

call to order

Appeal the Ruling of the Chair

—J. Michael Blaska, Parliamentarian & Chief of Staff,
Wisconsin Counties Association



It is clearly the duty of the presiding officer to enforce the rules of parliamentary law. Last month's article outlined a role for members in enforcing the rules relating to debate, order and decorum.

So what recourse does a member have, if in your opinion, the chair is clearly not enforcing the rules after you have made a *Point of Order*? A member can move to *Appeal* the decision of the chair. By moving to *Appeal*, and securing a second the question is taken from the chair and vested in the assembly for final decision.

Some of the characteristics of the motion to *Appeal* are:

- It takes precedence over any question pending at the time the chair makes the ruling, meaning the motion must be dealt with immediately
- It can be applied to any ruling of the chair, unless the motion is done for dilatory purposes the motion can be ruled out of order
- It must be made immediately after the ruling, if debate has intervened it is too late
- It must be seconded
- It is debatable, unless it relates to indecorum or a transgression of the rules of speaking; relates to the priority of business; is made when an undebatable question is immediately pending
- When debatable, no member is allowed to speak more than once, except the chair
- The chair is allowed to speak as often as needed, does not have to leave the chair and is en-

titled to preference over other members seeking recognition

- Even when the *Appeal* is undebatable, the chair may explain the reasoning for the decision
- It is not amendable
- A majority or tie vote sustains the decision of the chair on the principle that the chair's decision stands until reversed by a majority

A member wishing to *Appeal*, rises, without waiting to be recognized and addresses the chair by stating, "I appeal from the decision of the chair." After a second the chair states, "The decision of the chair is appealed from." The chair should then clearly state what is at issue and provide an explanation if warranted. The chair then states the question before the body, "Shall the decision of the chair stand as the judgment of the assembly?" or "Shall the decision of the chair be sustained?" Note, the motion is stated in the affirmative as opposed to, "Shall the decision of the chair be overturned." After debate, prior to the vote, the chair states, "Those in favor of sustaining the chair say aye, those oppose say no." A simple majority or tie vote sustains the ruling of the chair.

Members need to distinguish from a ruling of the chair and a response rendered from a parliamentary inquiry or other query. A member may not *Appeal* from a response to a parliamentary inquiry, which is just an opinion, which is different

continues on page 9

call to order cont.

from a ruling on a question. For example, if a member asks the chair if a motion to *Amend* is in order and the chair states it is not, the chair has rendered an opinion. The opinion is not appealable. However, if the member moves to *Amend* and the chair rules the motion out of order, the ruling is appealable.

Members should not hesitate to *Appeal* a ruling of the chair if they disagree. It is no different than disagreeing with a member on a pending question

during debate. There are times when the chair may welcome an *Appeal*, if the members appear to be equally divided, especially on a controversial matter. It is one way of maintaining good relationships between the body and the chair.

My appeal to your sense of parliamentary etiquette? Keep reading *Call to Order*.

Source: Robert's Rules of Order, Newly Revised, 11th Edition

wisconsin counties magazine

the official publication of the wisconsin counties association

\$20
annual subscription price



subscribe online at
www.wicounties.org



Environmental laws have significant financial and long-range implications for municipalities, businesses, and property owners.

www.staffordlaw.com
Madison, Milwaukee, and beyond

When you need skilled attorneys with the necessary experience to respond effectively to environmental issues,
turn to us.

Wastewater Permitting and Utility | Clean Water Act Issues | Wetlands issues | Water Rights
Shoreland, Floodplain, and Wetland Zoning | Non-metallic Mining Operations | High Capacity Wells | Public Water Supply Issues
Stormwater Management and Stormwater Utilities | Great Lakes Compact Issues | Environmental Due Diligence
Environmental Insurance Coverage | Brownfields and Contaminated Land Remediation | Superfund/CERCLA/Spill Laws
Air Emissions and Permits | Clean Air Act and Asbestos | Hazardous Waste/RCRA