



## The Holy See

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**[Apostolic Letter issued "Motu Proprio" on certain modifications to the norms governing the election of the Roman Pontiff \(22 February 2013\)](#)**

**[\[English, French, German, Italian, Latin, Portuguese, Spanish\]](#)**

**Motu Proprio with which Pope Benedict XVI reinstates the traditional norms for the majority required to elect the Supreme Pontiff (June 11, 2007)**

**[\[French, German, Latin, Lithuanian\]](#)**

The Shepherd of the Lord's whole flock is the Bishop of the Church of Rome, where the Blessed Apostle Peter, by sovereign disposition of divine Providence, offered to Christ the supreme witness of martyrdom by the shedding of his blood. It is therefore understandable that the lawful apostolic succession in this See, with which "because of its great pre-eminence every Church must agree",<sup>1</sup> has always been the object of particular attention.

Precisely for this reason, down the centuries the Supreme Pontiffs have deemed it their special duty, as well as their specific right, to establish fitting norms to regulate the orderly election of their Successor. Thus, also in more recent times, my Predecessors Saint Pius X,<sup>2</sup> Pius XI,<sup>3</sup> Pius XII,<sup>4</sup> John XXIII<sup>5</sup> and lastly Paul VI,<sup>6</sup> each with the intention of responding to the needs of the particular historical moment, issued wise and appropriate regulations in order to ensure the suitable preparation and orderly gathering of the electors charged, at the vacancy of the Apostolic See, with the important and weighty duty of electing the Roman Pontiff.

If I too now turn to this matter, it is certainly not because of any lack of esteem for those norms, for

which I have great respect and which I intend for the most part to confirm, at least with regard to their substance and the basic principles which inspired them. What leads me to take this step is awareness of the Church's changed situation today and the need to take into consideration the general revision of Canon Law which took place, to the satisfaction of the whole Episcopate, with the publication and promulgation first of the Code of Canon Law and subsequently of the Code of Canons of the Eastern Churches. In conformity with this revision, itself inspired by the Second Vatican Ecumenical Council, I then took up the reform of the Roman Curia in the Apostolic Constitution *Pastor Bonus*.<sup>7</sup> Furthermore, Canon 335 of the Code of Canon Law, restated in Canon 47 of the Code of Canons of the Eastern Churches, makes clear the need to issue and constantly update the specific laws regulating the canonical provision for the Roman See, when for any reason it becomes vacant.

While keeping in mind present-day requirements, I have been careful, in formulating the new discipline, not to depart in substance from the wise and venerable tradition already established.

It is in fact an indisputable principle that the Roman Pontiff has the right to define and adapt to changing times the manner of designating the person called to assume the Petrine succession in the Roman See. This regards, first of all, the body entrusted with providing for the election of the Roman Pontiff: based on a millennial practice sanctioned by specific canonical norms and confirmed by an explicit provision of the current Code of Canon Law (Canon 349), this body is made up of the College of Cardinals of Holy Roman Church. While it is indeed a doctrine of faith that the power of the Supreme Pontiff derives directly from Christ, whose earthly Vicar he is,<sup>8</sup> it is also certain that this supreme power in the Church is granted to him "by means of lawful election accepted by him, together with episcopal consecration".<sup>9</sup> A most serious duty is thus incumbent upon the body responsible for this election. Consequently the norms which regulate its activity need to be very precise and clear, so that the election itself will take place in a most worthy manner, as befits the office of utmost responsibility which the person elected will have to assume, by divine mandate, at the moment of his assent.

Confirming therefore the norm of the current Code of Canon Law (cf. Canon 349), which reflects the millennial practice of the Church, I once more affirm that the College of electors of the Supreme Pontiff is composed solely of the Cardinals of Holy Roman Church. In them one finds expressed in a remarkable synthesis the two aspects which characterize the figure and office of the Roman Pontiff: *Roman*, because identified with the Bishop of the Church in Rome and thus closely linked to the clergy of this City, represented by the Cardinals of the presbyteral and diaconal titles of Rome, and to the Cardinal Bishops of the suburbicarian Sees; *Pontiff of the universal Church*, because called to represent visibly the unseen Pastor who leads his whole flock to the pastures of eternal life. The universality of the Church is clearly expressed in the very composition of the College of Cardinals, whose members come from every continent.

In the present historical circumstances, the universality of the Church is sufficiently expressed by

the College of one hundred and twenty electors, made up of Cardinals coming from all parts of the world and from very different cultures. I therefore confirm that this is to be the maximum number of Cardinal electors, while at the same time indicating that it is in no way meant as a sign of less respect that the provision laid down by my predecessor Pope Paul VI has been retained, namely, that those Cardinals who celebrate their eightieth birthday before the day when the Apostolic See becomes vacant do not take part in the election.<sup>10</sup> The reason for this provision is the desire not to add to the weight of such venerable age the further burden of responsibility for choosing the one who will have to lead Christ's flock in ways adapted to the needs of the times. This does not however mean that the Cardinals over eighty years of age cannot take part in the preparatory meetings of the Conclave, in conformity with the norms set forth below. During the vacancy of the Apostolic See, and especially during the election of the Supreme Pontiff, they in particular should lead the People of God assembled in the Patriarchal Basilicas of Rome and in other churches in the Dioceses throughout the world, supporting the work of the electors with fervent prayers and supplications to the Holy Spirit and imploring for them the light needed to make their choice before God alone and with concern only for the "salvation of souls, which in the Church must always be the supreme law".<sup>11</sup>

It has been my wish to give particular attention to the age-old institution of the Conclave, the rules and procedures of which have been established and defined by the solemn ordinances of a number of my Predecessors. A careful historical examination confirms both the appropriateness of this institution, given the circumstances in which it originated and gradually took definitive shape, and its continued usefulness for the orderly, expeditious and proper functioning of the election itself, especially in times of tension and upheaval.

Precisely for this reason, while recognizing that theologians and canonists of all times agree that this institution is not of its nature necessary for the valid election of the Roman Pontiff, I confirm by this Constitution that the Conclave is to continue in its essential structure; at the same time, I have made some modifications in order to adapt its procedures to present-day circumstances.

Specifically, I have considered it appropriate to decree that for the whole duration of the election the living-quarters of the Cardinal electors and of those called to assist in the orderly process of the election itself are to be located in suitable places within Vatican City State. Although small, the State is large enough to ensure within its walls, with the help of the appropriate measures indicated below, the seclusion and resulting concentration which an act so vital to the whole Church requires of the electors.

At the same time, in view of the sacredness of the act of election and thus the need for it to be carried out in an appropriate setting where, on the one hand, liturgical actions can be readily combined with juridical formalities, and where, on the other, the electors can more easily dispose themselves to accept the interior movements of the Holy Spirit, I decree that the election will continue to take place in the Sistine Chapel, where everything is conducive to an awareness of the presence of God, in whose sight each person will one day be judged.

I further confirm, by my apostolic authority, the duty of maintaining the strictest secrecy with regard to everything that directly or indirectly concerns the election process itself. Here too, though, I have wished to simplify the relative norms, reducing them to their essentials, in order to avoid confusion, doubts and even eventual problems of conscience on the part of those who have taken part in the election.

Finally, I have deemed it necessary to revise the form of the election itself in the light of the present-day needs of the Church and the usages of modern society. I have thus considered it fitting not to retain election by acclamation *quasi ex inspiratione*, judging that it is no longer an apt means of interpreting the thought of an electoral college so great in number and so diverse in origin. It also appeared necessary to eliminate election *per compromissum*, not only because of the difficulty of the procedure, evident from the unwieldy accumulation of rules issued in the past, but also because by its very nature it tends to lessen the responsibility of the individual electors who, in this case, would not be required to express their choice personally.

