

ROBERTS RULES OF ORDER PARLIAMENTARY PROCEDURE



Constitution & By-Laws

THE CONSTITUTION AND BY-LAWS of The American Legion contain specific rules for the conduct of its business.

The Constitution and By-Laws of the post may not violate the Constitution and By-Laws of higher authority (i.e. Department and National) or state and federal law.

Parliamentary Law

General rules and customs for orderly procedure in addition to the specific rules of the Constitution and By-Laws are commonly known as **parliamentary law**.

These rules are needed to guide the meeting in order to do the right thing, in the right way, at the right time, and to secure the best results in least amount 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 Procedure

PARLIAMENTARY PROCEDURE is the application of parliamentary law.

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 and expedite business.

Robert Rules of Order Revised

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 Constitution and By-laws should always be on the Commander's desk.

They are the first authority of The American Legion.

Roberts' Rules of Order Revised (10th Edition)

Roberts' Rules of Order Revised is the accepted authority for The American Legion on any issue not covered in the Constitution and By-laws.

Excellent books and small leaflets on parliamentary procedure have been written in simplified form and can assist in understanding Parliamentary Procedure but they do not replace Roberts' Rules of Order.

Who's Robert?

- ▣ Henry Martyn Robert (1837-1923)
General, U.S. Army.

General Robert began researching parliamentary procedure after he was elected chairman of a group. There weren't many books on the subject and those that did contradicted each other. So Robert decided to produce a manual.

- ▣ Since then there have been 10 revisions, the most recent in 2000 by Henry M. Robert III.

What Robert's Rules Can Do for You

.....AND YOUR MEETINGS !

- ▣ Make them shorter
- ▣ Protect the minority opinion
- ▣ Avoid getting sued by following the procedures that have been voted on and accepted by the membership.

Parliamentary Procedures

- ▣ Legal trouble, really?
- ▣ Some lawsuits over improper use of parliamentary procedures include, violating a members right to speak or vote, not giving proper notice and failing to establish or maintain a quorum.

Running The Meeting

- ▣ The American Legion has a procedure in place for running a meeting. It can be found in the Officers Guide under Regular Meeting.
- ▣ We will highlight some of things you should know.
- ▣ It is important to note that this is for a regular meeting as committee meetings and conventions have variations to them.

Running The Meeting

The Opening

- ▣ Opening the Meeting
 - The Commander calls the meeting to order with one rap of the gavel.
 - All officers should be in uniform, each wearing the official American Legion cap.
 - The Commander then gives three raps of the gavel to have the membership rise.
 - The Commander then begins the Rituals.

Running The Meeting

▣ **The Rituals:**

■ **The Advancement of the Colors.**

- ▣ All in uniform shall come to attention and salute at the Commanders order. A Legionnaire is considered “in uniform” when they are wearing the cap.
- ▣ Some post choose not to parade the colors. In this case the Commander should direct the members attention to the flag.

■ **The Prayer**

- ▣ All present should be standing with cap removed while the Chaplain offers prayer.

Running The Meeting

▣ **The Rituals (Continued)**

■ **POW/MIA Empty Chair Ceremony**

- Resolution 288, adopted at the 67th National Convention, encourages all American Legion organizations to implement the Empty Chair Program at all meetings. As a continual physical symbol of the POW/MIAs and the cause for which we stand, namely their return or full accounting.

Running The Meeting

▣ **The Rituals (Continued)**

■ **Reciting The Pledge of Allegiance**

- ▣ The American Legions' policy calls for the cap being removed and not saluting during The Pledge. Other veteran organizations may differ.

■ **Reciting The Preamble of the Constitution of The American Legion in Unison**

- ▣ This is where you put your cap back on!
- ▣ If you don't know the Preamble never fear. It is in the Officers Guide in the Regular Meeting but take a look around it might be on the wall.
- ▣ As a last resort check your membership card on the back!

Running The Meeting

- ▣ Concluding The Opening
 - ▣ The Commander seats the members by rapping the gavel one time.
 - ▣ The Commander then declares the meeting convened.

