

Parliamentary Procedure Reference

Part III *Protocol and Parliamentary Procedure Guidebook*



The American Legion

Department of California

OBJECT:

The object of all procedure is to get things accomplished in an orderly manner – to take things up one at a time, and dispose of them in the shortest time possible, at the same time in a democratic fashion.

When only the Chairman knows Parliamentary Procedure, he can use it to his advantage, but when most of the body also understands the rules, the "Floor" actually controls the meeting, and the "Chair" simply directs it.

If You get in the habit of using the right terms, everybody will understand matters more readily. Note the expressions which appear in boldface type throughout this text.

THE AGENDA:

When a meeting is called to order by the CHAIR, AN AGENDA, OR ORDER OF BUSINESS, is offered for approval, or should be offered. Once the Agenda is approved, the meeting is technically limited to the POINTS included. We usually take care of other matters and "beefs" under the "GOOD OF THE LEGION." If no Agenda is offered, ask for it. If certain points you are interested in do not appear to be included, rise and either inquire about them or MOVE to add them to the Agenda.

MOTIONS:

The business of a meeting is carried forward by MOTIONS. The object of all Motions is to get things done in an orderly manner, and democratically. A Motion is MADE from the DEBATE ON THE QUESTION.

In actual practice, there is usually some Debate before the Motion. Debate without a Motion often becomes aimless, and should be limited.

In Debating, or SPEAKING ON A MOTION, no member should be allowed to speak twice before others have had it once. Speaking on a Motion is also called TAKING THE FLOOR.

Motions must be made on the subject involved, or the POINT ON THE AGENDA, which is being taken up. If a Motion is made on some other subject, the Chair is obliged to rule the MAKE OF THE MOTION out of Order and REFER THE QUESTION to the proper place on the Agenda.

SECONDING:

Motions must be seconded to be entitled to Debate. If the Motion is not Seconded, the Chair is obliged to point out that there has been no Second, and proceed with the meeting.

The Chair is not supposed to "Milk" the Membership for a Second because he wants one, but it is proper to allow enough time for a Second, when required.

Debate before a Motion has been made can always be stopped by someone MAKING A MOTION. Once a Motion has been Made and Seconded, it must be DISPOSED OF, either by

being DEFEATED, PASSED, TABLED, REFERRED, or PLACE IN COMMITTEE. All of these are covered further in the text.

Except for certain PRIVILEGED MOTIONS, which will be explained later also, a Motion cannot be place while there is a PREVIOUS MOTION on the Floor.

RECOGNITION:

In "Making a Motion" or "Moving," the member should rise, face the Chair and signal or call for attention in a manner which will not disrupt the meeting. Once RECOGNIZED by the Chair, the SPEAKER should first state his or her name and department, so such information can be RECORDED IN THE MINUTES.

In other democratic bodies, it is proper to say "Mr. Chairman," "Madame Chairman," etc., but in the American Legion, it is more proper to say "My Comrade(s) or Fellow Legionnaire(s)," since equality is more of a fact in the American Legion.

Once a Motion has been MADE, it is the duty of the Chair to repeat it in order that everyone hears it, and also to CLARIFY it, if it was made in confused language.

Before we proceed further with Motions, let us remove some of the misunderstanding concerning WITHDRAWING A MOTION.

WITHDRAWING:

Before a Motion has been STATED BY THE CHAIR, its' maker has the right to WITHDRAW it, or modify the language. But after it has been stated by the Chair, the maker cannot withdraw or modify his Motion without the CONSENT OF THE ASSEMBLY. After a Motion has been Stated by the Chair, it belongs to the Assembly.

It is also Out of Order to ask for the consent of the SECONDER to the withdrawal of a Motion. The Secunder can only withdraw his Second if the Motion has been changed informally after he seconded it.

It is IN ORDER for anyone to ask the Maker of a Motion to withdraw it, through the Chair. But the Maker does not have to comply. In brief, once a Motion is Made, Seconded and Stated by the Chair, it cannot be withdrawn without the Chair getting the consent of the Assembly (usually by asking if there are any objections to the withdrawal). When a Motion has gone that far, it must be disposed of by being Tabled, Referred, Defeated, Passed, etc., by vote.

When a Motion has been withdrawn, it is treated as though it had never been made, and is not recorded in the minutes. Further, anyone can make the same motion again. The object of withdrawing a Motion is to prevent it from being voted on and appearing in the minutes.

AMENDMENTS:

Once a Motion has been duly made, seconded and is on the Floor, it is subject to AMENDMENT. (Note Certain Motions are not amendable and will be covered later on).

The object of an Amendment is to change or modify the original Motion, without destroying the sense of it. For instance, if there was a Motion on the Floor to hold a picnic, it could be amended to add a date or a place, but it could not be amended to change the affair from a picnic to a bowling match.

