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A FEW FAQ'S ON PARLIAMENTARY PROCEDURE

Newly-elected county board supervisors typically have a desire to make changes in some aspect of county government. Many run for office on a platform, with a desire to make changes in some aspect of county government. To do so, requires an understanding of the principles of deliberation in a public body.

Most units of government adopt Robert's Rules of Order, Newly Revised (RONR) as their parliamentary authority. RONR spells out the rules of engagement so that debate, discussion, and decision-making are transacted in an orderly way—balancing the protection of the rights of individual members with the rights of the group.

To the uninitiated, Robert's Rules of Order can seem complicated and arcane, conjuring images of men in long black robes and powdered wigs rigidly restricting participation to obstruct their opponents. The spirit of parliamentary procedure is just the opposite. Used as intended, parliamentary procedure enhances the democratic decision-making process by helping governmental bodies fairly weigh and consider the ideas and opinions of *all* its members.

Nevertheless, if you are going to play the game, you had better know the rules. To that end, here are answers to some of the frequently asked questions covering the basics of parliamentary procedure.

What are the procedures for getting a proposal considered by the governmental body?

Step 1. Member obtains the floor. Depending on the formality of the group, this can be done in a variety of ways. In large, formal groups, the member stands when no one else has the floor, addresses the chair, receives recognition from the chair, and then speaks in debate or makes a motion. In a smaller, informal group, the member simply raises his/her hand and begins to speak once recognized by the chair.

Step 2. Member makes a motion. The member states the proposal for the group to take a specific action or take a particular stance.

Note: The maker of the motion should agree with it, for RONR prohibits the maker of the motion from *speaking* against it. On the other hand, the maker of the motion may *vote* against it.

Step 3. Another member seconds the motion. Another member who deems the motion worthy of consideration says – without obtaining the floor – “I second the motion,” “I second it,” or simply “Second.”

The purpose of the second is to make sure that at least two members think the issue is important enough to bring before the body. The person who seconds the motion does not necessarily agree with it, only that it should be discussed and decided upon. In fact, a member may disagree with the proposal but seconds the motion so that the body will be on record as having opposed it.

If the motion does not receive a formal second, but members of the body begin to discuss the merits of the motion, the motion has, in effect, been seconded. Subsequent action on the motion – debate, voting, etc. – is in order.

Step 4. Chair states the question on the motion. Once the motion has been made and seconded, the chair restates the motion. Usually the restatement follows this form, “It has been moved and seconded that...” By restating the motion, the chair assures that everyone heard the same proposal and can, thereby, keep debate focused on the motion at hand.

Here lies a turning point in the proceedings. Up until the time that the chair restates the motion, the maker of the motion owns the motion and may change it or withdraw it without the consent of the body. Once the motion has been restated by the chair, it belongs to the group and any modifications to the motion must have the consent of the body.

Step 5. Members debate. It is during this step of the process that the members of the body may undertake a host of possible actions including discussion of the merits of the proposal, changing the wording of the motion, delaying action on the proposal, and referring the motion to a committee.

The maker of the motion has the right to be the first to address the body. Thereafter, members obtain the floor in the usual way. RONR limits speeches to no more than 10 minutes, with members permitted to speak no more than twice on the same motion in the same day. While each member has the right to speak twice, no member should be allowed to speak a second time when a member who has not yet spoken desires the floor.

During debate members should:

- Address comments to the chair, not toward another member.
- Refrain from referring to the motives of other members.
- Avoid side conversations; speak only when they have the floor.
- Limit their comments to those pertinent to the issue under discussion.

Step 6. Putting the motion to a vote. The chair does not have unilateral authority to end debate. However, the chair should pay close attention to the debate and, when it is clear that discussion is finished, ask, “Are you ready for the question?” or “Are you ready to vote on the motion?” If any member seeks to continue debate and discussion, the chair should permit it.

