

DRAFT LEGISLATION FOR THE 2026 SYNOD

This document contains 8 proposals for legislative changes to the ECC Constitutions and/or Statutes. We will have 2 **Zoom Discussion Meetings** for ECC delegates before the Synod to:

1. Review and understand each proposal.
2. Debate the meaning and wording of each proposal with a goal of making each one more acceptable to the understanding and applicability of the broader communion.
3. Decide which proposals should be voted into effect at the Synod in October and which proposals may need additional work, rewording, etc. before it is ready for approval by delegate vote. Before the Synod, a **Final Review Draft** of the **Constitutions** and **Statutes** will be distributed to all registered delegates for review before the Synod.

NOTE: We will not debate legislation at the October Synod but simply ask for a “thumbs up approval” or “thumbs down rejection” of all the changes that are integrated into the Final Review Drafts.

What we need from you, delegates to the Synod:

- A. Prayerfully read and consider each proposal included in this packet.
- B. Review these proposals with the faith communities that you represent and gather reactions/feedback/criticism/suggestions.
- C. Prepare for the Zoom Discussion Meetings by collecting and organizing your feedback, criticisms and recommendations.
- D. Attend the Zoom Discussion Meetings and participate actively.
- E. Be ready to help decide which proposals should be included in the Final Review Draft.

Thank you for participating in this important aspect of our Synodal Church.

The ECC Leadership Council

1. Minimum Requirements for ECC Regions/Dioceses Addressing Liability and Sustainability

In the Statutes, under **Guidelines for the Selection of Bishops**, section **3.0 The Office, Role and Selection of Regional Bishops**, section 3.2 is amended with the following text shown in red:

3.2 Whenever a number of faith communities of the ECC begin to discern the need for the closer, more immediate spiritual leadership of a bishop, that assembly of communities is encouraged to gather together to form a Region (also known as a Diocese). These communities will further discern and prayerfully deliberate their needs and desires. The prior approval of the ECC Synod or of the Presiding Bishop is not required for a group of communities to engage in these initial steps.

Then a new section 3.3 is proposed to be inserted. This section reads:

3.3 Requirements for an ECC Region:

- a. A Region (a/k/a Diocese) must be a not-for-profit corporation with Section 501(c) tax status. The Region must be financially self-sustaining to be admitted into the Communion and commit its faith communities to meeting both their financial obligations to the ECC and the Region. A Region must form a finance committee prior to admission and have commercially reasonable liability insurance. An Ordinary of a new Region after 2026 may work part time for the Region, but no less than one-third time, and shall be paid a commercially reasonable wage. The Communion holds no financial responsibility for a Region's property or operating expenses. The Communion holds no claim to the property and assets of a Region.**
- b. A Region shall be considered fully received and in good standing provided they are acting in accord with the ECC Constitution and Statutes, its member faith communities have met their financial obligation to the Communion and have implemented healthy boundaries training and practices for their community. The Ordinary of a Region that is not in good standing shall not have voting privileges in the COB.**
- c. A Region is the employer of record for its Ordinary and Regional staff, with the responsibility to practice pre-employment inquiries consistent with these Statutes.**
- d. All the requirements for Pastors and other clergy staff members in the ECC Constitution and Statutes apply to Regions. Ordinaries may authorize exceptions that would allow validly ordained clergy from other denominations to serve faith communities in special circumstances. Such exceptions must be approved by the COB.**

e. The Communion carries no legal responsibility or liability for the conduct of Regions.

f. A Region must comply with the Constitution and Statutes of the ECC. To the extent a Region adopts its own Constitution and Statutes, any provision that conflicts with the ECC Constitution and Statutes shall be null and void. In particular, a Region must have a functioning house of pastors and house of laity to be consistent with the ECC Constitution.

g. The decision to join a Region is voluntary. An ECC parish or specialized ministry within the definition of a Region (geographic or otherwise) shall make its own decision to join the Region.

The current sections 3.3 to 3.9 will be renumbered such that the subsection number is incremented by 1 (e.g. 3.3 becomes 3.4, 3.4 becomes 3.5, etc). The former section 3.10 will be deleted. Subsections 3.11 to 3.16 are unchanged.