Amendments should take the form of: Inserting or adding words to the Motion; striking out words; substituting words or sentences. The Chair is obliged to rule Out of Order any proposed Amendment which would do more than the above, and change the sense of the Motion entirely.

In some cases, where a poorly worded Motion is made, even the Amendment does not make it a complete Motion in some of the members' eyes. In such cases, an Amendment can be made to the first Amendment. This SECOND DEGREE AMENDMENT method is sometimes confusing, but it is legitimate, and it is up to the Chair to clarify the Motion and its Amendments.

If it is too complicated for this, the Chair can call for or recommend a SUBSTITUTE MOTION, with the consent of the Assembly, which will tie the loose ends together so that an intelligent vote may be taken. A Substitute Motion is itself a form of Amendment.

Amendments to Motions are DEBATABLE (that is, can be discussed). Like Motions, Amendments also require Seconding. Discussion on an Amendment must be confined to the Amendment itself.

In TAKING THE VOTE after Debate, the Amendment is first voted upon, and then the Motion itself is voted upon. Sometimes, the nature of the Amendment is such that passing or defeating the Amendment CARRIES or DEFEATS the motion also. In that event, it is not necessary to take a vote on the Motion.

Before proceeding into further study on Motions, it might be well to give some attention to the MINUTES.

MINUTES:

The MINUTES OF A MEETING are simply a record of the proceedings of that particular meeting. As such, they can only be ACCEPTED BY THE BODY whose Minutes they are. In short, the General Membership can only ACCEPT Minutes of the Membership Meetings, the Executive Board can only Accept its own minutes, etc. Upon reading of the Minutes of a given meeting, they are subject to a Motion to Accept. Sometimes, CORRECTIONS are raised and then the Minutes are ACCEPTED AS CORRECTED.

Being simply the record of proceedings, Minutes may be corrected at any time, including subsequent meetings.

Minutes shall record all Main Motions which were not withdrawn, all Points of Order, all Appeals and whether lost or sustained. The Makers of Motions should be recorded, but not necessarily the Seconders.

The date, time, and place of the meeting, as well as the time of Adjournment should be in the

Minutes to include the results of any ROLL CALL votes, and full report of TELLERS. (Tellers are members elected or appointed to tally ballot). Minutes cannot be REJECTED, but they can be RETURNED FOR CORRECTION. When the Minutes of an Executive Board meeting are read at a Membership meeting, it is only for general information, not Acceptance or Correction.

However, having been thus advised, the Membership can take action at the Meeting to censure or approve their Board. This, of course, is done through Motions at the proper time on the Agenda. The Membership should be alert to do this, and be certain not to allow any top body to exercise undemocratic control.

In connection with Minutes, it is important to know that ACCEPTING A REPORT is the same as adopting it. RECEIVING A REPORT merely allows it to be read to the Assembly. Receiving does not mean approving or adopting. Accepting does! In making Motions on Reports, the Assembly should understand the distinction in the above two words.

DEFERRING:

Once a matter has been duly placed on the Floor through Motion and Seconded, it may become necessary to defer or postpone action. This can be done democratically by the Assembly in several ways, in addition to withdrawing the Motion, which we have already covered.

TABLING: A Motion to TABLE is a Motion to lay aside business in such a manner that it can be RENEWED at a later time--either at the same meeting or a later one. A Motion to Table requires a Second. Once Seconded, the Motion to Table cannot be either Debated or Amended, but MUST BE PUT TO IMMEDIATE VOTE WITHOUT DISCUSSION.

When it is desired to resume the matter which was Tabled, the correct Motion is to "TAKE FROM THE TABLE." This Motion must be seconded, and is also not subject to Debate or Amendment. When a matter is "TAKE FROM THE TABLE," it is taken with all previous actions, amendments, etc., and resumed just as it was when tabled. Tabling a Motion or matter does not carry a time limit. That kind of postponement is handled as follows:

POSTPONE TO A SET TIME: When the object is to set a future time at which a matter or motion must be considered, do not move to Table. Instead, move to POSTPONE to a set time, date, or meeting. A Motion to so POSTPONE CONSIDERATION requires a Second. It CAN BE DEBATED before being voted on, and can be amended as to the time.

PLACE IN COMMITTEE: When it is desired to let a few handle a given matter, instead of tying up the whole meeting needlessly, this is done by COMMITTING, or PLACING IN COMMITTEE through a properly worded Motion.

POSTPONE INDEFINITELY: A Motion to POSTPONE INDEFINITELY is really a Motion to KILL the subject. It must be Seconded and can be Debated, but cannot be amended.

These Motions are dangerous, and must be watched with care when they come up. For they can not only help to carry the meeting along, but they can also wreck consideration of important subjects.

APPEALS TO OVERRULE CHAIR:

The Chairman of a Meeting or the Chair has certain rights, but they do not include engineering the meeting or "railroading" certain matters through. A decision of the Chair can always be subjected to change through APPEAL.

