

# Procedures for Celebrating a Provincial Chapter

## 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). To be implemented and have legal binding force, all such norms require the approbation of a Provincial Chapter. A copy of the Procedures is to be sent to the General Minister who, with the advice of the General Procurator, may make suggestions for revision.<sup>1</sup>
- 1.2 Once approved by a Provincial Chapter, the *Procedures* remain in full force. All changes to these norms – whether permanent or temporary – require the approbation of a Provincial Chapter, unless otherwise determined in law.
- 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 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*.
- 1.4 Changes to Canon Law, the Constitutions or Ordinances of the Order, or individual enactments of Provincial Chapters may automatically alter certain procedural norms. When a canonical determination is made that such changes supersede 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.
- 1.5 References, footnotes, and parenthetical remarks are not to be considered part of the *Procedures* proper.

#### 2. The Provincial Chapter and its Convocation

- 2.1 The first authority in the Province is the Provincial Chapter (see Const. 129,1).
- 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. The faculty of

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<sup>1</sup> This has always been an expectation, but was added here as a reminder for those who may not be aware of it.

permitting the celebration of a Chapter, for a just cause, six months before or after a three-year term belongs to the General Minister (Ordinance 8/15).

- 2.4 The Chapter must allow itself 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 concerning 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 before the start of Chapter (see 5.1).
- 2.5 After informing the General Minister, an Extraordinary Provincial Chapter may be convoked by the Provincial Minister with the consent of his Council to discuss the principal matters concerning the life and activity of the Province, excluding elections (see Const. 129,3).
- 2.6 The Convocation of a Provincial Chapter is carried out lawfully through a Circular Letter signed by the Provincial Minister and published to the Province.
- 2.7<sup>2</sup> Canon Law **determines**<sup>3</sup> the quorum needed for the valid celebration of a chapter, whether a chapter of direct suffrage or a delegate chapter.

## PART TWO

### THE CHAPTER BODY

#### **3. The Choice between a Chapter of Direct Suffrage and a Delegate Chapter**

In 1983, the Province of St. Joseph adopted Direct Suffrage as the norm for its Provincial Chapters. This was superseded, however, by the General Ordinances (8/18,1) which stipulate that Provinces with 100 or fewer brothers are to celebrate a Chapter of Direct Suffrage, and Provinces with over 100 brothers are to celebrate a Chapter of Delegates. According to the same Ordinance (8/18,2), that norm can be changed by the Province if, in a referendum in which at least 75% of the perpetually professed brothers participate, and a two-thirds vote is in favor of the change. The decision, then, is written into the *Procedures for Celebrating a Provincial Chapter*. The decision remains in effect until or unless another referendum is held to change the *Procedures*.

#### **Norms specific to Chapters of Direct Suffrage**

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<sup>2</sup> **This needs to be corrected in the copy already sent. For some reason 2.6 was repeated.**

<sup>3</sup> In the previous edition the word was “stipulates”. There is no substantive change.

- 3.2 Under Direct Suffrage, the following enjoy active voice in all Ordinary and Extraordinary Provincial Chapters (Const. 130,1):
- 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 of the Province of St. Joseph, unless otherwise impeded (see Const. 121,6), and
- 3.2.4 all perpetually professed brothers from other jurisdictions who are sent to our Province to serve or minister in our Province (see Const. 121,6 and Ord. 8/3,2).<sup>4</sup> All such brothers exercise their voting rights in their home circumscription for the first year, after which they exercise them in our Province.

#### **4. Norms specific to Delegate Chapters**

- 4.1 In virtue of their Office, the following brothers enjoy active voice in all Ordinary and Extraordinary Provincial Chapters:
- 4.1.1 the General Minister, if he presides,
- 4.1.2 the Provincial Minister and Provincial Councilors, and
- 4.1.3 the **Guardians**<sup>5</sup> of fraternities with a minimum of three professed brothers, residing in a canonically established house, under that same **Guardian**.<sup>6</sup>
- 4.1.4 **The term for Guardians is three years,**<sup>7</sup> or until the next Provincial Chapter. If the Office of **Guardian**<sup>8</sup> becomes vacant six or more months before the Chapter, the provincial minister, with the consent of his Council, may appoint another friar to finish the term of office. If, however, the office becomes vacant less than six months before the Chapter, the Vicar assumes the office by law.
- 4.2 If a **Guardian**<sup>9</sup> is impeded or excused from attending Chapter, or if the Office of **Guardian**<sup>10</sup> is vacant, the Local Vicar substitutes for him *ex officio*.

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<sup>4</sup> The word order as changed to reflect the pattern already set. The previous version read: “by reason of our Constitution (121,6) and Ordinances (8/3,2), all perpetually...” There is no substantive change.

<sup>5</sup> This reflects the decision of the Province to return to the exclusive use of the title Guardian rather than local minister.

<sup>6</sup> See footnote 5.