Discussion: Questions and discussion provided by Rev. Kate Lehman

In terms of regions (dioceses) the problems that must be included in these sections as we consider them are these:

- What happens if a previously approved region/diocese drops below the required 3 independent communities now required. Does it cease to be a region/diocese? If so, then no ordinary is required, and should an election of bishop go forward? (addresses what happened in Mid-America)
- Can there exist more than one region/diocese in a single large population state (such as California)? There is in most mainline Christian churches), yet this was determined to be problematic in California, when there were 4 formed communities that did not want to be a part of the existing diocese of California for whatever reason.
- Must a diocese consist of adjacent, contiguous boundaries? Or, can there exist communities in various countries also, if a community sends out priests to found communities? If not, what is the rationale for that position?

These are just starting points for amending the section on regions/dioceses. Until we agree upon what it is and when (or if) it must cease existence, I don't think worrying about paying a bishop and staff should even be an issue.

I agree that there should be an immediate clarification of the obligation for all communities to pay the tithe to the ECC first, and then, if the constitution of the region/diocese stipulates, they may decide whether or not a bishop will receive a stipend, or whether there will be paid staff.

Remember that many priests of communities work essentially for free and have no benefits outside their regular employment or retirement. This has been an issue that we were not, in the past, able to reach consensus on. Added to that, another question should be that when voting to form an official diocese/region, should the larger parishes be able to outweigh the decision of small parishes, or should each parish get the same number of votes?

I submit these thoughts for each delegate to ponder. There are undoubtedly thoughts that others may have, and these are only suggested in the spirit of arriving at the best solution for the current status of our beloved communion.

2. Legislation regarding the Leadership Council

Discussion: The amendment pertains to Section II.2.e of the Constitutions which currently reads:

The Leadership Council is chaired by the Presiding Bishop and includes the executives/vice-executives of the House of Pastors and the House of Laity and serves as a consultative and coordinating body on matters pertaining to the administration of the Communion that are not expressly reserved to the Presiding Bishop, the Council of Bishops, the House of Laity and/or the House of Pastors. In the event that a decision of the Leadership Council significantly impacts one or all of the regional churches, that decision shall require the advice and consent of the COB.

The Leadership Council receives proposed legislation and other business for synod.

The proposal replaces Section II.2.e with the following text. Red text represents the original wording suggested by George von Stamwitz. John Duffy-Burke noted that the HOL or HOP might change its leadership structure, to include more than 2 leaders and could offset the balance of power within the LC. Tom Moos amended the paragraph of George's proposed legislation that specifies the membership of the LC (changes in green). This rewording allows a House to elect an arbitrary number of leaders but only 2 can represent the House on the LC.

The Leadership Council ("LC") continues the ECC's synodal vision of leadership between Synods. The LC consists of the Presiding Bishop and two (2) elected leaders from the House of Laity ("HOL") and two (2) elected leaders from the House of Pastors ("HOP"). The Presiding Bishop represents on the LC both the executive function of the Office of Presiding Bishop and the function of the Council of Bishops. The four (4) leaders from the HOL and HOP on the LC each have one vote and represent the legislative function and the specific roles reserved for each House in the Constitution.

The elected leaders of the Houses on the LC are to consult with and advise each other on fulfilling their constitutional responsibilities. Such consultation and advice does not usurp or delegate the constitutional responsibilities of each elected leader. However, there are several executive functions for which consultation or approval is required by one or both Houses under the Constitution. The LC is responsible for planning the Synod, which includes facilitating the development of new legislation for the Synod to consider.

The LC shall meet monthly and publish the minutes of its meeting to the entities in the ECC.

3. Legislative Restatement of the Role of ECC Deacons

Paragraph 7(d) of the Sacramental Guidelines in the **Statutes** currently reads:

The deacon is called and affirmed by the local faith community. Deacons serve their local church and secular community. The role of deacon is facilitating the apostolic ministry of the local church. The ministry of deacon is to assist the bishop and presbyters in the celebration of Sacraments, pastoral leadership and one of service to those inside and outside the church, marginalized by society, the sick, poor, elderly, etc; and remind the church that it too is diaconal. Deacons work collaboratively with the laity, presbytery and episcopacy.

