



STATUTES OF THE GENERAL CHAPTER

(Original text in English)

*This text has been revised in preparation
for the XXI General Chapter.*

*The printed version of the Acts of
the XX General Chapter has some mistakes
which have been mentioned
during the General Conference in 2005.*

*In the following text,
clarifications have been approved
by the General Council (GC decision 14-04-2009)
regarding article 17: The conditions of elections.*

*The XXI General Chapter changed
solely article 12 of the Statutes.
The change has been incorporated in the text that follows.*

(Acts of the XXI General Chapter)

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INTRODUCTION

Canon 587.1 states that «the constitutions of the Institute are to contain... basic norms about the governance of the Institute...», while the same canon in 4 says that «other norms which are established by the competent authority of the Institute are to be properly collected in other codes.»

Speaking specifically of the General Chapter, canon 631.2 requires that «the composition of the General Chapter and the limits of its powers are to be defined in the Constitutions. The Institute's own law is to determine in further detail the order to be observed in the celebration of the Chapter, especially regarding elections and the matters to be treated.»

What concerns the General Chapter in the Constitutions is to be found in articles 138 - 142, together with the statutes 138.1 and 140.1,2,3. There are, however, other articles voted by the General Chapter, which will be presented in the present text.

So that the Brothers may find all that concerns the General Chapter in the one text, what is said in the Constitutions will be repeated here.

It should be remembered that no one has the authority to dispense from these articles (c 86). They may be changed only with the approval of the Holy See in the case of the Constitutions, or by the General Chapter in the case of other articles (C 169). The General Chapter may likewise modify those articles of the Rules of Procedure that are not matter of the Code of Canon Law.

1. THE GENERAL CHAPTER

The General Chapter is an assembly representative of the whole Institute. It is an expression of the participation of all Brothers in the life and mission of the Institute, as well as of their co-responsibility in its government.

It exercises the highest extraordinary authority. The Brother Superior General convokes it and presides over it.

He convokes the ordinary General Chapter every eight years. For grave reasons and with the consent of his Council, he can also convoke an extraordinary General Chapter (C 138).

2. THE PREPARATORY COMMISSION

Two years before the opening of an ordinary General Chapter, the Brother Superior General, with his Council, appoints a Preparatory Commission (cf. C. 137.4.7). This Commission sees to all that is necessary for the Chapter to achieve its responsibilities in regard to C. 139.

The Commission collaborates with the General Administration in regard to personnel and material needs. It may request the General Council to set up pre-Chapter groups on topics.

After consulting the Administrative Units and capitulants, the Commission draws up a global plan for the work and the process of the Chapter, including a proposed closing date. The plan will be submitted to the Chapter Assembly for discussion and approval during the first days of the General Chapter.

3. CONVOCATION OF THE GENERAL CHAPTER

One year before the official opening of the General Chapter the Brother Superior General and his Council send to all the Brothers the Circular of Convocation. This Circular contains the opening date and gives the practical details for the election of delegates and the opening of the Chapter (cf C 137.4,6).

4. SUGGESTIONS FOR THE GENERAL CHAPTER

Not only Provinces and local communities, but also any Brother or group of Brothers, are free to make their wishes and suggestions known to the General Chapter. These contributions are signed and sent to the Preparatory Commission, which passes them on to the capitulants. (c. 631, 3; C 138,1).

5. THE FUNCTIONS OF THE GENERAL CHAPTER

The ordinary General Chapter has the following functions:

1. to elect the Brother Superior General, the Brother Vicar General, and the members of the General Council, as prescribed in the Proper Law of the Institute;
2. to deal with major issues concerning the nature, aim, and spirit of the Institute, and to further their renewal and adaptation, preserving all the while the spiritual heritage of the Institute;
3. to draw up Statutes for the whole Institute;
4. to put before the Holy See the modifications that may be needed on some points of the Constitutions (C 139).

6. THE ELECTION OF THE BROTHER SUPERIOR GENERAL

The Brother Superior General is elected by the General Chapter in accordance with Canon Law, by a secret ballot, and by an absolute majority of the Brothers present.

At the time of his election he must be perpetually professed for at least ten years. The term of his mandate is eight years. He can be re-elected consecutively only once. His resignation or deposition is reserved to the Holy See.

The election is carried out in the following manner: After three ballots have not given a result, only the two candidates who have the highest number of votes are eligible. If there are more than two with the same number of votes, the oldest two are taken. If, after a fourth ballot, there is still an equality, the older Brother will be considered elected (C 131).

7. THE ELECTION OF THE BROTHER VICAR GENERAL

The Brother Vicar General is elected or re-elected by the General Chapter under the same conditions and in the same way as the Brother Superior General (C 133).

8. THE ELECTION OF THE MEMBERS OF THE GENERAL COUNCIL

The General Chapter decides on the number of General Councilors (at least four) whom it is to elect, and on the way they are to be elected. At the time of their election, they must be at least ten years perpetually professed. Their term of office lasts from one ordinary General Chapter to the next (C 136).