<sup>7</sup> The former text was “Local ministers retain their mandate (Office) for three years.” No substantive change.

<sup>8</sup> See footnote 5.

<sup>9</sup> See footnote 5.

<sup>10</sup> See footnote 5.

- 4.3 In a Delegate Chapter, the number of Capitulars-by-law must be fewer than the number of delegates (Ord. 8/17,1).
- 4.3.1 The number of Delegates to be elected shall be at least equal in number to the capitulars-by-law plus one.
- 4.4 Delegates to the Provincial Chapter shall be elected in the following manner:
- 4.4.1 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 three equal groups.
- 4.4.2 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.
- 4.4.3 Each brother with active voice shall vote for three (3) brothers from each of the three groups.
- 4.4.4 The three brothers from each of the three groups who receive the highest number of votes (i.e., a simple plurality) shall be elected as Chapter Delegates.
- 4.4.5 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.
- 4.4.6 A second ballot shall be sent to each elector with as many blank positions 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)<sup>11</sup> Delegates 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 filled. An absolute majority of the votes cast is required for election in this balloting.
- 4.4.7 If necessary, a third ballot shall be taken to elect the remaining number of Delegates, in which a simple plurality shall determine the election.
- 4.4.8 The last ballot, be it the second or the third, listing the names of the brothers and how many votes they received is to be kept by the Provincial Secretary. This list determines

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<sup>11</sup> The former text had (12) following the word delegates instead of twelve. No substantive change.

who, if any, will serve as substitutes.

- 4.5 The following norms apply to the election of Delegates to the Chapter:
- 4.5.1 Ballots received after the established deadline are invalid and may not be counted.
- 4.5.2 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.
- 4.5.3 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.
- 4.5.4 If an elected Delegate is impeded from attending the Chapter for a serious reason and<sup>12</sup> 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 ballot shall be the substitute Delegate(s).
- 4.5.5 If a Guardian<sup>13</sup> is prevented from attending the Chapter for<sup>14</sup> a serious reason approved by the Provincial Minister, or if the Office of Guardian<sup>15</sup> becomes vacant, the Local Vicar attends the 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. All capitulars are obliged to attend the Provincial Chapter in its entirety.
- 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.
- 5.3 No capitular is permitted to leave<sup>16</sup> before the Chapter is officially concluded unless the Chapter President, knowing and approving the reason for the departure, permits<sup>17</sup> an early departure.
- 5.4 Any capitular who wishes to excuse himself from a plenary (general) session of the

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<sup>12</sup> *Grammarly* suggested removing the comma after “reason”. No substantive change.

<sup>13</sup> See footnote 5.

<sup>14</sup> *Grammarly* suggested removing the comma after “reason”. No substantive change.

<sup>15</sup> See footnote 5.

<sup>16</sup> The former text used the word “depart”. No substantive change.

<sup>17</sup> The former text read: “gives permission”. No substantive change.

Chapter must make his reason known to the Chapter President.

## **6. Those who enjoy Active Voice**

6.1 According to our Constitutions (130,1), 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 (121,6).

6.2 Only those brothers who are actually present at the Chapter enjoy the right to vote (Const. 130,3) (see also 50.4, below).

## **7. Those who enjoy Passive Voice**

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.

7.2 The Office of Superior may be validly conferred only upon those brothers who have been perpetually professed for a minimum of three years (see Const. 123,6).

## **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, and no Substitute is to be named (Ord. 8/19,1).

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 **exclaustration**.<sup>18</sup> If such a request is presented during Chapter, the brother making the request is to be excluded from the Chapter Body, and no Substitute is to be named (Ord. 8/19,1). Deprivation of active and passive voice remains in effect until the brother is **officially received back into**<sup>19</sup> active life in the Province.

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 their legitimate assignment for a prolonged period, i.e., for a sustained period of six months, without permission from the Provincial Minister (see Ord. 8/19,1).

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<sup>18</sup> The former text used the phrase “incardination into a Diocese or another Institute of Consecrated Life.” “Excardination” is a more precise canonical term for the process. No substantive change is involved.

<sup>19</sup> The former text read: “returns to active life” but the canonical process, however, involves an official reception back into the Province. The change is more precise. No substantive change is involved.

- 8.4 A capitular loses his active voice if, without legitimate permission, he is not present for the entire proceedings of the Chapter.
- 8.5 A Provincial Minister may not be elected to a third consecutive term (Const. 132,2).
- 8.6 Postulation is permitted in the Order (Const. 123,7). **To entertain**<sup>20</sup> the possibility of postulation, at least one-third of the capitulars must present a request in writing to the president of the Chapter. Lacking one-third, the attempt fails (Ord. 8/5,1). If a request is made by the requisite one-third of the capitulars, the candidate must receive two-thirds of the vote of the capitulars present in the first balloting. Failing this, the postulation fails and no other attempt to postulate may be entertained (Ord. 8/5,2). If the candidate is successfully postulated for a third term, he may not serve beyond that third consecutive term (Ordinances 8/21). After three consecutive terms, the individual is excluded from all possibility of being elected, appointed, or postulated (Ord. 8/21).
- 8.7 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 (Ord. 8/22).
- 8.8**<sup>21</sup> *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 **in**<sup>22</sup> the previous Chapter may be re-elected (Const. 132,3).

