



## **PARLIAMENTARY PROCEDURE**

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### **Procedure**

**PARLIAMENTARY PROCEDURE** is the application of parliamentary law to the conduct of an organization. It is wise for all leaders to familiarize themselves with the accustomed technique of conducting a meeting. While it is important that the members understand the fundamental rules of parliamentary procedure, this knowledge should be used only to insure order, to expedite business, and to develop an organization that will cleave to the objects for which it was organized. For a member constantly to raise points of order and to insist upon the strict observance of every rule in a peaceable assembly where there are members ignorant of these rules and customs is but to defeat the opportunity of gradually accustoming the membership of the proper observance of parliamentary procedure.

**THE CONSTITUTION AND BY-LAWS** of an organization contain specific rules for the conduct of its business. General rules and customs for orderly procedure in addition to these specific rules are commonly known as parliamentary law. These rules are needed to guide the deliberations of an organization in order to do the right thing in the right way at the right time, and to secure the best results with the least expenditure of time and effort. The underlying principles of parliamentary law are justice and courtesy to all, one thing at a time, the rule of the majority, and the right of the minority.

**PARLIAMENTARY AUTHORITY** It is important for every organization to adopt some authority on parliamentary law, and for the members to be familiar with both the specific and the general rules of the organization. A copy of the by-laws should always be on the commander's desk. Excellent books and small leaflets on parliamentary procedure have been written in simplified form and are available, but Roberts' Rules of Order Revised is the accepted authority for The American Legion.



**Order of Business (If not otherwise provided in BY-LAWS)**

1. **CALL TO ORDER** - The commander taps once with the gavel and says, "The meeting will come to order (follow ritual; roll call). The adjutant will please read the minutes of the preceding meeting."
2. **MINUTES** - After the minutes have been read by the adjutant, the commander asks, "Are there any corrections?" If none is made, "The minutes stand approved as corrected."
3. **TREASURER / FINANCE OFFICER'S REPORT** - The commander then calls for the treasurer's report. After it has been read, the commander says, "If there are no questions or corrections, the report will be filed for auditing." The Auditing Committee reports at such times as the by-laws provide.
4. **EXECUTIVE COMMITTEE REPORT** - In some organizations much of the routine business is taken care of by the Executive Committee. This committee submits a report of its meeting at each regular meeting of the organization for adoption by the membership. The Executive Committee may transact only such business as the membership authorizes, except where the by-laws give the committee power to act. This report might include the outstanding points in communications and committee reports submitted at the Executive Committee meeting, and presented to the organization for the information or the action of the group.
5. **COMMUNICATIONS** -These may include letters received, notice of the next meeting, and any matters of general interest to the organization, read by the adjutant.
6. **STANDING COMMITTEE REPORTS** - Standing committees are usually provided for in the by-laws and function throughout the year. The commander should have a list of the standing committees and call on each chair by name for reports according to plans previously made. If a report is made which contains merely a statement of opinion or facts, the commander says, "If there are no objections, the report is accepted." If it contains resolutions or recommendations for future action, a motion should be made by the reporting member "to adopt the resolutions or recommendations which may be amended in exactly the same manner as any main motion."



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7. **SPECIAL COMMITTEE REPORTS** - Special committees are appointed for special purposes and are automatically discharged when the special duties for which they were created are completed and their final report made to the organization. If there are any special committees to report, the commander says, "We will now hear the report of the special committee appointed to \*\*\*." A motion to adopt the resolution or recommendations of the committee opens the report to discussion and amendment.
8. **UNFINISHED BUSINESS** - The commander next brings before the meeting any business postponed from the previous meeting, or nay matters introduced at that meeting on which the action of the organization was not completed. A list of these unfinished matters should have been prepared from the minutes of the last meeting by the adjutant. Only when the unfinished business has been disposed of may new business be brought forward.
9. **NEW BUSINESS** - The commander then says, "Is there any new business to come before the meeting?" Communications and motions calling for action by the organization may then be presented and necessary action taken. This closes the business part of the meeting.
10. **THE PROGRAM** is then presented.
11. **ADJOURNMENT** - Members should remain seated and in order until the meeting is declared adjourned. The commander may, if desired, use the "common consent" motion to adjourn, etc., "If there are no objections, the meeting stands adjourned." Formal adjournment is usually followed by a social hour. (Follow ritual.)



