



A SELECTED READING

© Alabama League of Municipalities

Basic Parliamentary Procedure

Parliamentary law is defined by Black's Law Dictionary as the general body of enacted rules and recognized usages which govern the procedure of legislative assemblies and other deliberative bodies. Sturgis' Standard Code of Parliamentary Procedure defines parliamentary law as the code of rules and ethics for working together in groups.

History

Parliamentary law has evolved through centuries from the experiences of individuals working together for a common purpose. The name, of course, is derived from the mother of parliaments, the forum of the House of Commons of Great Britain. Parliament is noted for its zealous regard to the right of free and fair debate, the right of the majority to decide and the right of the minority to protect and be protected.

Parliamentary procedure became uniform in 1876 when Henry M. Robert published his manual on parliamentary law. Today, there are several excellent books on parliamentary procedure including *Robert's Rules of Order Newly Revised* and *Mason's Manual of Legislative Procedure*.

Significance

Justice William O. Douglas once said that, "Procedure is more than formality. Procedure is, indeed, the great mainstay of substantive rights ... without procedural safeguards, liberty would rest on precarious grounds and substantive rights would be imperiled." In the case of *McNabb v. U.S.*, 318 U.S. 332 (1943), the court stated: "The history of liberty has largely been the history of observance of procedural safeguards."

Any great principle or right is only as strong as the procedures that support and enforce it. Unless parliamentary procedure is observed, the rights of free speech, free assembly and freedom to unite in organizations are useless and hollow rights; parliamentary procedure gives reality to these democratic concepts.

Rules

The rules of parliamentary procedure are found both in the common law and in statutory law. Common law has given us the principles, rules and usages which have developed from court decisions on parliamentary questions and is based on reason and long observance. These rules apply in all situations except where a statutory law governs.

The statutory law of procedure consists of statutes relating to procedures that have been enacted by federal, state or local legislative bodies. These rules apply only to the particular organizations covered by the law.

Parliamentary procedure is essentially common sense and is simple to understand and easy to use. It works magic in meetings and enables members and organizations to present, consider, and carry out their ideas and transact business with efficiency and harmony. The rules can be used to destroy, as well as to construct, but only when a majority of the members are ignorant of their parliamentary rights.

Sources of Rules

There are four basic sources of rules, arranged here in order of rank:

1. **Law.** Statutes enacted by federal, state or local governments are the highest source.
2. **Charter.** The charter granted by government or an organization ranks second.
3. **Bylaws.** The bylaws, or the constitution and bylaws and other adopted rules, rank next.
4. **Rules.** Any book of rules duly adopted as the rules of procedure on procedural questions not covered by other sources are last in precedence.

Clearly, rules of one source may not conflict with the rules of a higher rank. In the event of conflict, the highest source must be observed.

Principles of Parliamentary Procedure

The primary principle of procedure is to facilitate the transaction of business and to promote cooperation and harmony. Procedure should not be used to entangle and confound the uninformed but rather to expedite business, to avoid confusion and unfair advantage and to protect the rights of members.

Several basic procedural rules have been developed to assure that the simplest and most direct procedure for accomplishing a purpose is observed.

First, motions have a fixed order or precedence and only one motion may be considered at a time.

Second, all members have equal rights, privileges and obligations. Presiding officers must be impartial and should use their authority to protect and preserve the equal rights of all members to propose motions, speak, ask questions, vote, etc.

Third, the ultimate authority in an organization is vested in the majority. A primary purpose of procedure is to determine the will of the majority and to carry it out. Once a question has been voted upon, the decision becomes that of the organization. Each member should accept and abide by the result.

Fourth, the minority is entitled to the same consideration and respect as members who are in the majority. The protection of the rights of all, both majority and minority, should be the concern of each member.

Fifth, each member is entitled to full and free discussion. Each has the right to express his or her opinion fully and freely without interruption and interference within the framework of the rules.

