

# PARLIAMENTARY PROCEDURE



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# Basic Fundamentals of Parliamentary Law

“American parliamentary law is built upon the principle that rights must be respected: rights of the majority, of the minority, of individuals, of absentees, and rights of all of these together.”

Henry M. Robert  
Robert's Rules of Order



It is an organized system that allows a group of people to come together and make a decision. The system is made up of basic principles and rules that determine how the group will proceed through the decision-making process.



The Texas Open Meetings Act  
ALWAYS takes precedence over  
Parliamentary Procedures.



# Two Classes of Rules

- ◆ General

Commonly applied – RONR

- ◆ Special

Particular purpose or organization

# Ten Commandments of Parliamentary Procedure



- ◆ The organization is paramount as opposed to the individual.
- ◆ All members are equal.
- ◆ Quorum must be present to take legal action.
- ◆ Only one main proposition can be on the floor at a time.
- ◆ Only one member can have the floor at a time.

# Ten Commandments (cont.)

- ◆ Full debate on all questions (unless parliamentary rules do not allow debate on a question).
- ◆ The issue and not the person is always what is under discussion.
- ◆ A question once decided cannot come back before the same assembly in the same session in the same form except by use of reconsideration.
- ◆ A majority vote decides (unless a greater majority is required).
- ◆ Silence gives consent.



If you are ever in a meeting and can't remember the parliamentary rule that applies, ask yourself the following three questions:

- ◆ What is the fairest thing to do in this situation? Be sure to consider what is fairest to all.
- ◆ What is the most logical answer to this problem? Robert's is a very logical system, so the most logical answer is probably the correct one.
- ◆ What is the most efficient way of doing this? If you can get there in two steps, don't take three!



# Basic Parliamentary Procedure



To become an act or choice of the body, a proposition is adopted by a majority vote:

- Direct approval registered by more than half of the members present and voting.
- In a properly called meeting.
- Where a quorum is present.

# Introduction of Business

Main Motion — a formal proposal that certain action be taken

## EIGHT STEPS TO OBTAIN ACTION ON A MAIN MOTION:

### Obtaining the Floor:

**Step 1:** Addressing the chair. (Mr. President, Mayor)

**Step 2:** Assigning the floor. (Chair recognizes that member)

### Handling a motion:

**Step 3:** Making the motion. (I move that....)

**Step 4:** Seconding the motion. (Another member seconds...)

# Introduction of Business (cont.)

## EIGHT STEPS TO OBTAIN ACTION ON A MAIN MOTION (CONT.)

### Handling a motion (cont.):

**Step 5:** Stating the motion. (The Chair states the motion).

**Step 6:** Debating the question. (Chair allows debate, with maker of motion speaking first in debate).

**Step 7:** Putting the question. (Chair takes the vote after debate is complete).

**Step 8:** Announcing the result of the vote. (Chair announces, for example, “The ayes have it and the motion is carried.”).

# No Second, No Debate!

To second a motion is to agree that the motion is worthy of discussion and consideration.

Don't want to consider it? Don't say a word!

Motion is not considered for lack of a second.

(Some privileged and incidental motions do not require a second.)

# Description of Motions

## Five categories of motions:

- Main (brings business before the assembly)
- Subsidiary (aids in treating or disposing of a main motion)
- Privileged (does not relate to main motion but relates directly to the members or organization)
- Incidental (relates to matters that are incidental to the conduct of the meeting rather than directly to the main motion)
- Motions that bring a question again before the assembly.

A motion is considered pending when it has been stated by the presiding officer (Mayor) and has not yet been disposed of either permanently or temporarily.

While a motion is pending (or “on the floor”), members can amend it, postpone it, put it aside, send it to a committee, etc., through the use of a secondary motion.

A motion is considered “immediately pending” when several motions are pending and it is the motion that was last stated by the chair and will be first to be disposed of.

