

The Elegance of Parliamentary Procedure

In the Board Room

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What are we going to cover?



1. Running Effective Meetings
2. Types of Motions
3. Boardsmanship and Rules of Decorum
4. Motions and Misconceptions
5. Public Comment

Running Effective Meetings

Setting the Stage



Sources of Procedural Rules

State Statutes



Board Rules



Robert's Rules of Order

Object of Rules of Order

- To facilitate the smooth functioning of the assembly
- Provides order
- Provides a firm basis for resolving questions of procedure
- Provides organizational stability
- Adopt latest edition (12th) of RONR

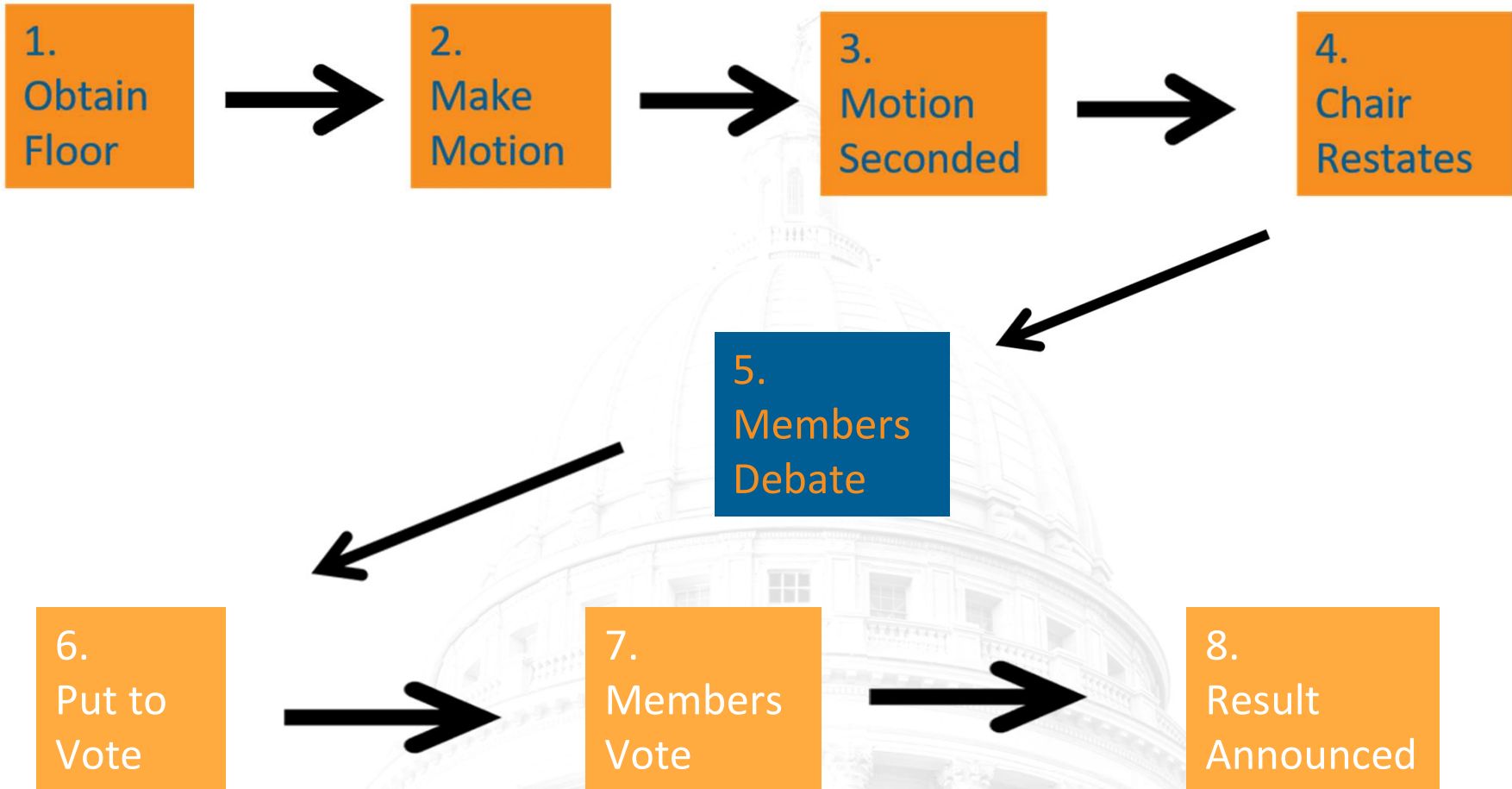
Principles Underlying Parliamentary Law

Rules based on regard for the rights:

- of the majority
- of the minority, especially a strong minority
- of individual members
- of absentees, and
- of all these together

In simple terms, how do I get
business before the body?





Obtain floor (1)

- Member obtains the floor – raise your hand, stand, push a button
- Called upon (recognized) by presiding officer
- When authorized to speak you are said to have the floor

Make A Motion (2)

- “I move that...”
- Clearly describe the proposal
- Don’t make negative motions
- Make positive motions
- “ So Moved ” - remove these words from your vocabulary



Make A Motion (2)

- Member makes a motion – a formal proposal by a member, in a meeting, that the group take certain action
- A main motion brings business before the body
- There should be no debate on a matter before a motion has been made
- Only one main motion before the body for action at one time



Motion Seconded (3)

- By another member
 - Shows at least two members want the proposal considered
 - Worthy of debate
- Needed to advance
- Call out “second”
 - Do not need to be recognized by the chair

Chair Restates (4)

