

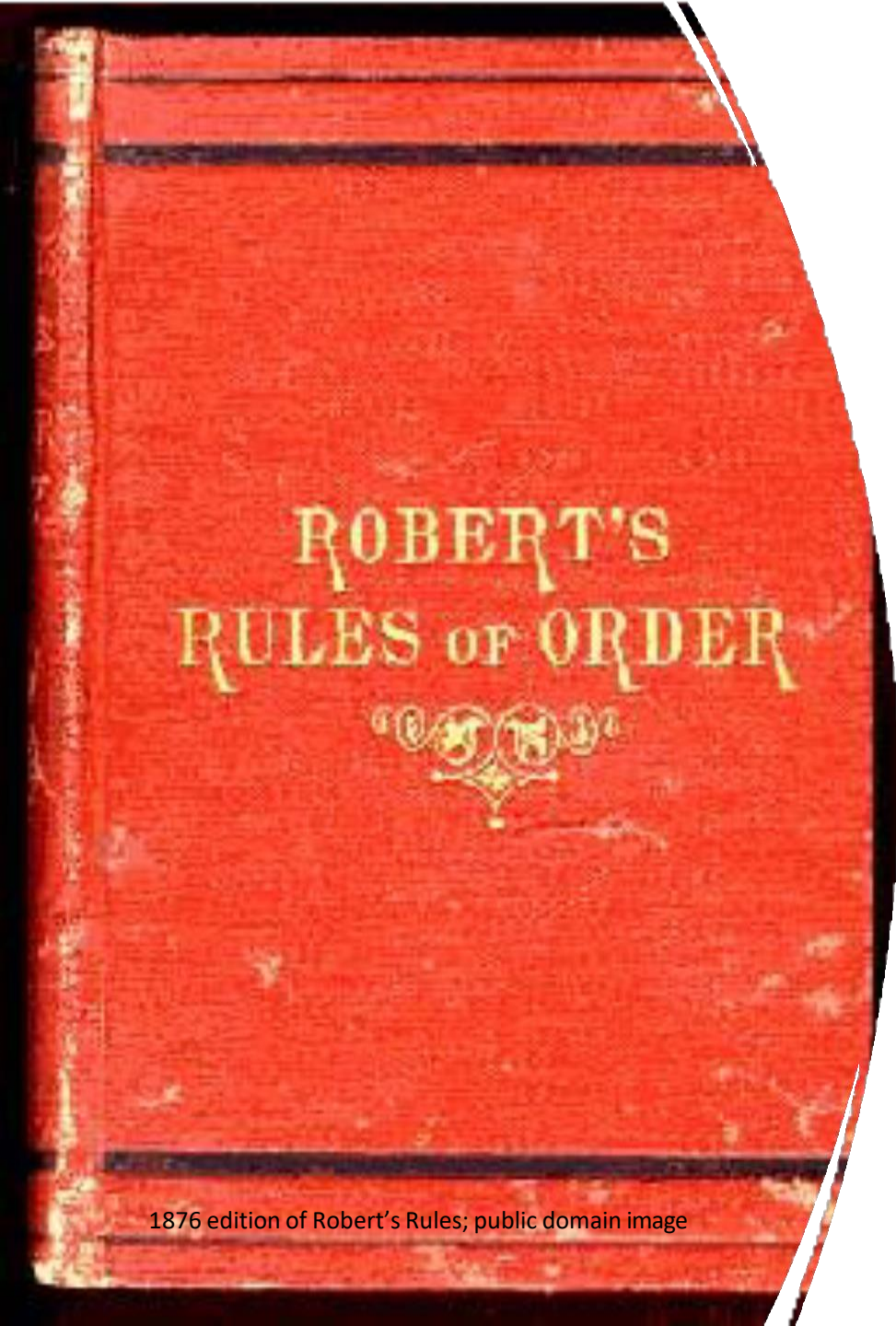
Parliamentarian's Guide: Parliamentary Procedure

Senate Parliamentarian

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Background



ROBERT'S
RULES OF ORDER

1876

1876 edition of Robert's Rules; public domain image

- Parliamentary procedure (also known as **parli-pro**) is the language of Senate affairs; it is also called **parliamentary law** or **rules of order**
- There are **many books** on parliamentary procedure:
 - Concise but thorough, **removing unclear motions**: The **Standard Code of Parliamentary Procedure** (Alice Sturgis, 1950)
 - Used in **70/99 state legislatures**: Mason's Manual of Legislative Procedure (Paul Mason, 1935)
 - Used in **13/99 state legislatures**: A Manual of Parliamentary Practice for the Use of the Senate of the United States (Thomas Jefferson, 1801)
 - Used in **4/99 state legislatures**: **Robert's Rules of Order** (Henry Robert, 1876)
 - Others: Erskine May, Code Morin, ABC of Chairmanship, and many more!

