ANSWERING PARLIAMENTARY QUESTIONS

Tim Wynn, PRP

ORAL QUESTIONS

E-MAIL QUESTIONS

WRITTEN PARLIAMENTARY OPINIONS

ORAL QUESTIONS

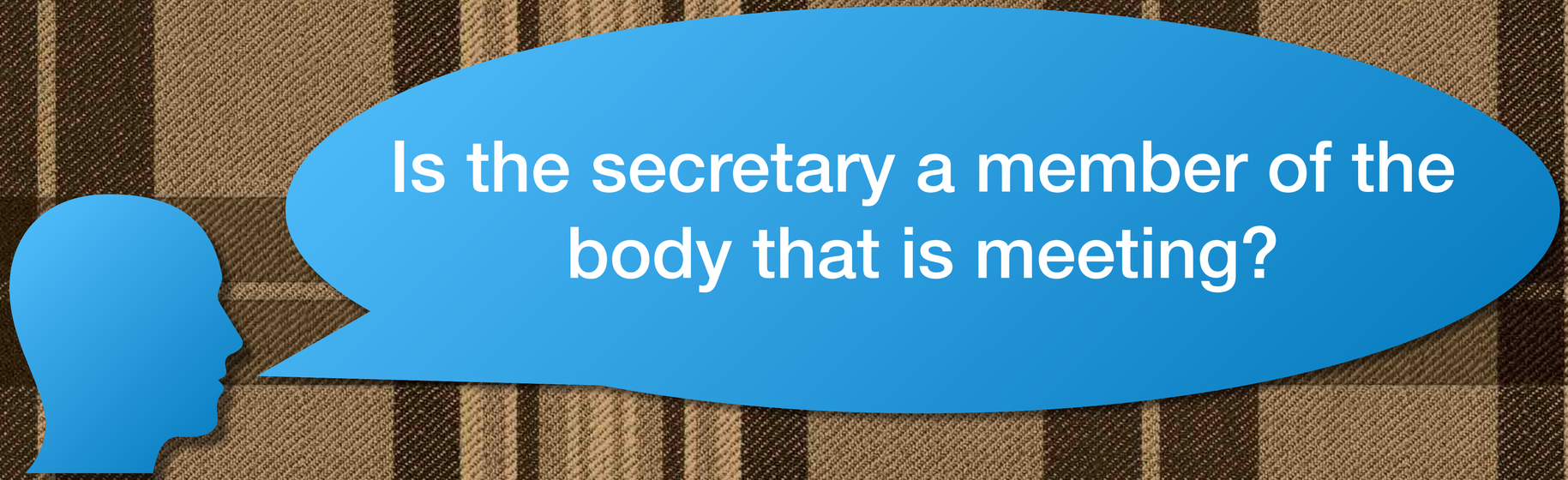
Make Sure The Question Is Clear

Q.

“Can the secretary make a motion?”

A. Yes

B. No


Is the secretary a member of the body that is meeting?

Is the secretary a member of the body that is meeting?

No, this is a committee meeting with only five members, and the secretary is not on the committee, but he sometimes attends the meetings and tries to make motions.


Only members of the body
that is meeting have the right
to make motions.

Q.

“Can the secretary make a motion?”

A. Yes

B. No

Q.

“Can the chairman of the board speak in debate during a board meeting while he is presiding?”

A. Yes

B. No

Robert's Rules Of Order

"If the presiding officer is a member of the society, he has—as an individual—the same rights in debate as any other member; but the impartiality required of the chair in an assembly precludes his exercising these rights while he is presiding."

RONR (12th ed.) 43:29

Robert's Rules Of Order

"To participate in debate, he must relinquish the chair . . ."

RONR (12th ed.) 43:29

Q.

“Can the chairman of the board speak in debate during a board meeting while he is presiding?”

A. Yes

B. No


How many members are on the board?


How many members are on the board?
Seven.

Robert's Rules Of Order

"**Procedure in Small Boards**. In a board meeting where there are **not more than about a dozen members present**, some of the formality that is necessary in a large assembly would hinder business."

RONR (12th ed.) 49:21

Robert's Rules Of Order

"7) If the chairman is a member, he may, without leaving the chair, speak in informal discussions and in debate, and vote on all questions."

RONR (12th ed.) 49:21

Q.

“Can the chairman of the board speak in debate during a board meeting while he is presiding?”

