

A BRIEF GUIDE TO PARLIAMENTARY PROCEDURE, AS USED IN THE ANTIENT AND HONOURABLE John Locke Society

By Edwin C. Olsen IV, Parliamentarian

INTRODUCTION

While there is no substitute for a thorough knowledge of the Society's customs, traditions, and precedents, as well as an understanding of *Robert's Rules of Order, Newly Revised*, it has been deemed advisable to provide Members of the Society with a short essay outlining some important aspects of the Society's parliamentary procedure.*

The fundamental purpose of parliamentary procedure is to facilitate the orderly discussion of the Society's business and debate topics. The rights of Members and guests are protected by following a reasonably well defined and widely appreciated body of rules. The Chairman has the duty of knowing these rules and customs and applying them with care.

BASIC CAUCUS STRUCTURE

The basic structure of the caucus is outlined in the Society's *Handbook*. All caucuses follow a broadly similar pattern:

- (1) The Chairman calls the caucus to order;
- (2) The Chairman asks the Secretary to read the Minutes of the previous caucus;
- (3) The Secretary reads the Minutes;
- (4) The Chairman entertains corrections and additions to the Minutes;
- (5) The Chairman declares (without taking any vote) that the Minutes are approved as read, or approved as corrected;
- (6) The business of the meeting ensues;
- (7) When the business of the meeting is concluded, a motion is made to adjourn (the Chairman, if necessary, may ask "Is there a motion?" or even "Is there a motion to adjourn?" if none is spontaneously offered);
- (8) The motion to adjourn is seconded;
- (9) Allowing no debate on the motion, the Chairman calls for a vote, generally a voice vote;

* This essay was derived virtually verbatim from *A Brief Guide To Parliamentary Procedure, As Used In The Antient And Honourable Edmund Burke Society*, authored by Gregory Paul Randolph, Parliamentarian, Founder, and Senior Sometime Chairman at Chicago of the Edmund Burke Society, First Edition — approved by the E.B.S. Privy Council March 1991.

- (10) If the motion to adjourn carries, the Chairman declares the motion carried and the caucus adjourned.

All caucuses follow this outline. The procedural differences between debate caucuses, induction caucuses, and election caucuses are discussed in the Society's *Handbook*.

MOTIONS

Certain general notes about motions may be appropriate at this point. Whenever a motion is made and seconded, the Chairman has to decide immediately whether the motion is in order or out of order. If a motion is out of order, the Chairman taps the gavel and announces that "The motion is out of order". The Chairman may explain why he is ruling the motion out of order, but this is not compulsory. A vital duty of the Chairman is to facilitate the making of motions. In general, if someone tries to make a motion and does so in an incompetent manner, the Chairman should attempt to rephrase the motion in a more correct or acceptable form. The consent of the incompetent member or petitioner should be obtained. For example, "That motion is out of order. But perhaps the gentleman meant to say, I move that Is that right?"

Motions generally require a second. However, certain motions, for example the motion to award the *Maiden Speech Award* and motions coming from committee do not require a second. In the usual business of the Society, the only motions coming from committee are debate resolutions which the Privy Council has approved in advance. If a second is required but none is offered, the Chairman may immediately state, "The motion dies for lack of a second". Alternatively, he may ask whether there is a second before declaring that the motion has died for lack of a second.

It should be noted that the debate resolution is a main motion. However, contrary to *Robert's*, it is in order to make another main motion, e.g. to award the *Eastland Award for Extended Eloquence* to someone, even while the debate resolution is still the main motion on the floor. With the exception of the debate resolution, it is not possible to have more than one main motion on the floor at any time.

In general, when a motion is made (and seconded if necessary), the Chairman handles it as follows:

- (1) The Chairman repeats the exact text (or at least the substance) of the motion and then, if appropriate, announces that speeches will be entertained (note that some motions are not debatable C the most common one in the Society is a motion to adjourn);

- (2) Speeches ensue: on debate resolutions, it is customary for the Chairman to attempt to alternate speeches pro and con at least for the first hour or two; on other motions, this is not necessary;

- (3) There is no cloture in the Society's caucuses, so speeches continue until no one present wishes to speak; any attempt to move the "previous question" is always out of order;

- (4) When speeches end, the Chairman says, "Seeing no further speeches, we will come to a vote" and he repeats the motion or instructs the Secretary to do so; from this point onwards, debate is officially ended and no more speeches can be made;

- (5) The Chairman then decides the manner in which he wishes the vote to be taken: voice vote, counted show of hands, counted rising vote, or counted division (votes on debate resolutions are always by counted division);

(6) When the vote has occurred, the Chairman declares, “The ayes have it, and the motion is carried”, or “The nos have it, and the motion fails”. If a counted vote was taken, it is customary to announce the count: “By a vote of X in favor, with Y opposed, and Z abstaining, the motion is carried (or fails)”.