## Motions

Business is introduced by a motion, or by a resolution. The steps in making a motion and voting on it are as follows:

1. **OBTAIN THE FLOOR** -The member rises and addresses the presiding officer, as Mr. or Madame Commander, as the case may be and gives own name unless known by the commander. If the member is entitled to the floor, the chair repeats the name of the member. This recognition gives the member the right to speak. It is out of order for another member to stand before the member speaking has finished, or to remain standing after another has been given the floor.
2. **MAKE THE MOTION** - The member then states the motion or offers a resolution; for example, "I move that we take action to secure a playground for this community." In order to state a motion properly, members of the organization should become accustomed to using the words "I move that" when introducing a motion.
3. **SECOND THE MOTION** - If anyone wishes the matter discussed and voted upon, a member says, "I second the motion," without rising or addressing the Chair. If no member seconds it, immediately the Chair, except in small assemblies, repeats the motion and asks, "Is the motion seconded?" In small assemblies, where every member has evidently heard the motion, instead of repeating the motion, the Chair may say, "You have heard the motion; is it seconded?" If the motion is not then seconded, the
  1. Chair may say, "There being no second, the motion is not before the assembly."
  2. (Note: Consult your parliamentary authority for the motions that do not require a second.)
4. **STATE THE MOTION** - After the motion is seconded, the Chair then states the motion; for example, "It has been moved and seconded that we take action to secure a playground for this community." As this motion is debatable and amendable, the Chair should then immediately ask, "Are you ready for the question?" or "Is there any discussion?" If the motion is not debatable or amendable (consult your parliamentary authority on this point if in doubt), the Chair should then immediately put the question to vote.



5. **DISCUSSION** - After a motion has been stated by the Chair, it is before the assembly for consideration and discussion. Speakers to the motion must (1) be entitled to the floor, (2) address their remarks to the presiding officer, (3) be courteous in their language and department, and avoid all personalities. The maker of the motion has the right to open and close the debate. Speakers must observe the rules of the organization as to the number of minutes and number of times they may speak on a question. The maker of a motion may vote against, but not speak against, the motion. Discussion must relate to the immediately pending question.
  1. (**Note:** Consult your parliamentary authority for the few exceptions by which a speaker may be interrupted after having been assigned the floor, also for the rules to guide the Chair when more than one person arises at the same time.)
6. **PUT THE QUESTION** - After sufficient opportunity has been given the debate, the Chair repeats the motion and says, "Are you ready for the question?" After waiting a moment, if no one claims the floor, the Chair then says, "All those in favor of the motion as stated, say aye. All opposed, say no."
7. **ANNOUNCE THE VOTE** - The chair says, "The ayes have it, and the motion is adopted," or "The noes have it, and the motion is lost," as the case may be. In the event of a tie, the motion is lost unless the Chair votes in the affirmative in order to carry the motion. A tie loses because every question must be carried by at least a majority. If in doubt as to the result, the Chair calls for a rising vote, first for, and then against, the motion, asks the adjutant to count the votes, and then announces the results.



## Amendments

After the question has been stated to the assembly by the presiding officer, it may be desirable to change it in some way. A member may rise, address the Chair, and after being recognized by the Chair, say, "I move to amend the motion by adding the words (with proper supervision) after the word (playground)." After the motion to amend has been seconded, and the motion repeated as it will read if amended so all may understand the effect the amendment will have on the main motion, the Chair then calls for remarks on the amendment. The discussion is now upon the proposed amendment. After discussion is over, the Chair puts the question and calls for a vote on the amendment. For example, "The question is on adding the words (with proper supervision) to the motion we take action to secure a playground for this community.

All those in favor of this amendment please say (aye), those opposed say (no)." After announcing the result of the vote on the amendment, the Chair will then restate the motion before the house, in its original form if the amendment has been lost, or as amended if the amendment has been carried and the vote is then taken upon the question in its final form (if no further amendments are offered). An amendment may be offered in any of the following forms: "I move to amend by inserting," or "adding" if at the end of the motion; "I move to amend by striking out and inserting," or "by substituting" in case of any entire resolution, by-laws or paragraph. Only one amendment of the first degree is permitted at a time when a motion or resolution is under consideration, but one amendment of that amendment—that is, an amendment of the second degree – is also in order. While there may be only one amendment of each degree pending at the same time, any number of them may be offered in succession after disposing of the prior amendment. An amendment must relate to the subject to be amended.

The amendment of the second degree, if there is one before the assembly receives first consideration. After disposal, unless another secondary amendment is offered, the amendment of the first degree is then pending. After all amendments have been disposed of, the main motion as amended (or in its original form if all the amendments have been lost), is placed before the assembly for action.



