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Pope Benedict XVI lays out conclave process, penalties

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Besides giving the College of Cardinals authority to change the date of the upcoming conclave to elect his successor, the Vatican on Monday specified other rules for the secret vote, including the penalty of excommunication for those who share inside information.

The Vatican announced Monday Pope Benedict XVI had issued a *motu propio*, or administrative order, regarding the conclave. It comes after some cardinals raised the question of whether the college could move up the date at which it will elect the pope's successor.

The earliest date for the conclave had previously been set at 15 days following Pope Benedict's formal resignation Thursday.

"The College of Cardinals is ... granted the faculty to anticipated the beginning of the Conclave if all the Cardinal electors are present as well as the faculty to defer, for serious reasons, the beginning of the election for a few days more," the order states.

However, the order also mandates that the conclave must occur within 20 days of a pope's resignation or death, with "all the cardinal electors present."

According to the order, which the Vatican made available in English on Monday afternoon, those few who are allowed into the secret vote to act as aides will be required to take an oath of secrecy.

"I will observe absolute and perpetual secrecy with all who are not part of the College of Cardinal electors concerning all matters directly or indirectly related to the ballots cast and their scrutiny for the election of the Supreme Pontiff," the oath reads.

"I declare that I take this oath fully aware that an infraction thereof will make me subject to the penalty of excommunication 'latae sententiae', which is reserved to the Apostolic See," it continues.

Benedict's *motu propio* also specifies that only a person who receives two-thirds of the cardinals' written votes can become pope. In historic elections dating back centuries, some pontiffs had taken the papacy after a vocal acclamation or as a sign of compromise between two or three competing camps.

The *motu propio*, which was signed Friday, alters previous norms regarding conclaves as laid out in Benedict's 2007 letter "De aliquibus mutationibus in normis de electione Romani Ponteficis" and Pope John Paul II's 1996 letter "Universi Dominici Gregis."

Following is the full English account from the Vatican press office:

MOTU PROPRIO: POPE LEAVES EXPEDITION OF CONCLAVE UP TO CARDINALS

Vatican City, 25 February 2013 (VIS) -- In an unofficial translation of the Apostolic Letter in the form of a Motu Proprio by Holy Father Benedict XVI and dated 22 February, following are a few amendments concerning the election of the Roman Pontiff.

"With the Apostolic Letter 'De aliquibus mutationibus in normis de electione Romani Ponteficis' given as a Motu Proprio in Rome on 11 June 2007 in the third year of my pontificate, I established some norms that, rescinding those prescribed in no. 75 of the Apostolic Constitution 'Universi Dominici Gregis' promulgated by my predecessor Blessed John Paul II, have re-established the regulation, sanctioned by tradition, according to which a two thirds majority of the votes of the Cardinal electors present is always required for the valid election of the Roman Pontiff."

"Considering the importance of ensuring the best implementation of what is concerned, albeit with a different significance, regarding the election of the Roman Pontiff, in particular a more certain interpretation and execution of some provisions, I establish and prescribe that some norms of the Apostolic Constitution 'Universi Dominici Gregis', as well as what I myself set forth in the above-mentioned Apostolic Letter, be replaced with the following norms:

35. "No Cardinal elector can be excluded from active or passive voice in the election of the Supreme Pontiff, for any reason or pretext, with due regard for the provisions of No. 40 and No. 75 of this Constitution."

37. "I furthermore decree that, from the moment when the Apostolic See is lawfully vacant, the Cardinal electors who are present must wait fifteen full days for those who are absent before beginning the Conclave; however, the College of Cardinals is also granted the faculty to anticipated the beginning of the Conclave if all the Cardinal electors are present as well as the faculty to defer, for serious reasons, the beginning of the election for a few days more. But when a maximum of twenty days have elapsed from the beginning of the vacancy of the See, all the Cardinal electors present are obliged to proceed to the election."

43. "From the beginning of the electoral process until the public announcement that the election of the Supreme Pontiff has taken place, or in any case until the new Pope so disposes, the rooms of the Domus Sanctae Marthae, and in particular the Sistine Chapel and the areas reserved for liturgical celebrations are to be closed to unauthorized persons, by the authority of the Cardinal Camerlengo and with the outside assistance of the Vice Camerlengo and the Substitute of the Secretariat of State, in accordance with the provisions set forth in the following Numbers."

"During this period, the entire territory of Vatican City and the ordinary activity of the offices located therein shall be regulated, for the period mentioned, in a way that ensures the confidentiality and the free development of all the undertakings connected with the election of the Supreme Pontiff. In particular, provision shall be made, with the help of the Cleric Prelates of the Chamber to ensure that no one approaches the Cardinal electors while they are being transported from the Domus Sanctae Marthae to the Apostolic Vatican Palace."

46, 1. "In order to meet the personal and official needs connected with the election process, the following individuals must be available and therefore properly lodged in suitable areas within the confines mentioned in No. 43 of this Constitution: the Secretary of the College of Cardinals, who acts as Secretary of the electoral assembly; the Master of Papal Liturgical Celebrations with eight Masters of Ceremonies and two Religious attached to the Papal Sacristy; and an ecclesiastic chosen by the Cardinal Dean or by the Cardinal taking his place, in order to assist him in his duties."

47. "All the persons listed in No. 46 and No. 55, 2 of this Constitution who in any way or at any time should

come to learn anything from any source, directly or indirectly, regarding the election process, and in particular regarding the voting which took place in the election itself, are obliged to maintain strict secrecy with all persons extraneous to the College of Cardinal electors: accordingly, before the election begins, they shall take an oath in the form and using the formula indicated in No. 48."