## **9. The Presence of Non-Capitulars**

- 9.1 The Ordinances of the General Chapters (8/17,2) indicate that the brothers of the Province who are not capitulars may participate in the Chapter as observers [i.e., listeners] unless the Procedures for Celebrating the Provincial Chapter determine otherwise. In our Province the norm has been that 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. With advances in technology, **the physical presence of observers**<sup>23</sup> at the Chapter may not be necessary to accomplish this objective.
- 9.2 Non-capitulars legitimately elected or appointed to a Chapter office or role of service

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<sup>20</sup> *Grammarly* suggests that the former phrase “in order to” is too wordy and suggested this change. No substantive change is involved.

<sup>21</sup> The numbering should be corrected. This was simply a typo. No substantive change is involved.

<sup>22</sup> The former text used the word “at” the previous Chapter. No substantive change is involved.

<sup>23</sup> This is added to make it clear that it applies only to observers, not to capitulars. The issue was clarified by the Vatican during the Covid-19 epidemic that capitulars cannot validly participate virtually. This puts into writing the current practice of the Roman Discatery.

- 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**<sup>24</sup> may address the Chapter Body in the exercise of their role, or when given permission to do so by the Chapter Body.
- 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.
- 9.4 The Chapter Hall itself shall be arranged in such a way that clearly delineates and separates capitulars from non-capitulars.

### **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)**

- 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 Councilors are *ex officio* members of the Preparatory Commission. The Provincial Minister serves *ex officio* as its President (*aka* Chairperson).
- 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.

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<sup>24</sup> *Grammarly* suggested removing the comma after “presence”. No substantive change is involved.

- 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 **about**<sup>25</sup> 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 **concerning**<sup>26</sup> 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 procedure for **dealing with**<sup>27</sup> 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;
  - 11.6.6 facilitating the logistics of the Chapter by making arrangements for the venue, **food, lodging,**<sup>28</sup> presenters, materials, etc.,
  - 11.6.7 providing for adequate adjunct personnel to help with the duties of the Chapter, particularly **regarding**<sup>29</sup> 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.
  - 11.6.9 The Preparatory Commission *may* be consulted by the Provincial Minister and his Council concerning 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

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<sup>25</sup> *Grammarly* thinks “pertaining to” (the former text) is too wordy and suggested this change. No substantive change is involved.

<sup>26</sup> *Grammarly* thinks “with regard to” (the former text) is too wordy and suggested this change. No substantive change is involved.

<sup>27</sup> The former text was “for proceeding with”. No substantive change is involved.

<sup>28</sup> The former text read: “food and lodging”. No substantive change is involved.

<sup>29</sup> *Grammarly* thinks “in regard to” (the former text) is too wordy and suggested this change. No substantive change is involved.

Tellers and Assistant Tellers (21).

- 11.7 The Preparatory Commission will include on 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.
- 11.8 The Preparatory Commission's service ends with the election of the Presidential Council by the Chapter itself.

## **12. The Scope of a Provincial Chapter**

- 12.1 A Provincial Chapter deals with matters regarding the life and activity of the Province. All the brothers are to be consulted beforehand **concerning**<sup>30</sup> the issues with which the Chapter will deal (see Const. 129,4).
- 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 (Ord. 8/16).

## **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. 132,1).
- 13.2 In the Ordinary Provincial Chapter, the elections of the Provincial Minister, Provincial Vicar, and Provincial Councilors are to take place according to the approved *Procedures for Celebrating a Provincial Chapter* (see Const. 132,1).
- 13.3 It pertains **specifically**<sup>31</sup> to the Provincial Chapter to approve the canonical establishment of local fraternities before their actual establishment by the Provincial Minister with the consent of his Council (Const. 120,1).
- 13.4 It pertains to the Provincial Chapter to establish norms for the disposition of the goods of suppressed fraternities, respecting the will of the donors and any rights legitimately

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<sup>30</sup> *Grammarly* thinks “with regard to” (the former text) is too wordy and suggested this change. No substantive change is involved.

<sup>31</sup> The former text read: “It pertains in a special way to” . The revision is closer to what the Constitutions say. No substantive change is involved.

acquired (Ord. 4/6).