### What Shall I Do ?

1. To introduce business? Make the main motion.
2. To modify the motion? Amend, commit or refer.
3. To defer action? Postpone to a certain time; make a special order (require a two-thirds vote); lay on table.
4. To suppress or limit debate? Move the previous question (two-thirds vote); limit debate (two-thirds vote).
5. To suppress the question? Object to the consideration (two-thirds vote); postpone indefinitely; lay on the table.
6. To consider a question a second time? Take from the table; reconsider; rescind.
7. To prevent action from becoming final? Reconsider and have entered on the minutes.
8. To reverse the decision of the Chair? Appeal.
9. To make a request for: Parliamentary inquiry; information; permission to withdraw a motion; reading papers; excused from duty; any other privilege. (See Roberts' Rules of Order, 44 to 51.)
10. To correct a mistake? Rise to a point of order.

**A** motion that's been carried, lost, or postponed indefinitely can't be considered again during the same session except by a motion to reconsider the vote disposing of the question, or to rescind the action taken.

The motion to reconsider can be made only by one who voted on the prevailing side.



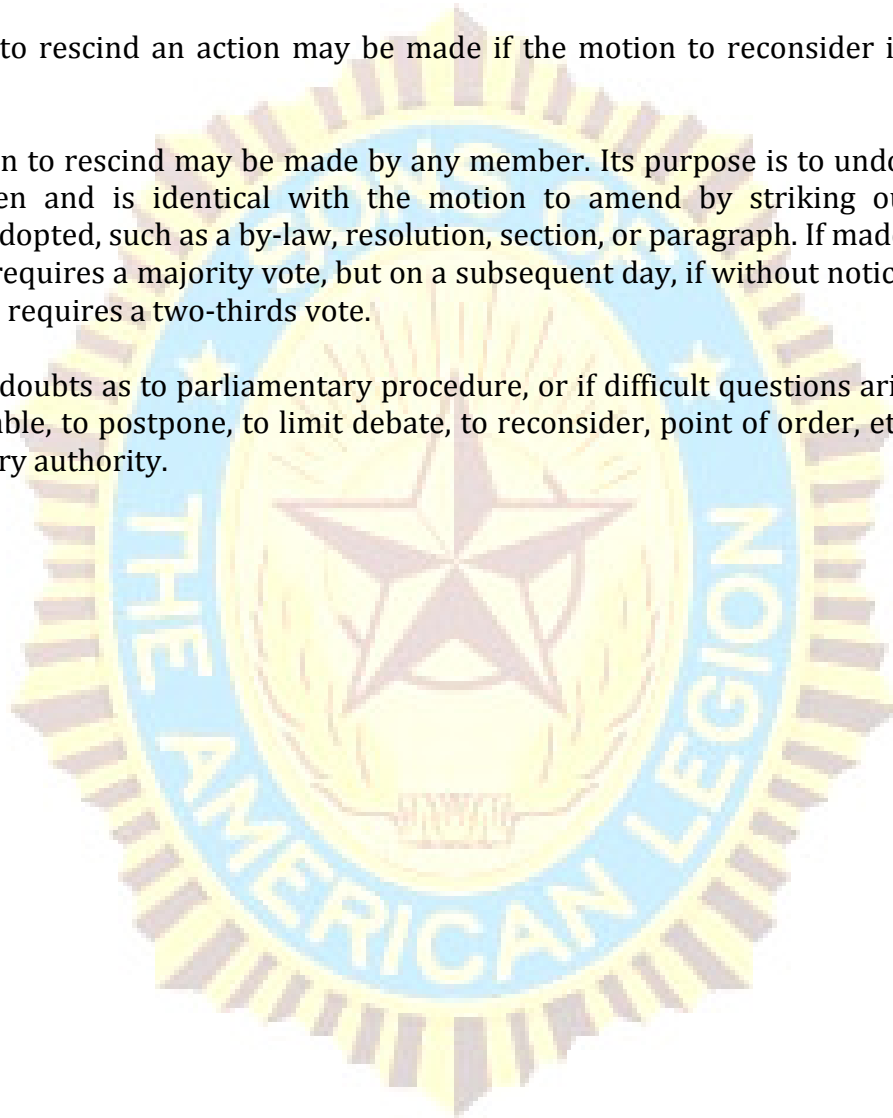
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The motion to reconsider must be made on the same day or the calendar day (not counting Sundays or holidays) after the vote which is to be reconsidered was taken. Any member may second this motion. The motion to reconsider, if carried, annuls the vote already taken and brings the motion before the assembly again for action.

A motion to rescind an action may be made if the motion to reconsider is not already pending.

