

## **THE CONSTITUTION**

### **1. Composition of Synod**

Whereas by "An act to incorporate the Synod of the Diocese of Toronto, and to unite the Church Society of the Diocese of Toronto therewith" (being 32 Victoria Cap 51; as amended by 62 Victoria Cap. III) it is enacted that:-

The said Synod shall consist of the Bishop of the said Diocese, who shall be the head of the said Synod, and any Suffragan or Coadjutor Bishop thereof, and of such Clergy and Lay Representatives of Parishes and Missions as possess the qualifications prescribed by the Synod.

The Synod may from time to time prescribe the qualifications of the Clergy and Lay Representatives of Parishes and Missions necessary to the right to sit and vote in Synod, and may exclude from the Synod those who do not possess or are declared by the Synod not to possess the prescribed qualifications.

It is hereby declared that as hereinafter defined, such of the Clergy on the Clergy List of said Diocese, and all Lay Persons elected as hereinafter provided possess the qualifications necessary to the right to sit and vote in said Synod subject nevertheless to the disqualifications if any under the provisions of sections of this Constitution.

### **2. Clerical Members of the Synod**

Clergy on the Clergy List of the Diocese are those Clergy of the Anglican Church of Canada who are under the jurisdiction of the Bishop of the Diocese of Toronto. All such Clergy are entitled to sit and speak in the Synod. Those of such Clergy who are entitled to sit and vote in the Synod are those:-

- (1) who are appointed by the Bishop of the Diocese of Toronto to a regular parochial or missionary charge as rector, or incumbent, or missionary, or associate rector or incumbent, or vicar, or assistant cleric, or priest-in-charge, or to an official position under Synod arrangement or control,
- (2) who hold the Bishop's license as Chaplains to Institutions in the Diocese, or
- (3) who hold any of the following offices:-
  - Provost of Trinity College.
  - Principal of Wycliffe College.
  - Professor or Member of the staff of Trinity College, Wycliffe College or the Toronto School of Theology.
  - Head or Chaplain of a Residential School.
  - Member of the Staff of General Synod or its Boards.
  - Member of the Staff of the Canadian Council of Churches.
  - Chaplains in the Armed Forces.
- (4) Clergy on the retired list who regularly attend Synod, until such time as they miss two (2) consecutive meetings of the Synod, without showing cause, or a total of four (4) meetings of the Synod, whatever the cause.

### **3. Lay Members of the Synod**

#### **(1) Qualifications**

A person to qualify as a Lay Member of the Synod shall:

- (a) be not less than sixteen (16) years of age;
- (b) be a Lay Member of the Vestry of that person's Church or a Lay Member of a Designated Ministry established under Canon 29;
- (c) be a member in full Communion of the Anglican Church of Canada and shall have received the sacrament of Holy Communion at least three (3) times during the previous year;
- (d) not have been a Lay Member of the Synod for more than the previous three (3) consecutive Regular Sessions.

(2) Duties

It shall be the duty of a Lay Member of the Synod:

- (a) To attend the Sessions of the Synod.
- (b) To serve on committees to which such member may be elected or to which such member has accepted appointment.
- (c) To communicate the decisions of Synod as may be requested by the Incumbent.
- (d) To assist, when requested by the Incumbent, in the discharge of the duties of the Incumbent as set forth in Canon 9, Sections 11 and 12.

(3) Election

Lay Members shall be elected at the annual meeting of the Vestry or Designated Ministry, or at a special meeting thereof, respectively, called for the purpose as hereinafter provided.

(4) Appointment

In addition to the Lay Members elected in accordance with s. 3(3) and appointed in accordance with s. 3(17) of the Constitution, the Bishop may, after consultation with the Synod Council, appoint not more than twenty (20) Lay Members of the Synod qualified as required by s. 3(1), save and except that the qualification in s. 3(1)(d) shall not apply.

(5) Term of Office

Except in cases of death, resignation, or removal from the Diocese, the term of office of an elected Lay Member shall commence on that member's election at an annual or special meeting of the Vestry or Designated Ministry and shall continue until that member's successor is elected or until that member has served for three (3) consecutive Regular Sessions, whichever comes first. Membership in any committee of the Synod shall continue until the next Regular Session of Synod or until the term of office has been completed, whichever period is longer.

(6) Basis of Membership

The number of Lay Members that a Vestry of a Congregation or Designated Ministry is entitled to elect shall be determined by average weekly attendance in accordance with Section 3 (7). The following certification to be signed by the Incumbent or Priest-in-Charge shall form part of the statistical return required from the Incumbent by Synod:-

"I hereby certify that in ..... there was an Average Weekly Attendance of ..... which allows this vestry or Designated Ministry to elect ..... Lay Member(s) of the Synod."

(7) Number of Lay Members

The number of Lay Members of the Synod of the Diocese that each Vestry or Designated Ministry is entitled to elect, shall be determined based on the following:-

- Average weekly attendance from one (1) to one hundred (100)—One (1) Member
- Average weekly attendance from one hundred and one (101) to two hundred (200)—Two (2) Members
- Average weekly attendance from two hundred and one (201) to three hundred (300)—Three (3) Members
- Average weekly attendance from three hundred and one (301) to four hundred (400)—Four (4) Members
- Average weekly attendance above four hundred (400) – Five (5) Members

This would include all church services held during the week, with the exception of weddings and funerals.

Synod encourages all parishes who elect two (2) or more Lay Members of the Synod to elect at least one (1) member who shall not have attained the age of thirty (30) when elected.

