

# PARLIAMENTARY LAW



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# **INTRODUCTION**

Parliamentary law is not intended to repress the work of an assembly. It is meant to provide orderly principles by which business may be expedited. Where there are no principles of law and where every individual is allowed to act in his or her own way, confusion prevails.

Perhaps the most important principle of parliamentary law is that of rights: the right of the majority to ultimately rule, the right of the minority to be heard, and the right of the individual to participate in the decision process.

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# PARLIAMENTARY LAW

## MOTIONS

When there is any business to be presented at a meeting, a person proposes it in the form of a motion . In order to do this he must arise and address the chair by the proper title, (Mr. President) and wait for recognition. The chairman then recognizes him by speaking his name. This procedure is called obtaining the floor. If more than one should arise at the same time, the chairman ought to recognize the one who addressed him first.

A motion should always be introduced with the words, “*I move that,*” or “*I move to,*” and should contain only one item of business, clearly stated; for example, “*I move that a committee be appointed to buy a banner and stand for our meeting room.*”

Before an assembly considers a motion it must be seconded to show that more than one person is interested in the proposition. This may be done by obtaining the floor and saying, “*I second the motion.*” If it is not seconded, a motion is lost.

The chairman then states the motion, quoting the words exactly, and conducts a discussion, allowing only one member the floor at a time. In discussing a motion a person must talk only to the question under discussion, addressing his remarks to the chairman. The motion is next put to a vote by saying “*aye*”, and those opposed by saying “*no*”. The chairman announces the results.

## KINDS OF MOTIONS

We have just seen how new business is introduced by a motion. Such motions are called main motions and may be introduced only when there is no other motion pending. A motion is said to be pending when it has been brought before an assembly and has not yet been voted upon.

There are other motions used, however, which have to do with business which has already been brought up, with the order and procedure of the meeting, or with the comfort and privilege of the assembly. These may be introduced while there is a motion before the assembly if they are made in the proper place. There are two kinds, called:

### SUBSIDIARY MOTIONS, and PRIVILEGED MOTIONS

*SUBSIDIARY MOTIONS* relate to other motions under consideration, for the purpose of changing them, disposing of them, or closing debate. They are:

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1. Motion to amend	M
2. Motion to amend the proposed amendment	M
3. Motion to refer the main motion to a committee	M
4. Motion to postpone definitely	M
5. Motion to limit debate	Two thirds
6. Motion for the previous question	Two thirds
7. Motion to lay on the table	M
8. Motion to allow the withdrawal of a motion	M
9. Raising a point of order	Chairman
10. Motion to provide for the manner of voting	M

**PRIVILEGED MAIN MOTIONS** do not refer to the motion under consideration but introduce some question which ought to be settled immediately. They are:

1. Raising a question of privilege
2. Motion on question of privilege
3. Motion to adjourn
4. Motion to fix the time and place to which to adjourn

#### AMENDMENTS

Sometimes a motion is made which contains a proposal that is not quite complete or which someone would like to have changed. When this condition arises another motion may be made to change a part or all of the motion already made. This second motion is called an **amendment**. It must be made when the chairman asks for discussion on the first motion. There are three proper ways to amend a motion. They are:

To amend substituting a word, phrase, clause or an entire proposition. So the motion, ***“I move that a committee be appointed to buy a banner and a stand for our meeting room,”*** may be amended to any of the following ways:

- a. “I move to amend by inserting ‘of three’ after ‘Committee’,
- b. “I move to amend by striking out ‘and stand’, or
- c. “I move to amend by substituting ‘flag’ for ‘banner’ or “I move to amend by substituting the proposition ‘that a committee be appointed to spend \$25.00 for our meeting room’. (Notice how the wording of the amendment fits into the original motion).

An amendment must be seconded in order to be voted upon. It may be discussed. If any of the above amendments are carried, the chairman says, ***“The motion to amend is carried, and the question is now on the motion.***

1. “That a committee of three be appointed to buy a banner and stand for our meeting room,” or
2. “That a committee be appointed to buy a banner for our meeting room” or
3. “That a committee be appointed to spend \$25.00 for our meeting room, or “That a

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committee be appointed to buy a flag for our meeting room.” (Notice how the chairman states the amended motion.)

