



Chapter 10

Parliamentary Procedure



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Mr. Ron Chapman, an experienced speaker, trainer and facilitator, will answer questions on parliamentary procedure. For the past 28 years Mr. Chapman has facilitated the ACC's AGM policy session.

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Parliamentary Procedure

What Is Parliamentary Procedure?

In general, it consists of rules that are designed to facilitate the transaction of business in a meeting or assembly. Although many people believe that the use of parliamentary procedure provides unnecessary complications in a meeting, it is the simplest and most direct procedure for accomplishing a purpose.

Democracy "is based absolutely upon the principle of majority rule. But majority rule requires that the minority abide by the will of the majority. And the willingness of the minority to abide by the will of the majority is, in turn, based upon the willingness of the majority **to permit the minority to "have their say"** before final action is taken." **

"The chief purpose of parliamentary procedure is to protect the rights of the minority. The majority can usually take care of itself. In a government controlled by public opinion, which we call a democracy, accepted rules of parliamentary procedure are not only of the highest importance for legislatures, they are **the foundation of freedom in every meeting, large or small, throughout the nation.**" **

Under parliamentary rules, the vote of the majority decides; all members have equal rights, privileges, and obligations; and the minority has rights that must be protected. Full and free discussion of every proposition presented for decision is an established right, and every member has the right to know, at all times, what question is before the assembly and what its effect will be.

** Excerpts from *Parliamentary Procedure at a Glance* - O. Garfield Jones
(the best quick reference guide that you will ever purchase)

Responsibilities of the Chair

Success or failure in the use of parliamentary procedure is dependent, in a large measure, upon the chair. A person's success as chair depends upon their ability to remain impartial; and to keep business moving steadily ahead. The chair must be impartial, and know parliamentary law and how to apply it. In general, the duties of the chair are as follows:

1. Calls the meeting to order at the appointed time;
2. Announces the business that should come before the assembly in its proper order;
3. Assigns the floor to members who desire to speak. Once the chair has recognized the right of a member to the floor, it is the duty of the chair to protect the speaker from disturbance or interference. On the other hand, the chair must never hesitate,

when the interest of the Chamber or its members requires, to permit a speaker to be interrupted;

4. States all motions that have been correctly proposed and seconded and restates in the best possible form and without changing the meaning and any motion the proposer has failed to state correctly or clearly. Any restatement or change must be acceptable, however, to the proposer;
5. Explains what the effect of a motion would be if it is not clear to every member. The chair makes certain that members understand exactly what business is pending;
6. Restricts all discussion to the question before the assembly;
7. Answers all parliamentary inquiries and decides points of order and questions of privilege as soon as they arise, but never discusses a motion from the chair, except to clarify or to show the question, then the chair should turn over the gavel (*i.e. let someone else assume the chair*) while he/she speaks to the motion;
8. When discussion on a question has ceased or has been closed by a motion to that effect, the chair restates the exact question upon which the assembly is to vote and puts the question to a vote;
9. Votes in case of a tie when authorized by the constitution or bylaws (however it is recommended in the case of a tie the chair **always** vote in the negative);
10. States definitely and clearly the result of the vote;
11. Protects the assembly from annoyance by refusing to recognize motions that are frivolous in character or that are made solely for the purpose of blocking business or of consuming time;
12. Signs all acts or orders necessary to carry out the will of the assembly; and,
13. Acts as the representative of the Chamber to outside persons or to other organized bodies whenever necessary.

How Does a Member Bring Business Before a Meeting?

This is done by presenting a **motion** (*a formal statement of a proposal*) for consideration, discussion, and action by the meeting. The member rises and addresses the chair, is recognized by the chair, and then proposes the motion.

Another member without rising or waiting for recognition says, "*I second the motion*". The chair then states the motion to the assembly.

If a motion is not seconded promptly, it may be that it is not clear to the members. In this case, the chair should state the motion again and ask if there is a **second**. If, after waiting a moment, there is no response, the chair may declare, "*The motion is lost for want of a second*", and proceeds to other business. The mover of a motion is recorded in the minutes but the seconded is not.

Until the chair has stated a motion, it is the property of the proposer, and may be **withdrawn** if the proposer so desires. However, after a motion has been formally stated to the assembly, it belongs to the assembly and is no longer under the control of its proposer.

After a motion has been stated to the assembly, the proposer may request that the motion be withdrawn. The chair states that the request has been made, and asks if there is any objection to the withdrawal of the motion. If there is no objection, the chair states that the motion is withdrawn. If any member does object to the withdrawal of the motion, the chair may put the question to a vote, and if the majority is in favour of withdrawing the motion, the chair states that the motion is withdrawn. Thus, once the motion has been submitted to the assembly, it becomes the property of the assembly and a proposer may withdraw it only if objection is raised or if he/she is given permission by a majority vote.

