

NATIONAL

Volume 80  
First Quarter 1999

# Parliamentarian®

Official Publication of the National Association of Parliamentarians

The application of parliamentary law is the best method yet devised to enable assemblies of any size, with due regard for every member's opinion, to arrive at the general will on the maximum number of questions of varying complexity in a minimum time and under all kinds of internal climate ranging from total harmony to hardened or impassioned division of opinion.

Editors of the ninth edition of  
*Robert's Rules of Order Newly Revised*  
page xiv

PARLIAMENTARY LAW MONTH



"The sides are physically divided to cast their votes when it appears that results are unclear."

# The Division Enigma

By Marge Wyngaarden

IT WAS A SMALL EPIPHANY. IT HAPPENED on an Elderhostel trip to London. It was time for a field trip. It was the third day of the seventeen-day course on Parliament and the European Union when the eye-opening tour took place. Lectures had already been given on how Parliament works and a comparison between the U.S. Congress and the U.K. Parliament had been given.

Our guide met us at the entrance to Parliament used by the Queen. Feeling quite regal, we entered the magnificent palace. For, indeed, it is a palace with a very long and lively history.

The House of Commons, which the Queen never visits, is entered through a lobby which goes to hallways both left and right of the main chamber, as well as into the main chamber. The green upholstered benches where the Members sit in the main chamber contain no prescribed seats. Therefore, in contrast to the U.S. Congress, an electronic voting system is an impossibility.

If a vote is challenged in the Congress and a division is called for, it means a vote by standing and sitting. There are important differences in Parliament.

All voting in the Commons is by voice. The British Speaker calls for the ayes and the noes, respectively. According to the Speaker's estimate, he

(currently a she) declares which side has it. If her opinion is challenged, she directs the Members who voted aye into the lobby on her right and the members who voted no into the lobby on her left, both at the rear of the chamber.

Members must leave the chamber to vote. They pass through the lobbies and proceed down the hallways which bring them at the end to Dickensian standing desks. Their votes are recorded by clerks posted at the desks and noted by two tellers who count the votes and report the result to the House. The names of Members voting are recorded with the view to the publication of the division lists the next day. Having indicated their vote, Members reenter the chamber from behind the Speaker's perch; 180 degrees from where they left. In effect, the British division has both sides voting at the same time.

And that is where "division of the assembly" originated. The sides are physically **divided** to cast their votes when it appears that results are unclear.

Ta da, another of life's little puzzles solved.



## The Editor Asks...

What is the strangest or most challenging predicament you have ever encountered while attending a deliberative assembly?

How about writing an article for the *National Parliamentarian* on this topic?

## The Author

Marge Wyngaarden is a past president of the Palisades Unit and lives in Westwood, NJ.

# The Novel Motion to Close Suggestions for Filling Blanks

By Michael E. Malamut, PRP

In *Robert's Rules of Order Newly Revised* (1990 edition), the editors introduced a new motion in the context of the procedure for filling blanks — the motion to Close Suggestions. This article discusses the origin and use of this novel motion. The motion to Close Suggestions is not included in the tinted section in the middle of the RONR and is discussed in only one paragraph, added to the text:

"The *Previous Question* cannot be ordered on a motion to create a blank or to stop the debate on suggestions for filling the blank. The same result may be accomplished, however, by a motion to *Close Suggestions* which is identical to the motion to *Close Nominations* (31). It may be adopted by a two-thirds vote and is in order if an excessive number of suggestions are being submitted." (RONR, p. 164, italics in original)

At the same time, the editors made significant additions to the following paragraph that describes the effect of the *Previous Question* when the pending question contains a blank:

"Normally blanks should be filled before voting on the motion itself, but if a large majority is confident that the measure will be rejected in any case, time may be saved by ordering the *Previous Question* on all applicable pending questions before the blank is filled. This brings the assembly to an immediate vote on suggestions already made to fill the blank, if

any, and on the main motion or on the amendment containing the blank. If by chance the motion is nevertheless adopted, the blank should be filled and the motion completed before any other business is taken up." (RONR, p. 164)

Compare RONR (1970), p. 140 and RONR (1981), p. 140. As can be seen by comparison, these additions in the 1990 edition changed the rule that formerly applied when the *Previous Question* was ordered and the pending motion contained a blank. Nevertheless, the editors did not mention the addition of this new motion and the change in blank-filling procedure in the introductory section discussing important areas of revision in the 1990 edition. (RONR, pp. xxiii-xxiv)

As a review of the original discussion in RONR (1970) and RONR (1981) indicates, before the 1990 edition, if the assembly adopted the *Previous Question* before the blank was filled, the vote would then be on the question containing the blank (either a main motion or a pending amendment), which would be voted on with the blank unfilled. This is in keeping with *Robert's Parliamentary Law* and the 1915 edition of *Robert's Rules of Order Revised*.

