

**CONSTITUTION, CANONS, AND RULES OF ORDER  
OF THE DIOCESE OF NORTH CAROLINA**

*As of Adjournment of the 203rd Annual Convention, November 16, 2018*

**CONSTITUTION OF THE DIOCESE OF NORTH CAROLINA**

**Article I**

The Church in the Diocese of North Carolina accedes to and adopts the Constitution of the Protestant Episcopal Church in the United States of America, as set forth in General Convention thereof, and acknowledges its authority accordingly.

**Article II**

**Section 1.** There shall be an annual Convention of the Church in this Diocese at such time and place as may be determined by the next preceding Convention, or in the event of no such determination, then at such time and place as may be fixed by the Ecclesiastical Authority and the Standing Committee.

**Section 2.** The time and place of the annual Convention may be changed, or Special Conventions called, by the Ecclesiastical Authority of the Diocese, subject to such canonical provisions as may hereafter be made.

**Section 3.** Written notice of a Special Convention shall be given by the Secretary to every member of the clergy who is eligible for a seat and vote in the Convention and to the senior warden of every parish and every mission therein at least 60 days before the date thereof. This notice shall specify the purpose for which the Special Convention is called, and no other business shall be in order except by unanimous consent of the delegates.

**Article III**

**Section 1.** The Convention shall be composed of the two orders, clerical and lay.

**Section 2.** The Bishop of the Diocese, or in the Bishop's absence, the Bishop Coadjutor, or any bishop in charge, as representing the Ecclesiastical Authority, shall, in the order named above, if present, preside at all meetings of the Convention and shall appoint all committees unless it be otherwise ordered.

**Section 3.** The members of the Clergy Order of the Convention include (i) every active and resigned bishop of this Diocese whose principal residence is located therein, (ii) every member of the clergy of the Church who is canonically resident in the Diocese and whose principal residence is located therein, and (iii) every other member of the clergy of the Church, or member of the clergy of a church in full communion with The Episcopal Church, who is regularly serving a parish or mission in union with the Convention, or another ministry within the diocese recognized by the Ecclesiastical Authority. All members of the Clergy Order are entitled to seat and voice in the Convention. The restriction of residence as above required shall not apply to professors, tutors, or students in any recognized theological seminary of this Church, or college maintained and governed in part by the Diocese, or to any officers or members of the staff of the

Executive Council, or to chaplains in the Armed Forces of the United States, or to members of the clergy in charge of congregations of this Diocese.

Except as otherwise provided in Article IX, Section 7, every member of the Clergy Order who is regularly serving the diocese, a parish or mission in union with the Convention, or another ministry within the diocese recognized by the Ecclesiastical Authority is entitled to vote. *[Amended by Act 2007-2; Amended by Act 2010-1; Amended by Act 2018-1]*

**Section 4.** Except as otherwise provided in Article IX, Section 7, each parish and mission in union with the Convention shall be entitled to be represented at its sessions by lay delegates whose number shall be determined in proportion to the number of enrolled adults who are communicants in good standing of the parish or mission as specified by canon.

These delegates shall be elected by the vestry from among the enrolled confirmed adults who are communicants in good standing of the parish or mission.

The delegates shall be chosen in a manner provided by canon to assure that approximately one-third of the entire lay membership of the Convention is subject to election each year. The initial terms of delegates elected by virtue of this article shall be determined by the Secretary of the Convention in accordance with canon. Subject to changes in representation required by changes in the numbers of enrolled adults who are communicants in good standing of parishes and missions, and upon the expiration of each term thereafter, each vestry shall elect for a term of three years a successor for each lay delegate whose term has expired.

Each vestry shall be entitled to elect, for one-year terms, a number of alternate delegates, subject to the same qualifications, equal to the delegates elected, who shall be authorized, in the order of their election, to fill any vacancy that may occur in the delegation originally chosen. *[Amended by Act 2007-3; Amended by Act 2010-1]*

**Section 5.** When a mission desires to be admitted into union with the Convention, it shall follow the same procedure, so far as applicable, as that prescribed for the admission of a parish.

**Section 6.** No person, clerical or lay, under ecclesiastical censure publicly declared by a competent tribunal, shall be admissible to a seat in the Convention. No person shall be allowed to represent more than one parish or mission in the same Convention.

**Section 7.** If any parish or mission shall neglect or decline to appoint delegates, or if any of those appointed shall neglect or be prevented from attending, such parish or mission shall nevertheless be bound by the acts of the Convention.

