

Procedures for Celebrating a Provincial Chapter¹

PART ONE

GENERAL NORMS

1. Procedural Norms

- 1.1 These *Procedures* contain the norms that govern all Provincial Chapters of the Province of St. Joseph of the Capuchin Order (*aka* the Calvary Province).² To be implemented and have legal binding force, all such norms require the approbation of a Provincial Chapter.
- 1.2 Once approved by a Provincial Chapter, the *Procedures* remain in full force.³ All changes to these norms – whether permanent or temporary – require the approbation of a Provincial Chapter, unless otherwise determined in law.⁴
- 1.3 If the Province desires to change these *Procedures*, in whole or in part, it may do so by means of an extra-capitular referendum called by the Provincial Minister with the consent of his Council. The change comes into force if at least 75% of the perpetually professed brothers with active voice participate in the referendum, and two-thirds of the votes are in favor of the change. The results of the referendum are binding and take legal effect immediately. The changes are to be written into the *Procedures*.⁵

¹Also known as the *Ordo Capituli provincialis celebrandi*. The text was last revised on October 22, 2008.

²The civil corporation is officially designated. “The Province of St. Joseph of the Capuchin Order, Inc.,” while the official Capuchin curial designation is *Provincia Calvariensis*.

³Non-compliance with the approved *Procedures* can affect the validity of certain capitular acts, such as elections.

⁴For example, our proper law permits the use of an extra-capitular referendum to determine whether or not to change from celebrating Delegate Chapters to celebrating Direct Suffrage Chapters (Const. 125, 2) and vice-versa (Ordinance 8/16) [see *Analecta Ordinis Fratrum Minorum Capuccinorum* (henceforth *AOFMCap*)116 (2000) 991]. Also see 4.1 and 4.2 below.

⁵This formula for an extra-capitular referendum mirrors the formula given in Const. 125,2 and Ordinance 8/16 in reference to changing from a Chapter of Direct Suffrage to a Chapter of Delegates. The referendum is not merely advisory (i.e., consultative) but deliberative (i.e., binding), and the result of the vote must be implemented immediately. It should be noted, however, that not every norm contained in the *Procedures* is subject to change by the Province, e.g., since the Constitutions give the right of active voice at our Chapters to the General Minister (if he presides) and to the Provincial Minister and Councilors, the Province or Chapter lacks the authority to decide otherwise. A list of ineligible brothers is found at 8, below.

- 1.4 Changes to Canon Law, the Constitutions or Ordinances of the Order,⁶ or individual enactments of Provincial Chapters may automatically alter certain procedural norms. When a canonical determination is made that such changes supercede the existing *Procedures*, the text of the *Procedures* should be amended to reflect the change and the Province should be informed of the change. No further action by a Provincial Chapter is required.⁷
- 1.5 References, footnotes and parenthetical remarks are not to be considered part of the *Procedures* proper.⁸

2. The Provincial Chapter and its Convocation

- 2.1 The primary provincial authority is the Provincial Chapter (see Const. 124, 1).⁹

⁶The most current and definitive edition of the Constitutions and Ordinances of the Order, approved by the General Chapter of 2000, is contained in the book, *Costituzioni dei Frati Minori Cappuccini e Ordinazioni dei Capitoli Generali* (con la Regola e Testamento di S. Francesco), published by the Italian Conference of Capuchin Provincial Ministers [CIMPCap], Roma, 2002.

⁷The operative phrase is “*canonical* determination.” Apart from instances otherwise determined in law, the only changes to the *Procedures* that may be made without the explicit approval of a Provincial Chapter are those which are legally required, and only to the extent that a strict interpretation of the law demands. One ought not to assume that changes in canon law or other sources automatically require a change in the *Procedures*. The opinion of canonical experts should be sought, and if necessary, a clarification asked from the Capuchin General Procura.

⁸Although these may be helpful, they do not belong to the substance of the *Procedures* and have no binding force. The approved norms remain intact despite changes in law or in fact that effect the accuracy of the references, footnotes or parenthetical remarks. Nonetheless, these references should be kept up-to-date so that the sources of the *ius vigens* [i.e., the prevailing law], the current legal interpretation and opinion, and the actual practice of the Roman Curial Congregations and that of the Capuchin General Curia may be immediately identifiable.

⁹The so-called *Chapter of Mats* is distinguishable from an Ordinary or Extraordinary Provincial Chapter. Strictly speaking, a Chapter of Mats is *not* a Provincial Chapter, but rather, it is a provincial or even inter-provincial gathering of the brothers to provide for a common fraternal experience, dialogue and discernment. As such, a Chapter of Mats is not bound by the procedural norms governing Chapters. Similarly, directives decided upon and decisions made at a Chapter of Mats do not enjoy the same binding force as those of a Chapter. The same can be said of Provincial Assemblies. A Provincial Chapter, on the other hand, is the *primary* provincial authority, and as such, decisions made by a Provincial Chapter are only alterable by a subsequent Provincial Chapter. The statement, “the Chapter is the primary provincial authority” signifies not only that a Chapter is an exercise in collegial governance and as such may legislate, more importantly it signifies that the Chapter’s authority stands above all over authority exercised in the course of provincial administration. The authority of the Provincial Minister and his Council does not supercede the authority or the decisions made by previous Provincial Chapters. For example, the *Procedures* approved by a Chapter may not validly be changed by a provincial administration, a Chapter Preparatory

- 2.2 A Provincial Chapter may be either Ordinary or Extraordinary.
- 2.3 An Ordinary Provincial Chapter is announced and convoked every three years by the Provincial Minister with the permission of the General Minister and his Definitory. The faculty of permitting the celebration of a Chapter, for a just cause, six months before or after a three-year term belongs to the General Minister with the consent of his Definitory (Const. 124, 2).
- 2.4 The Chapter must be allowed sufficient time to accomplish its work. This is especially critical when a Chapter is both a Chapter of Elections and a Chapter of Affairs. Ideally, the length or duration of the Ordinary Chapter would not be determined until after the brothers have been consulted with regard to potential agenda items. At times, however, the venue for the next Chapter may have to be arranged before agenda items are surfaced. Since the duration of the Chapter is contingent upon the availability of the venue, those making the arrangements should presume that the Chapter will last four and one-half days (e.g., Monday morning to Friday lunch), with arrival expected on the evening prior to the start of Chapter (see 5.1).¹⁰
- 2.5 An Extraordinary Provincial Chapter, convoked by the Provincial Minister with the consent of his Council,¹¹ may be held in which the principal matters concerning the life and activity of the Province are discussed (see Const. 124, 3).
- 2.6 The Convocation of a Provincial Chapter is carried out lawfully through a Circular Letter

Commission, or lesser levels of authority.

¹⁰This norm effectively pertains only to planning. Because many brothers need to schedule events well in advance, and because venues with sufficient space, especially for a Chapter of universal suffrage, must be secured as soon as possible—even before the brothers can be consulted about the number and nature of potential agenda items—it is necessary to insure that the Chapter have sufficient time to deal adequately with both elections and affairs. The current norm makes explicit, but does not legislate, the expected duration of Ordinary Chapters whose agendas include both elections and affairs. That the Chapter have sufficient time to address the issues has a higher priority than the availability of a particular venue. The norm is silent with regard to Extraordinary Chapters and Chapters that deal solely with elections or solely with affairs. The Chapter itself always retains the right to adjourn whenever it deems appropriate.

¹¹Beginning in 1968, repeated attempts have been made at our General Chapters to replace the terms “Definitory” and “Definitor” with “Council” and “Councilor” respectively. With a vote of 80 *for* and 85 *against*, the General Chapter of 2000 once again retained the use of the traditional terminology when referring to Offices held at the general and provincial levels (see *Atti del 82° Capitolo Generale dell’Ordine dei Frati Minori Cappuccini*, edited by Felice Cangelosi. Roma, Curia generale, 2001, 644). Nonetheless, it is the longstanding usage in our Province to refer to the Provincial Definitory as the Provincial Council. This document reflects our provincial usage.

signed by the Provincial Minister and published to the Province.¹²

PART TWO

THE CHAPTER BODY

3. Direct Suffrage

- 3.1 In 1983, the Province of St. Joseph adopted Direct Suffrage as the norm for its Provincial Chapters.¹³
- 3.2 By virtue of Direct Suffrage, the following enjoy active voice in all Ordinary and Extraordinary Provincial Chapters (Const. 125, 1):
 - 3.2.1 the General Minister (if he presides),
 - 3.2.2 the Provincial Minister and Provincial Councilors,
 - 3.2.3 all perpetually professed brothers belonging juridically to the Province of St. Joseph, unless otherwise impeded (see Const. 113, 5),¹⁴ and
 - 3.2.4 by reason of our Constitutions (113, 5) and Ordinances (8/2.2),¹⁵ all perpetually professed brothers of other jurisdictions who, having received a letter of obedience, reside within

¹²The Letter of Convocation must be in writing and include the dates and place of the Chapter; it must be dated and signed by the Provincial Minister, and it should bear the seal of the Province. The letter becomes part of the Acts, i.e., the official minutes, of the Chapter, and is to be archived with the rest of the official minutes. The publication of the letter may take place in one or more of a variety of ways, e.g., printed and mailed, e-mailed, etc. However it is accomplished, every reasonable effort must be made to ensure that every capitular is informed in a timely fashion as soon as the Letter of Convocation has been issued.

¹³By an extra-capitular referendum, with 69.6% of the Province voting in favor and a two-thirds majority needed for adoption, Direct Suffrage became the norm for our Provincial Chapters (see *The Messenger*, Vol. 46 [1983], 107).

¹⁴This document always uses the term “brother” without distinction in reference to the members of the Capuchin Order, this based on our Constitutions (84, 3): “By reason of the same vocation the brothers are equal. For this reason, according to the Rule, the Testament, and the earliest customs of the Capuchins, we refer to ourselves as ‘brothers,’ without distinction.” **Impediments include: those perpetually professed brothers who belong juridically to St. Joseph Province but who exercise their voting rights in another Capuchin jurisdiction (e.g., those who have completed one year of service in the General Vice Province of Arabia). See also the list of those who are either *ipso facto* or *ipso iure* deprived of active voice (see 8.1, 8.2 and 8.3 below).**

¹⁵See *Costituzioni*, 325; see also *AOFM Cap* 116 (2000) 293.

our provincial territory and are assigned to a local fraternity, for the purpose of rendering service or ministering in our Province, after a 1-year period of service.¹⁶

4. Chapter of Delegates

- 4.1 If the Province were to desire to return to a Chapter of Delegates, it may do so by means of an extra-capitular referendum called by the Provincial Minister with the consent of his Council. The change comes into force if at least 75% of the perpetually professed brothers of the Province who enjoy active voice participate in the referendum, and two-thirds of the votes are in favor of a return to a Delegate Chapter (see Const. 125, 2 and Ordinance 8/16).¹⁷
- 4.2 If the Province returns to a Chapter of Delegates, the *Procedures for Celebrating a Provincial Chapter* are to be revised without requiring any other formality (see Const. 12, 2 and Ordinance 8/16).
- 4.3 With a return to a Chapter of Delegates, the following norms replace what is stated above (at 3.1 and 3.2), unless a Provincial Chapter determines otherwise.
- 4.4 In virtue of their Office, the following brothers enjoy active voice in all Ordinary and Extraordinary Provincial Chapters:
- 4.4.1 the General Minister, if he presides,
- 4.4.2 the Provincial Minister and Provincial Councilors, and
- 4.4.3 the Local Ministers (i.e., Guardians)¹⁸ of all properly constituted provincial communities

¹⁶By decree of the General Minister dated May 1, 2001 [Prot. 00246/01], the letter of obedience is to be issued by the brother's own Major Superior if the service is to be rendered for up to a 3-year period, and by the General Minister if beyond. All such brothers exercise their voting rights in their home circumscription for the first year, after which they are exercised in our Province. Brothers who are sent to the Province for reasons other than ministry or service (e.g., studies, reasons of health, sabbatical, or as part of an interprovincial formation program), exercise their voting rights in their home jurisdiction (see *AOFM*Cap 117 [2001] 82-84).

¹⁷The results of the referendum are binding (i.e., deliberative) and must be implemented immediately.

¹⁸The basis of the capitular-by-law status (4.4) is that of Office because Office enjoys a certain stability. In our Order the basic unit of the Order is the Province, which is "a network of local fraternities" (see Acts of the General Chapter of 2000, "Report of the General Minister" in *AOFM*Cap 116 [2000] 309, at 13.2). The Office of Local Minister is linked to the notion of "local fraternity." "Local fraternity" is defined by our Constitutions (110, 5) as consisting of a minimum of three professed brothers. That "local fraternity" also indicates "living under the same roof" is reflected in Canon Law (see c. 608), our

consisting of at least three professed brothers.¹⁹

- 4.5 If a Local Minister is impeded or excused from attending Chapter, or if the Office of Local Minister is vacant, the Local Vicar substitutes for him *ex officio*.²⁰
- 4.6 Since the number of Delegates and the manner of electing them is for the Provincial Chapter to determine (see Const. 126, 3), these *Procedures* establish that the number of elected Delegates shall be equal to the number of capitulars-by-law (see 4.4).²¹

Constitutions (110, 5); and in our Ordinances (8/18). This has implications for “regional fraternities” (see the Acts of the General Chapter of 2000, “Report of the General Minister” in *AOFM Cap* 116 [2000] 309, at 13.2: “...regional fraternities do not define the fraternal charism of our Order nor can they take the place of, or be enumerated among, properly constituted local fraternities of the Order.”). In a similar vein, a community comprised of two “live-in” brothers and one “attached” brother does not fulfill the Constitutional requirements for a local fraternity. Likewise, a provincial community with only two professed brothers in residence [e.g., a postulancy or candidacy community], even though the respective brothers may have been given analogous titles of Local Minister and Local Vicar, does not fulfill the Constitutional requirements for a local fraternity. This does not close the door to including other categories among the capitulars-by-law, but it does mean that they may not be included under the title of Local Minister. Similarly, a community established by a provincial administration without Chapter consent or the consent of the General Minister and his Definitory does not fulfill the Constitutional requirements for a local fraternity, no matter how many brothers live there (see Const. 112, 1).