9. THE COMPOSITION OF THE GENERAL CHAPTER

The General Chapter is made up of members by right and of members elected by the Provinces and Districts. The number of those elected must be greater than the number of those who are members by right. The Institute's proper law determines who are members by right, and lays down the way in which the elections are carried out (C 140).

10. MEMBERS BY RIGHT

Members by right in the General Chapter are:

1. The Brother Superior General;
2. the former Superior General;
3. the Brother Vicar General and the Councillors General who are in office at the time the Chapter opens;
4. the Brothers Provincial (C 140.1).

11. ELECTED MEMBERS

The total number of Brothers elected as delegates to the General Chapter will be fifteen more than the total number of members by right.

Among the elected delegates, there will be:

- 1° One elected from each administrative unit. In a District dependent on a Province, the number of professed Brothers in the District is subtracted from that of the Province in calculating the number of delegates the Province is entitled to.
- 2° Other Brothers elected from the units with the highest number of Brothers

This is how these elections will be carried out:

For each administrative unit, the coefficient of representation, that is, the ratio of the number of capitulants already determined to the total number of Brothers in that unit, will be calculated. For this calculation, only the Brothers Provincial will be counted among the members by right. All the administrative units will then be arranged according to their coefficient, in ascending order. One delegate will be added to the number of elected delegates in the first unit on the list. The list will be rearranged, and the process repeated, until the stated number of elected delegates has been reached (C 140.2).

12. ADDITIONAL MEMBERS

Brothers who, in the course of the Chapter, are elected Superior General, Vicar General, or Councillors General, become members of the Chapter if they are not already present. If the elected Brother Superior General is not present, the Chapter must await his arrival before continuing its work (C 140.3).

The Brother Superior General and his Council may invite various people to the Chapter, their number not exceeding 20 % of the total number of capitulants. In dialogue with the Preparatory Commission, the Brother Superior General and his Council will define the nature and time period of the participation of the persons invited. Among them it would be good if there are some young Brothers. The right to vote in Chapter decisions remains reserved to capitulants.

13. BROTHERS ELIGIBLE FOR ELECTION

All Brothers perpetually professed, except those exclaustated or those in the process of joining another Institute, are eligible as delegates to the General Chapter (C 141).

14. BROTHERS WITH THE RIGHT TO VOTE

Those with the right of electing delegates to the General Chapter are: all Brothers, whether in temporary or perpetual profession, except those exclaustated or those in the process of joining another Institute (C 142).

15. THE NUMBER OF DELEGATES FOR A PROVINCE

The number of delegates for a Province is determined by the number of Brothers in the Province as of the date of the Circular of Convocation. The Preparatory Commission will see that the Statistics are determined as of that date.

16. THE DATE OF THE ELECTION OF DELEGATES

On the arrival of the Circular of Convocation, the Brothers of the communities elect the delegates, on a day fixed by the Brother Provincial. They follow the procedure indicated in the following articles.

17. THE CONDITIONS OF THE ELECTIONS

Delegates to the Chapter are elected directly by the Brothers. The election is by secret ballot, and requires an absolute majority of votes. The majority is calculated on the number of ballot papers received.

To replace the delegates who may not be able to go to the General Chapter, substitutes will be elected: one substitute for each elected delegate.

The election of representatives of the administrative units to the General Chapter will be based on the fact that the positions to be filled are those of the delegates. The procedure will be as follows.

First ballot: From a list of eligible candidates, each elector will choose the same number of names as there are elected delegates allotted to the administrative unit. The Commission which counts the votes will tally the total number of votes each Brother receives. It will then draw up a list, in descending order, of all the Brothers who obtained votes. If those at the head of the list, up to the number of delegates to be elected, have received an absolute majority, they are declared elected. If all the delegates have been elected, the next Brothers on the list, in equal number, are considered elected as substitutes, if they have at least one-third of votes.

If the required number of delegates and substitutes is not elected on the first ballot, a second ballot is obviously needed. In this case, the Commission announces the candidates for the second ballot. They are the Brothers next on the list. There must be three Brothers for every position of delegate and substitute still to be filled.

Second ballot: From the new list of candidates, each elector writes on his ballot paper as many names as the number of delegates yet to be elected¹. The Commission will tally the total

¹ If all of the delegates but no substitutes are elected on the first ballot, a second ballot is required. On this second ballot each brother votes for just one person. (GC decision 26/06/2008).

number of votes each Brother receives. It will then draw up a list, in descending order, of all the Brothers who obtained votes. Those at the head of the list, up to the number of delegates still to be elected, are declared elected. Those next on the list, up to the number of substitutes still to be elected, are declared elected as substitutes. In every ballot, if there is a tie, the oldest is/are considered elected.

