



Resource Center for Religious Institutes

Chapters and Canonical Elections: Q&As on Cancellation and Postponement Considerations

With the rapid spread of the coronavirus Covid-19 in the United States and throughout the world and the risk to an increasing number of people, numerous gatherings of groups for conferences, worship, meetings, and other events are being cancelled or postponed for a later time. Religious institutes are also finding it necessary and/or advisable to cancel or postpone community gatherings, assemblies, and chapters. In response to questions concerning canonical issues, options for next steps, we have developed a few *Questions and Answers* to guide your discernment process. While each institute has its own proper law and traditions, as well as the local situation to take into consideration, this resource may provide an additional framework for your decision-making process.

1. Chapters of religious institutes are collegial bodies. What does this mean?

As a collegial body, the chapter is representative of the entire institute with each member of the chapter having equal vote and voice (c. 631§1).

2. What are the requirements for a chapter as a collegial body?

Canon 119 is the guiding norm applicable to all collegial bodies including religious institutes. Unless the statutes (proper law) of the institute provide otherwise:

- If the matter concerns elections, when a majority of those who must be convoked, that is those entitled to vote in a representative capacity, are present, that which is approved by an absolute majority of those present has the force of law.
- If it concerns other matters, when an absolute majority of those who must be convoked are present, that which is approved by the absolute majority of those present has the force of law.

3. Is presence at the chapter required? Is presence required for a canonical election?

Presence is clearly normative with the determination of a majority based on the number present. Canon 167§1 on canonical elections also requires presence of the electors for an election. This norm states that “voting by letter or proxy is excluded unless the statutes (proper law) legitimately provide otherwise.”¹

¹ Paragraph 2 canon 167 makes special provision for those present in the same house but unable to be present in the chapter room due to ill health indicating that her or his written vote may be sought by the tellers.

4. What is the nature of requirements of canon 119?

The norms of canon 119 are suppletory and apply to chapters only in the absence of other provisions in universal law or in the proper law of a religious institutes.

5. What is a canonical election?

A canonical election is one in which an electoral body such as a chapter selects a candidate(s) for an office(s) in accord with the applicable norms of canon law. Canon 625 calls for a canonical election for the Superior General.

6. What are the procedures for canonical elections? Are the norms on canonical elections obligatory for religious institutes?

The procedures for canonical elections can be found in the proper law of the collegial body, such as the proper law of the religious institute. Canonical norms are binding on religious institutes unless the institute's proper law provides other arrangements (c. 164).

7. What other requirements govern canonical elections?

Besides presence at the time and place of the election, canon law requires secrecy in a canonical election to verify the number of ballots as well as the personal freedom of each elector (172§1).

8. Are electronic systems permitted for canonical elections?

Modern technology and especially electronic voting have facilitated voting in chapter sessions. At the same time, ensuring secrecy of ballots must be assessed when considering the elective role of a chapter.

9. What cautions should institute leadership keep in mind when considering cancellation or postponement of a chapter?

The norms on collegial bodies such as religious institutes require that

- Chapter members must be called together.
- Only those present in a specified place and time may vote.

10. What are the canonical options when considering cancellation or postponement of a chapter?

Depending on what is found in the institute's proper law, institute leadership might consider

- Canon 153§1 allows for the anticipation of chapter by 6 months.
- Canon 165 allows for a delay of the chapter up to 3 months.
- In the case of an election of new leadership, petitioning the Holy See or Diocesan Bishop for an extension of the current leadership's terms for a specified period.
- If it is a chapter of affairs and does not involve an election, re-scheduling may be an option.