- Chair states the question on the motion
- “It has been moved and seconded that...”
- Necessary for the motion to be properly before the group for consideration
- Transfers ownership of the motion to the body

Members Debate (5)

- Motion is “on the floor”
- Discussion on the merits of the question – whether the proposed action should or should not be taken
- Typically, the maker of the motion is assigned the floor first
- No member can speak more than twice
- Cannot speak a second time if a person who has not yet spoken seeks the floor
- No more than 10 minutes each time
- Member cannot yield unused time or save time

Speaking to the Motion (5)

- Remarks must be germane
- Presiding officer must never interrupt because he/she knows more about the matter than the speaker
- Presiding officer must step down if speaking during debate***
- Maker of the motion may vote against it but he/she is not allowed to speak against his/her own motion
- Must avoid personalities and under no circumstances question the motives of another member

Members Debate (5)

- Amendments are in order – only 2 at a time
 - Modify the wording and, within limits, often the meaning of the main motion
 - Exactly where change is to be made and precisely what word to use
 - Secondary amendments allowed (cannot be amended)
 - Must be germane
 - “Settled” Rule – has the issue under consideration been resolved?

Put to vote (6)

- The chair “puts” the question
 - “Are you ready for the question?”
 - “Is there any further debate?”
- Chair should repeat motion (restate question)
- Chair gives direction
 - Number of votes needed (simple majority, 2/3)
 - States effect of a yes or no vote
 - In favor vote aye, opposed say no

Put to vote (6)

- Ending debate
 - “I call the question” = Move the previous question
 - Presiding officer may not end debate on his/her own without first asking/checking if there is any further debate