- ▣ The exact wording to be used can be found in the Officers Guide for the entire opening.

Business Meeting

- ▣ The order of business for post meetings shall be:
 - a. Roll Call to determine if quorum is present.
- ▣ A quorum = The number of voting members that must be present to do business.
- ▣ The most frequent quorum is a majority of the members. If your bylaws don't specify how many members constitute a quorum, the quorum is a majority of the entire membership.
- ▣ Be careful in setting a quorum. You want the membership represented but don't set it so high that you can never obtain a quorum in a meeting.

Quorum

- ▣ To determine if a quorum is present **count the number of members in the room** not members voting. Members can choose not to vote and still count towards a quorum.
- ▣ Example: You have 50 members in your post and your quorum is 26, a majority. At the meeting a vote is taken on an issue and 15 vote yes, 10 vote no and 1 abstains (present but not voting)
- ▣ Is there a quorum?

Quorum

- ▣ If you add the votes, yes and no you would have 25 and no quorum, but if you add all voting members in the room then there are 26.
- ▣ In this case YES there is a quorum.
- ▣ The next order of business calls for a vote but 2 of the 26 members present had to leave.
- ▣ Can you take the vote?

Quorum

- ▣ No. You no longer have a quorum. You must maintain a quorum throughout the duration of the meeting.
- ▣ SO, What can I do without a quorum?
- ▣ You can close the meeting.
- ▣ You can take a break and try to get enough members present to once again have a quorum.

Action Without Quorum

- ▣ If a group believes that they must take action, even though there is no quorum, they can do so, but it is not considered action of the group until it is ratified at the next meeting with a quorum present.
- ▣ At the next meeting with a quorum a motion must be made to ratify the action taken at the previous meeting. If it passes the action becomes the action of the group. If it fails those that were present at the previous meeting are responsible for the action and not the group.
- ▣ So be careful. Don't do this unless it is absolutely necessary or it might cost you personally.

Back To Business

- ▣ b. Reading of minutes of previous meeting.

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.”

- ▣ c. Introduction of guests and prospective and new members.

Business Meeting

- ▣ d. Committee reports.

TREASURER OR 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.

Business Meeting

- 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.

Business Meeting

- COMMUNICATIONS—These may include letters received, notice of the next meeting, and any matters of general interest to the organization, read by the adjutant.

Business Meeting

- STANDING COMMITTEE REPORTS—Standing committees are usually provided for in the by-laws and function throughout the year.
- If a standing committee 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.”

Body of Meeting

- 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 is made to the organization.

Business Meeting

- e. Balloting on applications
- f. Sick call, relief and employment.
- g. Post Service Officer's report.
- h. **Unfinished business – Not Old Business**
- The commander calls for any business postponed from the previous meeting, or business introduced at that meeting that was not completed.
- Only when the unfinished business has been disposed of may new business be brought forward.

Business Meeting

- i. Initiation of candidates.
- j. **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.

Memorial

- ▣ k. Memorial to a departed post member
 - Post Everlasting is the most commonly used ritual for a deceased member.

Good of The American Legion

- The Good of The American Legion.
(The membership shall be permitted to make suggestions of any kind, character or description, save of religion or partisan politics. No Motions may be made or votes taken.)

This is an opportune time to have official guest speak.

Closing Ceremony

- ▣ The Commander calls for the Chaplain to offer prayer.
- ▣ The Commander then reads the closing remarks found in the officers guide.
- ▣ The Commander then calls the members to attention to salute the flag.
- ▣ The Commander declares the meeting adjourned and gives on rap of the gavel.

Motions

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

Motions

- Step 1: Make The Motion
- To make a motion the chair (Commander; President; etc are all chairs) must give you permission.

Then simply say “ I move that...” and whatever it is you want to discuss.

How about an example. Let's say member Sam has an idea and Sam says:

“I move that we build a memorial.”

Motions

- ▣ Step 2. Second The Motion
- ▣ Now a second member of the group has to want to discuss the motion by stating:

“I second the motion.”

- ▣ Do not use support the motion. You can second the motion for the purpose of getting it on the floor for discussion without agreeing or supporting with the motion.

