

# **Distinctions in Handling Procedural Motions in *Town Meeting Time* and *Robert's Rules of Order Newly Revised***

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## **Introduction**

This article continues the author's consideration of the differences between *Town Meeting Time*<sup>152</sup> (hereafter "*TMT*"), a parliamentary authority written especially to serve New England town meetings, and *Robert's Rules of Order Newly Revised*<sup>153</sup> ("*RONR*"). The first article on this topic, *Differences in Basic Approach between Town Meeting Time, the Parliamentary Authority for New England Town Meetings, and Robert's Rules of Order Newly Revised*,<sup>154</sup> compared the general approach and basic rules of *Town Meeting Time* with those of *Robert's Rules of Order Newly Revised*. The comparison of general approach and basic rules covered 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, on the other hand, details the differences between procedural motions as treated in *TMT* and *RONR*, in the order that they are discussed and classified in the *TMT* text. As the principal differences between *TMT* and *RONR* involve the rules for specific motions, this article should be particularly useful for those who need to become familiar with the specific differences between *TMT* and *RONR* because these individuals deal with organizations operating under *RONR* and participate in town meetings operating under *TMT*.

As with the previous article on differences between *TMT* and *RONR*, 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 the parallel *RONR* rule would apply, if relevant to the town meeting setting (thus excluding *RONR* rules relating to conventions, mass meetings, organization bylaws, boards, etc.). 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*.<sup>155</sup> 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. Inevitably, this structure requires a certain amount of duplication and cross-referencing. To reduce possible confusion, endnotes in this article are continuously numbers following the endnotes of the first article. A third article will discuss differences between the 1984 second edition of *TMT* and the recently published third edition.

### **Subsidiary Motions:**

#### *Postpone Indefinitely:*

Under *TMT*, *postpone indefinitely* can be committed.<sup>156</sup> Under *RONR*, the motion to *postpone indefinitely* does not go to the committee with the underlying main motion.<sup>157</sup> Although *TMT* suggests that *postpone indefinitely* should rank above *postpone definitely*, *TMT* does not change the traditional order ranking *postpone indefinitely* as the subsidiary motion with lowest precedence.<sup>158</sup> *TMT* indicates that *ROR* opposes postponing definitely or laying on the table the motion to postpone indefinitely, citing *ROR* p. 152.<sup>159</sup> This statement misunderstands *ROR*, which allows a motion to postpone indefinitely to be postponed definitely or laid on the table, but only together with the main motion to which it applies.<sup>160</sup> Presumably, the same rule applies under *TMT* and, despite *TMT*'s statement that *postpone definitely* and *lay on the table* apply to *postpone indefinitely*,<sup>161</sup> under *TMT* neither delaying motion applies to *postpone indefinitely* without carrying the underlying main motion.

### *Amend (or Substitute):*

Amendment is not significantly different under *TMT* and *RONR*. *TMT*, however, contains no special rules for amending by substitution, treating amendment of paragraphs and words differently, treating preambles specially, or restricting secondary amendments depending on the nature of primary amendments (strike out, insert, strike out and insert).<sup>162</sup> Under *TMT*, the motion to amend may always be debated.<sup>163</sup> Under *RONR*, on the other hand, a motion to amend an undebatable motion is undebatable.<sup>164</sup> Debate on amendments under *TMT* may be more liberal, as the moderator has the discretion to permit debate on an amendment to go to the merits of the main motion.<sup>165</sup> Treatment of blanks under *TMT* and *RONR* is similar. *TMT* suggests that blanks for numbers be voted on from least to most popular, as with *RONR*, but does not discuss using blanks for other purposes (dates, places, names).<sup>166</sup>

### *Commit:*

The biggest difference between *TMT* and *RONR* in regard to commitment is that, even if the motion *to commit* explicitly instructs the committee to report at a later town meeting (*RONR* session), a committee cannot report on its consideration of a committed motion at that later meeting (session) unless the committee report is included as a warrant article for the later meeting (session).<sup>167</sup> This is because of the unique nature of town meetings, which requires all business at a meeting to be introduced by notice through a warrant article. A minor distinction is that, under *TMT*, *postpone indefinitely* can be committed with the underlying main motion, while under *RONR* *postpone indefinitely* falls to the ground when the underlying main motion is referred to committee.<sup>168</sup> Under *TMT*, it is not clear that moderators have the power to name the chair of a committee (as opposed to allowing the committee to select its own chair) when the moderator appoints the committee, although in practice many moderators do appoint a chair and the moderator has the right to name a member to convene the first meeting.<sup>169</sup> Under *RONR*, when the chair of the meeting appoints a committee, the chair appoints the first person named as

committee chair.<sup>170</sup> A unique rule in *TMT* is that a motion to commit to the selectmen implies the power to act.<sup>171</sup> *RONR* does not recognize implicit grants of power to act.<sup>172</sup>

