such other programs and matters as in the judgment of the Council would be of benefit to the Diocese which would not be in conflict with the General Convention and Diocesan Constitutions and Canons. The Council shall submit to the Diocesan Convention annual reports on budget and finance, its activities for the past year and proposed programs and planning. The Council shall administer use of the Centennial Challenge Fund and may delegate such portions of administration as it determines.

4.7. **Meetings**

The Council shall meet not less than three times annually. Special meetings may be called by the Bishop, Chancellor or upon the request of three voting members upon twenty day written notice. A majority of voting members shall constitute a quorum. All meetings of the diocesan Council shall be open to members of the Diocese. They may be given voice at the discretion of the Council.

4.8. **By Laws**

The Council may adopt By-Laws for its own governance and in said By-Laws shall establish the powers, duties and responsibilities of all committees, commissions, boards and organizations acting within the Diocese providing such is not in conflict with the General Convention and Diocesan Constitutions and Canons, and all subject to approval of the Bishop and Chancellor.

**CANON 5  
DUTIES OF OFFICERS**

5.1 **Secretary**

The Secretary shall record and publish the proceedings of Diocesan Conventions, attend public acts of the Diocese, issue required notices, prepare the Diocesan Journal, preserve records, and such other duties as may be prescribed by the Bishop, Diocesan Convention and Council. The Secretary with approval of the Council may appoint such assistants as necessary to carry out the prescribed duties.

5.2 **Treasurer**

The Treasurer shall have custody of all funds of the Diocese and the Chapter of Calvary Cathedral. The deposit, investment and disbursement of such funds shall be as directed by the Diocesan Council or The Chapter of Calvary Cathedral. The Treasurer with approval of the Council may appoint such Assistant Treasurers as necessary to carry out the prescribed duties.

5.3 **Suffragan and Assistant Bishops**

The Suffragan or Assistant Bishop, if any, shall act as assistant to the Bishop and shall have such duties and responsibilities as may be prescribed by the Bishop.

5.4 **Chancellor**

The Chancellor shall be the legal counsel of the Diocese in matters related to canon or secular law. He shall be the advisor to the Bishop, Convention, Council and all other diocesan organizations and staff and shall have such other responsibilities as may be prescribed by the Bishop, Convention and Diocesan Council.

5.5 **Administrator**

The Administrator shall be a paid employee of the Diocese who performs duties equivalent to a chief financial officer in a secular corporation and is designated as Administrator by the Diocesan Council, regardless of the employee's other given title, if applicable, and even though the employee may have other assigned duties.

**CANON 6  
INVESTMENT COMMITTEE**

6.1 **Membership**

There shall be an Investment Committee which shall consist of the Bishop, Administrator or Archdeacon of the Diocese, as the case may be, Treasurer and Chancellor. In addition there shall be at least two, but no more than four members appointed by the Bishop subject to confirmation by the Diocesan Council.

## **6.2 Term**

The term for appointed members shall be four years, which term may be renewed for one additional term. The appointed members shall take office after confirmation by the Diocesan Council. A vacancy occurring in the appointed membership shall be filled by the Bishop for the unexpired term, subject to confirmation by the Diocesan Council.

## **6.3 Duties**

6.3.1 The Investment committee shall have general supervisory investment powers over the cash assets, cash equivalents, and securities of the Diocese, except for those which by Canon are to be otherwise handled. The Investment Committee shall report to the Diocesan Council in such form and at such times as the Diocesan Council may direct.

6.3.2 The specific powers of and limitations upon the Investment Committee in the carrying out of its duties shall be set forth by the Diocesan Council in by-laws of the Committee or by Diocesan Policy.

# **CANON 7 BUSINESS METHODS**

## **7.1 Business Methods in Church Affairs**

The Diocese, and every Congregation and Diocese Body must observe and carry out the standard business methods as set forth in General Convention Canon I.7.

## **7.2 Finance Committee**

The Bishop, Chancellor, Treasurer and Administrator shall constitute the Finance Committee of the Diocese. The Bishop may appoint two others members to serve at the Bishop's pleasure. The Finance Committee is vested with the authority prescribed by General Convention Canons, Section 1. of this Canon and the Diocesan Council.

## **7.3 Church Property**

7.3.1 No Diocese Body or Congregation shall encumber or alienate any real property without the prior written consent of the Bishop and Standing Committee. This section shall not apply to property owned by The Chapter of Calvary Cathedral unless it is a consecrated and dedicated Church or chapel used solely for Divine Services.

7.3.2 The Standing Committee, in conjunction with the Diocesan Council, shall establish guidelines and procedures to be followed when applications for encumbrance or alienation of property are being considered in order to assure that the proposed encumbrance or alienation is in the best interest of the Congregation and Diocese.

7.3.3 The Finance Committee may study and investigate any proposed construction of buildings or additions to existing buildings for the use of a Congregation. Its reports shall be made available to the Standing Committee, Diocesan Council and Congregations involved.

# **CANON 8 THE CHAPTER OF CALVARY CATHEDRAL**

## **8.1 Purpose**

The Chapter of Calvary Cathedral, a South Dakota corporation (the "Chapter"), is designated as the holding corporation for the real property, funds and endowments benefitting the Diocese.

## **8.2 Governance**

8.2.1 The officers of the Chapter shall be the Bishop, Chancellor, Treasurer, Secretary and Administrator. They shall be specifically empowered to transact the legal affairs of the Chapter and shall have such other duties as may be specified in the by-laws adopted by the Board of Directors. The officers are authorized to appoint such agents as may be necessary to assist them in the performance of their duties.

8.2.2 The officers of the Chapter and the Diocesan Council shall constitute the Board of Directors of the corporation which is authorized to adopt such by-laws as necessary for its governance.

## **8.3 Annual Report**

The Chapter shall submit to each Diocesan Convention, a report of the financial condition of the Chapter, which may be included in any other report of the financial condition of the Diocese.

# **CANON 9 THE NIOBRARA DEANERY**

## **9.1 Niobrara Deanery**

The Niobrara Deanery shall include all Congregations which are a part of the following Missions: Cheyenne River Mission, Crow Creek Mission, Lower Brule Mission, Pine Ridge Mission, Corn Creek Mission, Rosebud Mission, Santee Mission, Sisseton Mission, Standing Rock Mission, Yankton Mission, plus the following Congregations: St. Matthew's, Rapid City; Yankton City, Yankton; St. Mary's and Our Blessed Redeemer, Flandreau; Trinity, Winner; St. James', Mobridge; St. Peter's, Fort Pierre; St. Paul's, Sioux City, Iowa; St. Barnabas, Denver, Colorado; and Prairie Island, Minnesota. In addition, any Congregation may petition the Niobrara Deanery for admission thereto or withdrawal therefrom, and if approved by a majority vote of the Niobrara Deanery in convocation, the same shall be submitted to the next succeeding Diocesan Convention of the Diocese for approval, at which time such Congregation shall be added to or deleted from the roll of mission fields or Congregations of the Niobrara Deanery if approved at Convocation.

## **9.2 Annual Convocation**

9.2.1 There shall be an annual Convocation of all Congregations of the Niobrara Deanery, at such place as may be designated by the preceding Convocation based upon rotation to each Mission. The Convocation Officers shall set the time with the consent of the Bishop and the host Church. In the event that the Convocation cannot, for any reason, be held at either the time or the place previously set, then the Convocation Officers change the time or the place or both with the consent of the Bishop.

9.2.2 The Convocation shall meet for worship, fellowship, consideration of resolutions, development of policies, planning, training, ordinations, discussion and decision-making, and of other matters pertinent to the people of the Niobrara Deanery and shall act on any major policy or program affecting the people of the Niobrara Deanery.

9.2.3 Delegates to the Convocation from each Congregation of the Niobrara Deanery shall be elected by those Congregations. Those Delegates shall be the official Delegates to the Convocation. Whenever a Mission or Congregation is admitted to membership in the Niobrara it may be represented by Delegates to the three Men, Women and Youth meetings.

9.2.4 All resolutions which are to be considered official actions of the Convocation shall first be presented to the Resolutions Committee appointed by the Niobrara Council, which shall prepare the same for presentation to the Convocation in such form that is not in conflict with any canon or resolution of the General Convention or Diocese.



9.2.5 Any proposed Canon or resolution to be submitted by the Convocation to the Diocesan Convention shall be submitted in the manner provided by Canon.

9.2.6 The Convocation shall elect one representative to the Diocesan Council for a four year term.

### 9.3 **Officers**

The Convocation Officers shall be the Itancan, Deputy Itancan, Secretary, Treasurer, and Sergeant-at-Arms. The terms of the officers shall be set out in the by-laws of the Convocation. If any office shall become vacant, the Niobrara Council shall appoint a successor to serve until the next Convocation, whereupon a successor shall be elected for the balance of the vacant term.

### 9.4 **Duties of Convocation Officers**

9.4.1 The Itancan shall preside at joint sessions of the Convocation, all meetings of the Niobrara Council, and all meetings of the Convocation Officers. The Itancan shall appoint the membership of all committees and groups created by the resolutions of the Convocation and Council, subject to confirmation by the Niobrara Council, provided, that between meetings of the Niobrara Council, such confirmation shall be by the Convocation Officers.

9.4.2 The Deputy Itancan shall assume the duties of the Itancan during the absence or disability of the Itancan.

9.4.3 The secretary shall keep the minutes of all joint sessions of the Convocation, the meetings of the Niobrara Council and the Convocation Officers and shall keep records of all correspondence and other items of business.

9.4.4 The Niobrara Council Treasurer shall keep all moneys and make all disbursements of the funds of the Convocation, Niobrara Council and Convocation Officers and shall keep records of the same and prepare financial reports as requested by the Convocation, Niobrara Council or Diocesan Council. The Convocation treasurer appointed by the local convocation committee shall be responsible to the Treasurer and shall make such financial reports as the Treasurer, Niobrara Council or Diocesan Council may request. Such local treasurer shall be responsible to follow such accounting procedures as may be required by the Treasurer in accordance with General Convention and Diocesan Canons.