A. Yes

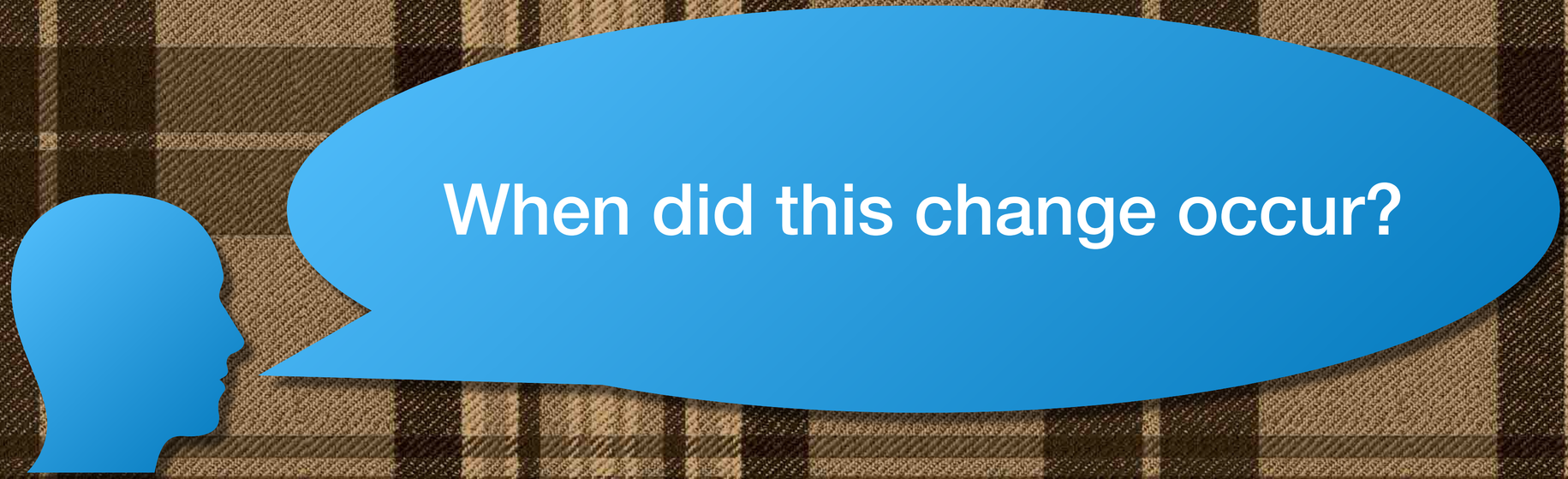
B. No

Q.

“Was it in order for the secretary to change the minutes without a vote of the members?”

A. Yes

B. No


When did this change occur?

When did this change occur?

Two days before the minutes were to be approved.

The Secretary controls the content of his draft minutes, before they are placed before the assembly for approval.

Two days before the minutes were to be approved.

Q.

“Can the board prevent a general member from attending a meeting held in executive session?”

A. Yes

B. No

Robert's Rules Of Order

"Whenever a meeting is being held in executive session, only members of the body that is meeting, special invitees, and such employees or staff members as the body or its rules may determine to be necessary are allowed to remain in the hall."

RONR (12th ed.) 9:25

Robert's Rules Of Order

"Thus, in the case of a board or committee meeting being held in executive session, all persons—whether or not they are members of the organization—who are not members of the board or committee (and who are not otherwise specifically invited or entitled to attend) are excluded from the meeting."

RONR (12th ed.) 9:25

Q.

“Can the board prevent a general member from attending a meeting held in executive session?”

A. Yes

B. No


Is this a board meeting?


Is this a board meeting?
No, it’s the annual meeting of the general membership.

Robert's Rules Of Order

"A member of an assembly, in the parliamentary sense, as mentioned above, is a person entitled to full participation in its proceedings, that is . . . **the right to attend meetings**, to make motions, to speak in debate, and to vote."

RONR (12th ed.) 1:4

Q.

“A two-thirds vote is required to rescind a motion, correct?”

A. Yes

B. No

Robert's Rules Of Order

"In an assembly, except when applied to a constitution, bylaws, or special rules of order, require (a) a two-thirds vote, (b) a majority vote when notice of intent to make the motion, stating the complete substance of the proposed change, has been given at the previous meeting within a quarterly time interval or in the call of the present meeting, or (c) a vote of a majority of the entire membership—any one of which will suffice."