The original motion as amended is then before the assembly for further discussion. At this point more amendments may be made and disposed of before the final vote is taken. If the vote on an amendment is lost, the motion without the proposed changes is again open for discussion. Other amendments may still be offered before the final vote is taken.

While an amendment is being discussed another amendment cannot be made before the first one is disposed of unless it is one to change the amendment under discussion. A second amendment must be a motion to amend the first amendment only. Amending motions must stop somewhere, so the limit has been set at two amendments to the original motion pending at one time. Notice how this works out in the following:

(Original motion) - ***“I move that ‘the club buy a piano.’”***

(Amendment) - ***“I move to amend by inserting ‘upright’ before ‘piano’.***

(Amendment to amendment) - ***“I move to amend by substituting ‘grand’ for ‘upright’.***

In the above illustration, after the two amendments had been made, it would be out of order:

1. To propose another amendment to insert ***‘small’*** before ***‘grand’***. (not more than two amendments relating to the original motion may be pending at one time.)
2. To propose an amendment to substitute ***‘used’*** for ***‘upright’*** in the first amendment. (The second amendment must be disposed of before this one may be made.)
3. To propose an amendment ***‘rug’*** for ***‘piano’*** in the original motion. (The two amendments must be disposed of before this amendment may be made.)

The order of voting on a motion with its amendments is to vote on the second amendment, then the first amendment, which may or may not have been changed. and finally on the original motion with the amendments which may have been adopted,

The number 1, 2, 3, show the order in which the motions are voted upon:

3. Main Motion
2. Ist Amendment
1. 2nd Amendment

Sometimes a chairman thinks it is not necessary to take a vote on the original motion if the amendments have carried. This should always be done, however, because there may be still some who wish to vote against the entire proposition.

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## OTHER SUBSIDIARY MOTIONS

After the motion to amend and the motion to amend the amendment, you will recall that there are eight other subsidiary motions:

1. Motion to refer the main motion to a committee
2. Motion to postpone definitely
3. Motion to limit debate
4. Motion for previous question
5. Motion to lay on the table
6. Motion to allow the withdrawal of a motion
7. Raising a point of order
8. Motion to provide for the manner of voting

These motions all relate to some business already before the assembly. There may be a good reason why more time should be given for consideration of this business so that changes may be recommended; or it may be that further discussion is a waste of time, and it would be better to take the vote immediately; or it may be necessary to consider more urgent business; or it may be necessary to decide how to take the vote on a motion.

### MOTION TO COMMIT

A motion to commit or refer to a committee is made in order to delay a vote until a more favorable time or to give a committee an opportunity to obtain information or to make recommendation. **Example:** Suppose a club is discussing a motion to buy a curtain for a stage. It is quite evident that such a question should not be decided without obtaining information about costs, material, etc. In order to delay a vote until this information can be secured, a motion to commit or refer this motion to a committee or, better still, ***“I move to refer this motion to a committee of three, appointed by the chair.”***

A motion to commit may be made after a main motion or after a motion to amend. It may not be made if any one of the other subsidiary motions in the list has been made and has not been voted upon.

An affirmative vote on a motion to refer to a committee disposes of the main motion and its amendments temporarily. The final vote is not taken until after the committee has given its report at the next or some future meeting. If the vote is lost on this motion, the question is still open for discussion. The motion is amendable and debatable.

### MOTION TO POSTPONE DEFINITELY

A motion to postpone definitely means to postpone the vote on a motion until some fixed time in the future. **Example:** Suppose a motion is made to contribute \$50.00 to the American Red Cross. There seems to be a difference of opinion about the amount to be contributed, and some are of the opinion it would be better to give more time for thought to the question and to take the vote at the next meeting. The motion to be made in this case is a motion to postpone definitely. The form is, ***“I move to postpone further consideration of***

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*this motion until the next regular meeting.* Such a motion if carried, disposes of the main motion and any amendments made at the time set in the motion to postpone definitely, in this case “*the next regular meeting,*” the question comes up again under Unfinished Business. If the vote on the motion to postpone definitely is lost, the question is still open for discussion.