- 13.5 It pertains to the Provincial Chapter to establish how the Provincial Delegate(s) to the General Chapter is/are to be elected (Ord. 8/9,2).<sup>32</sup>
- 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. 135,2).
- 13.7 It pertains to the Provincial Chapter to establish norms concerning<sup>33</sup> which brother substitutes for the Guardian<sup>34</sup> in the absence of both the Guardian<sup>35</sup> and the Local Vicar (Const. 140,4).
- 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. 55,3).
- 13.9 It pertains to the Provincial Chapter or the Conference of Major Superiors to determine the advisability of establishing Houses of Prayer and Contemplation and to provide norms for them (Ord. 3/5).
- 13.10 The Provincial Chapter may be consulted concerning establishing structures for the accompaniment and more adequate preparation of those interested in religious life (Ord. 2/1,2).
- 13.11 It is for the Provincial Chapter to decide the limits of financial assets<sup>36</sup> necessary for the ordinary internal needs of the Province and how much needs to be kept in reserve for internal extraordinary expenses (maintenance, health care, insurance, formation) and for solidarity outside the Province (missions and charity) (Ord. 4/4,2).
- 13.12 It pertains to the Provincial Chapter to establish norms determining how the goods of a suppressed fraternity are disposed of, respecting the wishes of those who founded or offered the places to us and any legitimately acquired rights (Ord. 4/6).
- 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

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<sup>32</sup> The Ordinance number was updated from 8/9 to 8/9,2. No substantive change is involved.

<sup>33</sup> *Grammarly* thinks “with regard to” (the former text) is too wordy and suggested this change. No substantive change is involved.

<sup>34</sup> See footnote 5.

<sup>35</sup> See footnote 5.

<sup>36</sup> The former text read: “to decide the amount of financial assets are necessary”. The text of the Ordinance speaks about *tetto*... a limit. This is more in keeping with the legal text. No substantive change is involved.

- of whom may be lay people (Ord. 4/15,1-2).<sup>37</sup>
- 13.14 It pertains to the Provincial Chapter to promulgate norms concerning forms of penance, especially those done in common (Ord. 7/1,2).<sup>38</sup>
- 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 (Ord. 7/1,1).<sup>39</sup>
- 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. 148,3).<sup>40</sup>
- 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 deceased<sup>41</sup> brothers, parents, and benefactors (Ord. 3/2,3).
- 13.18 The Provincial Chapter may enact special Statutes that must be approved by the General Minister with the consent of his Council, so that the prescriptions of the Constitutions may be appropriately applied according to the circumstances of the Province (Const. 186,4).<sup>42</sup>

#### **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;
- 14.1.2 the report of the Provincial Minister whose term is ending, with adequate opportunity for dialogue with the Chapter Body;
- 14.1.3 the triennial provincial financial report, with adequate opportunity for dialogue with the Chapter Body;

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<sup>37</sup> The former text contained the reference to the Constitutions (72,1-2). It was moved to the Ordinances. No substantive change is involved.

<sup>38</sup> The former text contained the reference to the Constitutions (105, 2-.3). It was moved to the Ordinances. No substantive change is involved.

<sup>39</sup> The former text contained the reference to the Constitutions (103, 6). It was moved to the Ordinances. No substantive change is involved.

<sup>40</sup> The former text contained the reference to the Constitutions (146,3). The numbering in the Constitutions changed. No substantive change is involved.

<sup>41</sup> *Grammarly* suggested changing “for deceased” (the former text) to this one. No substantive change is involved.

<sup>42</sup> The former text contained the reference to the Constitutions (184,5). The numbering in the Constitutions changed. No substantive change is involved.

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

## 15. Pre-Chapter Service Appointments

15.1 In general, all who exercise roles of service during the 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.

15.2 The **Provincial Liturgical Commission**, in collaboration with the Preparatory Commission, is hereby mandated to prepare all the public prayer functions of the Chapter and to make arrangements for musicians, cantors, liturgical aids, etc. The approval of the liturgical preparations, preachers, and celebrants is left to the Provincial Minister and his Council.

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*), to<sup>43</sup> offer effective direction when our *Procedures* prove insufficient.

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.

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.

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

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<sup>43</sup> Grammarly thinks “in order to” (the former text) is too wordy and suggested this change. No substantive change is involved.

Capuchins.

- 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 ongoing 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.
- 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**. 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

#### 16. The President of the Chapter

- 16.1 At Ordinary Chapters, the General Minister, or his duly appointed Delegate, presides *ex officio* over all the Chapter proceedings. If neither the General Minister nor his Delegate is present, the Provincial Minister acts as President. At Extraordinary Chapters, the Provincial Minister presides even should the General Minister or a General Councilor be present.<sup>44</sup>
- 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. 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, determine<sup>45</sup> the hour-plan of the general sessions, and see that the topics to be treated in each session are announced to the capitulars in a timely fashion by the Chapter Secretary.

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

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<sup>44</sup> This is one of the distinctions that only became apparent when Covid-19 made holding Ordinary Chapters impossible. As a result, Extraordinary Chapters (following the Constitutions) were required within a year after appointments were made. When the focus turned to Extraordinary Chapters, people realized that even should the General or his Delegate be present, it is the Provincial Minister who presides at Extraordinary Chapters. This puts into writing the current norm that might otherwise go unnoticed. No substantive change is involved.