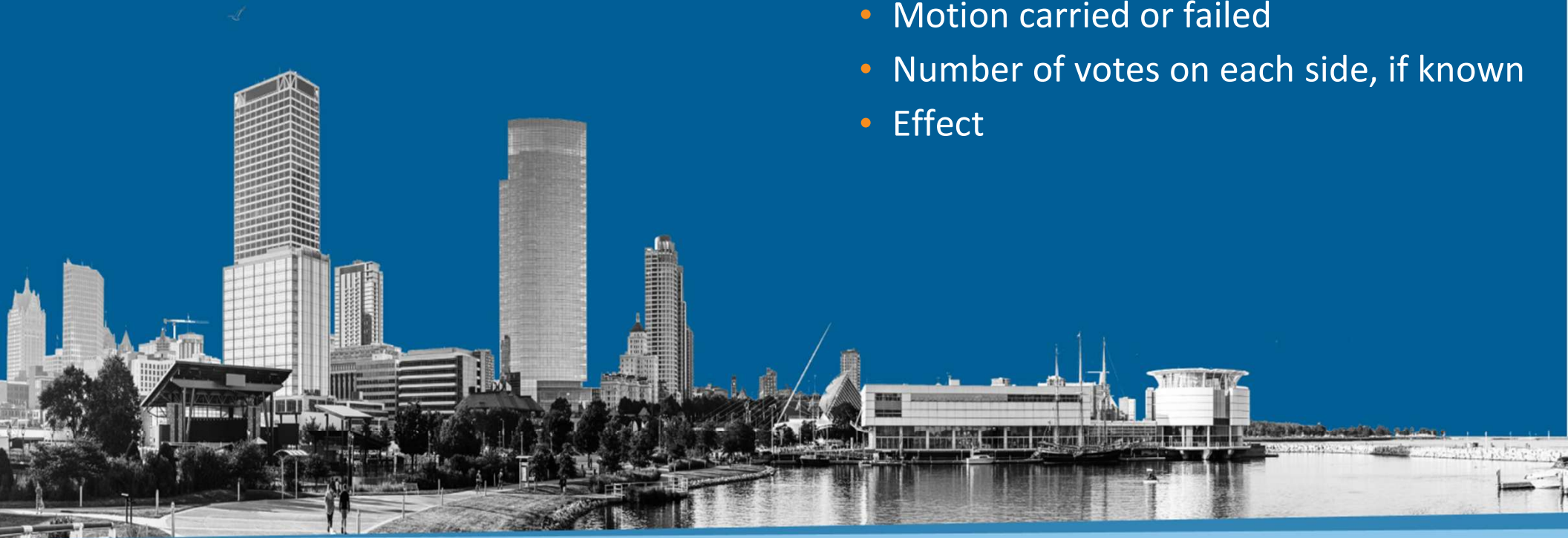
Members Vote (7)

- Votes can be taken in a variety of ways
 - Voice vote, roll call
- Ask for votes on both sides



Result announced (8)

- Presiding officer announces results
 - Motion carried or failed
 - Number of votes on each side, if known
 - Effect



Types of Motions



Five Types of Motions

- **Main Motions:** Introduce a unique, substantive proposal. A main motion which is not described in Robert's Rules is called an **Original Main Motion**.
- **Subsidiary Motions:** Assist the body in handling some other motion. A motion to amend the current motion is a subsidiary motion.
- **Privileged Motions:** Deal with immediately pressing questions that are not directly relevant to the motion being considered. For example, the motion to take a recess.
- **Incidental Motions:** Affect how the body considers the current motion, usually by enforcing or changing the rules of order. For example, the motion to suspend a rule is an incidental motion.
- **Restorative Motions:** Allow the body to reverse or reconsider the decision previously made on some other motion. For example, the motion to reconsider a main motion is a restorative motion.

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Subsidiary Motions

Subsidiary motions are secondary motions that help dispose of other motions during a meeting. There are seven subsidiary motions:

1. **Postpone Indefinitely:** This motion avoids uncomfortable decisions. Adopting this motion means that the body has agreed to not cast a vote on the motion to which this is applied. Requires a majority.
2. **Amend:** Amend is the most commonly used subsidiary motion. The motion to amend is used to offer a substantive change to the motion that is being considered. Requires a majority.

Subsidiary Motions (cont.)

3. **Commit or Refer:** This motion sends a motion to a committee, special or standing. That way, the committee can research or take some action, and report back at a later meeting. Requires a majority.
4. **Previous Question:** The previous question is used to immediately end debate and vote on one or more of the motions being considered. Requires a two-thirds vote, since it affects the rights of members.

Subsidiary Motions (cont.)