Under *TMT*, there is no separate motion to discharge a committee. Instead, a member would move to reconsider or rescind the reference to the committee.<sup>173</sup> As with any motion to reconsider or rescind under *TMT*, the motion to rescind the reference would require a simple majority vote.<sup>174</sup>

### *Postpone to a Time Certain:*

*TMT* distinguishes between a motion *to postpone* until a particular slot in the agenda (after another article) and a motion *to postpone* to a particular time.<sup>175</sup> A motion *to postpone* to a particular time is out of order (1) if the time stated in the motion is so far in advance that the meeting is unlikely to be fully occupied until the time is reached and (2) in towns that have adopted the lottery system of determining the order in which warrant articles are to be considered.<sup>176</sup> Because all articles in the warrant must be reached before dissolution, the meeting cannot dissolve if the time set in a motion *to postpone* a main motion has not yet arrived.<sup>177</sup> In that circumstance, the motion *to postpone* may be reconsidered.<sup>178</sup>

An additional distinction is that, under *TMT*, a motion cannot be postponed to the next town meeting (*RONR* session), only to an adjournment of the same meeting (session).<sup>179</sup> *RONR*, on the other hand, permits postponement to the next session if it will occur within a quarterly time interval.<sup>180</sup>

### *Limit or Extend Debate:*

The rules concerning limitation or extension of debate under *TMT* and *RONR* are similar. Under *TMT*, however, the moderator may, at any time, on his or her own initiative, limit debate.<sup>181</sup> (*TMT* implies that in some towns it is not traditional for the moderator to limit debate.<sup>182</sup> In light of *TMT*'s rule granting moderators the power to limit debate, this article suggests that towns with a contrary tradition adopt an explicit bylaw that debate may be limited only upon a two-thirds vote of the meeting or unanimous consent.) There is a conflict in *TMT* as to whether *limit*

or extend debate is amendable, as it is under *RONR*.<sup>183</sup>

### *Previous Question:*

In towns where the moderator traditionally limits debate, the moderator may terminate debate on his or her own initiative.<sup>184</sup> Many towns, by bylaw (and perhaps Rhode Island by statute), prohibit the *previous question*.<sup>185</sup> A new distinction introduced in the current edition of *TMT* is that a member cannot speak to the merits of a question and then move the *previous question*.<sup>186</sup> This contradicts the basic rule in *RONR* that a member can end comments in debate with a secondary motion.<sup>187</sup> A minor distinction is that under *TMT* the *previous question* is not subject to reconsideration.<sup>188</sup> *RONR* permits limited reconsideration of the *previous question*.<sup>189</sup> Although *TMT*, like *RONR*, permits the *previous question* to be applied to the immediately pending question or a consecutive series of pending questions starting with the immediately pending motion, *TMT* does not mention the possibility of several conflicting motions for the *previous question* covering different numbers of pending questions.<sup>190</sup> *RONR* permits conflicting motions for the *previous question* on different series of pending questions, which are then taken up from the most inclusive (largest series) to the least inclusive (smallest series or simply the immediately pending question).<sup>191</sup> Silence on this issue may indicate that *TMT* would (1) follow Robert;<sup>192</sup> (2) permit several conflicting motions for the *previous question*, but vote on them in the order made or as arranged by the moderator; or (3) consider subsequent motions for the *previous question* out of order until the first motion made is voted on.

### *Lay on the Table:*

The principal distinction between *RONR* and *TMT* in regard to *lay on the table* is that, under *TMT*, *lay on the table* requires 2/3 vote because it is used primarily as a motion to kill.<sup>193</sup> *RONR*, on the other hand, does not permit a motion to lay on the table to be used to kill, but only to delay consideration temporarily, and requires only a majority vote.<sup>194</sup> Consistent with *TMT*'s allowing *lay on the table* to be used to kill, *TMT* frequently refers to *lay on*

*the table* as simply the motion *to table*.<sup>195</sup> Towns that operate under the lottery system of determining the order of consideration of articles do not recognize the motion to *lay on the table* at all.<sup>196</sup> In towns where *lay on the table* is used to delay (as opposed to kill), the meeting may not adjourn until the item is taken from the table and disposed of.<sup>197</sup> In most towns, on the other hand, where *lay on the table* is used primarily to kill, the meeting may dissolve with matters left on the table. Under *TMT*, a vote on whether to *lay on the table* may be reconsidered (*take from the table* is treated as a special form of reconsideration), but not *take from the table*.<sup>198</sup> Consistent with earlier versions of *RONR*, under *TMT* after a negative vote on a motion to *lay on the table*, the motion may not be taken up again (by renewal under *RONR* and *TMT* or by reconsideration under *TMT*) until an appropriate interval has passed.<sup>199</sup> The latest edition of *RONR* permits limited reconsideration of a negative vote on *lay on the table* before a sufficient interval has passed to warrant renewal of the motion, while prior editions prohibited any reconsideration of *lay on the table*.<sup>200</sup>

