



**THE CONSTITUTION AND CANONS
OF THE
DIOCESE OF SOUTH DAKOTA
WITH THE RULES OF ORDER**

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PREAMBLE

WE, THE CLERGY AND LAITY OF THE EPISCOPAL DIOCESE OF SOUTH DAKOTA,
AS CHRISTIANS AND MEMBERS OF THE ONE, HOLY, CATHOLIC,
AND APOSTOLIC CHURCH, WISHING TO PROPAGATE THE FAITH
AND DESIRING TO PARTICIPATE IN THE WORSHIP OF GOD
AND THE CORPORATE LIFE OF OUR BRANCH OF THE ANGLICAN COMMUNION,
DO HEREBY ESTABLISH AND ORDAIN THIS CONSTITUTION AND THESE CANONS
AS AND FOR THOSE OF THE DIOCESE OF SOUTH DAKOTA

September, 2003

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CONSTITUTION OF THE DIOCESE OF SOUTH DAKOTA

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

This Diocese shall be known as The Diocese of South Dakota and shall comprise all of the State of South Dakota and the Santee Mission in the State of Nebraska.

**ARTICLE II
ACCEDING TO THE GENERAL CONVENTION CONSTITUTION AND CANONS**

The Church in this Diocese hereby accedes to the constitution and Canons of The Episcopal Church and acknowledges its authority as duly represented in the General Convention.

**ARTICLE III
DIOCESAN CONVENTIONS**

Section 1. Annual

There shall be an Annual Convention of the Diocese at such time and place as may be designated by the preceding Annual Convention. If no designation shall have been made, then the Ecclesiastical Authority, in consultation with the Diocesan Council, shall designate the time and place of such Convention.

Section 2. Change of Time and Place

The Ecclesiastical Authority with the consent of the Diocesan Council, shall have power to change either the time or the place of the Annual Convention, or both, provided that notice is given to the delegates at least thirty days before said Convention.

Section 3. Special

A Special Convention may be called by the Ecclesiastical Authority with the consent of the Diocesan Council. Notice shall be given to the delegates at least thirty days before the said Convention. In the event that said Special Convention is held within the first seventy-five days of the calendar year and the names and addresses of the lay delegates are not yet known it shall be sufficient notice if the notice is mailed to those individuals in charge of congregations where the names and addresses are not yet known, with direction to distribute the notice to the lay delegates. However no lay delegates may be certified as such unless the completed certification form shall have been filed with the diocesan office at least ten days prior to said convention or in the alternative filed with the Committee on Credentials at the time of the Convention.

Section 4. Quorum

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

**ARTICLE IV
MEMBERSHIP IN CONVENTION**

Section 1. Clerical Delegates

The Bishop, Bishop Coadjutor, Suffragan Bishops, Assistant Bishops, Presbyters and Deacons, canonically and physically resident in the diocese shall have seat and vote.

Section 2. Lay Delegates

The Convention, by Canon, shall provide the method of election, qualification and number of lay delegates. It may further provide, by Canon, for the suspension of lay delegates for good cause.

ARTICLE V
OFFICERS OF CONVENTION

Section 1. President

The Bishop shall be the President of the Convention and may either preside at the meetings or designate a delegate to preside at any part thereof. If there be no Diocesan or Coadjutor present, then the Standing Committee, with the consent of the Diocesan Council, shall appoint a President of the convention.

Section 2. Secretary, Treasurer and Registrar

At an Annual Convention, a Secretary, Treasurer and Registrar shall be elected. The term of office and duties of these officers shall be set by Canon.

Section 3. Chancellor

At an Annual Convention the Bishop shall nominate for confirmation by the Convention as Chancellor, a lay communicant in good standing who is learned in both ecclesiastical and secular law and whose duties shall be set by Canon.

Section 4. Other Officers

The Convention by Canon or Resolution may provide for such other officers, deputies and assistants as it may from time to time determine necessary for the administration of the Diocese.

ARTICLE VI
ECCLESIASTICAL AUTHORITY

Section 1. Vested in the Bishop

Ecclesiastical Authority of the diocese is vested in the Bishop in accordance with the General Convention Constitution and Canons. When the Diocese is without a Bishop or the Bishop is unable to act as such, or without a Bishop Coadjutor, then the Standing Committee of the diocese shall be the Ecclesiastical Authority as provided by the General Convention Constitution and Canons.

Section 2. Powers of Bishop

As Ordinary, the Bishop shall have original jurisdiction in all ecclesiastical causes, except such as are reserved to other authority.

The Bishop is vested with specific authority to determine all controversies between clergy, clergy and their congregations, and persons adversely claiming to be a Warden or Vestryperson of a Parish and shall have total authority on all matters concerning Organized Missions, Aided Parishes, and Stations.

The Bishop is vested with appellate jurisdiction over the proceedings of all religious and benevolent organizations of the Church within the diocese and all such other authority as is granted by the General Convention and Diocesan Constitutions and Canons.

ARTICLE VII STANDING COMMITTEE

Section 1. Membership

The Standing Committee shall consist of eight members made up of four canonically resident presbyters and four confirmed adult communicants of this Church in good standing.

Section 2. Tenure

Election shall be made by the diocesan Convention for a term of four years. Members shall be entitled to election for two terms. Thereafter no person shall be entitled to re-election until one year has elapsed after the expiration of the second term.

Section 3. Officers

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

Section 4. Meetings

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

Section 5. Vacancies

Vacancies occurring in the membership shall be filled by the Diocesan Council between meetings of the Annual Convention. At the succeeding Annual Convention such vacancy shall be filled by election for the unexpired term. Service in the filling of an unexpired term shall not restrict such person from serving two regular terms.

Absence from two successive meetings of the Standing Committee shall be deemed to create a vacancy and shall be filled as herein provided.

Section 6. Duties

Duties of the Standing Committee shall be as prescribed by the General Convention and Diocesan Constitutions and Canons.

ARTICLE VII ELECTION OF BISHOP

Section 1. Manner of Election

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

Section 2. Method of Voting

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

Section 3. Special Provisions

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

ARTICLE IX
ADMISSION OF PARISHES AND ORGANIZED MISSIONS

Section 1. Admission

Parishes and Organized Missions may be admitted, after organizing as provided by Canon, into union with the Convention.

Section 2. Procedure

The Convention, by Canon, shall establish the procedure by which Parishes and Organized Missions shall submit their request for admission and the requisites to be met before the consideration of the application for admission.

Section 3. Change in Status and Penalties

The Convention may set conditions and procedures for a change in designation for failure by a congregation to comply with the constitution and Canons of this Diocese and may prescribe, by Canon, such other penalty as it deems necessary for the enforcement of the Constitution and Canons of this Diocese.

ARTICLE X
FINANCES

Section 1. Raising of Money

The Convention shall have power to raise money as prescribed by Canon or Resolution of the Convention.

Section 2. Penalties

The Convention by Canon, may provide penalties for neglecting to pay moneys promised or prescribed by Canon.

ARTICLE XI
DIOCESAN CANONS

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

ARTICLE XII
THE CHAPTER OF CALVARY CATHEDRAL

Section 1. Purpose

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

Section 2. Governance

The Convention by Canon shall establish the governing body of the Corporation.

ARTICLE XIII through XIX
[Reserved for future Articles]

ARTICLE XX
AMENDMENTS AND ALTERATIONS

Amendments and alterations to this Constitution, except as hereinafter provided, must be approved by two successive meetings of the Annual Diocesan Convention by a majority vote of each order present. Notice of the same shall be given by mailing a copy of the proposed amendments or alterations to the delegates, if known, at least 15 days prior to the opening date of the Convention to which the amendment is presented for its first consideration. Such notice shall be considered sufficient when a copy for each delegate is mailed to the person in charge of the congregation or organization entitled to representation at the Diocesan Convention, who must distribute the same.

All amendments and alterations must be considered by the Committee on Canons of the Convention to determine whether such are consistent with the General Convention Constitution and Canons and report to the Convention accordingly.

CANONS OF THE DIOCESE OF SOUTH DAKOTA

CANON I DEPUTIES TO GENERAL CONVENTION AND PROVINCIAL SYNOD

Section 1. Deputies to General Convention

At the Annual Convention in the calendar year preceding the General Convention by at least twelve months there shall be elected as many clerical and lay deputies as is prescribed by the General Convention Constitution and Canons. Such Convention shall also elect a like number of clerical and lay alternates.

Section 2. Deputies to Provincial Synod

At the Annual Convention there shall be elected one clerical and one lay deputy and one clerical and one lay alternate to the Provincial Synod for a term of three years.

Section 3. Resignation or Disability of a Deputy

In the event of a resignation or disability of a deputy the Bishop shall designate the successor from the alternate deputies either clerical or lay, depending where the vacancy occurred, in the order of their election. In the event that there not be sufficient alternates to fill a vacancy in the office of deputy, then, if the vacancy occurs in the clerical order the remainder of the clerical deputies shall select a qualified person in that order to so serve. In the event that the vacancy occurs in the lay order then the remainder of the lay deputies shall select a qualified person in that order to so serve. During the course of a General Convention the chairperson of the deputation is authorized to certify the transfer of credentials of a deputy to an alternate as the same may be authorized by General Convention Canons and Rules of Order of the House of Deputies.

Section 4. Term of Office

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

Section 5. Duties of General Convention Deputies

- 1) It shall be the duty of each seated Deputy to General Convention from the Diocese, to communicate the actions and the positions established by the General Convention and to see that the appropriate bodies, commissions, committees and officers carry out those actions and positions directed by General Convention. All bodies, commissions, committees and officers shall report their actions in such manner as requested by the Deputation so that the Deputation can determine if the actions and positions established by the General Convention are being enabled.
- 2) The Diocese shall provide a forum at the Annual Convention, Region Deanery Assemblies and in such other places and manner as the Deputies shall determine necessary to carry out their duties.
- 3) The General Convention Deputies shall from time to time develop procedures and guidelines, in writing, which will better enable them to carry out their responsibilities under General Convention and Diocesan Canons and Resolutions.

CANON 2
THE DIOCESAN CONVENTION

Section 1. Membership

1) Clerical:

Within one week prior to the convening of any Convention the Bishop shall prepare a list of all clergy canonically and physically resident in the Diocese. Such list shall be presumptive evidence of those whose names appear thereon to membership in the Convention. The Convention may correct and revise the list at any time.

All resigned Bishops of this Diocese who continue to reside in this Diocese shall have the right to vote in all Diocesan Conventions.

2) Lay:

i) Parishes, Organized Missions, Parochial Missions and Mission Stations shall be entitled to representation by lay delegates at the rate of one lay delegate for each twenty-five, or fraction thereof, attendees as shown in the average attendance figure for the First Sunday in Lent; Easter Day; Pentecost Sunday; First Sunday in Advent or such other Sundays that would be used by the clergy in charge

ii) Parishes, Organized Missions, Parochial Missions and mission Stations shall be entitled to representation by lay delegates at the rate of one lay delegate for each 25 attendees, or fraction thereof, based on the average Sunday attendance for the year.

iii) In any case, using either Canon 2-1-2-I or 2-1-2-ii as a method of determining membership, the greater number of membership count will constitute the basis for lay delegate representation.

