

# Misconceptions and Misapplications of Parliamentary Procedure

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If an organization is incorporated, the Articles of Incorporation, which contain the purpose and rules for that corporation, holds priority. The next entity or body of priority is the Constitution, also known as the Bylaws, Rules of Operation, and/or Control Rules, etc. If the Constitution/Bylaws, etc. contain an article or paragraph stating that Roberts Rules of Order, Jefferson's Rules of Order or any other rules for Parliamentary Procedure is to be followed, that set of rules holds third and final priority. Motions, Questions, Resolutions, Adoptions, Premises, etc that are made are invalid (also known as null and void) if they conflict with the Constitution/Bylaws, etc and the accepted rules for Parliamentary Procedure. Roberts Rules of Order are the most common set of rules used for Parliamentary Procedure.

The misconceptions are followed by corrective applications using Roberts Rules of Order. Most of these (those with an asterisk \*) have been discussed at the local Queen City unit of the National Association of Parliamentarians. Others have been discussed with a registered parliamentarian (@ sign) and the remainder with parliamentarians of other organizations.

Answers to the general question of why they are misused:

- 1) Some people like to show authority.
- 2) Some people want to feel important.
- 3) Some people, even though they might know better, will bluff those who don't know to maintain control.
- 4) Some people must have their own way and will lie, cheat and bluff to maintain it.
- 5) Some people like to hear themselves talk.
- 6) Some people like to argue and cause trouble whether there is real dissension or not.
- 7) Some people just can't let go when they leave office.

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### **Adjournment and Adjourned Meetings**

An adjourned meeting is not a session that is over, but is a continuation of a previous meeting that for some reason could not finish their business. It is called at a later time but must be called before the next regular meeting. The business that could not be finished is then completed.

The adjournment of a meeting occurs when all business has been completed or if intense conflict is occurring. A motion does not have to be made to adjourn a meeting. The chair may close a meeting simply by saying that "Since all business has been completed, the meeting is adjourned." According to an organizations bylaws, any person and particularly an officer, may adjourn the meeting by rising and saying, 'I hereby adjourn this meeting.' This would likely occur when verbal or physical abuse is happening. When something of this is said, the people should simply get up and leave.

The Secretary records the adjournment time of a meeting. If an adjourned meeting is necessary, the Secretary notifies the members of the time and place of that meeting if it has not been decided upon during the session.

### **Amend Something Previously Adopted**

A motion made earlier, in the same meeting or during a previous meeting, can be amended in the same manner as described above. But, there are limitations. Amending a motion previously adopted is out of order if the motion is in the act of being reconsidered, the action of the motion can not be undone, a contract has already been closed by all parties or if in the case of a resignation or expulsion, the vote has been taken and the party has been notified.

### **Amending/Revising Bylaws**

When a few bylaws are amended, the reasons for the amending should be discussed with attending membership before mailing or distributing to the entire membership for the vote. If a revision to the bylaws constitutes a majority of the bylaws, they do not need to be brought before the limited membership before mailing or distribution for the vote. In both amending and revising the bylaws, a differentiation needs to be made between the original bylaw and the reading of the bylaws as amended or of the majority that was revised. Members need to know how the original bylaw reads and how it would read when amended.

### **Amendments To A Motion**

The subsidiary motion to amend is a motion to modify the wording -and within certain limits the meaning- of a motion before the motion itself is voted upon. A main motion is amended. The amendment is debatable if the main motion is debatable. If the main motion is not debatable, the amendment is not debatable. An amendment must not be in conflict with the main motion. The amendment to the motion is an amendment of the first degree or primary amendment. An amendment to an amendment of the first degree is an amendment of the second degree or secondary amendment. Roberts Rules of order does not recognize amendments of the third degree. Amendments need only a majority of votes to pass even **if** the main motion requires more than a majority. The amendment of the second degree is considered first. If it passes it becomes dependent on the passing of the amendment of the first degree. If the second-degree amendment fails, it is lost. If the first-degree amendment fails, all amendments are lost. If the first-degree amendment passes, the second-degree

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amendment is carried providing it has been passed. If the main motion fails, the motion with its amendments is lost. If the motion passes, the motion is accepted as amended.

The fallacy that has occurred is that a motion has been accepted, and then after the motion is in affect, an amendment is made concerning that motion. This approach is actually another main motion and not an amendment. It can be considered as an additional main motion if it is in support of the main motion that it refers to. If it is in conflict, the motion is out of order. Motions can not be made when in conflict with other previously adopted motions or when in conflict with the constitution and/or bylaws of the organization.