5. **Postpone Definitely:** This motion reschedules the consideration of the pending motion to another time during the present session or the next regular session. Requires a majority.
6. **Limit or Extend Limits of Debate:** This motion is used to change the amount of time members have to speak, the number of times they may speak, or to set a time to end debate. Requires a two-thirds vote.
7. **Lay On the Table:** This motion temporarily sets aside the pending motion in order to handle pressing business. If it is not taken from the table by the end of the next session, it dies. Requires a majority.

Privileged Motions

Privileged motions are secondary motions that are used to address issues not directly related to the business or how it is conducted. There are five privileged motions:

1. **Call for Orders of the Day:** Used to keep the meeting on schedule with the meeting's agenda. This is required on demand of a single member. A two-thirds vote is required to reject this call.
2. **Raise a Question of Privilege:** Used when a member asks for consideration of a request or a motion relating to the rights of the body or some members. The chair rules whether it is a valid question of privilege, and if it is, either rules on the request or puts the motion before the body.

Privileged Motions (cont.)

3. **Recess:** The motion to recess provides a short break in the proceedings. This allows the members to have some time to take care of personal business without disrupting the meeting. Requires a majority.
4. **Adjourn:** The motion to adjourn is a proposal to end the meeting. Requires a majority.
5. **Fix the Time at Which to Adjourn:** This motion sets the time for an adjourned meeting. This is used to schedule another meeting that is a continuation of the current one. Requires a majority.



Incidental Motions

Incidental motions are motions that rise out of a current question at hand and must be taken care of before business can proceed. There are 15 incidental motions:

1. **Point of Order:** A point of order is called when there is a breach of the rules and requires the issue be immediately considered. No vote is taken on this motion, the chair simply states the ruling.

Incidental Motions (cont.)

2. **Appeal:** An appeal brings the chair's ruling into consideration by the Body. Majority required to overturn the chair's ruling.
3. **Suspend the Rules:** Used to temporarily set aside rules governing the body. Requires a two-thirds vote.

Incidental Motions (cont.)

4. **Objection to the Consideration of a Question:** Objecting to the consideration of the question is used to prevent an original main motion from being considered and discussed. Requires a two-thirds vote.
5. **Division of a Question:** This motion is used to separate one motion into two or more motions to be considered separately. It can only be applied to main motions or amendments. Requires a majority.

Incidental Motions (cont.)

6. **Consider By Paragraph (Seriatim):** Used to separate a lengthy motion into parts for debate and vote on each piece separately before a vote on the whole. Requires a majority.
7. **Division of the Assembly:** Used to question the result of a voice vote. This is required on demand of a single member.

Incidental Motions (cont.)

8. **Motions Related to Method of Voting and the Polls:** These motions are used to propose a vote be taken by ballot, roll call, or counted standing vote. It also includes motions to open or close ballot polls. These typically require majority votes, but there are a few special cases that require two-thirds votes.
9. **Motions Related to Nominations:** These motions designate a method for taking nominations or open or close nominations. These typically require majority votes, but there are a few special cases that require two-thirds votes.

Incidental Motions (cont.)

10. **Request to Be Excused from a Duty:** A member may make this motion to shed oneself, or another member, of a compulsory obligation of membership or office. Requires a majority.
11. **Parliamentary Inquiry:** Used to pose a question about parliamentary rules. There is no vote as the chair answers the question or refers it to another member.

Incidental Motions (cont.)

12. **Point of Information/Request for Information:** Used by a member wanting information about the pending motion. There is no vote, the chair answers the question or refers it to another member.
13. **Request for Permission to Withdraw or Modify a Motion:** This is used by the maker of a motion to withdraw or change a motion. If it has already been stated by the chair, a majority is required. If it has not yet been stated, the maker can withdraw or change their motion without permission.

Incidental Motions (cont.)

- 14. **Request to Read Papers:** This motion is a request to read something to the body. Requires a majority.
- 15. **Request for Other Privilege:** Used to make any request not defined by another incidental motion, such as a member requesting to speak or make remarks when no business is pending. Requires a majority.