¹⁹The Province, in its *Procedures*, may establish other brothers as capitulars-by-law (see CIC, c 632 and Const. 125, 1). One sensitive area concerns the brothers working in Chepo, Panama, as well as those serving in the Persian Gulf. By the current norms, both groups would be eligible to be elected as Delegates to the Chapter. No separate provision is made for either group. Why? In the past, the brothers serving in Bluefields and Estelí were given an official voice at the Provincial Chapter either by way of Office or by way of election (see *Messenger*, 38 [1975], p. 221). The current norms make no such provision for the brothers in Panama because, in 1992 at our Pastoral Planning Assembly, the Province adopted a resolution whereby it agreed to relinquish juridical responsibility for the Chepo “mission” in the year 2006. With regard to those serving in the Persian Gulf, brothers have been there long before the Province adopted Direct Suffrage, and yet no distinct provision was ever made for them. Regional fraternities may be less of an issue now than it was in 1978, for instance, when 10 brothers were members of Capuchin East and six brothers were members of Capuchin West. Additionally, the Constitutions requires certain formalities for a community to be considered a “legitimately established” house with canonical rights (see footnote 54, below).

²⁰It is important to note that these brothers are capitulars in virtue of the Office they hold. If no one holds the Office of Local Minister (i.e., Guardian), then the *ex officio* right falls to the brother who holds the Office of Local Vicar. If no one holds either Office (Local Minister or Local Vicar), the local fraternity forfeits its opportunity to send an *ex officio* capitular. Similarly, if no one holds the Office of Local Vicar and the Local Minister is impeded from attending the Chapter, no other brother may be designated as his substitute.

²¹This re-establishes the norm formerly in use by the Province (see *Messenger*, 38 [1975], p. 221).

- 4.7 Delegates to the Provincial Chapter shall be elected in the following manner:²²
- 4.7.1 After the Letter of Convocation has been published, the Provincial Minister shall determine and publish the number of capitulars-by-law. A list shall be composed of all the perpetually professed brothers who are eligible to be elected as Delegates. The brothers are to be listed according to seniority by First Profession and divided into four equal groups.²³
- 4.7.2 Meanwhile, the Provincial Minister shall appoint three perpetually professed brothers as scrutineers for the process of electing Delegates. At the same time, the Provincial Minister shall establish and publish a deadline for receiving the first ballot (e.g., 12 noon on June 12, 2005). The ballots and list are to be distributed to all the perpetually professed brothers of the Province who enjoy active voice.²⁴
- 4.7.3 Each brother with active voice shall vote for three (3) brothers from each of the four groups.
- 4.7.4 The three brothers from each of the four groups who receive the highest number of votes (i.e., a simple plurality) shall be elected as Chapter Delegates.
- 4.7.5 The results of each balloting shall be published, recording individually all the brothers who received five or more votes, and the number of votes each received.
- 4.7.6 A second ballot shall be sent to each elector with as many blank spaces as there remain Delegates to be elected to fill up the required number of Delegates. At the same time, a list of all the eligible brothers – excluding the names of the capitulars-by-law and the twelve (12) already elected – shall be sent to the electors. This list is not to be divided into age groups. The electors are to vote for as many brothers as there are places to be

²²The current formula for electing Delegates is based on a presumption that there will be a minimum of six (6) Local Ministers attending Chapter *ex officio*.

²³The division had previously been into three (3) groups and was changed to four (4) (see *Messenger*, 38 [1975], p. 222). With the diminishment of numbers and the potential of having brothers unable to effectively participate in Chapter, especially due to age and/or infirmity, it may become advisable to return to dividing the group into thirds. Such could be accomplished through a referendum (see 1.3). Four groups applied to our current situation would give the following (approximate) results: the first group would include those temporarily professed in 1950 or before; the second group would include those professed between 1951 and 1958; the third group would include those professed between 1959 and 1966; and the final group would include those professed in 1967 and thereafter.

²⁴See 8 (below) regarding those perpetually professed brothers who are ineligible to vote.

- filled. An absolute majority of the votes cast is required for election in this balloting.²⁵
- 4.7.7 If necessary, a third ballot shall be taken to elect the remaining number of Delegates, in which a simple plurality shall determine the election.
- 4.8 The following norms apply to the election of Delegates to the Chapter:²⁶
- 4.8.1 Ballots received after the established deadline are invalid and may not be counted.
- 4.8.2 In the case of a tie, that brother will be declared elected who is senior by date of First Profession, and if they made Profession on the same day, the one who is senior by age.
- 4.8.3 If any brother, for a serious reason, wishes to resign his passive voice in the election of Delegates, or, if elected, wishes to resign his election, he shall offer his resignation in writing to the Provincial Minister together with the reasons for his action.
- 4.8.4 If an elected Delegate is impeded from attending the Chapter for a serious reason, with the approval of the Provincial Minister, or if a Delegate dies, a substitute is to attend the Chapter in his stead. As needed, the brother(s) who received the next highest number of votes in the last ballot²⁷ shall be the substitute Delegate(s).
- 4.8.5 If a Local Minister (i.e., Guardian) is prevented from attending the Chapter, for a serious reason approved by the Provincial Minister, or if the Office of Local Minister becomes vacant, the Local Vicar attends Chapter as his substitute. In these cases, if the Local Vicar had been elected as a Delegate to the Chapter, a substitute Delegate will be chosen in his stead.

5. The Obligation to attend Chapter

- 5.1 All capitulars shall arrive at the place of the Chapter no later than the evening before the first general session or formal opening of the Chapter.²⁸ All capitulars are obliged to

²⁵Note that in the election of Delegates to a Provincial Chapter, the majority of votes required for election is based on the number of votes cast, not on the number of electors.

²⁶See *Messenger*, 38 [1975], p. 222.

²⁷The previous norms indicated that the substitutes were elected according to their ranking in the “third ballot.” Since a third ballot may not be necessary, the current norm specifies the “last ballot,” be it the second or third.

²⁸This directive is found in Article III of the Provincial Chapter procedures approved in 1970 [henceforth, *1970 Procedural Norms*] (see *Messenger*, 33 [special issue], May 1970, 73-90). Until now, the *1970 Procedural Norms* have been the prevailing norms except in those matters which subsequent Provincial

attend the Provincial Chapter in its entirety.²⁹

- 5.2 Any capitular who is prevented from attending the Chapter must request permission to be excused. The request is to be made in writing and presented in a timely manner beforehand to the Provincial Minister and his Council who have the right of knowing and judging the matter.³⁰
- 5.3 No capitular is permitted to depart before the Chapter is officially concluded unless the Chapter President, knowing and approving the reason for the departure, gives permission for an early departure.³¹
- 5.4 Any capitular who wishes to excuse himself from a plenary (general) session of the Chapter must make his reason known to the Chapter President.³²

6. Those who enjoy Active Voice³³

- 6.1 According to our Constitutions (125, 1), at both Ordinary and Extraordinary Provincial Chapters, the following enjoy active voice: the General Minister, if he presides; the brothers listed in 3.2 [for Direct Suffrage Chapters] or 4.4 [for Delegate Chapters]; any other brother to whom that right has been granted by the Order's particular law (see CIC 632), keeping always in mind the dispositions of our Constitutions (113, 5).
- 6.2 Only those brothers who are actually present at the Chapter enjoy the right to vote (Const. 125, 2) (see also 50.4, below).

Chapters have altered.

²⁹See *AOFM Cap* 110 (1994) 383; see also *Costituzioni*, 331. Ordinance 8/14: "Capitular brothers lose their active voice if, without permission, they are not present at the Chapter for its entirety, whether it be a Chapter of Delegates or a Chapter of Direct Suffrage."

³⁰A deadline for such requests should be established and published in a timely fashion. The Provincial Minister and his Council are competent to excuse any capitular from attending the Chapter prior to the Chapter's opening. However, when it comes to excusing a capitular from part of the Chapter itself (e.g., arrivals subsequent to the formal opening of the Chapter, missed plenary sessions, or early departures), competence to judge the matter belongs to the Chapter President (see 5.3 and 5.4). In these cases, it is the Chapter President who determines whether or not 8.4 of these *Procedures* (i.e., the loss of active voice) applies.

³¹This norm reflects the *Procedures for Conducting a General Chapter* (Ch. I, Art. 4).

³²This norm reflects the *Procedures for Conducting a General Chapter* (Ch. I, Art. 5).

³³"Active voice" refers to the right to cast a vote.

7. Those who enjoy Passive Voice³⁴

- 7.1 Since we are an Order of brothers, in accord with the will of St. Francis and our authentic Capuchin tradition, all perpetually professed brothers may be elected to any Office or position in the Order.³⁵
- 7.2 The Office of Superior³⁶ may be validly conferred only upon those brothers who have been perpetually professed for a minimum of three years (see Const. 115, 6).

8. The Loss of Active and/or Passive Voice

- 8.1 Brothers are *ipso iure* deprived of both active and passive voice if, before Chapter, they had presented to the Major Superior a written request for dispensation from religious life. If such a request is presented during the Chapter, the brother requesting dispensation is to be excluded from the Chapter Body.³⁷
- 8.2 Brothers are *ipso facto* deprived of both active and passive voice if, before Chapter, they had presented to the Major Superior a written request for a leave of absence or to begin the process of incardination into a Diocese or another Institute of Consecrated Life. If such a request is presented during Chapter, the brother making the request is to be excluded from the Chapter Body. Deprivation of active and passive voice remains in effect until the brother returns to active life in the Province.³⁸
- 8.3 Brothers are *ipso facto* deprived of both active and passive voice if, by the date of the Letter of Convocation, they have been absent from the Province or from their legitimate

³⁴“Passive voice” refers to the right to be elected to Office.

³⁵See Const. 115, 6. A distinction is made between an election and its subsequent confirmation. With regard to the election of lay brothers to the Offices of Provincial Minister and Provincial Vicar, the Chapter may elect *any* brother who is otherwise eligible [e.g., at least three years in perpetual vows]. Thus, straw ballots for Provincial Minister and Vicar should list all eligible candidates, i.e., all the brothers who have been perpetually professed for a minimum of three years. *All* elections – whether or not they involve lay brothers – lack effect until and unless confirmed by the proper ecclesiastical authority. Currently, the competent ecclesiastical authority for confirming the election of a lay brother to the Offices of Provincial Minister and Provincial Vicar is the Roman Congregation for Institutes of Consecrated Life and Societies of Apostolic Life. The current practice of this Roman dicastery is to deny confirmation of lay brothers elected to the Office of Provincial Minister, but to confirm their election to the Office of Provincial Vicar.

³⁶The term “Superior” includes the Provincial Minister and the Provincial Vicar (see. Const. 114, 1 and 2), but not Provincial Councilors, whose role is as advisors, not Superiors.

³⁷Ordinance 8/13 (see *AOFM*Cap 90 [1974] 348).

³⁸This is a codification of the current practice of the Province.

- assignment for a prolonged period, i.e., for a sustained period of six months, without permission from the Provincial Minister.³⁹
- 8.4 A capitular loses his active voice if, without legitimate permission, he is not present for the entire proceedings of the Chapter.⁴⁰
- 8.5 A Provincial Minister may not be elected to a third consecutive term (Const. 127, 4 and CIC 627, 1).⁴¹
- 8.6 An outgoing Provincial Minister may not be elected to the Provincial Council, i.e., he enjoys only active voice in the election of the Councilors (Const. 127, 7).
- 8.7 *Per se* the Provincial Vicar and Provincial Councilors are not subject to term limits. However, at any Chapter no more than half of the Councilors elected at the previous Chapter may be re-elected (Const. 127, 5).

9. The Presence of Non-Capitulars⁴²

- 9.1 All postulants, novices and temporarily professed brothers of the Calvary Province, all perpetually professed brothers of the Calvary Province who exercise their voting rights in another circumscription according to the norm of law, as well as all former brothers of the Province who now belong to another circumscription currently or formerly dependent upon the Calvary Province, are *ipso facto* granted observer status at all Provincial Chapters celebrated with Direct Suffrage.⁴³

³⁹Brothers in particular circumstances may live apart from a local or provincial fraternity with the “blessing of obedience” (see Const. 93, 1-6). Whereas 8.1 and 8.2 address the effects of legitimate absences, 8.3 addresses the effects of illegitimate [unlawful] absences, which include not only being absent from the Province without permission, but also the refusal of a legitimate transfer to another local fraternity. The 6-month period is based on Canon 696 §1 which determines six months as the criterion for a sufficiently “prolonged period of illegal absence” at which point the Major Superior may commence legal proceedings to dismiss the brother from the Order.

⁴⁰Ordinance 8/14 (see *AOFM Cap* 110 [1994] 383).

⁴¹An appointment to Office does not count in the calculation. It should also be remembered that, although the Minister may not be *elected* for a third consecutive term, Postulation is permitted in our Order, the norms of which are governed by the Ordinances (8/4) [see *AOFM Cap* 116 (2000) 992]. Also see 64, below regarding Postulation.

⁴²Non-capitulars include the brothers in initial formation of our Province, brothers of other Capuchin jurisdictions, as well as individuals who are not Capuchins.