After a motion has been proposed by a member, seconded by another member, and stated by the chair, **debate** on the motion is in order. In general, the first person that rises and asks for recognition is entitled to speak. If several members seek the recognition of the chair at the same time, the chair will give preference to the proposer of the motion, and he/she would be allowed the first opportunity to explain the motion. A member who has not spoken to the motion is given preference over one who has already spoken. Similarly, a member who seldom speaks is given priority over one who speaks frequently. To balance discussion the chair, when possible, alternates between proponents and opponents of a motion.

Amendments

During the course of the discussion on a motion, any member may propose an **amendment** to the motion by moving that certain words be substituted for part or all of the original motion. After the amendment has been seconded by another member and stated by the chair, it is open for discussion. However, discussion must be restricted to the amendment and the discussion of the main motion is not in order while there is an amendment on the floor.

While the amendment to the main motion is on the floor, any member is at liberty to propose an amendment to an amendment. Thus, there are two classes or ranks of amendments. An amendment applied to the **first rank**, and amendments to the proposed amendment are amendments of the **second rank**. When one amendment to a motion is under consideration, another amendment of the same rank is not in order. However, when an amendment is adopted or defeated, another amendment of the same rank is in order.

To eliminate confusion, amendments are limited to two ranks, and an amendment to the amendment to the amendment is not permitted.

As soon as the amendment of the second rank has been adopted, it is incorporated as part of the amendment of the first rank to which it applies, and discussion is then limited to the first rank amendment as amended. When the amendment of the first rank is adopted, it is incorporated as a part of the main motion as amended.

As an example of how a motion might be proposed and then amended, a member might stand, obtain the recognition of the chair, and then say, *"I move that the Annual General Meeting of the Chamber be held in April"*.

After the chair has stated the motion, another member might rise and say, *"I move to amend the motion by striking out the word "in" and inserting in its place the words "during the last week of"*.

After the chair has stated this amendment of the first rank, another member might obtain the recognition of the chair and then say, *"I move to amend the amendment by striking out the word "during" and inserting in its place the words "on the Tuesday of"*.

Is the second amendment in order? Is it an amendment to the amendment or is it actually an amendment to the main motion? It can be tested easily by determining if it could apply to the main motion if the amendment of the first rank did not exist. When this test is applied, it can be seen that the second amendment depends upon the first amendment for its existence and is, in fact, an amendment to the amendment.

If the amendment to the amendment is carried, the first amendment, as amended, becomes to insert the words *"on the Tuesday of the last week of"*. Discussion is now in order on the amendment as amended. If this is carried, the main motion, as amended becomes *"that the Annual General Meeting of the Chamber be held on the Tuesday of the last week of April"*.

It should be noted that an amendment to bylaws or constitution is considered to be a main motion and, as a result, is subject to amendments of both ranks. If a member is opposing an amendment to a motion, they may say that if the amendment is voted down and propose another amendment, which they may state or describe briefly.

Every amendment must be germane (*i.e. relevant to and having a direct bearing upon, the subject of the motion to which the amendment is being applied*). However, an amendment may be hostile. As long as the amendment is germane, it may be opposed to the actual intent of the original motion, or may even nullify the motion. Although an amendment may nullify the motion, it is not in order if it merely negates an affirmative motion. For example, if a motion has been made that *"The Chair's Ball be budgeted for a profit,"* an amendment to insert the word *"not"* before the word *"be"* would be out of order, whereas an amendment of substitute the words *"to break even"* for the words *"for a profit"* would be in order.

For most motions, the vote required to carry the motion is a simple majority. However, certain motions; e.g. amendments to the bylaws or constitution, a motion to suspend rules, limit debate, vote immediately, etc., require a two-thirds motion majority. In general, a two-thirds majority is required for any motion that tends to infringe upon the fundamental right of a member to introduce motions and to have them discussed fully. It should be noted that the vote required to carry an amendment to a motion is a simple majority, even though the main motion requires a two-thirds majority to be carried.

Call for Division

As soon as a vote has been taken, it is the duty of the chair to state the result of the vote. If a voice vote is taken (*"ayes" in favour, "nays" opposed*) it is the right of any member to demand a **division** of the assembly (*i.e. verification of the vote by a count*). Any member can demand such a count by rising to his feet as soon as the chair has announced the result of the vote and, without waiting for recognition from the chair saying *"I call for a division"*.

In such cases, the chair calls for a vote by a show of hands or a standing vote, has the vote counted, and announces the count — for the motion and against the motion. Although any member has a right to insist upon the verification of a voice vote, he cannot use this privilege to obstruct business by calling for a division when the voice vote has left absolutely no doubt that the result of the vote was as stated by the chair.

If a motion consists of two or more independent parts, any member may request a division of the question so that the component part may be considered separately. Under normal circumstances, the chair decides whether or not a division of the question is in order. If there is objection to a division, any member can make a formal motion, and the matter can be decided by a vote of the majority. When the question, i.e. motion, is divided, the chair then states the first part of the motion, and this part is discussed and voted upon. The chair then states the next part of the motion. It is not necessary to have a member move the individual parts of the motion.