9.4.5 The Sergeant-at-Arms shall assist the Itancan in keeping order at all joint sessions of the Convocation and at all meetings of the Niobrara Council and shall see that all business is accomplished in accordance with the rules of order approved by the Convocation or the Council, act as interpreter at all meetings and shall be responsible for the counting of all votes taken at all meetings. The Sergeant-at-Arms can appoint additional persons to assist in the performance of the duties of the office.

9.4.6 The Convocation Officers shall transact the business of the Convocation and the Niobrara Council between all meetings thereof, and shall have such other responsibilities and duties as may be imposed by the Convocation and Niobrara Council. They shall set the agenda for the Convocation and Council as may be necessary.

### 9.5 **Meetings of Men, Women and Youth**

Separate meetings of the Men, Women, and Youth may be held at the Convocation. Officers of those separate meetings shall be elected by those meetings. The presiding officer may be designated as Itancan of that particular meeting. The same shall be true of the other officers of that meeting. However, when the term Itancan is used by itself, it shall refer only to the Convocation Itancan. The same distinction shall be true of the other Convocation Officers.

#### 9.6 **The Niobrara Council**

9.6.1 The Niobrara Council shall be established and will act on behalf of the Convocation and the Congregations and Missions within the Niobrara Deanery between Convocations.

9.6.2 The Niobrara Council shall be comprised of the Convocation Officers, the Diocesan Council representative from the Convocation, all Clergy serving the Niobrara field, and two lay persons and one alternate lay person elected by those Congregations listed in Canon 9.1, and the Men's Itancan, Women's Itancan, and Youth Itancan.

9.6.3 The Convocation Officers shall be the officers of the Niobrara Council.

9.6.4 The Niobrara Council shall meet not less than twice each year. Special meetings may be called by the Itancan, Convocation Officers or the Bishop. The time and place for meetings of the Niobrara Council shall be set by the Convocation Officers. Notice of the time and place of all meetings must be given to the members not less than fifteen days prior to the date of the meeting.

9.6.5 The Niobrara Council (i) shall be responsible to the Convocation, (ii) shall represent the Convocation in such actions, determinations of policy and other decisions as may be appropriate between sessions of Convocation, (iii) shall be the Convocation's representative, as needed, to the Diocesan Council and Convention, (iv) shall serve as the planning Committee in consultation with the host mission, for the annual Convocation, and (v) may initiate and execute new programs it deems necessary and its income shall warrant, which may be modified by the Convocation.

#### 9.7 **By-Laws**

The Convocation Officers may propose by-laws and amendments thereto for the governance of the Convocation, the Niobrara Council, and the Convocation Officers, which before becoming effective shall be considered by the respective bodies who may amend, alter, reject or adopt the same. Such by-laws shall be submitted to the Chancellor for examination as to their canonical form and acceptability.

#### 9.8 **Mission Council**

9.8.1 Each Mission Field in the Niobrara Deanery may establish a Mission Council or other comparable structure to enable the separate Congregations to work together.

9.8.2 The Mission Council, or other comparable structure, shall be composed of lay representatives from the Congregations and the Clergy serving that particular Mission.

9.8.3 The Mission Council, or comparable structure, shall be concerned with the planning and programs of the Mission, along with the financial resources, staff arrangements, land and properties, priorities and other powers and duties as determined by the Convocation or Diocesan Council.

### **CANON 10 REGIONAL DEANERY**

#### 10.1 **Number and Composition**

The Diocese shall be divided into geographical regions, designated as Deaneries. The Diocesan Council, in consultation with the Regional Councils affected, shall determine from time to time, the number of Regional Deaneries, together with their boundaries and names.

#### 10.2 **Membership and Leadership**

Each Deanery will have a Regional Council consisting of a Convener appointed every two years for each Regional Deanery; Lay Delegates to Diocesan Convention (or activated Alternate), from Congregations in the Deanery; All Clergy canonically resident in the Deanery; and the deanery-elected representative to Diocesan Council.

#### 10.3 **Duties**

The Regional Council shall (i) elect a representative to Diocesan Council for a term of four years; (ii) be responsible to see that the programs of the Church and Diocese are being carried out in the Regional Deanery; and (iii) may develop a strategy of Church work, Church extension and activities, ministry development and related endeavors in the Regional Deanery and administer the programs and directives to attain it. Rules or activities of the Regional Council shall not be in conflict with the General Convention or Diocesan Constitution and Canons.

### **CANON 11 COMMISSION ON MINISTRY**

#### 11.1 **Membership**

There shall be a Commission on Ministry consisting of at least nine members, of which of the total, at least half shall be canonically resident Clergy. The members shall be nominated by the Bishop and confirmed by the Diocesan Council. A vacancy occurring in the membership shall be filled by the Bishop for the unexpired term subject to confirmation by the Diocesan Council.

#### 11.2 **Term**

The term of a member shall be for a period of four years and that member shall take office at the first meeting of the Commission after election.

#### 11.3 **Duties**

The Commission on Ministry shall have such duties as are designated by ECUSA and Diocesan Constitutions and Canons and the Diocesan Council. After approved by the Bishop the Commission shall adopt such rules as necessary to carry out their duties. The Commission shall have authority to establish a Board of Examining Chaplains and such other committees as necessary to carry out its duties subject to the prior approval of the Bishop. Annually the Commission shall report to the Diocesan Council on its activities.

#### 11.4 **Officers**

The Commission shall have a Chair or Co-Chairs from its membership selected by the Bishop or if the Bishop so desires, by the membership itself.

### **CANON 12 ECCLESIASTICAL DISCIPLINE**

#### 12.1 **Title IV of General Canons**

Those provisions of Title IV of the General Convention Canons which are applicable to the Diocese are hereby incorporated as part of this Canon. The provisions of Title IV and those of this Canon shall be interpreted harmoniously to give effect to all such provisions, wherever possible. In any instance where Title IV prohibits modification or variance, to the extent, if any, that any of the provisions of this Canon are in conflict or inconsistent with the provisions of Title IV, the provisions of Title IV shall govern.

## 12.2 Discipline Structure

12.2.1 Disciplinary Board. The Board shall consist of fifteen persons eight of whom shall be priests or deacons and seven of whom shall be laypersons.

(a) The Bishop shall select the members of the Disciplinary Board in the following manner. From among the voting members of the Diocesan Council and the Standing Committee members, the Bishop shall eliminate from consideration any person who is prohibited from serving on the Disciplinary Board. From the persons remaining the Bishop shall select by lot eight (8) persons who are priests or deacons and seven (7) persons who are lay people. If there are not a sufficient number of eligible people to fill out the Disciplinary Board, then the Bishop shall appoint the required number of additional persons of the appropriate order to fill out the Disciplinary Board. These additional appointees must not be prohibited under Title IV from serving on the Disciplinary Board and must be either lay persons who are Adult Communicants in good standing in a Congregation of this Diocese or priests or deacons who are canonically resident in this Diocese. This selection shall be made annually within ten (10) business days of the close of the Diocesan Convention.

(b) Once selected, members of the Discipline Board shall continue in office until the next annual selection except as noted below.

(c) Once a case has been referred to the Reference Panel, the members of the Reference Panel shall continue to serve as the Reference Panel for that case and members of the Disciplinary Board for that case until such time as that case reaches final resolution or they are disqualified as required by this Canon or Title IV.

(d) Once Impaneled for a case the members of the Conference Panel and Hearing Panel assigned to that case shall continue to be members of the Disciplinary Board for that case and members of their respective Panels for that case until such time as the case reaches final resolution or they are disqualified as required by this Canon or Title IV.

(e) If at any time a Clergy member of the Disciplinary Board shall cease to be canonically resident in the Diocese or a lay member of the Disciplinary Board shall cease to be a Communicant in Good Standing of a Congregation in this Diocese, that member shall be automatically disqualified from any current case and shall cease to be a member of the Disciplinary Board and the President of the Disciplinary Board shall proceed to fill the vacancy as directed by this Canon.

12.2.2 Vacancies. Vacancies on the Board shall be filled as follows:

(a) Upon the determination that a vacancy exists, the President of the Board shall notify the Bishop of the vacancy and request the appointment of a replacement member of the same order as the member to be replaced.

(b) If any members of the Diocesan Council or Standing Committee who were randomly removed from consideration as members of the Disciplinary Board are of the same order as the member to be replaced, then the Bishop shall randomly select one of these persons to serve on the Disciplinary Board.

(c) If no person of the required order remains to be selected from the Diocesan Council or the Standing Committee, then the Bishop shall select a person of the required order who must be eligible for election to the Diocesan Council who, upon confirmation by the Reference Panel, shall serve on the Disciplinary Board.

(d) With respect to a vacancy created for any reason other than pursuant to a disqualification or a challenge as provided below, the term of any person selected as a replacement Disciplinary Board member shall be until the next annual selection. With respect to a vacancy resulting from a disqualification or

a challenge, the replacement Disciplinary Board member shall serve only for the proceedings for which the Disciplinary Board member is not serving as a result of the disqualification or challenge.

12.2.3 President. The Bishop shall appoint a President, a first Vice President, and a second Vice President of the Disciplinary Board from among the membership thereof. If the President is disqualified from serving on any case, the first Vice President shall immediately assume the duties of the President for that case. If the first Vice President shall be disqualified from the same case, then the second Vice President shall assume the duties of the President for that case. If one of the two Vice Presidents is selected to serve on either the Conference Panel or the Hearing Panel, the other Vice President may not serve on either of those panels for that case.

12.2.4 Intake Officer. The Intake Officer shall be appointed from time to time by the Bishop. The Bishop may appoint one or more Intake Officers according to the needs of the Diocese. The Bishop shall publish the name(s) and contact information of the Intake Officer(s) throughout the Diocese.