### **Approval of Minutes of a Meeting and of Committee Reports \*@**

The minutes of all meetings and all committee reports must be accurate and correct. There are no exceptions. Any dissension must be discussed and if merited, must be corrected. This not only refers to minutes and reports of immediate previous meetings but also to any meeting of the past, no matter how long ago, where corrections are found necessary. The minutes belong to the members, not to any officer including the Secretary.

Some secretaries and committee chairs will make legitimate mistakes. I have found in the past where those reporting, both secretaries and chairs, will change the content to relate what they want instead of what was to be presented, relying on a lack of memory of the members to get away with it. Some minutes and reports are not distributed until they are to be presented which allows none or very little time for the paperwork to be read. Suggestions to confirm the paperwork are to record the minutes on tape and/or to send the paperwork to the members before the meeting date so they can be read and understood. Corrections can then be made without incident. Read them carefully. Incorrect reports can be "referred back to committee."

### **Final Decision of the Chair @**

A decision of the chair may be appealed if not desired by the members. A member of the board or membership may "make an appeal to the decision of the chair." As in the making of a motion, this appeal must be seconded immediately. The chair then asks the membership to vote on the "support of the decision of the chair" if a majority of votes cast support the decision of the chair, the decision stands. If a majority of the votes cast support the appeal, and does "not support the decision of the chair," the decision of the chair is invalid or null and void. The misuse of the decision of the chair is the notion that the chair or president can do what they want. This is not so. The chair acts as a moderator and can suggest or entertain motions to be made, but does not make motions itself. Everyone must follow the bylaws.

### **To "lay a motion on the table" \*@**

Some will call for a motion to be laid on the table as a stall tactic, especially when the direction of the discussion is not in their favor. This then becomes a dilatory motion. Some have tried to lay a motion on the table before it is seconded to squash a motion not wanted. A

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motion cannot be acted upon until there is a second and is in debate or discussion. To lay a motion on the table, one or more of the requirements listed below must be met:

1. An emergency must exist. .
2. More information is needed.
3. The meeting must be running out of time or the allotted time for the item on the agenda has been exceeded without filibustering.

Some parliamentarians will accept only the emergency situation. The motion to lay on the table is not debatable (open for discussion). The suggestion is to postpone a motion instead of trying to lay it on the table. To postpone a motion is debatable which gives discussion or debate to the members so as to give a more equitable result to the question. After three months on the table, a motion may be discarded.

### **To "lay a motion on the table indefinitely" \***

Article XVII of Robert's Rules of Order says that to lay a motion on the table indefinitely is not acceptable and is out of order. This is also misused for the same reason as in the above tabling of a motion. It is not recognized because it violates the rights of the minority and would not be debatable. The suggestion is to use the motion "to postpone indefinitely". It is debatable and slows for equity.

### **Limits of the Chairs of Committees, Standing and Special @**

Some people think chairpersons can do what they want. This is wrong also. They are subject to the purposes of the appointer and must not conflict with the purpose or bylaws of the organization.

### **Newsletters @**

Newsletter content should be both informative and brief. The newsletter editor is permitted to edit articles submitted by others for limited space only, providing the article edited cannot be misinterpreted or misconstrued. Care must be taken so that his/her opinions do not influence a submitted article. All submitted articles must be printed timely. Self-aggrandizement is not permitted. An officer of the organization, preferably the president, should review the newsletter before distribution to be sure the content does not conflict with the Articles of Incorporation, the Constitution or Bylaws.

### **Motion, Withdraw, reconsider and/or rescind a motion**

Withdrawing a motion is the action taken when a motion is on the floor and, during debate; it is not wise to continue the action because of the results of the motion. The person making the motion can withdraw the motion. If the person declines to withdraw, and the motion has been seconded, the chair proceeds to the question.

A motion needs to be reconsidered before it can be rescinded. If the action of a previous motion needs to be dealt with, a motion to reconsider should be made by the person who made the motion or a person who voted in favor of the motion and seconded by the person who previously seconded the motion or another who was favorable to the motion. Once on the floor, the motion can be rescinded or just the votes can be rescinded. If the votes are rescinded, the motion goes into discussion and then voted upon again after more discussion

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has followed. It can be modified, amended or rescinded provided the limitations on amending are not in conflict.

### **Motion, when a second to a motion is not needed**

A "second" to a motion merely implies that the seconder agrees that the motion should come before the meeting and not that he necessarily favors the motion. The word support may be used in place of the word "second."

The requirement of a "second" does not apply when a board or committee makes the motion. But if the committee consists of only one member, a second is required.