⁴³This norm only applies to Chapter of Direct Suffrage. It codifies the current practice which allows those in initial formation, missionaries and Calvary-raised brothers of the General Vice Province of

- 9.2 Non-capitulars legitimately elected or appointed to a Chapter Office or role of service the exercise of which requires their full- or part-time presence during Chapter deliberations, e.g., the Parliamentarian, Moderator, secretaries, speakers, liturgical personnel, etc., are to be admitted to the Chapter Hall whenever the exercise of their role requires their presence, and may address the Chapter Body in the exercise of their role, or when given permission to do so by the Chapter Body.⁴⁴
- 9.3 The Chapter Body itself decides whether, and to what extent, other non-capitulars – including those who exercise roles of service which do not require their full-time presence in the Chapter Hall – may be admitted and given permission to address the Chapter Body.⁴⁵
- 9.4 The Chapter Hall itself shall be arranged in such a way that clearly delineates and separates capitulars from non-capitulars.⁴⁶

PART THREE

THE PREPARATORY PROCESS

10. Collaboration of the entire Province

Without regard to the type of Chapter being celebrated (Ordinary or Extraordinary, Delegate or Direct Suffrage), the preparatory phase of a Provincial Chapter requires the active participation and fraternal collaboration of all the members of the Province.

11. The Preparatory Commission (*aka* Pre-Chapter Steering Committee)

Nicaragua–Costa Rica–Panama to be present as observers during Chapter deliberations. The principle applies to all parallel situations.

⁴⁴For non-capitulars – apart from those mentioned in 9.1 –, the right to be present during the Chapter deliberations and to address the Chapter body is directly linked to and limited to the strict exercise of each one’s proper role. The presumption is that, once legitimately elected or appointed, they will remain in the Chapter Hall, fulfilling their functions, even during semi-closed and closed sessions, unless the Chapter explicitly decides otherwise.

⁴⁵Conversely – apart from those mentioned in 9.1 and those non-capitulars who exercise roles which require their full-time presence in the Chapter Hall –, the presence of all other non-capitulars during Chapter deliberations is subject to the approval of the Chapter Body, which permission may be denied, limited or restricted.

⁴⁶This norm reflects recent practice and formally abrogates the *1970 Procedural Norms* (Art. V, 2) which determined that non-capitulars were to be entirely excluded from electoral sessions. The reason for this seating arrangement is to facilitate the voting process, which may occur at any time during Chapter deliberations, not solely during the electoral proceedings.

- 11.1 A Preparatory Commission is formed *ad hoc*. It is to be established by the Provincial Minister and his Council, allowing sufficient time to prepare properly for the Chapter.
- 11.2 The Provincial Minister and the Provincial Councillors are *ex officio* members of the Preparatory Commission. The Provincial Minister serves *ex officio* as its President (*aka* Chairperson).⁴⁷
- 11.3 It pertains to the Provincial Minister and his Council to appoint additional members to the Preparatory Commission from among the members of the Province.
- 11.4 From among the members of the Preparatory Commission, the Provincial Minister and his Council shall appoint an Executive Secretary whose role it is to coordinate the Commission's activities.
- 11.5 At the discretion of the Preparatory Commission, other individuals may be invited and committees formed to help with the Commission's work. Such individuals need not be Capuchins.
- 11.6 The Preparatory Commission is charged with the following:
- 11.6.1 proposing agenda items to be treated at Chapter, based on the following: items pertaining to the scope of a Provincial Chapter (see 12, below), any pertinent Constitutional issues (see 13, below), requisite agenda items (see 14, below), and issues arising from a consultation with all the members of the Province with regard to agenda items, proposals for action to be taken during the following triennium, and statements for endorsement by the Chapter;
- 11.6.2 preparing the proposals for action and statements for endorsement;
- 11.6.3 recommending a method for proceeding with regard to the agenda;
- 11.6.4 developing and implementing an appropriate pre-Chapter process, if deemed advisable;
- 11.6.5 making arrangements for implementing the proposed agenda, including input by presenters, etc., even though final approval of these matters is the prerogative of the Chapter itself;

⁴⁷The provincial secretary is not an *ex officio* member of the Preparatory Commission, even though he may be present at the plenary meetings of the Preparatory Commission and may take notes as part of his role as secretary of the Provincial Council. On the other hand, nothing prevents his appointment to the Preparatory Commission.

- 11.6.6 facilitating the logistics of the Chapter by making arrangements for the venue⁴⁸, food and lodging, presenters, materials, etc.,
- 11.6.7 providing for adequate adjunct personnel to help with the duties of the Chapter, particularly in regard to the secretarial staff, and
- 11.6.8 selecting a capitular to make the formal motion to adjourn the Chapter *sine die* and informing the capitular in due time.⁴⁹
- 11.6.9 The Preparatory Commission *may* be consulted by the Provincial Minister and his Council with regard to nominations of those to be proposed to the Chapter to fill certain Offices and roles of service, namely: the Parliamentarian (15.3), the Juridical Committee (15.4), the Finance Committee (15.5), the Formation Committee (15.6), the Continuing Education Committee (15.7), the Capuchin Life Committee (15.8), the Senior Life Committee (15.9), the Capuchin Ministries Committee (15.10), the Special Events Committee (15.11), technicians (15.13), adjunct secretarial staff (15.14), the Moderator (18), the Chapter Secretarial Staff (19), the Chapter Secretary (20), the Tellers and Assistant Tellers (21).
- 11.7 The Preparatory Commission will include in the Chapter agenda proposals which have been endorsed and submitted to it by:
 - 11.7.1 any commission or standing committee of the Province,
 - 11.7.2 any local fraternity of the Province, and
 - 11.7.3 any individual brother, provided that the agenda item in question has received the endorsement of at least 5% of the perpetually professed brothers of the Province with active voice.⁵⁰
- 11.8 The Preparatory Commission's service ends with the election of the Presidential Council by the Chapter itself.⁵¹

⁴⁸The venue, by necessity, may have already been arranged before the Preparatory Commission is appointed (see 2.4 with its corresponding footnote).

⁴⁹By way of recent tradition, Br. Matthew Gottschalk has served in this capacity for a number of Chapters.

⁵⁰The "individual brother" may be either temporarily or perpetually professed.

⁵¹The ongoing facilitation of the Chapter may require continued collaboration between members of the pre-Chapter Preparatory Commission and the Presidential Council. It remains, however, the right of the Chapter Body to elect its own Presidential Council (see 17, below).

12. The Scope of a Provincial Chapter

- 12.1 A Provincial Chapter deals with matters pertaining to the life and activity of the Province. All the brothers are to be consulted beforehand with regard to the issues with which the Chapter will deal (see Const. 127, 1).
- 12.2 All capitulars are to be informed in a timely fashion of the agenda items which are being proposed for discussion. Nonetheless, it is the Chapter itself that determines the Chapter agenda (see Const. 127, 2).

13. Constitutional Aspects of a Provincial Chapter

- 13.1 It pertains to the Provincial Chapter to approve the *Procedures for Celebrating a Provincial Chapter* (Const. 127, 3).⁵²
- 13.2 In the Ordinary Provincial Chapter, the election of a Provincial Minister, Provincial Vicar and Provincial Councilors is to take place according to the approved *Procedures for Celebrating a Provincial Chapter* (see Const. 127, 3).⁵³
- 13.3 It pertains in a special way to the Provincial Chapter to approve the canonical establishment of local fraternities prior to their actual establishment by the Provincial Minister with the consent of his Council (Const. 112, 1).⁵⁴
- 13.4 It pertains to the Provincial Chapter to establish norms for the disposition of the goods

⁵²It is the prerogative of the Provincial Chapter to determine both provisional procedural norms and to determine and codify permanent procedural norms governing the celebration of Provincial Chapters. Provisional changes can happen simply by the President asking “Does it please the capitulars to ...?,” followed by the affirmation by the required majority. Provisional changes, however, do not effect a permanent change to the *Procedural Norms for Celebrating a Provincial Chapter*.

⁵³It is the Chapter that determines certain details of the electoral process, e.g., whether to have a straw ballot(s), at what point during the course of the Chapter each election will be held, etc. To allow for the broadest range of options, according to the circumstances of each particular Chapter, the permanent codification of such details effecting all Provincial Chapters should be kept to a minimum.

⁵⁴The Constitutions approved by the General Chapter of 2000 endorsed an amended text of 112, 1 to read: “It is the responsibility of the Provincial Minister with the consent of the Definitory, after obtaining the consent of the Chapter, to legitimately establish houses, observing the prescriptions of law. In urgent cases, when the capitular consent is lacking, the consent of the General Minister and his Definitory is required.” The *suppression* or definitive closing of local fraternities is the prerogative of the General Minister and his Definitory (Const. 112, 2). The “legitimate establishment” of a local fraternity (which replaced the notion of canonically-erected houses, etc.), has juridical effects (see 4.4.3, above). A community simply established by a provincial administration without Chapter consent or the consent of the General Minister and his Definitory does not fulfill the Constitutional requirements for a “legitimately established house.”

of suppressed fraternities, respecting the will of the donors and any rights legitimately acquired (Ordinance 4/3).⁵⁵

- 13.5 It pertains to the Provincial Chapter to establish the manner in which the Provincial Delegate(s) to the General Chapter is/are to be elected (Ordinance 8/7).⁵⁶
- 13.6 It pertains to the Provincial Chapter to determine who among those who serve in Provincial Offices, besides the Provincial Secretary, are accountable solely to the Provincial Minister (Const. 130, 2).
- 13.7 It pertains to the Provincial Chapter to establish norms with regard to which brother substitutes for the local minister (*aka* guardian) in the absence of both the Local Minister and the Local Vicar (Const. 141, 4).
- 13.8 It pertains to the Provincial Chapter and the local Chapter to see to it that all the brothers have the time needed for mental prayer done either in common or privately (Const. 53, 3).
- 13.9 It pertains to the Provincial Chapter or to the Conference of Major Superiors to determine the advisability of establishing a House of Prayer and to provide a norm of life for such (Const. 56, 3).
- 13.10 The Provincial Chapter may be consulted with regard to establishing structures for the accompaniment and more adequate preparation of those interested in religious life (Const. 16, 4)
- 13.11 The Provincial Chapter has a role in deciding how poverty can be more faithfully observed (Const. 60, 1).
- 13.12 It pertains to the Provincial Chapter to establish norms determining how goods not needed by a fraternity should be handed over either to the Major Superiors for the needs of the Province, or to the poor, or for the development of peoples (Const. 67, 4).
- 13.13 It pertains to the Provincial Chapter to establish structures (i.e., commissions, etc.) that deal with financial matters, the administration of goods and the construction, maintenance and alienation of houses, and to determine their competence, even though it is the Major Superior with the consent of his Council who appoint their members, some of whom may be lay people (Const. 72, 1-2).

⁵⁵See *AOFMCap* 104 (1988) 230.

⁵⁶*AOFMCap* 116 (2000) 990ff. The *Provincial Norms for Electing a Delegate to the General Chapter* are attached to these Procedures (see Appendix VI).

- 13.14 It pertains to the Provincial Chapter to promulgate norms concerning forms of penance, especially those done in common (Const. 105, 2-3).
- 13.15 It is the responsibility of the Provincial Chapter to determine more precisely both days of fasting and abstinence, as well as the manner of fasting (Const. 103, 6).
- 13.16 It is the responsibility of the Provincial Chapter to adapt our apostolic labors (i.e., ministries) to the needs of the times. But it pertains to the Provincial Minister with the consent of his Council to coordinate the ministerial resources of the Province (Const. 146, 3).
- 13.17 It is the responsibility of the Provincial Chapter to determine the suffrages to be offered for deceased Provincial Ministers, former Provincial Ministers, and for deceased brothers, parents and benefactors (Const. 49, 3).
- 13.18 The Provincial Chapter may enact special Statutes that must be approved by the General Minister with the consent of his Definitory, so that the prescriptions of the Constitutions may be appropriately applied according to the circumstances of the Province (Const. 184, 5).

14. Requisite Agenda Items

- 14.1 Always to be included among the agenda items and in the schedule of the Ordinary Provincial Chapter are the following:
 - 14.1.1 the address of the General Minister (or his Delegate) to the Chapter Body, with adequate opportunity for dialogue;⁵⁷
 - 14.1.2 the report of the Provincial Minister whose term is ending, with adequate opportunity for dialogue with the Chapter Body;⁵⁸
 - 14.1.3 **the triennial provincial financial report, with adequate opportunity for dialogue with the Chapter Body;⁵⁹**

⁵⁷The Provincial Minister should make known this expectation to the General Minister or his Delegate beforehand.

⁵⁸Chapter reports may be disseminated prior to the Chapter, including the Report of the Provincial Minister. However, it is especially helpful to have a review and dialogue between the Provincial Minister and the Province with regard to the term of office now ending.

⁵⁹**At the NAPCC meeting of October 11, 2008, General Definitor Mark Schenk reminded the Conference that, according to our Constitutions, the triennial financial report is the only Constitutionally required report that must be given at the Chapter itself, although it may be distributed prior to the Chapter.**

14.1.4 any other requirements contained in the approved *Procedures for Celebrating a Provincial Chapter*.

15. Pre-Chapter Service Appointments⁶⁰

15.1 In general, all who exercise roles of service during Chapter are to be elected by the Chapter itself. Because certain roles require extensive pre-Chapter preparation and expertise, and because the Chapter is best served by their continuity, once appointed during the pre-Chapter phase, no further action is required on the part of the Chapter. Unless otherwise determined in the *Procedures*, the specific task of each is to be determined by the Provincial Minister and his Council.⁶¹

15.2 The **Provincial Liturgical Commission**, in collaboration with the Preparatory Commission, is hereby mandated to prepare all the public prayer functions of the Chapter⁶² and to make arrangements for musicians, cantors, liturgical aids, etc. The

The report should include a balance sheet reviewing the finances of the Province from the point when the provincial administration began to the present. The purpose of this Chapter report is not only for transparency's sake, but also to hold the provincial minister and administration accountable to the Province for the financial decisions made during his term of office.