<sup>45</sup> *Grammarly* suggests not repeating the “to” before the series of infinitives (“to determine”... “to see”) (as in the former text). No substantive change is involved.

- 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. They need to possess familiarity<sup>46</sup> 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 following<sup>47</sup> 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 Staff**

- 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:
- 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;

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<sup>46</sup> The former text read: "a familiarity". *Grammarly* suggested dropping "a". No substantive change is involved.

<sup>47</sup> *Grammarly* thinks "in accordance with" (the former text) is too wordy and suggested this change. No substantive change is involved.

- 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 following the directions given by the Chapter, unless this task is given to a special committee.

## **20. The Secretary of the Chapter**

- 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.
- 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 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 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.
- 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 **destroy**<sup>48</sup> 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**

- 22.1 Additional *ad hoc* committees, functioning **during the**<sup>49</sup> Chapter, 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 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*)**

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<sup>48</sup> *Grammarly* suggests dropping “to” before the word “destroy” (the former text). No substantive change is involved.

<sup>49</sup> *Grammarly* thinks “during the course of the chapter” (the former text) is too wordy and suggested this change. No substantive change is involved.

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 (i.e., the Letter of Indiction)<sup>50</sup> has been received from the General Minister to celebrate a Provincial Chapter, a letter from the Provincial Minister officially convoking the Chapter is to be published to the entire Province.

24.2 The Letter of Convocation is to indicate 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 concerning<sup>51</sup> the issues they would like placed on the Chapter agenda.

25.2 Once the entire Province has been consulted and the Preparatory Commission has formulated a proposed agenda, the Commission<sup>52</sup> may decide to develop and implement an appropriate pre-Chapter process.

25.3 The entire Province is to be informed promptly<sup>53</sup> 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**

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<sup>50</sup> The distinction between the Letter of Indiction and the Letter of Convocation was in a footnote in the former text. Insertion into the actual text makes it clear. No substantive change is involved.

<sup>51</sup> *Grammarly* thinks “with regard to” (the former text) is too wordy and suggested this change. No substantive change is involved.

<sup>52</sup> Since two entities are mentioned, namely the Province and the Commission, this makes it clear that it is the competence of the Commission. No substantive change is involved.

<sup>53</sup> “Promptly” replaces “in a timely manner”. What is “timely” to one person may not be “prompt”. This indicates that it should give people time to consider the matter, and not just being told the day before. No substantive change is involved.

## **26. Arrival**

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

## **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 prayer 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 roll.

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 concerning 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 concerning opinions expressed and votes cast.

## **29. The Election of Chapter Officials**

29.1 The election of Chapter officials shall be accomplished by a show of hands. 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. 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 Offices or roles of service:
- 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 following these *Procedures* (see 22.2 and 22.3, above).
- 29.3 **If the Chapter fails<sup>54</sup>** 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

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<sup>54</sup> The former text read: “should it happen that the Chapter fail...” which is a bit unwieldy. No substantive change is involved.

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.

- 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 is 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) session of the Chapter be held. An absolute majority is required for the 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 the 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, even **before**<sup>55</sup> 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 which topics will be placed on the agenda, their priority, and their sequence. 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,

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<sup>55</sup> The former text was “prior to” and has been changed to “before”. No substantive change is involved.

the Province is consulted with regard not only to agenda items, but also their priority and sequence.

### **33. Determining the Schedule**

- 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, monitor<sup>56</sup> the progress of the Chapter and the sentiments of the capitulars regarding<sup>57</sup> the schedule, and 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 until 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 the 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-thirds vote to set aside the orders of the day.

### **34. Establishing the time for the Elections**

Elections may take place at any time during the Chapter. 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

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<sup>56</sup> Grammarly suggests not repeating the “to” before the series of infinitives (“to monitor”... “to propose”) (as in the former text). No substantive change is involved.

<sup>57</sup> Grammarly thinks “with regard to” (the former text) is too wordy and suggested this change. No substantive change is involved.

an absolute majority vote of the capitulars present. It facilitates the Chapter process if, during the planning phase, the Province is consulted concerning 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 reports<sup>58</sup> on his administration and the status of personnel, places, and finances. This is followed by an open discussion of the administration and status of the Province. The Chapter must<sup>59</sup> 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.

### **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 address<sup>60</sup> the Chapter Body. Sufficient time will be allotted for a dialogue.

## **PART SEVEN**

### **PLENARY SESSIONS AND PARLIAMENTARY PROCEDURE**

### **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:

#### **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

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<sup>58</sup> The former text was “gives a report”. No substantive change is involved.

<sup>59</sup> The former text was “It is important that the Chapter exercise its responsibility...” This simplifies it. No substantive change is involved.

<sup>60</sup> The former text reads: “will be given an opportunity to address”. The practice is that the Minister or Delegate will always address the Chapter. No substantive change is involved.