After careful reflection I have therefore decided that the only form by which the electors can manifest their vote in the election of the Roman Pontiff is by secret ballot, in accordance with the rules set forth below. This form offers the greatest guarantee of clarity, straightforwardness, simplicity, openness and, above all, an effective and fruitful participation on the part of the Cardinals who, individually and as a group, are called to make up the assembly which elects the Successor of Peter.

With these intentions, I promulgate the present Apostolic Constitution containing the norms which, when the Roman See becomes vacant, are to be strictly followed by the Cardinals whose right and duty it is to elect the Successor of Peter, the visible Head of the whole Church and the Servant of the servants of God.

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## PART ONE

### THE VACANCY OF THE APOSTOLIC SEE

#### CHAPTER I

##### THE POWERS OF THE COLLEGE OF CARDINALS DURING THE VACANCY OF THE APOSTOLIC SEE

1. During the vacancy of the Apostolic See, the College of Cardinals has no power or jurisdiction in matters which pertain to the Supreme Pontiff during his lifetime or in the exercise of his office; such matters are to be reserved completely and exclusively to the future Pope. I therefore declare null and void any act of power or jurisdiction pertaining to the Roman Pontiff during his lifetime or

in the exercise of his office which the College of Cardinals might see fit to exercise, beyond the limits expressly permitted in this Constitution.

2. During the vacancy of the Apostolic See, the government of the Church is entrusted to the College of Cardinals solely for the dispatch of ordinary business and of matters which cannot be postponed (cf. No. 6), and for the preparation of everything necessary for the election of the new Pope. This task must be carried out in the ways and within the limits set down by this Constitution: consequently, those matters are to be absolutely excluded which, whether by law or by practice, come under the power of the Roman Pontiff alone or concern the norms for the election of the new Pope laid down in the present Constitution.

3. I further establish that the College of Cardinals may make no dispositions whatsoever concerning the rights of the Apostolic See and of the Roman Church, much less allow any of these rights to lapse, either directly or indirectly, even though it be to resolve disputes or to prosecute actions perpetrated against these same rights after the death or valid resignation of the Pope.<sup>12</sup> All the Cardinals are obliged to defend these rights.

4. During the vacancy of the Apostolic See, laws issued by the Roman Pontiffs can in no way be corrected or modified, nor can anything be added or subtracted, nor a dispensation be given even from a part of them, especially with regard to the procedures governing the election of the Supreme Pontiff. Indeed, should anything be done or even attempted against this prescription, by my supreme authority I declare it null and void.

5. Should doubts arise concerning the prescriptions contained in this Constitution, or concerning the manner of putting them into effect, I decree that all power of issuing a judgment in this regard belongs to the College of Cardinals, to which I grant the faculty of interpreting doubtful or controverted points. I also establish that should it be necessary to discuss these or other similar questions, except the act of election, it suffices that the majority of the Cardinals present should concur in the same opinion.

6. In the same way, should there be a problem which, in the view of the majority of the assembled Cardinals, cannot be postponed until another time, the College of Cardinals may act according to the majority opinion.

## CHAPTER II

### THE CONGREGATIONS OF THE CARDINALS IN PREPARATION FOR THE ELECTION OF THE SUPREME PONTIFF

7. While the See is vacant, there are two kinds of Congregations of the Cardinals: *General* Congregations, which include the whole College and are held before the beginning of the election, and *Particular* Congregations. All the Cardinals who are not legitimately impeded must attend the General Congregations, once they have been informed of the vacancy of the Apostolic See. Cardinals who, by virtue of No. 33 of this Constitution, do not enjoy the right of electing the Pope are granted the faculty of not attending these General Congregations, should they prefer.

The Particular Congregation is made up of the Cardinal Camerlengo of Holy Roman Church and three Cardinals, one from each Order, chosen by lot from among the Cardinal electors already present in Rome. The office of these Cardinals, called Assistants, ceases at the conclusion of the third full day, and their place is taken by others, also chosen by lot and having the same term of office, also after the election has begun.

During the time of the election, more important matters are, if necessary, dealt with by the assembly of the Cardinal electors, while ordinary affairs continue to be dealt with by the Particular Congregation of Cardinals. In the General and Particular Congregations, during the vacancy of the Apostolic See, the Cardinals are to wear the usual black cassock with piping and the red sash, with skull-cap, pectoral cross and ring.

8. The Particular Congregations are to deal only with questions of lesser importance which arise on a daily basis or from time to time. But should there arise more serious questions deserving fuller examination, these must be submitted to the General Congregation. Moreover, anything decided, resolved or refused in one Particular Congregation cannot be revoked, altered or granted in another; the right to do this belongs solely to the General Congregation, and by a majority vote.

9. The General Congregations of Cardinals are to be held in the Apostolic Palace in the Vatican or, if circumstances demand it, in another place judged more suitable by the Cardinals. At these Congregations the Dean of the College presides or, should he be absent or lawfully impeded, the Subdean. If one or both of these, in accordance with No. 33 of this Constitution, no longer enjoy the right of electing the Pope, the assembly of the Cardinal electors will be presided over by the senior Cardinal elector, according to the customary order of precedence.

10. Votes in the Congregations of Cardinals, when more important matters are concerned, are not to be expressed by word of mouth but in a way which ensures secrecy.

11. The General Congregations preceding the beginning of the election, which are therefore called "preparatory", are to be held daily, beginning on the day which shall be fixed by the Camerlengo of Holy Roman Church and the senior Cardinal of each of the three Orders among the electors, and including the days on which the funeral rites for the deceased Pope are celebrated. In this way the Cardinal Camerlengo can hear the opinion of the College and communicate whatever is considered necessary or appropriate, while the individual Cardinals can express their views on

possible problems, ask for explanations in case of doubt and make suggestions.

12. In the first General Congregations provision is to be made for each Cardinal to have available a copy of this Constitution and at the same time to have an opportunity to raise questions about the meaning and the implementation of its norms. The part of the present Constitution regarding the vacancy of the Apostolic See should also be read aloud. At the same time the Cardinals present are to swear an oath to observe the prescriptions contained herein and to maintain secrecy. This oath, which shall also be taken by Cardinals who arrive late and subsequently take part in these Congregations, is to be read aloud by the Cardinal Dean or by whoever else presides over the College by virtue of No. 9 of this Constitution, in the presence of the other Cardinals and according to the following formula:

*We, the Cardinals of Holy Roman Church, of the Order of Bishops, of Priests and of Deacons, promise, pledge and swear, as a body and individually, to observe exactly and faithfully all the norms contained in the Apostolic Constitution Universi Dominici Gregis of the Supreme Pontiff John Paul II, and to maintain rigorous secrecy with regard to all matters in any way related to the election of the Roman Pontiff or those which, by their very nature, during the vacancy of the Apostolic See, call for the same secrecy.*

Next, each Cardinal shall add: *And I, N. Cardinal N., so promise, pledge and swear.* And, placing his hand on the Gospels, he will add: *So help me God and these Holy Gospels which I now touch with my hand.*