Under the procedure adopted in 1990 edition, if the *Previous Question* is ordered before a blank is filled, the suggestions previously made for filling the blank should be voted on first, before voting on the question containing the blank. Under this new procedure, the only way that a motion can be passed with an unfilled blank would be if the *Previous Question* is passed before any suggestions have been made or if none of the suggestions made receives a majority



vote, surely a rare circumstance.

The revisions to blank-filling procedure in the 1990 edition allow more flexibility in handling blanks. Nevertheless, there are some internal inconsistencies caused by attacking the underlying problem in prior editions — the inability to utilize the standard motion, the Previous Question, to close debate and vote on all pending suggestions to fill the blank. The new paragraph and the revised paragraph in the 1990 edition address the problem in somewhat different ways, the new paragraph by espousing a new and powerful motion to Close Suggestions and the revised paragraph by expanding the applicability of the Previous Question. The next section discusses the historical background that resulted in the perceived need for a new motion to Close Suggestions.

### History

As discussed above, in prior editions of *Robert's Rules of Order*, through haste or inadvertence, a motion could be adopted with a blank because the Previous Question did not apply to suggestions for filling blanks. Robert did not feel that this circumstance was likely. (PL pp. 41-42) Moreover, even if the motion were adopted with a blank, the assembly was protected because the next business in order would be to fill the blank. (PL, p. 42; ROR, 1915, p. 151; RONR, 1970, p. 140; RONR, 1981, p. 140) This process is a corollary of the provision that "When propositions containing blanks are introduced, these must be filled before other

motions to amend are entertained." (Mason, §417.8, p. 277)

Although filling a blank with names is essentially the same as an election based on nominations, (PL, p. 40) filling a blank with amounts, places, dates, or numbers will almost certainly entail some discussion of the alternatives, while debate on nominations is more likely to be limited in light of the rule against interjecting personalities into debate. This distinction is reflected in the different order of voting to fill blanks — with names, voting starts with the names in the order proposed; with amounts, places, dates, or numbers, voting proceeds from the least likely alternative to the most likely alternative. (RONR, pp. 162-164; PL, pp. 40-41) Thus, while debate on suggestions to fill a blank with amounts, places, dates, or numbers is more likely than debate on nominations, members were effectively prohibited by the specific pre-1990 edition rule from using the Previous Question to end debate on suggestions because the Previous Question would bring an immediate vote on the pending motion with the blank unfilled. (By means of comparison, Patnode explicitly allows the Previous Question to be ordered to end debate on nominations. Patnode, p. 56. See Keesey, p. 41.) As the filling of blanks was debatable, a member could perhaps, however, have moved to Limit Debate, a motion somewhat more flexible than the Previous Question, but less immediate and less powerful.

The other principal effect of the Previous Question, aside from ending debate, is that it cuts off further amendment. (RONR, p. 195; Sturgis, p. 59) Blanks are intended to be an informal means of amendment, to save the assembly time. (RONR, p. 159) Nevertheless, as blanks are not true amendments, the Previous Question (even if applicable to the closure of debate on filling blanks) would not necessarily apply to cut off additional suggestions. Not only did PL prohibit ending debate on suggestions for

filling a blank without wastefully adopting an uncompleted motion or amendment, it also appeared to prohibit any means of stopping excessive suggestions from being made. This led to situations where an assembly might have before it numerous suggestions for filling a blank. The blank-filling procedure can be abused if too many suggestions are made, either with unnecessary specificity, e.g., suggestions for a maximum purchase price that go to the penny), simply to honor individuals (RONR, p. 283) or places, e.g., convention sites or expedition destinations, or without adequate forethought (unnecessarily extreme suggestions). When too many suggestions are on the floor at the same time, members can become lost in the debate, or may become caught up in the fervor of making suggestions to the detriment of deliberation. There is a reason that the ordinary procedure for amendment only allows three versions on the floor at the same time.

In recent years, parliamentarians have discussed means of expediting the procedure for filling blanks by use of innovations such as the motion to Close Suggestions (modeled on the motion to Close Nominations) to allow limitation to a reasonable number of suggestions and a reasonable length of debate. An early published proposal is contained in AIP *Parliamentary Opinions*. Patnode's version of Robert echoes this proposal, as does *Fundamentals of Parliamentary Law and Procedure*. The language adopted by RONR gives the assembly the greatest flexibility, although the text is not as explicit as might be hoped for.