⁶⁰According to the *1970 Procedural Norms* (Art. III, 2f), committees could be either appointed by the Presidential Council or nominated and elected by the Chapter itself during its first or another plenary session of the Chapter. The norms specified four areas in which committees might prove useful: liturgical, juridical, financial and educational, this based upon the types of issues with which the Chapters of the time had to deal. The *2005 Procedures* indicate an increased number of areas which have rather consistently been at the center of recent Chapters, and suggest that – if deemed helpful – committees be established by the Provincial Minister and his Council during the preparatory phase to function as study groups prior to Chapter and to stand ready to function as a resource during Chapter.

⁶¹This is a taxative list of the roles of service which may be called upon as resources to function during the Chapter without the Chapter's explicit permission. With the exception of the Liturgical Commission and the Parliamentarian, the formation of these committees depends on the proposed agenda of the Chapter, e.g., if no formation issues are expected to be on the agenda, a Formation Committee need not be formed. Other committees may, of course, be appointed during the preparatory phase, however, if they are to function during the Chapter they require the approval of the Chapter.

⁶²It has been the practice at more recent Provincial Chapters to have three common Eucharistic liturgies (i.e., Masses): on the opening day of Chapter, on the closing day of Chapter, and on one other day during the Chapter. That pattern is presumed in the current norms, although the norms only require one common Eucharist on the closing day (see 59.1, below). Nonetheless, the Liturgical Commission will help facilitate the celebration of a single daily Eucharist at which whoever wishes to concelebrate or participate may do so. The Commission's role is limited to securing a reasonable time and suitable place, and providing the liturgical requisites, excluding albs and stoles for concelebrants. Additional celebrations, whether by individuals or small groups, are not the responsibility of the Liturgical Commission, although the Commission's assistance may be sought in this regard. It has also been the practice at recent Provincial

approval of the liturgical preparations, preachers and celebrants is left to the Provincial Minister and his Council.⁶³

- 15.3 A **Parliamentarian** may be appointed by the Provincial Minister and his Council as a procedural resource person to aid the Moderator, the President, and the Presidential Council. The Parliamentarian need not be a capitular or a Capuchin. Because our *Procedures* take precedence over all other forms of parliamentary procedure, the Parliamentarian must be well-versed in our *Procedures*. The Parliamentarian should also possess a facile familiarity with other forms of accepted parliamentary procedure (e.g., Robert's *Rules of Order*),⁶⁴ in order to offer effective direction when our *Procedures* prove insufficient.⁶⁵
- 15.4 A **Juridical Committee**, consisting of two or three individuals with pertinent expertise, may be appointed by the Provincial Minister and his Council to study specific legal issues, be they canonical or civil, and to be available for consultation by the Chapter. The members of the Committee need not be capitulars or Capuchins.⁶⁶

Chapters to have a prayer service to commemorate those brothers of the Province who died during the past triennium.

⁶³This norm would replace the *1970 Provincial Procedures* which determined that the Provincial Council would appoint a capitular as Master of Ceremonies whose role it was, in consultation with the President of the Chapter, to plan and arrange the liturgical functions during the Chapter. Formerly, the appointment of a Master of Ceremonies was simply announced to the Chapter, without its approval being sought or an election being held (see *1970 Procedural Norms*, Art. III, 2d). Hence, the new norm entrusts liturgical planning to the existing Provincial Liturgical Commission *as a unit* (which now normally includes non-capitulars and qualified lay people), the bulk of whose work is done prior to Chapter.

⁶⁴This norm replaces the *1970 Procedural Norms* which determined that the Provincial Council would appoint a capitular as Parliamentarian to aid the Moderator in conducting the Chapter sessions according to adopted procedures. Formerly, the appointment of the Parliamentarian was simply announced to the Chapter, without its approval being sought or an election being held (see *1970 Procedural Norms*, Art. III, 2d). It is important to note that nowhere, neither formerly nor in these proposed *Procedures*, is Roberts' *Rules of Order* or any other single system of parliamentary procedure canonized. Rather, the former norm stated: "basic parliamentary procedure is to be used," observing always the parliamentary procedures approved by the Province. While it is important to follow first our approved parliamentary procedure and to rely on commonly accepted or basic parliamentary procedure, the Chapter is well to avoid getting bogged down in the quagmire of any one overly detailed and intricate parliamentary system.

⁶⁵The Parliamentarian is a primary resource when procedural questions arise. As such, the Parliamentarian does not normally directly address the Chapter Body unless called upon to do so by the Chapter President or Moderator. During the Chapter, the Parliamentarian should have other parliamentary resources at hand, in addition to the approved provincial *Procedures*.

⁶⁶The *1970 Procedural Norms* (Art. II, f) determined that the Juridical Committee would be comprised of two or three Capuchins. The current proposal requires the members to have expertise, but does

- 15.5 A **Finance Committee**, consisting of the Provincial Treasurer and two other individuals with expertise, may be appointed by the Provincial Minister and his Council to study specific financial issues, and to be available for consultation by the Chapter. The members of the Committee need not be capitulars or Capuchins.⁶⁷
- 15.6 A **Formation Committee**, consisting of the Provincial Director of Formation and two other individuals with expertise, may be appointed by the Provincial Minister and his Council to study issues regarding Capuchin initial formation, and to be available for consultation by the Chapter. The members of the Committee need not be capitulars or Capuchins.⁶⁸
- 15.7 A **Continuing Education Committee**, consisting of the Provincial Director of Continuing Education and two other individuals with expertise, may be appointed by the Provincial Minister and his Council to study specific issues related to the on-going formation and continuing education of the brothers, and to be available for consultation by the Chapter. The members of the Committee need not be capitulars or Capuchins.
- 15.8 A **Capuchin Life Committee**, consisting of three Capuchins with expertise, may be appointed by the Provincial Minister and his Council to study issues specifically tied to our Capuchin heritage and lifestyle, and to be available for consultation by the Chapter. The members of the Committee need not be capitulars or members of our Province.⁶⁹

not limit membership to Capuchins.

⁶⁷The *1970 Procedural Norms* (Art. II, f) determined that a Financial Committee would be comprised of the Provincial Treasurer (who was a Capuchin at that time) and two other brothers to report on the financial status of the Province. Much has changed since 1970. The Office of Provincial Treasurer is no longer held by a Capuchin. The financial report to the Province is generally done apart from Chapter. The proposed *Procedures* recognize that a Chapter may be dealing with financial matters (and not simply reporting on the financial status of the Province) for which some expertise is required as a resource for the Chapter's deliberations.

⁶⁸The *1970 Procedural Norms* (Art. II, f) determined that an "Educational Committee, consisting of the Provincial Prefect of Formation and two other friars is appointed to report on the educational program of the Province." Again, much has changed. The proposed *Procedures* allow for two distinct committees to be formed: one dealing with initial formation and the other with continuing education, the appointment of each dependant upon the specific agenda issues that a Chapter may be facing. Nothing prevents the appointment of both the Director of Formation and the Director of Continuing Education to a single committee. On the other hand, an agenda item that deals strictly with initial formation issues might benefit from having the Director of Formation complemented by two other individuals with expertise or experience in initial formation.

⁶⁹This Committee primarily functions as a window to our heritage, bringing to bear our rich Capuchin sources and traditions on contemporary issues affecting our Capuchin fraternal life and relationships.

- 15.9 A **Senior Life Committee**, consisting of the Provincial Director of Senior Life and two other individuals with expertise or experience in the field, may be appointed by the Provincial Minister and his Council to study issues affecting our senior brothers, and to be available for consultation by the Chapter. The members of the Committee need not be capitulars or Capuchins.
- 15.10 A **Capuchin Ministries Committee**, consisting of the Provincial Personnel Director and two other individuals with ministerial expertise, may be appointed by the Provincial Minister and his Council to study issues connected with the exercise of ministry in the Province, and to be available for consultation by the Chapter. The members of the Committee need not be capitulars or Capuchins.
- 15.11 The Provincial Minister and his Council may establish a **Special Events (aka Entertainment) Committee** which, in collaboration with the Preparatory Commission, plans and makes arrangements for special entertainment events during the Chapter. The members of the Committee need not be capitulars or Capuchins.
- 15.12 In collaboration with the Presidential Council, which is responsible for authorizing all official communications from the Chapter, news releases and the communication of election results, all external communications from the Chapter shall be handled by the **Provincial Communications Office**.⁷⁰ In addition, the Provincial Communications Office is charged with making arrangements to have a group photo taken of the Chapter Body. The official Chapter photograph will form part of the Acts of the Chapter and will be preserved in the Archives of the Province.
- 15.13 If deemed advisable, **technicians** may be appointed by the Provincial Minister and his Council to ensure the smooth operation of whatever equipment is needed by the Chapter. Technicians need not be capitulars or Capuchins.
- 15.14 The appointment of adjunct secretarial staff and technical personnel does not require confirmation or election by the Chapter.

PART FOUR

OFFICES AND OTHER ROLES OF SERVICE

⁷⁰While relying on the expertise of our Office of Communications, the norms also specify that all official communications emanating from the Chapter are to be authorized by the Presidential Council. The Office of Communications may also use the opportunity to arrange for individual photos for publicity purposes or for provincial ID purposes, etc.

16. The President of the Chapter⁷¹

- 16.1 The General Minister, or his duly appointed Delegate,⁷² presides *ex officio* over all the Chapter proceedings. If neither the General Minister nor his Delegate is present, the Provincial Minister acts as President.
- 16.2 If the General Minister or his Delegate is presiding over the Chapter, the Provincial Minister is *ex officio* the Vice President of the Chapter. Otherwise, the Provincial Vicar acts as Vice President.

17. The Presidential Council (aka the Chapter Steering Committee)

- 17.1 The Provincial Minister and the Provincial Vicar – both of whom were *ex officio* members of the Preparatory Commission – are *ex officio* members of the Presidential Council. Three other capitulars are to be elected to the Presidential Council by the Chapter.⁷³ Nominations are to be proposed by the Provincial Minister and his Council (see 29.2). The Provincial Minister and Council may also propose entertaining nominations from the floor. The elected members of the Presidential Council need not have been members of the pre-Chapter Preparatory Commission.
- 17.2 It pertains to the Presidential Council to ensure that the *Procedures for Celebrating a Provincial Chapter* are duly observed, and doubts and difficulties are resolved. It shall be convoked frequently to conduct the general business so that the work of the Chapter can proceed more expeditiously.
- 17.3 It pertains to the Presidential Council to schedule the agenda, to determine the hour-plan of the general sessions, and to see that the topics to be treated in each session are announced to the capitulars in a timely fashion by the Chapter Secretary.⁷⁴

18. The Moderator of the Chapter (aka Chairperson/Facilitator)

⁷¹This repeats the *1970 Procedural Norms* (see Art. II, 1).

⁷²The Delegate presides over the Chapter but does not enjoy active voice.

⁷³The *1970 Procedural Norms* (Art. II, 3), determined that the Presidential Council be comprised of the President and Vice President of the Chapter and three other members chosen by the Chapter itself. While the number of members is rather arbitrary, the Presidential Council should be constituted of an uneven number of members because, failing to reach a consensus, its decisions are determined by majority vote.

⁷⁴The scheduling of agenda items is handled by the Presidential Council. As in all other matters, the proposals of the Presidential Council may be overturned by a vote of the Chapter. To avoid scheduling becoming a major Chapter issue, therefore, the Presidential Council should be attentive to and accommodate itself to the concerns the Capitulars express during the course of the Chapter.

- 18.1 A Moderator of the Chapter is to be nominated by the Provincial Minister and his Council and elected by the Chapter. If deemed advisable, additional Assistant Moderators may be nominated. They must be Capuchins, although not necessarily capitulars or members of our Province.⁷⁵ They need to possess a familiarity and facility with our *Procedures for Celebrating a Provincial Chapter*.
- 18.2 The function of the Moderator is to direct the Chapter's sessions of affairs (i.e., plenary or general sessions): namely, to control and regulate the discussions in accordance with the approved *Procedures*; to permit those who wish to speak to have the floor, and also to interrupt a speaker when the intervention or presentation exceeds the fixed time limit (see 39.3; see also 33.2.4 and Footnote 93).
- 18.3 The Moderator is to communicate to the Chapter Body in a timely fashion the program of each Chapter session.
- 18.4 When parliamentary procedure needs clarification or direction, the Moderator is assisted by the Parliamentarian.
- 18.5 The Assistant Moderator substitutes for the Moderator when the latter is absent, or at the Moderator's request.

19. The Chapter Secretarial Staff⁷⁶

- 19.1 The Chapter Secretarial Staff is comprised of various persons, some of whom are capitulars. The Secretarial Staff is headed by the Secretary of the Chapter and includes the recording secretaries (*aka* Actuaries), typists, copyists, technicians, logistical support personnel, etc.
- 19.2 All documentation and materials required for the working sessions of the Chapter are to be collected and distributed through the Chapter Secretarial Staff.
- 19.3 Under the direction of the Chapter Secretary, the Secretarial Staff is responsible for the following:

⁷⁵The *1970 Procedural Norms* (see Art. II, 4) added that the Moderator and his substitute may be taken from among the members of the Presidential Council. There probably was an assumption that the Chair and substitute Chair would themselves be capitulars. However, the Moderators of our more recent Chapters have included non-capitular Capuchins from other jurisdictions (e.g., John Corriveau).

⁷⁶The *1970 Procedural Norms* (see Art. II, 5) determined that the Chapter would elect from its members a Secretary and two Assistant Secretaries. Since that time, much to the benefit of the Chapter, the Chapter Secretary has been aided by a pool of non-Capuchin, hence non-capitular, non-elected secretarial and technical staff persons.