13. In one of the Congregations immediately following, the Cardinals, on the basis of a prearranged agenda, shall take the more urgent decisions regarding the beginning of the election. In other words:

a) they shall fix the day, hour and manner in which the body of the deceased Pope shall be brought to the Vatican Basilica in order to be exposed for the homage of the faithful;

b) they shall make all necessary arrangements for the funeral rites of the deceased Pope, to be celebrated for nine consecutive days, determining when they are to begin, in such a way that burial will take place, except for special reasons, between the fourth and sixth day after death;

c) they shall see to it that the Commission, made up of the Cardinal Camerlengo and the Cardinals who had formerly held the offices of Secretary of State and President of the Pontifical Commission for Vatican City State, ensures that the rooms of the *Domus Sanctae Marthae* are made ready for the suitable lodging of the Cardinal electors, that rooms suitable for those persons mentioned in No. 46 of the present Constitution are also made ready, and that all necessary arrangements are made to prepare the Sistine Chapel so that the election process can be carried out in a smooth and orderly manner and with maximum discretion, according to the provisions laid down in this

Constitution;

d) they shall entrust to two ecclesiastics known for their sound doctrine, wisdom and moral authority the task of presenting to the Cardinals two well-prepared meditations on the problems facing the Church at the time and on the need for careful discernment in choosing the new Pope; at the same time, without prejudice to the provisions of No. 52 of this Constitution, they shall fix the day and the time when the first of these meditations is to be given;

e) they shall approve — at the proposal of the Administration of the Apostolic See or, within its competence, of the Governatorato of Vatican City State — expenses incurred from the death of the Pope until the election of his successor;

f) they shall read any documents left by the deceased Pope for the College of Cardinals;

g) they shall arrange for the destruction of the Fisherman's Ring and of the lead seal with which Apostolic Letters are despatched;

h) they shall make provision for the assignment of rooms by lot to the Cardinal electors;

i) they shall set the day and hour of the beginning of the voting process.

### CHAPTER III

#### CONCERNING CERTAIN OFFICES DURING THE VACANCY OF THE APOSTOLIC SEE

14. According to the provisions of Article 6 of the Apostolic Constitution *Pastor Bonus*,<sup>13</sup> at the death of the Pope all the heads of the Dicasteries of the Roman Curia — the Cardinal Secretary of State and the Cardinal Prefects, the Archbishop Presidents, together with the members of those Dicasteries — cease to exercise their office. An exception is made for the Camerlengo of Holy Roman Church and the Major Penitentiary, who continue to exercise their ordinary functions, submitting to the College of Cardinals matters that would have had to be referred to the Supreme Pontiff.

Likewise, in conformity with the Apostolic Constitution *Vicariae Potestatis* (No. 2 § 1),<sup>14</sup> the Cardinal Vicar General for the Diocese of Rome continues in office during the vacancy of the Apostolic See, as does the Cardinal Archpriest of the Vatican Basilica and Vicar General for Vatican City for his jurisdiction.



15. Should the offices of Camerlengo of Holy Roman Church or of Major Penitentiary be vacant at the time of the Pope's death, or should they become vacant before the election of his successor, the College of Cardinals shall as soon as possible elect the Cardinal, or Cardinals as the case may be, who shall hold these offices until the election of the new Pope. In each of the two cases mentioned, election takes place by a secret vote of all the Cardinal electors present, with the use of ballots distributed and collected by the Masters of Ceremonies. The ballots are then opened in the presence of the Camerlengo and of the three Cardinal Assistants, if it is a matter of electing the Major Penitentiary; if it is a matter of electing the Camerlengo, they are opened in the presence of the said three Cardinals and of the Secretary of the College of Cardinals. Whoever receives the greatest number of votes shall be elected and shall *ipso facto* enjoy all the relevant faculties. In the case of an equal number of votes, the Cardinal belonging to the higher Order or, if both are in the same Order, the one first created a Cardinal, shall be appointed. Until the Camerlengo is elected, his functions are carried out by the Dean of the College or, if he is absent or lawfully impeded, by the Subdean or by the senior Cardinal according to the usual order of precedence, in conformity with No. 9 of this Constitution, who can without delay take the decisions that circumstances dictate.

16. If during the vacancy of the Apostolic See the Vicar General for the Diocese of Rome should die, the Vicegerent in office at the time shall also exercise the office proper to the Cardinal Vicar in addition to the ordinary vicarious jurisdiction which he already holds.<sup>15</sup> Should there not be a Vicegerent, the Auxiliary Bishop who is senior by appointment will carry out his functions.

17. As soon as he is informed of the death of the Supreme Pontiff, the Camerlengo of Holy Roman Church must officially ascertain the Pope's death, in the presence of the Master of Papal Liturgical Celebrations, of the Cleric Prelates of the Apostolic Camera and of the Secretary and Chancellor of the same; the latter shall draw up the official death certificate. The Camerlengo must also place seals on the Pope's study and bedroom, making provision that the personnel who ordinarily reside in the private apartment can remain there until after the burial of the Pope, at which time the entire papal apartment will be sealed; he must notify the Cardinal Vicar for Rome of the Pope's death, whereupon the latter shall inform the People of Rome by a special announcement; he shall notify the Cardinal Archpriest of the Vatican Basilica; he shall take possession of the Apostolic Palace in the Vatican and, either in person or through a delegate, of the Palaces of the Lateran and of Castel Gandolfo, and exercise custody and administration of the same; he shall determine, after consulting the heads of the three Orders of Cardinals, all matters concerning the Pope's burial, unless during his lifetime the latter had made known his wishes in this regard; and he shall deal, in the name of and with the consent of the College of Cardinals, with all matters that circumstances suggest for safeguarding the rights of the Apostolic See and for its proper administration. During the vacancy of the Apostolic See, the Camerlengo of Holy Roman Church has the duty of safeguarding and administering the goods and temporal rights of the Holy See, with the help of the three Cardinal Assistants, having sought the views of the College of Cardinals, once only for less important matters, and on each occasion when more serious matters arise.

18. The Cardinal Major Penitentiary and his Officials, during the vacancy of the Apostolic See, can carry out the duties laid down by my Predecessor Pius XI in the Apostolic Constitution *Quae Divinitus* of 25 March 1935,<sup>16</sup> and by myself in the Apostolic Constitution *Pastor Bonus*.<sup>17</sup>

19. The Dean of the College of Cardinals, for his part, as soon as he has been informed of the Pope's death by the Cardinal Camerlengo or the Prefect of the Papal Household, shall inform all the Cardinals and convoke them for the Congregations of the College. He shall also communicate news of the Pope's death to the Diplomatic Corps accredited to the Holy See and to the Heads of the respective Nations.

20. During the vacancy of the Apostolic See, the Substitute of the Secretariat of State, the Secretary for Relations with States and the Secretaries of the Dicasteries of the Roman Curia remain in charge of their respective offices, and are responsible to the College of Cardinals.

21. In the same way, the office and attendant powers of Papal Representatives do not lapse.

22. The Almoner of His Holiness will also continue to carry out works of charity in accordance with the criteria employed during the Pope's lifetime. He will be dependent upon the College of Cardinals until the election of the new Pope.

23. During the vacancy of the Apostolic See, all the civil power of the Supreme Pontiff concerning the government of Vatican City State belongs to the College of Cardinals, which however will be unable to issue decrees except in cases of urgent necessity and solely for the time in which the Holy See is vacant. Such decrees will be valid for the future only if the new Pope confirms them.