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; 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 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 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 the debate. If no objections are forthcoming, the pending motion is voted on immediately. If objections are made, then the motion to end the discussion is voted on. A two-thirds majority is required to carry the motion.

### 38.4 **Voting method**

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 an 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 a 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 a committee or **the**<sup>61</sup> 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

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<sup>61</sup> The former text read “to a party” but it refers to the party that submitted the motion. This is a clarification. No substantive change is involved.

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 an 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, and 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 that 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 Norms**

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

39.2 A proposal should be broadly discussed before a motion on amendments is admitted 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 **To**<sup>62</sup> provide for more mature reflection, it **may**<sup>63</sup> 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 amendments for later submission to the Chapter.

### **40. Proposals from the Floor**

If, **during the**<sup>64</sup> 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. The proposal shall then be presented in writing to the Presidential Council through the Chapter Secretary. The Presidential Council will then present the proposal to the

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<sup>62</sup> *Grammarly* thinks “in order to” (the former text) is too wordy and suggested this change. No substantive change is involved.

<sup>63</sup> The former text read “it will be opportune”, but the sense requires a subjunctive. No substantive change is involved.

<sup>64</sup> Formerly: “If, during the course of the Chapter”. Determined to be unnecessarily wordy. No substantive change is involved.

Chapter for its consideration.

## PART EIGHT

### THE ELECTION OF THE PROVINCIAL MINISTER, COUNCILORS, AND PROVINCIAL VICAR

#### 41. Norms governing Elections

41.1 According to our Capuchin Constitutions:

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 **concerning**<sup>65</sup> 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.

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 **except**<sup>66</sup> those that flow from Sacred Orders. **Concerning**<sup>67</sup> 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 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 **Concerning**<sup>68</sup> provincial elections, our Constitutions prescribe the following:

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<sup>65</sup> *Grammarly* thinks “with regard to” (the former text) is too wordy and suggested this change. No substantive change is involved.

<sup>66</sup> The former text read: “excepting those that flow from...”. This is a simplification. No substantive change is involved.

<sup>67</sup> *Grammarly* thinks “with regard to” (the former text) is too wordy and suggested this change. No substantive change is involved.

<sup>68</sup> *Grammarly* thinks “with regard to” (the former text) is too wordy and suggested this change. No substantive

- 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 (Const. 132,1 and Ord. 8/15).
- 41.2.2 A Provincial Minister is eligible for only two consecutive **elected** terms of office (Const. 132,2). 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 Council have 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 (Const. 132,3).
- 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 his**<sup>69</sup> election as Vicar, he becomes the First Councilor (Const. 132,4).
- 41.2.5 In the election of Provincial Councilors, the Provincial Minister who is leaving office enjoys only active voice **(Ord. 8/22)**.<sup>70</sup>
- 41.2.6 Once elected, a Provincial Minister exercises his Office as Delegate of the General Minister until his election is confirmed **(Const. 132,5)**.<sup>71</sup>
- 41.2.7 Those who hold other provincial Offices or appointments remain in Office until the newly-elected Provincial Minister and Council determine otherwise **(Const. 132,6)**.<sup>72</sup>
- 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.
- 41.5 Unless otherwise stipulated, an election is effected by an absolute majority of the electors present for the balloting.
- 41.6 In the tallying of votes, whether **regarding**<sup>73</sup> elections **or deliberations**,<sup>74</sup> the number

change is involved.

<sup>69</sup> *Grammarly* thinks “by virtue of” (the former text) is too wordy and suggested this change. No substantive change is involved.

<sup>70</sup> The reference was added. No substantive change is involved.

<sup>71</sup> The reference was added. No substantive change is involved.

<sup>72</sup> The reference was added. No substantive change is involved.

<sup>73</sup> *Grammarly* thinks “in regard to” (the former text) is too wordy and suggested this change. No substantive change is involved.

<sup>74</sup> *Grammarly* suggested deleting the “to” before “deliberations” (the former text). No substantive change is involved.

of capitulars present for a vote forms the basis on which to determine how many votes are needed to obtain the required majority.

- 41.7 **Concerning**<sup>75</sup> 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. In our Province, 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, the two who are senior by date of First Profession. If a tie remains after the final ballot, the brother who is senior by the date of First Profession is considered elected. If both were professed on the same day, that one is elected who is senior in age.
- 41.8 **Concerning**<sup>76</sup> 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.

## **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 **is strictly bound by the limits for which it was**<sup>77</sup> presented and accepted, e.g., renouncing passive voice for a certain Office but not for others.
- 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.

## **43. The Election of a non-Capitular**

A Provincial Minister or Councilor elected from outside the Chapter Body becomes a vocal of the Chapter **because**<sup>78</sup> of his election.

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<sup>75</sup> *Grammarly* thinks “with regard to” (the former text) is too wordy and suggested this change. No substantive change is involved.