Restorative Motions

- Restorative motions are motions made to bring a motion back into consideration or change the decision, usually as a result of the body changing its mind on the matter or new information being available. There are five restorative motions:

Restorative Motions (cont.)

1. Rescind: Also known as repeal, this motion is used to nullify an adopted resolution, motion, section, or paragraph. Requires a majority with previous notice, or a two-thirds vote. (OML considerations...)
2. Amend Something Previously Adopted: This motion is similar to rescind, except it amends the adopted motion rather than nullifying it. Requires a majority with previous notice, or a two-thirds vote. (OML considerations...)

Restorative Motions (cont.)

3. **Reconsider:** This motion allows the body to bring back into consideration a motion previously voted on, during the same session. This can only be made by someone who voted on the winning side of the original motion. Requires a majority.
4. **Take from the Table:** This motion is used to bring a motion previously laid on the table back into consideration. Requires a majority.
5. **Discharge a Committee:** This motion proposes to take a matter out of a committee's hands and allows the body to deal with the motion. Requires a majority with previous notice, or a two-thirds vote. (OML considerations...)

Basic Information on Motions

Ranking Motions

These motions are listed in order of rank. When any one of these motions is pending, those above are in order and those below are not in order. Additional rules may apply to each motion depending upon the circumstances.

Privileged Motions:	Require second?	Can debate?	Can be amended?	Vote required.
13. Fix the Time to Which to Adjourn	yes	no	yes	majority
12. Adjourn	yes	no	no	majority
11. Recess	yes	no	yes	majority
10. Raise a Question of Privilege	no	no	no	chair
9. Call for the Orders of the Day	no	no	no	chair
Subsidiary Motions:				
8. Lay on the Table	yes	no	no	majority
7. Move the Previous Question	yes	no	no	2/3
6. Limit or Extend Limits of Debate	yes	no	yes	2/3
5. Postpone to a Certain Time	yes	yes	yes	majority
4. Commit or Refer	yes	yes	yes	majority
3. Amend	yes	yes	yes	majority
2. Postpone Indefinitely	yes	yes	no	majority
1. Main Motion	yes	yes	yes	majority

Non-Ranking Motions

Incidental Motions:	Require second?	Can debate?	Can be amended?	Vote required.
Appeal Ruling of Chair	yes	yes*	no	majority
Close Nominations	yes	no	yes	2/3
Consider by Par. or Seriatim	yes	no	yes	majority
Division of the Assembly	no	no	no	no
Division of a Question	yes	no	yes	majority
Objection to Consideration of Question	no	no	no	2/3
Point of Order	no	no	no	chair
Reopen Nominations	yes	no	yes	majority
Suspend the Rules	yes	no	no	2/3
Requests & Parliamentary Inquiries	no	no	no	chair
Motions bringing a question before assembly again:				
Reconsider	yes	yes	no	majority
Rescind	yes	yes	yes	majority
Amend Something Previously Adopted	yes	yes	yes	majority
Take from the Table	yes	no	no	majority

Boardsmanship and Rules of Decorum (debate)



Debate On The Question

- Members remarks must be germane to the question before the assembly
- Speakers must address their remarks to the chair, maintain a courteous tone, avoid injecting a personal tone into the debate
- Member has a right to speak twice in the same question
- Can speak no longer than 10 minutes each time

Address the Chair

- Address all remarks through the chair – not the body, gallery or TV cameras
- Members cannot address one another directly
- Direct questions to other members through the chair

Avoid Use of Member's Names

- Presiding officer should not be referred to by name
- Presiding officer speaks of himself/herself in the third person
- Avoid mentioning another's name when the person can be described in another way

Duties of the Chair

- All persons at a meeting have an obligation to obey the presiding officer
- Members using parliamentary procedure for obstructive purposes should not be recognized or ruled out of order
- Enforce the rules relating to debate, order and decorum
- Remind members to confine remarks to the merits of the question

Duties of the Chair (cont.)