In handling routine motions, the chair may realize that the motion meets with wide approval and members may be slow in seconding it. He can state the question without waiting for a second. After debate has begun, a second has become immaterial. The debaters are supporting the need for the motion to be on the floor.

Some common actions that do not need a second are:

- Calling a member to order
- Calling for the orders of the day
- Calling for a division of the assembly or for a separate vote
- Calling for a parliamentary inquiry or point of information
- Calling for a point of order
- To raise a question of privilege
- To request to be excused from duty
- For requests or motions to grant the request of other members

### **The President's Vote**

This question has been asked more than once by members of organizations who have never seen a president cast a vote, unless there was a tie, "Does the president or chair have the right to a vote?" The president or chair, being a member of the group or organization, always has the right to vote. If the vote is by ballot, the voted ballot is included and counted with the other ballots. If it is a voice vote and no tie occurs, he has the right to vote by voice if he desires. If the voice vote sounds to closely equal and a majority is hard to determine, a division of the house may be called. In a division of the house, hands may be raised or voters may be asked to stand for the ayes and nays to be counted openly. When a tie occurs, the chair can vote to break the tie.

The reason the chair does not openly vote is to prevent bias. Members may tend to vote the way the chair votes if they know how the president or chair voted before they voted. The president or chair should always vote last in open voting.

In roll call voting, members are called individually to give their vote, either by rank or alphabetically, with the president or chair being called last for their vote to prevent any bias or favoritism.

### **Tape Recorders Use of @**

The tape recording of the minutes is suggested at all times. The recording of the minutes for use by the secretary is the only official tape. Others may tape if they desire but they are not official. Tapes by others may be used for archiving only, however they may be compared if

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an item is in question. If members do not wish their voices to be taped by others, a motion can be made at the beginning of the meeting that other taping not be allowed. If passed the personal taping will not be permitted. If the person taping continues, the sergeant of arms or the vice president may retain the tape recorder if there is no sergeant of arms, until the meeting is over. If the person refuses this, he may be asked to leave the room. The meeting does not commence until one of the above has been satisfied. See your resident state for its statute on taping, recording and/or eavesdropping.

### **The Treasurer's Report**

Some presidents(chairs) will call for a vote of approval for every treasurer's report. This is not necessary. Periodical reports such as weekly, biweekly, monthly, etc., do not need voting acceptance. After the treasurer has given the periodical report, the chair should ask if anyone has any questions concerning the report. If there is none or after all questions have been answered, the chair simply states that the report shall be filed for audit. At the end of the fiscal year, the annual report needs to be accepted by vote. After the treasurer's report is given, the auditing committee gives their report. After the auditing committee's report has been given is a good time to present the budget for the coming year if it hasn't been presented earlier.

### **Voting Privileges \*@**

Bylaws accepted by the membership are the governing factor as to who is eligible to vote. Members with dues paid and in good standing are eligible at membership meetings. Executive officers and board members usually vote at board meetings while in office. Standing committee chairs, when active should be on the board and eligible to vote at board meetings. Executive officers vote at executive meetings, no one else. The above is recommended by Robert's Rules of Order. The voting of the chairs of Special Committees is not recommended because the committees are only in effect while specific work is being done and dissolve when the report is given to the president. They are not to be appointed to continue for a full fiscal year. If work of a particular nature is necessary for a full year or longer, but will not be continuous during the life of the organization, it is still a special committee with no vote. Committees required for continuous work should work as a standing committee.

The misuse of the above was to create special committees, then allowing them to exist for the fiscal year and giving the chairs the right to vote. When a majority vote was needed, create another special committee with the chair on the side of the group wanting something to pass. This is equivalent to stuffing the ballot box and should not be tolerated. If this happens, file a protest on record and when the opportunity is available, enact the protest. Then you can change the bylaw by making special committee chairs ineligible to vote.

Another misconception is the voting of the president or chair. The president or chair always has the right to vote and should do so. The misuse occurs where a show of hands is used to vote on a question. The president or chair should hold their vote until all others have voted so as not to influence the vote of a member. If a question is passed or defeated where a vote to break a tie is not needed, the vote of the president or of the chair is superfluous and does not need to be cast. A vote by the president or chair that causes a tie causes the question to be defeated because the vote has not reached a majority.

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Many believe that ex-officio members of committees, assemblies, etc., are not permitted to vote. Ex-officio members do have the right to vote unless specified otherwise in the Bylaws, etc. However, ex-officio members are not counted in requiring a quorum. Their suggestions are heard and considered, but not necessary gospel. Ex-officio members are usually an executive officer and attend to stay on top of the matters and offer advice if conflict occurs with the desire of the committee and the Bylaws, etc.

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