- 19.3.1 seeing that all things needed in the Chapter Hall are prepared and provided in due time, including having ballot sheets prepared beforehand should a vote by ballot be required rather than a hand-count (see 38.4, below);
- 19.3.2 recording the official minutes of each session;
- 19.3.3 recording the votes as read by the Tellers, and drawing up a complete tabulation of the balloting, indicating the number of votes received by each brother;
- 19.3.4 duplicating and distributing the texts to be discussed and amendments submitted for the examination of the Chapter; and
- 19.3.5 amending or re-writing texts in accordance with the directions given by the Chapter, unless this task is given to a special committee.

20. The Secretary of the Chapter⁷⁷

- 20.1 There shall be a Secretary of the Chapter who is to be nominated by the Provincial Minister and his Council and elected by the Chapter. The Secretary must be a Capuchin, but need not be a capitular.⁷⁸
- 20.2 The Secretary assists the President, the Presidential Council and the Moderator.
- 20.3 The Secretary of the Chapter is personally responsible for the following:
 - 20.3.1 coordinating the work of the Secretarial Staff, making sure that everything that needs to be done by the staff is assigned to someone and carried through (see 19, above);
 - 20.3.2 calling the roll, whenever the *Procedures* call for it or as directed by the President;
 - 20.3.3 determining the number of Assistant Tellers required to expedite the balloting process in accord with the seating arrangement approved in the *Procedures* (see 45, below);
 - 20.3.4 ascertaining the total number of capitulars present in the Chapter Hall before each balloting and announcing the number of votes required to carry a motion or to effect an election;
 - 20.3.5 recording the votes as read by the Tellers, and drawing up a complete tabulation of the

⁷⁷Whenever the term “Secretary” is used in the *Procedures*, it refers always to the Secretary of the Chapter, not to the Provincial Secretary.

⁷⁸The Provincial Secretary need not be the Chapter Secretary.

- balloting, indicating the number of votes received by each brother;
- 20.3.6 announcing the results of balloting and elections; and
- 20.3.7 authenticating the official minutes (*aka* Acts) of each Chapter session with his signature, and conserving the official minutes and all pertinent Chapter documentation (see 56, 57, 61 and 62, below) until such time as they can be delivered to the Provincial Archivist for preservation in the Provincial Archives.
- 20.3.8 having at hand a copy of the current *Procedures for Celebrating a Provincial Chapter*, a copy of the current Capuchin Constitutions, a Bible, the Provincial Seal, and preparing the required documentation (see Appendices I, II and III).

21. The Tellers and Assistant Tellers (*aka* Scrutineers)

- 21.1 Three capitulars shall be nominated by the Provincial Minister and his Council and elected by the Chapter to serve as Tellers.⁷⁹
- 21.2 Assistant Tellers, chosen from among the capitulars, are to be nominated by the Provincial Minister and his Council and elected by the Chapter. The number of required Assistant Tellers is to be indicated by the Secretary of the Chapter (see 20.3.3, above and 45, below).
- 21.3 It is the function of the Tellers to examine, record and tally the ballots, and eventually to destroy them (see 56, below).
- 21.4 It is the role of the Assistant Tellers to count and verify the number of capitulars who are present in the Chapter Hall before each balloting takes place (see footnote 114, below), to distribute and retrieve ballots, to assist capitulars who may be infirm during a balloting session, to count and verify the number of ballots, to open the ballots and to assist the Tellers as directed elsewhere in these *Procedures* (see 50-51, below).
- 21.5 When voting is done by a show of hands and a count is required, it is the role of the Assistant Tellers to count the votes.

22. *Ad hoc* Chapter Committees

⁷⁹There was a tradition in the Province whereby the youngest capitulars were nominated to serve as Tellers (see *Messenger*, Vol. 44 [1981], 142). This may have developed because alacrity is a valuable asset for the task at hand.

- 22.1 Additional *ad hoc* committees, functioning during the course of the Chapter,⁸⁰ may be required to facilitate the business of the Chapter.
- 22.2 If the need for an *ad hoc* Chapter committee is foreseen in the planning stages of the Chapter, the Provincial Minister and his Council shall form the committee, delineate its role and nominate its members. Such committees need to be confirmed by the Chapter.
- 22.3 If the need for an *ad hoc* committee becomes apparent during the course of the Chapter, the members of the committee may be appointed by the Presidential Council, or nominated and elected by the Chapter itself.

PART FIVE

PARTICULAR PROCEDURAL NORMS

23. The Preparatory Commission (aka Pre-Chapter Steering Committee)

As soon as it is deemed advisable, the Provincial Minister and his Council are to form a Preparatory Commission and nominate its members.

24. The Letter of Convocation

- 24.1 Once permission has been received from the General Minister to celebrate a Provincial Chapter,⁸¹ a letter from the Provincial Minister officially convoking the Chapter is to be published to the entire Province.⁸²
- 24.2 The Letter of Convocation is to indicate clearly the place where the Chapter is to be held, the dates of the Chapter (see 2.4, above), and the persons who must attend, as well as other additional pertinent information, together with a recommendation that prayers be said for the success of the Chapter.

25. Pre-Chapter Process

- 25.1 All the brothers of the Province are to be consulted in a timely fashion with regard to the issues they would like placed on the Chapter agenda.

⁸⁰Such are distinguished from pre-Chapter committees or subcommittees.

⁸¹The letter of the General Minister to the Provincial Minister giving permission to celebrate a Chapter is called the Letter of Indiction. The letter of the Provincial Minister actually announcing the Chapter and calling the brothers to participate is designated the Letter of Convocation.

⁸²See also what is prescribed above (4) in the case of a Delegate Chapter.

- 25.2 Once the entire Province has been consulted and the Preparatory Commission has formulated a proposed agenda, it may decide to develop and implement an appropriate pre-Chapter process.
- 25.3 The entire Province is to be informed in a timely manner of the agenda being proposed by the Preparatory Commission, together with any helpful background information, studies, or explanatory materials that would facilitate the Chapter's handling of each respective agenda item.
- 25.4 A pre-Chapter straw ballot may be part of the preparatory phase. The Chapter may also choose to have a straw ballot during the Chapter itself (see 41.1.3, below).

PART SIX

THE GATHERING AND OPENING SESSION OF THE CHAPTER

26. Arrival

All capitulars shall arrive at the place of the Chapter no later than the evening before the formal opening of the Chapter.⁸³

27. The Formal Opening of the Chapter

- 27.1 All capitulars are to assemble at the appointed hour and place. The session opens with a prayer⁸⁴ and the President of the Chapter directs the provisional Secretary of the Chapter to read the General Minister's Letter of Indiction, i.e., the letter approving the convocation of the Provincial Chapter.
- 27.2 If a Delegate has been appointed by the General Minister to preside at Chapter, the letter of appointment is then read.
- 27.3 The President of the Chapter then officially declares the Provincial Chapter to be in session.
- 27.4 The President of the Chapter directs the provisional Secretary of the Chapter to call the

⁸³It has been the practice of the Province to have the following take place during the evening prior to the start of Chapter: registration, an extended prayer service, and a social. The *1970 Procedural Norms* (Art. III) required capitulars to arrive the evening before the formal opening of Chapter.

⁸⁴The opening prayer is to be prepared by the Liturgical Commission. The *1970 Procedural Norms* (Art. III, 1) directed that there be an opening Eucharistic liturgy, i.e., Mass.

roll.⁸⁵

27.5 The Provincial Minister formally welcomes those gathered.

28. Exhortation for Prudent Discretion and Confidentiality

28.1 Either now or whatever time the President judges to be most opportune, but before any voting takes place, the President of the Chapter is to remind all who attend the Provincial Chapter – both capitulars and non-capitulars in the Chapter Hall – that the Chapter is a privileged moment in the life of the Province during which the brothers are encouraged to speak charitably yet frankly with one another. An atmosphere of trust is necessary for such to happen. Therefore, all are called to respect each other and the opinions expressed, and to observe prudent discretion both during and after the Chapter with regard to what takes place during Chapter.

28.2 The President of the Chapter specifically reminds those who will be called upon to exercise any Office during the Chapter, e.g., the Tellers, of the seriousness of their service, and exhorts them to carry out their duties faithfully and to observe confidentiality even after the Chapter, especially with regard to opinions expressed and votes cast.⁸⁶

29. The Election of Chapter Officials

29.1 The election of Chapter officials shall be accomplished by a show of hands.⁸⁷ Each Office or role of service is voted upon separately. When an Office or role of service is jointly held by a group of individuals (e.g., the non *ex officio* members of the Presidential Council, Tellers and Assistant Tellers, etc.), the nominees may be announced and voted on as a group. An absolute majority is required for election.⁸⁸ The President of the Chapter announces the election results.

29.2 The President asks the Provincial Minister to announce the names of the candidates that the Provincial Minister and Council wish to propose, each in turn, for the following

⁸⁵This roll call has both official and ceremonial aspects. As an official act, it indicates which capitulars enjoy active voice. As a ceremonial act, other names may be added, e.g., the brothers who have been excused, the temporarily professed brothers, novices, postulants, non-capitular guests, etc.

⁸⁶Formerly, capitulars were required to take an oath, and a separate oath was required of the President, Secretary and Tellers (see CIC/17, c. 506, 1 and *1970 Procedural Norms*, Art. V, 4 and 5).

⁸⁷Previously, nominations could also come from the floor, in which case a secret ballot was called for [see *1970 Procedural Norms*, Art. III, 2, e (2) (a), (b) and (c)].

⁸⁸An “absolute majority” signifies acceptance by 50% plus 1 of the capitulars present for the votation.

Offices or roles of service⁸⁹:

- 29.2.1 either singly or jointly, nominees as elected members of the Presidential Council (see 17.1, above);
 - 29.2.2 the Moderator and Assistant Moderator(s);
 - 29.2.3 the Secretary of the Chapter;
 - 29.2.4 jointly, the Tellers and Assistant Tellers; and
 - 29.2.5 any *ad hoc* Chapter committees which may have been formed in accordance with these *Procedures* (see 22.2 and 22.3, above).
- 29.3 Should it happen that the Chapter fail to elect an individual or group that has been nominated, the President will ask the Provincial Minister to nominate an alternate candidate and the President shall ask for a show of hands. Nominations from the floor are also admissible. An absolute majority is required for election.
- 29.4 The President asks the Provincial Minister to announce, for the acknowledgment of the Chapter Body, those who have been appointed to fulfill non-elected roles of service during the Chapter, including the following:
- 29.4.1 the Liturgical Commission;
 - 29.4.2 the Parliamentarian;
 - 29.4.3 the Special Events Committee;
 - 29.4.4 the Communications Office; and
 - 29.4.5 the technical, secretarial and adjunct personnel.

30. The Admission and Boundaries of Non-Capitulars

- 30.1 It pertains to the Chapter itself to determine whether or not non-capitulars are to be admitted to any or all of the Chapter proceedings. It also pertains to the Chapter to determine whether or not the non-capitulars who are admitted may be heard.

⁸⁹The President of the Chapter judges whether the show of hands has produced the required majority. If, before the election of the Tellers and Assistant Tellers, the results are not clear, the President may appoint Tellers *pro tem* to tally the count.

- 30.2 The President will direct the Provincial Minister to present to the Chapter Body for its approval, the names of non-capitulars – apart from those in initial formation for the Calvary Province and those who will fulfill a role of service that requires their presence during the deliberations (e.g., the Parliamentarian) – who have requested to be present during the plenary (general) sessions of the Chapter deliberations. The non-capitulars may always be presented and their request voted upon individually. To expedite matters, however, if they share a common quality, e.g., Capuchins from other jurisdictions, they may be presented jointly and their request be considered *as a group*. After each individual or group is presented, the President asks the capitulars for a show of hands indicating approval of their request to attend the plenary deliberations. An absolute majority is required for approval.
- 30.3 If the Chapter has voted not to allow non-capitulars to be present during the plenary (general) sessions, those same individuals are not to be admitted to any small group discussions.
- 30.4 At any point in the Chapter proceedings, the President, in consultation with the Presidential Council, may propose that a closed or semi-closed plenary (general) session⁹⁰ of the Chapter be held. An absolute majority is required for adoption of the proposal.
- 30.5 Provided that the Chapter has voted to allow non-capitulars to be present during the plenary (general) sessions, the Presidential Council may propose to the Chapter that some or all of the non-capitulars be permitted to participate in the small group work of the Chapter. An absolute majority is required for adoption of the proposal.

31. The Adoption of Procedures for Celebrating a Provincial Chapter

If a revision of *The Procedures for Celebrating a Provincial Chapter* is to be considered by the Chapter (see also 1.3, above), the revision is to be presented for discussion and adoption as the first matter of business,⁹¹ even prior to considering the agenda, unless the Chapter itself decides otherwise by an absolute majority vote.

32. Determining Agenda Items, their Priority and their Sequence

The Preparatory Commission's proposal concerning agenda items, their priority and their sequence is presented to the Chapter. The Chapter itself decides what topics will be

⁹⁰A closed session would bar all non-capitulars from the Chapter Hall; a semi-closed session would bar only certain non-capitulars.

⁹¹This reflects the *1970 Procedural Norms* (Art. III, 2, i).

placed on the agenda, their priority and their sequence.⁹² The proposed agenda may be accepted or amended, in whole or in part, by an absolute majority vote of the capitulars present. It facilitates the Chapter process if, during the pre-planning phase, the Province is consulted with regard not only to agenda items, but also their priority and sequence.

