

**Differences in Basic Approach between
Town Meeting Time,
the Parliamentary Authority for
New England Town Meetings, and
*Robert's Rules of Order Newly Revised***

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Introduction

Few parliamentarians are familiar with *Town Meeting Time*¹ (hereafter “*TMT*”), a parliamentary authority written especially to serve New England town meetings. Many parliamentarians are, however, familiar with the New England town meeting tradition and its contribution to democracy and the development of parliamentary procedure in America. Perhaps this lack of familiarity with *TMT* in parliamentary circles arises from its narrow scope and particular application. Nevertheless, *TMT* deserves attention as a alternative authority well attuned to the continuing traditions of parliamentary procedure as applied in town meetings, a venerable and unique form of American deliberative assembly. A large number of cities have been incorporated in New England in the past two centuries (with small governing bodies elected to represent many people efficiently). Nevertheless, large parts of New England remain organized as towns governed by town meetings where many important municipal decisions are made by either the entire adult population (open town meeting) or a slightly more selective group where each member is elected to represent a relatively small number of constituents (representative town meeting).²

The primary purposes of this article are twofold: (1) to familiarize parliamentarians with a parliamentary authority that is little known outside New England, but that carries great weight in the areas where it is used; and (2) to assist new town meeting members. With the rapid suburbanization of many previously rural

towns and the increasing use of representative town meetings, fewer town meeting participants have grown up immersed in the town meeting tradition, expected to attend meetings from the time they reach the age of majority. Many new town meeting members have been involved in voluntary organizations that use *Robert's Rules of Order* and its subsequent editions (the most commonly used authority in the United States) or other more familiar authorities, long before they attend their first town meeting.³ This article may also (1) help moderators (town meeting presiders) to understand what meeting members are trying to achieve when they attempt to apply rules derived from *Robert* in town meeting and (2) provide some assistance to town meeting participants more familiar with *TMT* than more commonly used authorities when they become involved in voluntary organizations.

This article contains a brief overview of *Town Meeting Time*, describing the book's background and development, together with a detailed comparison of the general approach and basic rules of *Town Meeting Time* with those of *Robert's Rules of Order Newly Revised*⁴ ("*RONR*"). The comparison of general approach and basic rules covers the rules relating to conduct of meetings, debate, handling motions generally, and consideration of main motions (including those procedural motions treated as main motions by *TMT*, such as *reconsider* and *advance an article*). This article expects readers to be familiar with *RONR*, so parallel page citations to *RONR* are given only when the relevant provision of *RONR* is relatively obscure or is necessary to explain the difference in question. Since most of the rules of *TMT* are the same as those of *RONR*, only differences are described. If the article does not mention a *TMT* rule, it should be assumed that, if the parallel *RONR* rule would be applicable in the town meeting setting (thus excluding *RONR* rules relating to conventions, mass meetings, organization bylaws, boards, etc.), the rule is similar under *TMT* and *RONR*. The article also assumes that if *TMT* does not directly address an issue, town meetings using *TMT* will refer to common parliamentary law, which is typically in accordance with *RONR*.⁵ Generally, when the article mentions a *TMT* rule without reference to a parallel *RONR* provision, the mentioned *TMT* rule is at

variance with an *RONR* rule that most parliamentarians are familiar with. The principal differences between *TMT* and *RONR* involve the rules for specific motions. Therefore, a following article will detail the differences between procedural motions as treated in *TMT* and *RONR*. Inevitably, this structure requires a certain amount of duplication and cross-referencing, which has been minimized to the extent possible. A third article will discuss differences between the 1984 second edition of *TMT* and the recently published third edition.

Town Meeting Time as a Parliamentary Authority

Historically, town meetings were run according to common parliamentary law, without any adopted authority.⁶ Town meetings often adopted special procedural bylaws to codify their practices. Eventually, as parliamentary authorities began to be written, many towns found it convenient to adopt one of the commonly used authorities or the more developed rules of other deliberative bodies for guidance. Several towns adopted the *Manual of Parliamentary Practice* by former Massachusetts House of Representatives Clerk Luther Stearns Cushing, some the Massachusetts House of Representative Rules, others *Robert's Rules of Order*, and still others United States House of Representatives Rule XVI (4) (relating to recognition and precedence of motions).⁷ Because of the unique nature of town meetings, however, none of the manuals or existing legislative rules was geared towards the needs of this specialized form of deliberative assembly. Town meetings are different from most other deliberative assemblies because of the importance of statutory constraints which govern many aspects of town meeting procedure (as a form of municipal governance) and the special procedural traditions handed down in various New England towns, many of which predate the American Revolution.

For example, town meetings are generally presided over by a moderator (instead of a president or chairman) who may be elected in a typical municipal ballot election rather than by a town meeting, although in other places the election of the moderator remains the first business of the town meeting.⁸ The office of secretary for the town meeting is filled by the Town Clerk, who

generally has substantial additional administrative duties.⁹ Towns have Boards of Selectmen who serve in some respect as traditional society boards (running the business of the society between meetings) and in some respect as the upper house of a bi-cameral legislature.¹⁰ Business at a town meeting is introduced through a special form of pre-meeting notice called the “warrant,” which consists of articles which describe with greater or lesser specificity the items of business to be taken up at the meeting.¹¹ “Bylaws” in the town meeting context generally refers to the full compendium of municipal ordinances, which generally contains a section of procedures in town meeting.¹² Many towns supplement their bylaws through special rules of order, which *TMT* refers to as “adopted procedures.”¹³ Town meetings are a special form of assembly, the legislative body, and as such share some procedures with state legislatures, such as meeting on several continuous days until the completion of business.¹⁴ Nowadays, however, many town meetings complete their business in a single evening.

