

Rules of Order, "Where there is no law, but every man does what is right in his own eyes, there is the least of real liberty."

APPLYING DEMOCRATIC PRINCIPLES TO ORGANIZATIONS

For an organization to survive and grow, the democratic model has proved to be the best form of government because it makes use of the talents and abilities of all the members. Organizations are democratic to the extent that they conform in the following ways:

1. The members rule through a decision-making process that they've established by a vote. The organization's governing documents - its constitution, bylaws, rules of order, standing rules, policy statements, and parliamentary authority
2. Ideas come from the members and are presented to the assembly to decide upon. Everyone gets the right to present, speak to, and vote on ideas.
3. Leaders come from the people through an election process. When a leader's term of office ends, he or she returns to the people. A hierarchy of power doesn't exist; it is shared equally. All members have the right to be considered for office.
4. Checks and balances between the leadership and the members are established in the governing documents. As an example of checks and balances, officers and boards of directors have only the power that the governing documents assign to them. Those powers not specifically given to officers and boards in the bylaws enable members to reverse decisions made by boards and officers. For example, if the bylaws do not say that the board or officers can set dues, and the board votes to do this, then the members can rescind the action. Another check and balance that the bylaws give is the right of the membership to remove ineffective or tyrannical leaders from office.
5. All members are equal - they have equal rights and responsibilities.
6. The organization is run with impartiality and fairness. Law and enactment rule the organization, not the whims of the leadership. The rules are applied equally, impartially, and fairly to all and not just a select few.
7. There is equal justice under the law; members and officers have a right to a fair trial if accused. Written procedures exist for removing and replacing an officer when the officer doesn't fulfill his or her duties.
8. The majority rules, but the rights of the minority and absent members are protected.

9. Everything is accomplished in the spirit of openness, not secrecy. Members have the right to know what is going on within the organization by attending meetings, inspecting the official records, and receiving notices and reports from committees, officers, and boards.

10. Members have the right to resign from office or from the organization.

Governing documents should clearly state the rights and obligations of members and officers. These documents consist of the corporate charter (if there is one), which is issued by the state for incorporation, bylaws (or the organization's constitution), and any rules of order (parliamentary rules) or standing rules (administrative rules). Each organization should adopt a parliamentary authority, which is a book of common parliamentary law that details the rules for conducting meetings, electing officers, and making and adopting motions. All members are entitled to have a copy of their governing rules.

For a democracy to succeed, the members must work harmoniously together. To accomplish this, each member must know the purpose and goals of the organization, its rules, the rights of each individual member, and what each member is expected to do. One of the greatest threats to a democratic organization is for the members to become apathetic and let a small group of the membership do all the work. This creates divisions and promotes authoritarianism. Another threat is for a small group to work secretly behind the scenes to accomplish its own goals or its own agenda and then push it through without the rest of the membership having an input either through discussion or through the investigative process. Such actions cause mistrust and hostility.

If the principles of democracy are not upheld in the organization, knowing and following the rules of parliamentary procedure is valueless.

DEFINING PARLIAMENTARY PROCEDURE

Parliamentary procedure enables members to take care of business in an efficient manner and to maintain order while business is conducted. It ensures that everyone gets the right to speak and vote. Parliamentary procedure takes up business one item at a time and promotes courtesy, justice, and impartiality. It ensures the rule of the majority while protecting the rights of the minority and absent members. Adhering to parliamentary procedure is democracy in action.

The procedures, or rules, are found in the organization's bylaws, in its standing rules, and in its adopted parliamentary authority. A parliamentary authority is a reference book that helps the members decide what to do when the group has no written rules

concerning how certain things are done. You could adopt this resource as a parliamentary authority.

IMPORTANCE OF PARLIAMENTARY PROCEDURES

Parliamentary procedures provide proven, time-tested ways of determining action and carrying on an organization's business. One frequently asked question is, "Why do I need to know these parliamentary rules - what difference do they make?" You might compare knowing parliamentary procedures with knowing the rules of the road. Because you've learned the rules of driving, you know which side of the road to drive on, who has the right of way at street corners, who goes first at a four-way stop, and the rules of turning left in front of oncoming traffic. Obeying the rules of the road keeps traffic flowing smoothly and prevents accidents from happening. When everyone knows the parliamentary rules, meetings run smoothly, and the head-on collisions that can happen during the discussion of controversial motions can be prevented. If everyone in your group learns the basics of parliamentary procedure, you'll have more productive meetings: More members will make and discuss motions, and more members will be willing to serve as officers and committee chairmen.