### *Take from the Table:*

Unlike *RONR*, which treats *take from the table* as a separate motion, under *TMT* *take from the table* has the same restrictions and rules as *reconsider*, but it must be moved with the priority of a main motion as with *RONR*.<sup>201</sup> Ordinarily under *TMT* a motion to reconsider has the same rank as the motion to be reconsidered (in this case, *lay on the table*).<sup>201a</sup> Also, *take from the table* may not be reconsidered, whereas in most cases under *TMT* in the absence of a bylaw or adopted procedure, there is no limit on the number of times a motion may be reconsidered.<sup>202</sup> Finally, in an innovation of the second edition of *TMT* that the third edition continues, *take from table* is subject to all applicable subsidiary motions (*postpone indefinitely*, *commit*, *postpone definitely*, and *lay on the table*).<sup>203</sup> Under the current rules, commitment of *take from table* should be limited to the issue of advisability of taking from the table.<sup>204</sup> Under *RONR* and *TMT* 1st, on the other hand, subsidiary motions do not apply to *take from the table*.<sup>205</sup> On another note, in

accordance with *RONR*, *TMT* agrees with *RONR* that the motion to *reconsider* generally (aside from taking from the table) may not be *committed* or *postponed indefinitely*, although it may be *postponed definitely* and *laid on the table*.<sup>206</sup> As *lay on the table* is undebatable and debatability of reconsideration follows debatability of the motion to be reconsidered, *take from the table* is undebatable under *TMT* as under *RONR*.<sup>207</sup>

## **Incidental Motions:**

### *Point of Order:*

There are no significant differences between *RONR* and *TMT* in regard to points of order.

### *Appeal:*

*TMT* requires a point of order to be made as a prerequisite of appeal.<sup>208</sup> Under *RONR*, an appeal can be applied to any ruling of the chair, whether it arises out of a point of order or otherwise, as when the chair, on his or her own initiative, rules conduct out of order.<sup>209</sup> As with *RONR*, under *TMT* appeal is generally debatable, but undebatable when it relates to indecorum, transgression of rules of speaking, priority of business, or if made when the immediately pending question is undebatable.<sup>210</sup> Appeals made during the course of a vote are also undebatable,<sup>211</sup> which may be considered a special case of the *RONR* rule that appeals are undebatable when the immediately pending question (the vote) is undebatable.<sup>212</sup> *TMT* has no special rule prohibiting appeals of points of order made during an appeal.<sup>213</sup> *TMT* does not discuss non-adhering appeals and treats all appeals as adhering.<sup>214</sup> *TMT*, however, permits any appeal to be *laid on the table* by itself, which results in sustaining the moderator's ruling.<sup>215</sup> Under *RONR*, only debatable non-adhering appeals may be *laid on the table* by themselves.<sup>216</sup> On appeal under *TMT*, the question asked is "Shall the chair be reversed?"<sup>217</sup> Under *RONR* the question is phrased the opposite way: "Shall the decision of the Chair be sustained?"<sup>218</sup>

Certain town meeting statutes, such as the general statutes for open town meeting in Massachusetts and Vermont and certain special statutes for representative town meetings, provide that the

moderator shall decide all questions of order, but say nothing about appeals.<sup>219</sup> The current edition of *TMT* indicates that the better rule is that no appeal lies from a ruling of the chair in towns operating under such statutes.<sup>220</sup> In such cases, *TMT* suggests that the moderator may take a vote of the members on a point of order for advice.<sup>221</sup> *TMT* recognizes a minority view that even in towns operating under such a statute, members may appeal a ruling of the chair.<sup>222</sup> The earlier editions took a neutral stance on whether such town meeting statute provisions permit appeals or not.<sup>223</sup> There is no reported decision directly on this issue.<sup>224</sup>