Because of these unique aspects of town meetings, many town meeting participants felt that existing parliamentary authorities were inadequate for town meetings and wanted a specialized manual for that purpose. Geoffrey Bolton wrote several editions of *A Handbook for Town Moderators* for the Massachusetts Federation of Taxpayers’ Associations. Some moderators felt, however, that a more authoritative manual, geared towards all town meeting participants and for use throughout New England (Bolton focused only on Massachusetts), was called for.¹⁵ *TMT* states, “Demeter does not seem to have a friendly feeling for moderators.”¹⁶ It should be noted that Demeter’s 1969 Blue Book Edition, incidentally published by Little Brown, the publisher of *TMT*1st, contains a significantly expanded section on town meetings which cross-references *TMT* and eliminates the condemnation of town meeting moderators who conduct meetings “tyrannically.”¹⁷

The Massachusetts Moderators Association commissioned several of its members to draft a new manual for use by town meeting members throughout New England, which became *Town Meeting Time*. The first edition, which was published in 1962, was

written by Moderators Richard B. Johnson of Swampscott, Benjamin A. Trustman of Brookline, and Charles Y. Wadsworth of Lincoln. The first edition was well researched and relied for its opinions about correct procedure upon legislative procedure rules, Bolton, and well known parliamentary authorities (Jefferson, Cushing, *Robert's Rules of Order Revised* (5th ed. 1943) ("*ROR*") (although by 1962, the sixth edition of *ROR* (1951) had already been published), and Demeter (Universal ed. 1953)), as well as statutes and case law from all the New England states.¹⁸ A useful feature of the first edition was that it cited to the sources for its positions on parliamentary issues, so that the positions taken could be verified by consultation with the original sources. *TMT* from its first edition contained basic parliamentary principles, a codification of common parliamentary law as applied in many town meetings, and rules related to the special circumstances of town meetings (the moderator's role; the town clerk's role; town counsel's role; the constable's role; the warrant; conflict of interest; and the relationship of town meeting to the often independently elected selectmen, school committee, and finance committee).¹⁹ As should be expected in an authority written by several practicing presiders based on their experience, *TMT* acknowledges that there are differences in opinion on some of the finer points of parliamentary procedure. Typically, *TMT* will identify the different viewpoints and often it will choose a preferred position, which the text refers to as the "better view" or the "better rule."²⁰ This approach acknowledges that many towns may have a distinct tradition of following the "other rule" and their traditions should be respected. At the same time, it allows a moderator confronted with a new situation some discretion to choose a his or her preferred approach, even if it is the "other view." Nevertheless, when the text mentions a "better view," it creates a default rule that a moderator, faced with the situation addressed by the rule for the first time, is more likely to follow unless there are strong reasons to do otherwise. This article will therefore treat the viewpoint designated the "better view" or the "better rule" as the prescribed rule under *TMT*.

Similar to *The Standard Code of Parliamentary Procedure* ("*TSC*"), *TMT* contains a discussion of "unnecessary" motions

found in other authorities, primarily *RONR*.²¹ In addition to common parliamentary law and legislative rules, the authors of the first edition based their rules on common town meeting traditions (often separately published in pamphlet form as a supplement to town procedural bylaws, adopted rules or procedures, and common parliamentary law), idiosyncrasies of the authors based on their experience as town moderators, and the authors' (occasionally incorrect) understanding of the leading authorities. The work included considerable, often witty, commentary on how moderators could use the rules to run an orderly meeting and how members should participate in order to air their views. An appendix, continued in subsequent editions, listed special statutory voting requirements for various subjects in the New England states.²²

The first edition proved sufficiently successful that a second edition eventually proved necessary. The second edition, edited by Moderators Ralph C. Copeland of Medfield, Joseph Harrington, Jr., of Wenham, John B. Howard of Chesterfield, Charles L. Kirkpatrick of South Hadley, and Douglas D. Nichols of Ludlow, was published in 1984.²³ The authors of the second edition appear principally to have updated the first edition by including references to more recent Massachusetts statutes and a few Massachusetts cases.²⁴ They failed to update the second edition to include comparative references to contemporary versions of other parliamentary authorities, instead retaining the notes from the first edition virtually unchanged. Statutory and case law updating for New England states outside Massachusetts was very limited. Despite the widespread acceptance of *TMT* as an adopted authority (or unadopted reference manual) in many towns, the new edition did not include an updated survey of the parliamentary authorities adopted or used by custom by different towns. The editors of the second edition did add a brief introduction discussing some recent Massachusetts cases, newer litigious attitudes, and the statutory resolution of a previously outstanding issue regarding town meetings' power in school finance decisions.²⁵ They also made the motion to *take from the table* subject to subsidiary motions.²⁶ Aside from this one substantive revision (discussed in the next article of this series), the text was not altered significantly in the second

edition.²⁷ The layout and pagination of the first and second editions are even identical. The second edition included also an addendum discussing the history of the town meeting which has been continued in the third edition.²⁸

