The Majority Rules

But Help Them Find the Best Way (Yours)

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Hierarchy of Governance
- Federal Statutes
- State Laws:
  - ✓ Corp. Code – Name; Object
  - ✓ Brown Act – Open Meeting Laws
- City and Local Statutes
- Constitution: Members; Officers; Meetings
- Bylaws: A Society's Business Defined
- Rules of Order (Robert's): Everything else
- Standing Rules: Maintenance rules
- Customs: Scary part

Your goal is to convince the public
that you have exceeded the requirements of the Brown Act.

The Brown Act of 1953 Rules
- Rule #1 – Always do more than necessary
- Rule #2 – Take the Sweetheart Approach
  - ✓ The most you have already done is probably not enough.
- Rule #3 - Stop the hypothetical "What if I…"
- Rule #4 - When in doubt see Rule #1

The Brown Act of 1953 Requires
- What an agency is obligated to do
  - ✓ Post an agenda 72 hours before the meeting in a public and accessible location,
  - ✓ Briefly describe each item on the agenda,
  - ✓ Allow free and unqualified access to the public for any meeting of a majority of the members,
  - ✓ Allow public to record the meeting and address the board, standing committee, membership, etc.,
  - ✓ Vote openly even if by secret ballot,
  - ✓ Prohibit Serial Meetings, and
  - ✓ Conduct all Close Sessions in an open fashion.

The Brown Act of 1953 Covers
- What an agency MAY do
  - ✓ Hold Teleconference Meetings with a few restrictions,
  - ✓ Hold Special Meetings with some restrictions,
  - ✓ Hold Emergency Meetings with many restrictions,
  - ✓ Hold Closed Sessions under very strict conditions, and
  - ✓ Apply its Constitution, Bylaws, Standing Rules, and Robert's Rules of Order as long as these do not conflict with the Brown Act.

Sample Order of Business **

1. **Reading and Approving of the Minutes:**
   If there is no objection the minutes will be adopted as read/distributed/printed.

2. **Reports of Officers, Boards, and Standing Committees:**
   Recommendations from the report may result in motions from any member in attendance. Or a member may ignore the recommendation and move a completely different motion.
   Reports are heard in the order that the officers, boards, or standing committees are listed in the bylaws. But if these are not listed in the bylaws, the officer or committee has no power in your association.

3. **Reports of Special (Ad hoc) Committees:**
   Recommendations from the report may result in motions from any member in attendance.
   Reports are heard in the order that the special committees were created.

4. **Special Orders:**
   Issues are taken in the order they were moved (by a 2/3 vote). Those Special Orders not dealt with at the last meeting come first.
   Often the bylaws dictate that a certain task (such as elections, creation of committees, etc.) must be dealt with at a specific meeting. These bylaw tasks are typically dealt with as a Special Orders.

5. **Unfinished Business and General Orders:**
   Any issue that was left pending when the last meeting adjourned, or which was not reached before adjournment, constitutes Unfinished Business.
   Any motion that was postponed from the last meeting to the current meeting constitutes General Orders. The older motions come before the newer motions.

6. **New Business**:
   Any issue new to the current meeting.

** Exceptions: Opening Ceremonies come before the Order of Business. Program, Announcements, and Closing Ceremonies come after the Order of Business.

Suppose that the following situations occur during the October meeting of a society that meets monthly. Where on the November agenda would you place something related to each of these situations.

1. The Secretary neglected to bring the September minutes to the October meeting. Eventually, she brought the September minutes to the November meeting.

2. During the Vice President's report a member made a motion to buy the new textbooks. However, because some information was missing, the motion was postponed.

3. When a motion was being deliberated based on the Communications Officer's report, a representative from the admissions office arrived claiming she had important news, but needed to quickly return to her desk. The pending motion was laid on the table.

4. When a new motion was being considered, a member believed that the rules of debate had been violated. The member called out, "Point of Order".

5. A motion was being deliberated on and on. It was soon time to adjourn. The motion was never voted upon.

6. During the General Assembly Planning Committee's report, a motion was adopted to create a special committee of 3 to study the issue and report to the assembly at the next meeting.

7. During the deliberation of a new business item, it was adopted to postpone the motion to the next meeting. It received the requested 2/3 vote.