The ECC deacons have proposed that this paragraph be deleted and replaced with the following:

The term deacon is derived from “diakonia” and translated as both “ministry” and “service.” As recorded in Acts 6, the apostles commissioned the first deacons to serve those in need. Today, deacons of all genders care for the individual needs of parishioners and the broader community, paying special attention to those marginalized by society, such as those who are ill or in poverty. Deacons act as “bridge builders,” facilitating connections of communication and service between the laity, the presbytery, and the local bishop, as well as between the local faith community and other religious and secular communities outside its walls. Other clergy begin their ordained life as deacons because the focus on discerning and responding to human needs provides a strong foundation for later pastoral work.

Whether their callings are transitional or vocational, deacons are called and affirmed by their local faith communities and work collaboratively with the local bishop, clergy, and laity they serve to determine their roles. The specific functions of individual deacons are necessarily varied and flexible because they stem from both the deacon’s particular gifts and the evolving needs of the local congregation and its broader community. Because of this, no list of tasks deacons in the ECC perform can be exhaustive, but deacons’ tasks typically fall into four categories:

- ***Administrative:*** publishing parish communications, maintaining parish financial and membership records, leading or serving on governance groups (parish council, Diocesan Council, ECC-HOP Steering Committee, community leadership teams), etc.

- *Liturgical:* assisting the priest at mass, proclaiming the gospel, serving as homilist occasionally, serving as sacristan, providing technical or other practical support for liturgies.
- *Pastoral:* meeting informally with parishioners, visiting the sick and shut-ins and providing Eucharistic ministry for them, serving as a chaplain, leading education or prayer groups, etc.

Serving in community: organizing and leading specialized outreach ministries, organizing laity to perform community service or support social justice events, etc.

4. Local Bishop's Term of Office:

Statutes, Section 3.9 under **Guidelines for Selection of Bishops** currently reads:

3.9 A bishop's term of office, when serving a Region, is to be six years, renewable by official re-election by the people of the region and subject to confirmation by the ECC Synod. A bishop's tenure in office will not exceed two consecutive terms. A bishop may be re-elected to a Regional Episcopal office following a period out of office for at least two years.

Discussion: The request is to change this so that the first term is for 6 years and a second term is negotiated. A reading of the above text raises the following observations/questions:

- A. It appears that a bishop can only serve 2 terms consecutively. However, it also seems possible that a bishop might serve 3 or more terms as long as the bishop is NOT functioning as the local Ordinary for at least two years after serving one or two terms. Thus, a bishop might serve 2 terms, take 2 years off, then could be re-elected for a 3rd term. Or, a bishop could be elected, serve one term, take 2 years off, then could be re-elected for 2 more consecutive terms. Again, a bishop could be elected and re-elected to 2 terms, take 2 years off, and then be (re)elected to 2 more consecutive terms. Does this match your understanding? **I'll assume this understanding is correct and so will use the term "subsequent terms" instead of specifically calling out 2nd term.**
- B. If (A) is correct, I'm assuming that your intention is that a bishop agreeing to run for re-election can negotiate the term of office of *any subsequent terms* after serving a full 6-year first term. Is that correct? **I'll assume all subsequent terms after the first can be negotiated.**
- C. Should we include a **minimum duration term of office that can be negotiated** (e.g. 2 years) or is it better to leave this open-ended depending on the circumstances and needs of the region or diocese? **I'll assume we don't want to specify a minimal term.**
- D. Should we say the negotiated subsequent term cannot be longer than 6 years as is implied though not stated explicitly in the current wording? **I think we should say that any term as Ordinary cannot exceed 6 years.**
- E. I'm wondering what this might mean if a bishop is running for re-election against someone who has not served as the local Ordinary in the past. Could the bishop negotiate a second term of 2 years, for example, and be running against someone who will serve for 6 years (first term)? Does that complicate things for the regional membership? **I'm not going to worry about this and will leave that to the region or diocese to figure out.**
- F. Who does the bishop negotiate duration of a subsequent term with? If the region/diocese has a governing body that acts as the bishop's employer of record, I assume the negotiation would be with that body. If the region does not have a governing body, should the negotiation be conducted with the regional clergy (bishop is

shepherd to the shepherds)? HOP and HOL delegates (clergy and laity alike have a say)? **I'm going to go with negotiations happen with the region's governing body, or lacking that, with the HOP and HOL delegates.**