Motions

- ▣ What If There Is No Second?
 - If there is no second then there is no debate.
 - The motion dies for a lack of a second.

Motions

- ▣ Common practice now allows a motion that comes from a committee to not need a second.
- ▣ That is because the committee had to vote on the motion and since there is more than one member on the committee it can be assumed that two people want to discuss the motion.

Motions

- ▣ Step 3. The Chair States The Motion
- ▣ Why is this important?
- ▣ Until the Chair States the Motion, the maker of the motion has the right to modify the motion without the approval of the members.
- ▣ Once the Chair States the Motion the motion can only be dealt with by the membership.

Motions

- ▣ Another example:
 - Remember Sam? Well Sam's motion received a second and the chair repeated the motion. Then someone pointed out that a memorial can be very large depending on the content.
 - Sam wants to withdraw the motion but he no longer can.
 - Sam must ask the Chair for permission from the members to withdraw the motion.

Motions

- ▣ Step 4. Members Debate The Motion
 - At this point the motion is considered pending meaning it is on the floor for discussion and awaiting a vote.
 - At this point the motion can be amended, postponed, sent to a committee etc. Any of these motions are secondary motions. They become immediately pending and must be handled before dealing with the original or main motion.

Motions

- ▣ Step 5. Voting on the Motion
or Putting The Question
 - Once debate has ended the Chair should restate the motion.
 - Then depending on the type of vote should ask for all in favor to say aye or yes or show a raise of hands.
 - Then repeat the procedure for the no vote.
 - Even if the vote appears unanimous in favor never exclude the no vote.

Motions

- ▣ Step 6. The Chair Announces The Decision
 - The Chair announces the vote and declares the motion passed or failed.

Motions

- ▣ What's in order? What's out of order?
- ▣ Handling a motion can be scary but it doesn't have to be.

Motions

- ▣ In Robert's the rule of precedence of motions contains the following 13 motions.
- ▣ Let's think of these motions as having a rank like in the military.
- ▣ We will call them M-1 through M-13, much like E-1 to E-9 or O-1 to O-9, with M-1 being the lowest ranking motion and M-13 the highest.

Motions

- ▣ The rank would look like this:
- ▣ M-13. Fix the time to which to adjourn
- ▣ M-12. Adjourn
- ▣ M-11. Recess
- ▣ M-10. Raise a question of privilege
- ▣ M-9. Call for the orders of the day
- ▣ M-8. Lay on the table
- ▣ M-7. Previous question
- ▣ M-6. Limit or extend limits of debate
- ▣ M-5. Postpone to a certain time
- ▣ M-4. Commit or refer
- ▣ M-3. Amend
- ▣ M-2. Postpone indefinitely
- ▣ M-1. Main Motion

Motion

- ▣ When handling the motions you can always handle a motion that is of a higher rank.
- ▣ You must take care of the highest ranking motion before handling a lower ranking motion.
- ▣ If you handle the lower ranking motion before finishing the higher ranking motion you are Out of Order.

Motions

- ▣ The rank concept is derived from a similar idea found in The Complete Idiot's Guide to Robert's Rules of Order by Nancy Sylvester, PRP, CPP-T.
- ▣ For more information on Robert's Rules and Motions it is recommended that you consider purchasing a copy of The Complete Idiot's Guide to Robert's Rules of Order.

Motions

- ▣ Let's go back to Sam.
- ▣ Sam has made a motion to build a memorial.
- ▣ That is a main motion ranked M-1.
- ▣ During discussion it was pointed out that a memorial can be very large depending on content.

Motions

- ▣ Jim then moves to amend the motion.
- ▣ Jim says, “I move to amend the motion by adding the word veterans.”
- ▣ This is an amendment to the motion and is ranked M- 3. M-3 is senior to M-1 so it is in order.
- ▣ The amendment is now our pending question and must be dealt with before going back to the main motion.

Motions

- ▣ Jim's amendment receives a second and the chair repeats the amendment." Build a veterans memorial."
- ▣ During discussion Mike decides that it would be better to discuss this at the next meeting to allow more members a chance to attend and discuss the motion.