### *Division of a Question:*

Unlike *RONR*, under *TMT division of the question* is debatable.<sup>225</sup> *TMT* says that the better rule is to allow the moderator to divide a motion on his or her own initiative rather than waiting for a motion to divide.<sup>226</sup> *TMT* permits division of instructions to committees in addition to amendments and main motions, which are the only divisible motions under *RONR*.<sup>227</sup> It is unclear from the text whether the meeting can challenge a chair's proposed division. *RONR* does not discuss a chair's dividing a question on his or her own initiative.<sup>228</sup> *TMT* also states, incorrectly, that Robert ranks the *motion to divide the question* higher than the *motion to amend*.<sup>229</sup> *RONR* in fact grants the *motion to divide the question* precedence over only the *main motion* and *postpone indefinitely*, ranking it above *amend* only when applied to the amendment.<sup>230</sup> On the other hand, the *motion to divide the question* (as an incidental motion with special rules applicable to its unique circumstances) does not yield to the subsidiary motions *to amend* and *to limit or extend debate* even though they are of a higher rank than *postpone indefinitely*, over which *division of the question* has precedence.<sup>231</sup> In other words, under *RONR*, a motion *to divide the main motion* is out of order when an amendment to the *main motion* is pending; but a motion to amend the *main motion* is out of order when a motion *to divide the main motion* is pending. *TMT* applies to *division of the question* its general rule that incidental motions have the rank in precedence of the motion out of which they arise.<sup>232</sup> Therefore, *RONR*'s special motion-specific incidental



motion rules about precedence and yielding are irrelevant in the *TMT* context.

### *Separate Consideration:*

*TMT* uses the phrase “separate consideration” instead of “consider *seriatim*.”<sup>233</sup> Unlike under *RONR*, under *TMT* *separate consideration* (consideration *seriatim*) is debatable.<sup>234</sup> Under *TMT*, the moderator may announce separate consideration on his or her own initiative (as with *RONR*) but *TMT* does not mention a countervailing motion to treat the question as a whole.<sup>235</sup>

### *Fix the Method of Voting:*

Under *TMT*, motions regarding methods of voting are debatable.<sup>236</sup> Under *RONR*, such motions are not debatable.<sup>237</sup> *TMT* claims (without citation) that Robert allows motions to fix the method of voting only immediately before the underlying vote.<sup>238</sup> To the contrary, *RONR* permits a motion to fix the method of voting as an incidental motion any time when the motion to which it relates is pending, as does *TMT*.<sup>239</sup> *TMT* does not discuss the motions to open or close the polls.<sup>240</sup>

*TMT* does not recognize the right of individual member to demand a division; rather, a division or a poll (roll call) may be demanded by seven or more members.<sup>241</sup> *TMT* implies that all divisions are counted, as with *TSC*.<sup>242</sup> Under *RONR*, when an individual member demands a division to verify a vote, the vote is retaken by a standing vote, but is counted only at the discretion of the chair or by a majority vote.<sup>243</sup>

Given the legislative nature of town meeting, certain special rules apply to ballot votes. By statute, in a Massachusetts representative town meeting a secret ballot may be ordered only on a two-thirds vote.<sup>244</sup> Under *RONR* and in open Massachusetts town meetings under *TMT* (unless the bylaws provide otherwise), a secret ballot may be ordered by a simple majority.<sup>245</sup> In an open town meeting, contrary to *RONR*, a moderator may also on his or her own initiative order secret ballot.<sup>246</sup>

Relying on a Massachusetts statute, *TMT* requires that 2/3, 4/5, or 9/10 votes mandated by statute (as opposed to rule of

procedure or bylaw) must be counted unless the vote is unanimous or (in the case of a 2/3 vote) a town bylaw or adopted procedure permits such votes to be taken by voice.<sup>247</sup>

### *Nominations to Committees:*

Under *TMT*, nominations to committees are not debatable and only a plurality is required for election.<sup>248</sup> Similarly, only a plurality is generally necessary to elect a moderator, except in states where statute provides otherwise.<sup>249</sup> Under *RONR* the method of nomination is not debatable, but the actual nominations to a committee are debatable.<sup>250</sup> *RONR* requires a majority vote to elect to a committee or office unless the bylaws provide otherwise.<sup>251</sup> If the same number of individuals are nominated as there are places available, under *TMT* the moderator must still take the vote on the nominations.<sup>252</sup> To the contrary, under *RONR* the chair declares the nominees elected if the number of nominees does not exceed the number of positions.<sup>253</sup> Under *TMT*, the only recognized methods of selection for committees are appointment (by the moderator or someone else) and election (by ballot, voice, or standing vote) after nominations from the floor.<sup>254</sup> *TMT* does not discuss the order of voting on conflicting motions for filling committee positions.<sup>255</sup> *TMT* mentions the motion *to close nominations*, with rules similar to *RONR*, but does not mention the motion *to re-open nominations*.<sup>256</sup>

*TMT* does not discuss nominations for positions other than committee assignments, apparently because many moderators in Massachusetts, and town clerks in most places, are elected a separate municipal elections, rather than at town meeting.<sup>257</sup> *TMT* foresees the possibility that the moderator or town clerk may be absent.<sup>258</sup> *TMT*'s rules on nominations to committees would appear to apply by analogy to the nomination and election of moderators and clerks in towns where they are elected at town meeting and to election of temporary moderators and clerks in all meetings.