RONR (12th ed.) 35:2(7)

Robert's Rules Of Order

"In an assembly, except when applied to a constitution, bylaws, or special rules of order, require (a) a two-thirds vote, (b) a majority vote when notice of intent to make the motion, stating the complete substance of the proposed change, has been given at the previous meeting within a quarterly time interval or in the call of the present meeting, or (c) a vote of a majority of the entire membership—any one of which will suffice."

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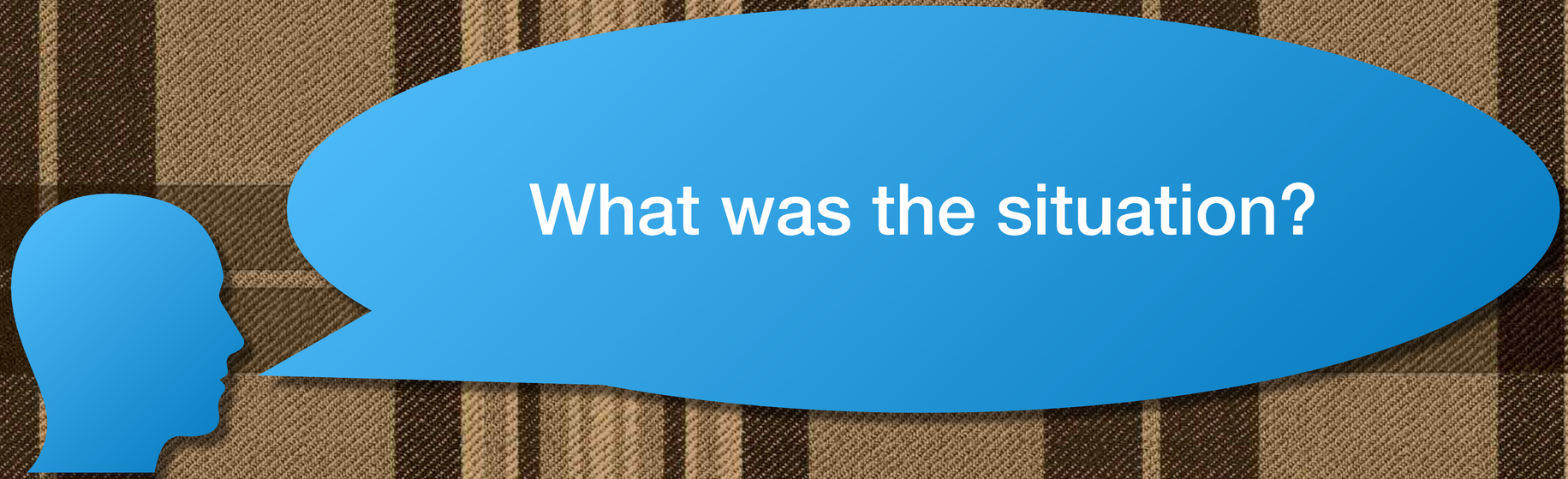
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RONR (12th ed.) 35:2(7)

Robert's Rules Of Order

"In a committee, these motions require a two-thirds vote unless all committee members who voted for the motion to be rescinded or amended are present or have received reasonable notice, in which case they require a majority vote."

RONR (12th ed.) 35:2(7)


What was the situation?

What was the situation?

A member made a motion. Then, during debate, he asked for permission to rescind it, but the vote for rescinding was only a majority, not two thirds.

Q.

“A two-thirds vote is required to rescind a motion, correct?”

A. Yes

B. No

Q.

"A two-thirds vote is required to ~~rescind~~ withdraw a motion, correct?"