Motions

- ▣ Mike says, “I move that we postpone this motion to our meeting next month.”
- ▣ This is a motion to postpone to a certain time and is ranked M-5.
- ▣ An M-5 is senior to an M-3 so it is in order.

Motions

- ▣ Mike's motion gets a second and the chair repeats the motion to postpone.
- ▣ During discussion to postpone Frank decides that this motion should be studied by the Finance Committee.
- ▣ Frank says “ I move that we refer this motion to the Finance Committee. “

Motions

- ▣ This is a motion to commit or refer and is ranked M-4.
- ▣ An M-4 is not higher ranking than an M-5 and therefore the Chair rules the Motion Out of Order.
- ▣ The Chair then repeats the immediately pending motion. To postpone to the next meeting.
- ▣ A vote is taken and passes.
- ▣ The motion is postponed to the next meeting.

Motions

- ▣ We are now a month later at the next meeting.
- ▣ The Chair calls for Unfinished Business.
- ▣ Here the Main Motion to build a memorial is back up for discussion as is the amendment to add the word veterans.
- ▣ Frank still thinks the Finance Committee should investigate the cost.

Motions

- ▣ Frank says, “ I move that we refer this motion to the Finance Committee.”
- ▣ This time the motion to postpone an M-5 has been dealt with at the last meeting.
- ▣ The immediately pending question is the amendment to add the word veteran. An M-3.
- ▣ This time the motion to refer to committee **Is In Order.**

Motions

The motion to refer is ranked M-4.

The pending question to amend is ranked M-2 so this time it is higher ranking.

The motion is seconded and the Chair repeats the motion, to refer to the Finance Committee.

Discussion takes place and vote is taken.

The majority vote is no and the motion to refer fails.

Motions

Now the immediately pending question is to amend the main motion by adding the word veterans.

Discussion takes place and the vote is in favor.

The motion is amended to “Build a veterans memorial.”

Motions

- ▣ So we are done right?
- ▣ Wrong! All you've done is approve a word change....an amendment.
- ▣ Now the pending question is the main motion **as amended**.
- ▣ The Chair calls for discussion.

Motions

- ▣ The Chair repeats the motion: To build a veterans memorial.
- ▣ The vote is taken and passes.
- ▣ The Chair announces,
“ We will build a veterans memorial. “

Motions

- ▣ The Two Misused Motions:
- ▣ Call the Question or Previous Question.

This motion stops all discussion and any amendments and to moves immediately to a vote on the motion.

- ▣ However, it is a motion and must have a second. No debate is allowed on this motion. The motion requires a 2/3 majority vote to pass.

Motions

- ▣ Lay On The Table.
- ▣ This one is severely misused!
- ▣ The purpose of this motion is to set aside the pending motion to attend to more urgent business.

Motions

- ▣ Here comes the misuse.
- ▣ Once a motion to Lay On The Table has passed the motion can not be brought up again until a motion to Take From The Table is passed.
- ▣ Lay On The Table is not debatable.

Motions

- ▣ If you lay the motion on the table you can't set a time to bring it back up.
- ▣ If the motion to take from the table has not occurred by the end of the next meeting then it automatically becomes Unfinished Business at the second meeting after the motion to Lay on the Table was made.

Motions

- ▣ If what you wish to do is put the discussion off to the next meeting then use the Motion to Postpone to a certain time.
- ▣ If you're trying to "kill" the motion then use Motion to Postpone Indefinitely.
- ▣ If you just want to stop discussion so a guest speaker that has arrived may speak without listening to your business then -

Motions

- ▣ Lay The Motion On The Table.
- ▣ Once the speaker has left
- ▣ Move to Take from the Table and continue your discussion of the Motion.

Motions

- ▣ When discussing a motion remember to keep the discussion to the topic of the motion and address the chair not each other.
- ▣ The maker of the motion has the right to speak first on the motion.
- ▣ The maker of the motion can not speak against the motion but they can vote against the motion.
- ▣ The Second is not limited and may speak and vote against the motion.