18.VOTING PROCEDURES

Each elector writes on a piece of paper, or marks on the list of Brothers, the names of as many eligible Brothers as there are positions to fill. He puts the voting paper in a small envelope, which he seals.

The votes are placed in a second envelope, which is sealed in the presence of all the Brothers concerned. This envelope bears the names of each one voting, and each one signs alongside his name.

This second envelope is placed inside a third and sent by registered mail to the Brother Provincial.

19. VOTING BY PROXY

If a Brother is absent from the Province and likely to be unable to return his ballot by registered mail to the Brother Provincial before the due date, he may vote by proxy.

In this case the Brother informs the Provincial by whatever means is most secure:

1. that he chooses to vote by proxy,
2. the name of the Brother he appoints as proxy.

The Brother choosing to vote by proxy makes whatever arrangements he chooses with his nominated proxy.

The Brother Provincial informs the Superior of the Community of the Brother nominated as proxy.

The Brother proxy deposits two ballot papers and signs the envelope twice, once in his own name and a second time «as proxy for Brother N...».

20. THE COUNTING OF THE VOTES

A four-Brother Commission to count the votes will be chosen by the Brother Provincial and his Council. The chosen Brothers may not be provincial councilors. The Brother Provincial fixes the date for counting the votes, and presides over the Commission.

21. THE DESTRUCTION OF BALLOT PAPERS

After any election the ballot papers are to be destroyed.

22. REPORT OF THE ELECTIONS

On the day of the meeting for the counting of the votes, the report of the meeting is drawn up and is to be signed by all present.

The Brother Provincial sends a copy of the report to the Brother Secretary General. The Brother Provincial advises the delegates of their election, and publishes the names of those elected in the Province. This advice serves as their convocation for the General Chapter.

If they detect any irregularity, Brother Superior General with his Council can annul the results of an election and require that a new one be held. They will so inform the General Chapter.

23. OBLIGATION OF THE CAPITULANTS TO ATTEND THE CHAPTER

A Brother elected as a delegate is to consider his duty as a capitulant as a more important obligation than any other.

If, however, he considers that he has serious reasons for not going to the Chapter or for leaving before it finishes, he will put his reasons in writing to the Brother Provincial. The latter, together with his Council, is to decide, and if need be, advise the substitute and the Brother Secretary General.

24. SUBSTITUTE FOR A BROTHER PROVINCIAL

If the Brother Provincial is unable to be present at the General Chapter, one of the substitutes will take his place. The Brother Superior General must be so notified.

25. EXTENSION OF THE TERM OF OFFICE OF THE BROTHER PROVINCIAL

The term of office of a Brother Provincial that terminates after the date of the Circular of Convocation is extended until after the General Chapter. He stays in office until the election of the new Brother Provincial.

In exceptional cases, the Brother Superior General and his Council are to decide and give an account to the General Chapter (cf C 137.5).

26. VERIFICATION OF THE ELECTION OF DELEGATES

A Committee to verify the proper election of each delegate informs the capitulants of the details of the minutes of the election of the delegates. The Committee is composed of capitulants previously named by the Brother Superior General and his Council (cf C 137.4,8).

If these minutes show some irregularities, or if, in some way, certain procedures have made an election not quite regular, the Chapter will discuss the matter and make a decision about it. If necessary it may name a Commission to make a more complete study. The Commission will make its report and then the capitulants will make their decision.

After the verification is complete and the minutes approved, the Brother Superior General declares the General Chapter regularly constituted.

27. THE PROVISIONAL COMMITTEE

Once the names of the capitulants are known, the Brother Superior General with his Council will appoint the members of the Provisional Committee before the opening of the Chapter (cf C 137.4.9).

He convokes this Provisional Committee some days before the opening date in order to establish the program for the first few days of the Chapter.

Once the Chapter opens, the Order of the Day will always be approved by the Assembly.

28. THE OPENING OF THE GENERAL CHAPTER

It is the function of the Provisional Committee to organise a suitable ceremony for the opening of the General Chapter.

29. OBLIGATION OF THE DELEGATES TO REMAIN

All the capitulants are required to be present until the work of the Chapter ends. No-one can absent himself definitively, except for grave reasons, and then with the permission of the Central Commission.

A request for this permission should be made in writing and placed at the Chapter Secretariate from whence it will be delivered to the Commissioner of the Chapter.

30. THE CLOSING OF THE GENERAL CHAPTER

When all the subjects have been treated the final minutes are drawn up showing the length of the Chapter, and the number of sessions. These minutes will state that all that has been discussed, agreed upon and voted, has been faithfully inscribed in the Book of the General Chapter, destined for the Archives; that a copy of the wishes and decisions of the Chapter has been prepared for the «Congregation for Institutes of Consecrated Life and Societies of Apostolic Life». These last minutes will be followed by the signatures of all the capitulants.

By a final vote, the Chapter will be declared closed.

