

Report of Study Committee regarding Canon Changes to Facilitate Affiliate Membership of Laity in More than One Congregation

At the 137th Convention of the Episcopal Diocese of Colorado in 2024, the Convention adopted the following resolution:

RESOLVED THAT THE BISHOP AND STANDING COMMITTEE SHALL (1) APPOINT A STUDY COMMITTEE TO CONSIDER ONE OR MORE CANON AMENDMENTS TO FACILITATE ASSOCIATE MEMBERSHIP IN DIOCESAN CONGREGATIONS, AND (2) REQUEST THE STUDY COMMITTEE TO RETURN TO THE 138th CONVENTION (2025) OF THE DIOCESE OF COLORADO WITH RECOMMENDATIONS FOR ANY SUCH AMENDMENTS.

This report follows the directive of the 137th Convention and provides the recommendations of the Study Committee to be considered by the 138th Convention, to be held October 9-11, 2025.

The Issue.

Some Colorado Episcopalians participate in more than one parish congregation, due to school attendance, second home ownership, temporary relocations to care for aging parents, and the like.

While many retirement, resort, university and other parish communities have the benefit of participation from part-time parishioners, our current canonical definitions of parish membership do not clearly define or recognize their participation. While they are listed in the Sunday attendance records, there is no consistent operational standard among parishes as to whether such parishioners should be counted as parish members for purposes of annual meeting participation, parochial reports, and eligibility for fiduciary roles. Some Colorado parishes allow such part time parishioners to vote at annual meetings, or to serve on vestries, and some do not.

The Canons of The Episcopal Church, at Canon 17, Section 1, speak to registration of membership in The Episcopal Church at the time of baptism, confirmation or reception. Episcopal Church Canon 17, at Section 4, encourages the use of Letters of Transfer to notify the original parish of registration when a parishioner has become primarily affiliated with another parish. It is widely reported, however, both in our diocese and through the national church, that the process of obtaining Letters of Transfer has fallen into disuse, even for parishioners who have relocated fully and permanently. Further, many Episcopalians retain an allegiance to an original parish, perhaps due to long-standing

family ties or an intention to return to a former parish after a period of adjusted residence. Thus, Episcopalians may be reluctant to seek a Letter of Transfer even though they are ready to engage in a membership role in a new parish.

This lack of clarity about the roles that may be played by part-time members can lead to an under-reported reflection of a community's commitment to parish life, particularly in resort parishes where part-time membership is common and resort parishioners may provide significant stewardship resources. Further, for smaller parishes, lack of clarity about the proper role of Episcopal Church members who have not obtained Letters of Transfer can lead to challenges in recruitment of vestry members and other fiduciaries.

The Goal. It is the goal of this Study Committee to create a parish environment that is welcoming and safe for all parishioners who seek to provide volunteer service, while developing sustainable parish leadership and respecting the polity of The Episcopal Church.

Recommendation.

The Study Committee established at the 137th Convention hereby recommends that Colorado Canon 14, Sections 3 and 5, be amended to read as follows. The text shown in black is from the current canon; the text shown in red is the recommended addition.

Every parish in this diocese shall be governed by a vestry which shall act as the board of directors of the non-profit corporation. The rector of the parish shall be an officer thereof. The members of such corporation shall be the “Communicants in Good Standing” of the parish as defined under the Constitution and Canons of The Episcopal Church.¹ For purposes of membership in a Colorado diocesan parish corporation, the term “member” also includes an “affiliate member,” defined as (i) a Communicant in Good Standing in the parish,² (ii) who also qualifies as a Communicant in Good Standing in another parish of The Episcopal Church, (iii) who

¹ A communicant in good standing is defined in Canon 17, Section 3 of the Canons of the Episcopal Church as follows: “All Members of this Church who for the previous year have been faithful in corporate worship, unless for good cause prevented, and have been faithful in working, praying and giving for the spread of the Kingdom of God, are to be considered Communicants in Good Standing.” Canon 17, Section 2 gives guidance about the term “faithful in corporate worship” by stating that “All Members of this Church who have received Holy Communion in this Church at least three times during the previous year are to be considered communicants of this Church.”

