



PRACTICAL GUIDE FOR THE VISITOR 2020

Chapter III THE VISITOR AND PROVINCIAL INSTITUTIONS

1°

Provincial Assembly

a) Purpose of the Provincial Assembly

205. All the assemblies of the Congregation have as their purpose to preserve and promote the spiritual and apostolic vitality of the Congregation.¹

206. The Provincial Assembly, as a gathering of missionaries who represent the province as delegates, has the following functions:

- 1° To establish norms for the common good of the province, within the limits of universal law and our own law. These norms obtain obligatory force after being approved by the Superior General with the consent of his council.²
- 2° To function as a consultative organ of the Visitor in dealing with matters which can promote the good of the province.
- 3° To act on proposals which, in the name of the province, are to be presented to the General Assembly or the Superior General.
- 4° To elect delegates to the General Assembly.
- 5° To propose postulata which the province wishes to send to the General Assembly.
- 6° To make norms for Domestic Assemblies, within the limits of universal law and our own law. These norms do not need the approval of the Superior General.³

1 Cf. C. 135.

2 Appendix no. 10 contains a summary of the matters that the Constitutions and Statutes leave to the decision of the Provinces.

3 Cf. C. 143, 1°-5°.



207. The specific task of the Provincial Assembly is to determine criteria for the life of the province, to promote lines of action for its apostolic activity, and to advise the Visitor. The Provincial Assembly proposes these to the Superior General and to the Visitor for their approval, if they are considered to be in conformity with the Vincentian spirit and the Constitutions of the Congregation. The Provincial Assembly is not an organ for final decisions, except in the election of delegates to the General Assembly and the approval of the Directory for its Provincial Assembly and Domestic Assemblies.

b) Preparation for the Provincial Assembly

208. The Visitor has to give the greatest attention to the preparation of the Provincial Assembly. To do this he should seek the advice of experts who might help to prepare the Assembly and to accomplish its goals.

c) Convocation and composition of the Provincial Assembly

209. The Visitor, according to the norm of our own law, convokes the Provincial Assembly; he presides over it and dissolves it, with its consent. Likewise, the Visitor, having heard his council, sets the date and designates the place in which the Provincial Assembly is to be held.⁴

210. Unless something else is provided in Provincial Norms, the following persons are to participate in the Provincial Assembly: by reason of office, the Visitor, the Provincial Consultors, the Provincial Treasurer, and the superiors of each house of the province; in addition, delegates elected according to the norm of our own law.⁵

211. Article 97 of the Statutes establishes: Taking part in the Provincial Assembly there should be, unless something else is established by the Provincial Norms, as many delegates elected from the one provincial body consisting of all the members with passive voice, as there are delegates who must be present by reason of office, plus one delegate for every 25 members with active voice or part thereof.

212. From this one provincial body, those are to be considered as elected who have received the greater number of votes, and in case of a tie, those who are senior by reason of vocation or age; the same number are substitutes according to the order of a majority of votes.⁶

213. If the superior of a house is impeded from going to the Provincial Assembly, the assistant of the house should go in his place. If, however, the assistant has been elected as a delegate, then one of the alternates should replace him.⁷ Everything relating to substitutions should be clearly delineated in the Provincial Norms. This is especially true when, between the time of election and the opening of the Provincial Assembly, there has been a change in office of a person who should be present by virtue of that office.⁸

214. The Provincial Assembly can propose to the Superior General another method of election as long as the number of elected delegates exceeds that of the number of *ex officio* delegates.⁹

4 C. 125, 7°; S. 95.

5 C. 146.

6 S. 98.

7 S. 99. It is possible that the house does not have an assistant superior. It will be necessary then to decide who will substitute for the superior in the Assembly. It must be decided if the person who substitutes for the superior — the oldest in vocation or age — or someone from the substitute list, will replace him. It seems more reasonable that the person who takes the place of the superior be the person who goes to the Assembly.

8 One case may be that of a Visitor or a provincial counselor. Because they are in office at the time of elections, they have a right to go to the assembly. Another case may be that of a Visitor, who was not Visitor at the time of elections, but was elected as a delegate. Now he attends by virtue of his office. Provincial Norms or the rules of the assembly, should clearly delineate procedures for substitutions.