- G. When does the negotiation happen? **I'm going to assume prior to re-election (not after re-election).**
- H. The current wording implies that the total consecutive years as Ordinary cannot exceed 12 years (2 terms at 6 years each). If a bishop negotiates a shorter second term, can the bishop be re-elected to additional shorter consecutive terms to fill out that second 6 years? In other words, is the limit 2 terms (regardless of length) or 12 years (regardless of number of consecutive negotiated shorter terms)? **I'm going to leave that wording as is and assume the limit is 2 terms, regardless of length of the negotiated 2nd term.**

Proposed Rewrite (**changes in red**):

3.9 A bishop's first term of office, when serving a Region, is to be six years. A bishop can be re-elected by the people of the region, subject to confirmation by the ECC Synod, for subsequent terms. Subsequent terms cannot exceed six years but shorter terms can be negotiated prior to re-election with the regional governing body, or with the HOP and HOL delegates if the region lacks such a governing body. A bishop's tenure in office will not exceed two consecutive terms. A bishop may be re-elected to a Regional Episcopal office following a period out of office for at least two years.

5. Regional or PB Bishop's Responsibilities in Process of a Pastoral Search Team

Discussion: Existing Relevant Legislation: I found little relevant legislation in either the Constitutions or Statutes. The Statutes Guidelines for Ordination discuss responsibilities for ordination, not installation or transition of pastors. However, I think the most appropriate place to add this might be in the Statutes, under **Ecumenical Catholic Communion Guidelines for Existing Faith Communities** at the end of section 5.0 on **Parishes**.

- A. As pastors in our ECC parishes transition into retirement, other roles, etc, a need exists to occasionally call a new pastor.
- B. The content of the recommendation is all about the local Bishop's role and involvement in the search process. It does not define the Pastoral search process for the search team. Different communities rightly have their own defined search processes and the Statutes should not define those. However, it is appropriate for the Statutes to ensure the Bishop has a role in the process and is responsible for granting pastoral faculties.
- C. Should the local Ordinary also be involved similarly in the work of identifying new leadership for **Religious Communities** and **Specialized Ministries**? For now, this proposed change is limited to Parishes but expanding the scope to religious communities and specialized ministries is open to review.

Proposed new wording to be added to the **Statutes** after Section 5.4 under **Ecumenical Catholic Communion Guidelines for Existing Faith Communities**:

5.5 Local or Presiding Bishop's Responsibilities in Pastoral Search Process: A faith community must engage the local Ordinary or Presiding Bishop in any pastor call, transition or missions establishment. The bishop will help the community to discern, maintain unity, and meet ECC Constitutional and Statute requirements. Identifying new leadership can be a challenging process. Pastors and other clergy staff members of faith communities must be ordained or incardinated clergy of the ECC. The bishop is involved with the pastoral search team in consideration of pastor candidates prior to a call being made. The Local Ordinary or Presiding Bishop grants faculties and installs the newly called pastor.

6. Supremacy of ECC Constitutions and Statutes

Discussion: Section IX of the **Constitution** is entitled **Parliamentary Authority** and refers to Robert's Rules of Order as defining procedural matters outside of matters addressed directly by the Constitution. The request is to also assert the legal authority of the ECC Constitution and our ECC Statutes over regional/diocesan or faith community legal documents. The suggestion is:

- a. Rename Section IX to: **Constitutional Supremacy and Parliamentary Authority.**
- b. Number the existing text in Section IX as subsection 2.
- c. Add a subsection 1 that names our ECC Constitution and Statutes as the supreme legal documents of the ECC prevailing over all conflicting regional or faith community legislation.

Therefore, Constitution IX is proposed to be amended to read as follows:

IX. Constitutional Supremacy and Parliamentary Authority.

1. This *Constitution of the Ecumenical Catholic Communion* and the associated *Statutes of the Ecumenical Catholic Communion* are the ultimate source of legal authority for the ECC and take priority over and invalidate any conflicting regulations or assertions in ECC regional, diocesan, or faith community constitutions, statutes, and bylaws.

2. For procedural matters not included in this constitution and bylaws, the most recent edition of *Robert's Rules of Order*, is the authority.

7. External Relations

Brian Ashmankas has submitted some legislation for Synod. He is hoping that after our review, he can propose it to the ProtoDiocese and it will be submitted from that entire diocese for consideration. But for now, it is just from Brian Ashmankas. He said this would replace the current text of Section V of the Statutes: External Relations. Here is the entirety of his new wording:

It is the fervent belief and standing policy of the Ecumenical Catholic Communion that all ordained Catholic bishops, priests, and deacons along with the laypersons in their associated faith communities are members of one holy catholic and apostolic church.