8. During the Treasurer's report, a motion was adopted to refer the pending motion to the Budget Committee.

Dos and Don'ts of Minute Taking

Make sure you ...

1. DO use the agenda as a guide;
2. DO record the kind of meeting, date, time, and location;
3. DO record the presiding officer's and the minute taker's complete name;
4. DO record the presence of a quorum if announced by the presiding officer;
5. **DO write the full name of the maker of every motion;**
6. **DO include the totals from the treasurer's report for previous balance, receipts, disbursements, and current balance;**
7. DO record the full names of officers and committee chairs who presented a report;
8. DO file complete signed reports of all written reports attached to the minutes as exhibits;
9. **DO enter motions and amendments in the exact wording as stated by the presiding officer and as finally adopted;**
10. **DO show the exact action taken on every motion (e.g., adopted, defeated, postponed, referred, laid on the table, etc.);**
11. **DO record all counted votes, for and against;**
12. **DO record all Notices, Points of Order, Appeals (including the reason for the chair's ruling and the outcome of the appeal);**
13. DO include the category of business;
14. DO list the names of members elected or appointed to special committees, the name of each committee, and its purpose;
15. DO include important announcements pertaining to the whole society.

Make sure to ...

1. **NOT forget to check past minutes for agenda items;**
2. **NOT include the names of the seconders;**
3. **NOT include every detail from a report;**
4. **NOT include any content of the debate unless ordered to do so;**
5. **NOT include any motion withdrawn before the presiding officer stated it;**
6. **NOT include personal opinions or descriptive phrases;**
7. NOT include words of praise or criticism from anyone;
8. NOT forget to include the time of adjournment;
9. NOT close with "Respectfully submitted,";
10. NOT forget to date and sign the minutes with your title, adding whether the minutes were later adopted with or without corrections.

Six Steps to Handling a Motion

A motion is a formal proposal by a member during a meeting that the assembly take certain action. The basic form of the motion is the Main Motion.

A Main Motion is brought before an assembly:
1. **Motion is moved:** While no motion is pending, a member rises and seeks recognition. Once she is recognized she has the exclusive right to be heard at that time. Member makes the motion, "I move that we allocate $300 to repair the computers."
2. **Motion is seconded:** Someone without needing to be recognized, seconds the motion. The seconder is not claiming to agree with motion. The seconder is stating that the motion should be discussed and voted by the organization.
3. **Motion is stated:** The chair states the question, "It is moved and seconded to allocate $300 to repair the computers." As the chair turns to the maker of the motion, she states, "Are you ready for the question?" The motion no longer belongs to the mover; it belongs to the assembly.

A Main Motion is considered by the assembly:
4. **Motion is debated:** All remarks by the members are made to the chair, never to or about another member. Debate can be closed only by a 2/3 vote by the assembly.
5. **Motion is put:** The chair says, "The motion is to allocate $300 to repair the computers.
    All in favor of the motion indicate by saying, 'Aye'.
    All opposed to the motion indicate by saying, "No'."
    The wording of the motion when the question is put is the way it goes into effect.
    A voice vote is the regular method when a majority vote is required for adoption.
    A rising vote is the normal method when a 2/3 vote is required for adoption.
    A 'show of hands' is intended for small assemblies or after an inconclusive voice vote.
6. **Vote is announced:** The chair makes the following 4 statements.
    - "The 'ayes' have it. Or, the 'Noes' have it."
    - "The motion is adopted. Or, the motion is lost."
    - The chair states the effect of the vote or orders its execution.
    - "The next item of business is …"

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Script A: Handling a Motion

We join the regular monthly meeting during the 'New Business' part of the agenda.

[Seven speaking roles – CH, A, B, C, D, E, Z]

CH: Our first New Business is the $1,000 CTA donation.

A: Madam Chair *[Rises and is recognized]*

I move to buy audio/visual equipment with the $1,000 CTA donation.

Z: Second

CH: It is moved and seconded to buy audio/visual equipment with the $1,000 CTA donation.

Are you ready for the question? *[Is there any debate? Are you ready to vote?]*

A: and B: *[Simultaneously]* Madam Chair. [*Both rise seeking recognition*]

A: *[Is recognized and gives 2 sentences in support of her motion and then sits down.]*

B: Madam Chair *[Rises and is recognized]*

I move to amend the main motion by inserting "for the Annual Meeting" before the word, "with".