Agenda (RONR § 41, R&P Rule III):

- The agenda guides the order of events; items can only be taken up out of order by a 2/3rds vote or by unanimous consent except during “amendments to the agenda”
- Something taken up out of order should still go through full, regular consideration unless this is stopped by a secondary motion
- Student Senate has certain key items on their agenda:
 - **Call to order:** Begins the meeting, everyone must be quiet
 - **Roll call:** At beginning and end to establish quorum and ensure Senators are present, establish minimum attendance is met
 - **Amendments to the agenda:** Allows agenda to be changed, add or remove items from the agenda
 - **R&A recommendations:** Consideration of nominees for other branches, Senate seats
 - **First, second, third readings:** Periods for consideration of legislation
 - **Announcements:** Allows members of the chamber to announce projects, plans, or anything they feel is relevant

Decorum & Making Motions (RONR § 43)

- Decorum refers to **respect for others and the chamber in debate**
- To fail to follow decorum is to risk a warning; three warnings marks someone as constructively absent
- Decorum:
 - **Keep debate to merits of an item on the floor;** do not discuss other nominees or bills unless they are related to the merits of the nominee or bill under discussion
 - **Refer to the Chair and Senators by their title**
 - Direct most responses and questions **through the Chair**
 - **Refrain from attacking a Senator's motives**
 - Do not speak unless you are recognized by the Chair

Classes of Motions (RONR §5 and §6)



- Motions refer to formal actions taken to bring forward, respond to, amend, or dispose of items on the agenda; RONR calls it “a formal proposal by a member”
- **All members are allowed to make a motion**, though there are rules governing when or how
- In general, most motions are handled in a six-step process: **motion, second, restate by chair, debate, vote, announce vote**
- Motions are broadly classified as either main motions or secondary motions, of which there are three subclasses:
 - **Main motions:** Brings business before the assembly and can be made only when other business is not pending; usually require a second and takes precedence over nothing
 - **Secondary motions:** Respond to a main motion or an aspect of Senate; allows actions to be taken on Senate behavior; includes subsidiary motions, privileged motions, and incidental motions

Main Motions (RONR § 10)

- **Not usually said orally for most main motions;** incidental main motions will need to be vocalized as they are not an existing part of the agenda
- **Examples of incidental main motions:** Amend the agenda, **adopt the agenda**, adopt special rules
- You **cannot move to bring up something already failed** nor something **outside the power of Senate**
- When bringing something not automatically entered into from the agenda, you must have a second, debate, a majority vote (except in unique circumstances), and the decision usually can be reconsidered
- Your vote must be reflected on the voter record

- These assist the assembly of treating or disposing of a main motion; they relate directly to a bill or nomination on the floor
- Subsidiary motions:
 - **“Move to postpone indefinitely”** can be used to **kill the main motion** and avoid a direct vote
 - **“Move to amend”** can be used to **modify the wording of a motion**; Senate rules dictate that amendments must be sent to the Senate Secretaries or **floor amendments must be adopted by unanimous consent**
 - **“Move to commit”** can be used to **send something to a committee**; related to this is a “motion to recommit” that sends something back to a committee
 - **“Move to postpone to [TIME/CONDITION]”** can be used to **postpone consideration until a set time** or a condition has been met
 - **“Move to limit/extend debate”** can be used to lengthen or shorten debate, provided that **both sides are given more time or have the same amount reduced**
 - **“Move to call the previous question”** is used to **close debate and enter a vote**; because this deprives members of their rights, it is **by a two-thirds vote**
 - **“Move to lay on the table”** is used to temporarily **lay an item aside** up until it taken from the table; a **separate but closely related motion** is to **“move to take from the table”**

Subsidiary Motions (RONR § 11 – 17)

Privileged Motions (RONR § 18 – 22)