Sixth, each member is entitled to know the meaning and effect of each question presented. The presiding officer should keep the pending motion clearly before the assembly at all times. Upon request, the presiding officer should explain any procedural motion and its effect so that every member may understand the proceedings.

Last, but equally important, is the principle that all meetings must be characterized by fairness and good faith. Trickery, dilatory tactics, dealing in personalities and railroading are, or should be, taboo. Fraud, unfairness or absence of good faith may be grounds for a court to invalidate any action taken.

Classes of Motions

A motion is the formal statement of a proposal or question to an assembly for consideration and action. Motions are classified into four groups – main motions, subsidiary motions, privileged motions and incidental motions.

A **main motion** is the foundation of the conduct of business. There are three main motions that have specific names and are governed by somewhat different rules. To distinguish them from the main motion, they are referred to as “specific main motions” and are motions to reconsider, to rescind, and to resume consideration (take from the table).

Subsidiary motions are alternative aids for changing, considering or disposing of the main motion and are therefore subsidiary to it. The most frequently used subsidiary motions are to postpone temporarily (lay on the table), to vote immediately (previous question), to limit debate, to postpone definitely, to refer to a committee, to amend and to postpone indefinitely.

Privileged motions have no connection with the main motion before the assembly. They are emergency motions and of such urgency that they are entitled to immediate consideration and are acted upon ahead of other motions. Privileged motions are adjournment, recess and question of privilege.

Incidental motions are merely incidental to the business of the assembly and usually relate to the conduct of the meeting and not to the main motion. They are offered at any time when needed. The most frequently used of this class of motion are: appeal, suspend the rules, point of order, parliamentary inquiry and division of the question.

Classification of motions is usually based on the relation of that motion to the main motion. The main motion is the foundation that determines the classification of other motions. The presiding officer must be alert to the effect and purpose of a motion so as to properly classify it and rule accordingly.

Presentation of Motions

The presentation of a motion is made by addressing the chair, gaining recognition, proposing the motion and having it seconded, followed by the presiding officer stating the motion to the assembly. When the chair recognizes the speaker, he or she is said to “have the floor” and other members should permit him or her to present the motion or to speak. The motion is stated “I move that...” and is the only correct way. It gives notice to the chairperson or presiding officer and to the membership that the speaker is submitting a proposal for decision. Do not use such terms as “I move you,” “I so move,” “I propose,” or “I suggest.” Lengthy motions should be written and a copy handed to the clerk or secretary and the presiding officer.

Once the motion is made, most rules require a second. This is done by saying “I second the motion” or simply “Second

the motion.” No recognition is required to second except that the minutes should show who made the motion. If no one seconds, the chair announces, “The motion is lost (or fails) for want of a second.” The presiding officer has the duty to state all properly-presented motions to the body and must do so correctly and clearly.

Usage has established proper phraseology for stated motions. This language should be learned and utilized. Subsidiary motions are generally stated as follows:

- Limit Debate: “I move that debate on the proposed assessment be limited to one hour.”
- Postpone Definitely: “I move that all reports of special committees be postponed until the next regular meeting.”
- Refer to Committee: “I move that we create a subcommittee to consider the motion and report at the next meeting.”
- Amend: “I move that the motion be amended by adding the words ... “

Privileged motions are simply stated: “I move we adjourn,” or “I move we adjourn promptly at 9:00 o’clock,” or “I move that we recess for five minutes,” or “I move we recess until 8:00 o’clock.”

On questions of privilege, the motion may be stated: “I move that the city engineer be asked to report his findings on the seashore drainage project.”

Incidental motions may also be stated simply. “I move that we suspend the rules prohibiting speeches by guests during business meetings so that when we meet in the afternoon session the president of the chamber of commerce may speak on the plans for Clean-up Week.”

Basic Rules of Motions

Rules governing motions are definite and logical. If a member understands the purpose of a motion, he or she can usually reason out the rules governing it. The following questions should be asked about each motion: What is its precedence? Can the motion interrupt the speaker? Is a second required? Is it a debatable motion? Can it be amended? What are the requirements of votes for this particular motion? To what other (usually previous and pending) motion does this motion apply? What other motions (which could be proposed) can be applied to the motion?