Since 1984, statutory changes, new case law, and evolving practice (particularly in regard to gender equality), in addition to the exhaustion of the printed supply of the second edition, warranted a new edition.²⁹ A new committee of the Massachusetts Moderators Association, consisting of Roslyn Garfield of Provincetown, Henry L. Hall, Jr., of Belmont, Joseph Harrington, III, of Westborough, and John M. Russell, Jr., of Hull, prepared the 2001 third edition.³⁰ The third edition substantially revised the text of the second edition, although there are few substantive rule changes. Because of limited resources, the editors of the third edition made some choices that parliamentarians might hope would be redressed in future editions. For example, the editors determined that towns outside Massachusetts did not use *TMT* enough to warrant updating non-Massachusetts references.³¹ Without the caveat in the introduction, the citation of older non-Massachusetts cases and statutes might be considered misleading because they have not been kept up to date. Similarly, the editors of the third edition, just as the editors of the second edition, failed to update references to other parliamentary authorities such as Robert and Demeter to the most recent editions or to correct erroneous references, as discussed below. It would also be useful for a subsequent edition to include an updated survey of the adopted parliamentary authorities (including *TMT*) and parliamentary authorities used by custom (but not formally adopted) in the various New England towns. Finally, any updating of *TMT* should reconcile a small number of apparent internal inconsistencies (discussed in greater detail below and the next article), which the editors of the second and third editions did not catch.

Debate and Meetings

Similar to *RONR*, *TMT* recognizes both the regular annual meeting (and its adjournments) and special meetings, the requirements for which are set by statute.³² One semantic distinction that may cause

confusion is that *TMT* and *RONR* give the terms “meeting” and “session” completely opposite meanings. Under *RONR*, a session may consist of several meetings, while, under *TMT*, a meeting may consist of several sessions.³³

The commencement and order of business under *TMT* are somewhat different from those under *RONR*. The preliminary order of business (before the actual business noticed in the warrant) starts with the formal return of the warrant, and continues, in the following order, with swearing-in of newly elected officers, the national anthem (customary in some towns, with the salute to the flag listed as an alternative under *TMT*, not an addition), the prayer (customary in some towns), the introduction of distinguished visitors, complimentary resolutions (which do not need to be on the warrant), and introductory comments by the moderator.³⁴ (Introductory comments as a separate category was added in the 2001 third edition. The text contains suggestions for a brief primer on meeting procedures under this heading.) Under *RONR*, contrary to *TMT*, preliminary matters (before reading the minutes) are all optional, but, if performed, the prayer should come before the national anthem and salute to the flag.³⁵ *RONR* does not mention as optional headings in the order of business the return of prior notices, swearing in of officers, introduction of visitors, complimentary resolutions, or introductory remarks by the chair.³⁶ Some of *TMT*'s preliminary headings are not applicable in non-governmental meetings and others are handled more informally under *RONR*. A significant difference between *RONR* and *TMT* in regard to the order of business is that, after the preliminary matter *TMT* does not provide for reading of minutes because the town clerk's record is conclusive.³⁷ Therefore, there is no need for the meeting to hear and approve the clerk's minutes. Under *TMT*, the Moderator has sole discretion over whether to permit broadcasting (by radio or television) or recording of the proceedings.³⁸ Under *RONR* the assembly would normally have control over such issues as a question of privilege.³⁹

If the town elects the moderator or clerk at the meeting, or it is necessary to elect a temporary moderator or clerk, the election would be the first order of business before the return of the

warrant.⁴⁰ In towns that elect their moderator at the meeting, the person who presides until a moderator is elected, in the following order if earlier listed positions are vacant or absent, is: town clerk, chair of selectmen, senior selectman, justice of the peace, or constable.⁴¹ *TMT* does not list in order who would preside over the election of a temporary moderator, but by analogy a similar order would apply.⁴² The selectmen jointly preside over the election of a temporary clerk and, in their absence, three persons chosen by the voters do so.⁴³ A moderator, and by analogy a temporary moderator, could be elected by any method (voice, hand, standing vote, or ballot).⁴⁴ A temporary clerk, on the other hand, is to be elected by ballot.⁴⁵ *TMT* contains a potential conflict as to which officer is to be elected first when both (either regular or temporary) are to be elected at the meeting. *TMT* p. 22 says, "Traditionally, the first order of business at each meeting was the election of a moderator." *TMT* p. 48 says, "If the town clerk is absent ... the first business in order is the election ... of a temporary clerk." Under *RONR*, the temporary chair (moderator) would be elected before the temporary secretary (clerk).⁴⁶

The business portion of the meeting is dictated by the business items listed in the warrant and there is no other standard order of business, contrary to *RONR*.⁴⁷ For example, committee reports are given no preferential status and are simply taken up in the order listed in the warrant.⁴⁸ Similarly, *TMT* does not recognize special orders.⁴⁹ All business to be brought before a town meeting must be included as an article in the warrant for the meeting, the service requirements for which are determined by statute or bylaw.⁵⁰ (The "warrant" is called a "warning" in Connecticut and Vermont.⁵¹) Articles may be included in the warrant by the selectmen on their own motion, in certain cases by specific committees, or by petition (the requirements for which are set by statute).⁵² The subjects of the warrant are the time and date of the meeting (set by the selectmen subject to statutory parameters or pre-determined by bylaw) and the articles.⁵³ The selectmen issue the warrant.⁵⁴ (The exceptions are that in Rhode Island the warrant is issued by the town clerk and in Connecticut representative town meetings by the moderator.⁵⁵) The specificity requirements of an

article are similar to the requirements for previous notice under *RONR*; in other words, the article must “contain a sufficient description of what is proposed so as to constitute an adequate warning to all the inhabitants of the town.”⁵⁶