9 Cf. S. 100.

215. To resolve some cases, it is possible to refer to the criteria in the Constitutions and in the postulate approved by the General Assembly of 1992. According to this postulate, the following do not have active or passive voice:

- 1° Those who live outside the Congregation by indult.
- 2° Someone who is excommunicated, someone who has notoriously defected from communion with the Church, and someone who is legitimately absent from the Congregation,¹⁰ and those too who, when obliged to exercise the right of active and passive voice in the Congregation or in a province or in a house, are in any way illegitimately absent, namely:
 - a) those who have been unlawfully absent for more than six months.
 - b) those who did not renew a permission to be absent after the time had expired.
 - c) those who have not adhered to the conditions that the Superior General or Visitor established when the permission to be absent was given.

In doubtful cases, the Visitor with the consent of his council will decide if the confrere has or does not have active voice, taking into account the situation of the province, the laws of the Congregation and Provincial Norms.¹¹

d) *Directory and facilitator of the Provincial Assembly*

216. The Provincial Assembly must be held according to the directory approved by itself. It is the responsibility of each province to establish in assembly its own rules of procedure, that is to say, a directory, within the limits of universal law and our own law¹² and to accept a competent facilitator, if possible a member of the Congregation.¹³

e) *Election of delegates to the General Assembly*

217. One of the tasks of the Provincial Assembly is to elect delegates and alternates for the General Assembly in separate balloting, in which there is needed an absolute majority of votes. If in the first and second balloting no one is elected, then in the third balloting the one who obtains the greater number of votes is elected, and in case of a tie, the senior by vocation or age.¹⁴

f) *Closing the Provincial Assembly*

218. It is the task of the Visitor to close the Assembly with the consent of the delegates,¹⁵

g) *Approbation and promulgation of Provincial Norms*

219. Having finished the Assembly, the Visitor sends the Provincial Norms to the Superior General who, within the space of two months from the moment of reception, will communicate his approbation to the Visitor. After receiving the approbation, the Visitor will promulgate the Norms.¹⁶

220. If what the Assembly approves does not have the character of a norm, the Visitor can approve it and make it known to the province, once he has studied it with his council.

221. The Superior General only receives what is proposed as a Provincial Norm, be it a new Norm or the correction of an existent one. In order to facilitate the work of the Superior General and the General Council, it is advised that the Visitor send a document in which he clearly lays out the text of

10 Cf. *CIC*, canon 171 §1, nos. 3-4; cf. C. 70, 72 § 2.

11 Cf. C. 70, 72. Cf. *Vincentiana*, Vol. 36, nos. 4-5, (July-October 1992), p.389.

12 S. 101.

13 The work of the facilitator, as the name indicates, is to facilitate the progress of the Assembly offering appropriate observations both to the moderators and those assembled.

14 Cf. S. 89. §2; 102.

15 Cf. C. 125. 7°

16 Cf. C. 125. 7 °; S. 96.



the former Norm, and next to it, the totally new text or the changes in the original text, however small. If it is also decided to send to the Superior General the minutes of the Assembly, as information, it should be sent in a document apart from the Norms.

h) *The binding force of Provincial Norms*

222. The Norms approved by the Superior General also bind the Visitor. It is important, nevertheless, to pay special attention to Statute 94 which says: Norms made by the Provincial Assembly are general rules applicable to all cases described in them. These norms, nevertheless, do not affect the authority of the Visitor as this is described in universal law or our own law, nor his executive power necessary for carrying out his office. They remain in force until they are revoked by a subsequent Provincial Assembly or by the Superior General. What this means is that Provincial Norms that are approved by the Superior General have binding force, but they ought not take away any authority that has been given the Visitor by universal law or our own law.

223. Also, Provincial Norms must not take away the executive power of the Visitor by demanding courses of action that are very difficult to accomplish.

i) *Frequency of Provincial Assembly*

224. According to article 144.1 of the Constitutions, "the Provincial Assembly is to be held twice every six years, once before the General Assembly and once at some intermediate time."

225. Paragraph 2 of the same article 144, adds: "If it is necessary, the Visitor with the consent of his council, and having heard the local superiors, is able to convoke an extraordinary Provincial Assembly."