Alternatively, a member may make a motion to close debate or “move the previous question”. Because this motion limits members’ rights, it requires a supermajority vote of two-thirds or unanimous consent to pass.

Step 7. Members vote. Once it has been determined that the body is prepared to vote, the chair is ready to put the question to a vote. At this time, the chair should restate the exact wording of the motion that the body will be deciding upon. It is sound practice for the chair to state at this time the effect of an “aye” vote and of a “no” vote.

The presiding officer then tells the members what method of voting will be used—voice vote or counted vote are most typical. (Note: A recorded vote is often required. Most local government decisions should be made by a counted vote. Substantive decisions, such as ordinances, budgets, and resolutions, call for visible, counted votes.)

The chair first asks for those in the affirmative, “aye”, and then the negative, “no”, responses. Counted votes may be taken by members raising their hands, standing, roll call, signed ballots, or machine. The chair should always call for the negative vote no matter how overwhelming the result may seem.

Step 8. Chair announces results. The chairperson announces the results of the vote-- whether the motion passes or fails and, if known, the number of votes on each side. The announcement should also include the effect of the vote—“We will purchase the equipment” or “We will not create the proposed new position.”

What is the proper way to make a motion?

The proper way to make a motion is: “I move that ...”.

Be precise and specific. It is a good idea to write a motion prior to presenting it. This increases the likelihood of clarity. The note can then be passed on to the meeting chair.

In most situations, avoid making “negative” motions. Because motions usually propose that the group take action, whenever possible, state the motion in the affirmative. Motions proposing that the group *not* take a particular action require that members vote “yes” on taking an action they disagree with. This could easily lead to confusion.

Above all, avoid the use of the phrase, “so moved.” While it may seem like an innocent shortcut, making a motion by merely stating “so moved” can create much confusion. Typically, this shortcut is taken in a committee setting after there has been some debate or discussion on a topic. One member proposes an action that the committee should take and another member states “so moved”, the motion is seconded, and an inexperienced chairperson takes the vote. It may not be until the minutes are distributed at the following meeting that the members determine that they had each interpreted the motion in different ways! Don’t let the secretary translate your motion for you. Be specific and clear the first time.

May the presiding officer vote?

According to RONR, the presiding officer, as a member of the body:

...has the same voting *right* as any other member. Except in a small board or committee, however...the chair protects his impartial position by exercising his voting right only when his vote will affect the outcome, in which case he can either vote and thereby change the result, or he can abstain.

RONR further states that in small boards and committees where there are not more than about a dozen members present:

The chairman can speak in discussion without rising or leaving the chair; and, subject to rule or custom within the particular board (which should be uniformly

followed regardless of how many members are present), he usually can make motions and *usually votes on all questions* (emphasis added).

What are some frequent procedural errors to avoid?

Adoption of reports. Reports from officers, department heads, committees, boards, or commissions should not be approved or adopted. Adopting a report creates an expectation that the recommendations included in the report will be enacted. This is usually not the body's intent. To avoid confusion, the presiding officer need simply acknowledge the report and thank the presenter.

"So moved." The use of this phrase, addressed earlier, potentially creates confusion and the adoption of motions with unintended consequences.

Calling the question. A member, tired of debate, rises and states, "Madam Chair, I call the question" and expects debate to end immediately. RONR gives no such power to any one individual. A member who "calls the question" does not simply end debate and require that a vote be taken instantly. A member may make a motion to end debate or "move the previous question". The motion requires a second and a two-thirds majority vote to pass. Once passed, the chair must put the question to a vote.

What is the proper procedure for amending a motion?

At times, a motion is made that is not acceptable as is. The body may then amend--alter the wording of--the motion that is already on the floor to make it satisfactory to a majority. The motion to amend takes the form "I move to amend the motion by..." The member then has three choices: 1) inserting or adding words; 2) striking (deleting) consecutive words; or 3) striking and inserting. In making the motion to amend the member specifies the location for the deletions and/or insertions.