### *Withdraw or Modify a Motion:*

A modification suggested by another member and accepted by the mover of the motion without objection is treated as adopted

by general consent, similar to the “friendly amendment” process under *RONR*.<sup>259</sup> If there is an objection, *TMT* treats the suggested modification as a motion to amend, requiring a second.<sup>260</sup> In these circumstances, *RONR* requires a second for a suggested modification formally moved as an amendment only if the motion to amend is made by the member suggesting the modification.<sup>261</sup> Under *RONR*, if the maker of the motion to be modified formally moves the amendment after objection to a suggested modification, no second is required.<sup>262</sup>

In a minor distinction, under *TMT* no second is required for leave to withdraw a motion.<sup>263</sup> *TMT* cites *ROR* p. 100 as authority for this proposition, but in context *ROR*’s reference (no second required to withdraw) applies only when the withdrawal is a request granted without objection. *ROR* p. 101 treats a motion to grant leave to withdraw like any other motion and the table at *ROR* p. 8 says a motion to grant leave requires a second.<sup>263a</sup>

*TMT* appears to contain a small internal inconsistency regarding the timing of a motion to withdraw. In accordance with *RONR* p. 285, *TMT* p. 119 says that a motion to withdraw is out of order once voting has *commenced* on the motion to be withdrawn, but *TMT* p. 65 says that a motion to withdraw is in order until voting on the underlying motion is *complete*.

### *Suspend the Rules:*

While ordinarily the rules may be suspended by a 2/3 vote under both *RONR* and *TMT*, under *TMT* a rule protecting a minority is suspendable only by unanimous consent.<sup>264</sup> Under *RONR*, rules protecting a minority may be suspended if the vote exceeds the minority protected.<sup>265</sup>

### **Privileged Motions:**

#### *Question of Privilege:*

The rules regarding *questions of privilege* under *TMT* are substantially similar to those under *RONR*.<sup>266</sup>

#### *Fix the Time to (or at) which to Adjourn:*

*TMT* treats the motion to *fix a time to which to adjourn* as

equivalent to a motion to *fix a time at which to adjourn* and treats the motion as a mid-ranking privileged motion.<sup>267</sup> *TMT* p. 124 states, incorrectly, that manuals do not recognized a motion to fix a time *at which to adjourn*.<sup>268</sup> *TMT* states that a *point of no quorum* “necessarily outranks” a motion to *fix a time at which to adjourn* and therefore the motion to *fix a time to which to adjourn*, which is treated similarly by *TMT*, is outranked by the *point of no quorum*.<sup>269</sup> Under *RONR*, a motion to *fix a time to which to adjourn* may be made even without a quorum.<sup>270</sup> *RONR* treats the motion to *fix a time to which to adjourn* as the highest ranking privileged motion and the motion to *fix a time at which to adjourn* as an unranked, debatable, qualified motion to adjourn, considered an incidental main motion.<sup>271</sup>

Under *TMT*, *fix a time to (at) which to adjourn* is both amendable and debatable and always privileged (like the unqualified motion *to adjourn* under *RONR* p. 226), even if made when no other motion is pending.<sup>272</sup> *RONR* treats the otherwise privileged motion to *fix the time to which to adjourn* as a debatable main motion if it is made when no other motion is pending.<sup>273</sup> If several times and places are suggested for the adjourned meeting, the moderator arranges the order of the alternatives.<sup>274</sup> *RONR* suggests starting with the most distant date.<sup>275</sup>

### *Point of No Quorum:*

Under *TMT*, a *point of no quorum* is a ranking privileged motion.<sup>276</sup> *RONR* treats pointing out the lack of a quorum as an unranked incidental motion. The current edition of *RONR* does not recognize a *point of no quorum* as a separate motion, using a *point of order* to cover the situation.<sup>277</sup> In a difference of terminology that does not affect substance, prior editions of *Robert’s Rules* recognized the term *point of no quorum*.<sup>278</sup> Under *TMT*, as under *RONR*, a *point of no quorum* (a *point of order* under the current edition of *RONR*) cannot interrupt.<sup>279</sup>

Prior editions of *TMT* as well as the current edition suggest that the better view is that business transacted without a quorum but before a *point of no quorum* is raised is valid.<sup>280</sup> The case cited by *TMT* as authority for this proposition, however, merely holds

that the clerk's record is official and, if the record does not mention the absence of a quorum (which would generally take place through a *point of no quorum* or the moderator's request for a quorum count), then members cannot subsequently challenge the absence of a quorum.<sup>281</sup> The current and prior editions recognized a minority view in agreement with *RONR* that business transacted before a *point of no quorum* is invalid provided that the lack of a quorum at the relevant time can be demonstrated by clear and convincing evidence.<sup>282</sup> The third edition of *TMT*, in light of its more decisive stance on this issue, deletes the precautionary advice to ratify prior action in these circumstances.<sup>283</sup>