This motion is amendable and debatable.

### MOTION TO LIMIT DEBATE

A motion to limit debate limits the number of times a member may speak on the same motion, the length of time he may speak, the amount of time to be used in discussion by the whole assembly, or the time at which the discussion must be closed.

Ordinarily, a member, when he has obtained the floor, may speak as long and as often as he pleases, but there is not always time for such unlimited debate; and this may be controlled by such a motion as, “*I move to limit the time of each speaker on this question to two minutes.*”

This motion is in order whenever a debatable motion is pending. It is not debatable, but is amendable and requires two-thirds vote

### MOTION FOR PREVIOUS QUESTION

Sometimes it seems better to stop the discussion altogether on a motion; to do this, a member moves the previous question. The name of this motion does not give the true idea of its meaning. It simply means that the maker of the motion wishes to stop all debate and bring the question to a vote immediately. The form of this motion is, “*I move the previous question.*” If carried this does not dispose of the question. It merely means that discussion is closed, and the question must be voted upon at once. If the previous question is not carried the discussion continues.

Where there is a motion before the assembly with several motions pending, the motion for the previous question may be made on all or on just a part of the series of pending motions. If it is moved on part of a series, the previous question is said to be qualified. When it is desired to bring any one of the pending motions to vote, the previous question must be moved on all of the subsequent pending motions as well as the motion under consideration. The following illustrates the method of closing debate and voting on a part of a series of pending motions:

1. I move that the club buy six dictionaries
2. I move to amend by substituting three for six
3. I move to refer the question to a committee
4. I move to postpone consideration of the question for a week
5. I move the previous question on the motion to refer and to postpone

In order to close debate and vote on the motion to refer the question of buying six dictionaries to a committee, the previous question must include the motion to postpone further con-

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sideration of the question for one week.

If the vote on the previous question is in the affirmative, the motion to postpone consideration for one week (No. 4) must be voted upon first. If this motion (No. 4) is lost, then the motion to refer the question to a committee (No. 3) must be voted upon next. If the vote on this motion (No. 3) is lost, the previous question is said to be exhausted, and the main motion **“that the club buy six dictionaries”** with its amendment, to substitute **‘three’** for **‘six’** is then before the assembly for further discussion and disposal. In case the vote on the motion to postpone (No.4 should be in the affirmative, the question is temporarily disposed of and the motion to refer(No. 3) would not be put to a vote. Should the motion to postpone (No. 4) be lost and then the motion to refer (No. 3) be carried, the question would be disposed of by referring it to a committee.

If the vote on the previous question is lost, the discussion goes on as though it has not been made.

The previous question is in order whenever a debatable motion is under consideration. The previous question is not debatable nor amendable and, since it suppresses debate, requires a two-thirds vote.

### **MOTION TO LAY ON THE TABLE**

A motion to lay on the table is a way of setting aside consideration of a motion. Its object may be to stop action on a motion, to give time for more urgent business, or to consider motion under more favorable circumstances. The form is, **“I move to lay the motion on the table.”** If it carries all action stops. The question cannot be taken up again unless a motion to take it from the table is carried. This form is **“I move to take from the table the motion that our club have a banquet on Lincoln’s Birthday.”** This can be done at the same meeting after some intervening business, or at some future meeting when there is no other business before the assembly.

If the motion to lay on the table is not carried, the question is still open to discussion. These motions are neither debatable or amendable.

### **QUESTION OF ORDER**

A question of order is raised when some supposed mistake in parliamentary procedure is made by the presiding officer or by some member. The rules governing such mistakes, or disorder in an assembly are called points of order. For example, a motion may have been made for a club to procure a lecturer on some specific subject. The chairman, thinking that a majority voted in favor of the motion, announces that the motion is carried, without taking the negative vote. In order that everyone have an opportunity to express his opinion, this mistake in parliamentary procedure should be corrected. This may be done by a member raising a question of order. It must be raised when the mistake is made. The form is:

Member: Mr. Chairman, I rise to a point of order.

Chairman: Will the member please state his point of order.



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Member: My point of order is that the chair failed to call for the negative vote.  
Chairman: The point of order is well taken, and the chair stands corrected.

