

CONSTITUTION COLLEGE OF CONSULTORS

Identity and Role

1. In accordance with the Church's *Code of Canon Law* (C.502ff) the Bishop of the Diocese of Spokane is to create a College of Consultors, a distinct canonical body of priests selected from the Presbyteral Council.
2. The College of Consultors exercises its primary decision-making authority and/or power of consent in relationship to those specific matters identified in the Church's *Code of Canon Law*:
 - a.) C. 272 Consent before administrator can permit excommunication, incardination or migration of clergy after see is vacant for one year.
 - b.) C. 485 Consent for administrator to remove chancellor or other notaries.
 - c.) C. 494 Approve the hire and termination of the diocesan finance officer [Bishop's Finance Council also must be consulted.]
 - d.) C. 501§2 *Sede vacante*, fulfill role of Presbyteral Council.
 - e.) C. 413§2 Choose an administrator *sede impedita* if no other provision made.
 - f.) C.419 Govern the Diocese initially *sede vacante* provided no other arrangements made.
 - g.) C. 421§1 Elect administrator within eight days of vacancy see if no other provision is made.
 - h.) C. 422 Notify the Holy See of vacancy.
 - i.) C. 1277 Give consent for acts of extraordinary administration [along with consent of Bishop's Finance Council].
 - j.) C.1292§1 Give consent [along with consent of Bishop's Finance Council] to alienate diocesan property and to permit alienation of property of juridic persons subject to the Bishop.
3. The Bishop seeks the advice of the College of Consultors at this discretion.

Membership

1. The minimum number of members in the College of Consultors shall be six and the maximum, twelve.
2. The Bishop may appoint priests to the College of Consultors at any time, but he must first appoint them to membership on the Presbyteral Council.
3. By his free determination of the Bishop, the College of Consultors is comprised of:
 - a.) Three priests elected to "at large" positions on the Presbyteral Council.
 - b.) At least three priests – but not more than nine - appointed by the Bishop to membership on the Presbyteral Council whom he additionally appoints to membership in the College of Consultors.

Term of Office

1. In accordance with the *Code of Canon Law*, once created the College of Consultors remains in existence as a body for a period of five years, and remains in existence even after that time until notification of its dissolution is given to its members in writing by the Bishop and he has constituted a new College. The Bishop is free to include previous members of the College in a newly constituted body but they must be members of the Presbyteral Council either by election or by appointment.
2. A priest's service as a Consultor becomes effective upon his appointment by the Bishop.

3. Regardless the date of their appointment to the College of Consultors, the term of office for all its members is congruent with its existence as a canonical body, that is, for a period of five years.
4. Because by its nature as one of the Bishop's major canonical advisory bodies, the Presbyteral Council is the ordinary and pre-eminent forum for the deliberation and consideration of issues impacting the welfare of the presbyterate and the pastoral care of the local Church, a member of the College remains on the Presbyteral Council until the expiration of the College itself.
5. If a priest who serves on the College of Consultors cannot complete his term, the Bishop shall fill the position by selecting a serving member of the Presbyteral Council or he may appoint an additional priest to the Council and then to the College of Consultors.
6. Resignation from a position on the College must be approved by the Bishop.
7. Only the Bishop has the authority to remove a member from the College.

Officers – Meetings – Records

1. The College of Consultors shall have no officers.
2. All meetings will be convened and chaired by the Bishop unless specified otherwise by him or as stipulated in the *Code of Canon Law*.
2. The Chancellor maintains a record of the juridic acts of the College specified by canon law.
3. If the see is impeded or vacant the one who takes the place of the bishop in the interim presides over the College - or, if this person has not yet been established, the priest in the College who is oldest in ordination presides. (C.502)

Ammendments

1. Amendments to this constitution may be made at the discretion of the Bishop and must be congruent with the *Code of Canon Law*.

Effective retroactively to September 2010 by Most Rev. Blase Cupich.

Revised September 10, 2015 by Most Rev. Thomas Daly.

Recorded By: *Rev. Mark Pautler*, Chancellor

(Appendix to the Constitution of College of Consultors)
STATUTES FOR THE ELECTION OF A DIOCESAN ADMINISTRATOR

Can. 424: the Diocesan Administrator is to be elected according to can. 165-178. However, derogation from certain of these norms is permissible when a college or group of persons having the right of election has its own statutes. The statutes governing the election of the Diocesan Administrator by the College of Consultors of the Diocese of Spokane are the following:

When the See is vacant, the college of consultors must be convoked within eight days to elect a diocesan administrator. (can. 421)

The consultor who is senior in ordination convokes the college and presides (can. 502 §2). If two or more priests enjoy the same seniority by ordination, the one who is senior in age convokes the college and presides. He notifies the members of the college of the date, time and place of the convocation by means of mail, email, telephone or in person, at least two days in advance. If the date of the See's vacancy is already known, the senior consultor may send notice of the convocation before the date of the vacancy, but the convocation may take place only after the See is vacant.