² As shown above, the criteria for identification of a Communicant in Good Standing can be discerned from the parishioner's behavior, and this canon change would not require the parish to undertake greater review of membership in The Episcopal Church than is the current norm.

has requested affiliate membership in this parish and (iv) has been accepted for such affiliate membership by the rector of the affiliated parish. Affiliate members of the parish corporation shall have the privileges of voice and vote at the annual meeting of the parish corporation and shall be counted for purposes of the annual meeting quorum by attending in person, or by electronic means or proxy in the form allowed by the parish bylaws (if any). A person shall not be an affiliate member in more than one parish. Each vestry shall consist of the rector of the parish, two (2) wardens, and no fewer than three (3) and no more than fifteen (15) members who are adult Communicants in Good Standing of the parish. The wardens and members of the vestry shall be elected at the annual meeting. The senior warden may be nominated by the rector. Each vestry shall elect a treasurer and a clerk from the Communicants in Good Standing of the parish. Terms of wardens, vestry members, and the treasurer and clerk shall be as set forth in the bylaws of the parish. If authorized in the bylaws of the parish and consistent with this canon, affiliate members may serve on the parish vestry, as wardens, on committees of the parish, and in other fiduciary capacities. Affiliate members may serve as delegates to the annual diocesan convention, but shall not act as a diocesan convention delegate on behalf of more than one parish in this diocese or any other diocese in the same calendar year. Nor shall an affiliate member act as a delegate from the affiliated parish to the General Convention of The Episcopal Church.

Canon 14 Section 5. Each parish in this diocese shall: . . . (b) hold an annual meeting at which, among other matters to be discussed and decided, the annual budget of the parish shall be presented to the ~~members of the parish in attendance~~; and

Canon 14 Section 5 (g) [M]aintain a register. The register must be preserved as part of the records of the congregation, and must be freely available for examination at each Episcopal visitation and at all reasonable times be freely available for inspection by Wardens, members of the Vestry, the Bishop, or any person designated by the Bishop. The register must contain all of the following items: (i) a record of all baptisms, confirmations, receptions, marriages, and burials solemnized in the Congregation, ~~and~~ including a list of persons confirmed in the parish; the names and dates of birth of the persons baptized together with the names of parents and sponsors or witnesses; and the names of persons married or buried, and the date of every such rite performed; ~~and~~ (ii) the names of all ~~members communicants~~ with the date of their reception, death, ~~transfer~~ or removal; ~~and~~ (iii)

the names of all affiliate members as defined in Section 3 above with the date of their rector acceptance, death, transfer or removal.

Commentary.

1. Defining Membership. The Canons of The Episcopal Church state, at Canon 17, Section 1.a., that all persons “whose baptisms have been duly recorded in this Church are Members thereof.”³ National Canon 17 goes on to define “Communicants of this Church” (Section 2) and “Communicants in Good Standing” (Section 3) with reference to the national church, without reference to membership in a particular parish. [See footnotes 1 and 2 above.]
 - a. Colorado Canon 14 states that “The members of [a Colorado parish corporation] shall be the communicants in good standing of the parish.” Thus, under our current canons any person who is a communicant in good standing under the definitions provided by The Episcopal Church is eligible to be a member of our Colorado parishes. There is no express prohibition on membership in more than one parish.
 - b. An ambiguity arises, however, in the application of the Canons of the Episcopal Church under Canon 17, Section 4. This section states that “A member of this Church shall procure a Letter of Transfer to transfer their membership from the congregation in which their membership is recorded to another congregation.” As we have noted, however, these Letters of Transfer have fallen into disuse in our mobile society,⁴ and Canon 17, Section 4 does not expressly prohibit a person from becoming a communicant in good standing in another parish without a Letter of Transfer. Considering that parish registries are often out of date and Letters of Transfer are rare, members of The Episcopal Church who are communicants in good standing in more than one parish and who are willing to be active in both parishes therefore do not have clear parish membership status.
2. Membership in a Colorado parish corporation may be defined under State and Diocesan Law. The Canons of The Episcopal Church, at Canon 1.14 state:

Section 1. In every Parish of this [national] Church, the number, mode of selection and term of office of Wardens and Members of the Vestry, with the

³ Baptism for this purpose includes adults who are received or confirmed. See Canon 17, Section c and d.

⁴ This committee takes no position on whether the exchange of Letters of Transfer should be more or less robustly encouraged in these times.

qualifications of voters, shall be such as the State or Diocesan law may permit or require, and the Wardens and Members of the Vestry selected under such law shall hold office until their successors are selected and have qualified.

Therefore, it is permissible under the national canons for the Diocese of Colorado to identify in the diocesan canons the membership qualifications for Wardens, Vestry and other fiduciaries and corporate members, so long as the diocesan canons comply with state law.