If the question of order has been raised in regard to a mistake by a member, he should take his seat immediately and wait for the decision of the chair. The chairman may ask for advice, if he chooses, or submit the point to a vote of the assembly. If the chairman decides that a mistake has not been made, he says, ***“The point of order is not well taken, and the member is not in order.”***

If any member is not satisfied with the decision, he may appeal from the decision of the chair to the higher authority, the assembly. The member says, ***“I appeal from the decision of the chair.”*** If the appeal is seconded, the chairman says, ***“Shall the decision of the chair be sustained?”*** This is debatable, when a debatable motion is pending, the presiding officer may state his reason without leaving the chair. If the vote is negative, the chairman says ***“The decision of the chair is reversed.”***

The question of order is never amendable and is debatable only after an appeal is taken.

### MOTION FOR MANNER OF VOTING

A motion to provide for the manner of voting may be made at any time before the vote is taken. The different methods of voting are:

1. Silent assent
2. Viva voce - by answering “Aye” or “No”
3. Division of the house - a show of hands or a standing vote
4. Roll call
5. Ballot

Sometimes a chairman expresses the wishes of the assembly without taking a formal vote by saying ***“It is ordered”*** or ***“The minutes stand approved as read.”*** ***“They are approved.”*** This is called voting by silent assent and is used frequently in disposing of the committee reports, minutes, and other routine business in order to save time.

If the decision of a viva voce vote is doubtful, any member may call for a division of the house. He should at once rise and say, ***“Mr. Chairman, I call for a division of the house.”*** The chairman then says, ***“A division of the house is called for. Those in favor of the action will rise.”*** After the votes have been counted, the chairman says, ***“You may be seated.”*** ***Those opposed to the motion will rise.*** The negative votes are counted. The chairman then announces that the motion is carried or lost, stating the exact number voting on each side.

When a body wishes to keep a record of how each member votes on a question, the members vote in response to a roll call. The chairman says, ***“Those in favor of the motion say, ‘Aye’ those opposed say ‘No’. The secretary will now call the roll”*** The record of the vote becomes a part of the minutes of the meeting.

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Voting by ballot means writing the vote on paper. The advantage of this method is secrecy. It is used in elections or upon occasions when for some reason the body votes to use this method. Tellers are appointed by the chairman to pass, collect, and count the ballots.

### PRIVILEGED MAIN MOTIONS

Sometimes circumstances arise in the assembly, however, they are not connected with the main motion but are so important that they ought to be settled immediately, in spite of the fact that they do not relate to the main motion. If such is the case, a motion may be offered to handle the emergency. This is called a privileged main motion because it has the privilege of interrupting the main business. Some privileged main motions that might be made in any organization are:

1. Raising a question of privilege.
2. Motion on a question of privilege.
3. Motion to adjourn
4. Motion to fix the time or place to which to adjourn.

The form is:

Member (without waiting to be recognized): *I rise to a question of privilege.*

Chairman: *State your question of privilege.*

Member: *I request that the doors be closed so we may hear the speaker.*

Chairman: *Your privilege is granted. Will the usher shut the door.*

Member: *As a question of privilege, I move that all those who are not members be requested to move to the non-voting section. This motion is seconded.*

Chairman: *As a question of privilege, it is moved and seconded that all those who are not members be requested to move to the non-voting section. Is there any discussion? (Vote follows as in any motion).*

If the chairman decides not to grant the request, he says, ***“The chair does not grant the privilege.”***

There is one time when the question of privilege may not interrupt the main business, and that is when a motion to adjourn or to fix a time and place to which to adjourn is pending. At any other time, it may even interrupt a speaker if it requires immediate attention. A motion on the question of privilege is debatable and may be amended.

When the business of a meeting is finished, or all the time allowed is used, a motion to adjourn is in order. The form is: ***“I move that the meeting be adjourned.”*** It is neither debatable or amendable, but must be voted upon at once. This motion is always in order except:

1. After it has just been defeated
2. When a member has the floor
3. When a vote is being taken
4. When a motion to fix the time or place of the next meeting is pending.