The tradition in town meeting is to take up the articles in the order they are listed in the warrant, which is determined by the selectmen, unless the town adopts another procedure.⁵⁷ The warrant is generally not formally adopted as an agenda. The moderator therefore has the power to change the order in which articles are considered on his or her own initiative, but this power is rarely used.⁵⁸ The meeting can also set the order in which articles are considered, generally by a majority vote, with exceptions discussed below.⁵⁹ A number of towns have adopted bylaws randomizing the order of warrant articles by lottery.⁶⁰ In these towns, the motions to lay on the table and to postpone to a time certain are not recognized.⁶¹ The bylaws in such towns typically reserve to the moderator the authority to change the randomized order when several matters need to be considered together or in a particular order dictated by statute or logic.⁶²

An article is not a motion. When the article is called, a motion must be made in order for the article to be considered.⁶³ The motion relating to an article must be within the scope of the article,⁶⁴ just as under *RONR* a motion that requires previous notice must be within the scope of the notice.⁶⁵ Warrant articles, however, generally introduce new business, rather than amend something previously adopted (as do most motions requiring previous notice under *RONR*).⁶⁶ Therefore, unless the article explicitly limits deviation from its proposed amounts or other measurements, a motion made under the article is subject to any germane amendments, rather than being restricted to quantities below the noticed amount.⁶⁷

After a main motion is made under an article, it is open to debate, as under *RONR*. Unless the moderator or the meeting explicitly limits debate, or there is a bylaw limiting debate, there are no limits on the time or number of speeches in debate.⁶⁸ Similar rules apply in committees.⁶⁹ In debate, the sponsor of an article (not the maker of the motion to effectuate the article) and town officers

are entitled to priority in debate.⁷⁰ Also, the moderator, by his or her own initiative, can confine a member for speaking without permission.⁷¹ Otherwise, the rules of debate are similar to those under *RONR*.

When voting on an issue, town meeting members under *TMT* are not disqualified for interest.⁷² If the town has no specific rule in regard to disqualification for interest, it is up to the individual member to determine for him or herself.⁷³ *TMT* even suggests that if members of open meetings disqualify themselves for interest, they might be considered “not quite bright.”⁷⁴ *TMT* suggests that disqualification may be more appropriate in representative town meetings with a large voter-to-member ratio.⁷⁵ The current edition of *RONR*, on the other hand, suggests that members should not vote on a motion that affects them specifically, although this preference is not an enforceable rule.⁷⁶ The rules in *TMT* on voting by the moderator are subtly different from *RONR*. Under *TMT* the moderator (if a town meeting member, which he or she may not be in a representative town meeting), may vote to create a tie (thus defeating the motion, as permitted under *RONR*) or to break a tie (which may either pass or defeat the motion, depending on how the chair votes).⁷⁷ *TMT* does not mention, and implicitly prohibits, the moderator’s voting on matters requiring a supermajority vote.⁷⁸ Under *RONR*, the chair may only vote when his or her vote would be decisive.⁷⁹ The chair may therefore only vote in the affirmative on a tie vote and may vote on supermajority votes if his or her vote would make a difference in the outcome.⁸⁰

The quorum requirement for town meetings is usually set by statute or bylaw. When there is no applicable statute or bylaw, however, *TMT* sets no specific quorum requirement, instead citing the precedent for voluntarily adjourning “on account of the thinness of this Meeting.”⁸¹ *RONR* provides that a majority of the membership constitutes a quorum unless the bylaws provide otherwise.⁸² Under *TMT*, in the absence of quorum the meeting can only recess, adjourn to previously fixed time, or dissolve.⁸³ Without a quorum, the meeting may not fix time to which to adjourn.⁸⁴ Despite this rule, if by statute or bylaw a quorum is required in order to dissolve a meeting but is not present, the meeting may

adjourn to the night of the next annual meeting, provided that all business on the warrant has been disposed of.⁸⁵

Under *TMT*, a meeting cannot be dissolved until all articles in the warrant have been disposed of.⁸⁶ Because of this rule, *TMT* permits a “negative main motion,” discussed in greater detail below, to disapprove of action proposed in an article.⁸⁷ Every article need not be disposed of by a separate motion. Two articles relating to the same issue (for example, one proposed by petition and a rival version proposed by the selectman) may be disposed of by a single motion.⁸⁸ The moderator can treat silence after the reading of an article as a negative disposition of the article.⁸⁹ The third edition adds that the preferred practice when no one makes a motion under an article is for the selectmen or chair of the finance committee to make a negative main motion.⁹⁰ If a motion on an article has been postponed to a specific time, the meeting cannot be dissolved until the time is reached and the motion disposed of.⁹¹ If the rest of the articles have been disposed of before that time arrives, the motion to *postpone* may be reconsidered to bring the main motion forward so that meeting can finish its business timely before dissolving.⁹² If *lay on the table* is used in the town to delay (as opposed to kill), the meeting may not adjourn until the item is taken from the table and disposed of.⁹³ Implicitly, the motion to *commit* is considered a disposition for this purpose.⁹⁴ Thus, the meeting can be dissolved even though motions have been committed with instructions to report at a later meeting.⁹⁵