BASIC PRINCIPLES OF PARLIAMENTARY PROCEDURE

Before learning the specific rules, everyone needs to know three fundamental principles of democracy and parliamentary procedure. If you can remember these principles, you'll be able to solve problems that come up in your organization and meetings, even if you can't remember the specific rules:

1. Take up business one item at a time. Doing so maintains order, expedites business, and accomplishes the purpose of the organization.
2. Promote courtesy, justice, impartiality, and equality. This ensures that everyone is heard and that members treat each other with courtesy, that everyone has the same rights, and that no individual or special group is singled out for special favors.
3. The majority rules, but the rights of individual, minority, and absent members are protected.

This principle ensures that, even though the majority rules, the minority has a right to be heard and its ideas are taken seriously. Similarly, the minority doesn't leave the organization because it didn't win; it knows that it may win another day. Following this principle preserves the unity and harmony of the organization.

The following sections explain the individual rules that support these three basic principles.

Taking Up Business One Item at a Time

Like most people, members in a business meeting can do only one thing at a time. Therefore, the first principle of parliamentary procedure is that business is taken up one item at a time. The following rules support this principle:

- Each meeting follows an order of business called an agenda. Everything on the agenda is reviewed in its proper order and disposed of before members go on to the next item on the agenda.
- Only one main motion can be pending at a time.
- When a main motion is pending, members can make motions from a class of motions called secondary motions. When secondary motions are taken up, they take precedence over the main motion. Discussion must focus on the secondary motion until it is resolved or temporarily disposed of. Some examples of secondary motions are to amend, refer to a committee, and postpone a main motion (see Chapter 6).
- Only one member can be assigned the floor at a time.
- Members take turns speaking.
- No member speaks twice about a motion until all members have had the opportunity to speak.

Promoting Courtesy, Justice, Impartiality, and Equality

As children, we're taught how to be courteous toward others. In our daily dealings and meetings with other people, courtesies are the necessities of life that promote harmony and unity. Here are ways to apply courtesy during meetings:

- The chair or presiding officer calls the meeting to order on time. This shows courtesy to the members present. They shouldn't have to wait for the latecomers to arrive.
- Members take their seats promptly when the chair calls the meeting to order, and conversation stops.
- Those members giving reports during the meeting take seats in front. Doing so saves time.

- Members rise to be recognized by the presiding officer and don't speak out of turn.
- Members always refer to other members and officers in the third person. Refer to officers by their title; for example, Mr. President or Madam President, Mr. Chairman or Madam Chairman. Members refer to each other by saying, for example, "the previous speaker" or "the delegate from District 2." This prevents personalizing the debate and, in a worst case scenario, name-calling or personal attacks.
- In debate, members do not cross talk, or talk directly to each other, when another member is speaking. All remarks are made through and to the chair.
- Members keep discussion to the issues, not to personalities or other members' motives.
- When correcting a member, the presiding officer doesn't use the member's name. Instead, he or she states, "Will the speaker keep his (or her) remarks to the issue at hand?" Or, if a motion is out of order, the chair states, "The motion is out of order," not "The member is out of order." (To tell a member that he or she is out of order is technically charging the member with an offense.)
- Members speak clearly and loudly so all can hear. Members can use a microphone if one is provided.
- Members listen when others are speaking.

Here is how justice, impartiality, and equality operate in meetings:

- The presiding officer doesn't take sides but allows all to be heard equally in debate. If the presiding officer wants to voice an opinion about the issue under discussion, the presiding officer relinquishes the chair to another officer so that he or she can speak and vote.
- The presiding officer and members should know the rules and apply them judiciously. Correct only major infractions. If members' rights aren't being taken away and an infraction is minor, raising a point of order to correct the infraction isn't necessary.
- The presiding officer ensures that all sides of an issue are heard and that the rules of debate are carefully followed. These measures prevent a small group from railroading a motion through.

- Members have the right to make a motion to take a vote by ballot during a controversial issue. A ballot vote preserves members' privacy and prevents possible retaliation for the way they voted.