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If there is no future meeting provided for, this should be done sometime before the meeting closes. The way to do this is to make a motion to fix the time or place to which to adjourn. The form is: ***“I move that when we adjourn, that we adjourn to meet at (state time and place).”*** It is always amendable and debatable except when it is a privileged main motion.

These two motions concerning adjournment are usually made as ordinary motions, but they may be privileged main motions under unusual circumstances. For example, when a motion is under consideration, it might be necessary for a majority of the members to leave to catch a train. Then a member would be privileged to interrupt the main motion with a motion to adjourn.

### **RANK OF MOTIONS**

There is another essential thing to know about motions, and that is under what circumstances they may be used. As some motions are more important in their use than others, it has become customary to use them in a certain definite order. This order is called the rank of precedence of motions. The eight motions most frequently used after an ordinary main motion has been made are listed below, arranged according to their rank. Number 1 in the list is the lowest in rank and number 8 the highest.

1. To amend
2. To amend the amendment
3. To commit or refer
4. To postpone definitely.
5. The previous question
6. To lay on the table.
7. To adjourn
8. To fix time or place to which to adjourn

When any one of these motions has been made, only a motion of higher rank, that is, one coming after it in the list, is in order. For example, if number 6, ***“To lay on the table,”*** has been made, only number 7, ***“To adjourn,”*** and number 8, ***“To fix time or place to which to adjourn,”*** may be made. It would be out of order to make a motion of lower rank, that is, any of the first five motions on the list.

So that we may see more clearly just how this rank or precedence of motions work out, let us follow what might happen to a main motion in a well-conducted business meeting. Suppose that a motion is made ***“that the club spend \$150.00 to buy books and magazines for the library.”*** While this motion is being discussed, some member feeling that all the money should be spent for books, moves ***“to amend by striking out and magazines.”*** Under the discussion of this amendment, another member thinking that it is better to find out more definitely the needs of the library, moves that the question be referred to a committee.

On account of the noises from the street, those in the rear of the room are unable to hear the discussion. At this point someone rises to a question of privilege and asks that the windows be closed. The chairman grants the privilege and orders the windows closed. This privileged

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main motion is necessary for the comfort of the assembly and so he has a right to interrupt the business before the house.

The discussion on the motion *“to refer to a committee”* then continues. Another member, who is not in favor of buying anything for the library, moves to *“lay the motion on the table”*, hoping by this motion to kill the project. It is the opinion of another member that it is better to delay further discussion and vote on this question, and so he moves, *“to postpone further consideration of the question until the next regular meeting.”* The presiding officer at once rules this motion out of order because it is of lower rank than the motion *“to lay on the table.”* There are at this time four motions pending; the main motion, the amendment, the motion to refer to a committee, and the motion to lay on the table. Since no other motion of higher rank has been made, it is the business of the chairman to state these motions for consideration and to put them to vote. He begins with the one of the highest rank, the last one made, and works back to the main motion. Notice how this is done.

The motion *“to lay on the table,”* being undebatable, is put to vote immediately and lost. Had it carried, all the other motions would have been disposed of temporarily. After the chairman has given further opportunity for discussion, he puts the motion *“To refer the question to a committee”* to vote. This motion is lost. If it had not been, again the pending motions would have been disposed of temporarily.

Next the amend *“to strike out magazines”* is considered, put to vote and carried. Now the main motion, amended to read *“that the club spend \$150.00 to buy books for the library,”* is stated by the chairman. There is no further discussion, and no other motions are made by any of the members. So the chairman puts the main motion to vote and the order they should be voted upon, remember that:

To sum up the main points about the rank of motions and the order they should be voted upon, remember that:

1. Only a motion of higher rank than the one being considered may be made
2. The last motion made, being of highest rank, must be voted first

### **THINGS TO REMEMBER ABOUT MOTIONS**

Of all the motions that may be used in carrying on business, we have seen that eight of these are most frequently used after an ordinary main motion has been made. It is important to know four things about the use of these motions:

1. When they are in order
2. Which are and which are not amendable
3. Which are and which are not debatable
4. Which require a majority vote and which require a two-thirds vote

**These things are shown in the following table.**

## CHART OF MOTIONS

\* Means that headings of columns apply to motions

- Means that headings of columns do not apply to motions

The number of the motions (1, 2, 3, etc.) indicate their rank showing when they are in order