**Section 8.** The Convention may admit into Union with the Convention a worshipping community associated with a campus ministry established by the Diocesan Council and recognized by the Ecclesiastical Authority. Each such community shall be entitled to elect one lay delegate to be chosen for a term of one year in a manner prescribed by Canon. The lay delegate shall be elected from among the members of the community who are enrolled, confirmed, adult communicants in good standing of a parish or mission of The Episcopal Church. A lay delegate so chosen is not eligible for election as a delegate from any parish or mission in Union with the Convention. *[Added by Act 2011-3]*

**Section 9.** The Convention may by canon make provision for the selection of not more than seven lay delegates to represent the youth of the Diocese. Such delegates shall be enrolled

confirmed communicants in good standing of a parish or mission of this Diocese who are between the ages of sixteen and eighteen as of the convening of the Annual Convention for which chosen and who have not matriculated at an institution of higher learning. *[Added by Act 2016-1]*

#### **Article IV**

*[Amended on Second Reading in 2000]*

**Section 1.** The Convention shall be the sole judge of the election of its own members. It shall have power to adopt rules of order for its own government, elect officers and raise funds, and shall also have such other legislative powers as may be necessary and proper for the well-being of the Diocese.

**Section 2.** The Convention shall have no power to pass any canon infringing the Episcopal Authority, or affecting the spiritual condition of the Diocese, against the express dissent of the Bishop stated at that or the ensuing annual Convention. This shall not prevent the Convention from offering independently of the Bishop resolutions of advice or inquiry.

#### **Article V**

*[Amended on second reading in 2009]*

To constitute a quorum for the transaction of business, the presence of a majority of all the clergy entitled to vote, and of a majority of all the lay delegates authorized to be chosen as provided by canon, shall be necessary. Any lesser number shall be competent to receive reports and to recess or adjourn.

#### **Article VI**

**Section 1.** Upon any question before the Convention, on the request of any clerical or lay delegate sustained by ten other delegates present and voting, the two orders shall vote separately. In all cases of a vote by orders each clerical member shall be entitled to one vote, and each lay delegate shall be entitled to one vote, and a concurrence of majorities of both orders shall be necessary to a decision. When no such division is called for, each member shall be entitled to one vote.

**Section 2.** All elections shall be by ballot, unless otherwise unanimously ordered.

#### **Article VII**

**Section 1.** Upon nomination by the Ecclesiastical Authority, the Convention shall annually elect a Secretary, who shall hold office until the next annual Convention, or until a successor is elected and qualified.

**Section 2.** Should a vacancy occur in the office of Secretary, by death or otherwise, the unexpired term shall be filled by appointment by the Ecclesiastical Authority.

**Section 3.** The Secretary shall perform the duties prescribed by canon, and such other services as may be required by the Ecclesiastical Authority.

**Section 4.** Upon nomination by the Ecclesiastical Authority, the Convention shall annually elect a Treasurer of the Diocese, who shall have such powers and perform such duties as may be prescribed by canon or required by the Ecclesiastical Authority.

**Section 5.** The Secretary and the Treasurer shall be eligible to hold other offices in the Diocese either by election or appointment.

### **Article VIII**

*[Amended on Second Reading in 2000 and 2008]*

**Section 1.** The Standing Committee or Council of Advice to the Bishop, shall consist of five clergy of the Diocese and four members of the laity who are enrolled confirmed adult communicants in good standing. The term of office shall be for three years, with three members being elected at each annual Convention. Any member of the Committee whose immediately prior service has been for less than three continuous years shall be eligible for re-election to a full three-year term; otherwise, no elected member shall be eligible for re-election until one year shall have elapsed following the expiration of the term of office. *[Amended by Act 2008-1]*

**Section 2.** The Committee shall have power to fill any vacancy that may occur in its own body between the annual meetings of the Convention in accordance with the applicable canon. *[Amended by Act 2008-1]*

**Section 3.** When there is no Bishop, the Standing Committee shall be the Ecclesiastical Authority of the Diocese, and as such may invite the temporary services of other bishops, and, for due cause, may change the time or place of the annual meetings of the Convention. It may also summon Special Conventions when there is no Bishop, and shall do so upon the call of one-third of the clergy of the Diocese, or of one-third of the parishes in union with the Convention, as appearing upon the lists of the Journal last before published. And although there be a Bishop, the Standing Committee shall have power to call Special Conventions for the purpose of considering and dealing properly with threatened or existing disciplinary proceedings against a Bishop, and shall do so upon a similar requisition by the clergy or laity.

### **Article IX**

*[Amended on Second Reading in 2006]*

**Section 1.** Any 100 or more confirmed adult communicants in good standing of the Protestant Episcopal Church in the United States may organize themselves into a parish, and be received into union with the Convention, by taking such steps as may be provided for by canon. And the Ecclesiastical Authority of the Diocese may organize a mission in such manner as shall be provided by canon, in any part of the Diocese not included within the neighborhood of a parish in union with the Convention.

**Section 2.** It shall always be competent for the Ecclesiastical Authority of the Diocese, with the written consent of the rector of any parish, a copy of which shall be filed with the Secretary of the Convention, to organize a mission within the neighborhood of said parish. The ministers of such a mission shall be independent of the rector and responsible only to the Ecclesiastical Authority. If the consent of the rector be denied, an appeal may be taken to the Bishop, whose decision, if with the advice and consent of the Standing Committee, shall be final.