Appeal the Decision of the Chair

If at any time a member feels that the chair has made a mistake or has been unfair in a decision, the member may *"**appeal the decision of the chair**"* and have the assembly decide by vote whether the chair's decision would be upheld or over-ruled. An **appeal** is debatable and the member may state the reason for the appeal; other members may debate the point; and the chair, without leaving his/her chair, may state the reasons for their decision. If a member's reasons for the appeal indicate to the chair that the chair was incorrect in its ruling, the chair may reverse his/her decision and the appeal is then automatically dropped. A majority or tie vote is required to uphold the decision of the chair on an appeal.

Rise to a Point of Order

If a mistake in procedure or a violation of the rule has occurred, any member may *"**rise to a point of order**"*. As soon as the member has stated the point of order, the chair must rule on it, stating the reasons for his/her decision if he/she so desires. If the member disagrees with the chair's ruling, they can always appeal the decision of the chair.

Rules of Precedence (Motions)

These are definite rules of precedence regarding the proposal, consideration, and disposition of motions. The standard order of precedence is:

PRIVILEGED MOTIONS

1. Adjourn
2. Recess
3. Question of Privilege

INCIDENTAL MOTIONS

Appeal, point of order, parliamentary inquiry, withdraw a motion, suspend rules, object to consideration, division of a question, and division of an assembly.

(Note: There is no order of preference among incidental motions, as each one is decided immediately.)

SUBSIDIARY MOTIONS

1. Postpone temporarily (lay on the table)
2. Vote immediately (previous question)
3. Limit debate
4. Postpone definitely
5. Refer to a committee
6. Amend
7. Postpone indefinitely

General business, reconsider, rescind, etc.

Basic Rules Regarding Precedence of Motions

1. When a motion is pending, only motions of higher precedence may be proposed.
2. The last motion proposed is considered and disposed of first.

It is the duty of the chair, with the aid of the secretary, to keep the assembly clearly informed regarding what motion is immediately pending (*i.e. being discussed or being voted upon*). To effectively chair a meeting, it is essential that the chair has a sound knowledge of parliamentary law and its applications.

“Common sense is the essence of parliamentary rules; fairplay is their guiding principle; reasonable discussion followed by prompt action is what they are devised to achieve.” **

** Excerpt from *Parliamentary Procedure at a Glance* - O. Garfield Jones

Guidelines for some Key Motions used At The Alberta Chambers of Commerce

☞ The numbers in the left column refer to the motion's rank or priority and correspond with those in *Parliamentary Procedure At A Glance*. ☞

☞ The motions shown in bold face indicate common motions; those in bold face *and* capital letters indicate most commonly used motions. ☞

No.	Motion	May apply to these motions	May interrupt a member on the floor	Mover must be recognized	Requires a Second	Debatable	Vote needed	Wording
1	ADJOURN	None	No	Yes	Yes	Not when privileged	Majority	<i>"I move that we adjourn (recess) the business meeting."</i>
5	Rise to a Point of Order	Any motion or act	Yes	No	No	No	None, unless appealed, then majority	<i>"Mr./Madam Chairman, I rise on a point of order."</i>
5a	Rise to a Parliamentary Inquiry	Any motion or act	Yes	No	No	No	None, unless appealed, then majority	<i>"Mr./Madam President, I rise to a parliamentary inquiry."</i>
5b	Rise for Information	Any motion or act	Yes	No	No	No	None, unless appealed, then majority	<i>"Mr./Madam Chair, I rise for information." [or "I rise to ask the speaker a question."]</i>
6	Appeal	Any decision by the chair	Yes	No	Yes	Usually No	Majority	<i>"Mr./Madam Chairman, I appeal from the decision of the chair."</i>
12	Lay on the Table (Take from the Table)	Main question, appeals, questions of privilege, reconsideration	No	Yes	Yes	No	Majority	<i>"I move that we table the motion." [You cannot table to a specific date.]</i>
13	Close Debate (Limit Debate)	Any debatable motion	No	Yes	Yes	No	2/3	<i>"I move that we close debate and vote immediately on the pending question(s)."</i>
14	Postpone to a Certain Day/Time	Main motion, questions of privilege, reconsider	No	Yes	Yes	Yes	Majority	<i>"I move that we postpone consideration of this motion until the next meeting."</i>
15	REFER (Recommit)	Main motion, questions of privilege	No	Yes	Yes	Yes	Majority	<i>"I move that we refer the motion to the (name) committee / board."</i>
16	AMEND	Main motion, limit debate, refer, postpone to certain day, fix time of next meeting	No	Yes	Yes	Yes	Majority	<i>"I move that we amend the main motion (primary amendment) by (adding / striking out / inserting) the words..."</i>
18	MAIN MOTION (Main Question)	No other motion	No	Yes	Yes	Yes	Majority	<i>"I move that . . ."</i>

Prepared by Ron Chapman, APR, DTM for the Alberta Chambers of Commerce. Original concept from "Parliamentary Procedure in Action" in the manual *Mr. Chairman*, Toastmasters International. Reference numbers are from the manual *Parliamentary Procedure At A Glance* by O. Garfield Jones. The rules on this sheet as well as the two source works quoted are based on *Robert's Rules of Order Newly Revised*. (RONR). The 10th edition is the most current.