Motions

General Rules:

Generally, the characteristics of motions are similar under *RONR* and *TMT*. Unlike *RONR*, however, under *TMT*, if a motion is amendable, it is debatable, with the single exception that *postpone indefinitely* is debatable but not amendable.⁹⁶ Far fewer motions in *TMT* may interrupt that in *RONR* – only a *question of privilege* and a *point of order*.⁹⁷ *TMT* does not mention that motions by committees do not require a second, so presumably committee motions do require seconds under *TMT*.⁹⁸ The precedence of the privileged motions is also somewhat different

under *TMT*. The order of precedence of privileged motions from lowest to highest is: *question of privilege*, *fix the time to* (or at) *which to adjourn*, *point of no quorum*, *adjourn to a fixed time or recess* (treated as one motion), and *dissolve*.⁹⁹ Under *RONR*, the order, from lowest to highest, is: *orders of the day* (not recognized under *TMT*), *question of privilege*, *recess*, *adjourn*, *fix the time to which to adjourn*.¹⁰⁰ The priority of subsidiary motions under *TMT* and *RONR* is the same, but *TMT* reports that in some towns the moderator will not permit more than two subsidiary motions to be pending at the same time.¹⁰¹ There is a difference also in *TMT*'s treatment of the priority of incidental motions, which under *TMT* have the rank of the motion out of which they arise.¹⁰² Under *RONR*, on the other hand, "Each of the incidental motions is applicable only in its own type of special circumstance" regardless of the motion out of which it arises.¹⁰³ Finally, because town meetings generally last for several successive days until business is completed and then dissolve to meet again the following year, *TMT* contains no quarterly time interval rules.¹⁰⁴

In the classification of motions, *TMT* does not recognize a number of motions: *call for the orders of the day* (suggests using a point of order), *reconsider and enter*, *expunge*, *objection to consideration* (suggests using *previous question* to cut off debate), *discharge a committee* (suggests a motion to *reconsider* or *rescind* the reference to be decided by majority vote), and *parliamentary inquiry* and *point of information* (suggests a simple question from member without a named point).¹⁰⁵ *TMT* does not recognize *amend something previously adopted* as a separate motion, but it does mention that amendment of an adopted bylaw is treated as an ordinary main motion.¹⁰⁶ By analogy, *TMT* would also treat amendment of other previous action as an ordinary main motion.

There is little difference between *TMT* and *RONR* regarding the handling of motions. Unlike *RONR*, however, *TMT* appears to approve of making motions by saying "I so move."¹⁰⁷ *RONR* counsels against "I so move" to embody something said by the chair or another member in informal consultation.¹⁰⁸

Main Motions:

Main Motion:

TMT classifies three main types of original main motions: (1) the *brief affirmative main motion*; (2) the *detailed affirmative main motion*; and (3) the *negative main motion*.¹⁰⁹

The *brief affirmative main motion* simply affirms text of a pre-circulated article.¹¹⁰ The *brief affirmative* is not permitted if the article omits an essential detail, such as a specific dollar amount if the article anticipates an expenditure or if the article contains alternatives, only one of which may be adopted.¹¹¹

The *brief affirmative main motion* is treated procedurally in the same manner as a *detailed affirmative main motion*, which requires additional wording to fill in details omitted in the language of the article.¹¹² The only difference is that the *detailed affirmative* inherently raises the issue whether the motion falls within scope of the warrant article.¹¹³ Contrary to *RONR*, *TMT* permits members to make a different *affirmative main motion* under the same article after the defeat of the first *affirmative main motion* under the article.¹¹⁴ *RONR* states that no motion is in order that presents substantially the same question as another motion previously rejected during the same session.¹¹⁵

Because each article must be disposed of before the meeting dissolves, *TMT* permits a *negative main motion* to dismiss a pre-circulated article definitively, with separate rules.¹¹⁶ *TMT* treats the *negative main motion* as the equivalent of *postpone indefinitely* as a main motion.¹¹⁷ *RONR* permits the motion to *postpone indefinitely* to be made as an incidental main motion; however, the motion can only be made to postpone a topic already before the assembly, as in the call of a special meeting or a pre-circulated meeting agenda.¹¹⁸ Under *RONR* *postpone indefinitely* as an incidental main motion cannot be the equivalent of a negative vote on a positive motion.¹¹⁹ Under *TMT*, a *negative main motion* can be amended to become an *affirmative main motion*, acting under the relevant article, although *TMT* suggests that such an amendment might confuse voters.¹²⁰ *TMT* prefers a member to make a separate *affirmative main motion* after the defeat of a *negative main motion*.¹²¹ To the contrary, see *RONR* p. 106, 332 (no motion in order that presents substantially the same question previously

rejected during the same session).