(8) Substitute Lay Members

- (a) Substitute Lay Members may be elected by a Vestry or Designated Ministry, and such substitutes shall, in the order of their election, take the place of regular members who from any cause are unable to attend the session or sessions of the Synod during the period for which they are elected.
- (b) A substitute Lay Member shall serve only during the Session of the Synod for which such Lay Member is reported to the Synod to act.
- (c) It shall be the duty of the Incumbent to notify the Secretary of Synod of the appointment of a substitute to act as member not later than the day preceding the first day of the Session of Synod for which such Lay Member is appointed, giving name and address of the substitute and also the name and address of the member in whose place the substitute is acting. The Incumbent shall certify also that such substitute was elected at a meeting of the Vestry or Designated Ministry in the regular way, and fulfills the requirements of a lay member.
- (d) Where a sitting Synod is adjourned to another sitting date more than one (1) week later, the rules respecting substitute Lay Members shall apply mutatis mutandis to that adjourned sitting to provide for substitution of Lay Members for that adjourned sitting.

(9) Lay Membership Return

- (a) Within ten (10) days after the election of the Lay Members the Incumbent or in the absence of an Incumbent the Chairperson of the meeting shall send to the Secretary of Synod a certificate of such election in the form following:-

“This is to certify that at a meeting of the Vestry or Designated Ministry of .....Church, in the Parish of ..... held on the ..... day of ..... 20.... the following who is (are), a Communicant (Communicants) of at least one year’s standing, of the full age of sixteen (16) years, not in Holy Orders, and who has (have) Communicated at least three (3) times during the twelve (12) months preceding such election, was (were) elected a Lay Member (Members) of the Session of Synod by those entitled to vote at such election.”
- (b) The Secretary of Synod shall forward the names of the Lay Members contained in these certificates to the Honorary Secretaries to be included in the Convening Circular of the Session of Synod, a copy of which shall be made available to be accessed by each member of the Synod.
- (c) A list of the Lay Members shall also be prepared for the Committee on Credentials and for the Court on Contested Seats.

(10) Certificates re: Communion

- (a) In the event of the inability or refusal of the Chairperson of a Vestry or Designated Ministry to certify that any Lay Member is a member of the Anglican Church of Canada in full Communion of at least one (1) year’s standing, and has Communicated at least three (3) times during the year previous to the election of such Lay Member, the Chairperson shall forthwith require such Lay Member to furnish a certificate or certificates within ten (10) days from any cleric who is able to certify thereto in the form or to the effect following:-

“This is to certify that .....of ..... is a Communicant of at least one year’s standing, and has Communicated at least three (3) times during the year previous to being elected..... 20.....”
- (b) Should such Lay Member or Members default in furnishing such Certificate within ten (10) days after it has been required, the said Chairperson shall forward the certificate of election to the Secretary of Synod omitting the words which cannot be certified. If there be any question as to the qualification of such member the matter shall be raised before the Court on Contested Seats whose determination shall be final.

(11) Inability to Communicate

In the event of no opportunity being afforded to a Lay Member to Communicate the number of times required, the Chairperson shall certify accordingly and shall vary the certificate to the furnished, adding the following words:-

“This is to further certify that owing to a lack of opportunity for receiving the Holy Communion during the year preceding the said election, the said ..... communicated only .....times.”

(12) Certificate Necessary

The Chairperson of the meeting shall furnish each Lay Member with a certificate similar to that to be forwarded to the Secretary of Synod. Any person requesting registration as a Lay Member at a Session of the Synod without such certificate may be required, before such registration is permitted, to afford sufficient proof of identity and may be refused a seat at Synod in the discretion of the Court on Contested Seats.

(13) Resignation

Any Lay Member of Synod may resign, personally or by their attorney, by giving notice to that effect to the Secretary of Synod who shall forthwith communicate such resignation to the Incumbent of the Parish in order that a new election may be held as herein prescribed. Any Lay Member declared to be mentally incapable to manage their property or personal care by an Ontario Superior Court shall be deemed to have resigned.

(14) Members Elected by more than one Vestry or Designated Ministry

- (a) If a member be elected by more than one (1) Vestry or Designated Ministry, such member shall be notified thereof forthwith by the Secretary of Synod. Such member shall within thirty (30) days of the sending of such notice by mail or courier advise the Secretary of Synod in writing which congregation or Designated Ministry that member wishes to represent, and the Secretary of Synod shall in turn inform the Incumbent of the Parish where the vacancy occurs, of such vacancy, in order that a new election may be held.
- (b) In case such Lay Member fails to make a selection and to signify it as required, all the elections of such member shall be void, and the Secretary of Synod shall forthwith notify the Incumbent of each of the Parishes or Designated Ministry concerned to proceed to hold a new election.

(15) New Election

In case a Lay Member dies, resigns or removes from the Diocese, or is in any way disqualified, the seat of such member shall be vacated thereby and the first named Substitute Lay Member, if one has been elected, shall automatically become a fully qualified Lay Member. If no Substitute Lay Member has been elected, a special meeting of the Vestry of the Congregation or Designated Ministry which such Lay Member represented may be called to elect a successor.

(16) Ex Officio

If qualified as required by s. 3(1), except that the qualification in s. 3(1)(d) shall not apply, the following, if otherwise qualified, shall be Lay Members ex-officio:

- (a) the Chancellor, any Vice Chancellor, the Registrar, the Secretary of Synod, any Chancellor Emeritus, the President of Diocesan Anglican Church Women, and the Mother Superior of the Sisters of St. John the Divine and,
- (b) the Provost of Trinity College and the Principal of Wycliffe College if they are not clerical members pursuant to s. 2(2).