The amendment must relate to the subject of the motion it is amending.

A motion to amend may be amended. In other words, a member may move to amend a primary amendment with a secondary amendment.

Primary and secondary amendments require a second and a majority vote to pass.

Can a governmental body have its own rules that conflict with Robert's Rules of Order?

Governmental bodies are encouraged to have their own rules that specifically address certain situations. Robert's Rules of Order were written with large assemblies and conventions in mind, not units of local government in Wisconsin. Local units of government often adopt their own rules related to citizen participation during meetings of the governmental body, participation in debate; absences, procedures for putting items on the agenda, election of officers, and who presides if the chair is absent. Of course, rules adopted by the local unit may not conflict with any state or local law.

Federal and state law take precedence over local rules. Local rules take precedence over RONR.

How do I know if a motion is “in order”?

This is perhaps the most complicated of the questions. Nevertheless, if you understand the parliamentary concept of *precedence* (pronounced preh-SEED-entz) you are well on your way to understanding when motions are “in order.” (A chart showing the rank of privileged and subsidiary motions can be found in most reference books on Robert’s Rules of Order.)

Only one main motion at a time is allowed on the floor. Any main motion should be ruled out of order if it is made while another main motion is on the table.

Motions have rank and a motion is not in order if another motion of higher rank is pending. Main motions are lowest in rank.

Subsidiary motions relate to treating main motions and other motions. Subsidiary motions are *applied to* another motion and, if adopted, *do something to the other motion*. They are in order when a main motion is pending. The seven subsidiary motions are ranked among themselves.

From highest rank to lowest rank, they are:

- “Lay on the table”
- “Previous question”
- “Limit or extend limits of debate”
- “Postpone to a certain time”
- “Commit (or Refer)”
- “Amend”
- “Postpone indefinitely”

Privileged motions rank higher than any subsidiary motion or main motion and, as such, are in order when these are pending. Privileged motions are not applied to other motions, rather they relate to the meeting itself. The five privileged motions are ranked among themselves. From highest rank to lowest rank, they are:

- “Fix the time to which to adjourn”
- “Adjourn”
- “Recess”
- “Raise a question of privilege”
- “Call for the orders of the day”

Incidental motions relate to the conduct of the meeting rather than to other motions. In general, an incidental motion is in order when it relates to the business at hand. Incidental motions are not ranked, as are subsidiary and privileged motions. Some common incidental motions are “Point of order,” “Appeal,” “Suspend the rules,” “Division of a question,” “Withdraw a motion,” “Parliamentary inquiry,” and, “Point of information.”

Members chairing meetings should check the rules for each motion. Rules include whether the motion requires a second, is debatable, is amendable, and the vote required for passage.

How should the motions be handled?

Assume for the moment that the chair has handled his job correctly and there are four motions currently pending—the main motion, a primary amendment, a secondary amendment, and a motion to refer to committee. For example, a main motion is pending to “purchase a backhoe for the parks department.” A motion is then made to amend the main motion by “adding the words ‘at a cost not to exceed \$75,000’ after the word ‘purchase.’” While discussing the motion to amend, another member moves to make a secondary amendment (amending the amendment) by “striking \$75,000 and inserting \$100,000.” At this point another member moves to “refer this motion to the Parks and Recreation Committee.”

All of these motions are in order because each succeeding motion is of higher rank than the previous. The body will then dispose of these motions in reverse order. Think of these motions as nested cups, one inside another. The most recently added cup must be dealt with first.

In our example, the body will vote first on the motion to refer to the Parks and Recreation Committee, then the secondary amendment, then the amendment to the main motion, and finally the main motion.

The vote on each subsequent motion incorporates the changes enacted by the subsidiary motions. If the secondary amendment passes then the decision on the primary amendment becomes a vote on whether to “add the words ‘at a cost not to exceed \$100,000’ after the word purchase.”