TMT includes several additional procedural motions in its treatment of main motions: the special town meeting motion to *advance an article* (discussed in the text section on order of consideration of articles), the restorative motions *reconsider* and *rescind* (discussed in the text chapter on main motions as a single motion), and *take from the table* (treated as a specific application of *reconsider*, discussed in the text sections on *lay on the table* and *rank and application [of reconsider] to certain motions*).¹²² To the contrary, under *RONR*, of the restorative motions, only the motions to *rescind* or *amend something previously adopted* and, in certain circumstances, *discharge a committee*, are considered main motions.^{122a} *TSC* also treats all motions to *reconsider* (applicable in *TSC* only to main motions), *rescind*, and *take from the table* as restorative main motions.¹²³

Reconsider or rescind:

The rules concerning previous action under *TMT* are somewhat different from those under *RONR*. For instance, *TMT* contains no discussion under *reconsider* of separate rules as to when to make and to take up the motion.¹²⁴ The motion to *reconsider* has the rank of the motion to be reconsidered and therefore can only be moved when a motion of the rank of the motion to be reconsidered would be in order and, by implication, is then treated immediately.¹²⁵ Under *RONR*, making the motion to reconsider has a high precedence, but taking up the motion to reconsider has the same priority as the motion to be reconsidered, as in *TMT*.¹²⁶ As to dates on which reconsideration can be raised, the rules differ considerably: Under *TMT*, a member can move to reconsider at any time during the same town meeting (*RONR* session), not just the following business day; however, in order to move to reconsider or rescind (more likely the latter) at a subsequent meeting, the motion must be included as an article in the warrant.¹²⁷ Unlike *RONR*, *TMT* has no motions on which reconsideration is possible only of a negative or a positive vote. In addition to actions not reconsiderable under *RONR*, ratification of selectmen action and acceptance of statutes cannot be reconsidered

under *TMT*.¹²⁸ *TMT*, on the other hand, permits reconsideration of contracts when the contract violation is compensable in money damages, whereas *RONR* prohibits reconsideration of contracts in any circumstances.¹²⁹ *TMT* contains no special rules on how *reconsider* is treated in committee and presumably it would be treated the same as in the full town meeting.¹³⁰

Without a bylaw to the contrary, *TMT* does not recognize many of *RONR*'s restrictions on reconsideration. *TMT* appears to contradict itself on the issue of reconsideration of the motion to *reconsider*. In one place (*TMT* p. 80) it says that, if there is no bylaw on the subject, reconsider can be moved by anyone at anytime, any number of times. *TMT* Table and *TMT* p. 84, on the other hand, indicate reconsider may not be reconsidered, as under *RONR*.¹³¹ In towns that prohibit multiple reconsideration by bylaw or adopted procedure, after a *negative main motion* under a warrant article is defeated, *postpone indefinitely* (which is the equivalent of the defeated *negative main motion*) cannot be applied to an *affirmative main motion* under the article; instead, the meeting should reconsider the *negative main motion*.¹³² In towns that prohibit multiple reconsideration by bylaw or adopted procedure, *TMT* prohibits "mass reconsideration" (which *TMT* refers to as a "mousetrap"), by which numerous motions are reconsidered at the same time with the mover intending the reconsideration to be defeated for tactical reasons to prevent a true reconsideration at a later point.¹³³ *RONR* may permit "mass reconsideration," as a multiple motion divisible on demand of a single member, if no member objects.¹³⁴ In towns that by bylaw provide that only one who voted on the prevailing side may move to reconsider, if the moderator is in doubt about how the member voted, the moderator may ask the meeting to determine whether the member can move to reconsider.¹³⁵ *TMT* advises applying the prevailing side rule only to roll call votes.¹³⁶ Many towns by bylaw require a two-thirds vote to reconsider, but without such a bylaw, a simple majority is required regardless of the vote to be reconsidered, as in *RONR*.¹³⁷

Rescind under *TMT* is subject to the same rules as *reconsider*. *Rescind* is treated as a motion to *reconsider* plus a vote

to annul previous action.¹³⁸ Therefore, *rescind* can be applied to any motion that *reconsider* can be applied to.¹³⁹ Since there must be prior notice of all proposed substantive actions in the warrant for the meeting, the complex rules concerning the voting requirements for *rescind* and *amend something previously adopted* without previous notice are inapplicable in town meetings.¹⁴⁰

Under *TMT*, *lay on the table* may be reconsidered (*TMT* treats *take from the table* as equivalent to reconsidering *lay on the table*).¹⁴¹ *Take from the table*, however, is not subject to reconsideration and may be reversed only by a new motion to lay on the table after an interval.¹⁴² *RONR* permits reconsideration only of a negative vote on *lay on the table* made before the time that *lay on the table* can be renewed; otherwise, *lay on the table* and *take from the table* cannot be reconsidered, because the opposite motion serves the same purpose.¹⁴³ Under *TMT*, the *previous question* also cannot be reconsidered.¹⁴⁴ *RONR* permits reconsideration of the *previous question* before any vote is taken under the order for the *previous question*.¹⁴⁵

TMT permits an odd device using *reconsider* that it calls a “triple play,” which combines a number of actions in one requiring only a majority vote: (1) rescinding a reference to a committee (discharging the committee), (2) reconsidering the action taken (it is unclear what action aside from the reference to the committee needs to be reconsidered, unless the main motion has been amended prior to the reference to committee), (3) and taking action.¹⁴⁶

TMT allows repeal by implication (recognizing it as an informal method of reconsideration), although it disapproves of it because of the potential confusion it can cause.¹⁴⁷ To the contrary, under *RONR*, repeal by implication is permitted, but only if the vote on the subsequent motion meets the higher *RONR* voting requirements for motions to *rescind* or *amend something previously adopted* without notice.¹⁴⁸

Advance an Article:

Advance an article is a debatable, amendable main motion requiring only a majority vote, unless the moderator deems the motion “mere jockeying for position,” in which case it takes a 2/3

vote.¹⁴⁹ It requires a second, may be reconsidered, and may not interrupt.¹⁵⁰ Since it is a main motion, a member may not move to *advance an article* while other business is pending.¹⁵¹ Because the warrant is not a formally adopted order of business, the motion to *suspend rules* is not needed to advance an article unless the maker desires to do so while other business is pending.

