

Parliamentary Opinion

Robert Kraften

Sigma Rho Pi, November 20, 2010

Situation 3

Introduction:

Can the rule requiring that the motion to reconsider can be moved only by a member who voted on the prevailing side be suspended?

Background Information Provided:

A member who did not vote on the prevailing side of a defeated motion moved to suspend the rule that prevented his moving to reconsider the vote.

RONR, 10th Ed is the parliamentary authority.

Sources Consulted:

A motion to reconsider “can be made only by a member who voted with the prevailing side.” RONR [10th ed.], p. 304, l. 30-31

Robert does recognize that even though this rule is meant to protect against the dilatory use of the motion by a defeated minority a member who cannot move a reconsideration may believe there are valid reasons for one. He recommends that the member should try to persuade someone who voted with the prevailing side to make the motion. RONR [10th ed.], p. 305, l. 10-19

The motion to suspend the rules can be applied to any rule of the assembly except bylaws (or rules contained in a constitution or corporate charter). RONR [10th ed.], p. 252, l. 3-p. 253, l.1

Rules which embody fundamental principles of parliamentary law cannot be suspended. RONR [10th ed.], p. 253, l. 3-5

The rules of order established by the bylaws as the parliamentary authority authority require a two-thirds vote to suspend. RONR [10th ed.], p. 256, l. 14-19

Opinion:

The question states that the chair ruled the member’s motion to reconsider not in order. It is unclear to me because of the phrasing of the question whether the chair was ruling on the correct motion. If the chair ruled that a motion to reconsider was not in order by this member the chair was correct, but the member was not making this motion. He was making a motion to suspend the rules to allow him to make the motion to reconsider. The chair was incorrect if he was ruling this motion not in order, because the rule is a rule that can be suspended.

Conclusion:

I would recommend that the chair ask the member why he wants to reconsider and ask if any member who voted on the prevailing side would like to make the motion. It would be easier, if reconsideration has merit, than taking two votes one of which requires a two-thirds vote.

Robert Kraften
7334 Holbrook Way,
North Highlands, CA 95660
916 334-4768