

INVALIDITY OF VOTE BY ACCLAMATION

The following is an opinion letter issued by Marguerite B. Stein, SFO, who is the National SFO Canonist, on June 21, 1993 in response to an inquiry whether a vote by acclamation in the Secular Franciscan Order is a valid procedure.

Recently at an election for a local fraternity I understand that three nominations had been made for the office of Minister. At the time of the election itself, after conferring with each other in the presence of the electors, two of those nominated made a public announcement to the effect that they withdrew their names from consideration. Thereafter, without the taking of a secret written ballot, the third nominee was declared elected.

A question has arisen as to the validity of this procedure.

The General Constitutions of the Secular Franciscan Order, which are presently in effect throughout the world, provide as follows:

Art. 76.1. The elections at the various levels will take place according to the norms of the law of the Church¹ and of the Constitutions.

Art. 78.1. An absolute majority of the votes of those present, cast in secret, is required for the election of the Minister.....

4. The Secretary announced the result of the elections; the President confirms the election according to the Ritual.²

The pertinent provisions of the Code of Canon Law of 1983 are as follows:

Can. 164. Unless it has been otherwise provided in the law, the following canons are to be observed in canonical elections.

¹ See CCL 164 ff.

² See Ritual SFO, Part II, Chapter II.