### *Adjourn to a Fixed Time or Recess:*

Under *TMT*, there is no distinction between *recess* and *adjourn* (used in *TMT* to mean adjourn to another meeting of the same session; or, as *TMT* puts it, another session of the same meeting; in other words to adjourn when a time has been fixed to resume the meeting).<sup>284</sup> The distinction between *recess* and *adjourn* under *TMT* is solely semantic: *adjourn* is usually overnight and *recess* for shorter periods.<sup>285</sup> *Recess* and *adjourn* are both debatable and amendable (as to length of the break and place of reconvening), and always privileged.<sup>286</sup> Under *RONR* only *adjourn*, not *recess*, is privileged when no motion is pending.<sup>287</sup> Under *TMT*, a motion to adjourn is incomplete if no time has been set to resume meeting.<sup>288</sup> If a member makes an incomplete motion *to adjourn* when there is no time set to resume the meeting, the moderator may choose to deem the motion out of order or to request members to complete the motion by specifying the time and place for reconvening.<sup>289</sup> Under *RONR*, on the other hand, a motion *to adjourn* is complete even if it would dissolve the assembly, but such a motion is treated as an unprivileged debatable main motion if no subsequent meeting date has been set.<sup>290</sup> *TMT* also permits the moderator on his or her own initiative to declare a short recess.<sup>291</sup> Under *RONR*, the chair on his or her own initiative may only use the more informal process of standing at ease provided that no member objects.<sup>292</sup>

*TMT* p. 129 states, incorrectly, that other manuals treat

*adjourn to a fixed time* as a main motion.<sup>293</sup> That is true only if the time for the next meeting has not been set previously, so that the motion to adjourn needs to be qualified to set the time to resume meeting.<sup>294</sup> Under *RONR*, if a time for the next meeting has been set previously and no time for adjournment of the current meeting has been set, the unqualified motion *to adjourn* is privileged even when no business is pending.<sup>295</sup>

#### *Dissolve (Adjourn sine Die):*

The motion to *dissolve* is not in order if any article remains unreached, but is of highest precedence under *TMT* after all the articles have been reached, even though reconsiderations and questions of privilege may remain.<sup>296</sup> To the contrary, under *RONR* *adjourn sine die* is not entitled to any privilege and is treated as a main motion.<sup>297</sup>

### **Conclusion**

While this article emphasizes the differences between *TMT* and *RONR*, what is truly striking is their remarkable similarity, despite their distinct intended audiences. Both *TMT* and *RONR* essentially derive their procedural rules from the procedure of the British parliament as adapted to the United States. Both *TMT* and *RONR* simplify the basic legislative procedural rules, from which they are derived, for their intended audiences: voluntary organizations for *RONR* and town meetings for *TMT*. The similarity in the names of the procedural motions and their applicable rules under both systems belies their common heritage and the underlying utility of the basic principles governing parliamentary procedure.

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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-  
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## END NOTES

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| 152 Massachusetts Moderators<br>Association 3d ed. 2001                   | 161 <i>TMT</i> p. 92.   |
| 153 <i>RONR</i> 10th ed. 2000   | 162 <i>TMT</i> p. 93.   |
| 154 <i>Parliamentary Journal</i> , Vol<br>XLV, No. 1, January 2004,<br>12 | 163 <i>TMT</i> p. 94.   |
| 155 <i>RONR</i> p. xlv.   | 164 <i>RONR</i> p. 127.   |
| 156 <i>TMT</i> p. 90, 98.   | 165 <i>TMT</i> p. 94. <i>See RONR</i> p.<br>127 (debate on amendments<br>restricted to discussion of<br>amendment). |
| 157 <i>RONR</i> pp. 113, 123.   | 166 <i>See RONR</i> pp. 157-58. <i>TMT</i><br>p. 95.  |
| 158 <i>TMT</i> pp. viii, 91-92 & n.1.                                     | 167 <i>TMT</i> p. 97.   |
| 159 <i>TMT</i> p. 92.   | 168 <i>RONR</i> p. 113, 123; <i>TMT</i>   |
| 160 <i>RONR</i> p. 122.   |   |