(17) Youth and Young Adult Members

In addition to the Lay Members elected and appointed in accordance with this section, the Bishop may appoint as a Lay Member of Synod for each Area, nominated by each Area Council, five (5) members between the ages of sixteen (16) and twenty-one (21), and five (5) members between the ages of twenty-two (22) and thirty (30). For the purpose of this section these shall be additional qualifications to those set out in s. 3(1) such members must not have attained the age of 30 years at the time of appointment.

(18) Lay Canons of the Diocese

A lay canon of the Diocese is a member of the laity who has been named a lay canon of the Cathedral Church by the Bishop. All lay canons of the Diocese are entitled to sit and speak in the Synod.

**4. List of Members**

- (1) At least (1) one month before a Session of Synod the Bishop shall furnish to the Honorary Secretaries of the Session of Synod for publication in the Convening Circular and Synod Journal, a complete list of the Clergy on the Clergy List of the Diocese, indicating into which of the categories set forth in s. 2 of The Constitution each such Cleric should be placed, and the Secretary of Synod shall furnish to the Honorary Secretaries of the Session of Synod for the same purpose the list of the Lay Members as given in the Certificates of Election received, together with a list of those Parishes and Congregations:-
  - (a) for which no Certificates of Election of Lay Members have been received,
  - (b) in which there has been default in the matter of return required to be made to Synod.
- (2) The last-mentioned list shall be subject to revision from time to time by the Secretary of Synod.
- (3) Honorary Secretaries shall print in the Convening Circular, and also in the Synod Journal, the names of the said Clergy, and also the names of the Lay Members which appear in the Certificates of Election.
- (4) The Honorary Secretaries shall indicate the Parishes and Congregations in default and the names of the Clergy and Lay Members whose seats in the Session of Synod and the right of election to Committees of the Session of Synod are affected by such default, in such manner as they see fit in order to draw attention to the default and the disability attaching thereto.

**5. Disqualification**

- (1) No Cleric shall be entitled to take a seat in a Session of Synod if such Cleric has failed to comply with the provisions of Canon 9, s. 11 and 12, if applicable.
- (2) No Lay Member shall be entitled to take a seat in a Session of Synod if the Churchwardens of the congregation represented by such member have failed to comply with the provision of Canon 15, Section 4(9).

**6. Committee on Credentials**

The Chancellor and the Secretary of Synod shall examine certificates and statistical and other returns, and shall prepare and submit to the Synod on the first day of its Session the list of Clergy and Lay Members entitled by the provisions of The Constitution and Canons to sit and vote in Synod. They shall report to the Court on Contested Seats, upon any irregularities in connection with these or other matters that may affect the right of any Clerical or Lay Member to a seat in the Session of Synod.

**7. Court on Contested Seats**

- (1) There shall be a Court to be known as the Court on Contested Seats composed of the Chancellor of the Diocese, or in the absence of the Chancellor, the Registrar of the Diocese, together with two (2) Clerical and four (4) Lay Members appointed by the Bishop under the Bishop's hand and seal prior to the first day of a Session of Synod. This Court shall consider all protests as to the right of persons to sit and speak, or to sit and vote in the Session of Synod, and adjudicate thereon. The judgment of the Court shall be announced to the Session of Synod on the first day thereof, and shall be final.
- (2) The members of the court on Contested Seats who are appointed by the Bishop shall be persons against whose right to sit and vote in a Session of Synod no protests have been received for that particular session. In case neither the Chancellor nor the Registrar is able, from any cause, to act, the Bishop shall appoint another member of the court but the right of such temporary appointee to act as a member of the Court shall cease when either the Chancellor or the Registrar is again able to act.
- (3) The Chancellor, or in the absence of the Chancellor, the Registrar, shall be Chairperson of the Court, and the Secretary of Synod, or other Synod official, shall be the Clerk of the Court. In case of the absence of both the Chancellor and the Registrar, the Court shall elect a Chairperson.
- (4) The Court shall meet at the call of the Chairperson, after the receipt of the report of the Committee on Credentials.
- (5) Members of the Court shall hold office until their successors are appointed.

## **8. Right of Protest**

- (1) Any member of the Church may object to the right of any person whose name appears in the list of Lay Members of a Session of Synod, elected by a Vestry or Designated Ministry, to take a seat in a session of Synod, provided that such objector is a member of the Vestry or Designated Ministry which such person claims to represent, and makes the objection together with the grounds thereof, in writing to the Secretary of Synod within twenty days after the election of such Lay Member.
- (2) On receipt of the objection, the Secretary of Synod shall forthwith send notice thereof by registered letter to the person whose right to a seat in the Session of is contested. The Secretary of Synod shall also enter the name of such person and particulars of the objection in a list of protests, for the use of the Court on Contested Seats.
- (3) If such objection is withdrawn prior to its consideration by the Court on Contested Seats, the Secretary of Synod shall thereupon send notice by registered letter to the person whose right to a seat in the a Session of Synod is contested, such notice to be sent to the address given in the return.
- (4) Objection may be taken at any time during a Session of Synod to any person sitting and speaking or sitting and voting in the same who is not entitled thereto.