12.2.5 Investigator. The Bishop shall appoint an Investigator in consultation with the President of the Board. The Investigator may, but need not, be a Member of the Church.

12.2.6 Church Attorney. Within sixty (60) days following each Diocesan Convention, the Bishop in consultation with the Standing Committee shall appoint an attorney to serve as Church Attorney to serve for the following calendar year. The person so selected must be a Member of the Church and a duly licensed attorney, but need not reside within the Diocese.

12.2.7 Pastoral Response Coordinator. The Bishop may appoint a Pastoral Response Coordinator to serve at the will of the Bishop in coordinating the delivery of appropriate pastoral responses provided for in Title IV.8 of the General Canons and this Canon. The Pastoral Response Coordinator may be the Intake Officer, but shall not be a person serving in any other appointed or elected capacity under this Canon.

12.2.8 Advisors. In each proceeding under Title IV, the Bishop shall appoint an Advisor for the Complainant and an Advisor for the Respondent. Persons serving as Advisors shall hold no other appointed or elected position provided for under this Canon, and shall not include chancellors or vice chancellors of this Diocese or any person likely to be called as a witness in the proceeding.

12.2.9 Clerk. If one has not been previously appointed, the President of the Disciplinary Board shall appoint a Board Clerk to assist the Board with records management and administrative support within two business days of the delivery of an intake report to the Reference Panel. The Clerk may be a member of the Board. The Clerk serves at the will of the President of the Disciplinary Board.

12.2.10 Impanelment. When directed to do so by Canon IV.6.7, the President of the Disciplinary Board shall randomly select three members of the Disciplinary Board, at least one of whom shall be a lay person and at least one of whom shall be a priest or deacon, to serve on the Hearing Panel for that case. The President shall then randomly select three members of the Disciplinary Board to serve as the Conference Panel for this case. The President of the Disciplinary Board shall then select a president for each Panel from the membership of that Panel. The selection of presidents for the Panels is left to the discretion of the President of the Disciplinary Board. All these selections shall be made in the presence of the Clerk of the Disciplinary Board who shall assure that they are properly recorded and the impaneled members notified.

12.2.11 Preserving Impartiality. In any proceeding under this Canon or Title IV, if any member of a Conference Panel or Hearing Panel of the Disciplinary Board shall become aware of a personal conflict of interest or undue bias, that member shall immediately disqualify himself or herself, notify the President of the Disciplinary Board, and request a replacement member of the Panel. The Respondent and the Church Attorney shall have the right to challenge any member of a Panel for conflict of interest or undue bias by motion to the Panel for disqualification of the challenged member. The members of the Panel not the subjects of the challenge shall promptly consider the motion and determine whether the challenged Panel member shall be disqualified from participating in that proceeding. These provisions are in addition to those found in Canon IV.19.14. If there are not a sufficient number of members of the Disciplinary Board remaining to fill vacancies in any Panel, then the President shall request that the

Bishop appoint additional members to the Disciplinary Board who shall serve for this case only under the provisions for filling vacancies found in this Canon.

**12.3 Costs and Expenses**

The reasonable costs and expenses of the Board, the Intake Officer, the Investigator, the Church Attorney, the Board Clerk, the Advisors and the Pastoral Response Coordinator shall be the obligation of the Diocese, subject to budgetary constraints as may be established by Diocesan Convention and Diocesan Council.

**12.4 Records**

12.4.1 Records of Proceedings. Records of active proceedings before the Disciplinary Board, including the period of any pending appeal, shall be preserved and maintained in the custody of the Clerk, if there be one, otherwise by the Diocesan offices.

12.4.2 Permanent Records. The Bishop shall make provision for the permanent storage of records of all proceedings under this Canon at the Diocese and the Archives of the Episcopal Church, as prescribed in Title IV of the General Canons.

**CANON 13  
DIOCESAN INSTITUTIONS**

**13.1 Diocesan Institutions Must Qualify as Such**

No institution shall represent itself to be an institution of the Church within the boundaries of this Diocese for any purpose whatsoever unless it shall qualify and shall continue thereafter to qualify as a Diocesan Institution as provided herein. This Canon 13 shall not apply to Congregations governed by other Canons.

**13.2 Method of Qualification**

To qualify as a Diocesan Institution, any institution of the Church within this Diocese shall secure the written consent to such qualification from the Bishop and Diocesan Council, shall be incorporated as a charitable nonprofit corporation of the State of South Dakota, shall duly maintain such corporate status, shall adopt Articles of Incorporation and by-laws which are in accord with and expressly accede to the Constitutions and Canons of the General Convention and the Diocese of South Dakota, shall secure the written approval of the Chancellor with respect to the form of its Articles of Incorporation and by-laws, and shall be accepted as a Diocesan Institution by a majority vote of the Convention.

**13.3 Amendment to Articles and By-laws**

No Diocesan Institution shall amend or restate its Articles of Incorporation, seek Articles of Dissolution, or amend, alter or repeal its by-laws without the written consent of the Bishop and Diocesan Council, nor unless the form of the amendment, restatement, alteration or repeal of either the Articles or by-laws shall have been approved in writing by the Chancellor.

**13.4 Required Provisions in Articles**

The Articles of Incorporation of Diocesan Institutions and the Charters of their auxiliaries shall contain the following provisions:

13.4.1 The Bishop shall be a member ex-officio of the Board of Directors of the Diocesan Institution.

13.4.2 No less than a three-fourths majority of the Board of Directors of the Diocesan Institution and its auxiliaries must be Confirmed Adult Communicants of this Church in good standing eighteen years of age or over and canonically or physically resident in this Diocese.

13.4.3 The Diocesan Institution shall not alienate or encumber nor incur any indebtedness nor enter into any undertaking or contract which might tend to alienate or encumber any real property belonging to it without first obtaining the written consent of the Bishop and the Diocesan Council and if the property involves a consecrated and dedicated Church or chapel used solely for Divine Services, the consent of the Standing Committee must in addition, be obtained.

13.4.4 Unless specially exempted therefrom, the Diocesan Institution shall submit to the Diocesan Council semi-annual statements of financial condition in such form as the Diocesan Council shall specify.

**13.5 Bishop is Visitor of Diocesan Institutions**

The Bishop shall be the Visitor of all Diocesan Institutions with Ordinary jurisdiction over the Chapels and Houses of Worship belonging thereto, provided, however, that severally and by rescript, the Bishop may delegate the faculty to bishops and priests canonically resident in the Diocese.

**13.6 Use of Clergy Not Canonically Resident**

No Diocesan Institution shall employ the services of an extra-diocesan bishop or priest nor invite the same to officiate in this Diocese without first obtaining the consent of the Ecclesiastical Authority.

**13.7 Annual Reports**

Each Diocesan Institution shall make a written report to the Diocesan Convention setting forth its financial status and activities during the preceding year. No institution shall receive funding or support, directly or indirectly, from the Diocese unless it shall be in compliance with this Canon.

**13.8 Recognition of Status of Diocesan Institutions**

Upon the qualification of a Diocesan Institution pursuant to this Canon, the Bishop shall formally recognize its status and declare its affiliation with the Church as a Diocesan Institution.

**13.9 Diocese Not Responsible for Institutional Obligations**

The fact that an organization is, is recognized as, or is declared to be a Diocesan Institution shall not be taken to mean, nor shall it in any manner imply, that the institution is financed or supported by the Diocese, or that the Diocese, the Bishop, or the Diocesan Council is in any manner liable or responsible for its debts or obligations.

**13.10 Dissolution of Diocesan Institutions and Conveyance of Property**

13.10.1 The Bishop, with the advice of the Convention, and the consent of a two-thirds majority of those members and Delegates present and voting at any meeting thereof, may dissolve the organization of any Diocesan Institution, provided that written notice of the intention so to do shall have been given to the members of the Convention as provided for notice in the amendment of Canons.

13.10.2 At the time of such dissolution, the appropriate offices of the Diocesan Institution shall forthwith execute any and all documents necessary to convey and transfer all of its property, both real and personal, to The Chapter of Calvary Cathedral, a corporation, and shall commence and carry to conclusion all steps necessary to dissolve the corporate structure of the institution under the laws of the State of South Dakota.

**CANON 14  
PARISHES**

**14.1 Requirements for Establishing a Parish**

An Organized Mission or other Congregation that has been in existence for five consecutive years or more may petition to be organized as a Parish upon satisfying all of the following requirements for the immediately preceding

two years: (i) it has been fully self supporting; (ii) payment of full stipend to its Vicar or other Clergy in an amount not less than that paid to mission Clergy, who have served a comparable length of time, or the ability to pay the same; (iii) the payment of all pension and medical insurance payments; (iv) satisfactory provision for the housing of the Vicar or Clergy, and for all other normal benefits; (v) the payment to the Diocese of an amount for diocesan and general Church support satisfactory to the Diocesan Council; and (vi) the defrayment of its other operating expenses together with a suitable place of worship, from its own local resources without assistance from Diocesan funds.

#### **14.2 Approval Procedure**

Formation of a Parish is subject to the ultimate authority and approval of the Convention. A petition, in such form as is prescribed by the Diocesan Council or Chancellor, shall be submitted to the Bishop signed by not less than fifty persons who shall be Adult Communicants in Good Standing. The Bishop or Council may refer the petition to the Standing Committee for investigation, advice and consent. If the Diocesan Council is satisfied that such Congregation meets all of the requisites for establishing a Parish, it shall submit the same to the next Diocesan Convention for approval.

#### **14.3 Combining Two or More Congregations**

14.3.1 If two or more Congregations seek to combine into one Parish for governance or other combined purpose, a petition, in such form as is prescribed by the Bishop, and confirmed by the Chancellor, shall be submitted to the Bishop signed by not less than ten persons from each Congregation who are Adult Communicants in Good Standing.