33. Determining the Schedule⁹³

- 33.1 A preliminary Chapter schedule is to be drawn up by the Preparatory Commission. Once Chapter begins, it falls to the Presidential Council to propose a schedule for each session, to monitor the progress of the Chapter and the sentiments of the capitulars in regard to the schedule and, to propose schedule changes in response thereto. When such proposals come from the Presidential Council, the President asks if the proposed change pleases the Chapter. Like other motions, an absolute majority is needed to carry the proposal.
- 33.2 Issues regarding the schedule are also subject to motions from the floor, according to the norms of accepted parliamentary procedure. The following are some examples:
- 33.2.1 *A plenary session goes too long.* A capitular may feel that a plenary session has gone too long. He may make a motion to adjourn at a future time. This type of motion does not need to be seconded, does not allow debate, does not allow for amendments and requires an absolute majority to pass.
- 33.2.2 *Request for a break.* A capitular may move that the Chapter recess for a certain amount of time. This type of motion requires a second, does not allow for debate, may be amended, and requires an absolute majority to pass.
- 33.2.3 *Postpone the discussion.* A capitular may move to postpone discussion until a future time. This type of motion requires a second, allows for debate, permits amendments, and requires an absolute majority to pass.
- 33.2.4 *Desire to enforce the schedule.* If the schedule that has been accepted is not being followed and the Moderator has not enforced the time limits established by the Chapter (see 18.2, and 39.3), a capitular has the right to call for the orders of the day. This requires that the agenda and schedule be followed, unless the Chapter decides by a two-

⁹²This mimics the *1970 Procedural Norms* (Art. III, 2, j).

⁹³It is not entirely accurate to say that the Chapter's schedule – although distinguishable from its agenda – is outside the control and determination of the Chapter Body. It is clear from parliamentary procedure itself that motions can be made which would alter not only the content but also the scheduling of agenda items.

thirds vote to set aside the orders of the day.⁹⁴

34. Establishing the time for the Elections

Elections may take place at any time during the Chapter.⁹⁵ The Chapter itself determines the most suitable time for holding the elections of the Provincial Minister, the Provincial Councilors and the Provincial Vicar. The proposal of the Preparatory Commission is presented, which may be accepted or amended, in whole or in part, by an absolute majority vote of the capitulars present. It facilitates the Chapter process if, during the planning phase, the Province is consulted with regard to the timing of elections.

35. The Report of the Provincial Minister

Unless the Chapter has determined that another time is more suitable, the Provincial Minister now gives a report on his administration and on the status of personnel, places and finances. This is followed by an open discussion of the administration and status of the Province. It is important that the Chapter exercise its responsibility regarding the administration of the Province frankly and candidly, discussing the successes and failures of the triennium. The discussion should be charitable, honest and thorough, with a view to better planning and future administration, and to the persons to be elected to the Offices of Provincial Minister and Councilor. The discussion properly concerns the vast range of provincial administration, spiritual as well as temporal.⁹⁶

36. The Address of the General Minister or his Delegate

Unless the Chapter has determined that another time is more suitable, the General Minister or his Delegate will be given an opportunity to address the Chapter Body. Sufficient time will be allotted for a dialogue.

PART SEVEN

PLENARY SESSIONS AND PARLIAMENTARY PROCEDURE

⁹⁴This parliamentary norm requires the Moderator to be not only attentive to time limits but also assertive in their regard. In order for this norm to be effective, the Moderator is required to interrupt the presenter and yield the floor to the capitular who wishes to call for the orders of the day.

⁹⁵This reflects the *1970 Procedural Norms* (Art. III, 2, k).

⁹⁶In the *1970 Procedural Norms* (Art. III, g-k), the Report of the Provincial Minister preceded the question of the admission of experts and observers, the adoption of the *Procedures for Celebrating a Provincial Chapter*, the determination of the agenda and setting the time for elections. The current procedures propose that the Minister's Report be done after all the preliminary "housekeeping" business has been disposed of satisfactorily.

37. Plenary Sessions (*aka Sessions of Affairs or Business Sessions*)

It pertains to the Chapter itself to decide how to proceed in dealing with non-electoral business or deliberations.

38. Parliamentary Procedure

Basic parliamentary procedure is to be used in conducting the plenary sessions. Besides what has been mentioned above (see 33.2.1-33.2.4), the following norms are to be observed:⁹⁷

38.1 Making a motion

When a motion has been made, seconded and acknowledged by the Chair, the Chapter Body will need to dispose of it before considering any other business. In the discussion of a motion, remarks are to be addressed to the Chair, not directly toward other members. The Chair does not enter into the substance of a debate; in order to do so, he must be a capitular, and must leave the Chair for the time of the discussion. The Chair may always ask questions so as to clarify what is being proposed to the Chapter for its consideration.

38.2 Amending a motion

Amending a motion refers to a desire to change, add or omit words in the original motion. A substitute motion also ranks as an amendment to the main motion. It proposes to cancel the entire original motion and to insert a more satisfactory motion on the same issue. The main motion can be amended repeatedly. The amendment of an amendment is considered a motion to change, add or omit words in the pending amendment. An amendment to an amendment cannot be amended. An amendment is discussed and voted on before discussing and voting on the main motion. An amendment to the amendment is the very first thing discussed and voted on. Debate is allowed on amendments. An absolute majority decides the matter.

38.3 Closing debate

This motion is made when it is judged that sufficient debate has taken place. The Chair will see if there are any objections to ending debate. If no objections are forthcoming, the pending motion is voted on immediately. If objections are made, then the motion to end discussion is voted on. A two-thirds majority is required to carry the motion.

38.4 Voting method

⁹⁷These parliamentary norms are taken from the *1970 Procedural Norms*, Art. IV.

The usual method for voting during Plenary Sessions is by hand-count. At any time a capitular may ask for a vote by ballot. The Chair will inquire if this is agreeable to all. If there is objection, it is put to a vote by the Chapter Body. Debate is not allowed. An absolute majority decides the issue.

38.5 **Referring a motion to committee**

When the discussion of a pending motion reveals that it needs further study, or that it needs considerable re-wording, it may be referred to committee or to a party sponsoring it. Debate is allowed. An absolute majority carries the motion.

38.6 **Tabling a motion**

This will set aside the subject under discussion in such a way that it can be taken up at any future time when agreeable to the Chapter Body. No debate is allowed. An absolute majority decides the matter.

38.7 **Postponing a motion**

Postponing a motion, either definitely or indefinitely, differs from tabling a motion. To postpone indefinitely amounts to removing a question for good. To postpone definitely means to reserve it for a later specified time. Debate is allowed. An absolute majority decides the matter.

38.8 **Withdrawing a motion**

After a motion has been made, seconded and acknowledged by the Chair, it can be withdrawn as long as all agree. If there is objection, a formal motion to withdraw is needed. There is no debate. An absolute majority decides the matter.

38.9 **Reconsidering a motion**

The motion to reconsider a motion that was carried or lost must be made by one who voted with the prevailing side. Two votes will be taken: first, on whether it should be reconsidered, and second, on the original motion brought back. Debate is allowed. An absolute majority decides the matter.

38.10 **Suspending the rules**

This motion would make it possible for informal discussions to take place, also to allow non-capitulars to participate. No debate is allowed. A two-thirds majority is needed.

38.11 **Appealing from the Chair**

A capitular may object to a decision made by the Chair regarding appropriate parliamentary procedure. If the Chair still stands by his decision, the matter is put to the vote of the Chapter Body. Debate is allowed. An absolute majority decides the matter.

38.12 **To Recess or Adjourn**

This motion is always in order except when a speaker has the floor, a vote is being taken, or the Chapter Body is in the midst of business which cannot be abruptly stopped. There is no debate. An absolute majority decides the matter. If a time or place is stated, these details are debatable.

39. Particular Norms⁹⁸

39.1 Any matter submitted to the Chapter must be drawn up in written form and be in the hands of the capitulars before discussion begins. This, in general, applies also to amendments.⁹⁹

39.2 A proposal should be broadly discussed before a motion on amendments is admitted in order to avoid premature amendments.

39.3 Capitulars addressing themselves to a proposal or a motion are limited to five minutes; by way of exception, the Chair may extend this time.

39.4 In order to provide for more mature reflection, it will be opportune at times to postpone a vote until a later session.

39.5 At times, an open discussion may be held after which the capitulars are asked to submit their comments and suggestions in writing to the Secretary or respective committee.

39.6 When deemed advisable, an *ad hoc* committee may be appointed to prepare or revise the text of a proposal or of amendments for later submission to the Chapter.

40. Proposals from the Floor¹⁰⁰

If, during the course of the Chapter, a capitular wishes to make a proposal or to introduce a new agenda item, the proposal requires the signatures of at least 5% of the capitulars.

⁹⁸These were included in the *1970 Procedural Norms* at Art. IV, 2.

⁹⁹It is clear that an amendment which seeks to change a single word or short phrase need not wait to be voted on, as long as the capitulars clearly understand the matter at hand.

¹⁰⁰The *1970 Procedural Norms* (see note following Art. IV, 1, 1) only dealt with proposing new agenda items.

Then the proposal shall be presented in writing to the Presidential Council through the Chapter Secretary. The Presidential Council will then present the proposal to the Chapter for its consideration.¹⁰¹

PART EIGHT

THE ELECTION OF THE PROVINCIAL MINISTER, COUNCILORS AND PROVINCIAL VICAR

41. Norms governing Elections

41.1 According to our Capuchin Constitutions:¹⁰²

41.1.1 Offices in the Order are conferred either by election or appointment.

41.1.2 In conferring Offices, the brothers should proceed with the right intention, simply and according to the norm of law.

41.1.3 For the good of the Order, a preliminary consultation [e.g., a straw ballot] may be held with regard to potential candidates for election; in the case of appointments, a preliminary consultation must be held.

41.1.4 If an election requires confirmation, it must be requested within eight days of available time.¹⁰³

41.1.5 The brothers, as true minors, should not be ambitious for office; but if they are called to it by the confidence of the brothers, they should not obstinately refuse to serve as a Superior or in some other Office.

41.1.6 Since we are an Order of brothers, according to the will of Saint Francis and the genuine Capuchin tradition, all the brothers in perpetual vows may assume any Office or position excepting those that flow from Sacred Orders. With regard to the Office of Provincial Minister and Provincial Vicar, however, a minimum of three years after perpetual profession is required for validity.

41.1.7 When Offices are conferred by election, the practice of Postulation is accepted in our

¹⁰¹This reflects our current practice which superseded the *1970 Procedural Norms* (Art. IV, 1, note).

¹⁰²The Constitutional provisions concerning elections were amended by the General Chapter of 2000 (see *AOFM Cap* 116 [2000], 984).

¹⁰³All provincial elections are subject to confirmation by the General Minister. If a brother who is not ordained is elected to the Office of Provincial Minister or Provincial Vicar, confirmation of the election is reserved to the Holy See.

Order (see 63, below). Both the admissibility of Postulation and the dispensation from the impediment are within the competence of the authority having the right of confirmation.

- 41.2 With regard to provincial elections, our Constitutions (127, 3-9) prescribe the following:
 - 41.2.1 During the Ordinary Chapter the Provincial Minister is to be elected according to the norms of the *Procedures for Celebrating a Provincial Chapter* approved by a Provincial Chapter.
 - 41.2.2 A Provincial Minister is eligible for only two consecutive **elected** terms of office. He may be elected again in the future, but only after the interruption of a term.
 - 41.2.3 Following the approved *Procedures*, after the election of the Provincial Minister, four Provincial Councilors are to be elected, unless the General Minister and his Definitory has judged it opportune to have a greater number of Councilors. Only half of the Provincial Councilors elected at the previous Chapter may be re-elected.
 - 41.2.4 Then, from among those elected as Provincial Councilors, the Provincial Vicar is to be elected (see also 41.1.6, above). By virtue of the election as Vicar, he becomes the First Councilor.
 - 41.2.5 In the election of Provincial Councilors, the Provincial Minister who is leaving office enjoys only active voice.
 - 41.2.6 Once elected, a Provincial Minister exercises his Office as Delegate of the General Minister until his election is confirmed.
 - 41.2.7 Those who hold other provincial Offices or appointments remain in Office until the newly-elected Provincial Minister and Council determine otherwise.¹⁰⁴
- 41.3 Elections are governed both by common law and by our particular law.
- 41.4 The *quorum* needed to hold an election or to take any action consists of the presence of a majority of the capitulars.¹⁰⁵
- 41.5 Unless otherwise stipulated, an election is effected by an absolute majority of the electors

¹⁰⁴It is a common misconception that all Offices and appointments cease with Chapter. On the contrary, they continue to be exercised until other provisions are made by the newly-elected leadership team.

¹⁰⁵A *quorum* is required not only to effect an election, but also to carry out non-electoral capitular deliberations.

present for the balloting.

- 41.6 In the tallying of votes, whether in regard to elections or to deliberations, the number of capitulars present for a vote forms the basis on which to determine how many votes are needed to obtain the required majority.¹⁰⁶
- 41.7 With regard to the election of a Provincial Minister, that action has the force of law which receives the approval of an absolute majority of the capitulars present. After three indecisive ballots, in the fourth ballot, a relative majority (i.e., a simple plurality) suffices to effect an election. In the final ballot, the choice is between the two candidates who have obtained the greater number of votes, or, if there are several with an equal number of votes, upon the two who are senior by date of First Profession.¹⁰⁷ If a tie remains after the final ballot, the brother who is senior by date of First Profession is considered elected. If both were professed on the same day, that one is elected who is senior in age.¹⁰⁸
- 41.8 With regard to the election of Provincial Councilors and the Provincial Vicar, after two indecisive ballots, the choice is between the two candidates who have obtained the greater number of votes, or, if there are several with an equal number of votes, upon the two who are senior by First Profession. In the third ballot, a relative majority (i.e., a simple plurality) suffices to effect an election. If a tie remains, the brother who is senior by date of First Profession is considered elected. If both were professed on the same day, that one is elected who is senior in age.¹⁰⁹

42. The Resignation of Active or Passive Voice

- 42.1 If any capitular, for a serious reason, intends to resign his active or passive voice, he shall present the request in writing to the President of the Chapter in a timely fashion. The resignation has no effect unless it is accepted by the President of the Chapter. The resignation holds only to the extent in which it was presented and accepted, e.g.,

¹⁰⁶This represents a change enacted by the 1984 Code of Canon Law (see CIC, c. 119, 1°). Formerly, the absolute majority referred only to valid votes cast (see *1970 Procedural Norms*, Art. V, 1, c). The current legislation establishes the number of capitulars present for a vote as the basis on which to determine how many votes are required for an absolute majority.