3) Other:

Lay members, including ex-officio, of the Diocesan Council and Standing Committee; active Church Army Officers and principals of active Church Schools operating under diocesan authority after being so designated as such by the diocesan Council; the President and Second Vice-President, who is the Niobrara Episcopal Church Women President, of the South Dakota Episcopal Women's Council or, if unable to so serve, then such persons as may be appointed by the governing board of the South Dakota Episcopal Women's Council; two youth selected at the annual youth convention and one youth elected by each Region Deanery and the Niobrara Deanery all of whom shall be of the age of 14 years or more and who are baptized members of this Church in good standing; and the Niobrara Convocation Officers as set out in Canon 12-2-5.

Section 2. Selection of Lay Delegates

1) Lay delegates and alternates must be elected at a meeting of the congregation of each parish, organized mission, and parochial mission.

2) In the event that there are not sufficient alternate delegates then the Vestry or Bishop's Committee shall appoint such alternate delegates.

3) Certification of lay delegates and alternates must be mailed to the Diocesan Office not less than thirty days prior to the Convention by the priest in charge or in his absence by a warden. In the event that an

Annual or Special Convention shall be held within the first seventy-five days of the calendar year such completed certification form shall have been filed with the Diocesan Office at least ten days prior to said convention or in the alternative filed with the Convention Committee on Credentials at the time of the said Convention before any lay delegate can be certified to participate in the said Convention.

4) Emergency appointment of lay delegates may be made in the event there are insufficient delegates or alternates, by the remaining delegates, clerical or lay, of the congregation involved.

5) Certification of the election or appointment of lay delegates shall be in the form prescribed by the Diocesan Council.

6) All lay delegates must be confirmed adult communicants of this Church in good standing, unless otherwise specifically provided in this Canon.

7) In the event that the certification of lay delegates and alternates is not mailed or filed as required by Canon 2-2-3, the lay delegates from that congregation will not be admitted to the convention floor as such, until approved by majority vote in each order of all remaining certified and registered delegates present and voting.

8) In the event that any congregation has failed to file a current parochial report as required by General Convention canons, the lay delegates from that congregation will not be admitted to the convention floor as such until approved by a three-fourths majority vote in each order of all remaining certified and registered delegates present and voting.

Section 3. Voting

1) Denial of Right to Vote:

Failure of any Parish, Organized Mission, Parochial Mission or Mission Station to pay its pledge or assessment for the previous year, may result in the denial of the right to vote to delegates from such Parish, Organized Mission, Parochial Mission, or Mission Station. Such matter may be brought before the convention by the Diocesan Council in the form of a resolution which may be voted upon by all delegates including those from the affected Parish, Organized Mission, Parochial Mission or Mission Station.

2) Vote by Orders:

Upon the request of at least two members of the lay order from two or more congregations and at least two members of the clerical order, any question before the convention shall be submitted for a vote by orders which shall then require a majority of each order present and voting for approval.

Section 4. Rules of Order

Rules of Order shall be adopted by the Convention for its governance. They shall be proposed by the Chancellor for both annual and special conventions as the circumstances require and prior to adoption may be amended by the convention adopting. Any subsequent convention may amend the Rules of Order.

Section 5. Decorum of Delegates

The Rules of Order adopted by the convention may set forth rules of decorum for the conduct of delegates.

Section 6. Expenses of Delegates

Each parish, organized mission, parochial mission, mission station, and body which is authorized under this canon to send delegates to any diocesan convention is directed to pay the expenses of those delegates attending. The Diocesan Council shall establish guidelines to be followed in the making of such payments together with the minimum amount of expense reimbursement allowable.

Section 7. Assistance to Pay Registration Fees

The Diocesan Council is directed to establish a restricted fund from which it may authorize payments to assist those parishes and organized missions to meet the minimum delegate expenses reimbursement required under Section 6 of this Canon. The Council shall utilize as a source of income for this restricted fund, any surplus left in all annual and special convention accounts together with any other funds available to it for such purpose.

Section 8. Setting Amount of Registration Fee

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

CANON 3
THE DIOCESAN COUNCIL

Section 1. Membership

- 1) The Diocesan Council shall consist of the Bishop, one person, either lay or cleric, elected from each Region Deanery, the Diocesan Convention, the Niobrara Convocation, the Chancellor and the Treasurer.
- 2) The following shall be designated as ex-officio members with seat and voice, but not vote: other Bishops of the Diocese, Archdeacon of the Diocese, Canon to the Ordinary and Administrator.
- 3) All voting members must be confirmed adult communicants of this Church in good standing, eighteen years of age or over.
- 4) No voting member of the Diocesan Council shall be a member of any other committee, board, commission and the like, which receive funding either directly or indirectly from the diocesan budget or are responsible directly or indirectly to the diocesan Council, with the exception of convention committees established by the Diocesan Convention Rules of Order or as shall be otherwise provided by General Convention or Diocesan Constitutions and Canons.

Section 2. Duties

The Diocesan Council shall implement actions assigned to it by the Diocesan Convention; review diocesan, regional and local programs and goals; administer legal functions of the Diocese; control the property of the Diocese when acting as the Board of Directors of The Chapter of Calvary Cathedral; determine budget policies of the Diocese; recommend programs to the Diocesan Convention; determine priorities and conceive, implement, fund and execute programs for the Diocese; and perform all such other programs and matters as in the judgment of the diocesan Council would be of benefit to the Diocese which would not be in conflict with the General Convention and Diocesan Constitutions and Canons.

Section 3. Term of Office for Elected Members

- 1) The term of office shall be for a period of four years. They shall hold office until their successors are elected or appointed.
- 2) Members shall be eligible for election to two consecutive terms. Appointment to fill an unexpired term shall not restrict election for two consecutive terms.
- 3) Newly elected members of the Diocesan Council shall take office at the first regular meeting of the Council held after the annual Convention, the date of which shall be set by the by-laws of the Diocesan Council.

Section 4. Officers

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

Section 5. Committees

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

The Diocesan Council shall be authorized to establish such committees from its membership as may be needed to carry out its functions.

Section 6. Vacancies

- 1) Vacancies occurring in the membership shall be filled within forty-five days. Such appointment shall be done by the Region Deanery Council for the Region Deanery until the next meeting of the Region Deanery Assembly, by the Standing Committee for the Diocesan Convention until the next meeting of the Diocesan Convention, or by the Niobrara Council for the Niobrara Convocation until the next meeting of the Niobrara Convocation. An election shall then be held in the Assembly, Convention, or Convocation where the vacancy has occurred for the balance of the unexpired term. If appropriate body shall not fill a vacancy within six months after the occurrence of the vacancy then the Standing Committee shall appoint a person from the area concerned to serve the balance of the term.
- 2) A vacancy shall be created if the representative moves out of the Region Deanery or Diocese.
- 3) Absence from two successive meetings, either regular or special, of the Council shall be deemed a vacancy and that vacancy shall be filled as provided herein. Absence from three successive meetings of a committee of the council to which the member has been assigned shall be likewise deemed a vacancy on the Diocesan Council which shall be filled as herein provided. The Diocesan Council shall provide in its by-laws how much of the meetings, either Council or committee, must be attended in order to qualify the Diocesan Council member as attending and permitting him to receive remuneration for expenses for that meeting.

Section 7. Annual Reports

The Diocesan Council shall submit to the Diocesan Convention annual reports on budget and finance, its activities for the past year and proposed programs and planning.

Section 8. Meetings

The Diocesan Council shall meet not less than three times annually. Special meetings may be called by the bishop, Vice-Chair or upon the request of three voting members upon twenty day written notice. A majority of voting members shall constitute a quorum.

All meetings of the diocesan Council shall be open to members of the Diocese. They may be given voice at the discretion of the Council.

Section 9. By Laws

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

CANON 4
DIOCESAN OFFICERS

Section 1. Whom Constitutes

The Diocesan Officers shall be the bishops, Treasurer, Registrar, and Secretary.

Section 2. Terms of Elected Officers

At an Annual Convention the Registrar, Secretary and Treasurer shall be elected for a three-year term. The Secretary elected may also, at the option of the Bishop, serve as Secretary of Annual and Special Conventions.

Section 3. Limitation on Membership

No clerical or lay person shall be a member of more than one of the following: Diocesan Council and Standing Committee.

CANON 5
DUTIES OF OFFICERS

Section 1. Registrar

The Registrar shall gather and preserve journals, pamphlets, reports and all other documents belonging to the Diocese and shall act as the diocesan historiographer.

Section 2. Secretary

The Secretary shall record and publish the proceedings of Diocesan Conventions, attend public acts of the Diocese, issue required notices, prepare the Diocesan Journal, preserve records, and such other duties as

may be prescribed by the Bishop, Diocesan Convention and Council. The Secretary may appoint such assistants as necessary to carry out the prescribed duties. The Treasurer may appoint such Assistant Treasurers as necessary to carry out the prescribed duties.

Section 3. Treasurer

The Treasurer shall have custody of all funds of the Diocese and the Chapter of Calvary Cathedral. The deposit, investment and disbursement of such funds shall be as directed by the Diocesan Council or The Chapter of Calvary Cathedral.

Section 4. Suffragan and Assistant Bishops

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

Section 5. Chancellor

The Chancellor shall be the legal authority of the Diocese. He shall be the advisor to the Bishop, Convention, Council and all other diocesan organizations and staff and shall have such other responsibilities as may be prescribed by the Bishop, Convention and Diocesan Council. Whenever any matter affecting ecclesiastical or secular is being considered the Chancellor must be advised and shall, if necessary, give opinions on the same.

CANON 8 CENTENNIAL CHALLENGE FUND BOARD

Section 1. Membership

There shall be a Centennial Challenge Fund Board consisting of the Bishop, Archdeacon and four members appointed by the bishop, subject to confirmation by the Diocesan Council.

Section 2. Term

The term for appointed members shall be four years. The appointed members shall take office after confirmation by the diocesan Council.

Section 3. Vacancy

- 1) A vacancy occurring in the appointed membership shall be filled by the Bishop for the unexpired term, subject to confirmation by the Diocesan Council.
- 2) Absence from two successive meetings of the Board shall be deemed a vacancy and filled as herein provided.

Section 4. Duties

- 1) The Board shall have general supervisory power over the assets of the Centennial Challenge Fund; to make loans therefrom to qualified parishes, organized missions, institutions and other diocesan groups, boards, committees and commissions as may be appropriate.

- 2) The specific powers of and limitations upon the Board in the carrying out of its duties shall be set forth by the Diocesan council in its council by-laws.
- 3) The Board shall report to the Diocesan Council in such form and at such times as the Diocesan Council may direct.
- 4) The Chancellor shall be an ex-officio member of the Board and shall be its advisor on all legal matters coming before the Board.

CANON 9
INVESTMENT COMMITTEE

Section 1. Membership

There shall be an Investment Committee which shall consist of the Bishop, Administrator or Archdeacon of the Diocese, as the case may be, Treasurer and Chancellor. In addition there shall be four members appointed by the Bishop subject to confirmation by the Diocesan Council.

Section 2. Term

The term for appointed members shall be four years. The appointed members shall take office after confirmation by the Diocesan Council.

Section 3. Vacancy

- 1) A vacancy occurring in the appointed membership shall be filled by the Bishop for the unexpired term, subject to confirmation by the Diocesan Council.
- 2) Absence from two consecutive meetings of the Investment Committee shall be deemed a vacancy and filled as herein provided.

Section 4. Advisors

The Bishop, with the concurrence of the diocesan Council, may appoint other persons as advisors to the Investment Committee who shall serve at the pleasure of the bishop.

Section 5. Duties

- 1) The Investment committee shall have general supervisory investment powers over the cash assets of the diocese, except for those which by canon are to be otherwise handled.
- 2) The specific powers of and limitations upon the investment Committee in the carrying out of its duties shall be set forth by the Diocesan Council in the council by-laws.
- 3) The Investment Committee shall report to the Diocesan Council in such form and at such times as the Diocesan Council may direct.