A. Yes

B. No

Using The Tinted Pages

MOTION	CLASS[1]	IN ORDER WHEN ANOTHER HAS THE FLOOR	MUST BE SECONDED[2]	DEBATABLE	AMENDABLE	VOTE REQUIRED FOR ADOPTION	CAN BE RECONSIDERED
1. Main motion or question (**10**)	M	No	Yes	Yes	Yes	Majority, except as explained in 10:8(7)	Yes
2. Adjourn, ordinary case in societies (**21**)	P	No	Yes	No	No	Majority	No
3. Adjourn at or to a future time, or in advance of a time already set, or when the assembly will thereby be dissolved (**8, 10, 21**)	M	No	Yes	Yes	Yes	Majority	No
4. Adopt, accept, or agree to a report (**10, 51**)	M	No	Yes	Yes	Yes	Majority	Yes
5. Adopt bylaws or constitution, initially in forming a society (**10, 54, 56**)	M	No	Yes[3]	Yes	Yes	Majority	Negative vote only
6. Adopt revised bylaws or constitution (**35, 56, 57**)	M/B	No	Yes[3]	Yes	Yes	As provided in existing bylaws. (In absence of such provision, same as in next line)	Negative vote only
7. Adopt special rules of order (2:14ff.; **10**)	M	No	Yes	Yes	Yes	(a) Previous notice *and* two-thirds; or (b) majority of entire membership	Negative vote only
8. Adopt ordinary standing rules (2:23; **10**)	M	No	Yes	Yes	Yes	Majority	Yes
9. Adopt parliamentary standing rules in a convention (**10**; 59:27ff.)	M	No	Yes[3]	Yes	Yes	Two-thirds	Negative vote only

1. Key to classification symbols: M—main motions; S—subsidiary motions; P—privileged motions; I—incidental motions; B—motions that bring a question again before the assembly; M/B—incidental main motions classed with motions that bring a question again before the assembly (see 6:25ff.).
2. Motions listed as requiring a second do not need to be seconded when made by direction of a board or committee.
3. In practice, motion is usually made by the reporting member of a committee, in which case it does not require a second.

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Q.

"A two-thirds vote is required to ~~rescind~~ withdraw a motion, correct?"

A. Yes

B. No

II. TABLE OF RULES RELATING TO MOTIONS (cont.)

(For forms used in making motions, see Table III.)

MOTION	CLASS[1]	IN ORDER WHEN ANOTHER HAS THE FLOOR	MUST BE SECONDED[2]	DEBATABLE	AMENDABLE	VOTE REQUIRED FOR ADOPTION	CAN BE RECONSIDERED
98. Withdraw or Modify a Motion, to grant maker permission to, after motion has been stated by the chair (**33**)	I	If not granted by unanimous consent, can be moved by person requesting permission, or by another while the former has the floor	Yes, if motion is made by person requesting permission; no, if made by another member	No	No	Majority	As to withdrawal, negative vote only; as to modification, yes

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Q.

"A two-thirds vote is required to ~~rescind~~ withdraw a motion, correct?"

A. Yes

B. No

“What vote is required to Reconsider the vote on a motion in a committee?”

“What vote is required to **Reconsider** the vote on a motion in a committee?”

Use The Tinted Pages

II. TABLE OF RULES RELATING TO MOTIONS (cont.)

(For forms used in making motions, see Table III.)

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81. Reconsider (**37**)	B	When another *has been assigned* the floor, but not after he has begun to speak	Yes	If motion to be reconsidered is debatable, in which case debate can go into that question	No	Majority	No
82. Reconsider, in a committee (37:35)	B	Cannot interrupt a person speaking	No	As in No. 81, preceding	No	Two-thirds; but majority if every committee member who voted with prevailing side is present or was notified	No

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“Is a motion to create a blank by striking out debatable?”

“Is a motion to create a **blank** by striking out debatable?”

Use The Tinted Pages

“Does The Motion Take From The Table Require A Second?”

“Does The Motion Take From The Table Require A Second?”

Use The Tinted Pages

“What Is The Proper Language To Use When Making A Motion To Fix The Time To Which To Adjourn?”

“What Is The Proper Language To Use When Making A Motion To Fix The Time To Which To Adjourn?”

Use The Tinted Pages

43. Fix the Time to Which to Adjourn, if moved while a question is pending

- I move that when this [or, "the"] meeting adjourns, it adjourn to meet next Tuesday at 8 P.M.

44. Fix the Time to Which to Adjourn, if moved while no question is pending

[Same form as No. 43]

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[Same form as No. 43]

“What Vote Is Required To Approve The Minutes?”

“What Vote Is Required To Approve The Minutes?”

Use The Tinted Pages

II. TABLE OF RULES RELATING TO MOTIONS (cont.)

(For forms used in making motions, see Table III.)