Conclusion

TMT is a unique parliamentary authority with a highly specific application. Many of its rules derive from the special nature of town meeting as a form of assembly, including a number of restrictions based on statutory requirements. Some of *TMT*'s distinctions are idiosyncratic and a town meeting member trained under *RONR* needs to learn the distinctions thoroughly. The study of distinctions between different authorities inevitably leads any student to new insights and better understanding of the basic principles underlying parliamentary procedure. The hope inspiring this article, therefore, is to have enhanced the knowledge of the general interest parliamentarian as well as those who have a specific need to translate from the world of *RONR* to that of *TMT* and back.

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Scott, Foresman & Co., 4th ed. 1951 ("ROR").

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Note: The third edition of *TMT* is currently available for \$25 including shipping and handling from Stow Town Moderator Edward Newman, 27 Whitney Road, Stow, MA 01775; telephone number (978) 897-7076. The direct address of the Massachusetts Moderators Association is P.O. Box 1795, Boston, MA 02105-1795.

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END NOTES

1 Massachusetts Moderators Association 3d ed. 2001

2 *TMT* pp. 5-8.

3 See *TMT* pp. iii, 11.

4 *RONR* 10th ed. 2000

5 *RONR* p. xlv.

6 *RONR* p. xxx; *TMT* p. 10.

7 *TMT* pp. iv-v, 91, 107.

8 *TMT* pp. 20-26.

9 *TMT* pp. 26-28.

10 *TMT* pp. 28-29.

11 *TMT* 12-16.

12 See *Blomquist v. Town of Arlington*, 338 Mass. 594, 598-99, 156 N.E.2d 416, 419 (1959) (town adopted Robert's Rules, but had no provision for amendment of bylaws; Robert's provision requiring majority of entire membership to amend

bylaws without notice in such circumstances applied only to procedural bylaws, not substantive bylaws). See also *ROR* p. 269; *RONR* p. 562.

13 See *TMT* pp. 52, 153.

14 *RONR* pp. 7-8.

15 *TMT* pp. iv-vi, 11.

16 *TMT* p. iv & n.5 (citing George Demeter's *Manual of Parliamentary Law and Procedure* (Universal ed. 1953) p. 232).

17 Compare Demeter (Universal ed.) p. 232 with Demeter (Blue Book ed.) pp. 318-22.

18 *TMT* p. iv-v.

19 See *TMT* pp. 12-16, 20-35, 40, 44-45, 48-49, 139-45.

20 See *TMT* p. 111 (ability to

- appeal moderator's rulings when enabling statute unclear); *TMT* p. 113 (whether moderator can divide question on own initiative); *TMT* pp. 127-28 (validity of business transacted before a *point of no quorum* raised).
- 21 *TSC* pp. 231-37; *TMT* pp. 121-22.
- 22 *TMT* pp. 155-59.
- 23 *TMT* p. viii.
- 24 *TMT* pp. vii-viii.
- 25 *TMT* pp. vii-viii.
- 26 *Compare TMT2d* p. 101; *TMT1st* p. 101.
- 27 *Compare TMT1st* pp. 34-35, 81 with *TMT2d* pp. xii, 34-35, 81.
- 28 *TMT* pp. 160-69.
- 29 *TMT* p. ix.
- 30 *TMT* p. x.
- 31 *TMT* p. ix.
- 32 *TMT* pp. 3, 15.
- 33 *See RONR* pp. 79-80, *TMT* pp. 8, 11.
- 34 *TMT* pp. 48-50.
- 35 *RONR* p. 349.
- 36 *RONR* pp. 349-50.
- 37 *TMT* p. 27-28. *See TMT2d* at 51-52 (section on Minutes of the Last Meeting, eliminated in third edition with selections incorporated into section on Town Clerk, *TMT* pp. 27-28).
- 38 *TMT* p. 60.
- 39 *See RONR* pp. 93 219, 625.
- 40 *TMT* p. 48.
- 41 *TMT* p. 23.
- 42 *See TMT* p. 23.
- 43 *TMT* p. 48.
- 44 *TMT* p. 22.
- 45 *TMT* p. 48.
- 46 *RONR* p. 437, 530.
- 47 *See RONR* p. 342 (listing standard order of business).
- 48 *TMT* p. 97.
- 49 *See RONR* pp. 178-83, 354-55, 358-59.
- 50 *TMT* pp. 12-16, 44-45.
- 51 *TMT* p. 12 n.2.
- 52 *TMT* pp. 13, 31-35.
- 53 *TMT* pp. 44-45.
- 54 *TMT* pp. 44-45.
- 55 *TMT* p. 13 n.8.
- 56 *TMT* p. 12. *See RONR* p. 117 (requiring accurate and complete statement of purport of previous notice).
- 57 *TMT* p. 52.
- 58 *TMT* p. 52.
- 59 *TMT* pp. 52-53.
- 60 *TMT* pp. 53-54.
- 61 *TMT* pp. 53-54, 100.
- 62 *TMT* p. 54.
- 63 *TMT* p. 61.
- 64 *TMT* pp. 66-67,
- 65 *RONR* pp. 117, 576-77.
- 66 *RONR* p. 117; *TMT* p. 68.
- 67 *TMT* pp. 68-69 (mentions minority view to the contrary).
- 68 *TMT* p. 137. *See RONR* pp. 375-75 (members limited to two ten-minute speeches).
- 69 *TMT* p. 38. *See RONR* pp. 470, 483 (in committee, there are limits on time, but not number, of speeches).
- 70 *TMT* p. 135.

