

## **ELECTIONS IN THE GENERAL CONSTITUTION (GC) AND THE NATIONAL STATUTES (NS)**

### **GENERAL CONSTITUTIONS OF THE SECULAR FRANCISCAN ORDER**

#### **Article 31**

1. Rule 21 “On various levels, each fraternity is animated and guided by a council and minister (or president).” These offices are conferred through elections, in accordance with the Rule, the Constitutions, and their own Statutes. Only by way of exception or in the first phase of their establishment may fraternities exist without a regular council. The council of the higher level will make the arrangements necessary for this inadequate situation only for the specific amount of time it takes to get a fraternity back on sure footing or to establish a new fraternity; to give its leaders the proper formation and to carry out the elections.
2. The office of minister or councilor is a fraternal service, a commitment to hold oneself available and responsible in relation to each brother and sister and to the fraternity so that each one will realize his or her own vocation and each fraternity will be a true community, ecclesial and Franciscan, actively present in the Church and in society.
3. The leaders of the SFO at every level should be perpetually professed, convinced of the validity of the Franciscan evangelical way of life, attentive to the life of the Church and of society with a broad and encompassing vision, open to dialogue, and ready to give and receive help and collaboration.
4. The leaders should see to the spiritual and technical preparation and animation of the meetings, both of the fraternities and of the councils. They should seek to inspire life and soul into the fraternities by their own witness, suggesting appropriate means for the development of the life of the fraternity and of apostolic activities in the light of the fundamental Franciscan options. They should see to it that the decisions made are carried out and they should promote collaboration among the brothers and sisters.

#### **The Fraternity Council**

##### **Article 49**

1. The council of the local fraternity is composed of the following offices: minister, vice minister, secretary, treasurer, and master of formation. Other offices may be added according to the needs of each fraternity. The spiritual assistant of the fraternity forms part of the council by right.
2. The fraternity, meeting in an assembly or chapter, discusses questions regarding its own life and organization. Every three years, in an elective assembly or chapter, the fraternity elects the minister and the council in the way established by the Constitutions and statutes.

#### **The Regional Fraternity**

##### **Article 61**

1. It is for the national council to compose the regional fraternity according to the Constitutions and to the national statutes. The competent religious superiors, from whom spiritual assistance must be sought, should be informed of it.

##### **Article 62**

1. The regional council is constituted according to the provisions of the national statutes and of its own regional statutes. At the heart of the regional council there can be set up an executive council (or board) whose duties are determined by those same statutes.

## **Article 66**

1. The national council is constituted according to the provisions of the national statutes. At the heart of the national council there can be set up an executive council (or board) whose duties are determined by those same statutes.

## **Title IV: ELECTION TO AND TERMINATION OF OFFICES**

### **Article 76**

1. The elections at the various levels will take place according to the norms of the law of the Church and of the Constitutions. The convocation should be carried out at least one month in advance, indicating the place, the day, and the time of the election.

2. The elective assembly, or chapter, will be presided over by the minister of the immediately higher level, or by his or her delegate, who confirms the election. The president or the delegate cannot preside over the elections in his or her local fraternity, nor the elections of the council of a higher level, of whose council he or she is a member. The spiritual assistant of the immediately higher level or his delegate is to be present as a witness of the communion with the First Order and the TOR. A representative of the Conference of General Ministers of the First Order and the TOR presides at and confirms the elections of the Presidency of the International Council of the SFO.

3. The president of the chapter and the assistant of the higher level do not have the right to vote.

4. The president of the chapter designates, among the members of that chapter, a secretary and two tellers.

### **Article 77**

1. In the local fraternity, the perpetually professed of the same fraternity have active voice, that is can elect, and passive voice, that is can be elected. The temporarily professed have only active voice.

2. At the other levels, the following have active voice: the secular members of the outgoing council, the representatives of the immediately lower level and of the Franciscan Youth, if professed. It belongs to the particular statutes to establish more concrete norms in application of the preceding norm, taking care to assure the broadest elective base. The perpetually professed Secular Franciscans of the corresponding area have passive voice.

3. Both the national and the international statutes – each for its own area – can establish objective qualifications regarding who can be elected to the various offices.

4. The presence of more than half of the number of those having the right to vote is required for the valid celebration of an elective chapter. For the local level, the national Statutes can establish a different norm. (See NS Article 18.6)

### **Article 78**

1. An absolute majority of the votes of those present, cast in secret, is required for the election of the minister. After two inconclusive ballots, the voting continues between the two candidates who have obtained the largest number of votes or, in case there are more than two, between the

two candidates who are oldest by profession. If there is still a tie after the third ballot, the older by profession will be considered elected.