Z: Second

CH: It is moved and seconded to insert "for the Annual Meeting" before the word, "with".

If amended the motion would read, "to buy audio/visual equipment for the Annual Meeting with the $1,000 CTA donation."

Are you ready for the question?

B: and C: *[Simultaneously]* Madam Chair. *[Both rise seeking recognition]*

B: [Is recognized and gives 2 sentences in support of her amendment and then sits down.]

C: Madam Chair *[Rises and is recognized]*

I move to postpone the motion indefinitely.

CH: The motion is not in order at this time. Is there any further discussion?

C: OK, then, I move to postpone the motion because we need more information, and ...

CH: *(Interrupting Ms. C)* You are discussing your motion before it is on the floor. We do not even have a second, yet.

Z: Second

CH: It is moved and seconded that the motion be postponed until the next meeting.
Are you ready for the question? *[Silence]*

CH: The question before you is to postpone the motion until the next meeting.
All in favor of the motion indicate by saying, 'Aye'. *[Silence]*
All opposed to the motion indicate by saying, 'No'. *[All say, 'No'.]*
The 'Noes' have it. The motion is lost.
The motion will not be postponed.
The question before you is the amendment to insert "for the Annual Meeting" before the word, "with".   Are you ready for the question?

D: Madam Chair *[Rises and is recognized]*
I move that we refer the motion to the Acquisitions Committee with instructions to report next month.

Z: Second

CH: It is moved and seconded that the motion be referred to the Acquisitions Committee with instructions to report next month.
Are you ready for the question? *[Silence]*

CH: All in favor of the motion indicate by saying, 'Aye'.
[Entire right side of the room says, 'Aye'.]
All opposed to the motion indicate by saying, 'No'.
[Entire left side of the room says, 'No'.]
The 'Ayes' have it. The motion is adopted.

Z: Division. Division.

CH: Division of the assembly has been called.
All in favor of the motion please rise. *[Entire right side of the room rises. No count is taken.]*
Thank you. Please be seated.

All opposed to the motion please rise. *[Entire left side of the room rises. No count is taken.]*
Thank you. Please be seated.
The 'Noes' have it. The motion is lost.
The motion will not be referred.

CH: The motion before you is the amendment to insert "for the Annual Meeting" before the word, "with". Are you ready for the question? *[Silence]*
All in favor of the motion indicate by saying, 'Aye'. *[Everyone says, 'Aye'.]*
All opposed to the motion indicate by saying, 'No'. *[Silence]*
The 'Ayes' have it. The amendment is adopted.
The motion now reads, "to buy audio/visual equipment for the Annual Meeting with the $1,000 CTA donation."

Are you ready for the question?
E: Madam Chair *[Rises and is recognized]*
I move the previous question.
Z: Second
CH: The previous question has been demanded.
As many as are in favor of closing debate and ordering the previous question, please rise.
[All rise] Thank you. Please be seated.
As many as are opposed to closing debate and ordering the previous question, please rise.
[No one rises] Thank you.
There are 2/3s in the affirmative. The motion is adopted.
The previous question is ordered.

CH: The motion before you is, "to buy audio/visual equipment for the Annual Meeting with the $1,000 CTA donation."
All in favor of the motion indicate by saying, 'Aye'. *[Everyone says, 'Aye'.]*
All opposed to the motion indicate by saying, 'No'. *[Silence]*
The 'Ayes' have it. The motion is adopted.
The treasurer is instructed to research the possibilities.
The next item on the agenda is …

Debate Protocol

- Only one person speaks at a time.

- A speaker must be recognized before speaking.

- All comments are made through the chair.

- Comments are confined to the current issue.

- Discussion should alternate between Pro and Con.

- No reading of lengthy papers.

- No cross conversations; no interruptions.

- No verbal attacks of other members.

- If proper decorum cannot be maintained – call a recess.

- The bylaws or the parliamentary authority specify the debate time limits.

- Decisions are null and void in the absence of a quorum.

- The vote required to adopt a motion should always be very clear – majority or 2/3.

- All decisions are binding on all members regardless of how a member voted.