### Standard Characteristics

The standard characteristics of the motion to Close Suggestions are modeled on those of the motion to Close Nominations. As discussed above, treatment of nominations, while procedurally similar to filling of blanks, occurs in

somewhat different circumstances, requiring subtle differences in the motions to close nominations and to Close Suggestions for each to be fully effective in achieving its purpose.

There are essentially three different possibilities for limiting the handling of blank-filling: (1) ending suggestions but continuing debate (for orderly procedure so that all suggestions could be debated together without the complication of additional suggestions being made in the middle of debate); (2) ending debate but continuing suggestions (if there are a number of reasonable possibilities, but the topic does not warrant time spent debating minor differences); and (3) ending both suggestions and further debate (if the assembly feels that it has devoted enough time to the issue and wishes to vote on pending suggestions immediately).

In discussing the standard characteristics of the motion to Close Suggestions, it is useful to understand how debate would proceed on the filling of a blank without a limiting motion. RONR states:

"When a blank exists or has been created, any number of members can suggest, without a second, a different name, place, number, date, or amount for filling it. No member can suggest more than one proposal for filling the blank unless he receives unanimous consent to do so. Each proposal is debatable and is treated as an independent original to be voted on separately until one is approved by a majority." (RONR, p. 161)

Essentially, unless there is a custom or an explicitly adopted rule of the society to the contrary (whether long-term by special rule of order or for the situation by a motion to Suspend the Rules or to Close Suggestions), debate on previously made suggestions and the making of new suggestions can take place simultaneously.

### THE AUTHOR

Michael E. Malamut is an attorney and parliamentarian practicing in Boston, MA.



(See Fundamentals, p. 55; Patnode, p. 55) As debate progresses on the suggestions already made, additional possibilities may occur to members who may then make a new suggestion to be added to the existing debate.

As the method and order by which a society makes and decides nominations is particularly subject to custom, (RONR, p. 423) so the way in which a society handles blanks may also be subject to a customary procedure. A recent inquiry published in NAP's *Parliamentary Questions and Answers III* (pp. 17-18) deals with the appropriate order for debate on suggestions for filling blanks and determines that it is essentially up to a society to choose: (1) to commence debate on suggestions when each suggestion is made and allow additional suggestions to continue; (2) to wait until all suggestions have first been made before commencing debate on all the alternatives; or (3) to allow all suggestions to be made and then to debate and vote on each suggestion one at a time in the appropriate order. The issue of how to handle debate on blanks has been an unsettled subject since as long ago as the time of Cushing, who indicated that the usual and most convenient way of handling blanks was for "several motions [to] be made and pending before any of them are put to the question." (Cushing, §85, pp. 72-73)

While the filling of blanks is procedurally similar to nomination and election, suggestions for filling blanks are more likely to be debated and are less likely to have as serious an impact on the society as voting for officers. Suggestions for filling blanks deal with action to be taken by the society as a whole, while an election is likely to deal with the rights of individual members themselves to participate in the society. Therefore, the motion to Close Nominations is only in order when it is essentially redundant: after "a reasonable opportunity to make nominations has been given," (RONR, p. 282) and only if no one "is seeking the floor to

make a further nomination." (RONR, pp. 281-82) (See Demeter, p. 135; PL, p. 167; Riddick, p. 153; Sturgis, p. 141) The motion to Close Suggestions, on the other hand, is somewhat more readily available: It is "in order if an excessive number of suggestions are being submitted." (RONR, p. 164) The motion to Close Suggestions may actually, therefore, be used constructively in debate on filling blanks, whereas the motion to Close Nominations, when made, is nothing but a formality. (See Cannon, pp. 130-31; Keesey, p. 72)

The motion to Close Nominations does not affect debate on the nominations (which, historically, was limited in practice, PL, p. 206). According to the wording adopted in RONR, however, all the effects of the Previous Question—to stop debate and to stop amendments (for this purpose effectively the making of additional suggestions)—can be achieved through the motion to Close Suggestions. (RONR, p. 164) Since the motion to Close Nominations is amendable as to the time nominations will be closed, (RONR, p. 283) it makes sense to allow the motion to Close Suggestions to be amendable for that purpose, as well as for the purpose of determining which aspect of the motion—to end debate, or to prevent new suggestions, or both—will be applicable. This can be by analogy to the motions to Limit Debate (which is readily amendable to deal with the many different ways in which debate can be limited and can, but need not, indicate a time for termination of debate). (RONR, pp. 188, 191)