Precedence

To avoid confusion each motion is assigned a definite rank. Each assembly may, and many do, establish a permanent and definite series of rules of precedence or rank to all types of motions. The customary ranks are as follows: (1) adjourn, (2) recess, (3) question of privilege, (4) postpone temporarily, (5) vote immediately, (6) limit debate, (7) postpone definitely, (8) refer to committee, (9) amend, (10) postpone indefinitely, (11) main motions. The first three, in the list above are privileged; numbers 4 to 10 are subsidiary; and number 11 deals with the main motion. In the latter case, there are a group of motions, known as specific main motions, which include reconsider, rescind and resume consideration.

There are two basic rules of precedence. First, when a particular motion is being considered, any motion of higher precedence may be proposed but no motion of lower precedence may be proposed. For example, when a main motion is pending, a member may move to refer to committee and another may move to recess.

Second, motions are considered and voted upon in reverse order to their proposal. The motion last proposed is considered and disposed of first. For example, if motions are proposed as cited above, they are considered in reverse order, i.e. to recess, to refer to committee and then main motion.

Interruption of Speaker

Two types of motions, because of their urgency, permit the speaker to be interrupted. The first type is those motions that must be proposed and decided within a specific time limit – reconsider, object to consideration, appeal and division of the assembly. Reconsider must be made during the same meeting at which the vote to be reconsidered was taken. (Special rules of a continuing assembly may slightly alter this procedure, usually to permit reconsideration of a measure to be made at the next subsequent meeting as well. Entities should check their local rules to determine when a motion to reconsider is appropriate.) An objection to consideration must be made before progressing to consider the main motion and before any other motion has been applied to it. An appeal and a call for division of the assembly must be made before other business intervenes.

The second type of interruption relates to immediate rights and privileges of a member of the body – question (or point) of privilege, point of order, and parliamentary inquiry. To justify interrupting a speaker, a parliamentary inquiry must relate to the speaker, his speech, or some other matter that cannot be delayed until the completion of the speech. A point of privilege, to justify interruption, must involve the immediate comfort, convenience or rights of the assembly. Points of order must relate to mistakes, errors or a failure to comply with the rules. If it relates to the speaker or his speech, points of order must

relate to some error that cannot wait until completion of the speech for its determination.

Seconds

All motions require seconds except in meetings of committees, boards or governmental bodies. For a motion to be worthy of consideration by an assembly, at least two members must be in support. Requests to the presiding officer do not require seconds. For example, point of order, inquiry and withdrawal of a motion or question of privilege do not require seconds. Seconds of motions may be required by local agreement or customs notwithstanding the general rule.

Debates

Some motions are open to full debate, others to restricted debate and some are undebatable. Main motions and procedures relating thereto (such as amendments, reconsideration, postponement, appeals) are fully debatable. These motions require the consideration and decision of the organization and, therefore, are entitled to a full discussion and explanation by the membership.

Three motions are open to restricted debates – recess, postpone definitely and refer to a committee. Such debates must deal with specific points, i.e., on motion to recess, a discussion of the desirability and duration of the recess; on motion of postponement as to the advisability and the time of postponement; and on motion to refer to committee as to the advisability, selection, duty and instructions to the committee.

All other motions are undebatable. For example, motion to adjourn, postpone temporarily, vote immediately, and certain incidental motions, such as suspension of rules and requests to the chair, are not debatable. These motions deal with simple procedural issues.

The presiding officer must enforce the rules on debate since to deny or curtail debate on debatable motions tends to deprive members of their rights and could well result in unsound decisions. Permission to debate undebatable issues is likewise unfair and discriminatory and could unnecessarily bog down a meeting.

Amendments

Often a motion nearly approaches the consensus of thinking of an assembly but lacks the “finishing touch” to make it entirely acceptable to a majority of the members. An amendment may add just what is required to enable the members to vote approval of the idea or proposal.