The chancellor serves as secretary and a teller (*scrutator*) at the convocation. The presider may invite another member of the diocesan curia to assist at the convocation. Otherwise, the presider designates one of the consultors to assist the chancellor as a teller.

Prior to the convocation, the presider directs the chancellor to provide each consultor with:

1. A list of the priests of the Diocese who are age 35 or older and are not otherwise prohibited by law from the office of Administrator.
2. An official ballot embossed with the seal of the Diocese on which the elector will inscribe the name of the candidate for whom he votes.
3. A return envelope addressed to the chancellor and bearing on its face: *Confidential not to be opened*, and a place for the signature of the consultor.
4. A security envelope bearing on its face: *Ballot for the Administrator*.

A consultor may vote absentee or in person (cf. can. 167 §1).

An elector who votes absentee follows this procedure:

He writes the name of the candidate for whom he votes on the ballot, places it in the security envelope and places the security envelope in the mailing envelope. He affixes his signature to the mailing envelope. He mails or hand delivers the packet to the chancellor. If not personally handed to the chancellor, he informs the chancellor by phone or e-mail that he has submitted his ballot, and the chancellor informs the elector when he has received the ballot.

An absentee ballot may not be opened prior to the convocation for the election.

A consultor who will be present at the convocation brings his ballot and security envelope to the convocation. He may complete his ballot before entering the convocation.

At the time and place specified by the presider, the college gathers. At the request of absent consultors, arrangements are to be made for their participation in the convocation by electronic means. However, their absentee ballots must have been received for their votes to be counted. A majority of the college need not be physically present for the election to be valid, but there must be votes from a majority of the college for the election to be valid. (cf. c. 119 1°)

The presider opens the convocation with prayer using a formulary from the Book of Blessings, or another formulary.

At his discretion, the presider allows time for discussion and questions about the formalities of the election. Those who are available by electronic means may participate in this discussion. The presider reminds the electors that a candidate must be at least 35 years old and outstanding in doctrine and prudence.

The presider calls for the vote. Each elector hands his completed ballot in the security envelope to the chancellor or fills out his ballot at that time, places it in the security envelope and hands it to the chancellor.

The chancellor, who has in his possession the absentee ballots, verifies that there is no absentee ballot from an elector who has also submitted a ballot at the convocation. If there is a duplication, both ballots are invalid. With the assistance of the other teller, he opens the mailing envelopes of the absentee ballots and sets them aside.

The chancellor and other teller open the security envelopes, remove each ballot, and set them aside.

The tellers record the votes from all the valid ballots. The chancellor announces the result.

The priest who receives a majority of the votes is elected Administrator.

As soon as possible, the presider communicates the result to the one who has been elected and to the absent members of the college. The one elected must indicate in some clear fashion to the presider that he accepts the election. At the direction of the presider, the chancellor makes a formal announcement of the election to the priests of the Diocese. He also makes arrangements for the election to be made known to the faithful of the Diocese.

The one elected assumes the power of the diocesan administrator upon acceptance of the election, but is required to fulfill the prescription of canon 833 4°, making a profession of faith in the presence of the college of consultors within thirty days.

The Administrator is obliged to communicate his election to the Holy See through the Office of the Apostolic Nuncio (c. 422)

If the one elected does not accept the election, the college must vote again within the available time.

ADDITIONAL NOTES:

If no priest receives an absolute majority on the first ballot, the presider:

- a) may call for a second ballot (*provided that a majority of the members of the College are present*), or
- b) schedule a date within the available time (eight days after the See becomes vacant) for a second ballot.

Provided that there is time, absentee ballots are made available.

If the second ballot is indecisive, a vote is taken on the two candidates who have obtained the greater number of votes or, if there are several, on the two senior in age; after the third ballot, if a tie remains, the one who is senior in age is considered elected (cf. can. 119 1°).

If the eight days elapse without electing the Administrator, the presider is to inform the Metropolitan, who is to appoint the Administrator in accord with can. 421 §2.

*(Statutes approved by Most Rev. Blase Cupich
October 17, 2014)*