Thus, the motion to Close Suggestions partakes of some of the characteristics of the motions to Limit Debate, for the Previous Question, and to Suspend the Rules, in addition to those of the motion to Close Nominations. All of these model motions suspend the regular procedure of the assembly and therefore require a two-thirds vote, as should the motion to close suggestions. (See RONR, pp. 279; fn., 281-82) (descriptive characteristics of the

motion to Close Nominations). The detailed provisions regarding the making of subsidiary motions after the adoption of the motion to Limit Debate, (RONR, pp. 191-92) are particularly appropriate parallels for the motion to Close Suggestions. With this introduction, it is possible to list the following descriptive characteristics under RONR of the incidental motion to Close Suggestions:

1. It takes precedence over the filling of the blank for which suggestions are being made. It yields to privileged motions and to the motion to Lay on the Table. The motion is in order only if an excessive number of suggestions are being submitted.

2. It applies to the filling of any blank. No subsidiary motion except Amend (and the Previous Question to prevent further amendment) can be applied to it. The motion can be in simple or qualified form. In simple form it prevents the making of further suggestions, ends debate on all pending suggestions, and brings the pending suggestions to an immediate vote. The qualified motion can indicate the time at which suggestions will be closed and the aspect of the closure—whether it will end suggestions but not debate or end debate but not suggestions (as opposed to ending both suggestions and debate as in the unqualified motion).

3. It is out of order when another has the floor.

4. It must be seconded.

5. It is not debatable.

6. It is amendable. The motion can be amended only as to the time at which suggestions will be closed and the aspect of the closure.

7. It requires a two-thirds vote.

8. It cannot be reconsidered, but the same effect can be obtained by the motion to Reopen Suggestions, which shares the same descriptive characteristics as the motion to Close Suggestions, except that it requires only a majority vote. The motion to Reopen Suggestions cannot be

made once voting on the previously made suggestions has begun. (Sturgis, p. 141) The motion to Reopen Suggestions can only be applied to those aspects of the filling of the blank that have been closed, if other aspects remain open. A negative vote on a motion to Reopen Suggestions can be reconsidered, but a positive vote can be reversed only through the adoption of another motion to Close Suggestions. A motion to Close Suggestions that has been voted down can be renewed if progress in debate has been sufficient to make it substantially a new question.

## Conclusion

In looking for precedents for how to handle issues that arise in the interpretation and use of the motion to Close Suggestions, parliamentarians should look not only at the motion to Close Nominations for parallels, but, they should also examine how the motions to limit debate, for the Previous Question, and to Suspend the Rules would apply in similar circumstances. The judicious use of the motion to Close Suggestions can aid a society in deciding issues quickly, but with full consideration of all appropriate alternatives.

## BIBLIOGRAPHY

- Butcher, Miriam H., Ed. *Fundamentals of Parliamentary Law and Procedure*. 2d ed. Dubuque, Iowa: Kendall/Hunt Pub. Co., 1992.
- Cannon, Hugh. *Cannon's Concise Guide to Rules of Order*. Boston: Houghton Mifflin Co., 1992.
- Cushing, Luther. *Manual of Parliamentary Practice*. Philadelphia: John C. Winston Co., 1907.
- Demeter, George. *Demeter's Manual of Parliamentary Law and Procedure*. Blue Book ed. Boston: Little, Brown & Co., 1969.
- Keesey, Ray E. *Modern Parliamentary Procedure*. Revised ed. Washington: American Psychological Association, 1994.
- Mason, Paul. *Mason's Manual of Legislative Procedure*. 1989 ed. St. Paul, Minn.: West Publishing Co., 1989.
- National Association of Parliamentarians, Ed. *Parliamentary Questions and Answers III*.



Independence, MO: National Association of Parliamentarians, 1997.

Patnode, Darwin, Ed., *Robert's Rules of Order, the Modern Edition*. New York: Berkley Books, 1989.

Riddick, Floyd M. and Miriam H. Butcher. *Riddick's Rules of Procedure*. New York: Charles Scribner's Sons, 1985.

Robert, Henry M. *Robert's Rules of Order Revised*. 4th ed. 1915. Reprinted New York: William Morrow & Co., 1971.

Robert, Henry M. *Robert's Rules of Order Newly Revised*. Ed. Sarah C. Robert. 7th ed. Glenview, Illinois: Scott Foresman & Co., 1970.