A simple test determines whether a motion can be amended. If the motion can be stated in different words, it can be amended. The motion “I move we recess for 10 minutes” could as well be stated “I move we recess for 15 minutes.” Clearly, the latter is a valid amendment and may actually express the will of the majority, whereas 10 minutes might be considered a sheer waste of time. The motion to postpone indefinitely, for example, can be stated in only one way and, therefore, cannot be amended.

Some motions can be amended freely, some can be amended with restrictions and some cannot be amended, as noted above. Main motions and amendments can be amended freely. The motions to recess, limit debate or postpone definitely can only be amended as to time. A motion to refer to committee can only be amended as to details referable to the committee, i.e., selection, duties, instructions, etc.

Votes

Generally, all motions require a majority vote to pass. However, there are four motions which modify the rights of members to propose, discuss and decide proposals and, therefore, require a two-thirds vote. These four motions are to vote immediately, to limit debate, to suspend rules, and to object to consideration. All of these motions curb the basic right of free debate and full discussion and, therefore, require more than a simple majority.

Municipal governing bodies operate under statutory requirements in passing certain types of legislation, such as the passage of general and permanent ordinances and resolutions. Such statutes must be followed to validate the action taken.

Applications

When a motion is being considered, it is important to know if other motions can be applied to it.

1. Every motion can have the motion to “withdraw” applied to it. Such a motion is often used to save the embarrassment of defeat or to “save face.” The speaker can be interrupted to propose it, no second is required, and it is not amendable or debatable.
2. All debatable motions can have the motions to “vote immediately” and “limit debate” applied to them. These motions require a second but are not debatable, although “limit debate” is subject to restrictive amendments.

3. All motions that can be worded or stated in more than one way can have the motion “to amend” applied to them.
4. The main motion can have all the subsidiary and specific main motions applied to it, as well as “object to consideration.” Specific main motions can have no other motions applied to them except that motions to “reconsider” and “rescind” may have “vote immediately” and “limit debate” applied to them.
5. Privileged motions and incidental motions can have no other motion applied to them, except that “recess” may be amended and an “appeal” may have “vote immediately” and “limit debate” applied to it.

To “renew a motion” means to propose again the same or substantially the same motion that has been voted on and lost. When a main motion has been voted on and lost, the same or substantially the same motion, though worded somewhat differently, cannot be renewed at the same meeting. It can, however, be reconsidered at the same meeting or proposed as a new main motion at a later meeting. All other motions may be renewed whenever, in the judgment of the presiding officer, the members might reasonably be expected to act or vote differently on the subject matter or issue.

The problem is for the presiding officer to make a reasonable judgment. The presiding officer is aided in arriving at this decision by action taken on intervening business, progress in debate or change in the parliamentary situation. It would be futile to permit renewal unless there is reason to believe that a different outcome will result on the second consideration. In any event, the decision of the presiding officer can be appealed, thus giving members an opportunity to express themselves a second time.

Changing Main Motions Already Voted Upon

Usually, when an assembly decides a main motion by taking a vote on it, the decision is final. An assembly, like an individual, may change its mind and, therefore, motions have been developed to permit the change. Such motions are reconsider, rescind and amend by a new main motion.

The motion to reconsider the vote on a main motion that either carried or lost can be proposed during the same meeting at which the main motion was voted on (again, local rules may alter this procedure as explained above under the heading “Interruption of Speaker.”). Action to renew a main motion that was “lost” cannot be taken at the same meeting but may be taken at a later meeting. The motion to rescind and amend by a new main motion and the motion to repeal apply to motions that have been carried.

Before new motions are proposed, the minutes should be checked to ascertain if the new motion conflicts with previous action of the assembly since the effect of the new motion may conflict with prior actions and positions.

Conclusion

The League recommends that every member of an assembly, regardless of its function or purpose, study and master rules of parliamentary procedure. The assembly will operate more smoothly and each member will be aware of personal rights as well as the rights of other members. The rights and privileges of all members will be better protected and promoted if this is done. The rules are based on logic which everyone can learn and apply with a little bit of homework. The effort put on homework will be most rewarding to the individual as well as to his or her associates.