- pp. 90, 98.
- 169 *TMT* pp. 37-38.
- 170 *RONR* pp. 477 n.\*, 479.
- 171 *TMT* p. 98.
- 172 *See RONR* pp. 164, 473.
- 173 *TMT* p. 94.
- 174 *TMT* pp. 83, 98-99.
- 175 *TMT* p. 99.
- 176 *TMT* p. 99-101.
- 177 *TMT* p. 100.
- 178 *TMT* p. 100.
- 179 *TMT* p. 99.
- 180 *RONR* p. 175.
- 181 *TMT* p. 101.
- 182 *TMT* p. 104.
- 183 *RONR* p. 185. *See TMT* pp. 90-91, 101, Table (*limit debate* not amendable); *TMT* p. 93 (*limit debate* amendable).
- 184 *TMT* p. 104.
- 185 *TMT* p. 102.
- 186 *TMT* p. 104.
- 187 *RONR* p. 374 (“[A] member having been recognized for *any* legitimate purpose has the floor for *all* legitimate purposes.” (emphasis added)).
- 188 *TMT* pp. 82, 103, Table.
- 189 *RONR* p. 193, 197-198 (reconsideration of affirmative vote only permitted before first vote under the order; reconsideration of negative vote only permitted before motion can be renewed).
- 190 *RONR* pp. 190-92; *TMT* p. 103.
- 191 *RONR* p. 192.
- 192 *See RONR* p. 16 (other manuals may be persuasive when the adopted manual is silent).
- 193 *TMT* pp. 104-05, Table. *See TSC* pp. 70-71 (similar).
- 194 *RONR* pp. 202-04, 207.
- 195 *See, e.g., TMT* p. 105; *RONR* p. 202 (*lay on the table* referred to as motion *to table* mostly when misused as motion to kill).
- 196 *TMT* pp. 53-54.
- 197 *TMT* p. 105.
- 198 *TMT* pp. 83, 104-106.
- 199 *TMT* p. 105.
- 200 *RONR* p. 204; *ROR* p. 107.
- 201 *TMT* pp. 105-06.
- 201a *TMT* p. 77.
- 202 *TMT* pp. 80, 83, 106.
- 203 *TMT* p. 106; *TMT2d* p. 101.
- 204 *TMT* p. 106.
- 205 *RONR* p. 290; *TMT* 1st p. 101.
- 206 *RONR* p. 308; 290; *TMT* pp. 84, 106.
- 207 *RONR* pp. 290, 309; *TMT* pp. 83, 106.
- 208 *TMT* p. 112 (citing Demeter Universal ed. p. 119.)
- 209 *RONR* p. 248. (In accordance with *RONR*, *Demeter* Blue Book ed. pp. 126-27 adds a list of circumstances when members may appeal the chair’s ruling on an essential question, other than *point of order*.)



- 210 *TMT* p. 112; *RONR* p. 249-50.
- 211 *TMT* p. 112.
- 212 *RONR* p. 249.
- 213 *See RONR* p. 248.
- 214 *TMT* pp. 110-12. *See RONR* pp. 112-13, 248-49.
- 215 *TMT* p. 112.
- 216 *RONR* p. 249.
- 217 *TMT* p. 112.
- 218 *RONR* p. 251.
- 219 *TMT* p. 111.
- 220 *TMT* p. 111.
- 221 *TMT* p. 111.
- 222 *TMT* p. 111.
- 223 *TMT*2d p. 106.
- 224 *See MacKeen v. Town of Canton*, 379 Mass. 514, 519, 399 N.E.2d 22, 25 (1980) (open town meeting; “[T]he town meeting, and not the moderator, has the ultimate power to decide how to proceed.”); *Ellis v. Board of Selectmen of Barnstable*, 361 Mass. 794, 800, 282 N.E.2d 637, 641 (1972) (leaves open question “[w]hether the moderator’s ruling could have been the subject of an appeal”).
- 225 *RONR* p. 262; *TMT* pp. 113.
- 226 *TMT* p. 113. *See TSC* pp. 96-97 (similar).
- 227 *TMT* p. 113; *RONR* p. 262.
- 228 *RONR* p. 262.
- 229 *TMT* p. 107 n.2.
- 230 *RONR* p. 262; *ROR* p. 89.
- 231 *RONR* p. 262.
- 232 *TMT* p. 107.
- 233 *TMT* pp. 114-15.
- 234 *RONR* p. 267; *TMT* pp. 114-15.
- 235 *TMT* pp. 114-15. *See RONR* p. 268.
- 236 *TMT* pp. 115-16.
- 237 *RONR* p. 274.
- 238 *TMT* p. 116.
- 239 *ROR* pp. 95-96; *RONR* pp. 273-74; *TMT* p. 116.
- 240 *See RONR* pp. 274-75; *TMT* pp. 115-16.
- 241 *TMT* pp. 116, 140.
- 242 *TMT* pp. 147-48; *TSC* p. 100 (division requires a counted vote if any doubt as to outcome).
- 243 *RONR* p. 272.
- 244 *TMT* p. 7.
- 245 *RONR* p. 274; *TMT* p. 116.
- 246 *RONR* p. 274; *TMT* p. 149.
- 247 *TMT* p. 153.
- 248 *TMT* pp. 116-17.
- 249 *TMT* p. 23 & n.25.
- 250 *RONR* pp. 163, 276, T18-T19.
- 251 *RONR* p. 392.
- 252 *TMT* pp. 117.
- 253 *RONR* pp. 157, 428.
- 254 *TMT* pp. 116-17. *See RONR* p. 166 (no nominations necessary for ballot vote; recognizes nomination by chair and election by members as an alternative method of selecting a committee).
- 255 *See RONR* p. 166

(prescribing order).