Special cases occur at the Election Caucus and Induction Caucus. While the procedure observed at these events is described in detail in separate essays, it may be helpful to comment briefly on these special caucuses. At the Election Caucus, ballots are always used in the election of officers; the ballots are counted in a separate room by the Privy Council; the count is never announced; rather, the Chairman returns and announces only, “The Chairman (or Secretary) of the Antient and Honourable *John Locke Society* is X” or “No candidate has received a majority of the votes”.

At the Induction Caucus, voting on every motion to elect a petitioner to membership is by voice vote, unless one or more speeches in opposition to the election of the petitioner have been made, in which case, it is by secret ballot. A separate motion to elect to membership is required for each petitioner; a single motion cannot elect a group of petitioners. The result of a voice vote on a motion to elect a petitioner is announced as follows: “A.B. has been (or has not been) elected to membership.” The result of a counted vote is announced as follows: “By a vote of X in favor, with Y opposed, and Z abstentions, A.B. has been (or has not been) elected to membership.” A motion to table or to reject a petitioner is always voted upon by some form of counted vote.

The Motion to Amend

The motion to amend is frequently the type of motion found most confusing. Most of the motions which occur in the Society's caucuses can be amended. Exceptions include the motion to go into or out of executive session and the motion to adjourn. An amendment cannot be offered unless there is a amendable motion already on the floor.

Let us suppose a main motion (e.g., a debate resolution) is being debated. Member X rises to amend it and is seconded by Member Y. The Chairman then determines if the amendment is germane, i.e. it must in some manner involve the substance of the main motion. (See *Robert's*, pp. 113-116.) In the Society, germaneness is defined very broadly by custom, especially with respect to debate resolutions. If, however, the Chairman decides that an amendment is not germane, he should without hesitation rule it out of order. Supposing that the amendment is determined to be germane, the Chairman says, AIt has been moved and seconded that the motion be amended to read as follows:@ If the motion to which the amendment has been offered is debatable, the amendment is also debatable. However, the Chairman may ask the person who moved the original motion (in the case of a main motion other than a debate resolution) whether the amendment is “friendly”, that is, acceptable to him. If it is, all manner of debate and voting on the proposed amendment is unnecessary and the original motion is replaced immediately with its amended form. If the amendment is not friendly and is debatable, debate ensues. When no one wishes to speak on the amendment, the Chairman calls for a vote on the amendment. This is a vote on whether the main motion should be amended as Member X wished; a vote for the amendment is not a vote for the main motion, either in its original form or the form suggested by Member X's motion to amend. It may be necessary to clarify this point for the benefit of some less experienced Members and petitioners. A majority vote is required to adopt the amendment; if the amendment is important and a close vote is anticipated, it is very appropriate for the Chairman to ask for a show of hands, so that a proper count can be made.

If the amendment is adopted, the Chairman would announce the fact and either repeat the amended motion or ask the Secretary to state the amended motion, so that all present will know what motion is now on the floor.

SECONDARY AND TERTIARY AMENDMENTS

The complications with amendments usually come when a secondary amendment is offered. That is, Member X moved to amend the main motion and was seconded by Member Y. While debate was in progress on Member X's motion to amend (i.e. the primary amendment), Member A rises to amend Member X's amendment and Member B seconds Member A's amendment; Member A's amendment is not deemed friendly by Member X. Note that it is Member X who must be asked whether Member A's secondary amendment is friendly, not the Member who made the original main motion. A secondary amendment, subject to the test of germaneness, is in order.

However, a tertiary amendment of whatever content is not in order; that is, a secondary amendment cannot itself be amended. If Member C wishes to offer a tertiary amendment, the Chairman should rule it out of order, but inform Member C that as soon as the secondary amendment by Member A is disposed of, he can properly move another amendment to Member X's motion to amend.

Procedurally, the secondary amendment is debated and voted upon; then, the primary amendment is debated and voted upon; finally, the caucus returns to the main motion (as originally made, or as amended, depending on whether any of the amendments have been adopted).

RULINGS BY THE CHAIRMAN

The Chairman is frequently called upon to make rulings, e.g. whether a motion is in order or not, whether the ayes have it on a voice vote, or concerning a point of order or information or privilege. The Chairman may wish to consult the Society's Parliamentarian on questions of parliamentary procedure. The Parliamentarian's opinion should be considered authoritative but is not final. As stated in the *Handbook*, the parliamentary rulings of the Chairman are final and are subject to no appeal in the context of a caucus. The Board of Governors, of course, retains its right to interpret the Constitution, traditions, customs, and precedents of the Society.