## **9. Vacancy in See**

- (1) If a vacancy occurs in the See, and there be no Coadjutor Bishop, the Suffragan Bishop(s) in order of seniority, the Dean, or the Senior Archdeacon present and able to act, shall summon a meeting of the Clergy and Lay Members in Synod to elect a successor in the See; such meeting shall be held on a day to be fixed by the Synod Council, not earlier than one (1) week nor later than six (6) months after the occurrence of such vacancy.
- (2) The summons shall be issued as soon as conveniently possible after the announcement, by the Metropolitan of the Ecclesiastical Province, of the date of the occurrence of the vacancy, but not later than three (3) weeks prior to the date fixed for such meeting.
- (3) Upon retirement, the Bishop, the Coadjutor Bishop or a Suffragan Bishop, shall tender a resignation to the Metropolitan, pursuant to Canon 3(4) of the Provincial Synod of Ontario, and shall inform the Synod Council of such action.
- (4) A Bishop having attained the full age of sixty-five (65) years may, if such Bishop so desires, resign and receive a pension in accordance with Section 13(6) of the Constitution.

## **10. Election of a Bishop**

### **(1) Nominations**

- (a) A Nominations Committee, consisting of three (3) Clerical Members of a Session of Synod and three (3) Lay Members of a Session of Synod, shall be appointed by the Chancellor.
- (b) One (1) written nomination for the office of Bishop may be made by any Member of a Session of Synod, who may submit the same to the Nominations Committee at least twenty-one (21) days before the date of Synod. Any individual receiving ten (10) or more nominations will be placed on the ballot.
- (c) All nominations shall be circulated to all Members of a Session of Synod at least fourteen (14) days before the date of the said Synod, together with biographical material on each nominee, including age, academic background, date of ordination, all ecclesiastical appointments, and other relevant qualifications and experience.
- (d) Further nominations may be made to the Nominations Committee at any time until an election is completed. Any individual receiving ten (10) or more nominations will be placed on the ballot. Biographical material will be furnished at the discretion of the Nominations Committee where possible.

### **(2) Election**

A Bishop shall be elected from those nominated, by voting by Orders by ballot in the following manner:

- (a) A majority of the total votes validly cast in each Order shall determine the choice, provided at least one-half of the Clergy and at least one-half of the Lay Members of Synod, entitled to vote are present and vote.
- (b) If fewer than one-half of the Clergy or fewer than one-half of the Lay Members of the Synod entitled to vote are present and vote, a cleric must secure two-thirds of the votes validly cast of each such group that is deficient, in order to be elected.

- (c) If, after twelve (12) successive ballots have been conducted at any one election, and no cleric has been elected as provided in subsection (a) and (b) herein, a further ballot shall be taken and the percentage of the Clergy voting thereat for each Cleric shall be added to the percentage of the Lay Members voting thereat for the same cleric, and the cleric who obtains the highest total of percentages shall be declared elected.

#### **11. Coadjutor or Suffragan Bishop**

- (1) Whenever the Bishop of the Diocese, shall, in writing, signify to the Synod Council that the Bishop is desirous of having the assistance of a Coadjutor Bishop, the Synod Council shall give notice of such request at the next Session of Synod. If the Synod concurs with the Bishop's request, the election of such Coadjutor Bishop shall be proceeded with at such time and place as shall be determined by the Bishop after consultation with the Synod Council.
- (2) Whenever the Bishop of the Diocese, shall, in writing, signify to the Synod Council that the Bishop is desirous of having the assistance of a Suffragan Bishop or Bishops, the Synod Council shall consider the request and, if approved, the election shall be proceeded with at such time and place as shall be determined by the Bishop after consultation with the Synod Council.
- (3) An election of a Coadjutor and/or Suffragan Bishop or Bishops shall be conducted in the same manner as in the case of election of a Bishop of the Diocese.
- (4) A Coadjutor Bishop shall without further election become and be the Bishop of the Diocese whenever any vacancy occurs in the See.
- (5) A Suffragan Bishop, on a vacancy occurring in the See shall not become Bishop of the Diocese unless thereto duly elected.
- (6) When a Coadjutor Bishop or a Suffragan Bishop is elected and consecrated, such Bishop shall exercise all powers, privileges and authority in subordination to the Bishop of the Diocese.

#### **12. Administrator of the Diocese**

- (1) In the event of a vacancy in the See caused by the death or resignation of the Bishop, or in the event of the Bishop's mental incapacity, whether temporary or permanent, certified by two qualified medical practitioners, the Synod Council shall, by resolution passed at a meeting called forthwith for such purpose, appoint an Administrator of the Diocese. Such Administrator shall hold office until the Bishop has recovered from such incapacity, as certified by two qualified medical practitioners, or until a successor to the Bishop has been duly elected and installed. The Administrator shall have all the powers regarding the administration of the Diocese, including the execution of deeds and documents, as are generally possessed by a Bishop's Commissary. Certified copies of the medical certificates shall be forwarded to the Metropolitan of the Province, or in the case of a vacancy in the office of the Metropolitan, to the Senior Bishop of the Province.
- (2) The production of a copy of the resolution of the Synod Council appointing the Administrator, certified by the Chancellor of the Diocese and by the Secretary of Synod shall be sufficient evidence of power to execute deeds and documents of the Synod, and to perform such other duties as may be required.

#### **13. Episcopal Stipends**

- (1) The stipends of the Bishops shall be determined by the Synod Council from time to time.
- (2) The income for these stipends shall be derived from the following sources:
  - (a) Interest on the capital of the Episcopal Endowment Fund.
  - (b) Grants for this purpose from any other fund or funds.
  - (c) The diocesan budget.
- (3) The Bishop of the Diocese shall have the free use and occupation of the See House, and all proper charges there against for taxes, local improvement rates, insurance and necessary repairs shall be paid out of the diocesan budget unless other arrangements are agreed between the Bishop and Synod Council.
- (4) All necessary travelling expenses incurred by the Bishops in the performance of their official duties, within the Diocese, shall be paid out of the diocesan budget. Policies with respect to other necessary expenses by any of the Bishops shall be fixed from time to time by the Synod Council.
- (5) The income of the Episcopal Endowment Fund shall be administered by the Synod Council.