## CHAPTER IV

### FACULTIES OF THE DICASTERIES OF THE ROMAN CURIA DURING THE VACANCY OF THE APOSTOLIC SEE

24. During the period of vacancy, the Dicasteries of the Roman Curia, with the exception of those mentioned in No. 26 of this Constitution, have no faculty in matters which, *Sede plena*, they can only deal with or carry out *facto verbo cum Sanctissimo* or *ex Audientia Sanctissimi* or *vigore specialium et extraordinariorum facultatum* which the Roman Pontiff is accustomed to grant to the Prefects, Presidents or Secretaries of those Dicasteries.

25. The ordinary faculties proper to each Dicastery do not, however, cease at the death of the Pope. Nevertheless, I decree that the Dicasteries are only to make use of these faculties for the granting of favours of lesser importance, while more serious or controverted matters, if they can be

postponed, shall be exclusively reserved to the future Pope. If such matters admit of no delay (as for example in the case of dispensations which the Supreme Pontiff usually grants *in articulo mortis*), they can be entrusted by the College of Cardinals to the Cardinal who was Prefect until the Pope's death, or to the Archbishop who was then President, and to the other Cardinals of the same Dicastery, to whose examination the deceased Supreme Pontiff would probably have entrusted them. In such circumstances, they will be able to decide *per modum provisionis*, until the election of the Pope, what they judge to be most fitting and appropriate for the preservation and defence of ecclesiastical rights and traditions.

26. The Supreme Tribunal of the Apostolic Signatura and the Tribunal of the Roman Rota, during the vacancy of the Holy See, continue to deal with cases in accordance with their proper laws, with due regard for the prescriptions of Article 18, paragraphs 1 and 3 of the Apostolic Constitution *Pastor Bonus*.<sup>18</sup>

## CHAPTER V

### THE FUNERAL RITES OF THE ROMAN PONTIFF

27. After the death of the Roman Pontiff, the Cardinals will celebrate the funeral rites for the repose of his soul for nine consecutive days, in accordance with the *Ordo Exsequiarum Romani Pontificis*, the norms of which, together with those of the *Ordo Rituum Conclavis*, they are to observe faithfully.

28. If burial takes place in the Vatican Basilica, the relevant official document is drawn up by the Notary of the Chapter of the Basilica or by the Canon Archivist. Subsequently, a delegate of the Cardinal Camerlengo and a delegate of the Prefect of the Papal Household shall separately draw up documents certifying that burial has taken place. The former shall do so in the presence of the members of the Apostolic Camera and the latter in the presence of the Prefect of the Papal Household.

29. If the Roman Pontiff should die outside Rome, it is the task of the College of Cardinals to make all necessary arrangements for the dignified and reverent transfer of the body to the Basilica of Saint Peter's in the Vatican.

30. No one is permitted to use any means whatsoever in order to photograph or film the Supreme Pontiff either on his sickbed or after death, or to record his words for subsequent reproduction. If after the Pope's death anyone should wish to take photographs of him for documentary purposes, he must ask permission from the Cardinal Camerlengo of Holy Roman Church, who will not however permit the taking of photographs of the Supreme Pontiff except attired in pontifical

vestments.

31. After the burial of the Supreme Pontiff and during the election of the new Pope, no part of the private apartment of the Supreme Pontiff is to be lived in.

32. If the deceased Supreme Pontiff has made a will concerning his belongings, bequeathing letters and private documents, and has named an executor thereof, it is the responsibility of the latter to determine and execute, in accordance with the mandate received from the testator, matters concerning the private property and writings of the deceased Pope. The executor will give an account of his activities only to the new Supreme Pontiff.

## PART TWO

### THE ELECTION OF THE ROMAN PONTIFF

#### CHAPTER I

##### THE ELECTORS OF THE ROMAN PONTIFF

33. The right to elect the Roman Pontiff belongs exclusively to the Cardinals of Holy Roman Church, with the exception of those who have reached their eightieth birthday before the day of the Roman Pontiff's death or the day when the Apostolic See becomes vacant. The maximum number of Cardinal electors must not exceed one hundred and twenty. The right of active election by any other ecclesiastical dignitary or the intervention of any lay power of whatsoever grade or order is absolutely excluded.

34. If the Apostolic See should become vacant during the celebration of an Ecumenical Council or of a Synod of Bishops being held in Rome or in any other place in the world, the election of the new Pope is to be carried out solely and exclusively by the Cardinal electors indicated in No. 33, and not by the Council or the Synod of Bishops. For this reason I declare null and void acts which would in any way temerarily presume to modify the regulations concerning the election or the college of electors. Moreover, in confirmation of the provisions of Canons 340 and 347 § 2 of the Code of Canon Law and of Canon 53 of the Code of Canons of the Eastern Churches in this regard, a Council or Synod of Bishops, at whatever point they have reached, must be considered immediately suspended *ipso iure*, once notification is received of the vacancy of the Apostolic See. Therefore without any delay all meetings, congregations or sessions must be interrupted, and the preparation of any decrees or canons, together with the promulgation of those already confirmed, must be suspended, under pain of nullity of the same. Neither the Council nor the Synod can continue for any reason, even though it be most serious or worthy of special mention, until the new Pope, canonically elected, orders their resumption or continuation.

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 of this Constitution.

36. A Cardinal of Holy Roman Church who has been created and published before the College of Cardinals thereby has the right to elect the Pope, in accordance with the norm of No. 33 of the present Constitution, even if he has not yet received the red hat or the ring, or sworn the oath. On the other hand, Cardinals who have been canonically deposed or who with the consent of the Roman Pontiff have renounced the cardinal-ate do not have this right. Moreover, during the period of vacancy the College of Cardinals cannot readmit or rehabilitate them.

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; the College of Cardinals is also granted 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.

38. All the Cardinal electors, convoked for the election of the new Pope by the Cardinal Dean, or by another Cardinal in his name, are required, in virtue of holy obedience, to obey the announcement of convocation and to proceed to the place designated for this purpose, unless they are hindered by sickness or by some other grave impediment, which however must be recognized as such by the College of Cardinals.

39. However, should any Cardinal electors arrive *re integra*, that is, before the new Pastor of the Church has been elected, they shall be allowed to take part in the election at the stage which it has reached.

40. If a Cardinal with the right to vote should refuse to enter Vatican City in order to take part in the election, or subsequently, once the election has begun, should refuse to remain in order to discharge his office, without manifest reason of illness attested to under oath by doctors and confirmed by the majority of the electors, the other Cardinals shall proceed freely with the election, without waiting for him or readmitting him. If on the other hand a Cardinal elector is constrained to leave Vatican City because of illness, the election can proceed without asking for his vote; if however he desires to return to the place of the election, once his health is restored or even before, he must be readmitted.

Furthermore, if a Cardinal elector leaves Vatican City for some grave reason, acknowledged as such by the majority of the electors, he can return, in order once again to take part in the election.

## CHAPTER II

### THE PLACE OF THE ELECTION AND THOSE ADMITTED TO IT BY REASON OF THEIR OFFICE

41. The Conclave for the election of the Supreme Pontiff shall take place within the territory of Vatican City, in determined areas and buildings, closed to unauthorized persons in such a way as to ensure suitable accommodation for the Cardinal electors and all those legitimately called to cooperate in the orderly functioning of the election.

42. By the time fixed for the beginning of the election of the Supreme Pontiff, all the Cardinal electors must have been assigned and must have taken up suitable lodging in the *Domus Sanctae Marthae*, recently built in Vatican City.

If reasons of health, previously confirmed by the appropriate Congregation of Cardinals, require that a Cardinal elector should have a nurse in attendance, even during the period of the election, arrangements must be made to provide suitable accommodation for the latter.