RISING TO VARIOUS POINTS

In passing, reference will be made to points of order, information, and privilege. These occur with some regularity on the floor of the Society and the Chairman must be prepared to handle them. In form, they are all posed as questions asked of the Chairman. To raise any point, the individual merely rises and, interrupting whatever business is pending, says, "Mr. Chairman, I rise to a point of order (or whatever)". The Chairman customarily recognizes him for a point of order. The individual continues, "Is it not the case that . . .?" No second is ever required.

POINTS OF ORDER

A point of order is used to suggest that some rule or custom of the Society is being violated. It must be made at the time the alleged violation occurs. The Chairman makes an immediate ruling, without entertaining debate or other delays. Of course, the Chairman may consult the Society's Parliamentarian before making his ruling.

POINTS OF INFORMATION AND PARLIAMENTARY INQUIRY

Similarly, a point of information seeks to determine some substantive, factual matter, e.g. “Is it not the case that the Earth is flat?” It must be made at a time when this information is essential to the business at hand. The Chairman immediately makes an authoritative ruling.

A special sort of point of information is a point of parliamentary inquiry. If someone is uncertain whether some rule or custom of the society is being violated, he can rise to ask the Chairman to explain or interpret the relevant rule or custom, e.g., “Is it not the case that nominations for Chairman require at least one second?” This is often a preliminary point followed by a point of order, e.g., “Is it not the case the nomination of Mr. X for Chairman was not seconded and that therefore Mr. X is not among the validly nominated candidates for that office?”

POINTS OF PRIVILEGE

A point of privilege falls within a special category of points of order; it raises some question relating to the rights of one or more Members of the Society or the Society at large. Points of privilege may be distinguished as points of personal privilege (raised by a single aggrieved Member who has personally been defamed or offended) or points of general privilege (raised on behalf of several Members or the whole Society). Points of privilege are rarely raised on the floor of the Society and should be taken very seriously, since they are usually raised only when behavior is either grossly offensive to an individual or likely to bring the Society as a whole into disrepute.

EXECUTIVE SESSION

From time to time, the Society must consider business of a nature that makes the exclusion of all non-Members essential. Any deliberation about the election of officers, the election of petitioners to membership, and amendment of the Society's Constitution must occur exclusively in executive session. Any attempts to discuss such matters on the floor outside executive session are completely out of order and should be gavelled down with vehemence. From time to time, it may be appropriate for other matters to be discussed in executive session. When it is appropriate for the Society to move into executive session, some Member makes a motion to go into executive session. While it is preferable that no business be pending at the time the Society goes into executive session this is emphatically not required. If there is pending business at the time the Society goes into executive session, the Society will return to it when it leaves executive session.

The motion to go into or out of executive session must be seconded and is not a debatable motion. An immediate vote is taken, generally by voice vote. A majority vote suffices to go into or out of executive session. As soon as the Society moves into executive session, the Chairman directs the Sergeant-at-Arms to escort all non-Members from the caucus room. He should generally guide them to some sufficiently remote location that they cannot eavesdrop on the executive session portion of the caucus.

Specific non-Members may be invited to attend part or all of the executive session portion of a caucus. This is most commonly done when the petitioners are questioned one by one on the floor during the executive session portion of an induction caucus, but the Chairman (in consultation with the Privy Council) can authorize the attendance of any nonmember during any or all of an executive session if deemed in the best interests of the Society.

The most important characteristic of any executive session portion of any caucus is that those present are strictly forbidden to discuss anything that occurred with anyone not entitled to have been present. This should be emphasized repeatedly by the Chairman, especially at the beginning and end of each executive session. Within reasonable bounds dictated by discretion, one can discuss a particular executive session with some Member entitled by right to have been present, even though he happened to have been absent.

CONCLUSION

No short discussion of parliamentary procedure can cover every eventuality that a Chairman may encounter. This essay is not a substitute for a thorough knowledge of the Constitution and the customs, traditions, and precedents of the Society. When neither this essay nor any of these other sources address a given issue, it is often helpful to read the appropriate section in *Robert's Rules of Order, Newly Revised*. In the last resort, the Privy Council has the authority to interpret the Constitution and to interpret the Society's customs, traditions, and precedents, and determine to what extent *C* if any *C Robert's* is applicable. Inexperienced Chairmen, especially when they find themselves in unfamiliar situations, should defer to the judgment of the Privy Council and the more experienced Sometime Chairmen, or seek the advice of the Parliamentarian. Ultimately, it is the Chairman that must decide the immediate application of the Society's parliamentary authority. Over time, the inexperienced do become the experienced and the parliamentary procedure used on the floor becomes almost second-nature.