- (6) Upon the resignation of the Bishop or the Coadjutor Bishop or a Suffragan Bishop becoming effective, such Bishop shall thereafter be paid for the balance of the Bishop's life such amount, if any, in each year as shall, when added to the pension received by such Bishop from the Pension Fund of the Anglican Church of Canada and from any other comparable source (as determined by the Pension Committee), provide a total annual pension in an amount equal to thirty percent of the annual stipend of such Bishop at the time of resignation plus an amount equal to one percent thereof for each completed year of episcopal service in the Diocese of Toronto.

Upon the death of any such Bishop leaving a spouse, such spouse shall thereafter be paid so long as that spouse shall live and so long as that spouse does not remarry, a total annual pension of sixty percent of the amount of pension which the Bishop was receiving, or would have been entitled to receive, had such Bishop resigned as of the date of the Bishop's death. Each such pension shall be paid in the first instance from the Pension Fund of the Anglican Church of Canada and any balance of such pension shall be paid out of the Diocesan budget. This shall apply retrospectively, not only to the present Bishops of the Diocese of Toronto, but also to all retired Bishops of the Diocese of Toronto and to the widows of all retired Bishops of the Diocese of Toronto.

#### **14. Common Seal**

The Synod shall have a Common Seal of which the Secretary of Synod shall have the care and custody.

#### **15. Execution of Documents**

- (1) All documents requiring execution under the Common Seal of the Synod, except such documents where the manner of execution is prescribed by Act of the Legislature of the Province of Ontario, shall be executed by the Bishop of the Diocese as President of Synod causing the Common Seal to be affixed and attesting thereto by the Bishop's signature and by the signature of the Secretary of Synod attesting thereto.
- (2) In the absence of the Bishop of the Diocese (no Administrator having been appointed under s. 12 of The Constitution), the Coadjutor Bishop, if any, or the Suffragan Bishops, in order of seniority shall have power to sign for the President and affix the Common Seal.
- (3) In the absence of all of the Bishops mentioned in s. 15(2) above, a Bishop's Commissary appointed by the Bishop of the Diocese under Seal shall have power to sign for the President and affix the Common Seal.
- (4) In the absence of the Secretary of Synod the documents referred to in s. 15(1) above shall be signed by the Treasurer and Director of Finance of the Diocese or by each of the Honorary Clerical Secretary and the Honorary Lay Secretary.
- (5) Documents sealed and attested in accordance with the provisions of the foregoing subsections shall be deemed for all purposes to have been executed by The Incorporated Synod of the Diocese of Toronto, and the signature of any of the persons referred to in s. 15(2) to 15(4) inclusive on any document shall be conclusive evidence of the authority of such person to affix the Common Seal to and attest such document.
- (6) All deeds, leases, mortgages and other assurances of land shall be approved by the Solicitor of the Synod, or such other Barrister or Solicitor, licensed to practice law in the Province of Ontario, as designated by the Bishop, Synod Council or Secretary of Synod for such purpose, in writing before they are executed by the Bishop and Officers of a Session of Synod, and no covenant for payment by the Synod shall be inserted in any mortgage without the consent of the Synod Council.

#### **16. Consent of Bishop**

- (1) No act or resolution of the Synod shall be valid without the assent of the Bishop, or of the Coadjutor Bishop or of a Suffragan Bishop when presiding, and a majority of the votes of the members present. Such majority to be a majority of the Clerical and Lay Members of a Session of Synod voting collectively unless a vote by Orders is demanded (see s. 37(13)). If a difference should be found to exist between the Orders after a vote by Orders is taken the subject under consideration shall stand over to the next Regular Session of Synod. This section, so far as it requires the assent of the Bishop, shall not apply to the Election of a Bishop.
- (2) In case of dissent by the Bishop, or of the Coadjutor Bishop, or a Suffragan Bishop when presiding, the matter shall stand over to the next Regular Session of Synod when, if the act or resolution is concurred



in by not less than two-thirds (2/3) of the total membership of the Synod, voting collectively, it shall become effective.

## **OFFICERS AND COMMITTEES OF A SESSION OF SYNOD**

### **17. Honorary Secretaries of a Session of Synod**

- (1) There shall be two (2) Honorary Secretaries of each Session of Synod; one of each Order, both Members of the Synod; the Honorary Clerical Secretary shall be elected by Clerical members of the Synod entitled to sit and vote therein, and the Honorary Lay Secretary by Lay Members of Synod. They shall hold office until the Regular Session of Synod following that at which they were elected, or until their successors are elected.
- (2) It shall be the duty of the Honorary Secretaries to keep regular minutes of the proceedings of the Sessions of Synod; to preserve all papers, memorials and documents pertaining to the session; to conduct the correspondence and attest the public acts of the sessions; to furnish daily during the session, as may be necessary, a summary of the unfinished business, and to deliver all records and documents to the Registrar of the Diocese.
- (3) The Honorary Secretaries shall be responsible for the printing of all notices, reports, minutes of proceedings, and other matters relating to a Session of Synod. Arrangements for such printing shall be subject to the approval of the Synod Council.
- (4) The Honorary Secretaries so elected shall be the Honorary Secretaries of the Synod for the purposes set forth in 52 Vict., Cap 97.
- (5) When deemed advisable, an assistant Honorary Secretary of each order may be elected in accordance with the procedure outline in s. 1 above. The Honorary Secretaries may delegate to the Assistant Honorary Secretaries any of the duties enumerated in this section.