14.3.2 If the Bishop is satisfied, after investigation, advice and consent of the Standing Committee and consultation with affected Clergy, that the combination would satisfy the requirement for organization of a Parish and would be in the best interests of the petitioning Congregations, the Bishop shall submit the same to the next Diocesan Convention for approval.

#### **14.4 Failure to Remain Self-Supporting**

14.4.1 When a Parish ceases to be self-supporting the Vestry must consult with the Diocesan Council, and if it is necessary, in the decision of the Diocesan Council, shall have its designation changed by the Diocesan Council to an Organized Mission. At such time as such Congregation becomes again self-supporting the Diocesan Council may change its designation to a Parish. The Diocesan Council shall establish such guidelines as it deems necessary for the change of designation to an Organized Mission or the return to a Parish designation.

14.4.2 If the Parish shall fail to pay the rector the salary as required in Section 2 of this Canon for three consecutive years, the Convention may, if recommended by the diocesan Council, change the Parish designation to an Organized Mission. For the purposes of this section dual Parishes shall be considered as a single Parish and non-stipendiary clerical income from all sources shall be included in calculating the salary paid by the Parish.

#### **14.5 Title to Property**

Title to property shall be vested in the Parish subject to such restrictions as may be placed thereon by General Convention and Diocesan Constitutions and Canons.

#### **14.6 Governance**

The governance of a Parish shall be in the Vestry, consisting of the Rector, Wardens and Vestrypersons.

#### **14.7 Selection of Rectors and Assistant Clergy**

14.7.1 When a vacancy occurs in the office of Rector of a Parish it shall be the responsibility of the Wardens to promptly notify the Bishop and seek his counsel. If the authorities of the Parish shall, for thirty days, fail



to make provision for services of public worship, it shall be the duty of the Bishop to take such measures as may be deemed expedient for the temporary conduct of public worship.

14.7.2 No election of a Rector shall be made by a Vestry until the name of the Priest proposed to be elected has been submitted to the Bishop. The Bishop shall, within thirty days, communicate with the Vestry thereon. No election shall be held until that communication has been considered by the Parish or Vestry at a meeting duly called and held for that purpose.

14.7.3 Written notice of the election, signed by the Wardens, shall be forwarded to the Ecclesiastical Authority, and if satisfied that the person chosen is a duly qualified Priest and has accepted the office, the Ecclesiastical Authority shall forward the notice of election to the Secretary of the Convention who shall record it, which record shall be sufficient evidence of the relation between the Priest and the Parish.

14.7.4 Assistant Clergy shall be selected by the rector subject to the approval of the Vestry. The name of the proposed assistant shall be submitted to the Bishop who shall within thirty days communicate with the rector and Vestry thereon as to Bishop's position on the same.

14.7.5 Except as may otherwise be permissible under the ECUSA Canons: (i) no Deacon, except one in training for the Priesthood, shall be in charge of a Parish or Congregation; and (ii) no Suffragan Bishop, while acting as such, shall be Rector, but may serve as a Member of the Clergy in charge of a Congregation.

#### **14.8 Incorporation of Parishes**

Any Parish may incorporate pursuant to the laws of the State of South Dakota but no Parish shall file Articles of Incorporation without the written consent of the Bishop and the Diocesan Council, not unless such Articles of Incorporation be in accord with and accede expressly to the general Convention and Diocesan Constitutions and Canons, and shall have received the written approval, with respect to form, of the Chancellor. No Parish shall amend or restate its Articles of Incorporation without the written consent of the Bishop and the Diocesan Council nor unless the form of the amendment or restatement be approved in writing by the Chancellor.

#### **14.9 Requirements in Articles**

Any Parish incorporating under the provisions of these Canons shall include in its Articles of Incorporation a declaration that all acts of the corporation and the receiving, holding and disposition of all the property of the corporation and all the objects, purposes and powers of the corporation and their exercise shall be subject to the Doctrine, Discipline and Worship of The Episcopal Church and to its Constitution and Canons, and to the Constitution and Canons of The Diocese of South Dakota, as now in effect and as hereafter, from time to time, may be amended, revised or adopted.

#### **14.10 Duties of the Parish Treasurer**

The Treasurer of each Parish shall submit to the Vestry a monthly statement of receipts, disbursements and cash or equivalent on hand in such form as the Vestry may direct. In addition the Treasurer shall submit to the Bishop and the Diocesan Council all such reports and other financial information as may be required from time to time.

#### **14.11 Voluntary Reversion to Mission Status**

A Parish may revert to mission status in the following manner:

14.11.1 The Parish shall present to the Bishop a petition, which shall set forth the reasons why mission status is desired, and shall be signed by the rector, if there be one, and by a majority of the Vestry.

14.11.2 Upon receipt of any such petition, the Bishop shall refer the same to the Finance Committee or Administration which shall prepare and file with the Bishop a report in writing.

14.11.3 The Bishop shall forward copies of all such reports to the Rector of the Parish, if there be one, or if not to the Senior Warden, Junior Warden, and Clerk of the Vestry and to the Diocesan Council and thereafter the diocesan Council shall fix a time and place for hearing the petition, giving due notice thereof to the Rector, if there be one, the Senior Warden, Junior Warden and Clerk of the Vestry, and, in such manner as appears reasonable under the circumstances, to the Congregation of the Parish.

14.11.4 At the hearing the Bishop and the Diocesan Council shall jointly consider the petition, the report of the Finance Committee or Administrator, and all other information which may then be presented, and thereafter the Bishop shall, with the advice and consent of the Diocesan Council enter a judgment reverting the Parish to mission status or refusing such reversion.

#### **14.12 When Bishop May Dissolve a Parish**

The Bishop may act to dissolve a Parish on his or her own motion in the following manner:

14.12.1 When in the preliminary opinion of the Bishop a Parish has ceased or may have ceased to meet any one of the requirements of Parish status under this Canon 14 or applicable ECUSA Canons, and such opinion together with the facts upon which it is based has been set forth in writing by the Bishop, the Bishop shall refer the opinion for further investigation and review by the Finance Committee or Administrator, who shall prepare and file with the Bishop a report in writing.

14.12.2 The Bishop shall forward copies of all such reports to the Rector of the Parish, if there be one, or if not, to the Senior Warden, Junior Warden and Clerk of the Vestry, and to the Diocesan Council, and thereafter the Diocesan Council shall fix a time and place for hearing the matter, giving 90 days notice thereof to the Rector, if there be one, the Senior Warden, the Junior Warden and Clerk of the Vestry, and in such manner as appears reasonable under the circumstances, to the Congregation of the Parish.

14.12.3 At the hearing the Bishop and Diocesan Council shall jointly consider the matter, the report of the Finance Committee or Administrator and all other information which may then be presented and thereafter the Bishop shall, with the advice and consent of the Diocesan Council, enter a judgment dissolving the parochial organization or refusing such dissolution.

#### **14.13 Transfer of Title and Dissolution**

Upon the dissolution of a Parish:

14.13.1 If the dissolved Parish has been incorporated and if the Bishop has organized it as a mission, title to all of its property, both real and personal, shall remain in the corporation, but the directors of the corporation shall forthwith adopt or see to the adoption of such amendments to its Articles of Incorporation, by-laws and name as shall be requisite to reflect the change in status from Parish to mission.

14.13.2 If the dissolved Parish has not been incorporated and if the Bishop has organized it as a mission, and if the Parish held title to any personal property with the consent of the Bishop pursuant to these Canons then, if the Bishop shall continue to so consent, the mission may continue to hold title to such personal property. Under the foregoing circumstances, if the Bishop shall withdraw or fail to renew his consent, title to all such personal property shall be forthwith transferred and conveyed to The Chapter of Calvary Cathedral.

14.13.3 If the dissolved Parish has not been organized as a mission by the Bishop, title to all property, both real and personal, held by and for it shall be forthwith transferred to The Chapter of Calvary Cathedral. Under the foregoing circumstances, if the dissolved Parish was incorporated, the officers and directors or trustees of the corporation shall forthwith take such steps as shall be requisite to wholly dissolve corporate existence.

## **CANON 15**

### **ORGANIZED MISSIONS AND MISSION STATIONS**

#### **15.1     Establishment**

Organized Missions and Mission Stations may be established by the Diocesan Convention or the Diocesan Council.

#### **15.2     Governance**

The governance of an Organized Mission shall be in the Bishop and a Bishop's Committee. After consultation with the Bishop's Committee, the Bishop shall appoint a Vicar who shall hold office at the pleasure of the Bishop.

#### **15.3     Bishop's Committee**

At the annual meeting, a Bishop's Committee shall be elected subject to confirmation by the Bishop. It shall consist of the Vicar, Senior Warden, Junior Warden, and not less than one nor more than eight other persons. The Bishop's Committee shall appoint a Clerk and Treasurer who are not members of the Bishop's Committee, but who shall be in attendance at its meetings. Meetings of the Bishop's Committee shall be held with the Vicar present, except that they can be held in the Vicar's absence if the Vicar has been previously notified of the meeting and has given approval for its holding. All members of the Bishop's Committee must be Confirmed Adult Communicants of this Church in good standing. The Congregation shall establish terms for the various members of the Bishop's Committee not to exceed three years in length. Vacancies in the membership of the Bishop's Committee shall be filled by the remaining members of the Bishop's Committee.

#### **15.4     Responsibilities**

15.4.1 The Congregation through the Bishop's Committee will raise such sums as are sufficient for the payment of the repairs, maintenance, insurance, and utilities of the Church property used by the Congregation together with its equitable share, considering its available income, for the support of the Diocese and its programs.

15.4.2 Services must be held on Saturdays or Sundays by the Vicar, a deacon assigned, or a Worship Leader. With the permission of the Bishop for pastoral concerns, a congregation may meet for worship not less than once each month.