MOTION	CLASS[1]	IN ORDER WHEN ANOTHER HAS THE FLOOR	MUST BE SECONDED[2]	DEBATABLE	AMENDABLE	VOTE REQUIRED FOR ADOPTION	CAN BE RECONSIDERED
45. Information, Request for (**33**)	I	Yes	No	No	No	Is not voted on	No
46. Lay on the Table (**17**)	S	No	Yes	No	No	Majority	Negative vote only[9]
47. Minutes, to approve (when proposed by a motion) (**10, 41, 48**)	M	No	Yes	Yes	Yes	Is not voted on (see 41:10–11)	Yes
48. Minutes, to correct before adoption (when done by a motion) (**12, 41, 48**)	S	No	Yes	Yes	Yes	Majority	Yes

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(For forms used in making motions, see Table III.)

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No	No	Majority	Negative vote only[9]
Yes	Yes	Is not voted on (see 41:10–11)	Yes
Yes	Yes	Majority	Yes

Robert's Rules Of Order

"The minutes are thus approved without any formal vote, even if a motion for their approval has been made."

RONR (12th ed.)41:11

Robert's Rules Of Order

"The only proper way to object to the approval of the secretary's draft of the minutes is to offer a correction to it."

RONR (12th ed.)41:11

ORAL QUESTIONS

Any Questions?

QUESTIONS VIA E-MAIL

References & Citations

CITE THIS BOOK

with section and paragraph numbers
as in the following examples:

RONR (12th ed.) 12:67
RONR (12th ed.) 12:7(1)(a)
RONR (12th ed.) 35:10–12

Footnotes may be cited as follows:
RONR (12th ed.) 56:49n1

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as in the following examples:

RONR (12th ed.) 12:67
RONR (12th ed.) 12:7(1)(a)
RONR (12th ed.) 35:10–12

Footnotes may be cited as follows:
RONR (12th ed.) 56:49n1

Robert's Rules Of Order Newly Revised 12th Edition

RONR (12th ed.) 47:46

Robert's Rules Of Order Newly Revised 12th Edition

RONR (12th ed.) 47:46

Robert's Rules of Order Newly Revised (12th ed.)
section 47, paragraph 46

Robert's Rules Of Order Newly Revised 12th Edition

RONR (12th ed.) 47:46

Robert's Rules of Order Newly Revised (12th ed.)
section 47, paragraph 46

RONR (12th ed.) section 47

Introduction

Introduction

Thank you for your inquiry. I have included your question and my response below.

QUESTION: A motion was put to a vote and it past. Later, it was discovered that teh motion never received a seconded. What should we do now?

Introduction

Thank you for your inquiry. I have included your question and my response below.

QUESTION: A motion was put to a vote and it past. Later, it was discovered that teh motion never received a seconded. What should we do now?

Response

Response

RESPONSE: After a motion has been adopted, the lack of a second is immaterial. See RONR (12th ed.) section 4, paragraph 13, which states, “If a motion is considered and adopted without having been seconded—even in a case where there was no reason for the chair to overlook this requirement—the absence of a second does not affect the validity of the motion’s adoption.”

Disclaimer

Disclaimer

The preceding are general responses, based on common parliamentary law and Robert's Rules of Order Newly Revised. They do not account for any factors beyond the information that you have provided, such as specialized rules of your organization or applicable procedural laws in your state, which may affect the accuracy of the responses. These responses are not intended to be used in place of or to refute the professional opinions of any parliamentarian.

Exercise #1
Find The Answer

Find The Answer

Both candidates for treasurer will be absent from the AGM. How do we handle the election?

Find The Answer

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Find It In RONR: Elections

Sections of The Book

Specifics

Section 46: Nominations and Elections

Section 47: Officers
Section 48: Minutes and Reports of Officers

Section 49: Boards
Section 50: Committees
Section 51: Reports of Boards and Committees
Section 52: Committee of the Whole and Its Alternate Forms

Sections of The Book

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Section 46: Nominations and Elections

Section 47: Officers
Section 48: Minutes and Reports of Officers

Section 49: Boards
Section 50: Committees
Section 51: Reports of Boards and Committees
Section 52: Committee of the Whole and Its Alternate Forms

Robert's Rules Of Order

"**Time at Which an Election Takes Effect.** An election to an office becomes final immediately if the candidate is present and does not decline, or if he is absent but has consented to his candidacy."

RONR (12th ed.) 46:46

Question

Both candidates for treasurer will be absent from the AGM. How do we handle the election?