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 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 in a way which permits the election of the Supreme Pontiff to be carried out with due privacy and freedom. In particular, provision shall be made to ensure that no one approaches the Cardinal electors while they are being transported from the *Domus Sanctae Marthae* to the Apostolic Vatican Palace.

44. The Cardinal electors, from the beginning of the election until its conclusion and the public announcement of its outcome, are not to communicate — whether by writing, by telephone or by any other means of communication — with persons outside the area where the election is taking place, except in cases of proven and urgent necessity, duly acknowledged by the Particular Congregation mentioned in No. 7. It is also the competence of the Particular Congregation to recognize the necessity and urgency of any communication with their respective offices on the part of the Cardinal Major Penitentiary, the Cardinal Vicar General for the Diocese of Rome and the Cardinal Archpriest of the Vatican Basilica.

45. Anyone not indicated in No. 46 below and who, while legitimately present in Vatican City in

accordance with No. 43 of this Constitution, should happen to meet one of the Cardinal electors during the time of the election, is absolutely forbidden to engage in conversation of any sort, by whatever means and for whatever reason, with that Cardinal.

46. 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 two 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.

There must also be available a number of priests from the regular clergy for hearing confessions in the different languages, and two medical doctors for possible emergencies.

Appropriate provisions must also be made beforehand for a suitable number of persons to be available for preparing and serving meals and for housekeeping.

All the persons indicated here must receive prior approval from the Cardinal Camerlengo and the three Cardinal Assistants.

47. All the persons listed in No. 46 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. At a suitable time before the beginning of the election, the persons indicated in No. 46 of this Constitution, having been duly warned about the meaning and extent of the oath which they are to take, shall, in the presence of the Cardinal Camerlengo or another Cardinal delegated by him, and of two Masters of Ceremonies, 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*

*spiritual and canonical penalties which the future Supreme Pontiff will see fit to adopt, in accordance with Canon 1399 of the Code of Canon Law.*

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

## CHAPTER III

### THE BEGINNING OF THE ELECTION

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 — and thus on the fifteenth day after the death of the Pope or, in conformity with the provisions of No. 37 of the present Constitution, not later than the twentieth — 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*.<sup>19</sup> 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.

51. Retaining the essential elements of the Conclave, but modifying some less important elements which, because of changed circumstances, no longer serve their original purpose, I establish and decree by the present Constitution that the election of the Supreme Pontiff, in conformity with the prescriptions contained in the following Numbers, is to take place exclusively in the Sistine Chapel of the Apostolic Palace in the Vatican. The Sistine Chapel is therefore to remain an absolutely enclosed area until the conclusion of the election, so that total secrecy may be ensured with regard to everything said or done there in any way pertaining, directly or indirectly, to the election of the Supreme Pontiff.

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 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 the orderly election and its privacy will be ensured.



In a special way, careful and stringent checks must be made, with the help of trustworthy individuals of proven technical ability, in order to ensure that no audiovisual equipment has been secretly installed in these areas for recording and transmission to the outside.

52. When the Cardinal electors have arrived in the Sistine Chapel, in accordance with the provisions of No. 50, and still in the presence of those who took part in the solemn procession, they shall take the oath, reading aloud the formula indicated in No. 53.

The Cardinal Dean, or the Cardinal who has precedence by order and seniority in accordance with the provisions of No. 9 of the present Constitution, will read the formula aloud; then each of the Cardinal electors, touching the Holy Gospels, will read and recite the formula, as indicated in the following Number.

When the last of the Cardinal electors has taken the oath, the Master of Papal Liturgical Celebrations will give the order *Extra omnes*, and all those not taking part in the Conclave must leave the Sistine Chapel.

The only ones to remain in the Chapel are the Master of Papal Liturgical Celebrations and the ecclesiastic previously chosen to preach to the Cardinal electors the second meditation, mentioned in No. 13 d), concerning the grave duty incumbent on them and thus on the need to act with right intention for the good of the Universal Church, *solum Deum prae oculis habentes*.

53. In conformity with the provisions of No. 52, the Cardinal Dean or the Cardinal who has precedence by order and seniority, will read aloud the following formula of the oath:

*We, the Cardinal electors present in this election of the Supreme Pontiff promise, pledge and swear, as individuals and as a group, to observe faithfully and scrupulously the prescriptions contained in the Apostolic Constitution of the Supreme Pontiff John Paul II, Universi Dominici Gregis, published on 22 February 1996. We likewise promise, pledge and swear that whichever of us by divine disposition is elected Roman Pontiff will commit himself faithfully to carrying out the munus Petrinum of Pastor of the Universal Church and will not fail to affirm and defend strenuously the spiritual and temporal rights and the liberty of the Holy See. In a particular way, we promise and swear to observe with the greatest fidelity and with all persons, clerical or lay, secrecy regarding everything that in any way relates to the election of the Roman Pontiff and regarding what occurs in the place of the election, directly or indirectly related to the results of the voting; we promise and swear not to break this secret in any way, either during or after the election of the new Pontiff, unless explicit authorization is granted by the same Pontiff; and never to lend support or favour to any interference, opposition or any other form of intervention, whereby secular authorities of whatever order and degree or any group of people or individuals might wish to intervene in the election of the Roman Pontiff.*

Each of the Cardinal electors, according to the order of precedence, will then take the oath according to the following formula:

*And I, N. Cardinal N., do so promise, pledge and swear. Placing his hand on the Gospels, he will add: So help me God and these Holy Gospels which I touch with my hand.*

54. When the ecclesiastic who gives the meditation has concluded, he leaves the Sistine Chapel together with the Master of Papal Liturgical Celebrations. The Cardinal electors, after reciting the prayers found in the relative *Ordo*, listen to the Cardinal Dean (or the one taking his place), who begins by asking the College of electors whether the election can begin, or whether there still remain doubts which need to be clarified concerning the norms and procedures laid down in this Constitution. It is not however permitted, even if the electors are unanimously agreed, to modify or replace any of the norms and procedures which are a substantial part of the election process, under penalty of the nullity of the same deliberation.

If, in the judgment of the majority of the electors, there is nothing to prevent the election process from beginning, it shall start immediately, in accordance with the procedures indicated in this Constitution.

## CHAPTER IV

### OBSERVANCE OF SECRECY ON ALL MATTERS CONCERNING THE ELECTION

55. The Cardinal Camerlengo and the three Cardinal Assistants *pro tempore* are obliged to be especially vigilant in ensuring that there is absolutely no violation of secrecy with regard to the events occurring in the Sistine Chapel, where the voting takes place, and in the adjacent areas, before, as well as during and after the voting.

In particular, relying upon the expertise of two trustworthy technicians, they shall make every effort to preserve that secrecy by ensuring that no audiovisual equipment for recording or transmitting has been installed by anyone in the areas mentioned, and particularly in the Sistine Chapel itself, where the acts of the election are carried out.

Should any infraction whatsoever of this norm occur and be discovered, those responsible should know that they will be subject to grave penalties according to the judgment of the future Pope.

56. For the whole duration of the election, the Cardinal electors are required to refrain from written correspondence and from all conversations, including those by telephone or radio, with persons who have not been duly admitted to the buildings set aside for their use.

Such conversations shall be permitted only for the most grave and urgent reasons, confirmed by the Particular Congregation of Cardinals mentioned in No. 7.

It shall therefore be the duty of the Cardinal electors to make necessary arrangements, before the beginning of the election, for the handling of all non-deferrable official or personal business, so that there will be no need for conversations of this sort to take place.