When a member rises to Appeal a decision of the Chair, his Motion can be either to APPEAL THE DECISION, or to OVERRULE THE CHAIR; they both have the same meaning.

Under such circumstances, the member should state carefully and in understandable language why he is making the Motion. The Motion requires a second.

If Seconded, the Chair should yield the gavel to the next in rank at the meeting, and then state his reasons for the decision. Without further Debate, the Acting Chairman then puts the issue up for vote with the following words: "SHALL THE CHAIR BE SUSTAINED?" (Meaning upheld.)

After the vote the Chair resumes the gavel, whether he was sustained or not in his past decision.

Technically, the Motion to Appeal the Decision of the Chair is Debatable when the question involved is the BUSINESS OF THE HOUSE, and not debatable otherwise. It is simplest, and perfectly fair, to always handle an appeal without a Debate. The decision of the Chair stands, until reversed by a majority vote. A tie vote SUSTAINS THE CHAIR. FURTHER, since the Chair does not hold the gavel at the time, the Chair can vote.

Members should not rise to criticize the Chair. If they have an objection to a RULING, it should always be handled through an Appeal.

A sensible Chairman should not take an Appeal personally, but should welcome it, since it relieves him of the responsibility and places it upon the Assemblage. Sustained, he is that much more confident in his Chairmanship.

The Chair is supposed to be the "servant of the Assembly," and as such should refrain from discussing questions before the Assembly, thus maintaining an impartial attitude.

The Chair cannot authorize anyone to act in his place if he is absent from the Meeting. If the By-Laws do not cover that contingency, the Assembly has the duty to elect an Acting Chairman.

THE QUESTION OF PRIVILEGE:

The QUESTION OF PRIVILEGE is often interpreted to mean "I am a privileged guy, and have the right to the floor again."

The only privilege involved is the privilege of getting the attention of the Chair at once to ASK A QUESTION, MAKE A POINT OF ORDER, or draw attention to the pressing business which cannot wait.

When rising on a Question of Privilege, you do not wait for recognition from the Chair., you INTERRUPT by stating" I rise to a Point of Inquiry. (or Order, or Procedure}." The Chair is OBLIGED to recognize you, answering: "State your Question."

Rising to a "Point of Procedure" means that you question the procedure the Chair is following--you feel he is off the track, acting contrary to REGULAR PROCEDURE.

Rising to a "Point of Order" usually means that you feel some member of the. Assembly, rather than the Chair, is off the track, and you want the Chair to take action.

Rising on other "Questions of Privilege" usually involves drawing attention to conduct or misconduct of members, comfort of members, conduct of press or guests, etc. All such interruptions are loosely included in the term "Question of Privilege."

If the Chair sees the point you are making he states, "The point is well taken," and follows it. If the Chair does not, he states his reason, and the way is open for an Appeal to be taken, if necessary.

AND THIS IS IMPORTANT! Even though the Chair is obliged to recognize the above Questions of Privilege, the Assembly is not. As the book states it, "Privilege of Assembly out-ranks personal privilege." A chronic interrupter can thus be silenced by a proper motion.

While a Question of Privilege requires no second, gets no debate, and is not amendable, the action desired may be deferred until the speaker is finished and may also be Tabled or Postponed indefinitely. In the latter case, the question interrupted is not carried with a Tabling or Postponement motion.

RENEWAL AND RECONSIDERATION:

Much confusion exists as to bringing up a point again, or trying to get a matter reconsidered. There are simple rules covering these things.

RENEW A MOTION:

The object of this action would be to bring up a Motion again after it has been defeated. The rule is:

A rejection motion cannot be renewed at the same session by the same maker at a future session.

Further, no motion can be introduced that is so nearly like a rejected motion that it would PLACE THE SAME QUESTION BEFORE THE HOUSE a second time. Also, no motion can be introduced which interferes with a motion which has been Tabled, Postponed, or Placed in Committee.

RECONSIDER A MOTION:

The object of this action would be to bring back a question for more discussion, and obtain a new vote. Such a motion can only be made by a member WHO VOTED WITH THE PREVAILING SIDE on the previous vote! Such a motion must receive a Second, and can be Debated, but not Amended.

If Reconsideration carries, the result is just as though the original vote had not been taken.

Should such motions be brought up, and you feel the reason is a bad one, don't forget to use the "Question of Privilege."

It is a good thing for the most sincere members of the American Legion to know the rules, and thus be prepared to keep the meeting on a true course.

VOTING:

The person occupying the Chair when a vote is taken does not vote except to break a tie. Voting is normally by voice. If the result is not clear, the Chair should ask for a standing vote.

Other methods of voting are: DIVISION OF THE HOUSE, SECRET BALLOT, or ROLL CALL of the Assembly.

This Short Course was specifically designed to acquaint members with only the rudiments of Parliamentary Procedure, and is therefore, brief in coverage.