Secondary motions can be made while a main motion is pending and relate to business already before the group, to questions of order or procedure, or to matters of comfort or privilege. There are three types of secondary motions:

- Subsidiary
- Privileged
- Incidental

# Amending a Main Motion

“A motion to modify the wording – and within certain limits the meaning – of a pending motion before the pending motion itself is acted upon.” RONR

- Characteristics of Amendments
- Forms of Amendments
- Amendment Pitfalls



# Characteristics of Amendments:

- ◆ Can be applied to any motion having a variable factor
- ◆ Is not in order when another has the floor
- ◆ Debatable when the main motion is debatable
- ◆ Majority vote at all times, even when main motion requires 2/3 vote
- ◆ Cannot stand by itself
- ◆ Only motion that may be applied to itself (Primary and Secondary)
- ◆ A member may amend their own motion
- ◆ Chair may be requested or assist in wording of an amendment
- ◆ A member's vote on the amendment does not obligate their vote on the main motion
- ◆ Rejection of motion to amend leaves pending the motion as originally proposed
- ◆ The adoption of the amendment does not adopt the main motion

# Forms of Amendments:

- ◆ Insert (add) a word, consecutive words or paragraph
- ◆ Strike out a word, consecutive words or paragraph
- ◆ Strike out and insert a combination of the above
- ◆ Substitute (but must be germane)

# Amendment Pitfalls:

- ◆ Allowed when another member has the floor
- ◆ Debate not confined to pending amendment
- ◆ A question already decided
- ◆ Tertiary amendments
- ◆ Not germane to main motion or primary amendment
- ◆ Equivalent to rejection of the main motion
- ◆ Dilatory
- ◆ New business introduced under the pretext of being an amendment
- ◆ Changing one parliamentary motion into another



# The Ups and Downs of Parliamentary Procedure

How To Use the Ladder of Motions

a.k.a.

The Precedence of Motions

Precedence of Motions is a list of specific motions that indicate the priority of motions. When a motion on the list is pending, any motion above it is in order and any motion below it is out of order.

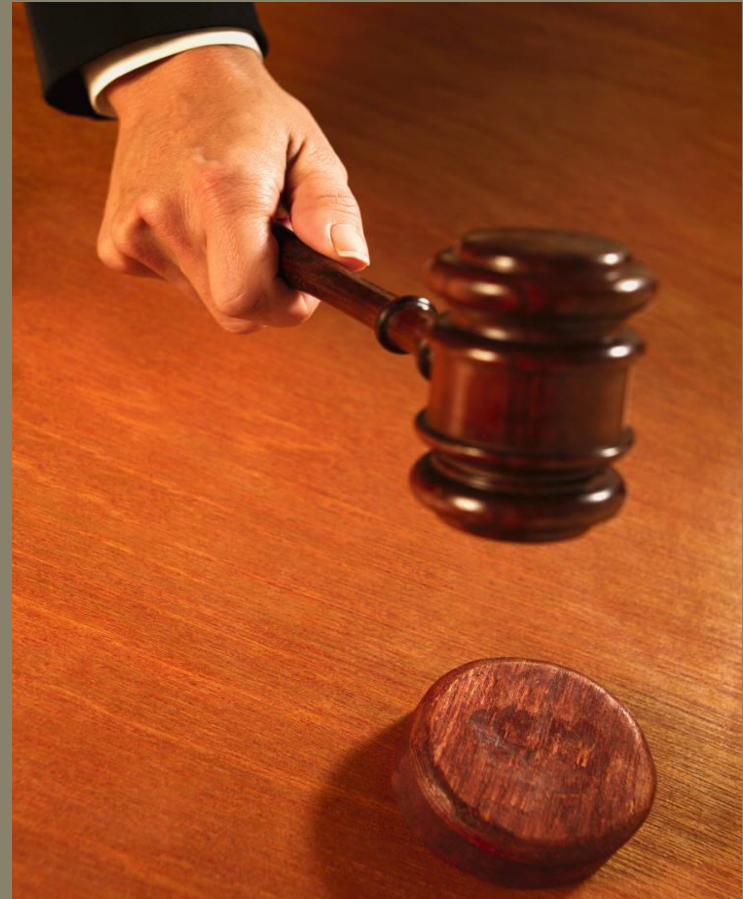
The precedence of motions, with the pending motions in bold. You work your way out of the sequence of pending motions by stepping down the ladder, voting on each immediately pending motion as you go.

14. Fix time to which to adjourn
13. Adjourn
12. Recess
11. Raise a question of privilege
10. Call for orders of the day
9. Lay on the table
8. Previous question
7. Limit/extend limits of debate
- 6. Postpone to a certain time**
5. Commit or refer
- 4. Secondary amendment**
- 3. Primary amendment**
2. Postpone indefinitely
- 1. Main motion**



# Debate

Robert's says that debate is the discussion regarding a motion that occurs after the presiding officer has restated the motion and before putting it to a vote.