57. The Cardinal electors are likewise to refrain from receiving or sending messages of any kind outside Vatican City; naturally it is prohibited for any person legitimately present in Vatican City to deliver such messages. It is specifically prohibited to the Cardinal electors, for the entire duration of the election, to receive newspapers or periodicals of any sort, to listen to the radio or to watch television.

58. Those who, in accordance with the prescriptions of No. 46 of the present Constitution, carry out any functions associated with the election, and who directly or indirectly could in any way violate secrecy — whether by words or writing, by signs or in any other way — are absolutely obliged to avoid this, lest they incur the penalty of excommunication *latae sententiae* reserved to the Apostolic See.

59. In particular, the Cardinal electors are forbidden to reveal to any other person, directly or indirectly, information about the voting and about matters discussed or decided concerning the election of the Pope in the meetings of Cardinals, both before and during the time of the election. This obligation of secrecy also applies to the Cardinals who are not electors but who take part in the General Congregations in accordance with No. 7 of the present Constitution.

60. I further order the Cardinal electors, *graviter onerata ipsorum conscientia*, to maintain secrecy concerning these matters also after the election of the new Pope has taken place, and I remind them that it is not licit to break the secret in any way unless a special and explicit permission has been granted by the Pope himself.

61. Finally, in order that the Cardinal electors may be protected from the indiscretion of others and from possible threats to their independence of judgment and freedom of decision, I absolutely forbid the introduction into the place of the election, under whatsoever pretext, or the use, should they have been introduced, of technical instruments of any kind for the recording, reproducing or transmitting of sound, visual images or writing.

## CHAPTER V

### THE ELECTION PROCEDURE

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 two thirds of the votes are required, calculated on the basis of the total number of electors present.

Should it be impossible to divide the number of Cardinals present into three equal parts, for the validity of the election of the Supreme Pontiff one additional vote is required.

63. The election is to begin immediately after the provisions of No. 54 of the present Constitution have been duly carried out.

Should the election begin on the afternoon of the first day, only one ballot is to be held; then, on the following days, if no one was elected on the first ballot, two ballots shall be held in the morning and two in the afternoon. The voting is to begin at a time which shall have been determined earlier, either in the preparatory Congregations or during the election period, but in accordance with the procedures laid down in Nos. 64ff of the present Constitution.

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, 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.

65. For this phase of the voting process the following norms must be observed: 1) the ballot paper must be rectangular in shape and must bear in the upper half, in print if possible, the words *Eligo in Summum Pontificem*; on the lower half there must be a space left for writing the name of the person chosen; thus the ballot is made in such a way that it can be folded in two; 2) the completion of the ballot must be done in secret by each Cardinal elector, who will write down legibly, as far as possible in handwriting that cannot be identified as his, the name of the person he chooses, taking care not to write other names as well, since this would make the ballot null; he will then fold the ballot twice; 3) during the voting, the Cardinal electors are to remain alone in the Sistine Chapel; therefore, immediately after the distribution of the ballots and before the electors begin to write, the Secretary of the College of Cardinals, the Master of Papal Liturgical Celebrations and the Masters

of Ceremonies must leave the Chapel. After they have left, the junior Cardinal Deacon shall close the door, opening and closing it again each time this is necessary, as for example when the *Infirmarii* go to collect the votes of the sick and when they return to the Chapel.

66. The second phase, the *scrutiny* proper, comprises: 1) the placing of the ballots in the appropriate receptacle; 2) the mixing and counting of the ballots; 3) the opening of the votes. Each Cardinal elector, in order of precedence, having completed and folded his ballot, holds it up so that it can be seen and carries it to the altar, at which the Scrutineers stand and upon which there is placed a receptacle, covered by a plate, for receiving the ballots. Having reached the altar, the Cardinal elector says aloud the words of the following oath: *I call as my witness Christ the Lord who will be my judge, that my vote is given to the one who before God I think should be elected.* He then places the ballot on the plate, with which he drops it into the receptacle. Having done this, he bows to the altar and returns to his place.

If any of the Cardinal electors present in the Chapel is unable to go to the altar because of infirmity, the last of the Scrutineers goes to him. The infirm elector, having pronounced the above oath, hands the folded ballot to the Scrutineer, who carries it in full view to the altar and omitting the oath, places it on the plate, with which he drops it into the receptacle.

67. If there are Cardinal electors who are sick and confined to their rooms, referred to in Nos. 41ff of this Constitution, the three *Infirmarii* go to them with a box which has an opening in the top through which a folded ballot can be inserted. Before giving the box to the *Infirmarii*, the Scrutineers open it publicly, so that the other electors can see that it is empty; they are then to lock it and place the key on the altar. The *Infirmarii*, taking the locked box and a sufficient number of ballot papers on a small tray, then go, duly accompanied, to the *Domus Sanctae Marthae* to each sick elector, who takes a ballot, writes his vote in secret, folds the ballot and, after taking the above-mentioned oath, puts it through the opening in the box. If any of the electors who are sick is unable to write, one of the three *Infirmarii* or another Cardinal elector chosen by the sick man, having taken an oath before the *Infirmarii* concerning the observance of secrecy, carries out the above procedure. The *Infirmarii* then take the box back into the Chapel, where it shall be opened by the Scrutineers after the Cardinals present have cast their votes. The Scrutineers then count the ballots in the box and, having ascertained that their number corresponds to the number of those who are sick, place them one by one on the plate and then drop them all together into the receptacle. In order not to prolong the voting process unduly, the *Infirmarii* may complete their own ballots and place them in the receptacle immediately after the senior Cardinal, and then go to collect the votes of the sick in the manner indicated above while the other electors are casting their votes.

68. After all the ballots of the Cardinal electors have been placed in the receptacle, the first Scrutineer shakes it several times in order to mix them, and immediately afterwards the last Scrutineer proceeds to count them, picking them out of the urn in full view and placing them in

another empty receptacle previously prepared for this purpose. If the number of ballots does not correspond to the number of electors, the ballots must all be burned and a second vote taken at once; if however their number does correspond to the number of electors, the opening of the ballots then takes place in the following manner.

69. The Scrutineers sit at a table placed in front of the altar. The first of them takes a ballot, unfolds it, notes the name of the person chosen and passes the ballot to the second Scrutineer, who in his turn notes the name of the person chosen and passes the ballot to the third, who reads it out in a loud and clear voice, so that all the electors present can record the vote on a sheet of paper prepared for that purpose. He himself writes down the name read from the ballot. If during the opening of the ballots the Scrutineers should discover two ballots folded in such a way that they appear to have been completed by one elector, if these ballots bear the same name they are counted as one vote; if however they bear two different names, neither vote will be valid; however, in neither of the two cases is the voting session annulled.

When all the ballots have been opened, the Scrutineers add up the sum of the votes obtained by the different names and write them down on a separate sheet of paper. The last Scrutineer, as he reads out the individual ballots, pierces each one with a needle through the word *Eligo* and places it on a thread, so that the ballots can be more securely preserved. After the names have been read out, the ends of the thread are tied in a knot, and the ballots thus joined together are placed in a receptacle or on one side of the table.

70. There then follows the third and last phase, also known as the *post-scrutiny*, which comprises: 1) the counting of the votes; 2) the checking of the same; 3) the burning of the ballots.

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

In either case, that is, whether the election has occurred or not, the Revisers must proceed to check both the ballots and the notes made by the Scrutineers, in order to make sure that these latter have performed their task exactly and faithfully.