CANON 10
BUSINESS METHODS

Section 1. Of Business Methods in Church Affairs

The Diocese, and every Parish, Organized Mission, Parochial Mission, Mission Station, Mission Council, Institution, Committee and Commission of the Diocese must observe the standard business methods as set forth in General Convention Canon I.7.

Section 2. Finance Committee

- 1) A Finance Committee shall be appointed by the diocesan Council. Its membership and governance shall be as specified by the by-laws of the diocesan Council. It is vested with the authority prescribed by General Convention canons, Section 1. of this Canon and the Diocesan Council.
- 2) The Finance committee shall set forth the audit procedure to be followed by all Parishes, Missions and other institutions. All audits shall be performed by an independent Certified Public Accountant or an independent Public Accountant or a person authorized by the Finance committee. As with accountants, members of the audit committee must be independent, that is to say, they can not be members of the congregation that they are auditing.
- 3) Audits shall be done annually on report forms prescribed by the finance committee. These audits shall include a general examination of the financial condition of the Church and shall include, but not be limited to: examination of financial reports of all funds; the sufficiency of all related financial records; and the adequacy of insurance of all types. The audit reports must be submitted to the diocesan office on or before September first of each year.
- 4) The failure of a parish to comply with the audit requirement shall constitute grounds upon which the Bishop and Diocesan Council may invoke appropriate procedures to enforce compliance including, as a last resort, the procedures set forth under Sections 13 and 14 of Canon 18 of these canons. The failure of an institution to so comply will subject that institution to Section 10 of Canon 17 of these canons.

Section 3. Insurance

The Finance Committee of the Diocese shall see that all vestries and bishop's committees keep their properties adequately insured.

Section 4. Report to Diocesan Council

Annually the Finance Committee shall report to the Diocesan Council on all matters covered by this canon. In the event that the report shall set forth any areas of non-compliance with this canon, then the Diocesan Council shall take such steps as are necessary to correct the non-compliance.

Section 5. Alienation of Property

- 1) No vestry, bishop's committee, trustee or other body shall encumber or alienate any real property without the prior written consent of the Bishop and Standing Committee. This section shall not apply to property owned by The Chapter of Calvary Cathedral unless it is a consecrated and dedicated church or chapel used solely for Divine Services.

- 2) The Standing Committee, in conjunction with the Diocesan Council, shall establish guidelines and procedures to be followed when applications for encumbrance or alienation of property are being considered in order to assure that the proposed encumbrance or alienation is in the best interest of the congregation and Diocese.
- 3) The provisions of this Canon shall not apply to the re-financing of existing loans which do not increase the amount of principal indebtedness.
- 4) The Diocesan Council may establish a Commission to study and investigate any proposed construction of buildings or additions to existing buildings for the use of a congregation. The reports of said Commission shall be made available to the Standing Committee, Diocesan Council and congregations involved.

Section 6. Lay Pensions

The Diocese, and all parishes, organized missions, and other ecclesiastical organizations or bodies subject to the authority of the Diocese, shall provide all lay employees who work a minimum of 1,000 hours annually, retirement benefits through participation in the Episcopal Church Lay Employees Retirement Plan or an equivalent plan as approved by the Finance Committee of the Diocese congruent with the guidelines established by the General Convention and Church Pension Fund.

CANON 11 THE CHAPTER OF CALVARY CATHEDRAL

Section 1. Purpose

The Chapter of Calvary Cathedral, a South Dakota corporation, is the holding corporation of the property of the Diocese. Its powers are as delineated by the Articles of Incorporation and the statutes of the State of South Dakota.

Section 2. Governance

- 1) The officers of the corporation shall be the Bishop, Chancellor and Treasurer. They shall be the Executive Committee of the corporation and, as such, are specifically empowered to transact the legal affairs of the corporation and shall have such other duties as may be specified in the by-laws adopted by the Board of Directors. The executive committee, as such, is authorized to appoint such agents as may be necessary to assist them in the performance of their duties.
- 2) The officers of the corporation and the Diocesan Council shall constitute the Board of Directors of the corporation which is authorized to adopt such by-laws as necessary for its governance.

Section 3. Annual Report

The officers of the Corporation shall submit to each Annual Convention, a report of the financial condition of the Corporation and any transactions outside the usual course of Corporation business.

CANON 12
THE NIOBRARA DEANERY

Section 1. Niobrara Deanery

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

Section 2. Annual Niobrara Convocation

- 1) There shall be an annual Convocation of all congregations of the Niobrara Deanery, at such place as may be designated by the preceding Niobrara Convocation based upon rotation to each Mission. The Niobrara Convocation Officers shall set the time with the consent of the Bishop and the host church. In the event that the Convocation cannot, for any reason, be held at either the time or the place previously set, then the Convocation Officers change the time or the place or both with the consent of the Bishop.
- 2) The Niobrara Convocation shall meet for worship, fellowship, consideration of resolutions, development of policies, planning, training, ordinations, discussion and decision-making, and of other matters pertinent to the people of the Niobrara Deanery and shall act on any major policy or program affecting the people of the Niobrara Deanery.
- 3) Delegates to the Niobrara Convocation from each congregation of the Niobrara Deanery shall be elected by those congregations. Those delegates shall be the official delegates to the Niobrara Convocation. Whenever a Mission or Congregation is admitted to membership in the Niobrara it may be represented by delegates to the three Men, Women and Youth meetings.
- 4) All resolutions which are to be considered official actions of the Niobrara Convocation shall first be presented to the Resolutions Committee, which shall prepare the same for presentation to the Convocation in such form that is not in conflict with any canon or resolution of the General Convention or Diocese.
- 5) Any Canon or resolution to be submitted by the Convocation to the Diocesan Convention shall be submitted in the manner provided by canon.
- 6) The Convocation shall elect one representative to the Diocesan Council for a four year term.

Section 3. Officers

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

Section 4. Duties of Niobrara Convocation Officers

- 1) The Itancan shall preside at joint sessions of the Niobrara Convocation, all meetings of the Niobrara Council, and all meetings of the Niobrara Convocation Officers. The Itancan shall appoint the membership of all committees and groups created by the resolutions of the Niobrara Convocation and Council, subject to confirmation by the Niobrara Council, provided, that between meetings of the Niobrara Council, such confirmation shall be by the Niobrara Convocation Officers.
- 2) The Vice-Itancan shall assume the duties of the Itancan during the absence or disability of the Itancan.
- 3) The secretary shall keep the minutes of all joint sessions of the Niobrara Convocation, the meetings of the Niobrara Council and the Niobrara Convocation Officers and shall keep records of all correspondence and other items of business.
- 4) The Treasurer shall keep all moneys and make all disbursements of the funds of the Niobrara Convocation, Niobrara Council and Niobrara Convocation Officers and shall keep records of the same and prepare financial reports as requested by the Niobrara Convocation, Niobrara Council or Diocesan Council. The local treasurer appointed by the local convocation committee shall be responsible to the Treasurer and shall make such financial reports as the Treasurer, Niobrara Council or Diocesan Council may request. Such local treasurer shall be responsible to follow such accounting procedures as may be required by the Treasurer in accordance with General Convention and Diocesan Canons.
- 5) The Sergeant-at-Arms shall assist the Itancan in keeping order at all joint sessions of the Convocation and at all meetings of the Niobrara Council and shall see that all business is accomplished in accordance with the rules of order approved by the Convocation or the Council, act as interpreter at all meetings and shall be responsible for the counting of all votes taken at all meetings. The Sergeant-at-Arms can appoint additional persons to assist in the performance of the duties of the office.
- 6) The Niobrara Convocation Officers shall transact the business of the Convocation and the Niobrara Council between all meetings thereof, and shall have such other responsibilities and duties as may be imposed by the Niobrara Convocation and Niobrara Council. They shall set the agenda for the Convocation and Council as may be necessary.

Section 5. Meetings of Men, Women and Youth

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

Section 6. The Niobrara Council

- 1) The Niobrara Council shall be established and will act on behalf of the Niobrara Convocation and the congregations and Missions within the Niobrara Deanery between Convocations.
- 2) The Niobrara Council shall be comprised of the Niobrara Convocation Officers, the Diocesan Council representative from the Convocation, all clergy serving the Niobrara field, and two lay persons and one alternate lay person elected by those Missions and congregations listed in Section 1 of this canon, and the Men's Itancan, Women's Itancan, and Youth Itancan.

- 3) The Niobrara Convocation Officers shall be the officers of the Niobrara Council.
- 4) The Niobrara Council shall meet not less than twice each year. Special meetings may be called by the Itancan, Niobrara Convocation Officers or the Bishop. The time and place for meetings of the Niobrara Council shall be set by the Niobrara Convocation Officers. Notice of the time and place of all meetings must be given to the members not less than fifteen days prior to the date of the meeting.
- 5) The Niobrara Council shall be responsible to the Niobrara Convocation and shall represent the Niobrara Convocation in such actions, determinations of policy and other decisions as may be appropriate between sessions of Niobrara Convocation and shall be its representative, as needed, to the Diocesan Council and Convention. The Niobrara Council can initiate and execute new programs it deems necessary and its income shall warrant. Such interim programs may be modified by the Convocation.
- 6) The Niobrara Council shall serve as the planning Committee in consultation with the host mission, for the annual Niobrara Convocation.

Section 7. By-Laws

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

Section 8. Mission Council

- 1) Each Mission Field with the Niobrara Deanery may establish a Mission Council or other comparable structure on each mission to enable the separate congregations to work together.
- 2) The Mission Council, or other comparable structure, shall be composed of lay representatives from the congregations and the clergy and staff serving that particular Mission.
- 3) The Mission Council, or comparable structure, shall be concerned with the planning and programs of the Mission, along with the financial resources, staff arrangements, land and properties, priorities and other powers and duties as determined by the Niobrara Convocation or Diocesan Council.

CANON 13 REGION DEANERY

Section 1. Number and Composition

The Diocese shall be divided into not less than seven nor more than ten geographical region deaneries. The Diocesan Council, in consultation with the Region Deanery Councils affected, shall determine from time to time, the number of Region Deaneries, together with their boundaries and names.

Section 2. Assembly

- 1) There shall be held an Annual Assembly at a time and place designated by the region Deanery Council. In the event that the Region Deanery Council shall fail to provide for an annual meeting of the Assembly, then the Bishop, or his designated representative, shall call such a meeting and designate the time and place for the same.

2) The number of lay delegates to the Assembly for each congregation shall be the same as provided for the Diocesan Convention and are to be chosen at the annual meeting of each congregation. All canonically resident clergy living in the Region Deanery shall be delegates to the Assembly. The lay delegates may be the same persons selected as delegates to the Diocesan Convention. A quorum shall consist of a majority of the delegates who attend the Assembly. The Assembly, in its by-laws, may provide that instead of lay delegates from each congregation, each congregation shall be entitled to the number of votes that would equal the number of delegates to which it would be entitled at the Diocesan Convention and the procedure for casting those votes shall be as provided in the by-laws of the Assembly. However, the total number of votes permitted shall not exceed the number of delegates actually attending an Assembly meeting for that said congregation.

3) All lay delegates to the Assembly must be confirmed adult communicants of this Church in good standing.

Section 3. Officers

1) The officers of the Region Deanery shall be the Dean, Vice-Dean, Diocesan council Representative, Secretary and Treasurer.