The motion to rescind may be made by any member. Its purpose is to undo some action already taken and is identical with the motion to amend by striking out something previously adopted, such as a by-law, resolution, section, or paragraph. If made on the same day, it only requires a majority vote, but on a subsequent day, if without notice of intention to rescind it, requires a two-thirds vote.

In case of doubts as to parliamentary procedure, or if difficult questions arise, such as to lay on the table, to postpone, to limit debate, to reconsider, point of order, etc. consult the parliamentary authority.







### Motions Classified

#### IN THE ORDER OF PRIORITY

Privileged Motions

Fix time to Adjourn

To Adjourn

\*\*To recess

Questions of personal privilege

Call for order of business

Subsidiary Motions

Lay on table

Previous question 2/3

\*Postpone to definite time

\*Refer to Committee

\*Postpone

\*Amend Amendment

\*Amend

Objection to Consideration 2/3

A Main Motion is used to bring before the meeting any particular subject for consideration of the assembly.

#### NOTE :

\*Are debatable - others are not.

\*\*Debatable only when no other motion pending.

Those not marked with 2/3 require only majority vote.



## **Nominations and Elections**

The choosing of officers for a Legion group is one of the most important functions. It means the choosing of leaders upon whose faithful service the success of the organization largely depends. Among the qualifications necessary for efficient official leadership is an understanding of the purpose of The American Legion; knowledge of the work and enthusiasm for it; a high sense of justice, fairness and courtesy; open-mindedness, moral courage and the ability to get along with other people. Officers should be chosen for their ability to perform the work of the office to which they are elected, and not because of their social prestige or because they want the office. Willingness to serve is not enough; fitness to serve must stand above every other consideration.

A Nominating Committee reports to the assembly only nominees approved by a majority vote of the committee. No action is taken on the report of Nominating Committee. Nominations from the floor are always in order after Nominating Committee has reported.

A nomination is only a statement of a preference and does not control the election in any way. When voting by ballot, one may be elected without having been nominated, subject to getting the required number of votes at the election.

The elective ballot alone elects. Mistakes made in nominating do not invalidate elections, as you may vote for whom you please, regardless of nominations.

Members of a Nominating Committee may be nominated for office without resigning from the committee. When printed ballots are used, names presented from the floor as well as the names presented by the nominating committee must be printed on the official elective ballot so there will be no discrimination among the candidates.

### **Nomination by Ballot**

No nominations are made from the floor when nominations are by ballot, as all have had opportunity to nominate by ballot.

The method of election best fitted to a particular group should be provided in the by-laws. These election rules must be strictly adhered to. If the election rules prove unsatisfactory, amend them. But abide by them as they are, until properly amended. Before proceeding to an election, it is customary for nominations to be made from the floor or by a Nominating Committee, or by ballot. The by-laws may prescribe the method, but if they do



not, then the assembly by motion may choose the method of nominating. This motion is not debatable. Only members of the organization can make nominations or vote at an election. The by-laws should provide that no name shall be placed in nomination without the consent of the nominee. This prevents promiscuous nomination and withdrawals.

Nominations from the floor may be made by any voting member. Nominations require no second, but a second is complimentary to the candidate.

### **Nominations by Committee**

If names of candidates are to be presented by a Nominating Committee, this committee should be named at least one month before election day and the by-laws should provide the method of appointing (or electing) the committee. The usual methods are election by the assembly, or election by the Executive Committee or part by the assembly and part by the Executive Committee. The commander should not appoint the Nominating Committee nor be a member of it. The Nominating Committee should give thoughtful consideration to the qualifications of each candidate for office and should secure the consent of the candidate before placing the name on the ticket.

### **Closing Nominations**

Nominations from the floor may be closed by a two-thirds vote, or the commander may close nominations by unanimous (common) consent of the assembly (no one objecting). If for any reason it is desired to reopen nominations, it may be done by a majority vote (unless the by-laws limit the time for nominations).

A member may be nominated for more than one office, unless the by-laws forbid. If elected to more than one office, the member must choose immediately on which office to serve. The other office (or offices) shall be filled according to the provisions of the by-laws, if simultaneous service in more than one office is forbidden.

### **Elections**

Majority vote is necessary to elect if there is no by-law to the contrary. Plurality vote never elects except by special by-laws. A person ineligible to hold office at the time of election cannot be elected even by unanimous vote.