- Announces issues and keeps members on track
- Restates motion to place before the body and for clarity
- Recognizes members
- Asks for votes on each side and announces outcome
- Responds to requests and rules on points of order



Chair Speaking in Debate

- Presiding officer should relinquish the chair if entering the discussion
- Officer should not return until the pending question is disposed of
- Exception with small boards and committees



Motions and Misconceptions



Nominations

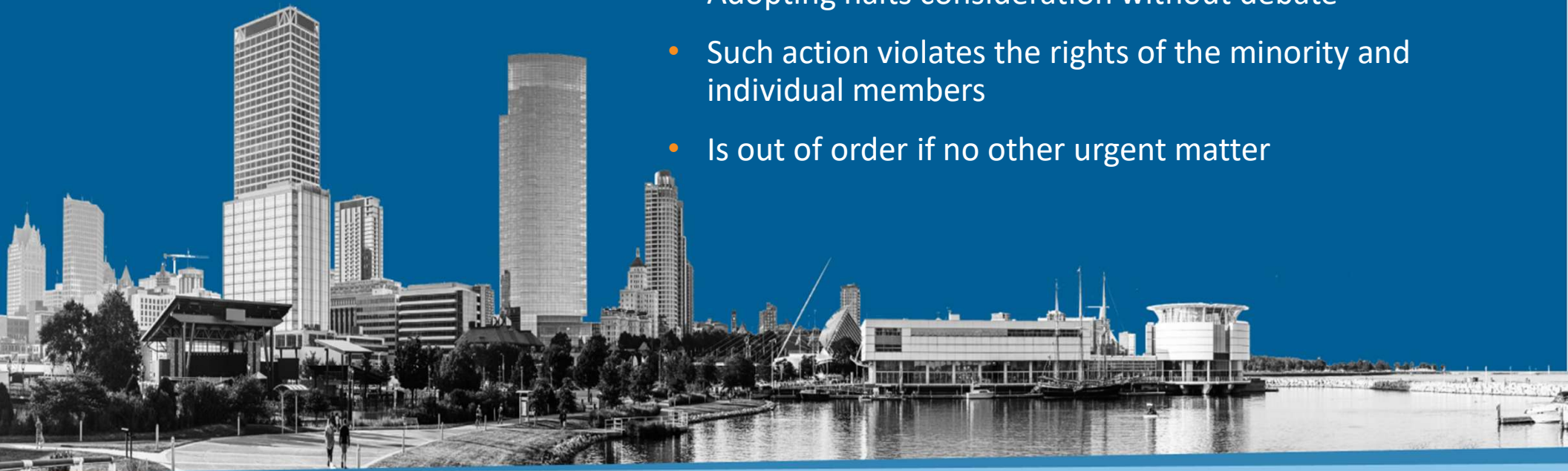
- Nominations are not necessary
 - Each member is free to vote for anyone eligible
- Need not be recognized by the chair
- May nominate yourself
- No second required
 - Sometimes done to show support
- No requirement to ask three times

Elections

- Impropriety of limiting voting to the 2 leading candidates
 - Leading candidates may represent 2 different factions – division may be deepened
 - May unite members with compromise candidate
- Improper to remove nominee with lowest votes
 - Repeat balloting until you have a winner
 - Nominee with lowest number of votes could be a “dark horse” who all can agree on

● Motion to Lay on the Table

- Temporarily sets aside the matter with intent to take up later in the meeting
- Commonly misused in place of Postpone Indefinitely or Postpone to a Time Certain
- Adopting halts consideration without debate
- Such action violates the rights of the minority and individual members
- Is out of order if no other urgent matter



Motion to Postpone

- Motion by which pending action can be delayed
- Must be to a time specific (time certain)
 - Definite day, meeting, hour or until after a certain event
- Motion is debatable
- Motion to just postpone is out of order
- Role of the chair to clarify member's intent



Motion to Postpone Indefinitely

- Motion used when the body declines to take a position
- Motion is debatable
- Adoption kills the motion
- Avoids a direct vote on the question
- Useful in disposing of a badly chosen main motion that cannot be either adopted or rejected without undesirable consequences