2) The Dean shall be a priest appointed by the Bishop. The Dean shall be accountable to the Bishop as the Bishop's representative in the Region Deanery and shall serve at the pleasure of the Bishop. The Dean shall be responsible to the commission on Ministry for the training, continuing education of priests and deacons who are under the direction of the commission on Ministry and shall see to the implementation of any directives of the bishop and Diocesan Council.

3) The Vice-Dean shall be a layperson elected for a two-year term by the Assembly and shall be responsible to carry out the programs initiated by the Assembly and the Region Deanery Council and shall see to the implementation of programs initiated by the convention or the Diocesan Council.

4) The Secretary and the Treasurer shall be elected by the Assembly for a term of two years. The Assembly may, in its by-laws, provide that the Secretary and Treasurer be selected by the Region Deanery Council.

5) The Diocesan Council representative shall be elected by the Assembly for a term of four years.

6) There shall be no limit on the number of terms of the Vice-Dean, Secretary and Treasurer. The term of the Diocesan Council representative shall be as provided by Canon.

Section 4. Duties of the Region Deanery Assembly

1) Each Region Deanery shall adopt by-laws for the governance of the Region Deanery which shall not be in conflict with the General Convention and Diocesan Constitutions and Canons.

2) The Assembly shall be responsible to see that the programs of the church of being carried out in the Region Deanery. It shall determine the general programs and priorities of the Region Deanery Council to carry out its proper directives and programs.

3) Any Canon or resolution submitted by the Assembly to the Diocesan Convention for consideration must be received in writing by the Chair of the Convention Committee on Canons or resolutions as the case may be at least seven days prior to the opening of the Diocesan Convention.

- 4) The Assembly shall elect four members to the Region Council who shall serve two year terms.
- 5) The Assembly shall determine in its by-laws, who shall preside at the meetings of the Assembly.

Section 5. Region Council

- 1) The members of the Council shall consist of the Dean, Diocesan Council representative, ECW representative and four members elected by the Assembly.
- 2) The Dean shall act as Chair of the Region Deanery Council. In the event of the absence of the Dean, the Vice-Dean shall act as Chair.
- 3) The Council shall administer the programs and directives developed by the Assembly. It shall develop strategy of church work in the Region Deanery. The Council shall have such other powers and duties as determined by the Assembly.
- 4) The Council is to develop a strategy for Church extension and activities, ministry development and related endeavors. After the development of such plans the same shall be presented annually to the Diocesan Council and, if approved, the same shall be funded so far as feasible. The Council may generate funding within its own Region Deanery for the support of such previously approved plans.

Section 6. Special Provisions

- 1) In the event that a Region Deanery shall encompass no more than one mission council as defined in Canon 12-5 and no more than two other congregations, either parish or mission in any combination, that Region Deanery may combine its Assembly, Region Deanery Council and Mission Council into one body providing that the Assembly, Mission Council and vestries or Bishop's committees of the other congregations concur.
- 2) The body so organized shall be delineated and operate as a Region Deanery Council with those powers granted to an Assembly, Region Deanery Council and Mission Council under the canons of the diocese.
- 3) The specially constituted Region Deanery Council shall adopt by-laws for its governance. Such by-laws must be approved in form by the Chancellor and thereafter confirmed by the Diocesan Council.
- 4) The congregations in the Region Deanery shall be appropriately represented in the Region Deanery Council as set forth by the by-laws.

CANON 14 COMMISSION ON MINISTRY

Section 1. Membership

There shall be a Commission on Ministry consisting of at least nine members, of which of the total, at least half shall be canonically resident clergy. The members shall be nominated by the Bishop and confirmed by the Diocesan Council.

Section 2. Term

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

Section 3. Duties

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

Annually the Commission shall submit to the Diocesan Council its plans for ministry development for approval. As the same are approved, the Diocesan Council may implement such plans as far as is feasible.

The Commission shall be responsible for the correlation and supervision of all training programs, involving ordination and canonically authorized lay ministries and may, from time to time, establish standards for such training programs.

The Commission shall develop a program for the development, training, utilization and affirmation of lay ministries including the identification of gifts, skills training, theological education and spiritual information. Annually the commission shall report to the diocesan Council on the program.

Section 4. Officers and Quorum

The Commission shall have a Chair or Co-Chairs from its membership selected by the Bishop or if the Bishop so desires, by the membership itself. A quorum shall consist of a majority of the total membership.

Section 5. Vacancies

- 1) A vacancy occurring in the membership shall be filled by the Bishop for the unexpired term subject to confirmation by the Diocesan Council.
- 2) Absence from two successive meetings of the commission on Ministry shall be deemed a vacancy and be filled as herein provided.

CANON 15 PRESENTMENT AND TRIAL OF A PRIEST OR DEACON

Section 1. Control of General Convention Canon IV

General Convention Canon IV shall be and is hereby adopted as Canon 15 of this Diocese except as shall be hereinafter provided. That all provisions of this Canon not in compliance with General Convention Canon IV as the same currently exists and as amended from time to time shall be null and void but that all other provisions of this Canon shall be in full force and effect.

Section 2. Method of Presentment

- 1) Procedure for a Charge Against a Priest or Deacon

a) A Charge against a Priest or Deacon shall be in writing, verified and addressed to the Diocesan Review Committee which shall clearly inform as to the nature of and facts surrounding each alleged Offense and the specification of each Offense.

b) A charge for a violation on which Presentment will lie under General Convention Canon IV.1, may be made:

i) by a majority of the lay Members of the Vestry of the Parish of the member of the clergy charged.

ii) by any three canonically resident Priests.

iii) by any three confirmed adult communicants in good standing.

iv) by the Bishop if the offense charged is a violation of Ordination vows involving the disobedience of a Pastoral Direction issued by the Bishop.

v) in a case where the Offense alleged is a Charge specifying the Offense of Crime, Immorality or Conduct Unbecoming a Member of the Clergy, by any adult who is the alleged Victim or by a parent or guardian of an alleged minor Victim or an alleged Victim who is under a disability, or the spouse or adult child of an alleged Victim.

vi) in a case where Offense alleged is that of holding and teaching publicly or privately any doctrine contrary to that held by this Church only by a majority of the members of the Diocesan Review Committee.

vii) by a majority of the Diocesan Review Committee where it is alleged the clergy person charged has committed the Offense whenever the Diocesan Review Committee shall have good and sufficient reason to believe that any Priest or Deacon has committed the Offense.

viii) by the Ecclesiastical Authority of the Diocese in which the Respondent is alleged to have committed the Offense, if different from the diocese of canonical residence.

2) Role of Diocesan Review Committee

a) All charges shall be promptly filed with the President of the Diocesan Review Committee and the Diocesan Review Committee shall promptly communicate the same to the bishop and the Respondent which shall convene within thirty days after the filing of the Charge. If it determines that an Offense may have occurred if the facts alleged are true then the Diocesan Review Committee shall prepare a written general statement of the Charge and the facts surrounding the same and transmit the same to the Church Attorney. Within thirty days after receiving the report of the Church Attorney the Diocesan Review Committee shall convene to consider the Report and whether or not a Presentment shall issue. A majority vote of the members of Diocesan Review Committee shall be required to issue a Presentment except that where the Offense charged is of Crime, Immorality or Conduct Unbecoming a Member of the Clergy, a two-thirds vote of all members of the Diocesan Review Committee is required. No member shall reveal the vote of any member including their own.

b) If the Diocesan Review Committee votes to not issue a Presentment then that decision shall be in writing and shall include an explanation which shall be made available to the Bishop, to be filed with the Secretary of the Convention, the Respondent, the Church Attorney, each Complainant and unless waived in writing, the Victim.

c) Upon the issuance of a Presentment or the determination that a Presentment will not issue, all further proceedings of the Diocesan Review Committee in the matter shall cease and terminate.

d) It shall hear appeals from the imposition of a Temporary Inhibition by the Bishop and it shall advise and consent to the enlarging the scope of a Temporary Inhibition.

e) It shall consider charges pursuant to the provision of General Convention Canon IV.3.

f) It shall issue Presentments to the Ecclesiastical Trial Court if it finds reasonable cause to do so.

g) After the commencement of any proceeding commenced under this canon, any member then sitting, even if that member's term shall end during its consideration, shall continue to sit on that matter or matters until the same are concluded.

3) Appointment of an Advocate by Bishop

If a complaint is brought before the Bishop by an alleged Victim, or Victim's Guardian, parent or spouse, alleging an offense of a Crime, or Immorality or Conduct Unbecoming a Member of the Clergy, the Bishop, after consultation with the Chancellor, may appoint an Advocate to assist those persons in the disciplinary processes of the Church, to obtain assistance in formulating the Charge and in obtaining assistance in spiritual matters if they so desire. Any Victim or Complainant shall be entitled to the counsel of an attorney of their choice.

4) Bishop to inform Diocesan Review Committee

When the Bishop believes that a canonically resident Priest or Deacon has committed an Offense which should require investigation by the Diocesan Review Committee, he shall clearly inform it in writing as to the facts surrounding the alleged Offense, but without judgment or comment and the Diocesan Review Committee shall proceed as if a Charge had been filed.

5) Request by Priest or Deacon for Investigation

Any canonically resident Priest or Deacon who feels under imputation of any Offense which would be tried in an Ecclesiastical Court, may request the Bishop an investigation on the same and the Bishop shall cause the matter to be investigated.

6) Bishop Not to Prefer a Charge

The Bishop, except where permitted under General Convention Canon IV, shall not prefer a Charge against a canonically resident Priest or Deacon.

Section 3. Ecclesiastical Trial Court

1) Formation:

There shall be elected by the Annual Convention of the Diocese an Ecclesiastical Trial Court consisting of five members, three of whom shall be priests and two of whom shall be lay persons. The term of the persons elected shall be for five years. No member shall be elected for more than two consecutive five year terms. Except that on the first year of such election, the terms shall be staggered. Any person elected for a term less than four years shall be eligible to be elected for two consecutive five year terms.

2) Presiding Judge of Ecclesiastical Trial Court

The Ecclesiastical Trial Court shall annually elect from its members, within 60 days following the adjournment of the Annual Convention, a Presiding Judge.

3) Appointment of Church Attorney

The Diocesan Review Committee shall appoint a Church Attorney who shall have the following responsibilities and rights:

i) The right to attend and be heard at Diocesan Review Committee hearings on Temporary Inhibitions.

ii) Has the right to be heard before passing of Sentence pursuant to Waiver and Voluntary Submission under General Convention Canon IV.2.2.

iii) Shall promptly make such investigation of charges as deemed appropriate under the circumstances and render within sixty days unless delayed for good cause a confidential report to the Diocesan Review Committee, except that the report shall be shared with the Bishop.

iv) Shall appear on behalf of the Diocesan Review Committee at trials before the Ecclesiastical Trial Court.

v) May recommend a Sentence to the Ecclesiastical Trial Court and be heard before sentence is imposed by the Bishop.

vi) Shall represent the Diocese in all appeals before Court of Review of the Province.

4) Appointment of Clerk, Reporter and Assessors

The Ecclesiastical Court at its first meeting after the Annual Convention shall appoint a Clerk, Assistant Clerks if necessary, a Reporter and one to three Lay Assessors with such responsibilities and duties as set forth in General Convention Canon IV.