Assuming this primary amendment passes the motion before the body is to “purchase at a cost not to exceed \$100,000 a backhoe for the parks department.”

In what ways can the body revisit a decision?

There are four principle ways that a body can change its mind—rescind, renew, reconsider, and amend something previously adopted.

Keep in mind that the Wisconsin Open Meetings Law requires that proper notice must be issued in order to address these main motions.

Any action taken to reverse a decision previously adopted does not release the body from any contractual agreements entered into as a result of the original decision.

Rescind. The motion to rescind nullifies resolutions, policies, and ordinances previously adopted by the body.

Renew. A motion that failed to pass may be brought up by any member at subsequent meetings of the body. The motion is said to be renewed. RONR allows for motions to come up at subsequent sessions “unless it has become absurd.”

Reconsider. The motion to reconsider is often misunderstood and misused. Members are advised to use the motion to reconsider only when new information presents itself during the course of the same meeting at which the original proposal was adopted. At subsequent meetings, renew, rescind, and amend something previously adopted are the preferred choices. The motion to reconsider may be made only when no other motion is pending before the body. The maker of

the motion to reconsider must be a member who voted on the prevailing side of the motion under question.

Amend something previously adopted. This motion changes a previously adopted motion. Do not confuse this motion with the *subsidiary* motion to *amend*. The motion to amend something previously adopted is handled as a main motion.

How can a body delay or avoid taking action on a motion?

There are three motions that delay action on a pending motion—postpone indefinitely, postpone to a certain time, and table or lay on the table. Actually, there is a fourth, very simple, yet seldom used way to delay or avoid action—withdrawing the motion.

Postpone indefinitely. Members should use this motion only when their intention is to kill the motion under consideration. Passage of the motion to postpone indefinitely equates to voting the measure down without having to vote against the measure.

Postpone to a certain time. There are occasions when the body needs more information or more time to make a decision. The intent is not to kill the motion, rather to make the decision when more information is available or the right people are present. The motion should include when the body should address the proposal under consideration.

The motion to postpone to a certain time may merit the status of most underemployed parliamentary motion. This is the motion that should be used when members want to make a decision about an issue but need more time before deciding. Many boards use the motion to table (more properly, “lay on the table”) when they should be using the motion to postpone to a certain time.

Lay on the table. The motion to lay on the table is properly used only when urgent business presents itself while a main motion is on the floor. The intention is to set the discussion of the current motion aside temporarily and resume the debate during the current or next meeting. A motion to table is in order when the work of the group is interrupted. It is not the proper motion to buy time for the body.

To resume debate on a motion that has laid on the table requires a motion to remove the motion from the table. The motion to remove from the table can be made, subject to the open meetings law, when no motion is on the floor during the current or subsequent meeting.

What are the most common parliamentary errors committed by members of governmental bodies?

- The motion to “table” when the intention is to “postpone to a certain time.”
- The use of the phrase “so moved” when the proposal is something more than a routine matter, such as approving the minutes or adopting the agenda.
- The assumption that debate and discussion must end simply because *one* member states, “I call the question.”

Are the rules the same for committees or smaller groups?

Understandably, the rules are less formal for committees and smaller groups. RONR describes a smaller group as one that includes up to “about a dozen members.”

- Members remain seated during debate and discussion and are not required to formally obtain the floor.
- Members may speak as often as they like.
- Informal discussion is permitted before a motion is pending. The reality is that in most committee meetings members address an issue by discussing it first. During the course of debate and discussion, a solution or proposal to address the issue arises. This proposal, then, becomes the basis for a motion.
- The chair need not rise when putting a motion to a vote.

Where should I turn for more information?

[A Guide to Parliamentary Procedure for Local Governments in Wisconsin](#) by Larry Larmer provides an excellent, user-friendly overview of parliamentary procedure. This guide gives readers guidance related to the implication of the open meetings law on conducting meetings. Robert’s Rules of Order, Newly Revised

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