Response

There is no requirement in common parliamentary law or in Robert's Rules of Order that an individual must be present to be elected. The members should vote on the office as usual. So long as the winning candidate has consented to his candidacy, the election becomes final immediately.

Response

See Robert's Rules of Order Newly Revised (12th ed.) 46:46, which states, "An election to an office becomes final immediately if the candidate is present and does not decline, or if he is absent but has consented to his candidacy."

Question #2

Question

I would like to know if there's a manner or method to stop deliberation on a motion. Members will need to be allowed to speak, and I want to allow them ample time, but not too much time. As the chair, can I set a time for discussion on a motion?

Limit Or Extend Limits Of Debate

Limit Or Extend Limits Of Debate

Previous Question

Sections of Motions

Main Motion:

Section 10: Main Motion

Subsidiary Motions:

Section 11: Postpone Indefinitely
Section 12: Amend
Section 13: Commit or Refer
Section 14: Postpone to a Certain Time (or Definitely)
Section 15: Limit or Extend Limits of Debate
Section 16: Previous Question
Section 17: Lay on the Table

Sections of Motions

Main Motion:

Section 10: Main Motion

Subsidiary Motions:

Section 11: Postpone Indefinitely
Section 12: Amend
Section 13: Commit or Refer
Section 14: Postpone to a Certain Time (or Definitely)
Section 15: Limit or Extend Limits of Debate
Section 16: Previous Question
Section 17: Lay on the Table

Let's Take Another Look At The Question: Do You See The Words Limit Debate or Previous Question?

Let's Take Another Look At The Question: Do You See The Words **Limit Debate** or **Previous Question**?

Question

I would like to know if there's a manner or method to stop deliberation on a motion. Members will need to be allowed to speak, and I want to allow them ample time, but not too much time. As the chair, can I set a time for discussion on a motion?

Response

Limiting or ending debate requires a two-thirds vote of the assembly. Once a limit on debate is adopted, the chair has the authority and the duty to enforce it, but the chair has no authority to set a limit on debate.

. . .

Response

Also, any time a member has the floor, that member can move to end debate, which requires a second, is not itself debatable, and requires a two-thirds vote to adopt. This motion is called Previous Question.

. . .

Response

Also, any time a member has the floor, that member can move to end debate, which requires a second, is not itself debatable, and requires a two-thirds vote to adopt. This motion is called **Previous Question**.

. . .

Response

See RONR (12th ed.), section 15, for the motion to **Limit or Extend Limits of Debate**.

See RONR (12th ed.), section 16, for the motion **Previous Question** (to end debate immediately).

Sections of The Book

The Basics

Section 1: The Deliberative Assembly
Section 2: Rules of an Assembly or Organization
Section 3: Basic Provisions and Procedures
Section 4: The Handling of a Motion
Section 5: Basic Classifications; Order of Precedence of Motions
Section 6: Description of Classes and Individual Motions
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Robert's Rules Of Order

"The presiding officer cannot close debate so long as any member who has not exhausted his right to debate desires the floor, except by order of the assembly, which requires a two-thirds vote."

RONR (12th ed.) 4:32

Response

See RONR (12th ed.), section 4, paragraph 32, which states, “The presiding officer cannot close debate so long as any member who has not exhausted his right to debate desires the floor, except by order of the assembly, which requires a two-thirds vote.”

QUESTIONS VIA E-MAIL

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Any Questions?

WRITTEN PARLIAMENTARY OPINION

Perfecting The Questions

Do Not Rely On The Client For The Questions

1 How many questions will there be?

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2 What is the ultimate goal of the Parliamentary Opinion?

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3. Will the answers achieve the ultimate goal?

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2. What is the ultimate goal of the Parliamentary Opinion?
3. Will the answers achieve the ultimate goal?
4. Are the questions clear and complete?

What If The Answer Isn't The One They're Looking For?