¹⁰⁷The provision allowing for a fourth ballot in the election of a Provincial Minister is by way of particular law, approved by the Provincial Chapter of 1984 (see *Messenger*, 47 [1984], p. 124).

¹⁰⁸This norm was adopted by the Provincial Chapter of 1984 (see *Messenger*, 47 [1984], pp. 124-125).

¹⁰⁹This norm was adopted by the Provincial Chapter of 1984 (see *Messenger*, 47 [1984], p. 125).

renouncing passive voice for a certain Office but not for others.¹¹⁰

- 42.2 If a brother elected to an Office renounces his election before the conclusion of the Chapter, the Chapter shall decide by an absolute majority vote whether or not to accept the resignation. If the resignation is accepted, the Chapter shall immediately proceed to elect another candidate to the Office.¹¹¹

43. The Election of a non-Capitular

A Provincial Minister or Councilor elected from outside the Chapter Body becomes a vocal of the Chapter by reason of his election.¹¹²

44. Opening of the Electoral Session

Elections shall be held at a time determined by the Chapter. All the capitulars shall assemble in the Chapter Hall at the appointed time. Unless the Chapter has determined otherwise, non-capitulars may be admitted into the Chapter Hall, but must be seated apart from the area reserved for the electors. The session opens with a short prayer prepared by the Liturgical Commission. The President directs the proceedings.¹¹³

45. The Seating Arrangement

- 45.1 At the first electoral session, each elector will select one of the available seats. The elector will occupy a seat in the same section during all subsequent electoral sessions.
- 45.2 To facilitate the roll call prior to each electoral session, seats shall be arranged in groupings of an equal number.¹¹⁴ The electors are to fill each section of seats so that only one section remains that might be occupied by a number of electors less than the other sections. Two Assistant Tellers are assigned to each section.

¹¹⁰The *1970 Procedural Norms* (Article V, 1, e) determined that it was to the Chapter itself, rather than to the President of the Chapter, that the letter of renunciation was to be addressed, and by which the resignation had to be accepted by an absolute majority vote in order to take effect. The current norm reflects more recent provincial practice and better protects matters of conscience and confidentiality.

¹¹¹This reflects the *1970 Procedural Norm* (Art. V, 1, f).

¹¹²This reflects the *1970 Procedural Norm* (Art. V, 1, d).

¹¹³This updates the *1970 Procedural Norms* (Art. V, 2) which required that the elections be held in the morning, the President open the session with prayer, and that forbade the presence of non-capitulars. It should be noted that the Moderator does not lead the electoral sessions.

¹¹⁴Recent practice has been to create groupings of 20.

46. The Roll Call

A roll call of the capitulars is to be taken before each balloting.¹¹⁵ The Secretary announces the number of electors present for each balloting and the number needed to effect an election.

47. Exhortation of the President

If he has not yet done so, or if he judges it opportune to repeat himself, the President of the Chapter is to give the exhortation already mentioned (see 28.1 and 28.2, above).

48. Instruction to the Electors

The President explains the following points or directs the Secretary to do so:

- 48.1 the requirements for a valid vote;
- 48.2 the manner of filling out the ballot, especially that the full name (i.e., the first and family name) of the candidate be written on the ballot;
- 48.3 that if the number of ballots cast exceeds the number of electors the balloting is null and void and must be repeated;
- 48.4 the number of votes needed to effect an election;
- 48.5 that the Provincial Minister leaving office may not be elected to the Provincial Council; that no more than half of the Provincial Councilors may be re-elected; that the Provincial Vicar may be chosen only from among the elected Councilors;
- 48.6 that if a brother has renounced his passive voice for an Office and this has been accepted by the President of the Chapter, he cannot validly be elected for the Office in question.

49. Electoral Sequence

In accord with the prescriptions of our Constitutions (127, 3, 5-6), the election of the Provincial Minister is held first, followed by the election of the Provincial Councilors, followed by the election of the Provincial Vicar.

¹¹⁵The first electoral roll call is generally a formal one with the Secretary reading the names of the electors and each one indicating his presence. Subsequent roll calls may be done in the following manner: one Assistant Teller from each group counts the number of electors present in his section. The President asks the Assistant Teller to report the number of electors in his section who are actually present. A tally is made and the total number of electors present for each electoral session is announced by the President.

50. Distribution of the Ballots

- 50.1 After the Secretary has recorded the total number of electors present, the Assistant Tellers from each group receive from the Secretary the ballots for that votation only. The President directs the Assistant Tellers to distribute the ballots to the electors of their respective groups. When the ballots have been distributed, the President announces: “We shall now proceed to the election of ... [the Provincial Minister, or the Provincial Councilor, or the Provincial Vicar].”
- 50.2 Each elector will write legibly on the ballot the first and family names of the brother for whom he wishes to cast his vote.
- 50.3 When all the electors have finished voting, the President directs the Assistant Tellers to collect the ballots from the electors of their respective groups and to bring the ballots to the designated place for counting.
- 50.4 Electors who are not present for the roll call of a particular balloting (votation) are excluded from that particular votation. However, if any elector is present in the place where the elections are held but by reason of infirmity cannot be present for the elections in the Chapter Hall, two additional Assistant Tellers shall be appointed to bring the infirmed elector a ballot. If he is able to write, the infirmed elector shall complete his own ballot, fold it, and hand it to the Assistant Tellers. If he is unable to write, one of the Assistant Tellers may fill out the ballot as directed by the elector and show it to the elector to verify his approval. The Assistant Tellers will deliver the ballot to the Chapter Hall and place it in the receptacle with the rest of the electors’ ballots.¹¹⁶
- 50.5 At the designated place, the two Assistant Tellers from each group will count and verify the number of ballots from their respective group. When asked, they will report the number of ballots to the Secretary. If the number of ballots exceeds the number of Capitulars voting, the balloting is invalid, and a new votation must be held. The invalid ballots must be disposed of in such a way that they cannot get mixed up with other ballots.
- 50.6 The Secretary will verify that the total number of ballots cast does not exceed the number of electors in each group or the total number of electors.

51. Examination of the Ballots and Tabulation of the Results

- 51.1 The Tellers shall have taken their designated place, ready to record the balloting results.
- 51.2 The Assistant Tellers will place the ballots from their respective groups into a large

¹¹⁶This follows the canonical procedures, and reflects the *1970 Procedural Norms* (Art. V, 7, b).

receptacle. The receptacle shall be stirred in order to mix the ballots. The ballots are then placed on a table in full view of the Chapter Body.

- 51.3 Each Teller is responsible for recording the name and number of votes received, and will be aided by two Assistant Tellers in the task of counting and verifying the ballots.
- 51.4 The first Assistant Teller is charged with opening each ballot one-by-one, reading each to the Teller and second Assistant Teller, and showing the written ballot to the Teller and second Assistant Teller so as to verify the ballot. The Teller records the name and the vote on a tally sheet. Illegible or dubious ballots are invalid.¹¹⁷ If there is a problem, the President may be asked to assist in solving the problem or to decide the validity of the ballot.
- 51.5 When all the ballots have been recorded, the Tellers will consolidate the results on a single tally sheet, indicating the names of the persons receiving votes as well as the number of votes cast for each respective individual.
- 51.6 One of the Tellers will take the tally sheet to the Chapter Secretary. Starting with those who received the least number of votes, the Teller will read the names and number of votes received by each individual to the Secretary who will record the results. When complete, the Secretary shall present the final tally to the President, verifying once again that the total number of votes cast conforms to the number of electors present for the session.

52. Announcing the Results

- 52.1 The President shall direct the Secretary to announce the final result of each votation in its entirety to the Chapter Body. The Secretary begins with those who received the least number of votes, leading up to the name of the person who received the largest number of votes (see 41.7, above).¹¹⁸
- 52.2 If an election had not taken place, the Secretary begins his announcement by saying: “No election has taken place,” and proceeds to announce the voting results, starting from the lowest number of votes received to the highest.

¹¹⁷Invalid and blank ballots have no effect on the number of votes required to effect an election since the required number is based solely on the number of electors present for the balloting.

¹¹⁸The practice of the Province in this regard is to have the Chapter Secretary announce without naming the individuals, how many brothers received one vote. Then, without naming individuals, how many received two votes. Beginning with three votes, the individuals are named with the corresponding number of votes received, beginning with the lowest number and finishing with the brother who received the highest number of votes.

- 52.3 If an election has taken place, the Secretary begins by saying: “An election has taken place,” and proceeds to announce the voting results, starting from the lowest number of votes received to the person who received the second highest number of votes, at which point the Secretary continues: “Brother N.N. received *x number of* votes, and is elected.”
- 52.4 If the balloting does not result in an election, the next balloting is to take place¹¹⁹. If the balloting has resulted in an election, the President of the Chapter asks the brother elected if he accepts the election. If he refuses his election to Office, the provisions of 42.2 come into play.
- 52.5 With his acceptance to Office, the newly-elected Provincial Minister assumes the role of President or Vice President of the Chapter (see 16.1 and 16.2, above).

53. The Election of Provincial Councilors

- 53.1 When the Provincial Minister has been elected, the Chapter proceeds to the election of Provincial Councilors, electing one at a time in the same manner prescribed for the election of the Provincial Minister. However, on a third ballot, a relative majority (i.e., a simple plurality) suffices to effect an election (see 41.8, above).
- 53.2 If deemed advisable, the President reminds the capitulars that no more than half of the Councilors elected in the preceding Chapter may be re-elected, and that the retiring Provincial Minister enjoys only active voice in the election of Councilors, i.e., he may not be elected to the Provincial Council.

54. The Election of a Provincial Vicar

The capitulars then proceed to elect a Provincial Vicar from among the newly-elected Provincial Councilors. The same procedure is observed as above for the election of the Vicar (see 41.8, above). By virtue of his election, the Provincial Vicar becomes the first Councilor.¹²⁰

55. Close of the Electoral Session

The President brings the electoral session to a close either with the formal announcement or proclamation (see 57, below), or with his closing address to the Chapter (see 58, below), or in some other appropriate fashion.

¹¹⁹The Chapter of 2008 removed the word “immediately” after the phrase “take place”.

¹²⁰It has been the custom of the Province to take a pause before the election of the Provincial Vicar during which time the newly-elected leaders can meet for the purpose of proposing to the Chapter Body their choice for Vicar. The Chapter is not bound by the preference expressed by the newly-elected leaders.

56. The Official Record of the Election Results

Immediately after the elections are concluded, an official record of the election results is drawn up and a copy made by the Chapter Secretary, stamped with the seal of the Province, and signed by the President, the Chapter Secretary and the Tellers. One copy is sent within eight days to the General Minister for confirmation of the election of the Provincial Minister; the other copy is preserved in the Provincial Archives. Once the official record has been drawn up, the Tellers shall see to it that all the ballots are effectively (i.e., thoroughly) destroyed.¹²¹

57. The Formal Proclamation of the Election¹²²

The formal proclamation of the election takes place at a time and place judged most suitable by the Presidential Council.¹²³ The Secretary of the Chapter is charged with making the following proclamation:

“In the name of our Lord and Savior Jesus Christ. Amen.

“We, brothers of the Province of St. Joseph, gathered in Chapter at (*name of place*), from the (*e.g., 15th day of June*) to the (*e.g., 20th day of June*), in the year of our Lord (*e.g., two thousand and five*), with Brother N.N. presiding, hereby proclaim the canonical election of the Provincial Minister, Provincial Councilors and the Provincial Vicar of our beloved Calvary Province.

“In this Chapter the following brothers were elected:

“As Provincial Minister: Brother N.N., who received (#) votes in the (#) ballot.

“As First Councilor: Brother N.N., who received (#) votes in the (#) ballot.

“As Second Councilor: Brother N.N., who received (#) votes in the (#) ballot.

“As Third Councilor: Brother N.N., who received (#) votes in the (#) ballot.

“As Fourth Councilor: Brother N.N., who received (#) votes in the (#) ballot.

¹²¹A sample copy of the official record of election results is attached to these norms (see below, Appendix I).

¹²²See Appendix II.

¹²³The *1970 Procedural Norms* called for the Proclamation to be made in the Chapter Hall following the elections. The current norms allow the Proclamation to take place at other times and places, e.g., as part of the Installation Liturgy.

“As Provincial Vicar: Brother N.N., who received (#) votes in the (#) ballot.”

58. The President’s Closing Address to the Chapter

The President of the Chapter (or his Delegate) will make a final address to the Chapter Body at a time and place to be determined by the Presidential Council.

59. The Installation of the newly-elected Leadership Team

59.1 On the closing day of Chapter, at a time determined by the Presidential Council in consultation with the Liturgical Commission, an appropriate liturgy (i.e., Mass, liturgical Hour, or prayer service)¹²⁴ will be celebrated by the Chapter Body during which the newly-elected leadership team shall be “installed.”¹²⁵

59.2 If it has not already taken place, the formal Proclamation of the Election Results is to take place during the Installation Liturgy in the manner described above (58).

59.3 At an appropriate time during the Installation Liturgy, a formal motion for adjournment *sine die* is made by a pre-determined capitular (see 11.6.8, above).

60. The Profession of Faith and Oath of Fidelity¹²⁶

60.1 In the presence of the Chapter President and Chapter Secretary, at a time and place

¹²⁴The Chapter of 2008 approved a change from the previous norm that stated that a final Eucharistic liturgy (i.e., Mass) would be celebrated during which the installation would take place.