3. Clarification of the status of affiliate members in the Colorado Canons would provide liability protections for those members, and would prevent a challenge to the validity of their service. The members of a vestry, and other parish fiduciaries such as treasurers, are offered directors and officers insurance for the actions taken within their service. Where there is an ambiguity in the qualifications of such members or fiduciaries, however, the status of insurance coverage may be subject to challenge. Similarly, clarification of the status of affiliate members could assist to ward off a dispute strategy that might challenge the authority or quorum of a vestry or fiduciary. Thus, if a lawsuit were to arise that might challenge the actions of a vestry, a person who would seek to undermine the authority of the vestry might try to claim that a parishioner who is not a registered member of the parish is not an authorized vestry member. Under those circumstances, the challenger might claim that the vestry did not have a sufficient number of members to act due to a lack of quorum. The challenger might claim that a parishioner who is not a registered member is not an authorized member of the Vestry at all and therefore is not eligible for directors and officers' insurance. These types of challenges would, at the very least, disrupt the orderly processes for parish governance and dispute resolution.
 - a. Examples of situations in which vestry or fiduciary qualifications might be raised could include
 - i. A challenge to a vestry's decision to enter into a line of credit;
 - ii. A challenge to a vestry's decision to engage in enforcement of a promissory note for clergy housing;
 - iii. A challenge to a vestry's acceptance of a bequest over the objection of a potential third party beneficiary of an estate;
 - iv. A challenge to a vestry's decision to settle a lawsuit; or
 - v. A challenge to the authority of a treasurer to sign financial documents.
 - b. Using the diocesan canons to clarify the legal status of affiliated members to act as fiduciaries and authorized parish voters under diocesan canons would

reduce the viability of claims that such parishioners were acting out of the scope of their authority, and thereby strengthen their rights to claim insurance coverage.

4. The Study Committee recommends the use of the term “affiliate member” rather than “associate member.” “Affiliate refers to a person or entity officially attached to a larger organization, while associate implies a person linked with another due to shared interests or activities.” <http://difference.wiki/affiliate-vs-associate>. The on-line Oxford Languages dictionary defines an affiliate as “a person or organization officially attached to a larger body” while the same dictionary defines an associate as “a person with limited or subordinate membership of an organization.” The intention of the Study Committee is that a Communicant in Good Standing in the Episcopal Church should be able to be engaged in two parishes under the canons of the Diocese of Colorado, to the fullest extent allowed by parish bylaws.
5. No parish would be required to adopt affiliate membership except for annual meeting attendance. The Study Committee’s proposal states that each parish may document in its parish bylaws the extent of fiduciary service that will be allowed to affiliated members. No parish would be required to accept affiliate members on a vestry or as a warden or treasurer, for example. The only time that affiliated members would be required to be canonically recognized is for purposes of quorum and vote at the annual meeting of the parish. The Study Committee recommends this provision because it is rare that a parish will ask a parishioner to provide proof of parish membership to participate in the annual meeting, leading to questions of the sufficiency of quorum, for example. Thus, if a parishioner meets the definition of a Communicant in Good Standing and requests affiliate membership status, that person could be authorized by the rector to participate in the annual meeting.
6. The Study Committee’s proposal respects the national canons and provides an opportunity for the national church to address these issues on its own time frame. This proposal relies on the definitions of Membership, Communicant, and Communicant in Good Standing from the national church canons. It does not seek to change the national church canon that addresses Letters of Transfer. It does not seek to authorize an affiliated member to be elected as a General Convention delegate from the affiliated parish. The proposal simply clarifies that, for purposes of Colorado law, a member of The Episcopal Church who meets the definition of an affiliated member under the definition set out in the Colorado diocesan canons and the parish bylaws may be an officer or fiduciary of our parish corporations.

Fiscal Impact.

This proposed canon change would have negligible fiscal impact. Parishes would be asked to maintain a list of affiliated members, either in Realm or in a spreadsheet format to provide to the diocese at the time of submission of the parochial report. The diocese would be asked to maintain this information for registry purposes. The Study Committee has not made any recommendation about whether the parochial report offered to the national church should eventually address such a category of parish membership.

Further Action.

Colorado diocesan Canon 3, Section 5 provides in pertinent part that this proposal may be adopted at this convention:

“New canons may be enacted and existing canons may be amended or repealed, in whole or in part, at any Diocesan Convention or special Diocesan Convention by the affirmative vote of both orders, voting separately.”