- These do not relate to pending business but instead "special matters of immediate and overriding importance" per RONR
- Privileged motions:
 - **"I call for the orders of the day"** requires the Senate **to conform to its agenda**, unless a two-thirds vote wishes to do otherwise
 - **"I rise to a question of privilege"** is a way to **register a complaint , ask someone to speak up, or state discomfort**; may be used to reign in behavior of the audience; may be used as a "point of personal privilege" if responding to an impugment of a Senator's character
 - **"Move for a recess"** allows the **Senate to enter a short intermission**; it is used to secure something, allow restroom breaks, or permit informal discussion
 - **"Move to adjourn"** immediately closes the Senate meeting if adopted
 - **"Move to fix the time to which to adjourn"** is used to **set the time**, as well as **the place, for another meeting to continue business of the session**; this is limited by the need for a public notice to be placed to inform students and the public

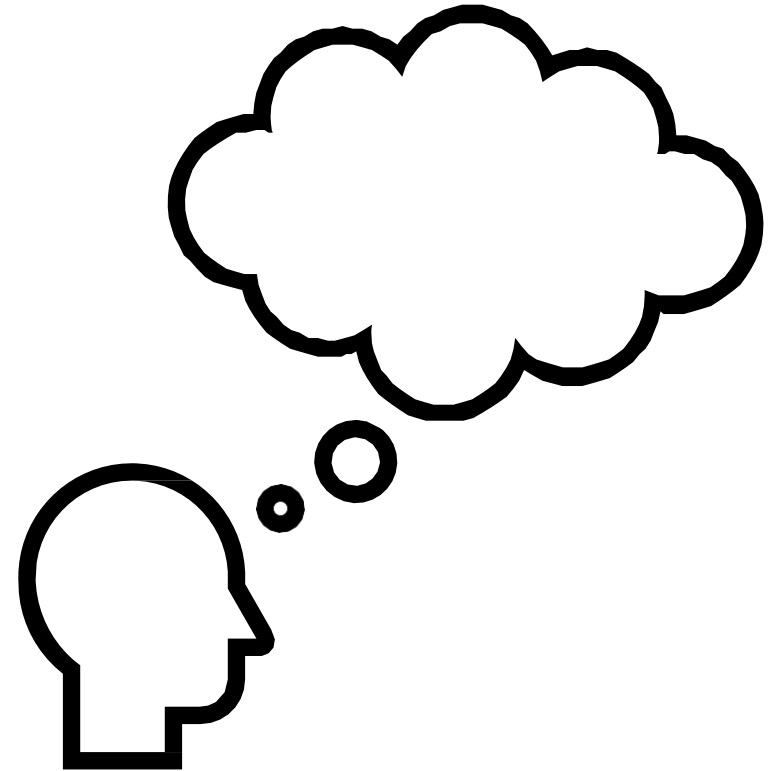


Incidental Motions (RONR § 23 – 33)

- Motions related to the pending business that can always disrupt someone else; they can be made at any time
- These motions usually relate to another pending motion and often relate to questions of procedure
- Incidental motions:
 - **“Point of Order”** is used **point out a breach of the rules** to the Chair; the Chair may engage with the Parliamentarian on best options to rectify
 - **“Move to appeal from the decision of the chair”** is used to **question a ruling**; cannot be applied to overturn a rule nor to a chair’s opinion
 - **“Move to suspend the rules”** is used to **set aside rules temporarily**; cannot be used to stop rights of members
 - **“I object to the consideration of the question”** is used to avoid a particular main motion if you **believe it is undesirable to consider it**; approved by two-thirds vote and can be overturned by unanimous consent
 - **“Move for a division of a question”** splits up a question into several parts; must state how you are dividing the question
 - **“Move to consider by paragraph”** to consider **parts of a resolution, article, or bill** section-by-section for debate and amendment
 - **“Move for a division of the assembly”** or “division” is used if a member doubts the result of a voice vote or hand raising vote; cannot be used if the vote is convincing
 - **“Point of information”** and **“point of parliamentary inquiry”** are used to **ask for information related to business or parliamentary law**, respectively
 - **“Move to read papers”** allows a **member or the Parliamentarian** to read from papers

Motions that Bring a Question Back (RONR §34 – 37)

- Sometimes, due to a change in who is present or new circumstances, you may later want to bring questions back up for consideration
- Motions:
 - **“Move to take from the table”** is used to **take something off the table** that was previously laid on the table
 - **“Move to rescind”** or **“move to amend something previously adopted”** are used to **repeal a previous decision** or to **amend a previous decision**; requires varying vote thresholds
 - **“Move to discharge a committee”** is used to **take a decision from the hands of a committee**; requires various voting thresholds
 - **“Move to reconsider”** is used to **reconsider certain decisions** that can be re-voted upon