MOTIONS (RANK)	KINDS	S E C O N D E D	D E B A T A B L E	A M E N D A B L E	V O T E  M A J O R I T Y	V O T E  T W O  T H I R D S
MAIN (ORDINARY)	Main to introduce business	*	*	*	*	-
MAIN (PRIVILEGED)	1. Rising question of privilege 2. Motion on question of privilege 3. To adjourn 4. To fix time or place which to adjourn (1)	- * * *	- * - *	- * - *	- * * *	- - - -
SUBSIDIARY	1. To amend 2. To amend amendment 3. To refer 4. To postpone definitely 5. To limit debate 6. Previous question 7. To lay on the table 8. To withdraw motion 9. To raise point of order (2) 10. Manner of voting (3)	* * * * * * * - - *	* * * * - - - - - *	* - * * * - - - - - *	* * * * - - * * * * *	- - - - * * - - - - -

(1) Except when it is a privileged main motion

(2) Must be raised when an irregularity occurs

(3) Except for division of house

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## **THINGS TO BE REMEMBERED - FOR MEMBERS**

<i><b>BEST FORMS &amp; PRACTICES</b></i>	<i><b>DON'T SAY</b></i>
1. "I move that..." or "I move to..."	1. "I move you, Mr. Chairman," or "I make a motion"
2. " I second the motion."	2. "I support the motion."
3. Give opinion on the question after motion is stated by the chair.	3. "I move that...(and give reasons for motion)."
4. All debate should be confined to the motion under discussion.	4. Anything that does not relate to the motion under discussion.
5. Move the previous question to close debate and bring the question to vote.	5. "Question."
6. "I move to amend by inserting...etc."	6. "I move to amend the motion so as to read..."
7. "I move to lay the question on the table."	7. "I move to lay the amendment on the table."

### **COMMON COURTESIES**

1. Wait for a speaker to yield the floor before rising to ask for recognition.
2. Care should be taken not to interrupt a member who has the floor.
3. Discussion on a motion should be before the entire assembly and not whispered in small groups.
4. A chairman should avoid keeping an assembly waiting in order to complete preparations.
5. Officers on a platform and members should avoid conversation or moving about while a person is speaking or a program is in progress.
6. If it is necessary to move around while business is carried on, avoid passing between presiding officer and a member who has the floor.
7. Members should remain seated until the presiding officer announces the adjournment of the meeting.
8. All remarks made from the floor should be addressed to the presiding officer instead of to another member.

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## THINGS TO BE REMEMBERED - FOR PRESIDING OFFICER

<i>BEST FORMS &amp; PRACTICES</i>	<i>DON'T SAY</i>
1. "It is moved and seconded."	1. "It has been moved and seconded."
2. "Those in favor say 'Aye'; raise right hand; stand."	2. "Those in favor indicate; show by the usual sign."
3. "Those opposed say 'no'."	3. "Those opposed the same sign."
4. "The motion is carried (or lost)."	4. "It is a vote", or "the ayes (or noes) have it."
5. Take the negative vote even if the result is not in doubt, and then announce.	5. "All those in favor say, 'Aye!'"
6. "The chair appoints..."	6. "I appoint the following committee."
7. "The question is on the amendment to (insert; add; strike out; substitute) 'of three'."	7. "The question is on the amendment 'of three'."
8. The chairman should not express an opinion while presiding	8. "It is the opinion of the chair, etc."
9. "The motion is out of order."	9. "The gentlemam is out of order."
10. Take the vote on the motion to adjourn and announce the meeting is adjourned.	10. "The meeting is adjourned," before the motion is voted on.

### CONCLUSION

It has been proven in the English Parliament, the United States Senate, and the House of Representatives, and the various State Legislatures, that parliamentary procedure is a must. If some such procedure had not been developed those bodies would have a impossible task to carry out their duty to the various electors.

Parliamentary procedure is not too difficult to become accustomed to, and once a person commences to grasp it and understand it, it is actually very interesting and one soon realizes the necessity for such procedure. I hope this little outline will aid in making parliamentary law more interesting for each of you.

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Notes