# Rights in Debate



- ◆ A member can speak no more than twice on the same question on the same day.
- ◆ No member can speak a second time on an item so long as another is requesting recognition to speak for a first time on the same item.
- ◆ Each speech must be limited to ten minutes.



# Rights in Debate (cont.)



- ◆ The maker of a motion has the right to be the first to speak on it.
- ◆ All remarks must be limited to the merits of the subject immediately before the assembly.
- ◆ All remarks must be addressed to and through the Chair



# Rights in Debate (cont.)



- ◆ Personal remarks should be avoided and motives of members must not be questioned; the item, not the person, is the subject of debate.
- ◆ Members are seldom referred to by names; officers are referred to by their titles.

# Rights in Debate (cont.)



- ◆ Members should be seated when another member is assigned the floor and during any interruption by the presiding officer.
- ◆ A member may not speak against his own motion; however, he may vote against it.

# What's Debatable?

- ◆ Every main motion
- ◆ The following subsidiary motions:
  - Postpone Indefinitely (fully debatable)
  - Amend (limited to merits of amendment)
  - Commit or Refer (limited to wisdom of referring)
  - Postpone to a Certain Time (limited to time to which the motion will be postponed)

# What's Debatable? (cont.)

- ◆ Incidental motions

  - Appeal

  - Request to be Excused from a Duty

- ◆ Rescind/Amend Something Previously Adopted

- ◆ Discharge a Committee

- ◆ Reconsider (a debatable motion)

# What's Not Debatable

- ◆ The following subsidiary motions:
  - Limit or Extend Limits of Debate
  - Previous Question
  - Lay on the Table
- ◆ All privileged motions
- ◆ Incidental motions with the exception of Appeal and Request to be Excused from a Duty

# What's Not Debatable (cont.)

- ◆ Motions that bring a question again before the assembly:
  - Take From the Table
  - Reconsider (an undebatable motion)
- ◆ Nominations

# Commonly Misused Motions

- ◆ Lay on the Table (To Table)
- ◆ Postpone Indefinitely
- ◆ Postpone to a Certain Time
- ◆ Previous Question

**Parliamentary procedure allows for numerous methods of voting on a motion.  
Remember, TOMA rules!**

**Here are the words to use for each of the voting methods:**

**General or unanimous consent:** “If there is no objection....”(only use when item is of little importance and there is no opposition to the motion)



**Voice Vote:** “All those in favor, say Aye. [pause] All those opposed, say No.” (If the chair is in doubt of the results of a voice vote, the chair should state “The chair is in doubt, and therefore a rising (or counted) vote will be taken.” Then proceed with a rising or counted vote.

**Show of hands vote:** “All those in favor of the motion, please raise your hand. [pause] Please lower your hands. Those opposed to the motion, please raise your hand. [pause] Please lower your hands.”

**Rising vote:** “Those in favor of the motion, please stand. [pause] Please be seated. Those opposed to the motion, please stand. [pause] Please be seated.”

**Rising counted vote:** “Those in favor of the motion, please stand and remain standing until counted. [pause] Please be seated. Those opposed to the motion, please stand and remain standing until counted. [pause] Please be seated.”

**Roll call vote:** “The secretary will now call the roll.”

**With ADA:** A voting card has replaced the rising vote, as standing/sitting can be physically difficult for some.

## **Parliamentary Procedure allows for voting by secret ballot and by proxy in certain circumstances.**

- ◆ Neither method is allowed under TOMA.
- ◆ The voting method used must be public and votes registered in a way that the public can determine how each councilmember voted.
- ◆ The presiding officer does not need to call for abstentions. When a member does not vote yes or no, has he/she abstained?

- ◆ Majority vote is “more than half” of the votes cast.
- ◆ If a vote ends in a tie, the vote fails.
- ◆ Two-thirds vote simply means that there were at least twice as many votes in favor of the motion as there were against the motion.



# A two-thirds vote of:

1 is 1

2 is 2

3 is 2

4 is 3

5 is 4

6 is 4

7 is 5

8 is 6

9 is 6

10 is 7

11 is 8

12 is 8

13 is 9

14 is 10

15 is 10

16 is 11

17 is 12

18 is 12

19 is 13

20 is 14

The parliamentarian does not make rulings. She is an advisor and makes no decisions. The parliamentarian may give an interpretation of a rule, an opinion on a rule, or cite a rule, but never rules.



# Parliamentary Procedure



has been described as an application of the Golden Rule  
*with common sense and courtesy.*