- Members have the right to a trial when they're accused of wrongdoing.

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The Rule of the Majority and Protection of the Minority

One of the most important rights that members have is the right to vote, knowing that the majority rules. At the same time, the majority never has the right to silence or take away rights from the minority, absent members, or individual members. Here's how this principle translates into action:

- Members have the right to have notice of all meetings. The organization can give notice by mail, phone, electronic communication, or an announcement at a previous meeting.

- Members have the right to know by previous notice when there is a proposal to rescind or amend something previously adopted.

- In any situation where rights may be taken away from members, two-thirds of the membership must approve the motion (rather than a majority). Examples include amending the governing documents or removing someone from office or membership.

- No one has the right to require a higher vote than a majority vote on issues unless the bylaws or the parliamentary authority specifically states that more than a majority is required.

- Members have a right to be informed of the work of the organization. Reading the minutes of the prior meeting allows members to correct inaccurate information and informs the absent members of any action taken. Members have the right to hear reports of board action, committee work, and officers.

Chapter 3 - Presenting Business to the Assembly

The most common way to present business to the members at a meeting is to make a main motion. An idea is not discussed first and then a motion made; instead, a motion is made and then the idea is discussed. This chapter explains the basic steps in presenting a motion: how to make a main motion, how to discuss it, and how to take a vote on the motion. It also explains when a motion is out of order. For example,

motions are out of order when they conflict with the rules of the organization or the laws of the land, or when they propose action outside the scope of the organization's objectives.

BASIC STEPS IN PRESENTING A MOTION

Before you present a motion, make sure that it contains all the pertinent information, including who, what, where, and when. Word the motion in the positive, not in the negative. Here is an example of a main motion:

Member: Madam President, I move that we have a picnic on Saturday, June 15, at 3 p.m. in the park.

This motion includes all the necessary information and states it in a positive manner. It is ready to present.

1. A member stands and addresses the chair, saying:

Member: Mr. President [or Madam President]

or

Member: Mr. Chairman [or Madam Chairman]

2. The chair assigns the member the floor by stating the member's name or nodding at the member.

The member states the motion:

Member: I move that . . .

or

Member: I move to . . .

Member: I move to have a picnic on Saturday, June 15, at 3 p.m. in the park.

3. Another member seconds the motion by calling out:

Member: I second the motion.

or simply

Member: Second.

4. The chair restates the motion and places it before the assembly by saying:

President: It is moved and seconded that Is there any discussion?

President: It is moved and seconded to have a picnic on Saturday, June 15, at 3 p.m. in the park. Is there any discussion?

5. The members now have the right to debate or discuss the motion.

6. When the discussion is finished, the chair puts the motion to a vote by saying:

President: All those in favor say "Aye." Those opposed say "No."

7. The chair announces the vote and who will carry out the action if it is adopted.

President: The ayes have it, and the motion is carried. We will have a picnic on Saturday, June 15, at 3 p.m. in the park. The Social Committee will take care of the details.

or

President: The noes have it, and the motion is lost. We will not have a picnic on Saturday, June 15, at 3 p.m. in the park. Is there further business?

Now let's look at the steps for making a motion in detail.

MAKING A MAIN MOTION

To make a main motion, a member must obtain the floor. To do so, stand and address the president, saying:

Member: Mr. President [or Madam President]

or

Member: Madam Chairman [or Mr. Chairman]

This is the correct parliamentary terminology. Many people want to say chairwoman or chairperson, but these terms are incorrect. The English language does not have feminine or masculine words, as do the Latin-based languages. The word chair in English is the neuter gender, neither masculine nor feminine. It refers either to the

person or the place (chair) occupied by the person. The word man at the end does not mean a masculine person but stands for the neuter gender all mankind, including both men and women. So in English, to acknowledge the gender of the person presiding in the chair, use the honorifics Mr. or Madam, as follows: Mr. Chairman or Madam Chairman.

After the chair is addressed, the presiding officer recognizes the member by saying his or her name or nodding at the member. This means that the member is assigned the floor and can speak.

The correct way to state a motion is:

Member: I move that . . .

It helps to memorize and practice this phrase. Here's an example:

Member: Madam President, I move that we have a picnic on Saturday, June 15, at 3 p.m. in the park.