<sup>76</sup> *Grammarly* thinks “in regard to” (the former text) is too wordy and suggested this change. No substantive change is involved.

<sup>77</sup> The former text read: “resignation holds only to the extent in which it was presented”. The phrase is awkward and simplified. No substantive change is involved.

<sup>78</sup> *Grammarly* thinks “by reason of” (the former text) is too wordy and suggested this change. No substantive

#### **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**<sup>79</sup> 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.

#### **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 **before**<sup>80</sup> each electoral session, seats shall be arranged in groupings of an equal number. The electors are to fill each section of seats so that only one section remains that might be occupied by a **sum**<sup>81</sup> of electors less than the other sections. Two Assistant Tellers are assigned to each section.

#### **46. The Roll Call**

A roll call of the capitulars is to be taken before each balloting. 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;

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change is involved.

<sup>79</sup> *Grammarly* suggested removing the comma after “Hall”. No substantive change is involved.

<sup>80</sup> “Prior to” has been replaced with “before”. No substantive change is involved.

<sup>81</sup> “A number of electors” has been replaced with “a sum of electors”. No substantive change is involved.

- 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 (132,2-4),<sup>82</sup> 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.

#### **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 preceding 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 because 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 can<sup>83</sup> 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.

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<sup>82</sup> The reference to the Constitutions (127,3, 5-6) was updated to reflect the current Constitutions. No substantive change is involved.

<sup>83</sup> “Is able to write” (the former text) is replaced with “can write”. No substantive change is involved.

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 then take<sup>84</sup> their designated place, ready to record the balloting results.

51.2 The Assistant Tellers place the ballots from their respective groups into a large receptacle. The receptacle shall be stirred 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 to<sup>85</sup> verify the ballot. The Teller records the name and the vote on a tally sheet. Illegible or dubious ballots are invalid. 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**

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<sup>84</sup> The former text read: “Tellers shall have taken their...” which was very awkward. No substantive change is involved.

<sup>85</sup> Grammarly thinks “so as to” (the former text) is too wordy and suggested this change. No substantive change is involved.

- 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).
- 52.2 If an election has 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.
- 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 place. If the balloting has resulted in an election, the President of the Chapter asks the brother elected if he accepts the election. If the 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 his**<sup>86</sup> election, the Provincial Vicar becomes the First Councilor.

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<sup>86</sup> *Grammarly* thinks “by virtue of” (the former text) is too wordy and suggested this change. No substantive change is involved.

## **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.

## **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 is 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 and Provincial Vicar (see canon 179);<sup>87</sup> 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.

## **57. The Formal Proclamation of the Election**

The formal proclamation of the election takes place at a time and place judged most suitable by the Presidential Council. 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., 15<sup>th</sup> day of June*) to the (*e.g., 20<sup>th</sup> 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.

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<sup>87</sup> The canonical requirement for Vicars to be confirmed in Office is contained in a letter of the General Minister dated February 7, 2022 (Prot. N. 138/22). The new practice needs to be contained in the Procedure. This is a substantive change, but one that requires no further action by a Provincial Chapter.

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

“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 the 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) will be celebrated by the Chapter Body during which the newly-elected **Minister and Council**<sup>88</sup> shall be “installed.”

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 Fidelity**

60.1 In the presence of the Chapter President and Chapter Secretary, at a time and place deemed most appropriate, the newly-elected Provincial Minister and Provincial Vicar are to make the prescribed Profession of Faith and Oath of **Fidelity**.<sup>89</sup> A book of the Gospels is used for the Oath of Fidelity.

60.2 The following is the text of 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

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<sup>88</sup> The former text read: “the newly-elected leadership team”. The revised text follows the more universal language. No substantive change is involved.

<sup>89</sup> The former text had added: “The Provincial Councilors may do the same.” Since this suggestion is not found in the Constitutions, Ordinances or Canon Law it was simply dropped. No substantive change is involved.

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 a 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.”<sup>90</sup>

60.3 The following is the text of 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<sup>91</sup> 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

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<sup>90</sup> The punctuation and capitalization in this formula has been updated according to the criteria suggested by *Grammarly*. No substantive change is involved.

<sup>91</sup> The former text had a comma after “bishops”. *Grammarly* suggested eliminating it. No substantive change is involved.

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 complete<sup>92</sup> Acts are to be preserved in the Provincial Archives.

### **62. The Petition for Confirmation of the Election of the Provincial Minister and the Provincial Vicar**

Within eight days of the election, the Provincial Councilors (excluding the Minister and his Vicar),<sup>93</sup> in the name of the Chapter, are required to send a petition to the General Minister to confirm the election of both the Provincial Minister and the Provincial Vicar.<sup>94</sup>

### **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, if one-third of the gathered electors present to the Chapter President a written request to proceed to postulation.<sup>95</sup> 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 of<sup>96</sup> any further postulations. Acceptance of the postulation is the competence of whoever<sup>97</sup> has the authority to confirm the election (see Const. 123,7<sup>98</sup> and Ordinance 8/5,1-2).<sup>99</sup>

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<sup>92</sup> This is a clarification of what was presumed but not always followed in practice. Sometimes none of the minutes were sent to the Archives, at other times only the pre-chapter folder was sent. The revision makes it clear that the complete, and not an abridged version, is required by law to be preserved in the Archives. No substantive change is involved since this understanding was always the case.