1

Advise The Client That You Won't Know The Outcome Until The Opinion Is Complete

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2. If The Client Insists On A Specific Outcome, Turn The Job Down

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4. It's Okay To Alter Some Details Of The Opinion, So Long As The Accuracy Isn't Compromised

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2. If The Client Insists On A Specific Outcome, Turn The Job Down
3. Not All Clients Are Expecting Any Particular Outcome
4. It's Okay To Alter Some Details Of The Opinion, So Long As The Accuracy Isn't Compromised
5. Avoid Names Whenever Possible

Governing Documents

1 Do A Quick Initial Search For The Answer

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2. Note Any Subsequent Questions Or Doubts You Have

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Drafting The Opinion

Exercise: Drafting A Parliamentary Opinion

Heading

PARLIAMENTARY OPINION

For

THE _____ SOCIETY OF _____

May 18, 2029

Introduction

INTRODUCTION

I have been asked by the ____ Society of ____ to submit a parliamentary opinion answering the following questions:

Introduction

1. Can the Recording Secretary, the Corresponding Secretary, and the Treasurer call a special meeting of the Executive Board?

2. Can the President prevent a special meeting from being called?

Background Information

BACKGROUND INFORMATION

I was provided a copy of the Bylaws, by the _____ Society of _____.

Resources

RESOURCES REFERENCED

Bylaws of the _____ Society of _____ — The Bylaws
Robert's Rules of Order Newly Revised 12th Edition — RONR (12th ed.)

Discussion

DISCUSSION

1. Can the Recording Secretary, the Corresponding Secretary, and the Treasurer call a special meeting of the Executive Board?

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ARTICLE VI: THE EXECUTIVE BOARD

Section 1. Board Composition. The officers of the Society, including the Directors, shall constitute the Executive Board.

Section 2. Board's Duties and Powers. The Executive Board shall have general supervision of the affairs of the Society between its business meetings, fix the hour and place of meetings, make recommendations to the Society, and perform such other duties as are specified in these bylaws.

Section 3. Board Meetings. Unless otherwise ordered by the Board, regular meetings of the Executive Board shall be held on the first Tuesday of each month from September to June, inclusive. Special meetings of the Board may be called by the President and shall be called upon the written request of three members of the Board.

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Sample Bylaws

"Special meetings of the Board may be called by the President and shall be called upon the written request of three members of the Board."

RONR (12th ed.) 56:64

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ARTICLE IV: OFFICERS

Section 1. Officers and Duties. The officers of the Society shall be a President, a First Vice-President, a Second Vice-President, a Recording Secretary, a Corresponding Secretary, a Treasurer, and four Directors. These officers shall perform the duties prescribed by these bylaws and by the parliamentary authority adopted by the Society.

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Sample Bylaws

"The officers of the Society shall be a President, a First Vice-President, a Second Vice-President, a Recording Secretary, a Corresponding Secretary, a Treasurer, and four Directors."

RONR (12th ed.) 56:62

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Rough Draft

The Bylaws, Article VI, Section 3, state, “Special meetings of the Board may be called by the President and shall be called upon the written request of three members of the Board.”

Rough Draft

Since the Recording Secretary, the Corresponding Secretary, and the Treasurer are members of the Board, so long as their request is in writing, it is sufficient to call a special meeting of the Board.

Discussion

2. Can the President prevent a special meeting from being called?

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Rough Draft

There is no rule in the governing documents of the _____ Society of _____ that authorizes the President to prevent a special meeting from being called.

. . .

Rough Draft

So long as the special meeting is called in accordance with the bylaws, the President has no authority to prevent it.

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Conclusion

CONCLUSION

1. Can the Recording Secretary, the Corresponding Secretary, and the Treasurer call a special meeting of the Executive Board?

Conclusion

Yes. The bylaws specifically authorize any three members of the board to call a special meeting.

Conclusion

2. Can the President prevent a special meeting from being called?

Conclusion

No, there is no provision that would authorize the president to prevent the calling of a special meeting by three board members.

Recommendations

RECOMMENDATIONS

[List Recommendations, if any]

Disclaimer

DISCLAIMER

This opinion is based on Common Parliamentary Law, which deals with the established principles of parliamentary procedure relating to the fair and orderly transaction of business in deliberative assemblies and the protection of the rights of members, and which is a separate field from federal, state, and local law. This is not a legal opinion, and nothing in this opinion is intended to be legal advice or legal counsel. An attorney should be consulted in regards to any legal questions.

Signature

Tim Wynn, PRP
President
Perfect Rules Inc.
Professional Registered Parliamentarian

WRITTEN PARLIAMENTARY OPINION

WRITTEN PARLIAMENTARY OPINION

Any Questions?

ANSWERING PARLIAMENTARY QUESTIONS

Tim Wynn, PRP

Tim@PerfectRules.com