2. The election of the vice minister proceeds in the same manner.
3. For the election of the councilors, after a first ballot without an absolute majority, a relative majority of the votes of those present, cast in secret, is sufficient, unless the particular statutes require a greater majority. **(See NS 14.4)**
4. The secretary announces the result of the elections; the president confirms the election according to the Ritual if all has been carried out properly and those elected have accepted their office.

#### **Article 79**

1. The minister and vice-minister may be elected for two consecutive terms of three years each. For a third and final successive election to the office of minister or vice-minister, a majority of two-thirds of the votes of those present, which must be obtained on the first ballot, will be necessary.
2. The out-going minister cannot be elected vice-minister.
3. The councilors may be elected for additional successive terms of three years. Beginning with the third successive election, a majority of two-thirds of the votes of those present, which must be obtained on the first ballot, will be necessary.
4. The general minister, vice-minister and presidency councilors can only be elected for two consecutive terms of six years.
5. The council of the higher level has the right and duty to invalidate the elections and to call them anew in all cases of inobservance of the preceding norms.

#### **Article 80**

The particular statutes may include further directives concerning elections, as long as they are not contrary to the Constitutions.

#### **Vacant Offices**

##### **Article 81**

1. When the office of minister remains vacant as a result of death, resignation or other impediment of a definitive character, the vice-minister assumes the office until the end of the term for which the minister was originally elected.
2. If the office of vice-minister becomes vacant, one of the councilors is elected to the office of vice-minister by the council of the fraternity, to serve until the next elective chapter.
3. When the office of councilor becomes vacant, the council will proceed to substitute for him or her in conformity with its own statutes, to serve until the next elective chapter.

#### **Incompatible Offices**

##### **Article 82**

The following are incompatible:

- a. the office of minister at two different levels;
- b. the offices of minister, vice minister, secretary and treasurer at the same level.

## **Resignation of Office**

### **Article 83**

1. When a minister of whatever level resigns during a chapter, that same chapter can accept the resignation. When a minister resigns outside the time of chapter, that resignation must be presented to the council. If the resignation is accepted, it must be confirmed by the minister of the higher level; if the general minister is resigning, the confirmation comes from the Conference of General Ministers of the First Order and the TOR.
2. The resignation of other offices is presented to the minister and to his or her council, who are competent to accept the resignation.

## **Removal**

### **Article 84**

1. In the case in which the minister does not fulfill his or her duties, the council concerned manifests its concerns in a fraternal dialogue with the minister. If this does not produce positive results, the council should inform the council of the higher level whose competence it is to examine the case and, if needed, by secret ballot, decide to remove the minister.
2. For a serious, public, and proved reason, the council of a higher level, after a fraternal dialogue with the person concerned, may, by a secret ballot, order the removal of a minister of a lower level.
3. When there is a serious reason to remove those who hold other offices of the council, it is the responsibility of that council to which they belong to make its decision by a secret ballot after there has been a fraternal dialogue with the person involved.
4. A recourse, which by itself suspends the action to remove someone from office, can be presented within thirty days to the council of the level immediately higher than the one which imposed the sanction.
5. The removal of the general minister belongs to the competence of the Conference of the General Ministers of the First Order and the TOR.
6. When there is a case of serious lack of concern or evidence of irregularities on the part of a minister or a council, the council of the next higher level conducts a fraternal visit of the council in question and, eventually, requests a pastoral visit. With charity and prudence, it will evaluate the circumstances uncovered and decide on the best way to proceed, not excluding the eventual removal of the council or leaders involved.

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## **STATUTES OF THE NATIONAL FRATERNITY OF THE SECULAR FRANCISCAN ORDER IN THE USA**

### **Article 3. National Fraternity Council**

5. The National Fraternity Council meets in elective chapter every three years; the National Minister convokes this meeting at least two months in advance, indicating the place, the day and the time of the election.

### **Article 8. Voting Rights**

1. All members of the National Fraternity Council as defined in article #3.1 of these National Statutes may vote. No Spiritual Assistant at any level, however, shall vote on any question

involving financial matters [cf. General Constitutions, article #90.2] or in elective chapters [cf. General Constitutions, article #77; Statutes for Spiritual Assistance, article #12.3]. This restriction applies to Secular Franciscans as well as religious friars and sisters serving as Spiritual Assistants for a particular Secular Franciscan fraternity.