**Section 3.** In all parochial and mission elections only those shall be entitled to vote who are enrolled confirmed adult communicants in good standing, and who thereby consent to be governed by the Constitution and Canons of this Church as are or may be adopted by the General Convention, and the Convention of the Diocese pursuant thereto.

**Section 4.** Any parish or mission ceasing to be represented in the Convention for two successive years, or any parish or mission resisting the authority of the Convention or the Ecclesiastical Authority, may be suspended from the right of representation, or its connection with the Convention be dissolved, by a vote of a majority of all the clergy present and entitled to vote, and a majority of lay delegates present and entitled to vote. For purposes of this section, the authority of both the Convention and the Ecclesiastical Authority is as defined by the Constitution and Canons of the Episcopal Church in the United States of America and by the Constitution and Canons of the Episcopal Diocese of North Carolina. No such suspension or dissolution shall take place without previous inquiry by the Standing Committee or a committee appointed by the Standing Committee for the purpose, and a report to the Convention upon the facts of the case; nor until 30 days' notice to the rector or vestry of the parish or the vicar or vestry of the mission, or in the case there be none then to a member of the parish or mission in default. *[Amended by Act 2007-4.]*

**Section 5.** Any parish which receives aid from the mission funds of the Diocese and does not, for two consecutive years, pay its proportion of the salary of the minister serving it, shall be deprived of the right to vote in the Convention until such arrears be paid or remitted by the Convention.

**Section 6.** Any parish or mission which shall fail to observe and comply with the conditions and requirements of Title I, Canon 8, of the General Convention relative to the Church Pension Fund, shall be deprived of the right to vote in the Convention until its obligation is fully discharged.

**Section 7.** Each parish and mission shall give in support of the Mission and Ministry Budget of the Diocese an amount equal to a tithe (10%) of its total operating income for the preceding year, or such greater percentage, not to exceed fourteen percent (14%), as may have been established by the Convention. The Diocesan Council may reduce the amount required of any parish or mission for good cause shown. The clergy and lay delegates of any parish or mission which fails to comply with this obligation shall be deprived of the right to vote in the Convention and the parish or mission shall be subject to such other sanctions as may be imposed by canon until the obligation has been fully discharged. *[Amended by Act 2010-1]*

**Section 8.** All real and personal property held by or for the benefit of any parish, mission, or congregation is held in trust for the Protestant Episcopal Church in the United States of America and the Diocese of North Carolina. The existence of this trust, however, in no way limits the power and authority of the parish, mission, or congregation otherwise existing over such property so long as the particular parish, mission, or congregation remains part of, and subject to, the Protestant Episcopal Church in the United States of America and its Constitution and Canons.

### **Article X**

**Section 1.** Any presbyter regularly called to the charge of a parish and entering thereupon, shall during the time of such charge, be held to be the rector of said parish.

**Section 2.** Rectors are recognized as having, by virtue of their office, the exclusive regulation, under their canonical superiors, of all the spiritual concerns of the parishes they serve; as being entitled at all times to have access to the church building, and to open the same for the services or instruction of this Church, as they may deem proper; to call meetings of the vestry or congregation; when present, to preside in the same, and, in case of a tie, to cast the deciding vote.

### **Article XI**

The Convention shall pass canons for the trial of members of the clergy.

### **Article XII**

*[Amended on second reading in 2009]*

When a Bishop is to be elected the Convention shall vote by written ballot and separately by orders; and a concurrence on the same ballot of a majority of all the clergy entitled to vote in the Convention, whether present or not, and of a majority of all lay delegates authorized to be chosen as provided by canon, whether present or not, shall be necessary to an election.

### **Article XIII**

No new canon, or change in an existing canon, shall be considered or adopted, without first having been submitted to and reported on to the Convention by its Commission on Constitution and Canons. Nor shall the same be adopted on the day on which proposed, except by a two-thirds vote of those entitled to vote at that Convention.

### **Article XIV**

This constitution may be altered or amended only upon:

(a) The concurrence of a majority of both orders who are present and entitled to vote at the annual Convention at which the alteration or amendment is proposed, voting separately by orders; and

(b) The adoption of the proposed alteration or amendment at the next ensuing annual Convention by the concurrence of a majority of both orders who are present and entitled to vote, voting separately by orders. At this Convention the consideration of a proposed amendment may be postponed to the next annual Convention by a vote of two-thirds of both orders present and entitled to vote, not voting by orders unless required under the provision of Article VI.

### **Article XV**

*[Amended on Second Reading in 1991]*

All constitutional and canonical enactments shall take effect from and after the adjournment of the Convention at which they shall have been ratified or adopted.

*Certified by Charles L. Till, Secretary of the Convention  
November 27, 2018*