<sup>93</sup> The former text read: “the Provincial Vicar and Councilors”. Since the person being confirmed cannot make the request to be confirmed, the revised text reflects the current legal requirement. This is a consequence of the change noted in footnote 87. No substantial change is involved.

<sup>94</sup> See footnote 87. No substantive change is involved.

<sup>95</sup> The presentation of a written request prior to postulating a person was already present in the Ordinances, but was not included in our Procedures. The revised text fixes the lacuna. No substantive change is involved.

<sup>96</sup> The former text read: “for any further”. It has been corrected. No substantive change is involved.

<sup>97</sup> *Grammarly* insists that this should be “whoever”. The former text had “whomever”. No substantive change is involved.

<sup>98</sup> In the former Constitutions it was 115,7. The numbering has been updated according to the current Constitutions. No substantive change is involved.

<sup>99</sup> In the former Ordinances it was 8/4. The numbering has been updated according to the current Ordinances of the General Chapters. No substantive change is involved.

**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 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>	4 <sup>th</sup>
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		
<hr/>				
	214	214	214	

Balloting for <i>x</i> (1 <sup>st</sup> , etc.) Councillor	Ballot		
	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
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		
<hr/>			
	211		

Balloting for Ballot

Provincial Vicar	1 <sup>st</sup>	2 <sup>nd</sup>	3 <sup>rd</sup>
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

### **The 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., 15<sup>th</sup> day of June*) to the (*e.g., 20<sup>th</sup> 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 and the Provincial Vicar<sup>100</sup>

(Preferably on letterhead stationery)

June 9, 2023

Br. Roberto Genuin, OFM Cap.  
General Minister  
Capuchin General Curia  
via Piemonte, 70  
00187 Rome, Italy

Dear Brother Roberto,<sup>101</sup>

The Lord give you peace!

In accord with the prescriptions of our Constitutions (132,5),<sup>102</sup> we, the members of the Provincial Council of the Province of St. Joseph, recently elected by the 42<sup>nd</sup> Provincial Chapter, request the confirmation of the election of our brother, N.N., to serve as Provincial Minister, and our brother, N.N., to serve as Provincial Vicar,<sup>103</sup> 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 2, 2<sup>nd</sup> Councilor

/s/

Br. John Doe 3, 3<sup>rd</sup> Councilor

/s/

Br. John Doe 3, 4<sup>th</sup> Councilor

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<sup>100</sup> Reflects the change as noted in footnote 87.

<sup>101</sup> The date and current General Minister's name has replaced the former text. No substantive change is involved.

<sup>102</sup> In the former Constitutions this was 127. The numbering has been updated to conform to our current Constitutions. No substantive change is involved.

<sup>103</sup> Reflects the change as noted in footnote 87.

## 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 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 a 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 **B**ishops<sup>104</sup> enunciate in the exercise of their authentic teaching authority, even if they do not intend to proclaim those teachings by a definitive act.

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<sup>104</sup> Capitalization change suggested by Grammarly. No substantive change is involved.

## 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. 124,4).<sup>105</sup> 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 8/9,1)<sup>106</sup> Delegates must be perpetually professed brothers of the Order. The manner of election is determined by each Province (Ord. 8/9,2).<sup>107</sup> The election of Delegates and substitutes must be held and the results of the election published at least three (3) months before the General Chapter (Ord. 8/9,2).<sup>108</sup> The Delegates and their substitutes are elected by all the perpetually professed brothers of the Province unless otherwise impeded.<sup>109</sup>

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 before<sup>110</sup> 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. 124,5).<sup>111</sup> If the Vicar had been elected as Delegate, the

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<sup>105</sup> In the former Constitutions the numbering was 116,4. It has been updated. No substantive change is involved.

<sup>106</sup> Formerly this was Ordinance 8/7. It has been updated. No substantive change is involved.

<sup>107</sup> Formerly this was Ordinance 8/7. It has been updated. No substantive change is involved.

<sup>108</sup> The reference has been included (formerly it wasn't). No substantive change is involved.

<sup>109</sup> The former text included a reference to (see 8.1-8.3 above). Judged unnecessary, it was deleted. No substantive change is involved.

<sup>110</sup> The former text had "prior to". *Grammarly* suggested "before". No substantive change is involved.

<sup>111</sup> In the former Constitutions this was 116,5. It has been updated to reflect the current Constitutions. No substantive change is involved.

substitute shall go to the Chapter in the capacity of Delegate.