15.4.3 The Bishop's Committee, when undertaking any business or course of action, beyond its ordinary activities, must first receive the approval of the Bishop.

#### **15.5     Title to Property**

Title to the property of an Organized Mission shall be vested in The Chapter of Calvary Cathedral.

#### **15.6     Mission Stations**

Any Congregation which is unable to comply with the financial or service responsibilities of an Organized Mission shall be considered to be a Mission Station. The governance of a Mission Station shall be vested in the Mission Council of which the Mission Station is a member, but it may have, in the discretion of the Mission Council, a treasurer. In the event that a Mission Station is not a member of a Mission Council, then the supervision of the Mission Station shall be vested with the Bishop. Mission Stations shall hold services not less than four times each year and in addition shall be available for instruction, preaching, and administration of the sacraments. All mission Stations shall be responsible, considering its available income, to provide its equitable share for the support of the Diocese and its programs.

#### **15.7     Responsibility of Mission Treasurer**

The treasurers of all Organized Missions and Mission Stations that are a part of a Mission Council shall, in addition to the monthly reports to the Bishop's Committee, submit quarterly reports to the Mission Council showing all

income received and disbursements made during the period. In the event the treasurer of the organized Mission or Mission Station shall not make such reports in a timely manner, the Mission Council may authorize the treasurer of the Mission Council to assume the duties of the treasurer of the Organized Mission or Mission Station until such matter has been resolved. In the event that the Organized Mission or Mission Station is not a member of a Mission Council, the treasurer shall submit such quarterly reports to the diocesan Finance Committee or Administrator. In the event that such reports are not made in a timely manner, the Finance Committee or Administrator under advice of the Bishop may authorize a different person to act as treasurer until the matter has been resolved.

## **CANON 16 PAROCHIAL MISSIONS**

### **16.1     Establishment**

Upon the recommendation of the Rector and Vestry, a Parish Meeting may approve establishment of a Parochial Mission.

### **16.2     Requirements**

Before submission to a Parish Meeting, the Vestry must meet the following requirements:

16.2.1 Prepare a plan for the organization, structure, and governance of the Parochial Mission, its method of financial support, the relation of the Parochial Mission and its Communicants to the Parish, its location, and such other items as may be requested by the Bishop and Diocesan Council.

16.2.2 Submit the plan to the Region Deanery Council and the Standing Committee for their recommendations to the Bishop and Diocesan Council.

16.2.3 Secure the approval of the Bishop and Diocesan Council of the plan acting in consultation with the Standing Committee.

### **16.3     Method of Amendment of Plan**

Once the plan has been approved by the Bishop and Diocesan Council, it may be amended or modified only with the consent of the Vestry and the approval of the Bishop and Diocesan Council.

### **16.4     Clergy in Charge**

The Vicar of the Parochial Mission, if any, together with all other Clergy serving the Parochial Mission shall be deemed assistants to the Rector of the Parish.

### **16.5     Recognition by and Representation to the Convention**

A Parochial Mission which has been established as herein provided, may be recognized by the Diocesan Convention as such, and if so recognized, shall be entitled to representation to the Convention to the same extent as Organized Missions of the Diocese.

### **16.6     Title to Property**

Title to Parochial Mission Property, both real and personal, shall be vested in the Parish. A Parochial Mission shall not be incorporated. It may subsequently be admitted as an Organized Mission, subject to such conditions regarding title to the property as may be agreed upon between the Diocese and the Parish.

### **16.7     Parish Responsible for Obligations**

The Parish shall at all times be responsible and liable to the Diocese and to third parties for the obligations of the Parochial Mission.

16.8 **Powers of Diocesan Convention**

The Diocesan Convention may, if recommended by the Diocesan Council, by action applicable to all Parochial Missions, make such changes in their organization, structure, status or representation in the Diocesan Convention, as it may deem proper; or it may terminate, if recommended by the Diocesan Council, the existence as a separate entity any Parochial Mission.

**CANON 17  
ANNUAL AND SPECIAL MEETINGS**

17.1 **Time and Place**

An annual meeting of every Parish and Organized Mission must be held in November, December or January or at any other time to which such may be adjourned. Special meetings may be called by the Bishop, the Rector or Vicar, a Warden or two Vestrypersons or Bishop's Committee members.

17.2 **Notice of Meeting**

Notice of the time, place, qualification of voters and purpose of the meeting shall be given at two or more regular Sunday services preceding the date of the meeting, unless other notice be directed by the Bishop.

17.3 **Presiding Officer**

The Bishop, Rector or Vicar shall preside at such meetings except that they may designate a Warden to preside. In their absence a Warden, or a Vestry or Bishop's Committee member, in order of seniority, shall preside.

17.4 **Order of Business**

The items of business which must be transacted at the annual meeting of the Congregation are:

17.4.1 Minutes of last annual and all intervening special meetings.

17.4.2 Financial report of the Congregation.

17.4.3 Reports of Secretaries and Treasurers of organizations.

17.4.4 Election of Wardens and Vestrypersons.

17.4.5 Election of the same Delegates and alternates both to Diocesan Convention and Region Deanery Assembly, which may also be held at any meeting of the Congregation.

17.5 **Qualifications of Voters and Election Contest**

17.5.1 Qualified voters must be Adult Communicants in Good Standing of the Congregation.

17.5.2 In the event of a contest, an election shall be by secret ballot.

**CANON 18  
VESTRIES OF PARISHES**

18.1 **Composition**

A Vestry shall consist of the Rector, two Wardens, and not less than three nor more than eleven Vestrypersons as shall be set by the by-laws.

## **18.2 Qualifications of Wardens and Vestrypersons**

Wardens and Vestrypersons must be Confirmed Adult lay Communicants of this Church in good standing sixteen years of age or over and regular contributors to the support of the Congregation by pledge or otherwise.

## **18.3 Elections**

18.3.1 The wardens and Vestrypersons shall be elected at the annual Parish meeting. Wardens shall be elected for a one year term and Vestrypersons for three year terms. In the election of Vestrypersons, one third of the membership, or as close thereto as feasible, shall be elected annually, in order to facilitate a rotating Vestry. If the present articles of incorporation of a Parish direct election in a different manner, not in conflict with General Convention Canons, the same is hereby permitted.

18.3.2 If the by-laws of the Parish so provide, it shall be permissible for one Warden to be nominated by the rector. This nomination is subject to confirmation by the annual meeting.

## **18.4 Vacancies**

Vacancies in the office of warden or Vestryperson may be filled by the remaining members of the Vestry. If the by-laws have permitted the nomination of a warden by a rector and a vacancy has occurred in that office then the rector shall nominate the successor which is subject to confirmation by other members of the Vestry.

## **18.5 By-Laws**

By-laws shall be adopted by the annual meeting or by the Vestry for the conduct of the affairs of the Parish. A copy of such by-laws together with the articles of incorporation and any revisions thereto must be filed with the diocesan office, and are subject to review and approval of the Chancellor.

## **18.6 Meetings**

Regular meetings shall be held not less than bi-monthly at a time and place fixed by the Vestry. Special meetings may be called by the Bishop, the Rector, a Warden, or two Vestry members. The method of notice for these meetings shall be provided in the by-laws. All meetings must be held with the rector present, except that they can be held in the rector's absence if the rector has been previously notified of the meeting and has not objected to the meeting being held.

# **CANON 19 ANNUAL REPORTS AND RECORDS**

## **19.1 Financial Reports**

At the annual meeting of every Parish, organized mission or parochial mission, a financial report must be submitted by the Treasurer showing receipts and disbursements and assets and liabilities. Treasurer of other Church organizations must submit like reports.

## **19.2 Fiscal Year**

The calendar year shall be the fiscal year for all in this Diocese.

## **19.3 Parochial Reports**

Annual parochial reports shall be submitted by every Parish, organized mission and parochial mission, and if necessary mission stations, to the Diocese in the manner and form prescribed by General Convention Canons. In the event that all parochial reports have not been filed as required under General Convention Canon 2.6.1 prior to an annual or special Convention, the Delegates from that Church at the discretion of the Convention shall not be certified as Delegates until all such reports have been filed.

#### 19.4 **Parish Register**

Every Congregation shall have and maintain a permanent Parish register. A single register may be maintained and stored in the mission office for an Area Mission.

### **CANON 20 FINANCE**

#### 20.1 **Annual Assessment**

It is the obligation of each Congregation to pledge to the Diocese each year a specific amount for the support of the Diocese. In the event of the failure to pledge its fair share of the amount necessary for the support of the Diocese, the Diocesan Council is empowered to assess such Parish, organized mission, parochial mission, or mission station in such year a specific amount for diocesan support and extra diocesan purposes.

#### 20.2 **Payment to Diocese**

It is the duty of each Parish, organized mission, parochial mission, or mission station to make payment of its pledge or assessment on a pro-rated monthly basis and to make provision for its payment by canvass or other proper method. All payments on the pledge or assessment shall be sent to the diocesan financial office. All special offerings shall be so designated.

### **CANON 21 DISAGREEMENTS BETWEEN CLERGY AND CONGREGATIONS AND DISSOLUTION OF THE PASTORAL RELATION**

#### 21.1 **Relationship Between Rector and Vestry**

Except upon mandatory resignation by reason of age, a Rector may not resign as Rector of a Parish without the consent of its Vestry, nor may any Rector, who is canonically and lawfully elected and in charge of a Parish, be removed therefrom by the Vestry against the Rector's will, except as hereinafter provided in the Canon.

#### 21.2 **Notice to the Ecclesiastical Authority**

Whenever there shall be any serious difference or protracted controversy between a Rector or settled Clergyperson and the Parish Vestry which cannot be amicably settled between themselves or if for any urgent reason a Rector or Vestry desires a dissolution of the pastoral relation, upon which the parties cannot agree, then in either such instance either party shall give notice in writing to the Ecclesiastical Authority of the Diocese. In the event that the Standing Committee is the Ecclesiastical Authority, then it shall request the Bishop of another Diocese to perform the duties of the Bishop under this Canon.