- All rules must be respected and obeyed – who can move, debate, vote.

Problem motions
- Point of (Request for) Information
- Point of Personal Privilege
- Point of Order

Amendments

1° Amendment – Insert or Add

- <u>Original Main Motion</u>

  I move to create a president appointed committee to study the Clay Pigeon habitat.

- <u>Your intent</u>

  I want it to be a committee of three.

- <u>You need to move to amend</u>

  I move to amend by inserting "**of 3 members**" after the word "committee".

- <u>If the amendment is adopted the main motion will read</u>

  I move to create a president appointed committee **of 3 members** to study the Clay Pigeon habitat.

1° Amendment – Strike

- <u>Original Main Motion</u>

  I move to create a president appointed committee to study the Clay Pigeon habitat.

- <u>Your intent</u>

  I want the members to create the committee.

- <u>You need to move to amend</u>

  I move to amend by striking "**president appointed**" before the word "committee".

- <u>If the amendment is adopted the main motion will read</u>

  I move to create a committee to study the Clay Pigeon habitat.

1° Amendment – Strike and Insert

🔨 <u>Original Main Motion</u>

I move to create a president appointed committee to study the Clay Pigeon habitat.

🔨 <u>Your intent</u>

I want to study Lawn Flamingos not the Clay Pigeons.

🔨 <u>You need to move to amend</u>

I move to amend by striking "**Clay Pigeon**" before the word "habitat" and inserting "**Lawn Flamingo**".

🔨 <u>If the amendment is adopted the main motion will read</u>

I move to create a president appointed committee to study the **Lawn Flamingo** habitat.

2° Amendment – Any of the 3 Forms

🔨 <u>Original Main Motion</u>

I move to create a president appointed committee to study the Clay Pigeon habitat.

🔨 <u>You want to move to amend</u> **(Primary Amendment)**

I move to amend by inserting "**of 3 members**" after the word "committee".

🔨 <u>You want to move to amend</u> **(Secondary Amendment)**

I move to amend by striking "**3**" and inserting "**2**".

🔨 <u>If the amendments are adopted, the main motion will read</u>

I move to create a president appointed committee **of 2 members** to study the Clay Pigeon habitat.

(Students illustrate amending a motion)

Suspend the Rules

When an assembly wishes to do something it cannot do without violating its regular rules, it can adopt to **'Suspend the Rules' that interfere with the proposed action.**
This motion cannot be debated or amended, however it does have other restrictions.

I. A Standing Rule may be suspended with a majority vote.
II. Rules of Order (Robert's) may be suspended with a 2/3 vote (except FPPL).
III. The following may not be suspended even with unanimous consent.
    A. Bylaws or Constitution unless they provide for their own suspension.
    B. Federal, State, or local laws
    C. Fundamental Principles of Parliamentary Law (FPPL):
        1. Rule that allows only one question at a time
        2. Rule that allows only members to vote
        3. Rule that prohibits absentee or cumulative voting
        4. Rule that protects absentees or basic rights of individuals
            a. Rule requiring presence of a quorum
            b. Rule requiring a notice
            c. Rule protecting the right to attend meeting, make motion, speak in debate, and vote

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Drill
"I move to suspend the rule that interferes with listening to the committee's report."

For each of the following,
1. Move a motion to **suspend the rule that prohibits** the action;
2. State if the rule can be suspended; and
3. State what the necessary vote for adoption would be.

You want to **suspend a rule that prohibits** the following actions. Make the motion:
    a. To allow delegates to sit wherever they wish
    b. To allow a speaker to debate an additional 2 minutes
    c. To allow smoking in the assembly room
    d. To allow voting by mail
    e. To allow election of officers by a show of hands
    f. To take up 2 motions at one time
    g. To allow the voting in the absence of a quorum
    h. To allow members at the convention without their required name tags
    i. To dispense with the listening to the Treasurer's Report
    j. To not require a resolution in writing at the convention

Purpose and Form for Each Motion
(Beware of Order of Precedence)