- 256 *RONR* p. 277; *TMT* p. 117.  
257 *TMT* pp. 22-23, 116-17.  
258 *TMT* p. 23, 48. Except when *TMT* describes a special procedure for elections of moderators and clerks at meetings, pp. 22-23, 48.  
259 *RONR* pp. 154, 285-86; *TMT* p. 119.  
260 *TMT* p. 119.  
261 *RONR* p. 286.  
262 *RONR* p. 286.  
263 *TMT* p. 118.  
263a See *RONR* p. 281.  
264 *TMT* p. 120.  
265 *RONR* p. 253.  
266 *TMT* pp. 123-25.  
267 *TMT* pp. 125-26.  
268 See *Demeter* Universal ed. p. 109; *Demeter* Blue Book ed. p. 114; *ROR* p. 63 (discussing qualified motion to adjourn); *RONR* pp. 226, 237.  
269 *TMT* p. 126.  
270 *RONR* p. 336.  
271 *RONR* pp. 226, 235, 237.  
272 *TMT* pp. 120-21.  
273 *RONR* p. 234.  
274 *TMT* p. 131.  
275 *RONR* p. 159.  
276 *TMT* pp. 127-28, Table.  
277 *RONR* p. 338.  
278 *ROR* p. 260.  
279 *RONR* p. 338; *TMT* p. 127.  
280 *TMT2d* p. 122; *TMT* pp. ix, 127-28 (incorrectly stating that prior editions did not

urge this position as the "better view").

- 281 *DelPrete v. Board of Selectmen of Rockland*, 351 Mass. 344, 345, 220 N.E.2d 912, 913 (1966). Under *DelPrete*, but not the apparently categorical language of *TMT*, it would be possible to challenge action taken before a point of no quorum if the clerk's record demonstrated the absence of a quorum, as it would on a roll call vote when members may abstain or vote "present."  
282 *TMT* pp. 127-28; *TMT2d* pp. 122-23; *RONR* p. 338. *TMT2d* suggests, but does not require, that business resolved immediately prior to point of no quorum be ratified at an adjourned meeting. *TMT2d* p. 123.  
283 See *TMT* pp. 127-28.  
284 *TMT* pp. 128-31.  
285 *TMT* pp. 128-29.  
286 *TMT* pp. 129-30.  
287 *RONR* pp. 223, 226.  
288 *TMT* p. 131.  
289 *TMT* p. 131.  
290 *RONR* pp. 226, 229.  
291 *TMT* p. 131.  
292 *RONR* pp. 80-81. *TMT* does not mention *standing at ease*.  
293 *TMT* p. 129 & note 5 (citing *Demeter* Universal ed. p. 109; *ROR* p. 60.)

294 See *Demeter* Universal ed. p. 109; *Demeter* Blue Book ed. p. 114; *ROR* p. 60, 62; *RONR* p. 226. Because *Fix the Time to Which to Adjourn* is the highest ranking motion under *RONR*, p. 235, a subsequent meeting time can generally

be set for an adjourned meeting immediately before raising a privileged motion *to Adjourn*.  
295 *RONR* p. 226.  
296 *TMT* pp. 131-32.  
297 *RONR* p. 229.

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### **Addition to List Unanimous Consent**

In the *Parliamentary Journal*, October 2002, pp.149-155, John Stackpole published an article entitled “Unanimous Unanimous Consent and the Strength of Rules” in which he presented a list of those actions found in *RONR* which require a truly “unanimous” consent to be carried out, i.e., there cannot be a single objection to the action. The “actions” commonly take the form of suspending some rule. There were some 15 of them, plus or minus one or two depending on a bit of interpretation, and he concluded by welcoming additional examples. Well, an additional example, overlooked previously, has been found, and was exploited at the recent biennial convention of the NAP in San Antonio. Page 80-81 makes it clear that when the chairman of a meeting invites the assembly to “stand at ease” a single member may object at any time when he is otherwise standing around “at ease” and the chair has no option but to call the meeting immediately back to order. Of course, a recess could then be moved and adopted by a majority, but it is not possible to “stand at ease” unless all the members present wish to do so.

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