### **18. Scrutineers**

Prior to each Session of Synod, the Synod Council of the Synod shall elect from among the Members of Synod, a Clerical Member of the Session of Synod and a Lay Member of the Session of Synod to act as Scrutineers. It shall be the duty of the Scrutineers to appoint suitable persons to assist them with the tasks of monitoring the registration of the members; the balloting; and the counting of the ballots.

### **19. Agenda Committee**

At the first meeting of the Synod Council following a Regular Session of Synod, it shall delegate to the Risk and Governance Committee the responsibility of appointing an Agenda Committee, consisting of the Honorary Secretaries and not less than three other members. All Lay Members must be members of a Vestry as prescribed by Canon 14(4), or a member of a church in full communion with the Anglican Church of Canada, and at least one member must be a Member of a Session of Synod. The Committee shall prepare an agenda for the succeeding Session of Synod and submit the same to the Risk and Governance Committee.

### **20. Reception Committee**

On the first day of each Regular Session of Synod, the Synod shall appoint a Reception Committee. It shall be the duty of the Reception Committee to make the necessary arrangement for the introducing of visitors to the Synod.

### **21. Nominating Committee**

- (1) At the first meeting of the Synod Council following a Regular Session of Synod, it shall delegate to the Risk and Governance Committee the responsibility of appointing a Nominating Committee consisting of eight (8) members, four (4) from each Order. Members must be members of a Vestry as prescribed by Canon 14(4), or a member of a church in full communion with the Anglican Church of Canada, and at least half of the members must be Members of a Session of Synod. It shall be the duty of this committee:-
  - (a) To receive nominations for Committees of Synod Council from such committees and from Members of Synod.

- (b) To review such nominations and to prepare ballots for those committees whose membership is to be elected by the Synod Council and a list of nominations for the committees whose members are to be elected by Synod.
- (c) The list of such nominations shall be reviewed by the Synod Council and the names of nominees who have not been canonically disqualified shall be included in the Convening Circular for the next Regular Session of Synod.
- (2) For those committees, the members of which are to be elected by the Synod Council, balloting shall take place at the meeting of the Synod Council next following the Regular Session of Synod.
- (3) Members of Synod may make written nominations at any time of the year for any Committee of Synod Council provided that each nomination shall be accompanied by the written consent of the nominee. Nominations shall be delivered to the Secretary of Synod not later than 2:30 p.m. of that day which is seven (7) days prior to the opening day of Synod, at such other time or times as may be determined by the Synod Council, at which time nominations shall close.
- (4) Any nominee wishing to withdraw from any election shall notify the Secretary of Synod not later than the times set forth in s. 21(3) above for the close of nominations.

## **22. Elections of Synod**

- (1) Ballot papers shall be given to Members of Synod at the time of registration.
- (2) Completed ballots may be placed in the ballot boxes at any time during the first day of Synod - 9a.m. to 5 p.m., or at such other time or times as may be determined by the Synod Council.
- (3) Ballot boxes shall be conveniently located and announcements made as to their locations.
- (4) Ballot papers shall be prepared under the direction of the Honorary Secretaries and only such ballots shall be accepted and counted by the Scrutineers. On the ballots for all committees, nominees shall be listed in alphabetical order followed by the name of the parish or special category as shown in The Constitution, s. 2 and s. 3(16).
- (5) The Scrutineers shall hand over the ballot papers to the Honorary Secretaries, whose duty it shall be to preserve them until the close of the Session of Synod, and to see that they are then destroyed.
- (6) The above instructions shall not apply to Episcopal Elections.
- (7) Instructions to Voters:-
  - (a) Members of Synod shall be entitled to vote for the number of Clerical and Lay Members of the Synod Council in the manner prescribed by the Canons.
  - (b) General and Provincial Synod:- The Clerical Members of a Session of Synod are entitled to vote for the prescribed number of Clerical Members of General Synod, and the Lay Members of a Session of Synod for the prescribed number of Lay Members of General Synod.
  - (c) Voters shall place a cross (thus: X) opposite the name of each nominee for whom they desire to vote.
  - (d) Ballot papers with crosses opposite the names of more nominees than the number required to be elected, shall be regarded as spoiled and shall not be counted.

**Note: The above instructions (c) and (d) shall be printed on the front of each ballot, and the other instructions on the ballots to which they apply.**

- (8) Notwithstanding the foregoing, Elections of Synod may be completed with the assistance of an arm's length third party service provider ensuring a secure electronic voting platform at Synod subject to the following:
  - (a) Members of Synod shall be entitled to vote for the number of Clerical and Lay Members of the Synod Council in the manner prescribed by the Canons;
  - (b) General and Provincial Synod:- The Clerical Members of a Session of Synod are entitled to vote for the prescribed number of Clerical Members of General or Provincial Synod as applicable, and the Lay Members of a Session of Synod for the prescribed number of Lay Members of General or Provincial Synod as applicable;
  - (c) At the session of Synod, voters shall be instructed as to how to vote electronically and a minimum of one test question shall be voted upon in order that members of Synod have one opportunity to practice how to vote using the electronic system;

- (d) Time limits as to the length of time that a particular ballot shall remain open for voting shall be established by the scrutineers at the relevant session of Synod and requires the Bishop's concurrence. The length of time that a vote shall remain open shall be announced by the Chair of Synod when the vote is called for a particular motion;

**23. Registration**

- (1) Each Member of Synod, before taking a seat in a Session shall register and receive an identity card. Lay Members shall produce their Certificates of Election which will be exchanged for identity cards by the Scrutineers. Clergy will receive identity cards on presentation of a written registration card.
- (2) Registration hours for the regular session of Synod shall be the first day of Synod - 9 a.m. to 2 p.m., or such other time or times as may be determined by the Synod Council. No further registrations may be made after registration has closed without permission of either the Secretary of Synod or the Court on Contested Seats.
- (3) At a special session of Synod, registration hours shall be set by the Synod Council.