Purpose	The Motion and its Form
Propose some action	**Main Motion** I move that we donate $50 to preserve the habitat of the Clay Pigeon.
Improve a proposal	**Amend** I move to amend the motion by striking $50 and inserting $75.
Change the amount of time for discussion	**Limit or Extend Debate** I move to limit debate to 1 minute per speaker.
Stop discussion and vote now	**Close Debate** I call the previous question.
Delay a decision	**Refer** I move to refer the motion to the bylaws committee **Postpone to a Certain Time** I move to postpone the motion until after the break. **Recess** I move to recess for 5 minutes.
Kill a motion	**Postpone Indefinitely** I move to postpone the motion indefinitely.
Deal with an emergency	**Lay on the Table** I move to lay the motion on the table. **Suspend the Rules** I move to suspend the rules that prohibit us from taking up the new business now.
Obtain information	**Parliamentary Inquiry** Mr. Chair, if we adopt this motion can we rescind it tomorrow? **Request Information** Mr. Chair, can the treasurer tell us if we have enough money for this motion?
Challenge the ruling of the chair	**Point of Order** Point of Order. We cannot vote on this motion. There is already another motion on the floor. **Appeal** I appeal from the decision of the chair.
Assure the accuracy of the voice vote	**Division** Division. Division.
Close the meeting	**Adjourn** I move to adjourn.

Strategy through Parliamentary Procedure
(Beware of Order of Precedence)

You support the motion	You oppose the motion
Second it promptly and enthusiastically.	Do not **second** it. Distract the seconder.
Speak in favor of it as soon as possible.	**Speak** against it as soon as possible. Ask questions that put the proponents on the defensive.
Move to **amend** it to make it more acceptable. Speak against any amendment that makes the motion less acceptable to you.	Move to **amend** it, to encumber it adversely. Move to amend it so as to remove what displeases you, or adds what pleases you.
Vote against **postponement** unless it will strengthen your motion.	Move to **postpone** to a time when your friends will be there or when others will forget about the motion.
Vote against **referring** to a committee unless you can vote your friends as committee members. Vote to refer to a committee if defeat appears likely.	Move to **refer** to a committee and fill the committee with your friends. Vote against referring to a committee if defeat is likely.
Vote against a **recess** unless you can use it to bring in more of your friends or more facts.	Move to **recess** so that you can convince some more voters or bring in more friends or more facts.
Make sure your friends do not leave to assure that you have a **quorum**.	Question the presence of a **quorum**.
On a **voice vote**, vote emphatically.	On a **voice vote**, vote emphatically.
Move to **divide the motion** if it will strengthen the motion.	Move to **divide the motion** if it will weaken the motion.
Review your **parliamentary authority** before the motion comes up.	Review your **parliamentary authority** before the motion comes up.
Use **Point of Order** as a shield.	Use **Point of Order** as a sword.
Beware of the timing on the **agenda** to assure that the motion is not abandoned.	Use the timing on the **agenda** to terminate consideration of the motion.
Vote against **adjournment** in order to continue discussing the motion and to reach a vote.	Move to **adjourn** to prevent further discussion or a vote.

Ranking of Selected Motions

	Interrupt	Second	Debate	Amend	Vote
PRIVILEGED MOTIONS					
13. Fix the Time to Which to Adjourn		S		A	M
12. Adjourn		S			M
11. Take a Recess		S		A	M
10. Raise a Question of Privilege	I				C
9. Call for the Orders of the Day	I				C**
SUBSIDIARY MOTIONS					
8. Lay on the Table		S			M
7. Previous Question		S			2/3
6. Limit or Extend Limits of Debate		S		A	2/3
5. Postpone to a Certain Time		S	D	A	M**
4. Commit (Refer)		S	D	A	M
3. Amend		S	D**	A	M
2. Postpone Indefinitely		S	D		M
1. MAIN MOTION		S	D	A	M
INCIDENTAL MOTIONS (No Ranking)					
Appeal	I	S	D		M
Division of Assembly	I				**
Point of Order	I				C**
Point of Information					C
Suspend the Orders of the Day		S			2/3
BRING AGAIN BEFORE ASSEMBLY					
Rescind/Amend Something Prev Adopted		S	D**	A	**
Reconsider		S	D		M
Discharge a Committee		S	D**	A	**
Take from the Table		S			M

**	See Robert's Rules	**S**	Requires a Second	
C	Chair Decides	**A**	May be Amended	
I	Can Interrupt	**M or 2/3**	Vote Required to Adopt	