Immediately after the checking has taken place, and before the Cardinal electors leave the Sistine Chapel, all the ballots are to be burnt by the Scrutineers, with the assistance of the Secretary of the Conclave and the Masters of Ceremonies who in the meantime have been summoned by the junior Cardinal Deacon. If however a second vote is to take place immediately, the ballots from the first vote will be burned only at the end, together with those from the second vote.

71. In order that secrecy may be better observed, I order each and every Cardinal elector to hand

over to the Cardinal Camerlengo or to one of the three Cardinal Assistants any notes which he may have in his possession concerning the results of each ballot. These notes are to be burnt together with the ballots.

I further lay down that at the end of the election the Cardinal Camerlengo of Holy Roman Church shall draw up a document, to be approved also by the three Cardinal Assistants, declaring the result of the voting at each session. This document is to be given to the Pope and will thereafter be kept in a designated archive, enclosed in a sealed envelope, which may be opened by no one unless the Supreme Pontiff gives explicit permission.

72. Confirming the dispositions of my Predecessors, Saint Pius X,<sup>20</sup> Pius XII<sup>21</sup> and Paul VI,<sup>22</sup> I decree that — except for the afternoon of the entrance into the Conclave — both in the morning and in the afternoon, after a ballot which does not result in an election, the Cardinal electors shall proceed immediately to a second one, in which they are to express their vote anew. In this second ballot all the formalities of the previous one are to be observed, with the difference that the electors are not bound to take a new oath or to choose new Scrutineers, *Infirmarii* and Revisers. Everything done in this regard for the first ballot will be valid for the second one, without the need for any repetition.

73. Everything that has been laid down above concerning the voting procedures must be diligently observed by the Cardinal electors in all the ballots, which are to take place each day, in the morning and in the afternoon, after the celebration of the sacred rites or prayers laid down in the *Ordo Rituum Conclavis*.

74. In the event that the Cardinal electors find it difficult to agree on the person to be elected, after balloting has been carried out for three days in the form described above (in Nos. 62ff) without result, voting is to be suspended for a maximum of one day in order to allow a pause for prayer, informal discussion among the voters, and a brief spiritual exhortation given by the senior Cardinal in the Order of Deacons. Voting is then resumed in the usual manner, and after seven ballots, if the election has not taken place, there is another pause for prayer, discussion and an exhortation given by the senior Cardinal in the Order of Priests. Another series of seven ballots is then held and, if there has still been no election, this is followed by a further pause for prayer, discussion and an exhortation given by the senior Cardinal in the Order of Bishops. Voting is then resumed in the usual manner and, unless the election occurs, it is to continue for seven ballots.

75. If the balloting does not result in an election, even after the provisions of No. 74 have been fulfilled, the Cardinal electors shall be invited by the Camerlengo to express an opinion about the manner of proceeding. The election will then proceed in accordance with what the absolute majority of the electors decides.

Nevertheless, there can be no waiving of the requirement that a valid election takes place only by

an absolute majority of the votes or else by voting only on the two names which in the ballot immediately preceding have received the greatest number of votes; also in this second case only an absolute majority is required.

76. Should the election take place in a way other than that prescribed in the present Constitution, or should the conditions laid down here not be observed, the election is for this very reason null and void, without any need for a declaration on the matter; consequently, it confers no right on the one elected.

77. I decree that the dispositions concerning everything that precedes the election of the Roman Pontiff and the carrying out of the election itself must be observed in full, even if the vacancy of the Apostolic See should occur as a result of the resignation of the Supreme Pontiff, in accordance with the provisions of Canon 333 § 2 of the Code of Canon Law and Canon 44 § 2 of the Code of Canons of the Eastern Churches.

## CHAPTER VI

### MATTERS TO BE OBSERVED OR AVOIDED IN THE ELECTION OF THE ROMAN PONTIFF

78. If — God forbid — in the election of the Roman Pontiff the crime of simony were to be perpetrated, I decree and declare that all those guilty thereof shall incur excommunication *latae sententiae*. At the same time I remove the nullity or invalidity of the same simoniacal provision, in order that — as was already established by my Predecessors — the validity of the election of the Roman Pontiff may not for this reason be challenged.<sup>23</sup>

79. Confirming the prescriptions of my Predecessors, I likewise forbid anyone, even if he is a Cardinal, during the Pope's lifetime and without having consulted him, to make plans concerning the election of his successor, or to promise votes, or to make decisions in this regard in private gatherings.

80. In the same way, I wish to confirm the provisions made by my Predecessors for the purpose of excluding any external interference in the election of the Supreme Pontiff. Therefore, in virtue of holy obedience and under pain of excommunication *latae sententiae*, I again forbid each and every Cardinal elector, present and future, as also the Secretary of the College of Cardinals and all other persons taking part in the preparation and carrying out of everything necessary for the election, to accept under any pretext whatsoever, from any civil authority whatsoever, the task of proposing the *veto* or the so-called *exclusiva*, even under the guise of a simple desire, or to reveal such either to the entire electoral body assembled together or to individual electors, in writing or by



word of mouth, either directly and personally or indirectly and through others, both before the election begins and for its duration. I intend this prohibition to include all possible forms of interference, opposition and suggestion whereby secular authorities of whatever order and degree, or any individual or group, might attempt to exercise influence on the election of the Pope.

81. The Cardinal electors shall further abstain from any form of pact, agreement, promise or other commitment of any kind which could oblige them to give or deny their vote to a person or persons. If this were in fact done, even under oath, I decree that such a commitment shall be null and void and that no one shall be bound to observe it; and I hereby impose the penalty of excommunication *latae sententiae* upon those who violate this prohibition. It is not my intention however to forbid, during the period in which the See is vacant, the exchange of views concerning the election.

82. I likewise forbid the Cardinals before the election to enter into any stipulations, committing themselves of common accord to a certain course of action should one of them be elevated to the Pontificate. These promises too, should any in fact be made, even under oath, I also declare null and void.

83. With the same insistence shown by my Predecessors, I earnestly exhort the Cardinal electors not to allow themselves to be guided, in choosing the Pope, by friendship or aversion, or to be influenced by favour or personal relationships towards anyone, or to be constrained by the interference of persons in authority or by pressure groups, by the suggestions of the mass media, or by force, fear or the pursuit of popularity. Rather, having before their eyes solely the glory of God and the good of the Church, and having prayed for divine assistance, they shall give their vote to the person, even outside the College of Cardinals, who in their judgment is most suited to govern the universal Church in a fruitful and beneficial way.

84. During the vacancy of the Apostolic See, and above all during the time of the election of the Successor of Peter, the Church is united in a very special way with her Pastors and particularly with the Cardinal electors of the Supreme Pontiff, and she asks God to grant her a new Pope as a gift of his goodness and providence. Indeed, following the example of the first Christian community spoken of in the Acts of the Apostles (cf. 1:14), the universal Church, spiritually united with Mary, the Mother of Jesus, should persevere with one heart in prayer; thus the election of the new Pope will not be something unconnected with the People of God and concerning the College of electors alone, but will be in a certain sense an act of the whole Church. I therefore lay down that in all cities and other places, at least the more important ones, as soon as news is received of the vacancy of the Apostolic See and, in particular, of the death of the Pope, and following the celebration of his solemn funeral rites, humble and persevering prayers are to be offered to the Lord (cf. *Mt* 21:22; *Mk* 11:24), that he may enlighten the electors and make them so likeminded in their task that a speedy, harmonious and fruitful election may take place, as the salvation of souls and the good of the whole People of God demand.