**24. Time, Place, Etc. of Session**

- (1) A regular session of the Synod ("Regular Session") shall be held every two years at a time or times appointed by the Bishop after consultation with the Synod Council. The Bishop shall likewise appoint the place of meeting.
- (2) A special session may be called by the Bishop, or in the absence of the Bishop by the Commissary, or by the Administrator of the Diocese, at such time and place as the Bishop, or Commissary, or Administrator, after consultation with the Synod Council, shall appoint, subject to the provision of Section 9 (1).

**25. Quorum**

A quorum of a Session of Synod shall consist of not less than one-fifth (1/5) of the Clerical Members of the Session of Synod entitled to sit and vote in the Synod and not less than one-fifth (1/5) of the Lay Members of the Session of Synod who registered in accordance with s. 23 of The Constitution.

**26. Presiding Officer**

The Bishop shall be Chairperson of a Session of the Synod. If the Bishop be absent, and has not named a Deputy Chairperson, the Synod shall elect one.

**27. Synod Services**

The order of proceedings after the assembly of Synod for business shall be as follows, unless varied by the Agenda Committee with the consent of the Bishop:-

- (1) Election of Honorary Secretaries
- (2) Reading, correcting and approving of minutes of previous sessions
- (3) Appointing sessional Committees
- (4) Delivery by the Bishop of the Bishop's Charge
- (5) Presenting, reading and referring of memorials, petitions and correspondence
- (6) Presenting reports
- (7) Giving notices of motion
- (8) Reading and consideration of the report of Synod Council
- (9) Reading and consideration of nominations
- (10) Reading and consideration of Reports of the General Synod as required by Canon of the General Synod
- (11) The consideration of reports of Committees, and of all motions which in the judgment of the Synod Council are of special importance, shall take precedence over all other motions, provided that motions of which notice have been given in the Convening Circular shall have precedence over all other business on the last day of the sessions.

**28. Order of Business**

On the first day of a Session of Synod there shall be held a Service of Holy Communion for the Members of Synod and during the session there shall be held such other services as the Bishop may direct.

**29. Hours of Meeting**

The Synod shall meet for business at a time to be established by Synod Council, on the recommendation of the Agenda Committee, no less than sixty (60) days before a Regular Session of Synod and no less than one (1) week before an Electoral Session of Synod. In default of the establishment of such a time, the Session of Synod shall commence at 9:30 a.m. and each sitting shall be opened with prayers chosen for the occasion by the Bishop.

**30. Evening Sitting**

Should an evening sitting of the Synod be necessary, notice thereof shall be given by the Bishop, or other person presiding, not later than 5:00 p.m. (five o'clock) of the same day, or shall be given in the Convening Circular.

**31. Minutes of a Session of Synod**

- (1) At each Session of Synod, the Honorary Secretaries, (or one of them), of the last preceding session, or someone on their behalf, shall submit for adoption three printed copies of the Minutes of the proceedings of the last preceding session. On the adoption of the Minutes so printed, with such corrections as may be made thereto, the said copies shall be authenticated by affixing thereto the Common Seal attested by the signatures of the Bishop (as President of the Synod) and of the Honorary Secretaries for the time being.
- (2) One of the above copies shall be deposited with the Bishop, one with the Registrar of the Diocese, and one with the Secretary of Synod and any one of these copies shall constitute and be received as the authentic and official record of the proceedings of such session.
- (3) There shall be appended to the printed Minutes of a session a list of amendments, and resolutions adopted by the Synod, together with an Index or Table of Contents.
- (4) The number of votes received by each elected member of the General or Provincial Synod, and each substitute member shall be printed in the Minutes.

**32. Election of Members to General Synod**

- (1) At the Regular Session of Synod immediately preceding a Session of General Synod, the Synod shall elect the prescribed number of Clerical Members and Lay Members to the General Synod. These shall be elected by ballot.
- (2) Only Members of Synod of the Diocese possessing a vote therein are eligible for election as members of the General Synod. They shall be:-
  - (a) A Cleric licensed to and residing in a parish outside the Municipality of Metropolitan Toronto, and a Lay Member representing and residing in a Parish outside the Municipality of Toronto, who receive a greater number of votes than any other such Cleric or Lay person respectively.
  - (b) The remaining number of Clergy and Lay Members respectively who receive the highest number of votes.
- (3) A similar number of each Order arranged in a list according to the number of votes received, beginning with the highest, shall be Substitute Members whenever for any cause a regularly elected member is unable to attend a Session of General Synod.
- (4) In addition to the persons elected under s. 32(2), the Bishop shall appoint one (1) Member or call for the election of one (1) Member who will be at least sixteen (16) years of age upon the opening of the tri-annual session of General Synod and under the age of twenty-six (26) years upon the termination of General Synod, who shall be a communicant member of The Anglican Church of Canada.
- (5) The Secretary of Synod shall enquire of the Members at least three (3) weeks prior to a Session of General Synod whether they can attend or not. In case a member is unable to attend, a notice shall be sent to a Substitute Member in the order in which the names of such substitutes appear in the list, notifying such substitute of that person's right to attend the Session of General Synod.

**33. Term of Office of Members of General Synod**

The members of the General Synod from the Diocese of Toronto shall hold office until their successors are elected, provided that they continue to be members of this Synod.