2. The Minister of each Regional Fraternity has the primary responsibility for casting the vote of the Regional Fraternity in all elections and on all business that may come before the National Fraternity Council.

### 3. Substitutes/Delegates

a. In the event a Regional Minister is impeded from attending the National Fraternity Council meeting, then the delegate of the Regional Fraternity shall automatically be the Regional Vice Minister pursuant to the provisions of article #52.1.c of the General Constitutions.

b. If both the Regional Minister and the Regional Vice Minister are so impeded, then a member of the Regional Executive Council selected by that body shall attend and exercise all of the powers of a delegate for the Regional Fraternity.

4. No Regional Fraternity may cast more than a single vote on any issue or in any election.

5. Even if a person has a right to vote in his or her own name by more than one title, such person may cast only one ballot [cf. Code of Canon Law, canon #168].

6. During those meetings of the National Fraternity Council at which elections occur, the members of the outgoing and of the incoming National Executive Council, upon election and even prior to formal installation, are members with full rights of the National Fraternity Council until the end of said meeting.

### **Article 9. Quorum; Majority; Counting Ballots; Procedure**

1. No official business may be transacted at a National Fraternity Council or National Executive Council meeting unless a quorum is present. A quorum is defined as the presence of more than half of the number of those having the right to vote [cf. General Constitutions, article #77.4].

2. A majority, sometimes designated an absolute majority, is more than half of the total number of votes cast. A relative or simple majority is the highest number of votes cast on a motion or in an election [cf. Code of Canon Law, canon #119].

3. Where questions arise concerning procedures that are not covered by the Code of Canon Law, the General Constitutions or the National Statutes, reference may be made to Robert's Rules of Order. The President of the Elective Chapter (i.e., the Secular Franciscan who presides), after taking advice, retains the authority to determine any matter of procedure.

### **Article 10. Elections**

1. Elections shall take place according to the norms of article #76.1 of the General Constitutions, the National Statutes, and the International Statutes.

2. The National Fraternity Council elects the Secular members of the National Executive Council.

3. The International Councilor is elected by the National Fraternity Council and represents NAFRA as a member of the International Council of the Secular Franciscan Order (hereafter CIOFS) in accordance with its Statutes.
4. The National Fraternity Council also elects a substitute delegate for the International Councilor from among the elected members of the National Executive Council should he or she be prevented from attending the CIOFS General Chapter [cf. article #5.2 of CIOFS Statutes]. In the event of such impediment, the National Minister shall inform the CIOFS Presidency of it and of the substitute delegation [cf. CIOFS Statutes, article #8.1].
5. The convocation and nominations for the office of International Councilor shall be carried out as in article #11 of these National Statutes.
6. In tallying votes which are conducted by secret written ballot, each elector shall submit one vote. Then all ballots, including blanks, shall be counted to assure the validity of the vote [cf. Code of Canon Law, canon #173.2].

#### **Article 11. Convocation and Nominations**

1. At least four months prior to elections, the National Executive Council shall appoint a Chair for a Nominations Committee which will, acting according to norms established by the National Executive Council, present a slate of nominees for the offices to the members of the National Fraternity Council. This presentation shall be made approximately two months prior to the date set for the elections.
2. To be eligible as a candidate for election to office in the National Fraternity, one must be a permanently professed active member of the OFS [cf. General Constitutions, article #30]. Candidates should be convinced of the validity of the Franciscan evangelical way of life, attentive to a broad and encompassing vision of the life of the Church and of society, open to dialogue and ready to give and receive help and collaboration [cf. General Constitutions, article #31.3].
3. It shall be the duty of the Nominations Committee to ensure that each candidate meets the qualifications for the office for which she or he is proposed, has reviewed the duties of that office, and is willing to serve if elected.
4. Any individual elected to a national office may not hold an elected office at the Regional Fraternity level or the Local Fraternity level. (See Article 28.)
5. The provisions of article #76 of the General Constitutions shall be followed for convocation of the National Fraternity Council meeting for the purpose of elections.

#### **6. Notification of CIOFS**

- a. The National Minister shall in timely fashion contact the General Minister of the OFS, requesting that she or he or a delegate preside over forthcoming National Fraternity elections.
- b. The National Minister shall in timely fashion contact the President of the Conference of General Spiritual Assistants, requesting that he or a delegate attend forthcoming National Fraternity elections as the ecclesial witness.

#### **Article 12. Right to Vote at Elections**

The right to vote in elective chapters has been defined in article #8 of these National Statutes.