#### 21.3 **Mediation and Appointment of Advisory Committee**

Within thirty days of receipt of the written notice the Ecclesiastical Authority shall appoint one Presbyter and one Lay Person, neither of whom may be members of the Congregation involved, with the Chancellor as an advisor, who shall make a written report to the Bishop stating the nature of the dispute, and the respective positions of the Vestry and the Rector. Such report shall be delivered to the Bishop, the Rector and the Vestry as soon as possible, but in no event later than thirty days after their appointment. Within ten days of the receipt of the report, the Bishop shall initiate mediation proceedings and each of the parties shall participate in such mediation in good faith and labor for an amicable resolution of differences. Each party shall be entitled to have representation in such mediation proceedings.

#### 21.4 **Procedures if Differences Not Resolved**

If the differences after the completion of the mediation process are not resolved, as evidenced by written notice thereof to the Bishop from either of the parties, then the Bishop shall proceed as follows:

21.4.1 Within thirty days after such notice, the Bishop shall conduct a hearing with regard to the differences between the parties. The Bishop shall fix a date, time and place therefore, shall notify the parties thereof or a representative thereof and shall conduct such hearing by allowing each party thereof or a representative thereof, to present a statement of position and the reasons therefore. No testimony or other evidence shall be presented at such hearing, unless allowed by the Bishop for compelling reasons and in the interest of justice.

21.4.2 As soon as reasonably possible, but in no case later than thirty days after the conclusion of the hearing as provided in Section 21.4.1 above, the Bishop shall render a Godly judgment, with the advice and consent of the Standing Committee.

21.4.3 A copy of the judgment shall be furnished to each of the parties, and shall be available for public inspection.

21.4.4 In the instance of a Parish, if the pastoral relation is to be continued, the Bishop shall require the parties to agree on definitions of responsibility and accountability for the parties.

21.4.5 In the instance of a Parish, if the relation between the parties is to be dissolved:

(a) The Bishop shall direct the Secretary of the Convention to record the dissolution.

(b) The judgment shall include such terms and conditions, including financial settlements as shall seem to the Bishop compassionate and just.

#### 21.5 **Bishop to Provide Supportive Services to Parties**

In the instance of either dissolution or otherwise the Bishop shall offer appropriate supportive services to the Priest and the Parish.

#### 21.6 **Imposition of Penalties**

In the event of the failure or refusal of either party to comply with the terms of the judgment, the Bishop may act as follows:

21.6.1 In the case of a Rector of a Parish, inhibit the Rector from the exercise of the priestly office until the Priest shall comply with the judgment.

21.6.2 In the case of a Vestry, invoke any sanctions afforded by the Canons of this Diocese including, with the approval of the Diocesan Council, that the Parish be placed under the supervision of the Bishop as an Organized Mission Church until it has complied with the judgment.

#### 21.7 **Extension of Time Periods**

For cause, the Bishop may extend the time periods specified in this Canon, provided that all be done to expedite the proceedings. All parties shall be notified in writing of the length of any extension.

#### 21.8 **Limitations on Matters in Proceedings**

21.8.1 Statements made during the course of proceedings under this Canon are neither discoverable nor admissible in any proceedings under General Convention Canon IV provided that this does not require the exclusion of evidence in any proceedings under the Canons of the General Convention or the Diocese



which is otherwise discoverable and admissible merely because it was also presented in proceedings under this Canon.

21.8.2 In the course of proceedings under this Canon, if a charge is made by the Vestry against the Rector that could give rise to a disciplinary proceeding under General Convention Canon IV.1, all proceedings under this Canon shall be suspended until the charge has been resolved or withdrawn.

21.8.3 All provisions in this Canon that relate to dissolution shall apply only to Rectors and Parishes and their Vestries. Nothing in this Canon shall in any way limit the authority of the Bishop in the operation of the ministry in the mission Churches and Congregations of the Diocese.

## **CANON 22**

### **GENERALLY APPLICABLE PROVISIONS**

#### **22.1 The Church Pension Fund**

This Diocese does hereby accede to and adopt the Church Pension Fund as established by the General Convention Constitution and Canons and that such fund so far as it affects this Diocese shall be conducted in accordance with the same.

#### **22.2 Appointment of Archdeacons and Canons**

22.2.1 Archdeacon of the Diocese: The Bishop may appoint one Archdeacon of the Diocese. He shall have those powers and duties specified in these Canons and such other responsibilities as may be specified by the Bishop in consultation with the Diocesan Council. In the event that there is not an Archdeacon of the Diocese then, in those Canons, where the term Archdeacon or Archdeacon of the Diocese appears, the Bishop, with the concurrence of the Diocesan Council, may appoint another person, either clerical or lay, to so act.

22.2.2 Archdeacon of a designated purpose: The Bishop may appoint one or more Archdeacons and shall specify in their appointment their designated purpose.

22.2.3 The Bishop may appoint one or more Canons of the Cathedral who shall be vested with such ecclesiastical position as shall be specified by the Bishop in the appointment.

22.2.4 The Bishop may appoint one or more Canons of the Diocese who shall be vested with such authority as may be specified by the Bishop in the appointment.

#### **22.3 Clergy Oversight**

The Rector of every Parish and the Vicar of every organized mission or station shall be an ex-officio member and advisor of every organization of that Parish or mission.

#### **22.4 Church Records**

The Rector or Vicar shall be the custodian of the Parish Register. If the Cure is vacated, the Parish Register shall be delivered to the Senior Warden.

#### **22.5 Cathedral of the Diocese**

Calvary Cathedral in Sioux Falls, South Dakota, is hereby recognized as the Cathedral of the Diocese and the prerogatives, powers and privileges granted to the Bishop of the Diocese of South Dakota in that Indenture dated February 28, 1891 and recorded in the Office of the Register of Deeds of Minnehaha County, South Dakota, in Book 51 of Deeds on page 236 are recognized, confirmed and approved, subject, nevertheless, to that certain Amended and Corrective Deed in Trust dated June 25, 2019 executed by then Diocesan Bishop John Tarrant.

#### **22.6 Resolution to Convention**

The Procedure for submission and consideration of resolutions to any Diocesan Convention including the method of notice on the same shall be set forth in the Convention Rules of Order. The Convention Committee on Resolutions shall have authority to initiate resolutions. No notice is required for a resolution submitted by a Region Deanery Assembly, the Convocation and the Convention Committee on Resolutions.

#### **22.7 Vacancy Created by Absence**

Absence by appointed members of any Diocese Body from two consecutive meetings without cause and prior notice, may be deemed by the Bishops, Council or affected group to create a vacancy which may be filled by the Bishop and confirmed by the Diocesan Council. The Diocesan Council, in its by-laws may provide what percentage of a meeting must be attended by an appointed or elected person in order to permit that person to be counted as attending and allow him to receive remuneration for expenses incurred by him for attendance at that meeting.

#### **22.8 Meetings and Attendance By Electronic Means**

Unless otherwise provided by General Convention and Diocesan Canons, all Diocese Bodies may hold meetings by telephone conference call, video conferencing or other like means by which all participants may hear each other contemporaneously. Any member of the same may participate by any such means, even though other members are gathered in one meeting place. A quorum of such Diocese Body shall be a majority of its members present in person or participating by permitted means.

#### **22.9 Requirements for Committee Membership**

Unless it is otherwise provided in these Canons, all members of any Diocesan Body, unless exempted therefrom by the Diocesan Council, must be Confirmed Adult Communicants of this Church in good standing.

#### **22.10 Establishing Guidelines for Conduct**

The Diocesan Council may adopt with the consent of the Bishop and the concurrence of the Chancellor and with a three-fourths majority vote of all of the remaining voting members, such guidelines as it deems appropriate for the membership on all Diocese Bodies to avoid conflicts of interest and other like matters and the members of all such committees, commissions, boards, and the like shall thereafter comply with such guidelines.

#### **22.11 Clergy Employment Not Permitted By Any Entity**

No Congregation, through its governing body or otherwise, shall enter into any employment contracts as such with any members of the Clergy. The establishment of such contractual relationships is deemed a violation of General Convention and Diocesan Canons and Anglican theology. Congregations shall develop and adopt appropriate job descriptions for the member of the Clergy involved setting forth the expected relationship between the Congregation and the Clergyperson. The Diocese, through the Clergy Deployment Officer and Chancellor, and with the approval of the Bishop, shall develop guidelines on job descriptions for use by the various vestries, Bishop's committees and councils.

#### **22.12 Notice of Letters Dimissory Request**

At such time as the Bishop shall receive a request for the acceptance of Letters Dimissory, the Bishop shall inform all members of the Standing Committee. In the event that any member shall have credible information concerning the member of the Clergy which would form a proper ground of canonical inquiry and presentment, such member shall, within twenty days, inform the Bishop of such information.

**CANON 23**  
**AMENDMENTS AND ALTERATIONS**

**23.1     Vote by Convention**

Canons may be enacted, amended or repealed (each an “Amendment”) in whole or in part, at any Annual or Special Diocesan Convention by a majority of the Delegates, and if a vote by orders is called for, by a majority of Delegates in each order. Such proposed Amendments must be received in writing by the diocesan Office at least 30 days prior to the upcoming Diocesan Convention.

**23.2     Notice to Delegates**

Notice of any proposed Amendment shall be given by mailing a copy of the proposed amendments and alterations to the Delegates, if known, at least 15 days prior to the opening date of the upcoming Convention. Such notice shall be considered sufficient when a copy for each Delegate is mailed to the person in charge of each Congregation or organization entitled to representation at the Diocesan Convention, who must distribute the same. The Convention shall have the authority to waive any defect in notice at the time the Amendment is considered.