48. "The persons listed in No. 46 and No. 55, 2 of this Constitution, having been duly warned about the meaning and extent of the oath that they are to take, before the start of the election process, shall, in the presence of the Cardinal Camerlengo or another Cardinal delegated by him, and in the presence of two numerary participant Apostolic Protonotaries, in due course swear and sign the oath according to the following formula:"

"I, N.N., promise and swear that, unless I should receive a special faculty given expressly by the newly-elected Pontiff or by his successors, I will observe absolute and perpetual secrecy with all who are not part of the College of Cardinal electors concerning all matters directly or indirectly related to the ballots cast and their scrutiny for the election of the Supreme Pontiff."

"I likewise promise and swear to refrain from using any audio or video equipment capable of recording anything which takes place during the period of the election within Vatican City, and in particular anything which in any way, directly or indirectly, is related to the process of the election itself."

"I declare that I take this oath fully aware that an infraction thereof will make me subject to the penalty of excommunication 'latae sententiae', which is reserved to the Apostolic See."

"So help me God and these Holy Gospels, which I touch with my hand."

49. "When the funeral rites for the deceased Pope have been celebrated according to the prescribed ritual, and everything necessary for the regular functioning of the election has been prepared, on the appointed day of the beginning of the Conclave established in conformity with the provisions of No. 37 of the present Constitution, the Cardinal electors shall meet in the Basilica of Saint Peter's in the Vatican, or elsewhere, should circumstances warrant it, in order to take part in a solemn Eucharistic celebration with the Votive Mass 'Pro Eligendo Papa'. This celebration should preferably take place at a suitable hour in the morning, so that in the afternoon the prescriptions of the following Numbers of this Constitution can be carried out."

50. From the Pauline Chapel of the Apostolic Palace, where they will assemble at a suitable hour in the afternoon, the Cardinal electors, in choir dress and invoking the assistance of the Holy Spirit with the chant of the 'Veni Creator', will solemnly process to the Sistine Chapel of the Apostolic Palace, where the election will be held. The Vice Camerlengo, the General Auditor of the Apostolic Camera, and two members of each of the colleges of numerary participant Apostolic Protonotaries, Prelate Auditors of the Roman Rota, and Cleric Prelates of the Chamber will participate in the procession.

51, 2. "It will therefore be the responsibility of the College of Cardinals, operating under the authority and responsibility of the Camerlengo, assisted by the Particular Congregation mentioned in No. 7 of the present Constitution, and with the outside assistance of the Vice Camerlengo and the Substitute of the Secretariat of State, to make all prior arrangements for the interior of the Sistine Chapel and adjacent areas to be prepared, so that an orderly election and its privacy will be ensured."

55, 3. "Should any infraction whatsoever of this norm occur, those responsible should know that they will be subject to the penalty of excommunication 'latae sententiae', which is reserved to the Apostolic See."

62. "Since the forms of election known as 'per acclamationem seu inspirationem' and 'per compromissum' are abolished, the form of electing the Roman Pontiff shall henceforth be 'per scrutinium' alone."

"I therefore decree that, for the valid election of the Roman Pontiff, at least two thirds of the votes are required, calculated on the basis of the total number of electors present and voting."

64. "The voting process is carried out in three phases. The first phase, which can be called the pre-scrutiny, comprises: 1) the preparation and distribution of the ballot papers by the Masters of Ceremonies?called meanwhile into the Hall together with the Secretary of the College of Cardinals and with the Master of Papal Liturgical Celebrations?who give at least two or three to each Cardinal elector; 2) the drawing by lot, from among all the Cardinal electors, of three Scrutineers, of three persons charged with collecting the votes of the sick, called for the sake of brevity 'Infirmarii', and of three Revisers; this drawing is carried out in public by the junior Cardinal Deacon, who draws out nine names, one after another, of those who shall carry out these tasks; 3) if, in the drawing of lots for the Scrutineers, 'Infirmarii' and Revisers, there should come out the names of Cardinal electors who because of infirmity or other reasons are unable to carry out these tasks, the names of others who are not impeded are to be drawn in their place. The first three drawn will act as Scrutineers, the second three as 'Infirmarii', and the last three as Revisers."

70, 2. "The Scrutineers add up all the votes that each individual has received, and if no one has obtained at least two thirds of the votes on that ballot, the Pope has not been elected; if however it turns out that someone has obtained at least two thirds of the votes, the canonically valid election of the Roman Pontiff has taken place."

75. "If the votes referred to in Nos. 72, 73, and 74 of the above-mentioned Constitution do not result in an election, a day will be dedicated to prayer, reflection, and discussion. In subsequent votes, in accordance with the procedure established in No. 74 of this same Constitution, only the two whose names have received the greatest number of votes in the immediately preceding ballot will have the passive electoral right. There can be no waiving of the requirement that a valid election takes place only by a qualified majority of at least two thirds of the votes of the cardinals who are present and voting. Moreover, in these ballots, the two persons who enjoy the passive electoral right lose their active electoral right."

"When the election has canonically taken place, the junior Cardinal Deacon summons into the Hall of election the Secretary of the College of Cardinals, the Master of Papal Liturgical Celebrations, and two Masters of Ceremonies. The Cardinal Dean, or the Cardinal who is first in order and seniority, in the name of the whole College of electors, then asks the consent of the one elected in the following words: 'Do you accept your canonical election as Supreme Pontiff?' And, as soon as he has received the consent, he asks him: 'By what name do you wish to be called?' Then the Master of Papal Liturgical Celebrations, acting as notary and having as witnesses the two Masters of Ceremonies, draws up a document certifying acceptance by the new Pope and the name taken by him."

"This document will enter into force immediately upon its publication in the Osservatore Romano."

"This I do decree and establish, notwithstanding any instruction to the contrary."

"Given in Rome, at Saint Peter's, on 22 February in the year 2013, the eighth of my Pontificate."

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