71 *TMT* p. 137.
 72 *TMT* p. 139.
 73 *TMT* p. 139.
 74 *TMT* p. 139.
 75 *TMT* pp. 139-40.
 76 *RONR* pp. 394.
 77 *TMT* p. 25; *RONR* p. 392.
 78 *TMT* p. 25.
 79 *RONR* pp. 50-51, 392-93.
 80 *RONR* p. 50-51, 392-93.
 81 *TMT* p. 19, *quoting* Boston Town Records of Sept. 29, 1778.
 82 *RONR* p. 335.
 83 *TMT* p. 127.
 84 *TMT* p. 127. *See* *RONR* p. 336 (assembly may fix time to which to adjourn in absence of quorum).
 85 *TMT* p. 132.
 86 *TMT* pp. 131-32.
 87 *TMT* pp. 72-77.
 88 *TMT* pp. 69-70.
 89 *TMT* p. 74.
 90 *TMT* p. 74.
 91 *TMT* p. 100.
 92 *TMT* p. 100.
 93 *TMT* p. 105.
 94 *TMT* p. 97.
 95 *TMT* p. 97.
 96 *TMT* pp. 90-91 & n.7.
 97 *TMT* p. 135, Table.
 98 *See* *TMT* pp. 35-39, 63-64; *RONR* p. 35. *See* *MacKeen v. Town of Canton*, 379 Mass. 514, 518, 399 N.E.2d 22, 24 (1980) (second to board recommendation indicative that recommendation was treated as a motion).

99 *TMT* p. 123, Table.
 100 *RONR* p. 64-65.
 101 *TMT* p. 88 n.3.
 102 *TMT* p. 107.
 103 *RONR* p. 67.
 104 *See* *RONR* p. 88.
 105 *TMT* pp. 83, 98-99, 121-22.
 106 *TMT* pp. 62, 93.
 107 *TMT* p. 126 (example of "I so move" after moderator suggests a motion to fix time to which to adjourn).
 108 *RONR* p. 99.
 109 *TMT* pp. 61-77.
 110 *TMT* pp. 71-72
 111 *TMT* p. 71.
 112 *TMT* pp. 66-71.
 113 *TMT* pp. 66-71.
 114 *TMT* p. 74.
 115 *See* *RONR* pp. 106, 332
 116 *TMT* pp. 72-77.
 117 *TMT* p.72.
 118 *RONR* pp. 63-64, p. 96 (incidental main motions may not mark beginning of assembly's involvement with a matter).
 119 *RONR* pp. 99-100 (rule against negative motions that do not constitute action).
 120 *TMT* p. 73.
 121 *TMT* p. 73.
 122 *TMT* pp. 53, 77-87, 105-06, Table. (*TMT* p. 77 says reconsideration of secondary motions is not a main motion, but is treated in the main motion chapter for convenience.)
 122a *RONR* pp. 72-76.

- 123 *TSC* pp. 36-46.
- 124 *TMT* pp. 77-78.
- 125 *TMT* pp. 77, 83.
- 126 *RONR* pp. 306-07.
- 127 *TMT* p. 84.
- 128 *TMT* p. 82.
- 129 *RONR* p. 307; *TMT* p. 81.
- 130 *See RONR* p. 318-19
(special rule on
reconsideration in
committee); *TMT* p. 35-39
(no mention of special rule).
- 131 *RONR* p. 309.
- 132 *TMT* p. 85.
- 133 *TMT* pp. 80-81.
- 134 *See RONR* p. 265.
- 135 *TMT* p. 78.
- 136 *TMT* p. 78.
- 137 *RONR* p. 309; *TMT* p. 79.
- 138 *TMT* p. 77.
- 139 *TMT* p. 77.
- 140 *RONR* 295-96.
- 141 *TMT* p. 83.
- 142 *TMT* p. 83, 106.
- 143 *RONR* pp. 204, 290.
- 144 *TMT* pp. 83, 102, Table.
- 145 *RONR* p. 193.
- 146 *TMT* p. 83.
- 147 *TMT* pp. 77-78. *See TSC*
pp. 30-31 (similar).
- 148 *RONR* p. 244.
- 149 *TMT* p. 53, Table (table
does not mention 2/3 vote).
- 150 *TMT* Table.
- 151 *TMT* p. 53.

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Bit of History

The late Dick Kain had a delightfully droll sense of humor. Once at an Annual Session as he was at the lectern preparing to call the meeting to order, someone jumped up and began speaking. Dick kept right on shuffling papers and didn't look up. He just announced, "My ears are not tuned in to listening yet."

– Thanks to Jean Babcock