**23.3     Committees on Canons**

The Convention Committee on Canons and the Standing Commission on Constitution and Canons shall have authority to initiate Amendments to the Canons. They shall have authority to examine and, if necessary, rewrite any proposed Amendment submitted to bring it into conformance with General and Diocesan Constitutions and Canons. The notice required by Canon 23.2 shall not apply to such conformity revisions.

**23.4     Effective Date**

Any Canon which is enacted or any Amendment of any Canon in whole or in part shall take effect upon the adjournment sine die of the Convention adopting, unless that Canon or Amendment thereof shall in its terms, provide otherwise.

# **RULES OF ORDER**

## **for the Convention of The Diocese of South Dakota**

*Amended 2009*

### **Rule 1: The Rules and Governing Law**

- 1.1 The rules of order of the Convention (the "Rules") are subordinate to the Constitutions and Canons of the General Convention and the Diocese of South Dakota ("Diocese"). Any issue of procedure not covered by the foregoing shall be determined by the Chair, subject to appeal of the meeting as provided below.
- 1.2 None of these rules, after adoption, may be suspended without a two-thirds vote of the delegates present.
- 1.3 The Rules shall be in force from Convention to Convention until they are amended by a majority vote of a subsequent Convention at the time of its organization.
- 1.4 In the event of the election of a Bishop, Bishop Coadjutor or Bishop Suffragan at any Convention, special rules of order in accordance with the Constitution and Canons of the General Convention and the Diocese, shall be proposed by the Chancellor to the electing Convention.

### **Rule 2: Convention Committees**

- 2.1 Not less than 60 days in advance of the opening date of the Convention, the President, with the concurrence of the officers of the Diocesan Council, shall appoint from the names of the delegates reported to the diocesan office, except for the Committee on Ballot Tabulation, the following committees of the Convention and shall designate the chair and vice chair thereof, who shall be delegates:
  - (a) Constitution and Canons
  - (b) Credentials
  - (c) Dispatch of Business
  - (d) Finance and Budget
  - (e) Nominations
  - (f) Place of Next Convention
  - (g) Resolutions
  - (h) Tabulation of Ballots
- 2.2 The President may appoint such special committees as he deems desirable or as may be directed by the Convention.
- 2.3 The size of all committees shall be determined by the President. In the selection of the membership, consideration must be given to prior service in the Convention and to balanced representation of all members of the Diocese.
- 2.4 A list of the members of each committee shall be distributed to the delegates as soon as may be done after appointment.
- 2.5 The Diocesan Office shall arrange meeting rooms for each committee.
- 2.6 During the Convention a specific time shall be set when committee hearings and meetings shall be held and no other activities shall be scheduled during those times.
- 2.7 In the event that a chair shall not call a meeting of the committee or consider a matter properly before it, then the vice chair or a majority of the membership of the committee may call a meeting.

- 2.8 The time and place of any meeting of a committee shall be posted in a conspicuous place on the floor of the Convention or adjacent thereto by the chair. Also, there shall be noted what items of business are to be considered by the committee.
- 2.9 The chair of each committee shall appoint from the membership of the committee a secretary who shall record the actions of the committee.
- 2.10 Within 30 days after the adjournment of the Convention, the chairperson of each committee shall file a report together with all of the records of that committee of the actions and activities of that committee which affected the work of the Convention with the diocesan office. Within 45 days after the adjournment of the Convention, the Secretary of the Convention shall file with the Diocesan Office the minutes of the said Convention together with all pertinent documents.
- 2.11 The Niobrara Convocation Officers are designated as a continuing Convention committee for the purpose of receiving all resolutions and other related matters concerning the Niobrara Deanery working in conjunction with other Convention committees.
- 2.12 General Convention Deputies will be a continuing Convention committee and will be given seat and voice at such times as General Convention items are under discussion.
- 2.13 The President may, in consultation with the officers of the Diocesan Council, authorize any diocesan committee, commission or board to meet in joint session with a committee of the convention on any matter properly before that convention committee, to be referred to as a Joint Committee. The President shall specify what matters that the Joint Committee as such can consider. All members of the Joint Committee shall have voice and vote in those matters. Such committee may make recommendations on those said matters to the Convention. The Joint Committee report shall be made by the Chair of the Convention committee and non-delegate members of the Joint Committee may appear on the floor for the purpose of answering questions put by the delegates but shall not be entitled to make motions, debate or vote.
- 2.14 The reports of all committees shall be in writing, and shall be received in course, and without motion for acceptance, unless recommitted by a vote of the Convention. All reports recommending or requiring an action or expressions of opinion by the Convention shall be accomplished by resolution of the action of the Convention thereon.

### **Rule 3: Order of Business**

- 3.1 The order of business shall include the following:
  - (a) Opening Prayer
  - (b) Report of Committee on Credentials
  - (c) Election of Secretary of Convention
  - (d) Approval of minutes of prior Conventions
  - (e) Communications from President
  - (f) Report of Chancellor on Rules of Order
  - (g) Report of Dispatch of Business
  - (h) Reports of other legislative committees
  - (i) Other business
- 3.2 The order of business may at any time be modified by the Chair, in consultation with the Committee on Dispatch of Business, to accommodate scheduling, timing or other convenience of the Convention, subject to the right of appeal.

### **Rule 4: Decorum and General Rules of Procedure**

- 4.1 When the President takes the chair, no member shall stand except to address the chair or do other business of the Convention.

- 4.2 When the Chair is putting a question, the delegates shall continue in their seats and not hold private discourse.
- 4.3 When a delegate is to speak to the Convention the delegate shall state the delegate's name and address the chair and be confined to the point under debate or a parliamentary procedure.
- 4.4 Any member of the diocesan staff, who is not a delegate, may be on the floor of the Convention for the purpose of answering questions put by the delegates or performing such other duties as prescribed by the chair, but shall not have the right to make motions, debate or vote. Such persons shall be registered as members of the diocesan staff.
- 4.5 The Chair may allow any person or persons even though not a delegate, to appear before the Convention for the purpose of addressing the Convention, or making a report and answering questions thereon, unless otherwise directed by the Convention.
- 4.6 Issues that require consideration of the Convention may be discussed with or without formal motion. An issue may be resolved by recording (a) the general consensus or "sense of the Convention," or (b) by a formal motion.
- 4.7 Discussion of any issue is subject to regulation by the Chair to assure adequate consideration of relevant points of view in the best interests of the Convention. The objectives of discussion are to:
  - (a) determine the will of the Convention and to articulate decisions for conduct of business;
  - (b) assure sufficient discussion and consideration of issues so that all pertinent points of view are considered;
  - (c) maintain at all times the dignity of the meeting so that each recognized speaker's views are made known to voting participants and to ensure that appropriate respect is accorded all persons; and
  - (d) present the consideration of business in a manner understood by all participants.
- 4.8 When the delegates embrace a course of action by a clear consensus, the Chair may, if there is no objection, state that action upon the issue is resolved by "general consensus" or the "sense of the Convention." A ruling as to general consensus or the sense of the Convention shall be recorded in the minutes as the decision of the Convention.
- 4.9 Where a sense of the meeting cannot be determined with reasonable certainty, or where by reason of importance of the matter formal approval or a count of the vote is desired, the Chair or any delegate may state the proposal as a motion under these Rules.
- 4.10 The rules of motion practice shall be applied as a guide to the Chair in disposition of formal motions, which are resolved by a vote of the Convention.

## **Rule 5: Motion Practice and Precedence**

- 5.1 Under these Rules, motions should be limited to those set forth below. They are grouped into categories and listed in order of precedence. When any motion is pending, any motion listed above it in the list is in order, but those below it are out of order.

### **5.2 MEETING CONDUCT MOTIONS**

- (1) Point of Privilege
  - Characteristics:
    - May interrupt a speaker
    - Second not required
    - Not debatable
    - Not amendable
    - Resolved by the chair, no vote is required

(2) Point of Procedure

Characteristics:

- May interrupt a speaker
- Second not required
- Not debatable
- Not amendable
- Resolved by the chair, no vote is required

*Similar Motion Included:* Point of order, point of inquiry

(3) To Appeal a Ruling of the Chair

Characteristics:

- May not interrupt a speaker
- Second required
- Not debatable
- Not amendable
- Majority vote required

*Special Note:* If a ruling of the Chair is based on governing law (e.g., not a proper subject of the meeting or a matter requiring prior notice), it is not appealable.

(4) To Recess or Adjourn the Meeting

Characteristics:

- May not interrupt a speaker
- Second required
- Debatable
- Amendable
- Majority vote required

### 5.3 DISPOSITION MOTIONS

(1) To Withdraw a Motion

Characteristics :

- May interrupt a speaker
- Second not required
- Not debatable
- Not amendable
- Resolved by the chair, no vote is required

(2) To Postpone Consideration

Characteristics:

- May not interrupt a speaker
- Second required
- Debatable
- Amendable
- Majority vote required

*Similar Motion Included:* To table; to postpone indefinitely

(3) To Refer

Characteristics:

- May not interrupt a speaker
- Second required
- Debatable

- Amendable
- Majority vote required

(4) To Amend  
Characteristics:

- May not interrupt a speaker
- Second required
- Debatable
- Amendable
- Majority vote required

(5) To Limit, Extend or Close Debate  
Characteristics:

- May not interrupt a speaker
- Second required
- Debatable
- Amendable
- Two-thirds vote required

*Similar Motions Included:* To move the question; to call the previous question

(6) To Count the Vote  
Characteristics:

- May not interrupt a speaker
- Second required
- Not debatable
- Not amendable
- Mandatory when seconded, no vote required

#### 5.4 MAIN MOTIONS – TO TAKE ACTION OR RECONSIDER ACTION TAKEN

Characteristics:

- May not interrupt a speaker
- Second required
- Debatable
- Amendable
- Majority vote required unless a greater vote is prescribed by preempting law

### Rule 6: Special Rules for Certain Motions

- 6.1 No proposed resolution may be submitted for consideration after the close of the first plenary session. All proposed resolutions shall be referred to a Convention committee by the Chair, in consultation with the Dispatch of Business Committee. Such reference may be appealed in the same manner as a procedural decision of the Chair.
- 6.2 The budget for the upcoming year shall be presented to the Convention on the first day and any amendments, deletions, additions and final adoption may after presentation be considered. Any motion to amend the budget which increases any item of expense must make provision to reduce in like amount items of the expense side of the budget. Any resolution or motion which would impact the budget must have received the prior approval of the Convention committee on Diocesan Finance and Budget.
- 6.3 All motions to amend, substitute, initiate or otherwise alter any report, action, or recommendation of any Convention committee or the Diocesan Council must be submitted at the hearings held by the committee, and if no hearings, to the chair of the committee prior to the presentation to the floor.