5) Vacancies in Ecclesiastical Court

a) Vacancies occurring for any reason in the membership of the Ecclesiastical Court, except for Challenge by either the Respondent or the Church Attorney, shall be filled by the diocesan Council at the first meeting after such vacancy occurs. The person appointed by the Council shall be a person qualified to serve under the provisions of this canon as to membership.

b) All challenges to the membership of the Court must be done by either the Church Attorney or Respondent not less than thirty days before the commencement of the trial or any proceeding is undertaken before the Court. No party shall be entitled to challenge more than two judges. In either instance the diocesan Council shall appoint a person or persons to fill the vacancy who shall be qualified to serve under the provisions of this canon as to membership. There shall be no provision to challenge the persons selected by the Diocesan Council to fill any vacancy created by the challenge.

After the proceedings have been completed before the Ecclesiastical Trial Court, the judges which were challenged shall thereafter return to their position as a member of the said Court.

6) Rules of Procedure

The Ecclesiastical Trial Court shall be governed by the Federal Rules of Civil Procedure as modified by Appendix A to the General convention Canon IV.

Section 4. Temporary Inhibition by Bishop

a) If a Priest or Deacon is charged with an offense or serious acts that would constitute grounds for a Charge of an Offense, and, in the opinion of the Bishop, the Charge or complaint of serious acts is supported by sufficient facts, the Bishop may authorize a Temporary Inhibition and the Bishop shall pronounce it.

b) Any Temporary Inhibition shall: (i) be in writing, (ii) set forth the reasons for its issuance, (iii) be specific in its terms, (iv) define the Offense charged or serious acts complained of, (v) describe in reasonable detail the act or acts inhibited, (vi) be promptly served upon the Priest or Deacon to be inhibited, and (vii) become effective upon being served upon the Priest or Deacon to be inhibited.

c) Temporary Inhibition may be issued without prior written or oral notice to the Priest or Deacon.

d) Any Priest or Deacon against whom a Temporary Inhibition has been issued may request a hearing concerning the Temporary Inhibition before the Diocesan Review Committee, which shall hear the same at the earliest possible time, but not later than fourteen days after the date of receipt of the request. The Diocesan Review Committee by a two-thirds vote may dissolve, modify or continue the Temporary Inhibition. The Church Attorney shall be given notice of such hearing and shall be permitted to attend and be heard.

e) At any time, the Bishop may dissolve or reduce the terms of a Temporary inhibition or, with the advice and consent of a majority of a quorum of the Diocesan Review Committee, enlarge the Temporary Inhibition.

f) A Temporary Inhibition shall continue in force and effect until (i) the issuance of an Inhibition as permitted under General convention Canon IV, (ii) the withdrawal of the Charge of allegations, (iii) the refusal of the Diocesan Review Committee to make a Resentment on the Charges alleged, (iv) a determination by the Bishop that there is no longer a need for the Temporary Inhibition, (v) a Sentence is imposed following a voluntary submission to discipline, or (vi) a period of ninety days measured from the date of the Temporary Inhibition; provided however, the ninety day period may be extended by the Bishop upon the advice and consent of a majority of all the members of the Diocesan Review Committee for additional ninety day periods upon good cause.

g) If a Presentment has been made by the Diocesan Review Committee against a Priest or Deacon, or if a Priest or Deacon has been convicted in a criminal Court of Record in a cause involving Immorality, or if a judgment has been entered against a Priest or Deacon in a civil Court of Record in a cause involving Immorality, the Bishop may issue an Inhibition to the Priest or Deacon until after the judgment of the Ecclesiastical Court become final.

h) The Bishop may issue an Inhibition or Temporary Inhibition only as permitted under General Convention Canon IV.

Section 5. Of Renunciation of the Ministry

a) If any canonically resident Priest or Deacon not under Presentment shall declare, in writing, to the Ecclesiastical Authority of the diocese, a renunciation of the Ministry of this Church, and a desire to be removed therefrom, it shall be the duty of the Ecclesiastical Authority to record the declaration and request so made.

b) If the Bishop is satisfied that the person so declaring is not amenable for any canonical offense, and that the renunciation of the Ministry is not occasioned by foregoing misconduct or irregularity, but is voluntary and for causes, assigned or known, which do not affect the moral character of the Priest or Deacon, shall lay the matter before the Diocesan Review Committee, and with their advice and consent the Bishop may pronounce that such renunciation is accepted, and that the Priest or Deacon is released from the obligations of the Ministry and is deprived of the right to exercise the gifts and spiritual authority as a Minister of God's Word and Sacraments conferred in Ordination. The Bishop shall also declare in pronouncing and recording such action that it was for causes which do not affect the person's moral character, and shall, if desired, give a certificate to this effect to the person so removed from the Ministry.

c) In any case of Renunciation, where there may be a question of irregularity or misconduct, the Bishop shall not pronounce sentence of deposition save with the consent of the Standing Committee.

d) The Bishop shall give due notice of such removal or deposition from the Ministry in writing to the Presiding Bishop, the Recorder, and the Secretary of the House of Bishops.

e) If a Priest or Deacon making a request for renunciation of the Ministry is under presentment for any canonical Offense, or shall have been placed on trial for the same, the Ecclesiastical Authority to whom such declaration is made shall not consider or act upon the same until after the Presentment shall have been dismissed, or the said trial concluded and sentence, if any, pronounced. If the Ecclesiastical Authority to whom such declaration is made shall have ground to suppose that the person making the same is liable to Presentment for any canonical Offense, such person may, in the discretion of the Ecclesiastical Authority, be placed upon trial for such Offense, notwithstanding such declaration of renunciation of the Ministry.

f) In the case of the Renunciation of Ministry by a Priest or Deacon not under presentment nor amenable to any canonical Offense and not occasioned by any misconduct or irregularity, the Bishop shall pronounce sentence of removal or deposition in the presence of two or more Priest, and shall be entered in the official records of the Diocese by the Secretary of the Convention and notice given to Presiding Bishop, Secretary of the House of Bishops and the Recorder.

Section 6. Selection of Diocesan Review Committee

a) The elected members of the Diocesan Council shall meet separately and nominate two priests, one deacon, and two laypersons to serve as members of the Diocesan Review Committee. The names of their nominees shall be submitted to the Annual Convention for confirmation. At the time of the submission of the names additional nominations may be made from the floor and if a contest an election shall be held.

b) The terms of the members of the Diocesan Review Committee shall be three years.

c) In the event of a vacancy from any cause the elected members of the Diocesan Council shall convene separately and select a person to fill the vacancy for the position vacated for the balance of the unexpired term.

d) The members of the Diocesan Review committee shall annually elect from its members a President.

CANON 17
OF DIOCESAN INSTITUTIONS

Section 1. Diocesan Institutions Must Qualify as Such

No Institution shall represent itself to be an institution of the Church within the boundaries of this Diocese for any purpose whatsoever unless it shall qualify and shall continue thereafter to qualify as a Diocesan Institution as provided herein.

Section 2. Method of Qualification

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

Section 3. Amendment to Articles and By-laws

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

Section 4. Required Provisions in Articles

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

- 1) The Bishop shall be a member ex-officio of the Board of Directors of the Diocesan Institution.
- 2) No less than a three-fourths majority of the Board of Directors of the Diocesan Institution and its auxiliaries must be confirmed adult communicants of this Church in good standing eighteen years of age or over and canonically or physically resident in th is Diocese.
- 3) The Diocesan Institution shall not alienate or encumber nor incur any indebtedness nor enter into any undertaking or contract which might tend to alienate or encumber any real property belonging to it without first obtaining the written consent of the Bishop and the Diocesan Council and if the property involves a consecrated and dedicated church or chapel used solely for Divine Services, the consent of the standing committee must in addition, be obtained.
- 4) Unless specially exempted therefrom, the Diocesan Institution shall submit to the Diocesan Council semi-annual statements of financial condition in such form as the Diocesan Council shall specify.

Section 5. Bishop is Visitor of Diocesan Institutions

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

Section 6. Use of Clergymen Not Canonically Resident

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

Section 7. Annual Reports

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

Section 8. Recognition of Status of Diocesan Institutions

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

Section 9. Diocese Not Responsible for Institutional Obligations

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

Section 10. Dissolution of Diocesan Institutions and Conveyance of Property

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

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

CANON 18
PARISHES

Section 1. Formation

The formation of a parish is vested in the Diocesan Convention upon recommendation of the Diocesan Council.

Section 2. Requirements for Establishing a Parish

An Organized Mission which has been in existence for five years or more and has demonstrated to the diocesan Council its ability to support itself adequately for the two years last past, including the payment of full stipend to its Vicar in an amount not less than that paid to mission clergy, who have served a comparable length of time, or the ability to pay the same, the payment of all pension and medical insurance payments, satisfactory provision for the housing of the Vicar, and for all other normal benefits, the payment to the Diocese of an amount for diocesan and general church support satisfactory to the Diocesan Council, the provision of a suitable place of worship, the defrayment of its other operating expenses together with a suitable place of worship, the defrayment of its other operating expenses together with a suitable contribution to the missionary program of the Diocese and the General Church from its own local resources without assistance from diocesan funds may be organized into a Parish in the manner provided by the provisions of this Canon.

Section 3. Application to Bishop

A petition, in such form as is prescribed by the diocesan Council, shall be submitted to the Bishop signed by not less than thirty persons who shall be adult members of the Church in good standing. If the Diocesan Council is satisfied that such congregation meets all of the requisites for establishing a parish it shall submit the same to the next annual Convention for approval.

Section 4. Combining Two or More Congregations

A petition, in such form as is prescribed by the Bishop, and confirmed by the Chancellor, for two or more congregations to form into one parish, shall be submitted to the Bishop signed by not less than ten persons from each congregation of the age of majority of whom at least five shall be members of the Church in good standing.

If the Diocesan Council is satisfied that there has been full accord between the congregations as to governance and any matter affecting the relationship between the congregations and that it otherwise meets the requisites for establishing a parish, it shall submit the same to the next annual Convention for approval.

Section 5. Failure to Remain Self-Supporting

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

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

Section 6. Title to Property

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

Section 7. Governance

The governance of a parish shall be in the vestry, consisting of the rector, wardens and vestrypersons.

Section 8. Selection of Rectors and Assistant Clergy

- 1) When a vacancy occurs in the office of Rector of a parish it shall be the responsibility of the Wardens to promptly notify the Bishop and seek his counsel. If the authorities of the Parish shall, for thirty days, fail to make provision for services of public worship, it shall be the duty of the Bishop to take such measures as may be deemed expedient for the temporary conduct of public worship.
- 2) No election of a Rector shall be made by a vestry until the name of the Priest proposed to be elected has been submitted to the Bishop. The Bishop shall, within thirty days, communicate with the Vestry thereon. No election shall be held until that communication has been considered by the Parish or Vestry at a meeting duly called and held for that purpose.
- 3) Written notice of the election, signed by the Wardens, shall be forwarded to the Ecclesiastical Authority, and if satisfied that the person chosen is a duly qualified Priest and has accepted the office, the Ecclesiastical Authority shall forward the notice of election to the Secretary of the Convention who shall record it, which record shall be sufficient evidence of the relation between the Priest and the Parish.
- 4) Assistant clergy shall be selected by the rector subject to the approval of the vestry. The name of the proposed assistant shall be submitted to the Bishop who shall within thirty days communicate with the rector and vestry thereon as to Bishop's position on the same.
- 5) No Deacon, except one in training for the Priesthood, and no Suffragan Bishop, while acting as such, shall be in charge of a Parish or Congregation.