¹²⁵The *1970 Procedural Norms* stipulated that a concelebrated Mass be celebrated, indicated who was to be the main celebrant and concelebrants at the altar, who would give the homily, etc. The *1970 Procedural Norms* also called for a song of thanksgiving and Benediction of the Blessed Sacrament to close the Chapter. The *2004 Norms* stipulated only a Mass. The Chapter of 2008 changed this to “an appropriate liturgy (i.e., Mass, liturgical Hour, or prayer service)”, the rationale being that the president of the 2008 Chapter was Mark Schenk, a lay brother and general definator. The present norms indicate that there is to be an appropriate liturgy during which the formal proclamation of the election results may be made, and during which the Provincial Minister and Vicar may make the required Profession of Faith and Oath of Fidelity. In some recent Chapters, a distinct liturgical service sometime during the Chapter was also used as the setting in which to acknowledge and thank the Provincial Minister and Councilors who were completing their term of office.

¹²⁶Canon Law (c. 833, 8^o) as well as our Capuchin Constitutions (181, 5) requires Superiors, at the beginning of their term of Office, to make a specific Profession of Faith. In addition, since 1989, those same Superiors have been required to take an Oath of Fidelity (see AAS 90 [1998] 543-544). Although our Constitutions urge all the brothers to make the Profession of Faith, those strictly bound to make the Profession of Faith and the Oath of Fidelity are the Provincial Minister and the Provincial Vicar, not the Provincial Councilors (see Const., 114, 2-3). See Appendix IV and V.

deemed most appropriate, the newly-elected Provincial Minister and Provincial Vicar are to make the prescribed Profession of Faith and Oath of Fidelity. The Provincial Councilors may do the same.¹²⁷ A book of the Gospels is used for the Oath of Fidelity.

60.2 The following is the text of the Profession of Faith.¹²⁸

“I, N., firmly believe and profess each and everything that is expressed in the Creed, namely:

“I believe in one God, the Father, the Almighty, Creator of heaven and earth, of all that is seen and unseen. I believe in one Lord, Jesus Christ, the only Son of God, eternally begotten of the Father, God from God, Light from Light, true God from true God, begotten, not, made, one in being with the Father. Through him all things were made. For us and for our salvation he came down from heaven: by the power of the Holy Spirit he was born of the Virgin Mary, and became a human being. For our sake he was crucified under Pontius Pilate: he suffered, died, and was buried. On the third day he rose again in fulfillment of the Scriptures; he ascended into heaven and is seated at the right hand of the Father. He will come again in glory to judge the living and the dead, and his kingdom will have no end. I believe in the Holy Spirit, the Lord, the giver of life, who proceeds from the Father and the Son. With the Father and the Son he is worshiped and glorified. He has spoken through the prophets. I believe in one, holy, catholic and apostolic Church. I acknowledge one baptism for the forgiveness of sins. I look for the resurrection of the dead, and the life of the world to come. Amen.

“With firm faith I also believe all that is contained in the Word of God, whether written or handed down in tradition, which the Church, either in solemn judgment or by its ordinary and universal teaching authority, sets forth for our belief as revealed by God.

“I also firmly accept and hold each and everything definitively proposed by the Church concerning its teachings on faith and morals.

“Moreover, I adhere with religious submission of intellect and will to the teachings which either the Roman Pontiff or the College of bishops enunciate in the exercise of their authentic teaching authority, even if they do not intend to proclaim those teachings by a definitive act.”

¹²⁷The time and place for this is left to the judgment of the President of the Chapter, in consultation with others. It may take place after the elections in the Chapter Hall, or during the Installation Liturgy, or privately in the presence of the President and Secretary of the Chapter.

¹²⁸The official translation approved for Canada on 30 September 1991 is taken from the *Newsletter of the Canadian Canon Law Society*, vol. 17, no. 2 (December 1991), 43-44.

60.3 The following is the text of the Oath of Fidelity.¹²⁹

“I, N., on assuming the office of [...], promise that in my words and actions I shall always preserve communion with the Catholic Church.

“With great care and faithfulness, I shall carry out the duties which bind me to the Church, both universal and particular, in which I have been called to serve, according to the requirements of the law.

“In fulfilling the charge entrusted to me in the name of the Church, I shall hold fast to the deposit of faith in its entirety, I shall faithfully hand it on and expound it, and I shall avoid any teachings opposed to that faith.

“I shall follow and foster the discipline common to the whole Church, and I shall observe all ecclesiastical laws, especially those contained in the *Code of Canon Law*.

“I shall follow with Christian obedience what the pastors as authentic doctors and teachers of the faith declare, and what they as leaders of the Church prescribe. I shall also – with due regard for the character and purpose of the Capuchin Franciscan Order – faithfully assist the diocesan bishops, so that the apostolic work to be exercised in the name and by the mandate of the Church be carried out in the communion of the same Church.

“So help me God and these his holy Gospels, which I touch with my hand.”

61. The Acts (i.e., Official Minutes) of the Chapter

The Acts or Official Minutes of the Chapter are to be drawn up by the Chapter Secretary and signed by the Secretary and the President. The Acts are to be preserved in the Provincial Archives.

62. The Petition for Confirmation of the Election of the Provincial Minister

Within eight days of the election, the Provincial Vicar and Councilors, in the name of the Chapter, are required to send a petition to the General Minister to confirm the election of the Provincial Minister.¹³⁰

¹²⁹The official translation approved for Canada on 30 September 1991 is taken from the *Newsletter of the Canadian Canon Law Society*, vol. 17, no. 2 (December 1991) 45.

¹³⁰A sample petition is attached in Appendix III.

63. Postulation

Postulation refers to advancing a candidate for Office who would otherwise be disqualified. For example, a Provincial Minister at the end of his second consecutive **elected** term may not be elected Provincial Minister. However, a Chapter may postulate him for a third term. The Postulation has no effect unless the candidate obtains two-thirds of the vote on the first ballot. Failing this, the election begins again with the first ballot, excluding the possibility for any further postulations. Acceptance of the postulation is the competence of whomever has the authority to confirm the election (see Const. 115, 7 and Ordinance 8/4).

APPENDIX I

Sample Formula of the Official Record of Election Results

Province of Saint Joseph Official Record of Election Results June 9-16, 2005

Balloting for Minister Provincial	Ballot			
	1 st	2 nd	3 rd	4 th
John Doe 1	81	103	131	
John Doe 2	65	83	79	
John Doe 3	35	19	4	
John Doe 4	9	1		
John Doe 5	6	2		
John Doe 6	5	2		
John Doe 7	3	1		
John Doe 8	2	1		
John Doe 9	2	1		
John Doe 10	1			
John Doe 11	1			
John Doe 12	1			
John Doe 13	1			
John Doe 14	1			
John Doe 15	1			
Abstentions		1		
	214	214	214	

Balloting for <i>x</i> (1 st , etc.) Councilor	Ballot		
	1 st	2 nd	3 rd
John Doe 1	127		
John Doe 2	15		
John Doe 3	14		
John Doe 4	13		
John Doe 5	12		
John Doe 6	11		
John Doe 7	10		
John Doe 8	8		
Invalid Vote	1		
	211		

Balloting for Provincial Vicar	Ballot		
	1 st	2 nd	3 rd
John Doe 1	173		
John Doe 2	4		
John Doe 3	3		
John Doe 4	1		
Abstentions	1		
<hr/>			
	182		

/s/
John Smith 1, President

/s/
John Smith 2, Secretary

/s/
John Smith 3, Teller

/s/
John Smith 4, Teller

/s/
John Smith 5, Teller

(Provincial Seal)

APPENDIX II

Formula for the Formal Proclamation of the Election Results

In the name of our Lord and Savior Jesus Christ. Amen.

We, brothers of the Province of St. Joseph, gathered in Chapter at (*e.g., St. Lawrence Friary at Mount Calvary, Wisconsin*), from the (*e.g., 15th day of June*) to the (*e.g., 20th day of June*), in the year of our Lord (*e.g., two thousand and five*), with Brother N.N. presiding, hereby proclaim the canonical election of the Provincial Minister, Provincial Councilors and the Provincial Vicar of our beloved Calvary Province.

In this Chapter the following brothers were elected:

As Provincial Minister: Brother N.N., who received (#) votes in the (#) ballot.

As First Councilor: Brother N.N., who received (#) votes in the (#) ballot.

As Second Councilor: Brother N.N., who received (#) votes in the (#) ballot.

As Third Councilor: Brother N.N., who received (#) votes in the (#) ballot.

As Fourth Councilor: Brother N.N., who received (#) votes in the (#) ballot.

As Provincial Vicar: Brother N.N., who received (#) votes in the (#) ballot.

/s/

Br. John Smith, Chapter Secretary

APPENDIX III

Sample Formula for the Petition for Confirmation of the Provincial Minister

(Preferably on letterhead stationary)

June 9, 2005

Br. John Corriveau, OFM Cap.
General Minister
Capuchin General Curia
via Piemonte, 70
00187 Rome, Italy

Dear Brother John,

The Lord give you peace!

In accord with the prescriptions of our Constitutions (127), we, the members of the Provincial Council of the Province of St. Joseph, recently elected by the 42nd Provincial Chapter, request the confirmation of the election of our brother, N.N., to serve as Provincial Minister of our beloved Calvary Province.

With this request we are enclosing a copy of the formal Proclamation of the Election Results, as well as the Official Record of the Election Results.

Your brothers,

/s/
Br. John Doe 1, Provincial Vicar

/s/
Br. John Doe 2, 2nd Councilor

/s/
Br. John Doe 3, 3rd Councilor

/s/
Br. John Doe 3, 4th Councilor

APPENDIX IV

The Profession of Faith

I, N., firmly believe and profess each and everything that is expressed in the Creed, namely:

I believe in one God, the Father, the Almighty, Creator of heaven and earth, of all that is seen and unseen. I believe in one Lord, Jesus Christ, the only Son of God, eternally begotten of the Father, God from God, Light from Light, true God from true God, begotten, not, made, one in being with the Father. Through him all things were made. For us and for our salvation he came down from heaven: by the power of the Holy Spirit he was born of the Virgin Mary, and became a human being. For our sake he was crucified under Pontius Pilate: he suffered, died, and was buried. On the third day he rose again in fulfillment of the Scriptures; he ascended into heaven and is seated at the right hand of the Father. He will come again in glory to judge the living and the dead, and his kingdom will have no end. I believe in the Holy Spirit, the Lord, the giver of life, who proceeds from the Father and the Son. With the Father and the Son he is worshiped and glorified. He has spoken through the prophets. I believe in one, holy, catholic and apostolic Church. I acknowledge one baptism for the forgiveness of sins. I look for the resurrection of the dead, and the life of the world to come. Amen.

With firm faith I also believe all that is contained in the Word of God, whether written or handed down in tradition, which the Church, either in solemn judgment or by its ordinary and universal teaching authority, sets forth for our belief as revealed by God.

I also firmly accept and hold each and everything definitively proposed by the Church concerning its teachings on faith and morals.

Moreover, I adhere with religious submission of intellect and will to the teachings which either the Roman Pontiff or the College of bishops enunciate in the exercise of their authentic teaching authority, even if they do not intend to proclaim those teachings by a definitive act.

APPENDIX V

The Oath of Fidelity

I, N., on assuming the office of [...], promise that in my words and actions I shall always preserve communion with the Catholic Church.

With great care and faithfulness, I shall carry out the duties which bind me to the Church, both universal and particular, in which I have been called to serve, according to the requirements of the law.

In fulfilling the charge entrusted to me in the name of the Church, I shall hold fast to the deposit of faith in its entirety, I shall faithfully hand it on and expound it, and I shall avoid any teachings opposed to that faith.

I shall follow and foster the discipline common to the whole Church, and I shall observe all ecclesiastical laws, especially those contained in the *Code of Canon Law*.

I shall follow with Christian obedience what the pastors as authentic doctors and teachers of the faith declare, and what they as leaders of the Church prescribe. I shall also – with due regard for the character and purpose of the Capuchin Franciscan Order – faithfully assist the diocesan bishops, so that the apostolic work to be exercised in the name and by the mandate of the Church be carried out in the communion of the same Church.

So help me God and these his holy Gospels, which I touch with my hand.

APPENDIX VI

Provincial Norms for Electing a Delegate to the General Chapter

Provincial Ministers are *ex officio* capitulars at the General Chapters (Const. 116, 4). In addition, every Province with 100 professed brothers is to elect a Delegate to the General Chapter [Provinces with 400 professed brothers may elect and send a second Delegate] (see Ordinance 8/7) Delegates must be perpetually professed brothers of the Order. The manner of election is determined by each Province (Ord. 8/7). The election of Delegates and substitutes must be held and the results of the election published at least three (3) months prior to the General Chapter. The Delegates and their substitutes are elected by all the perpetually professed brothers of the Province, unless otherwise impeded (see 8.1-8.3 above).

Once the General Chapter has been convoked, the Provincial Minister and his Council will set into motion the election of a Delegate and substitute, mindful always that the results of the election must be had and published at least three months prior to the start of the General Chapter.

The election of a Delegate and substitute Delegate to the General Chapter shall take place in the following manner:

1. The names of all the eligible brothers shall be gathered into a single list.
2. In the first ballot an absolute majority shall be required for the election of the Delegate. If this ballot results in an election, a second ballot shall be held to elect a substitute Delegate in which a simple plurality determines the results. If the first ballot does not result in the election of a Delegate, a second ballot shall be taken in which the brother with the highest number of votes is declared elected as Delegate, and the brother with the next highest number is declared elected as substitute Delegate.
3. If, in the last ballot, there is a tie vote, he shall be declared elected who is senior by date of First Profession, and if they made Profession on the same day, the one who is senior by age.
4. If the Provincial Minister, for a serious reason, is unable to attend the General Chapter, or if the Office of Provincial Minister is vacant, the Provincial Vicar goes to the General Chapter in his stead (see Const. 116, 5). If the Vicar had been elected as Delegate, the substitute shall go to the Chapter in the capacity of Delegate.¹³¹

¹³¹See *Messenger*, 38 (1975), pp. 222-223.