State motions in the positive, not the negative. Write the motion on a piece of paper and give it to the president after you state it. This helps the chairman (or chair) repeat the motion to the assembly exactly the way it was moved. The way in which the presiding officer states the motion to the assembly is the official wording of the motion, and it's recorded in the minutes. Many times, presiding officers do not repeat the motion exactly as the member has stated it. If you put the motion in writing and give it to the presiding officer, the officer can repeat it exactly as you presented it, and the secretary can record it correctly in the minutes.

After you make the motion, sit down. Another member must second the motion. A second simply means that another member thinks the motion should be discussed. It does not mean that the member is necessarily in favor of it.

The person who seconds the motion does not need to rise and address the president but can call out the second from where he or she sits. The member can say:

Member: Second.

or

Member: I second the motion.

If no one seconds it, the president can ask:

President: Is there a second?

Member: I second it.

If the motion does not get a second, members can't discuss it and the president goes on to the next business in order. The president can say:

President: Without a second, the motion will not be considered.

Avoid using the phrase "dies for lack of a second."

If the motion is seconded, the president restates the motion to the members. This is called placing the motion before the assembly. The president must do this so that members can discuss the motion. The president says:

President: It is moved and seconded that we have a picnic on Saturday, June 15, at 3 p.m. in the park. Is there any discussion?

The president needs to memorize the following phrase in restating the motion:

President: It is moved and seconded that Is there any discussion?

DISCUSSING A MOTION

Members always have the right to debate or discuss a main motion. After the president asks for discussion, members can give reasons why they think having a picnic is a good idea or a bad idea.

The person who makes the motion has the first right to speak to the motion. To do that, the member rises, addresses the president, obtains the floor, and then speaks to the motion. After the member is done, he or she sits down so that someone else can speak to the motion - either for or against it. In discussing the motion, everyone gets to have a turn to talk, but everyone must wait his or her turn. A member can speak to a motion only when no one else is assigned the floor. If two people stand to speak at the same time, the president designates who should speak. The member not recognized sits down. When the other member finishes speaking, the member who did not speak can then stand to speak.

In debate, members address all remarks through the chair. Cross talk between members is not allowed and mentioning other members' names is avoided as much as possible. All remarks are made in a courteous tone.

In most meetings, each member may speak two times on a debatable motion, but the member does not get the second turn as long as another member wants to speak for the first time. A member is not permitted to speak against his or her own motion. However, if the member changes his or her mind after hearing the motion discussed, the member may vote against it. (For more specific rules of debate, see Chapter 4.)

When speaking to a motion that you haven't made, a common courtesy before you begin your remarks is to say:

Member: I speak for the motion.

or

Member: I speak against the motion.

This way, the assembly knows which side of the issue you are supporting. It also helps the president keep a balance in the debate. If there are more people speaking against the motion, the president may ask if anyone wants to speak for the motion.

In debate, everyone has the right to speak, and the president must be just and impartial in assigning the floor, allowing all sides of the issue to be heard.

Discussion continues until the president realizes that the membership is ready to vote.

TAKING THE VOTE

When no one rises to speak to the motion, the president calls for the vote. Most voting takes place via a voice vote. A majority vote adopts main motions, which means that more than half of the members voting favor the motion.

President: Is there any further discussion? [Pause and look around the room to see if anyone wants to speak.] Hearing none, the question is on the adoption of the motion to have a picnic on Saturday, June 15, at 3 p.m. in the park. All those in favor say "Aye." Those opposed say "No."

The president always announces the result of the vote. If the affirmative wins, he or she announces the vote this way:

President: The ayes have it, and the motion is carried. We will have a picnic on Saturday, June 15, at 3 p.m. in the park.

If the negative wins, the president announces the vote this way:

President: The no's have it, and the motion is lost. We won't be having a picnic on Saturday, June 15, at 3 p.m. in the park.

The president asks only for the yes and no votes and does not ask for those who want to abstain. The president always takes the no vote, even if the yes vote sounds unanimous.

The members must feel that any vote taken is a fair vote. If any member doubts the results of a voice vote, the member can call out:

Member: Division.

or

Member: I call for a division.

or

Member: I doubt the result of the vote.