Section 9. Incorporation of Parishes

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

Section 10. Requirements in Articles

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

Section 11. Duties of the Parish Treasurer

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

Section 12. Voluntary Reversion to Mission Status

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

- 1) The parish shall present to the Bishop a petition, which shall set forth the reasons why mission status is desired, and shall be signed by the rector, if there be one, and by a majority of the vestry.
- 2) Upon receipt of any such petition, the Bishop shall refer the same to the Finance Committee which shall prepare and file with the Bishop a report in writing.
- 3) The Bishop shall forward copies of all such reports to the Rector of the parish, if there be one, or if not to the Senior Warden, Junior Warden, and Clerk of the Vestry and to the Diocesan Council and thereafter the diocesan Council shall fix a time and place for hearing the petition, giving due notice thereof to the Rector, if there be one, the Senior Warden, Junior Warden and Clerk of the Vestry, and, in such manner as appears reasonable under the circumstances, to the congregation of the parish.
- 4) At the hearing the Bishop and the Diocesan Council shall jointly consider the petition, the report of the Finance Committee, and all other information which may then be presented, and thereafter the Bishop shall, with the advice and consent of the diocesan Council enter a judgment reverting the Parish to mission status or refusing such reversion.

Section 13. When Bishop May Dissolve a Parish

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

- 1) When in the preliminary opinion of the Bishop a parish has ceased or may have ceased to meet any one of the requirements of parish status as set forth in Canon 18-2, and such opinion together with the facts upon which it is based has been set forth in writing by the Bishop, the Bishop shall refer the writing to the Finance Committee who shall prepare and file with the Bishop a report in writing.
- 2) The Bishop shall forward copies of all such reports to the Rector of the parish, if there be one, or if not, to the Senior Warden, Junior Warden and Clerk of the Vestry, and to the Diocesan Council, and thereafter the Diocesan Council shall fix a time and place for hearing the matter, giving 90 days notice thereof to the Rector, if there be one, the Senior Warden, the Junior Warden and Clerk of the Vestry, and in such manner as appears reasonable under the circumstances, to the congregation of the parish.
- 3) At the hearing the Bishop and Diocesan Council shall jointly consider the matter, the report of the Finance Committee and all other information which may then be presented and thereafter the Bishop shall, with the advice and consent of the Diocesan Council, enter a judgment dissolving the parochial organization or refusing such dissolution.

Section 14. Transfer of Title and Dissolution

Upon the dissolution of a parish:

- 1) If the dissolved parish has been incorporated and if the Bishop has organized it as a mission, title to all of its property, both real and personal, shall remain in the corporation, but the directors of the corporation shall forthwith adopt or see to the adoption of such amendments to its Articles of Incorporation, by-laws and name as shall be requisite to reflect the change in status from parish to mission.
- 2) If the dissolved parish has not been incorporated and if the Bishop has organized it as a mission, and if the parish held title to any personal property with the consent of the Bishop pursuant to these canons then, if the Bishop shall continue to so consent, the mission may continue to hold title to such personal property. Under the foregoing circumstances, if the Bishop shall withdraw or fail to renew his consent, title to all such personal property shall be forthwith transferred and conveyed to The Chapter of Calvary Cathedral.
- 3) If the dissolved parish has not been organized as a mission by the Bishop, title to all property, both real and personal, held by and for it shall be forthwith transferred to The Chapter of Calvary Cathedral. Under the foregoing circumstances, if the dissolved parish was incorporated, the officers and directors or trustees of the corporation shall forthwith take such steps as shall be requisite to wholly dissolve corporate existence.

CANON 19 ORGANIZED MISSIONS AND MISSION STATIONS

Section 1. Establishment

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

Section 2. Governance

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

Section 3. Bishop's Committee

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

Vacancies in the membership of the Bishop's Committee shall be filled by the remaining members of the Bishop's Committee.

Section 4. Financial Responsibilities

- 1) The congregation through the Bishop's Committee will raise such sums as are sufficient for the payment of the repairs, maintenance, insurance, and utilities of the church property used by the congregation together with its equitable share, considering its available income, for the support of the Diocese and its programs.
- 2) Services must be held by the Vicar, a deacon assigned, or a licensed lay reader, not less than once each month.
- 3) The Bishop's Committee, when undertaking any business or course of action, beyond its ordinary activities, must first receive the approval of the Bishop.

Section 5. Title to Property

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

Section 6. Mission Stations

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

Section 7. Responsibility of Treasurer

The treasurers of all Organized Missions and Mission Stations that are a part of a Mission Council shall, in addition to the monthly reports to the Bishop's Committee, submit quarterly reports to the Mission Council showing all income received and disbursements made during the period. In the event the treasurer of the organized Mission or Mission Station shall not make such reports in a timely manner, the Mission Council may authorize the treasurer of the Mission Council to assume the duties of the treasurer of the Organized Mission or Mission Station until such matter has been resolved. In the event that the Organized Mission or Mission Station is not a member of a mission council, the treasurer shall submit such quarterly reports to the diocesan Finance Committee. In the event that such reports are not made in a timely manner, the Finance Committee may authorize a different person to act as treasurer until the matter has been resolved.

CANON 20 PAROCHIAL MISSIONS

Section 1. Establishment

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

Section 2. Requirements

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

- 1) Prepare a plan for the organization, structure, and governance of the Parochial Mission, its method of financial support, the relation of the Parochial Mission and its communicants to the parish, its location, and such other items as may be requested by the Bishop and Diocesan Council.
- 2) Submit the plan to the Region Deanery Council and the Standing Committee for their recommendations to the Bishop and Diocesan Council.
- 3) Secure the approval of the Bishop and Diocesan Council of the plan acting in consultation with the Standing Committee.

Section 3. Method of Amendment of Plan

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

Section 4. Clergy in Charge

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

Section 5. Recognition by and Representation to the Convention

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

Section 6. Title to Property

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

Section 7. Parish Responsible for Obligations

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

Section 8. Powers of Annual Convention

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

CANON 21
ANNUAL AND SPECIAL MEETINGS

Section 1. Time and Place

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

Section 2. Notice of Meeting

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

Section 3. Presiding Officer

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

Section 4. Order of Business

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

- 1) Minutes of last annual and all intervening special meetings.
- 2) Financial report of the church.
- 3) Reports of Secretaries and Treasurers of organizations.
- 4) Election of Wardens and Vestrypersons.
- 5) Election of Delegates to Diocesan Convention and Region Deanery Assembly. This election may also be held at any meeting of the congregation.

Section 5. Qualifications of Voters and Election Contest

- 1) Qualified voters must be adult communicants of this Church in good standing.
- 2) In the event of a contest, an election shall be by secret ballot.

CANON 22
VESTRIES OF PARISHES

Section 1. Composition

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

Section 2. Qualifications of Wardens and Vestrypersons

Wardens and vestrypersons must be confirmed adult lay communicants of this Church in good standing eighteen years of age or over and regular contributors to the support of the congregation by pledge or otherwise.

Section 3. Elections

- 1) The wardens and vestrypersons shall be elected at the annual parish meeting. Wardens shall be elected for a one year term and vestrypersons for three year terms. In the election of vestrypersons, one third of the membership, or as close thereto as feasible, shall be elected annually , in order to facilitate a rotating vestry. If the present articles of incorporation of a parish direct election in a different manner, not in conflict with General Convention canons, the same is hereby permitted.
- 2) If the by-laws of the parish so provide, it shall be permissible for one Warden to be nominated by the rector. This nomination is subject to confirmation by the annual meeting.

Section 4. Vacancies

- 1) Vacancies in the office of warden or vestryperson may be filled by the remaining members of the vestry. If the by-laws have permitted the nomination of a warden by a rector and a vacancy has occurred in that office then the rector shall nominate the successor which is subject to confirmation by other members of the vestry.
- 2) In the event of three successive absences to meetings of the vestry by a warden or vestryperson, the same is deemed a vacancy in that office and shall be filled as herein provided for other vacancies. Said vacancy shall not be filled by the same person who previously held the position.

Section 5. By-Laws

By-laws shall be adopted by the annual meeting or by the vestry for the conduct of the affairs of the parish. A copy of such by-laws together with the articles of incorporation and any revisions thereto must be filed with the diocesan office, and are to be done in accordance with canons 18-9 and 18-10.

Section 6. Meetings

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

CANON 23 ANNUAL REPORTS AND RECORDS

Section 1. Financial Reports

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

Section 2. Fiscal Year

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

Section 3. Parochial Reports

Annual parochial reports shall be submitted by every parish, organized mission and parochial mission, and if necessary mission stations, to the diocese in the manner and form prescribed by General Convention Canons.

In the event that all parochial reports have not been filed as required under General Convention Canon I.6.1 prior to an annual or special convention, the delegates from that church shall not be certified as delegates until all such reports have been filed.

Section 4. Parish Register

Every parish, organized mission, mission station, and parochial mission shall have and maintain a permanent parish register.

CANON 24
FINANCE

Section 1. Annual Assessment

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

Section 2. Payment to Diocese

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

CANON 25
PROVISIONS CONCERNING THE LAITY

Section 1. Absence from Holy Eucharist

Any communicant willfully absent from Holy Eucharist for one year may be requested by the clergyperson to give a reason for such absence; and the clergyperson shall use all possible means to secure the return of the delinquent to duty. Such communicant, however, shall not be repelled from the Holy Eucharist for such cause; nor shall the name be stricken from the list of communicants, but the lapse from the Church shall be noted on the Parish Register opposite the name.

Section 2. Abandonment of the Communion of this Church

A lay person who abandons the Communion of this Church by formal admission into a body not in communion with this Church and who receives sacramental ministrations habitually or as a matter of practice from a body not in communion with this Church, shall forfeit the rights and privileges of communicant status in this Church. Such person shall be recorded as lapsed in the Parish Register, and reported to the Bishop who may have the person removed in accordance with the procedures contained in this Canon.

Section 3. Restoration of Lay Person

A lay person who has been removed from the Communion of this Church and seeks to be restored to full communion and fellowship in this Church shall apply to his parish priest for re-admission. The priest shall inform the Bishop of this desire, and proceed according to the instructions of the Bishop.

Section 4. Notice To Be Given

At least fourteen days before any lay person can be denied the sacraments or receive other discipline of the Church a notice in writing shall be delivered to that lay person in person or by mail which shall set forth the reasons for the denial or discipline. The said writing shall include in its information the rights of the lay person to appeal to the Bishop. The fourteen day period shall commence on the day after personal delivery or mailing.

Section 5. Appeal To Bishop

A lay person who has received notice of the denial of sacraments or other discipline as set forth under Section 4. hereof may appeal in writing to the Bishop. Such appeal must be made within seven days after receipt of the said notice. If the appeal is made the discipline to be imposed shall await the decision of the Bishop.

The Bishop shall constitute a Board of Inquiry consisting of one presbyter and two lay persons, with the Chancellor as advisor, who shall inquire into the matter and make appropriate recommendations to aid the Bishop in the decision. In no instance shall the sacraments be refused to a penitent at the point of death.

CANON 26
PASTORAL CARE OF CLERGY, VESTRIES AND CONGREGATIONS

When an issue arises which imperils the pastoral relationship through disagreement or dissension between the Rector and the Vestry, or members of the congregation, and the issue is deemed serious by the majority of the Vestry or by the Rector, the party deeming it serious may petition the Ecclesiastical Authority, in writing, to intervene and assist the parties to attempt to resolve the disagreement. The Ecclesiastical Authority shall initiate proceedings as said Authority deems appropriate for that purpose, which may include the appointment of a consultant. The parties to the disagreement, following the procedures established by the Ecclesiastical Authority, shall work in good faith so that the parties maybe reconciled. Whenever the Standing Committee is the Ecclesiastical Authority, it shall request the Bishop or a neighboring Diocese to perform the duties of the Ecclesiastical Authority under this Canon.