Robert, Henry M. *Robert's Rules of Order Newly Revised*. Ed. Sarah C. Robert. 8th ed. Glenview,

Illinois: Scott Foresman & Co., 1981.

Robert, Henry M. *Robert's Rules of Order Newly Revised*. Eds. Henry M. Robert III, William J. Evans, and James W. Cleary. 9th ed. Glenview, Illinois: Scott Foresman & Co., 1990.

Robert, Henry M. *Parliamentary Law*. New York: Irvington Publishers, Inc., reprint 1991.

Schlotzhauer, Virginia, and William J. Evans, and John R. Stipp, Eds. *Parliamentary Opinions*. Des Moines, Iowa: American Institute of Parliamentarians, 1982.

Sturgis, Alice F. *Sturgis' Standard Code of Parliamentary Procedure*. 3rd ed. New York: McGraw-Hill Co., 1988.

*'... a person should not be more concerned with his or her sex than the position held ...'*

From DEAR ABBY (Abigail Van Buren) in *Fort Myers News-Press*, December 5, 1983

DEAR ABBY: Don't change and don't apologize!

The 20th Convention of the National Association of Parliamentarians in San Francisco passed the following resolution:

"Whereas, parliamentary law has a language all of its own; and whereas, in olden times the one presiding was the only person provided with a chair, while others sat on benches, hence he was called the Chairman; and whereas, since time immemorial the term 'Mister Chairman' or 'Madam Chairman' has always been employed to differentiate between sexes; and whereas, further effort toward sex differentiation is redundant and contrived; now therefore be it resolved that organizations and parliamentarians of the National Association of Parliamentarians must use the term Chairman instead of 'Chairperson,' and be it resolved that all members of the National Association of Parliamentarians

should habitually stress the principle that the word Chairman belongs to the title of the office same as the title of President or Secretary."

Abby, a person should not be more concerned with his or her sex than the position held. Besides, it sounds contrived and unprofessional.

— Marlisa Bannister  
Westerville, Ohio

DEAR MARLISA: It would indeed. The resolution gets my vote.

Contributed by Rachel Veitch, PRP, who lives in Orlando, FL.

## NAP On The Internet

*NAP continues to work toward communicating more effectively with members, future members and organizations which need parliamentary services.*

Visit NAP's website:

<http://www.parliamentarians.org>

# Procedure on Boards and Committees

By John D. Stackpole, PRP

THE FOLLOWING SUMMARIZES THE various elements of parliamentary law and procedure that apply (or do not apply) in small boards and committees. See Tables on pages 28 and 29.

There is nothing new here, the rules are all spelled out in *Robert's Rules of Order Newly Revised*, 1990 edition, but it is sometimes hard to find a particular rule in the heat of a discussion. A handy summary can be of value in such a case.

Since most of the rules of procedure in RONR apply fully to boards and committees without any modifications from their application to assemblies in general, I do not attempt to list *all* the rules but instead list just the rules that are different in the small groups and indicate how they differ from the general case.

As a bonus I'll include the variations of the rules that are found in *Sturgis' Standard Code of Parliamentary*

*Procedure* (Third Edition, 1998), as there are some differences between the two authorities.

The most efficient way to show the variations is with a table. The general rule is named in the left-hand column of the table and the departures are noted in the other appropriate columns.

1. If a block in the table contains a dash (—) that means that the general rule for the particular authority applies without modification in the board or committee.

2. A question mark (?) in a block indicates that the authority is silent on the rule and it is not clear what the rule might be.

3. "n/a" indicates that the rule is not applicable.

4. The phrase "As with RONR" in the Sturgis columns means that the rule is the same as given in the RONR columns for the board or committee.

Page references to the two authorities are occasionally noted, particularly where there are exceptions to the brief statement of the rule in the table. I am assuming that the organization has not adopted any special rules of its own relating to procedure in boards and committees.

See charts on page 28 & 29

## THE AUTHOR

John D. Stackpole lives in Fort Washington, MD.

### A Puzzle for Parliamentarians Answer

There has been a motion to Limit the Limits of Debate by limiting the time allotted for consideration of the motion before closing debate and taking a vote. During this time, it is perfectly proper to move and consider motions to Amend as long as these occur during the time frame ordered. However, it would be improper to move Commit (or Postpone Definitely) inasmuch as this would negate the purpose of the motion of stopping discussion by a certain time and having a vote taken. (RONR, p. 191)