In this one instance, a member does not have to rise to obtain the floor but can call out "Division" from wherever he or she is sitting. It does not need a second.

The president immediately retakes the vote as a rising vote by asking the members to stand. The chair makes a visual judgment and does not count the vote. The president says:

President: All those in favor please rise. Be seated. Those opposed please rise. Be seated. The affirmative has it, and the motion is carried.

Or, if the majority of members were opposed, the president states:

President: The negative has it, and the motion is lost.

If the president is in doubt as to which side wins, he or she can retake the vote and have it counted. If a member wants the vote counted, the member makes a motion to have a counted vote. The motion requires a second, is not debatable, and must pass by a majority vote.

In addition to a voice vote, the organization can take a vote by general consent, a show of hands, a rising vote, or ballot. The chair can choose to take the vote by voice, show of hands, or rising. To take a ballot vote, a member must make a motion to do so. A ballot vote ensures the secrecy of each member's vote. If you do not want others

to know how you voted, or if you want an accurate count of the vote, a ballot vote is the way to accomplish your goal. (For a more thorough explanation of these voting procedures, see Chapter 5.)

To ask for a ballot vote, a member must rise, address the chair, and move to take the vote by ballot. This motion needs a second, is not debatable, and must pass by a majority vote.

Member: Mr. President, I move that this vote be taken by ballot.

Member 2: Second.

President: It is moved and seconded to take this vote by ballot. All those in favor say "Aye." Those opposed say "No." The ayes have it, and we will take the vote by ballot.

If the members vote against the motion, the chair says:

President: The noes have it, and the vote will not be taken by ballot.

COMPLETING THE ACTION ON THE MOTION

The action on the motion is completed when the president announces the result of the vote as well as how the action will be carried out. Members can expect that the approved action is carried out as authorized unless they decide to reconsider the vote, rescind the action, or amend the adopted motion (see Chapter 10).

IMPORTANT POINTS TO REMEMBER BEFORE MAKING A MOTION

Not every main motion is in order, and both the members and the presiding officer need to know when a presented motion violates the following rules. If a main motion violates the following rules, it is the presiding officer's duty to rule the motion out of order. If the chair does not do this, a member should call this to the assembly's attention by raising a point of order.

1. No motion is in order that conflicts with federal, state, or local law; with the rules of a parent organization; or with the organization's constitution or bylaws or other rules of the organization. Even if a unanimous vote adopts the motion, it is null and void if it conflicts with the previously mentioned rules.

For example, if someone makes a motion to expand the clubhouse and city or state zoning laws prohibit doing so, the motion is out of order; or, if the school district has

rules against having a student dance on a week night, a motion by a student group to have a dance on Tuesday evening is out of order.

2. A motion that proposes action outside the scope of the organization's object (which should be written in the corporate charter or bylaws) is not in order unless the members vote to allow it to be considered. Doing so takes a two-thirds vote.

For example, suppose an organization's object is to take care of stray animals and build a shelter for them. A member also wants to create a soup kitchen for homeless people. Unfortunately, doing so is outside the scope of the organization's object.

If the member makes a motion that is outside of the organization's object, the presiding officer states:

President: The motion to have a soup kitchen for homeless people is outside the object of the organization. According to our parliamentary authority, a two-thirds vote is required for this motion to be considered. Members can now discuss whether they want to consider the motion. Is there any discussion about whether we should consider the motion?

Discussion can focus only on whether the members should consider the motion. Any discussion about whether to have a soup kitchen is out of order. After discussion, the president should first explain the effect of a yes or no vote on the consideration of this motion, and then put it to a vote:

President: If you think this motion is within the scope of the object of the organization and should be considered, vote yes. If you think this motion is outside the scope of the organization and should not be considered, vote no. You are only voting on considering the question. The vote taken does not adopt the motion. Are there any questions? All those in favor, please rise. [Members rise.]

Be seated. [Members sit down.]

Those opposed please rise. [Members rise.]

Be seated. [Members sit down.]

There is a two-thirds vote in the affirmative, and we will consider the question. It is moved and seconded that we have a soup kitchen for homeless people. Is there any discussion?

If the no's have it, the chair states:

President: There is less than a two-thirds vote in the affirmative. The negative has it, and we will not consider the motion to have a soup kitchen for homeless people.