CANON 27
OF THE DISSOLUTION OF THE PASTORAL RELATION
AND OF DISASGREEMENTS BETWEEN CLERGY AND CONGREGATIONS

Section 1. Relationship Between Rector and Vestry

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

Section 2. Notice to the Ecclesiastical Authority

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

Section 3. Mediation and Appointment of Advisory Committee

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

Section 4. Procedures if Differences Not Resolved

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

- 1) Within thirty days after such notice, the Bishop shall conduct a hearing with regard to the differences between the parties. The Bishop shall fix a date, time and place therefore, shall notify the parties thereof or a representative thereof and shall conduct such hearing by allowing each party thereof or a representative thereof, to present a statement of position and the reasons therefore. No testimony or other evidence shall be presented at such hearing, unless allowed by the Bishop for compelling reasons and in the interest of justice.
- 2) As soon as reasonably possible, but in no case later than thirty days after the conclusion of the hearing as provided in Section 4.2 above, the Bishop shall render a Godly judgment, with the advice and consent of the Standing Committee.
- 3) A copy of the judgment shall be furnished to each of the parties, and shall be available for public inspection.

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

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

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

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

Section 5. Bishop to Provide Supportive Services to Parties

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

Section 6. Imposition of Penalties

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

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

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

Section 7. Extension of Time Periods

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

Section 8. Limitations on Matters in Proceedings

1) Statements made during the course of proceedings under this Canon are neither discoverable nor admissible in any proceedings under General Convention Canon IV provided that this does not require the exclusion of evidence in any proceedings under the canons of the General Convention or the Diocese which is otherwise discoverable and admissible merely because it was also presented in proceedings under this Canon.

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

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

CANON 28
DEFINITIONS

For the purposes of these Canons where the following terms are used they are defined as follows:

- 1) “Vicar” – denotes a minister in charge whether ordained as a priest or deacon. In the event that the minister in charge is a lay person then he shall be known as a “lay minister.”
- 2) “Ecclesiastical Authority” – denotes the Bishop, but if that office is vacant, the duties shall be performed by the Standing Committee of the Diocese in consultation with the Diocesan Council.
- 3) “Cleric” – shall include all ordained bishops, priests and deacons.
- 4) “Member” – a person who has received the Sacrament of Holy Baptism with water in the Name of the Father, and of the Son, and of the Holy Spirit, whether in this Church or in another Christian Church, and whose baptism has been duly recorded in this Church, is a member thereof.
- 5) “Adult Member” – a member sixteen years of age or over.
- 6) “Communicant” – a member of this Church who has received Holy Communion in this Church at least three times during the preceding year.
- 7) “Adult Communicant” – a communicant sixteen years of age or over.
- 8) “Communicant in Good Standing” – a communicant who has been faithful in corporate worship, unless for good cause prevented, and has been faithful in working, praying and giving for the spread of the Kingdom of God.
- 9) “Confirmed Member” – is
 - i) Any person who is baptized in this Church as an adult and receives the laying on of hands by the Bishop at Baptism is to be considered as both baptized and confirmed, or
 - ii) Any person who is baptized in this Church as an adult and at some time after the Baptism receives the laying on of hands by the Bishop in the Re-affirmation of Baptismal Vows, is to be considered as both baptized and confirmed, or
 - iii) Any baptized person who received the laying on of hands at Confirmation by any Bishop in apostolic succession and is received into the Episcopal Church by a Bishop of this Church is to be considered as both baptized and confirmed, or
 - iv) Any baptized person who receives the laying on of hands by a Bishop of this Church at Confirmation or Reception is to be considered as both baptized and confirmed.

CANON 29
MISCELLANEOUS PROVISIONS

Section 1. The Church Pension Fund

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

Section 2. Appointment of Archdeacons and Canons

- 1) Archdeacon of the Diocese: The Bishop may appoint one Archdeacon of the Diocese. He shall have those powers and duties specified in these canons and such other responsibilities as may be specified by the Bishop in consultation with the Diocesan Council. In the event that there is not an Archdeacon of the Diocese then, in those Canons, where the term Archdeacon or Archdeacon of the Diocese appears, the Bishop, with the concurrence of the Diocesan Council, may appoint another person, either clerical or lay, to so act.
- 2) Archdeacon of a designated purpose: The Bishop may appoint one or more Archdeacons and shall specify in their appointment their designated purpose.
- 3) The Bishop may appoint one or more Canons of the Cathedral who shall be vested with such ecclesiastical position as shall be specified by the Bishop in the appointment.
- 4) The Bishop may appoint one or more Canons of the Diocese who shall be vested with such authority as may be specified by the Bishop in the appointment. The authority so granted shall be as set forth in the by-laws of the Diocesan Council.

Section 3. Oversight of Parochial Organization

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

Section 4. Church Records

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

Section 5. Cathedral of the Diocese

Calvary Cathedral in Sioux Falls, South Dakota, is hereby recognized as the Cathedral of the Diocese and the prerogatives, powers and privileges granted to the bishop of the diocese of South Dakota in that Indenture dated February 28, 1891 and recorded in the Office of the Register of Deeds of Minnehaha County, South Dakota, in Book 51 of Deeds on page 236 are recognized, confirmed and approved.

Section 6. Resolution to Convention

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

Section 7. Vacancy Created by Absence

Absence by appointed members of any diocesan commission, committee, board or other group from two consecutive meetings, unless otherwise specified by these canons, shall create a vacancy which may be filled by the Bishop and confirmed by the Diocesan Council. The Diocesan Council, in its by-laws shall provide what percentage of a meeting must be attended by an appointed or elected person in order to permit that person to be counted as attending and allow him to receive remuneration for expenses incurred by him for attendance at that meeting.

Section 8. Meetings Held By Telephone Conference Calls

Unless otherwise provided by General Convention and Diocesan Canons, the Diocesan Council may permit such committees, commissions, boards and the like as it deems advisable to hold meetings by telephone conference call. The method, notice required and conditions for such meetings shall be set forth by the Diocesan Council by its by-laws. Unless otherwise provided by canon the failure of a member to participate in such telephone conference call shall not be deemed an absence from a meeting so as to create a vacancy.

Section 9. Requirements for Committee Membership

Unless it is otherwise provided in these canons, all members of committees, commissions, boards, and the like, of this Diocese, unless exempted therefrom by the Diocesan Council, must be confirmed adult communicants of this Church in good standing.

Section 10. Establishing Guidelines for Conduct

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

Section 12. Clergy employment Not Permitted By Any Entity

No parish, organized mission, mission council, and the like, through its governing bodies or otherwise, shall enter into any employment contracts a such with any members of the clergy. The establishment of such contractual relationships is deemed a violation of General Convention and Diocesan Canons and Anglican theology. Parishes, organized missions, mission councils and the like shall develop and adopt appropriate job descriptions for the member of the clergy involved setting forth the expected relationship between the congregation and the clergyperson. The Diocese, through the Clergy Deployment Officer and Chancellor, and with the approval of the Bishop, shall develop guidelines on job descriptions for use by the various vestries, bishop's committees and councils.

Section 13. Inform Standing Committee of Letters Dimissory Request

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

CANON 30
AMENDMENTS AND ALTERATIONS

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

Notice of the same shall be given by mailing a copy of the proposed amendments and alterations to the delegates, if known, at least 15 days prior to the opening date of the upcoming Convention. Such notice shall be considered sufficient when a copy for each delegate is mailed to the person in charge of each congregation or organization entitled to representation at the Diocesan Convention, who must distribute the same.

The Convention Committee on Canons and the Standing Commission on Constitution and Canons shall have authority to initiate amendments and alterations to the Canons. They shall have authority to examine and, if necessary, rewrite any proposed amendment and alteration submitted to bring it into conformance with General and Diocesan Constitutions and Canons. No notice is required on Amendments and Alterations which are submitted by Region Deanery Assemblies, the Niobrara Convocation, the convention Committee on Canons, and the Standing Commission on Constitution and Canons, except that proposals submitted by either the Region Deanery Assemblies or the Niobrara Convocation shall have been submitted to the Diocesan Office to be referred to the Standing Commission on Constitution and Canons at least 15 days prior to the opening date of the Convention.

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

The Diocese of South Dakota

RULES OF ORDER for the Convention of The Diocese of South Dakota

Rule 1 The Rules and Governing Law

1.1 The rules of order of the Convention (the "Rules") are subordinate to the Constitutions and Canons of the General Convention and the Diocese of South Dakota ("Diocese"). Any issue of procedure not covered by the foregoing shall be determined by the Chair, subject to appeal of the meeting as provided below.

1.2 None of these rules, after adoption, may be suspended without a two-thirds vote of the delegates present.

1.3 The Rules shall be in force from Convention to Convention until they are amended by a majority vote of a subsequent Convention at the time of its organization.

1.4 In the event of the election of a Bishop, Bishop Coadjutor or Bishop Suffragan at any Convention, special rules of order in accordance with the Constitution and Canons of the General Convention and the Diocese, shall be proposed by the Chancellor to the electing Convention.

Rule 2 Convention Committees

2.1 Not less than 60 days in advance of the opening date of the Convention, the President, with the concurrence of the officers of the Diocesan Council, shall appoint from the names of the delegates reported to the diocesan office, except for the Committee on Ballot Tabulation, the following committees of the Convention and shall designate the chair and vice chair thereof, who shall be delegates:

- (a) Constitution and Canons
- (b) Credentials
- (c) Dispatch of Business
- (d) Finance and Budget
- (e) Nominations
- (f) Place of Next Convention
- (g) Resolutions
- (h) Tabulation of Ballots

2.2 The President may appoint such special committees as he deems desirable or as may be directed by the Convention.

2.3 The size of all committees shall be determined by the President. In the selection of the membership, consideration must be given to prior service in the Convention and to balanced representation of all members of the Diocese.

2.4 A list of the members of each committee shall be distributed to the delegates as soon as may be done after appointment.

2.5 The Diocesan Office shall arrange meeting rooms for each committee.

2.6 During the Convention a specific time shall be set when committee hearings and meetings shall be held and no other activities shall be scheduled during those times.

2.7 In the event that a chair shall not call a meeting of the committee or consider a matter properly before it, then the vice chair or a majority of the membership of the committee may call a meeting.

2.8 The time and place of any meeting of a committee shall be posted in a conspicuous place on the floor of the Convention or adjacent thereto by the chair. Also, there shall be noted what items of business are to be considered by the committee.

2.9 The chair of each committee shall appoint from the membership of the committee a secretary who shall record the actions of the committee.

2.10 Within 30 days after the adjournment of the Convention, the chairperson of each committee shall file a report together with all of the records of that committee of the actions and activities of that committee which affected the work of the Convention with the diocesan office. Within 45 days after the adjournment of the Convention, the Secretary of the Convention shall file with the Diocesan Office the minutes of the said Convention together with all pertinent documents.

2.11 The Niobrara Convocation Officers are designated as a continuing Convention committee for the purpose of receiving all resolutions and other related matters concerning the Niobrara Deanery working in conjunction with other Convention committees.

2.12 General Convention Deputies will be a continuing Convention committee and will be given seat and voice at such times as General Convention items are under discussion.