The usual methods of election are by voice, or by ballot (a secret vote). The by-laws may provide that election shall be by ballot except when there is but one candidate for office, the election may be by voice. The ballot vote is the fairest vote when there is more than one choice for an office. When the by-laws require the vote to be taken by ballot, it is out of order to move that the adjutant or any other person shall cast the ballot of the assembly, as ballot vote is a secret vote and each voter must cast their own ballot.

### **Election by Voice**

The election to office may be by voice, and vote taken on each candidate separately, or the assembly may, by a majority vote, order the vote taken on the ticket as a whole when there is but one candidate for each office.

### **Election by Ballot**

Ballots should be given to identified voting members only. The names of candidates for each office may be printed or written on the ballot, or the voter may write the name of choice on the ballot. The identity of the voter must not be indicated in any way as a ballot is a secret vote. If printed ballots are used, the names from the floor and those proposed by the Nominating Committee must be printed on the official ballot. Printed ballots cannot be used if nominations and elections take place at the same meeting.

Instructions may be given to the assembly concerning the method of marking the ballot. An unmarked (blank) ballot is just a scrap of paper and is not counted in elections. The Election Committee has no authority to make any changes in the election ballot or mark it in any way.

The vote cast for each office must be preserved in such manner that if the election is questioned, the voter may be verified by a recount. If printed ballots are used, the Election Committee places the voted ballots in a sealed packet together with its report (signed by at least a majority of the Election Committee), and delivers the packet, sealed, to the adjutant. This sealed packet shall not be opened except by order of the assembly or the board for the purpose of verifying the vote, or destroying the packet.

If slips of paper are used for voting for each separate office, the votes cast for each office must be sealed in a separate packet and delivered to the adjutant in like manner.



The form of the report of the Elections Committee for each office to be filled is as follows (Example):

“For commander - Number of votes cast - 30; necessary for election - 16; Brown received - 19; Jones received - 10; Green received - 1.”

After the vote for all the offices has been read (the largest vote for each office stated first), the names of the committee members signing the report are read, the report is handed to the commander, and the reporting member sits. The commander announces who is elected. In counting the ballots, every name for which a vote has been cast must be reported.

Newly-elected officers take their seats at the time prescribed in the by-laws. If there is no such rule, they are seated following election, or at the time established by usage as a precedent.

When there is more than one vice-commander, they always should be numbered to establish their precedence when acting as commander pro tem.

### **Courtesies in the Assembly**

**M**embers contribute to the success of a meeting when they –

1. Come to order at once when the commander opens the meeting.
2. Give thoughtful attention throughout the business meeting and the program.
3. Rise to address the Chair, and wait to speak until recognized by the Chair.
4. Sit down at once when someone else has been given the floor.
5. Rise to make a motion, but remain seated in small assemblies when seconding the motion.
6. Write a long or involved motion and give to the adjutant, when asked to do so.
7. Rise when a rising vote is requested and remain standing until the vote is taken.
8. Vote on every question.
9. Limit their remarks to their rightful share of the time of the meeting and do not infringe upon the right of others. The floor should be given to one who has not spoken on the question, in preference to one who has spoken, if there is any question as to precedence.
10. Rise to make reports, remain seated during the discussion of the report.
11. Refrain from conversation during the meeting.
12. The courtesy of the floor may be granted to one who is not a member when it is desired to have such one speak during a business session.



### **Parliamentarian**

A parliamentarian may be appointed if there is a member of the organization who is well informed on parliamentary law. It must be remembered the function of a parliamentarian is to express an opinion on the point in question when requested to do so. The ruling or decision based upon this advice must be stated by the presiding officer.

### **Authorized Business**

Authorized and lawful business which the organization becomes responsible for can only be transacted at meetings regularly or specially called for that purpose at which meetings there is a quorum present.

The notice for a special meeting must state the special business to be transacted, and no other business can be entertained.

If no quorum is present, the motion to adjourn and to provide for an adjourned meeting are the only motions in order.

If additional knowledge of Parliamentary Procedure is deemed necessary, posts should refer to Roberts' Rules of Order.

### **Motions Classified in Order of Priority**

1. Privileged Motions: Fix time to Adjourn; To Adjourn; To Recess \*\*; Question of Personal Privilege; Call for Order of Business.
2. Subsidiary Motions: Lay on Table; Previous Question (2/3); Postpone to Indefinite Time \*, Refer to Committee \*, Postpone \*, Amend Amendment \*, Amend \*, Objection to Consideration (2/3).
3. Main Motion \*: A main motion is used to bring before the meeting any particular subject for consideration of the assembly.

NOTE: \*Are debatable - others are not.

\*\*Debatable only when no other motion pending.

Those not marked with (2/3) require only majority vote.