Even though a parliamentary rule states that members, by a two-thirds vote, can consider something outside the object of the organization, remember that the object is part of the bylaws. When members consider something outside the object of the organization, they are, in essence, suspending part of the bylaws. The best approach in handling the situation is to amend the object of the organization. Give members previous notice of the proposed change and time to think about what the real purpose of the organization should be.

3. A main motion is not in order if it conflicts with a motion that was previously adopted by the assembly and that is still in force. However, the assembly can decide to rescind the action or amend something previously adopted.

For example, say that the club adopted a motion to give \$100 yearly to the local humane society. If a member makes a motion to give \$200 yearly to the humane society, the motion conflicts with what was already adopted and is therefore not in order. However, if the member phrases it as the motion to amend something previously adopted, it is in order and requires a two-thirds vote or a majority vote of the entire membership to adopt if no previous notice has been given. If previous notice has been given, it requires a majority vote to adopt. This rule protects the rights of the absent members.

4. A main motion is not in order when it presents substantially the same question as a motion that was rejected during the same session. However, members can bring up the motion at another meeting, and this is known as renewing the motion.

For example, suppose that the members vote down a motion to have a car wash to raise money for the dance fund. During discussion, members make it clear that they do not want to have a car wash to raise money for anything. If later in the meeting a member makes a motion to have a car wash to raise money for the leadership training series, it is out of order. The motion can, however, be brought up at another meeting.

There is one way this motion can be brought up again at the same meeting, and that is if a member who voted on the prevailing side (in this case the negative side) makes the motion to reconsider the vote on the motion to have a car wash (see Chapter 10).

5. A main motion is not in order if it conflicts with or presents substantially the same question as one that has been temporarily disposed of and is still within control of the assembly. Here are examples:

If a motion has been referred to a committee and the committee has not reported, the committee can be discharged and the assembly can take up the motion (see Chapter 10).

If a motion has been postponed to later in the meeting or to another meeting, a member can move to suspend the rules and take up the motion at that time. (See Chapter 9, "Suspend the Rules.")

If a motion is laid on the table, members can take it from the table.

Members need to be alert to meeting tactics that refer a motion to a committee to bury it (don't investigate it) or lay it on the table to kill it. Or, while a motion is in the committee or laid on the table, someone presents another version of the motion. Members must realize that even though a motion is in committee or on the table, it is still under the control of the assembly and must be decided first.

RESOLUTIONS

A resolution is a formal way of presenting a motion. It is a main motion, needs a second, and is handled like any other main motion except that it is always presented in writing. The name of the

organization is mentioned in the resolution, and the word "resolved" is always italicized. A resolution can be as simple as:

Resolved, That the Glee Club sponsor a "Day of Singing" on April 25 to honor Glee Clubs in our state.

If a resolution is proposed at a mass meeting, word it in the following way:

Resolved, That in the sense of this meeting, we form a Neighborhood Watch program and send letters to all the homes between Martin and Smith streets inviting homeowners to participate.

Sometimes a resolution includes a preamble. A preamble enables members to give background information and to state the reasons why the motion should be adopted. However, a preamble to a resolution is usually not necessary. In fact, a preamble should be used only when the maker of the resolution wants to give little-known information or wants to present important points regarding the adoption of the motion if there is some doubt about whether it will pass. A preamble contains whereas clauses that communicate the important background information to the assembly; the actual

resolution then follows. A resolution with a preamble should contain only as many whereas clauses as necessary. For example,

Whereas A study done by the city commission reveals that there are 100 stray dogs and 250 stray cats in Center City;

Resolved, that the Morningside City Improvement Corporation form a committee of five to be appointed by the board to investigate the cost of establishing a feeding program, as well as establishing a shelter for these animals, and report its findings at the next meeting.

If the resolution has more than one whereas clause, write it this way:

Whereas, A study done by the city commission reveals that there are 100 stray dogs and 250 stray cats in Center City;

Whereas, These hungry animals are wreaking havoc with garbage; and

Whereas, They are having kittens and puppies every two to three months; now, therefore, be it

Resolved, That the Morningside City Improvement Corporation form a committee of five to be appointed by the board to investigate the cost of establishing a feeding program, as well as establishing a shelter for these animals, and report its findings at the next meeting.