2.13 The President may, in consultation with the officers of the Diocesan Council, authorize any diocesan committee, commission or board to meet in joint session with a committee of the convention on any matter properly before that convention committee, to be referred to as a Joint Committee. The President shall specify what matters that the Joint Committee as such can consider. All members of the Joint Committee shall have voice and vote in those matters. Such committee may make recommendations on those said matters to the Convention. The Joint Committee report shall be made by the Chair of the Convention committee and non-delegate members of the Joint Committee may appear on the floor for the purpose of answering questions put by the delegates but shall not be entitled to make motions, debate or vote.

2.14 The reports of all committees shall be in writing, and shall be received in course, and without motion for acceptance, unless recommitted by a vote of the Convention. All reports recommending or requiring an action or expressions of opinion by the Convention shall be accomplished by resolution of the action of the Convention thereon.

Rule 3 Order of Business

3.1 The order of business shall include the following:

- (a) Opening Prayer
- (b) Report of Committee on Credentials
- (c) Election of Secretary of Convention

- (d) Approval of minutes of prior Conventions
- (e) Communications from President
- (f) Report of Chancellor on Rules of Order
- (g) Report of Dispatch of Business
- (h) Reports of other legislative committees
- (i) Other business

3.2 The order of business may at any time be modified by the Chair, in consultation with the Committee on Dispatch of Business, to accommodate scheduling, timing or other convenience of the Convention, subject to the right of appeal.

Rule 4 Decorum and General Rules of Procedure

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

4.2 When the Chair is putting a question, the delegates shall continue in their seats and not hold private discourse.

4.3 When a delegate is to speak to the Convention the delegate shall state the delegate's name and address the chair and be confined to the point under debate or a parliamentary procedure.

4.4 Any member of the diocesan staff, who is not a delegate, may be on the floor of the Convention for the purpose of answering questions put by the delegates or performing such other duties as prescribed by the chair, but shall not have the right to make motions, debate or vote. Such persons shall be registered as members of the diocesan staff.

4.5 The Chair may allow any person or persons even though not a delegate, to appear before the Convention for the purpose of addressing the Convention, or making a report and answering questions thereon, unless otherwise directed by the Convention.

4.6 Issues that require consideration of the Convention may be discussed with or without formal motion. An issue may be resolved by recording (a) the general consensus or "sense of the Convention," or (b) by a formal motion.

4.7 Discussion of any issue is subject to regulation by the Chair to assure adequate consideration of relevant points of view in the best interests of the Convention. The objectives of discussion are to:

- (a) determine the will of the Convention and to articulate decisions for conduct of business;
- (b) assure sufficient discussion and consideration of issues so that all pertinent points of view are considered;
- (c) maintain at all times the dignity of the meeting so that each recognized speaker's views are made known to voting participants and to ensure that appropriate respect is accorded all persons; and
- (d) present the consideration of business in a manner understood by all participants.

4.8 When the delegates embrace a course of action by a clear consensus, the Chair may, if there is no objection, state that action upon the issue is resolved by "general consensus" or the "sense of the Convention." A ruling as to general consensus or the sense of the Convention shall be recorded in the minutes as the decision of the Convention.

4.9 Where a sense of the meeting cannot be determined with reasonable certainty, or where by reason of importance of the matter formal approval or a count of the vote is desired, the Chair or any delegate may state the proposal as a motion under these Rules.

4.10 The rules of motion practice shall be applied as a guide to the Chair in disposition of formal motions, which are resolved by a vote of the Convention.

Rule 5

Motion Practice and Precedence

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

5.2 MEETING CONDUCT MOTIONS

(1) Point of Privilege

Characteristics:

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

(2) Point of Procedure

Characteristics:

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

Similar Motion Included: Point of order, point of inquiry

(3) To Appeal a Ruling of the Chair

Characteristics:

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

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

(4) To Recess or Adjourn the Meeting

Characteristics:

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

5.3 DISPOSITION MOTIONS

(1) To Withdraw a Motion

Characteristics :

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

(2) To Postpone Consideration

Characteristics:

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

Similar Motion Included: To table; to postpone indefinitely

(3) To Refer

Characteristics:

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

(4) To Amend

Characteristics:

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

(5) To Limit, Extend or Close Debate

Characteristics:

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

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

(6) To Count the Vote

Characteristics:

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

5.4 MAIN MOTIONS – TO TAKE ACTION OR RECONSIDER ACTION TAKEN

Characteristics:

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

Rule 6
Special Rules for Certain Motions

6.1 No proposed resolution may be submitted for consideration after the close of the first plenary session. All proposed resolutions shall be referred to a Convention committee by the Chair, in consultation with the Dispatch of Business Committee. Such reference may be appealed in the same manner as a procedural decision of the Chair.

6.2 The budget for the upcoming year shall be presented to the Convention on the first day and any amendments, deletions, additions and final adoption may after presentation be considered. Any motion to amend the budget which increases any item of expense must make provision to reduce in like amount items of the expense side of the budget. Any resolution or motion which would impact the budget must have received the prior approval of the Convention committee on Diocesan Finance and Budget.

6.3 All motions to amend, substitute, initiate or otherwise alter any report, action, or recommendation of any Convention committee or the Diocesan Council must be submitted at the hearings held by the committee, and if no hearings, to the chair of the committee prior to the presentation to the floor .

6.4 When any motion on the floor concerns either directly or indirectly the Constitutions and Canons of the General Convention or the Diocese, the matter shall have received prior approval of the Convention Committee on Constitution and Canons, in consultation with the Chancellor.

6.5 If any motion under discussion contains several distinct propositions the same may, in the discretion of the Chair, be divided at the request of any delegate and a vote taken separately except that a motion to strike out or insert shall be indivisible.

Rule 7
Elections

7.1 All elections shall be conducted as provided in these Rules of Order unless otherwise provided by the Constitution and Canons of this diocese.

7.2 On or before March 1st of each year the positions open for election at the upcoming annual Convention shall be made available to the clergy and the *South Dakota ChurchNews*. Prior to August 1st of each year nominations may be submitted to the diocesan office only by Region Deanery Assemblies, the Niobrara Convocation, or a certified Convention delegate, for any position open for election. Such nominations and applicable information shall be made on a form prescribed by the Chancellor. Such nominations shall be reviewed by not less than three members of the Convention Nominating Committee, none of whom may be nominees, who shall, for elections for Diocesan Council, Standing Committee, and Deputies to General Convention and Provincial Synod review the nominating form and if the same is in compliance with the requirements of the nominating form cause the same to be distributed to the delegates prior to the opening session on the second day of the Convention.

7.3 In the event that there are no more nominations than necessary to fill an office, the Secretary shall cast a unanimous ballot for the persons so nominated.

7.4 In the event that there are more nominations than necessary to fill an office, the Committee on Nominations shall cause a ballot to be printed and each delegate shall check the names of the persons whom the delegate desires to select on the various ballots. The order for the placement of nominees on the ballot shall be by lot. No cast ballot shall be valid on which a delegate has voted for more or for less than the number to be elected on that ballot.

7.5 Where only one person may be elected for a particular office, a majority vote is required for election. In the event no candidate receives a majority vote on the first ballot, the person receiving the least number of votes shall be eliminated and the remaining nominees shall be submitted to another ballot, which shall continue in succession until a nominee is elected.

7.6 For offices or positions to be held by multiple persons at one time (such as General Convention deputies), the nominees of the required number receiving the largest number of votes shall be elected in order. If alternates are required, they shall be chosen from those not elected in the order of the most number of votes.

Rule 8 Voting

8.1 On motions the Chair shall have the discretion to call for a vote by voice or by hands. All elections, however, shall be done by written ballot.

8.2 Upon the request of any delegate, before or after a voice vote, a hand vote may be requested on any motion before the Convention. Upon the request of any two delegates any matter before the Convention shall be submitted to a secret written ballot, except that any member of that committee whose name appears on the ballot or who is a movant of a motion being counted is excluded from such counting.

8.3 A vote by orders may be had upon the request of at least two members of the lay order and two members of the clerical order. All votes by orders shall be by secret ballot.

8.4 The counting of all votes, by ballot or otherwise (except by voice) shall be done by the Tabulation Ballot Committee.

Rule 9 Adjournment

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

Rule 10 Minutes

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

RULES OF ORDER FOR A CONVENTION ELECTING A BISHOP

A. PROCEDURE

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

B. CERTIFICATION OF DELEGATES AND ALTERNATES:

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

C. NOMINATION PROCESS:

1. Any delegate may nominate any priest or bishop qualifying under General Convention and Diocesan Constitutions and Canons. No delegate may make more than one nomination. Three minutes shall be allowed to a delegate nominating for the presentation of the nomination.
2. All persons nominated must submit their responses to the questionnaire submitted to them and execute an approved consent form. The date for returning the questionnaire and consent form shall be set by the Diocesan Council.

3. The Diocesan Council and the Standing Committee may, at their option, act as a nominating committee, and submit nominations to the floor in such capacity and shall have three minutes to present each nomination.

4. After all nominations shall have been made, the Chair shall declare the nominations closed, announce the names of the nominees and thereafter no further nominations shall be accepted. All nominations which shall have been made from the floor, other than those submitted by the Diocesan Council and Standing Committee, shall be submitted to the Diocesan Council and Standing Committee to determine if such nominee, is, under Canon and by reputation qualified to so serve. In the event that they should determine that such nominee is not qualified to serve this shall be reported to the convention and the convention shall then decide by majority vote in each order whether to retain the person nominated on the ballot. Such vote shall be by secret ballot.

D. BALLOTS AND COUNTING

1. The Committee on Credentials shall print all ballots. The sequence of the names shall be decided by lot for each separate ballot.

2. There shall be separate ballot boxes provided for each order, and the ballots for each order shall be printed on different colored paper.

3. After balloting has commenced, no motions, points of order and the like shall be made from the floor. All such inquiries shall be made privately to the parliamentarian.

4. After sufficient time has been allowed to the delegates for marking their ballots the delegate shall go to the proper ballot box for that delegate's order, display his credential card to the member of the credential's committee and hand over the ballot which that the credential committee member shall place in the box. The chair may determine, in order to avoid confusion, that after a member has voted the member should leave the chamber until all ballots for that vote have been cast.

5. At the counting of the first through the third ballot, inclusive, the name of any nominee who fails to receive at least two votes in each order shall be dropped off all succeeding ballots. At the counting of the fourth ballot and all subsequent ballots the name of any nominee who fails to receive at least four votes in each order shall be dropped off all succeeding ballots.

6. In the event that the total number of ballots cast in either order shall exceed the number of certified delegates in that order, the ballot shall not be announced, and the order in which the excessive ballot or ballots shall have been cast, shall ballot again.

7. Any nominee is permitted to withdraw prior to the commencement of the printing of the next ballot. Said nominee or his authorized representative may withdraw by notifying the Chair on the form provided for the same. In the event that the nominee is not going to be present, he may designate, in writing a representative who shall have full authority to withdraw the name of the nominee.

8. A nominee who shall receive two-thirds vote of the certified delegates voting in each order shall be declared by the Chair as elected.

E. DECORUM

1. The floor shall be restricted to those holding delegate credentials by the Credentials Committee. Prior to the commencement of the voting on each ballot the Chair shall assure itself that only delegates are on

the floor except for those which the Chair shall have otherwise permitted. The ballots shall thereafter be distributed.

2. No nominee, if a delegate, may be a member of the Committees on Credentials, Dispatch of Business, involved with the collection or counting of ballots, speak to the convention as to the nominee's candidacy, or withdrawal from the same, or announce to the convention assembled after withdrawal, support of any other nominee.

3. It shall be deemed inappropriate for presentations on the floor by any delegate beyond the nomination process.