Municipal officials should likewise be aware of statutory requirements so their actions will be valid. Certain actions taken by municipal governing bodies are legal only upon compliance with such statutory provisions.

Chart

In addition to deciding the order in which motions can be considered, it is also important to know when motions can be made, whether a second is required, whether the motion is debatable, who determines the result of the motion (chair or membership and the vote required), and whether the motion can be reconsidered.

The following chart lists some of the more common motions and can help members determine which actions can be applied to various motions. Motions at the top of the chart generally must be dispensed with before motions lower on the chart can be considered.

In addition to the council, committees and other entities should determine the rules that they will followed in their meetings and, if necessary, any amendments to the rules that they wish to adopt. Armed with this knowledge, a member of any board can protect his or her rights to participate in the debate and know how and when to communicate their desires. Presiding officers can determine the will of the membership while protecting the rights of the minority.

This chart is based on *Robert’s* and should be considered only as a general guideline. If the entity in question follows a different parliamentary procedure manual, the rules may be different. Additionally, local and state laws or ordinances may modify these rules.

Robert's Rules of Order Motions Chart

Based on *Robert's Rules of Order Newly Revised (11th Edition)*

Part 1, Main Motions. These motions are listed in order of precedence. A motion can be introduced if it is higher on the chart than the pending motion. § indicates the section from Robert's Rules.

§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§21	Close meeting	I move to adjourn	No	Yes	No	No	Majority
§20	Take break	I move to recess for ...	No	Yes	No	Yes	Majority
§19	Register complaint	I rise to a question of privilege	Yes	No	No	No	None
§18	Make follow agenda	I call for the orders of the day	Yes	No	No	No	None
§17	Lay aside temporarily	I move to lay the question on the table	No	Yes	No	No	Majority
§16	Close debate	I move the previous question	No	Yes	No	No	2/3
§15	Limit or extend debate	I move that debate be limited to ...	No	Yes	No	Yes	2/3
§14	Postpone to a certain time	I move to postpone the motion to ...	No	Yes	Yes	Yes	Majority
§13	Refer to committee	I move to refer the motion to ...	No	Yes	Yes	Yes	Majority
§12	Modify wording of motion	I move to amend the motion by ...	No	Yes	Yes	Yes	Majority
§11	Kill main motion	I move that the motion be postponed indefinitely	No	Yes	Yes	No	Majority
§10	Bring business before assembly (a main motion)	I move that [or "to"] ...	No	Yes	Yes	Yes	Majority

Part 2, Incidental Motions. No order of precedence.
These motions arise incidentally and are decided immediately.

§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§23	Enforce rules	Point of Order	Yes	No	No	No	None
§24	Submit matter to assembly	I appeal from the decision of the chair	Yes	Yes	Varies	No	Majority
§25	Suspend rules	I move to suspend the rules	No	Yes	No	No	2/3
§26	Avoid main motion altogether	I object to the consideration of the question	Yes	No	No	No	2/3
§27	Divide motion	I move to divide the question	No	Yes	No	Yes	Majority
§29	Demand a rising vote	I move for a rising vote	Yes	No	No	No	None
§33	Parliamentary law question	Parliamentary inquiry	Yes	No	No	No	None
§33	Request for information	Point of information	Yes	No	No	No	None

Part 3, Motions That Bring a Question Again Before the Assembly.
No order of precedence. Introduce only when nothing else is pending.

§	PURPOSE:	YOU SAY:	INTERRUPT?	2ND?	DEBATE?	AMEND?	VOTE?
§34	Take matter from table	I move to take from the table ...	No	Yes	No	No	Majority
§35	Cancel previous action	I move to rescind ...	No	Yes	Yes	Yes	2/3 or Majority with notice
§37	Reconsider motion	I move to reconsider ...	No	Yes	Varies	No	Majority

Revised 2020