**34. Election of Members to Provincial Synod**

The Members of the Synod of the Ecclesiastical Province of Ontario from the Diocese of Toronto shall be elected at a Regular Session of Synod immediately preceding a Session of Provincial Synod. Such election shall be held under the regulations governing the election of members of General Synod. The Members of Provincial Synod shall hold office until their successors are elected, provided that they continue to be members of Provincial Synod.

**35. Vacancies**

The Bishop shall fill all vacancies occurring between November 8, 2019 until the next Regular Session of Synod in the membership of the Synod Council, and Committees of Synod Council, in a manner consistent with the Pilot Plan of the Governance and Decision Making Working Group and shall make appointments to fill vacancies in the representation of this Diocese on the General Synod, the Provincial Synod of Ontario, where a sufficient number of elected substitutes are unable to attend.

**36. Division of the Diocese**

In the event of a division of the Diocese, the portion of the territory intended to form the new Diocese shall be subject to The Constitution of the Synod of the Diocese of Toronto until its Synod has been organized, and its Bishop has been elected and consecrated.

**37. Rules of Order**

- (1) When the Bishop, or other person presiding, take the Chair, all members shall immediately come to order.
- (2) The Bishop or other person presiding shall preserve order and decorum and shall decide questions of order subject to an appeal to the Synod.
- (3) When the Bishop, or other person presiding, rises for the purpose of calling order or deciding any point of order or otherwise, no member shall remain standing.
- (4) Any member desiring to speak shall rise and address the Chair.
- (5) When two or more members rise to speak at the same time, the Bishop, or other person presiding, shall decide which member is entitled to the floor.
- (6) (a) All motions and amendments shall be in writing and seconded, with the names of the mover and seconder thereon, and shall be read from the Chair before being debated.  
(b) Only one amendment shall be considered until disposed of, but an amendment to the amendment may be proposed at any time, but so that only one such amendment shall be before the Synod at one time. Nevertheless, a substitute to the whole matter may be proposed and received, provided it deals with the subject matter in hand.
- (6) A member who has made a motion or moved an amendment, may withdraw the same with the consent of the seconder and the unanimous leave of the Synod.
- (7) No member shall speak more than once on the same motion, nor more than once on an amendment, except the mover of the original motion who shall have the right of reply.
- (8) (a) When a question is under consideration, no other motion shall be received, except to adjourn, to lay it on the table, to postpone it to a certain time, to postpone it indefinitely, to commit it, to amend it, or, with the consent of the Bishop, or other person presiding, to move that the question be now put; and motions for any of these purposes shall have precedence in order here named.  
(b) The motion "that the question be now put" shall be understood to have the following effect:-  
It shall be put to the vote forthwith, and if decided in the affirmative, a vote must be taken at once on the motion before the Synod and without debate. If it be decided in the negative, the motion that "the question be now put" cannot again be proposed until a vote has been taken on the motion before the Synod.  
In taking a vote on a motion as above, it is understood that any amendments thereto then before the House are to be first disposed of in accordance with s. 37(12).
- (8) Motions to adjourn shall be decided without debate.

- (9) Any member shall have the right, subject to the consent of the Bishop or other person presiding, to require at any period of the debate, that a question under discussion be read for the information of such member.
- (10) In voting on amendments, the one last moved shall be put first, in every case, and not more than two amendments shall be under consideration at the same time.
- (11) When any question is being put from the Chair, the members shall continue in their seats, and shall not hold any private discourse: and when a motion is so put, no member shall retire until such motion is disposed of.
- (12) The ordinary mode of voting shall be by the Chairperson calling first upon those who vote in the affirmative to rise, and then those who vote in the negative.
- (13) On the requisition of the Bishop, or other person presiding, or of four members of each of the respective orders, which requisition must be made before the result of the voting is declared by the Chair, the votes of the Clergy and Laity shall be taken separately.
- (14) A question being once determined shall not be brought into discussion again in the same session without the sanction of the Bishop, or other person presiding, and of a majority of the members present.
- (15) No protest of dissent shall be entered on the minutes of the proceedings; but, when required by any one member, the number of affirmative and negative votes shall be recorded.
- (16) An address from the Bishop shall be in order at any time.
- (17) When the Synod is about to rise, every member shall remain seated until the Bishop or other person presiding has left the Chair.
- (18) The mover of a motion may speak for not more than five minutes or such greater time as the Chairperson may allow. Each other speaker may speak for not more than three minutes unless otherwise directed by the Chairperson; the mover may speak for not more than three (3) minutes in closing. **If there is a Members' Time scheduled, each speaker shall have no more than three minutes to address the house.**
- (19) Committees must report in writing to the body appointing them.
- (20) Every report must be dealt with by the body to which it is presented, and, on motion, may be :-
  - (a) Received
  - (b) Laid on the table
  - (c) Read, or taken as read
  - (d) Considered as a whole, or clause by clause
  - (e) Referred back for amendment
  - (f) Sent to another committee
  - (g) Ordered to be filed, entered among proceedings, or printed.
  - (h) Adopted or rejected
- (21) When in a report some action is recommended, in order to give its proposition practical effect, a distinct corresponding substantive motion must be appended, or notice thereof must be given in the report.
- (22) Report of Committees to Synod, with the exception of the report of the Synod Council, shall be presented and discussed but not read.

### **38. Absence of Bishop**

In the absence of the Bishop, the powers and functions of the Bishop shall be exercised by the Bishop's Commissary, appointed by the Bishop or failing such appointment, by the Coadjutor Bishop or Senior Suffragan Bishop present.