85. In a most earnest and heartfelt way I recommend this prayer to the venerable Cardinals who, by reason of age, no longer enjoy the right to take part in the election of the Supreme Pontiff. By virtue of the singular bond with the Apostolic See which the Cardinalate represents, let them lead the prayer of the People of God, whether gathered in the Patriarchal Basilicas of the city of Rome or in places of worship in other particular Churches, fervently imploring the assistance of Almighty God and the enlightenment of the Holy Spirit for the Cardinal electors, especially at the time of the election itself. They will thereby participate in an effective and real way in the difficult task of providing a Pastor for the universal Church.

86. I also ask the one who is elected not to refuse, for fear of its weight, the office to which he has been called, but to submit humbly to the design of the divine will. God who imposes the burden will sustain him with his hand, so that he will be able to bear it. In conferring the heavy task upon him, God will also help him to accomplish it and, in giving him the dignity, he will grant him the strength not to be overwhelmed by the weight of his office.

## CHAPTER VII

### THE ACCEPTANCE AND PROCLAMATION OF THE NEW POPE AND THE BEGINNING OF HIS MINISTRY

87. When the election has canonically taken place, the junior Cardinal Deacon summons into the hall of election the Secretary of the College of Cardinals and the Master of Papal Liturgical Celebrations. 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 two Masters of Ceremonies, who are to be summoned at that moment, draws up a document certifying acceptance by the new Pope and the name taken by him.

88. After his acceptance, the person elected, if he has already received episcopal ordination, is immediately Bishop of the Church of Rome, true Pope and Head of the College of Bishops. He thus acquires and can exercise full and supreme power over the universal Church.

If the person elected is not already a Bishop, he shall immediately be ordained Bishop.

89. When the other formalities provided for in the *Ordo Rituum Conclavis* have been carried out, the Cardinal electors approach the newly-elected Pope in the prescribed manner, in order to make an act of homage and obedience. An act of thanksgiving to God is then made, after which the

senior Cardinal Deacon announces to the waiting people that the election has taken place and proclaims the name of the new Pope, who immediately thereafter imparts the Apostolic Blessing *Urbi et Orbi* from the balcony of the Vatican Basilica.

If the person elected is not already a Bishop, homage is paid to him and the announcement of his election is made only after he has been solemnly ordained Bishop.

90. If the person elected resides outside Vatican City, the norms contained in the *Ordo Rituum Conclavis* are to be observed.

If the newly-elected Supreme Pontiff is not already a Bishop, his episcopal ordination, referred to in Nos. 88 and 89 of the present Constitution, shall be carried out according to the usage of the Church by the Dean of the College of Cardinals or, in his absence, by the Subdean or, should he too be prevented from doing so, by the senior Cardinal Bishop.

91. The Conclave ends immediately after the new Supreme Pontiff assents to his election, unless he should determine otherwise. From that moment the new Pope can be approached by the Substitute of the Secretariat of State, the Secretary for Relations with States, the Prefect of the Papal Household and by anyone else needing to discuss with him matters of importance at the time.

92. After the solemn ceremony of the inauguration of the Pontificate and within an appropriate time, the Pope will take possession of the Patriarchal Archbasilica of the Lateran, according to the prescribed ritual.

## PROMULGATION

Wherefore, after mature reflection and following the example of my Predecessors, I lay down and prescribe these norms and I order that no one shall presume to contest the present Constitution and anything contained herein for any reason whatsoever. This Constitution is to be completely observed by all, notwithstanding any disposition to the contrary, even if worthy of special mention. It is to be fully and integrally implemented and is to serve as a guide for all to whom it refers.

As determined above, I hereby declare abrogated all Constitutions and Orders issued in this regard by the Roman Pontiffs, and at the same time I declare completely null and void anything done by any person, whatever his authority, knowingly or unknowingly, in any way contrary to this Constitution.

*Given in Rome, at Saint Peter's, on 22 February, the Feast of the Chair of Saint Peter, Apostle, in the year 1996, the eighteenth of my Pontificate.*

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- 1 Saint Irenaeus, *Adversus Haereses*, III, 3, 2: *SCh* 211, 33.
- 2 Cf. Apostolic Constitution *Vacante Sede Apostolica* (25 December 1904): *Pii X Pontificis Maximi Acta*, III (1908), 239-288.
- 3 Cf. Motu Proprio *Cum Proxime* (1 March 1922): *AAS* 14 (1922), 145-146; Apostolic Constitution *Quae Divinitus* (25 March 1935): *AAS* 27 (1935), 97-113.
- 4 Cf. Apostolic Constitution *Vacantis Apostolicae Sedis* (8 December 1945): *AAS* 38 (1946), 65-99.
- 5 Cf. Motu proprio *Summi Pontificis Electio* (5 September 1962): *AAS* 54 (1962), 632-640.
- 6 Cf. Apostolic Constitution *Regimini Ecclesiae Universae* (15 August 1967): *AAS* 59 (1967), 885-928; Motu Proprio *Ingravescentem Aetatem* (21 November 1970): *AAS* 62 (1970), 810-813; Apostolic Constitution *Romano Pontifici Eligendo* (1 October 1975): *AAS* 67 (1975), 609-645.
- 7 Cf. *AAS* 80 (1988), 841-912.
- 8 Cf. First Vatican Ecumenical Council, Dogmatic Constitution on the Church of Christ *Pastor Aeternus*, III; Second Vatican Ecumenical Council, Dogmatic Constitution on the Church *Lumen Gentium*, 18.
- 9 Canon 332 § 1 C.I.C.; Canon 44 § 1 C.C.E.O.
- 10 Cf. Motu Proprio *Ingravescentem Aetatem* (21 November 1970), II, 2: *AAS* 62 (1970), 811; Apostolic Constitution *Romano Pontifici Eligendo* (1 October 1975), 33: *AAS* 67 (1975), 622.
- 11 *Code of Canon Law*, Canon 1752.
- 12 Cf. *Code of Canon Law*, Canon 332 § 2, *Code of Canons of the Eastern Churches*, Canon 47 § 2.
- 13 Cf. *AAS* 80 (1988), 860.
- 14 Cf. *AAS* 69 (1977), 9-10.
- 15 Cf. Apostolic Constitution *Vicariae Potestatis* (6 January 1977), 2 § 4: *AAS* 69 (1977), 10.
- 16 Cf. No. 12: *AAS* 27 (1935), 112-113.

17 Cf. Art. 117: AAS 80 (1988), 905.

18 Cf. AAS 80 (1988), 864.

19 *Missale Romanum*, No. 4, p. 795.

20 Cf. Apostolic Constitution *Vacante Sede Apostolica* (25 December 1904), 76: *Pii X Pontificis Maximi Acta*, III (1908), 280-281.

21 Cf. Apostolic Constitution *Vacantis Apostolicae Sedis* (8 December 1945), 88: AAS 38 (1946), 93.

22 Cf. Apostolic Constitution *Romano Pontifici Eligendo* (1 October 1975), 74: AAS 67 (1975), 639.

23 Cf. Saint Pius X, Apostolic Constitution *Vacante Sede Apostolica* (25 December 1904), 79: *Pii X Pontificis Maximi Acta*, III (1908), 282; Pius XII, Apostolic Constitution *Vacantis Apostolicae Sedis* (8 December 1945), 92: AAS 38 (1946), 94; Paul VI, Apostolic Constitution *Romano Pontifici Eligendo* (1 October 1975), 79: AAS 67 (1975), 641.

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