Motion to Adopt Entire Report

- Seldom wise except when it is to be issued or published in the name of the organization
- An affirmative vote has the effect of the body endorsing every word of the report
- Expressions adopt, accept & agree to are all equivalent
- A common error is to move that a report “be received” or “accepted” - implies that the body has endorsed the complete report

Friendly Amendment

- Often used to describe an amendment offered by someone who is in sympathy with the purpose of the main motion
- Regardless of whether or not the maker of the main motion “accepts” the amendment it must be opened to debate and voted on (unless adopted by unanimous consent)
- Is handled under the same rules as amendments generally

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What About Public Comment?



Public Comment Basics

- The public has no statutory or constitutional right to participate in a meeting of a governmental body
- HOWEVER, board rules may provide a right to public comment, in which case constitutional issues come into play
- Public comment often presents challenges to the orderly transaction of business and maintenance of order at a meeting

Public Comment- Constitutional Considerations

- School board and committee meetings are considered “limited public forums.”
- A school board may enact viewpoint-neutral “place, time, and manner” restrictions on speech during a board or committee meeting if there is a “legitimate government interest.” *Perry Educ. Ass'n v. Perry Local Educators' Ass'n*, 460 U.S. 37, 103 S. Ct. 948, 74 L.Ed.2d 794 (1983)
- Viewpoint-neutral means we cannot discriminate on the basis of the message advocated
- Is the interest in an orderly meeting a “legitimate government interest?” (YES!!)

Steinburg v. Chesterfield Cty. Planning Comm'n, 527 F.3d 377 (4th Cir. 2008)

- “[I]mposing restrictions to preserve civility and decorum [are] necessary to further the forum’s [i.e., board’s] purpose of conducting public business.” *Id.* at 385.
- In *Steinburg*, the court upheld the validity of a rule requiring a speaker during public comment to address only items germane to the agenda.

What About Obscene or Disruptive Speech?

- Speakers during public comment can be silenced if they are being disruptive or threatening, but there is some ambiguity in how courts view speech to be disruptive or threatening.
- If you do NOT have a rule against the use of profanity, can you prohibit it?
 - What if member of the board/committee uses profanity?
- Can “obscenity” be defined by the board/committee chair or should you define it in the board rules?

Time Limits

- *Imposing a time limit on a speaker during a public comment period is permissible within the “reasonable time, place, and manner” standard. Shero v. City of Grove, 510 F.3d 1196, 1203 (10th Cir. 2007).*
- *When can time limits be imposed?*
- *BEST – in the board rules*
- *PROBABLY OKAY – at the beginning of a meeting (and announced)*
- *NEVER – in the middle of when a person is speaking*

Signs, T-Shirts and Banners

- This is a very complicated issue.
- The analysis is the same as it relates to speech:
 - Time, place, and manner restrictions are legal
 - Content neutral restrictions
- A board rule establishing parameters is very helpful
- But what is “disruptive?”
 - (This area is a minefield – work with counsel extensively.)

Example of a Rule Upheld by a Court

It shall be unlawful for any person in the audience at a council meeting to do any of the following ... (1) Engage in disorderly, disruptive, disturbing, delaying or boisterous conduct, such as, but not limited to, handclapping, stomping of feet, whistling, making noise, use of profane language or obscene gestures, yelling or similar demonstrations, which conduct substantially interrupts, delays, or disturbs the peace and good order of the proceedings of the council.

- (But notice the room for interpretation within this rule...)

Any Other Regulatory Options for Counties?



Special considerations and issues

- What do you do if the time for your meeting has come and you do not have a quorum?
 - Under RONR, a meeting can be called to order, but then must either adjourn or the members may make certain procedural motions
 - Be mindful of Open Meetings Law considerations. Just because you don't have a quorum does NOT mean you don't have a negative quorum or a walking quorum!
 - Best thing to do is call the meeting to order at the appointed time and note for the record (in writing) the meeting did not convene for lack of quorum and leave.



QUESTIONS?



THANK YOU!



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