### **Article 13. Terms of Office**

In addition to the provisions enumerated in article #79 of the General Constitutions, the following apply:

#### **1. Length of Terms**

- a. The Secular members of the National Executive Council are elected for a term of three years.
- b. The term of the International Councilor is governed by the provisions of article #5.4 of the International Statutes.
- c. The term of the President of the Conference of National Spiritual Assistants is determined by the members of that Conference.

2. For a third and final successive election to the office of National Councilor (which includes every elected office except those of National Minister and National Vice Minister) or International Councilor, a majority of two-thirds (2/3) of the votes of those present, which must be obtained on the first ballot, will be necessary.

3. The outgoing National Minister cannot be elected to any other office on the National Executive Council. (See Article 28.)

### **Article 14. Procedure in Voting**

1. The vote shall be taken and completed as to each office before proceeding to the next, commencing with the office of National Minister. Persons not elected to the first office voted upon may be nominated for remaining offices.

2. Further nominations shall be received or at least solicited from the floor at the elective chapter.

3. The election procedure shall follow the provisions of articles #76 and #78 of the General Constitutions.

4. The election of National Councilors proceeds in the same manner as provided for in article #78.1 of the General Constitutions.

### **Article 15. Provisions for Vacancies, Resignations, and Removals**

1. The provisions of articles #81.1, #81.2 and #83 of the General Constitutions shall govern the procedure to be followed in the event the National Minister or National Vice Minister resigns or is impeded from performing the duties of the office.

2. When the office of National Councilor becomes vacant, the Executive Council will proceed to appoint someone to substitute for him or her until the end of the term for which the Councilor was originally elected. If the appointee is already an elected member of the Council, he or she retains the right to vote. If the appointee is not an elected member, he or she serves without a vote.

3. The provisions of article #84 of the General Constitutions shall govern the procedure to be followed to secure the removal for cause of the National Minister or members of the National Fraternity Council.

4. The provisions of article #84.4 of the General Constitutions shall govern the appeals process for any officer removed from office.

### **Article 18. Local Fraternity**

8. The Local Fraternity will present to the Regional Minister or his or her delegate and to the Regional Spiritual Assistant or the representative of the Conference of Regional Spiritual Assistants a stipend appropriate to the journey made and the length of stay required at the time of fraternal and pastoral visits, and also on the occasion of their presiding over and witnessing elections.

### **Article 23. Regional Executive Council**

1. Between the meetings of the Regional Fraternity Council, an elected Regional Executive Council shall carry on the business and carry out the purposes of the Regional Fraternity in a spirit of ministry and service [cf.General Constitutions, article #62.1].

2. The Regional Executive Council is composed of the Regional Minister, the Regional Vice Minister, the Regional Secretary, the Regional Treasurer, at least one elected Councilor, and the Regional Spiritual Assistant or the President of the Conference of Regional Spiritual Assistants. In addition, the Regional Formation Director may also be elected. In those regions in which the Regional Formation Director is appointed rather than elected, she or he attends the meetings of the Regional Executive Council and exercises a consultative role.

3. All elected members of the Regional Executive Council and the Spiritual Assistant have voting rights.

4. Election of the Secular members of the Regional Executive Council shall follow the model set forth in Section II of these National Statutes which deals with the National Fraternity insofar as it may be adapted to the needs and circumstances of the Regional Fraternity.

### **Article 26. Fraternal and Pastoral Visits to the Regional Fraternity**

2. The Regional Fraternity will present to the National Minister or his or her delegate and the representative of the Conference of National Spiritual Assistants a stipend appropriate to the journey made and the length of stay required at the time of fraternal and pastoral visits, and also on the occasion of their presiding over and witnessing elections.

### **Article 28. Applicability of These Statutes to All Levels of Fraternity**

The various provisions set forth in these National Statutes for NAFRA administration shall be used as a model for elections, conduct of business, structures for control of property, composition and duties of the Fraternity Minister and of the Fraternity Council, replacement of officers who are unable to continue in office, and similar business of the fraternity at any level. However, Articles 11.4 and 13.3 do not apply to regional and local fraternities. A member of a regional council may also be a member of a local fraternity council.

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### **STATUTES FOR SPIRITUAL AND PASTORAL ASSISTANCE TO THE SFO Rome, 2002**

Art. 12.3. The spiritual assistant is by right a voting member of the council and of the chapter of the fraternity to which he or she gives assistance and collaborates with it in all activities. Only in economic matters and in elections at any level does he or she not enjoy the right to vote.