They are therefore welcome to participate in sacraments offered through the ECC, to attend the biannual synod and liturgies of the communion, to participate in shared ministry, to join with us in shared governance by mutual agreement, and to speak with us in a single voice with us to the world.

Also following this belief and policy is a desire to constantly make this a greater reality by seeking to establish intercommunion agreements, statements of common theological belief, and mutual recognition of clergy where possible with other Catholic jurisdictions. We actively welcome applications from Catholic jurisdictions and faith communities to integrate into the Communion as dioceses/regions and faith communities respectively.

Nothing in this article should be construed that intercommunion agreements, statements of common theological belief, or mutual recognition of clergy between the Communion and other Catholic jurisdictions exist unless explicitly agreed to by those jurisdictions.

8. Religious Orders (statute revision)

Discussion: This proposal pertains to Section 6.0 under the Statutes “Ecumenical Catholic Communion Guidelines for Existing Faith Communities”. The Benedictines and the Franciscans of the ECC have agreed upon the attached rewording of 6.0 Religious Orders Statute. Two versions are presented: the first shows changes (additions in red and lined out deletions). They are more in the way of clarifications than any substantive changes. The second version is a clean copy of what is proposed for inclusion in the Statutes. If you have any questions, Fr. Rick Klaich, Vicar of Religious Orders for the ECC would be a good place to begin. Fr. Michael Seeger, Prior of the Benedictines of Holy Wisdom is another who spearheaded the drafted alterations.

6.0 Religious Orders

6.1 A religious order is **distinct, consecrated way of life living the Christian vocation in a community of individuals members who are in formation or have made a profession of vows that are particular to the religious order. Community members are led by a spiritual leader elected by the community and who are bonded together by a rule of life, who are united for an evangelical mission in pursuit of the a common spiritual life, prayer and/or social service charitable works, if applicable.**

a. Legal incorporation by the religious order and the selection of administrative leaders of the order are necessary for recognition by and admission to the polity of the Communion.

b. The process of recognition and admission of Religious Orders into the Communion is administered through the Office of the Presiding Bishop.

6.2 A religious order shall adhere to the guidelines of the Communion for religious orders as administered by an appropriate representative of the COB and/or the Office of the Presiding Bishop.

6.3 The religious order shall be represented at the synod of the Communion in the HOP by its senior administrative member and one additional member as selected by the order, and by the appropriate number of laity (representing lay members of the religious order) in the HOL, as prescribed by the formula for the representation of parishes. These representatives shall serve with full voting rights in their respective houses of governance.

6.4 The religious order shall review its administration and ministries with ~~an appropriate representative from the COB~~ **the Vicar of Religious Orders** no less than once every two years. The order shall be responsible for all costs involved with this review **in person, or**

through an electronic means such as zoom, whichever is more appropriate according to circumstances.

6.5 The religious order shall publish a code of ethical conduct to which all members of the order shall subscribe.

6.6 The religious order, as a legal corporation, is the responsible authority for any members of the order.

6.7 The religious order has the right and responsibility to govern and guide its members through its own regulations and administrative practices. The administrators of the order have the obligation to screen potential members through appropriate psychological examinations, criminal background checks, and inquiries concerning sexual misconduct. ~~All those employed by the order shall also be screened through the processes of background checks and inquiries concerning sexual misconduct.~~

6.8 The religious order is responsible for the investigation of any allegation of misconduct by its members or staff. Any allegations of misconduct and the findings of the investigation shall be reported, according to established guidelines of the religious order, established guidelines, to the appropriate representative of the COB Vicar of Religious Orders and the Office of the Presiding Bishop, and appropriate actions taken by the representatives of the Communion.

Clean Copy showing the fully revised section.

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6.4 The religious order shall review its administration and ministries with the Vicar of Religious Orders no less than once every two years. The order shall be responsible for all costs involved with this review in person, or through an electronic means such as zoom, whichever is more appropriate according to circumstances.

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6.8 The religious order is responsible for the investigation of any allegation of misconduct by its members. An allegation of misconduct and the findings of the investigation shall be reported, according to established guidelines of the religious order, to the Vicar of Religious Orders and the Office of the Presiding Bishop, and appropriate actions taken by the representatives of the Communion.