I. CHART FOR DETERMINING WHEN EACH SUBSIDIARY OR PRIVILEGED MOTION IS IN ORDER (cont.)

Order of Precedence of Motions

Other Conditions Affecting Admissibility

MOTION DIRECTLY TO LEFT ON FACING PAGE IS OUT OF ORDER WHEN:

P R I V I L E G E D	Fix the Time to Which to Adjourn (when privileged as explained in 22:4)	U N D E B A T A B L E	
	Adjourn (when privileged as explained in 21:1-4)		
	Recess (when moved while a question is pending)		
	Raise a Question of Privilege		
	Call for the Orders of the Day		<ul style="list-style-type: none"> a motion to <i>Suspend the Rules</i> relating to priority of business is pending
S U B S I D I A R Y	Lay on the Table	D E B A T A B L E	<ul style="list-style-type: none"> a <i>Point of Order</i>, undebatable <i>Appeal</i>, or one of the five <i>Requests and Inquiries</i>—not adhering to main question—is pending
	Previous Question (immediately to close debate and making of subsidiary motions except <i>Lay on the Table</i>)		<ul style="list-style-type: none"> a motion which cannot be debated or amended is immediately pending
	Limit or Extend Limits of Debate		<ul style="list-style-type: none"> any undebatable question is immediately pending; also when motion(s) under an order for the <i>Previous Question</i> remain to be voted on
	Postpone to a Certain Time (or Postpone Definitely)		<ul style="list-style-type: none"> any undebatable question except <i>Division of a Question</i> or <i>Consider by Paragraph</i> or <i>Seriatim</i> is immediately pending; also when motion(s) under an order for the <i>Previous Question</i> remain to be voted on
	Commit (or Refer)		<ul style="list-style-type: none"> a motion to <i>Reconsider</i> is pending, or any undebatable question except <i>Division of a Question</i> or <i>Consider by Paragraph</i> or <i>Seriatim</i> is immediately pending; also when motion(s) under an order for the <i>Previous Question</i> remain to be voted on
	Amend		<ul style="list-style-type: none"> the application would be to the main question, and any motion except <i>Postpone Indefinitely</i> is pending; also, in any application, when motion(s) under an order for the <i>Previous Question</i> remain to be voted on
	Postpone Indefinitely		<ul style="list-style-type: none"> any motion except the main question is pending; also when the <i>Previous Question</i> has been ordered
	MAIN MOTION		<ul style="list-style-type: none"> any motion is pending

Motion	RONR	Class	Must 2nd	Must Debate	Can Amend	Vote Margin	Notes
Fix to adjourn	§ 22	Privileged	X		X*	Majority	*Amend date, hour, or place; yields to amend or previous question applied to it
Adjourn	§ 21	Privileged	X			Majority	
Recess	§ 20	Privileged	X		X*	Majority	*Amend length of recess; yields to amend or previous question applied to it
Question of Privilege	§ 19	Privileged				N/A	Directly ruled on by chair; rarely seconded, debated, or amended
Call for Orders of the Day	§ 18	Privileged				2/3 rd *	*Vote occurs by 2/3rds margin to set order aside
Lay on the Table	§ 17	Subsidiary	X			Majority	Must be for a legitimate purpose, not to kill a motion
Previous Question	§ 16	Subsidiary	X			2/3 rd	
Limit/Extend Debate	§ 15	Subsidiary	X		X	2/3 rd	Can not be used to make an undebatable motion debatable
Postpone to a Certain Time	§ 14	Subsidiary	X	X	X	Majority	Debate should not go into merits of the motion any more than necessary to enable decision
Commit or Recommit	§ 13	Subsidiary	X	X	X*	Majority	*Can amend which committee it is sent to; if it is an ad-hoc committee the composition
Amend	§ 12	Subsidiary	X	X*	X	Majority	*Can be debated if motion applied to is debated
Postpone Indefinitely	§ 11	Subsidiary	X	X		Majority	
Main Motion	§ 10	Main	X*	X	X	Majority	*Unless it naturally comes up on the agenda



Majority Rule, Minority Rights

- Majority Rule:
 - The **final decisions of an assembly are governed by the will of a majority**
 - The majority gets to decide the fate and **actions taken for items on the floor**
- Minority rights:
 - Except in extreme circumstances, **the minority has the right to be heard**
 - **Actions that may infringe** on the regular order or minority rights must be **approved by a higher threshold**

“Never be afraid to stand with the minority when the minority is right, for the minority which is right will one day be the majority.”

- William Jennings Bryan, orator & U.S. Secretary of State