- 6.4 When any motion on the floor concerns either directly or indirectly the Constitutions and Canons of the General Convention or the Diocese, the matter shall have received prior approval of the Convention Committee on Constitution and Canons, in consultation with the Chancellor.
- 6.5 If any motion under discussion contains several distinct propositions the same may, in the discretion of the Chair, be divided at the request of any delegate and a vote taken separately except that a motion to strike out or insert shall be indivisible.

## **Rule 7: Elections**

- 7.1 All elections shall be conducted as provided in these Rules of Order unless otherwise provided by the Constitution and Canons of this diocese.
- 7.2 On or before March 1<sup>st</sup> of each year the positions open for election at the upcoming annual Convention shall be made available to the clergy and the *South Dakota Church News*. Prior to August 1<sup>st</sup> of each year nominations may be submitted to the diocesan office only by Region Deanery Assemblies, the Niobrara Convocation, or a certified Convention delegate, for any position open for election. Such nominations and applicable information shall be made on a form prescribed by the Chancellor. Such nominations shall be reviewed by not less than three members of the Convention Nominating Committee, none of whom may be nominees, who shall, for elections for Diocesan Council, Standing Committee, and Deputies to General Convention and Provincial Synod review the nominating form and if the same is in compliance with the requirements of the nominating form cause the same to be distributed to the delegates prior to the opening session on the second day of the Convention.
- 7.3 In the event that there are no more nominations than necessary to fill an office, the Secretary shall cast a unanimous ballot for the persons so nominated.
- 7.4 In the event that there are more nominations than necessary to fill an office, the Committee on Nominations shall cause a ballot to be printed and each delegate shall check the names of the persons whom the delegate desires to select on the various ballots. The order for the placement of nominees on the ballot shall be by lot. No cast ballot shall be valid on which a delegate has voted for more or for less than the number to be elected on that ballot.
- 7.5 Where only one person may be elected for a particular office, a majority vote is required for election. In the event no candidate receives a majority vote on the first ballot, the person receiving the least number of votes shall be eliminated and the remaining nominees shall be submitted to another ballot, which shall continue in succession until a nominee is elected.
- 7.6 For offices or positions to be held by multiple persons at one time (such as General Convention deputies), the nominees of the required number receiving the largest number of votes shall be elected in order. If alternates are required, they shall be chosen from those not elected in the order of the most number of votes.

## **Rule 8: Voting**

- 8.1 On motions the Chair shall have the discretion to call for a vote by voice or by hands. All elections, however, shall be done by written ballot.
- 8.2 Upon the request of any delegate, before or after a voice vote, a hand vote may be requested on any motion before the Convention. Upon the request of any two delegates any matter before the Convention shall be submitted to a secret written ballot, except that any member of that committee whose name appears on the ballot or who is a movant of a motion being counted is excluded from such counting.
- 8.3 A vote by orders may be had upon the request of at least two members of the lay order and two members of the clerical order. All votes by orders shall be by secret ballot.
- 8.4 The counting of all votes, by ballot or otherwise (except by voice) shall be done by the Tabulation Ballot Committee.

**Rule 9: Adjournment**

Upon completion of the meeting's agenda, if no further business is indicated, the Chair shall adjourn the meeting. Adjournment may be accomplished by motion or announcement of the chair. A motion to adjourn, before or after completion of the agenda, is always in order.

**Rule 10: Minutes**

Minutes of the meeting shall be recorded by or under supervision of the secretary and be submitted for approval at a subsequent meeting. In the absence of the secretary, the chair shall appoint a special secretary of the meeting.

# **RULES OF ORDER FOR A CONVENTION ELECTING A BISHOP**

## **A. PROCEDURE**

1. These Special Rules of Order shall become effective upon their adoption by a majority of the certified delegates voting in each order.
2. All General Rules of Order as adopted by prior conventions are hereby adopted and shall be followed except as otherwise herein provided by these Special Rules of Order. In the event that any other business, other than the electing process shall be under consideration then the General Rules of Order shall be followed.
3. These Special Rules of Order may be amended or suspended after their adoption by the Convention by a two-thirds majority of the certified delegates voting in each order by secret ballot. If the balloting has commenced for the election of a Bishop then no Special Rule of Rules of Order may be amended or suspended without the unanimous consent of the delegates in attendance.
4. These Special Rules of Order shall be continuing for any future election of a Bishop, Bishop Coadjutor or Suffragan Bishop except that at the commencement of any future electing convention they may be amended or modified by a simple majority of the certified delegates voting by secret ballot in each order.
5. When any voting is done by orders, other than by secret ballot the laity shall vote first, and then the clergy.
6. All forms, ballots and other written instruments as required under these Special Rules of Order shall have been previously approved by the Chancellor as to form.

## **B. CERTIFICATION OF DELEGATES AND ALTERNATES:**

No delegate or alternate can be registered as such unless his name shall have been previously certified on the proper diocesan forms from the congregation or group that the delegate or alternate represents in compliance with Canon 2-2-3 and 2-2-5. If an emergency appointment is required it must be done in accordance with Canon 2-2-4 and 2-2-5. Thereafter when a delegate is so certified the Committee on Credentials is authorized to issue such delegate or alternate the proper card. For the purpose of specificity, clerical delegates, lay delegates, and alternates will be issued different colored cards. No alternate can be in the voting area, unless permitted by the Chair, while balloting is under way. Likewise no alternate can vote as a delegate until the Committee on Credentials has approved the transfer of voting cards. The transfer back to the original delegate must likewise be approved. The procedure for handling the process of transfer shall be established by the Committee on Credentials and announced at the Convention.

## **C. NOMINATION PROCESS:**

1. Any delegate may nominate any priest or bishop qualifying under General Convention and Diocesan Constitutions and Canons. No delegate may make more than one nomination. Three minutes shall be allowed to a delegate nominating for the presentation of the nomination.
2. All persons nominated must submit their responses to the questionnaire submitted to them and execute an approved consent form. The date for returning the questionnaire and consent form shall be set by the Diocesan Council.
3. The Diocesan Council and the Standing Committee may, at their option, act as a nominating committee, and submit nominations to the floor in such capacity and shall have three minutes to present each nomination.
4. After all nominations shall have been made, the Chair shall declare the nominations closed, announce the names of the nominees and thereafter no further nominations shall be accepted. All nominations which shall have been made from the floor, other than those submitted by the Diocesan Council and Standing Committee, shall be submitted to the Diocesan Council and Standing Committee to determine if such nominee, is, under Canon and by reputation qualified to so serve. In the event that they should determine that such nominee is not qualified to serve this shall be reported to the

convention and the convention shall then decide by majority vote in each order whether to retain the person nominated on the ballot. Such vote shall be by secret ballot.

#### **D. BALLOTS AND COUNTING**

1. The Committee on Credentials shall print all ballots. The sequence of the names shall be decided by lot for each separate ballot.
2. There shall be separate ballot boxes provided for each order, and the ballots for each order shall be printed on different colored paper.
3. After balloting has commenced, no motions, points of order and the like shall be made from the floor. All such inquiries shall be made privately to the parliamentarian.
4. After sufficient time has been allowed to the delegates for marking their ballots the delegate shall go to the proper ballot box for that delegate's order, display his credential card to the member of the credential's committee and hand over the ballot which that the credential committee member shall place in the box. The chair may determine, in order to avoid confusion, that after a member has voted the member should leave the chamber until all ballots for that vote have been cast.
5. At the counting of the first through the third ballot, inclusive, the name of any nominee who fails to receive at least two votes in each order shall be dropped off all succeeding ballots. At the counting of the fourth ballot and all subsequent ballots the name of any nominee who fails to receive at least four votes in each order shall be dropped off all succeeding ballots.
6. In the event that the total number of ballots cast in either order shall exceed the number of certified delegates in that order, the ballot shall not be announced, and the order in which the excessive ballot or ballots shall have been cast, shall ballot again.
7. Any nominee is permitted to withdraw prior to the commencement of the printing of the next ballot. Said nominee or his authorized representative may withdraw by notifying the Chair on the form provided for the same. In the event that the nominee is not going to be present, he may designate, in writing a representative who shall have full authority to withdraw the name of the nominee.
8. A nominee who shall receive two-thirds vote of the certified delegates voting in each order shall be declared by the Chair as elected.

#### **E. DECORUM**

1. The floor shall be restricted to those holding delegate credentials by the Credentials Committee. Prior to the commencement of the voting on each ballot the Chair shall assure itself that only delegates are on the floor except for those which the Chair shall have otherwise permitted. The ballots shall thereafter be distributed.
2. No nominee, if a delegate, may be a member of the Committees on Credentials, Dispatch of Business, involved with the collection or counting of ballots, speak to the convention as to the nominee's candidacy, or withdrawal from the same, or announce to the convention assembled after withdrawal, support of any other nominee.
3. It shall be deemed inappropriate for presentations on the floor by any delegate beyond the nomination process.