

SUMMARY GUIDE TO SENATE AND PARLIAMENTARY PROCEDURE - Sept. 1999
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Senate Rules – Strategy and Tactics

1. Senate rules, like those of most assemblies, are designed to prevent surprises. They encourage decisions based on prior investigation rather than off-the-cuff debate and reaction. So, design your strategy and tactics accordingly. You won't get immediate action on anything important unless you have a well drafted motion in hand and expect to carry three-fourths of the Senate with you based on a speech limited to ten minutes! But, if you can tolerate study and investigation and will look for allies, there are several promising alternatives.
2. So, do your subject matter homework till you have some fairly concrete data and the beginnings of a point of view or proposal, and start to look for support.
3. On procedure, consult the Speaker, the Parliamentarian or former Parliamentarians Stadelmann and Halter or request from the Senate staff a copy of the long form guidance by Stadelmann and myself titled Notes on Parliamentary Procedure; and consult the Senate Constitution and Bylaws.
4. Then try one or more of the following:
 - a. Go to a standing committee member for help.
 - b. Ask you department or college caucus to make a request of the Executive or other committee.
 - c. Bring it up in the Committee of the Whole and request action.
 - d. Petition the Executive Committee for action.
 - e. Ask the Speaker to present your proposal as an emergency item.
 - f. Under new business, rise and request item be put on the agenda for the next meeting (takes majority).
 - g. Always remember that someone has to "write it down" and that those who do the drafting have an advantage.

Parliamentary Procedure

1. General principles: Behind Robert's Rules are five principles: 1) One thing at a time, 2) every member treated equally, 3) consider minority rights, 4) majority shall govern, and 5) absentees get some protection.
2. Practical guidelines: 1) plan strategy ahead, 2) write it down, 3) notify the Speaker ahead of time, and 4) make an appropriate motion.
3. Basic motions (in order of precedence) are of two kinds:

d. Privileged (can interrupt things)

| | <u>Debatable</u> | <u>Amendable</u> | <u>Decision Rule</u> |
|-------------------------------|------------------|------------------|----------------------|
| Adjourn | No | No | Majority |
| Take a recess | No | Yes | Majority |
| Raise a question of privilege | No | No | Speaker decides |
| Call for Orders of the Day | No | No | Speaker decides |

b. Subsidiary

| | | | |
|--------------------------------|-----|-----|----------|
| Lay on the table | No | No | Majority |
| Previous question (end debate) | No | No | 2/3 |
| Limit or extend debate | No | Yes | 2/3 |
| Postpone to certain time | Yes | Yes | Majority |
| Commit or refer | Yes | Yes | Majority |
| Amend | Yes | Yes | Majority |
| Postpone indefinitely | Yes | Yes | Majority |
| MAIN MOTION | Yes | Yes | Majority |

4. Other motions: Incidental motions (Appeal, Point of Order, Suspend Rules, Voting procedure, Requests and Inquiries) have the priority of their good sense at the time; rarely debatable or amendable. Unclassified motions, often called "reruns" (Rescind or Repeal, Ratify, Reconsider, Take from table) are usually debatable and sometimes amendable – you may need advice here.

TEXAS A&M UNIVERSITY FACULTY SENATE

NOTES ON PARLIAMENTARY PROCEDURE

Adapted From Notes Developed by
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for the Faculty Senate in 1983-84

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NOTES ON PARLIAMENTARY PROCEDURE**

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Chapter I. Types of Governing Rules

- A. Constitution. The Constitution was approved by the Regents and the Faculty of Texas A&M University and may be amended only as prescribed in its Part III. All Faculty Senate actions must be in accord with it. All Senators should read this carefully.
- B. Bylaws. We have a short constitution. The major gaps are filled by bylaws. These, together with our Constitution, are our basic governing documents.
- C. Parliamentary Procedure Rules. A parliamentary authority (Robert's Rules of Order, Newly Revised, henceforth referred to as RNR) is approved in a section of the Bylaws. The parliamentary authority then governs procedure (not substance) unless the Constitution and/or Bylaws provide for another procedure. This saves an enormous amount of time and energy because we do not have to invent procedure from scratch. RNR provides for most contingencies.
- D. Standing Rules. These, sometimes called Standing Operating Procedures (SOP), usually lay out various administrative details, such as election procedures, budgetary and appropriation guidelines, personnel procedure, etc. These are normally adoptable or amendable by a majority if prior notice is given; otherwise by two-thirds of those voting.
- E. Ordinary Legislation. This consists of the approved motions, committee reports, etc., adopted during the regular course of business. They and the procedure by which they are adopted must conform to all four sets of rules above them in this list. Ordinary legislation remains in force, no matter how old, until modified or rescinded. It is therefore useful to keep your own file of minutes. The Secretary should always have a complete file available for consultation by any member. Legislation not adopted as bylaws or standing rules, and which imposes limits on ordinary procedures or rights of members are in effect only for the session in which they are adopted.

Chapter II. Underlying Principles

Here are the basics underlying most parliamentary procedures:

1. Consider one item at a time — hence you can be ruled out of order if you try to talk about something other than what is immediately before the Senate. By a proper motion such as "to table," or "to close debate," you can help the Senate move on to something else. The Senate can change items rapidly; that is what an "agenda" is also designed to do. A large group can sensibly think about only one item or topic (a motion, amendment, committee report, etc.) at a time.
2. Every member is treated equally — you all have the same rights and duties.
3. Minorities down to an individual member have rights to be protected — this is why RNR requires a two-thirds vote to close, or to change the rules of, debate, to close nominations, or change the accepted agenda. Motions such as making a decision unanimous require a unanimous vote to adopt.
4. Absentees must be considered — this is why RNR requires prior notice of many things. That is, if prior notice (previous meeting or by mail) is given, the Senate can, for example, amend something previously adopted (ordinary motion or report) or modify the agenda by a majority vote rather than by two-thirds (required if there is no prior notice). Absentees have thus been warned that they absent themselves further at their own risk.

5. A majority must be able to govern — a simple majority of votes cast rules in most ordinary matters, and, acting together, two-thirds of the Senate (but only two-thirds) can ride roughshod over all opposition if need be. But this is rare.

Chapter III. Working with the System

A. Effective Work Through a Representative Body Requires Three Things.

1. A knowledge of possible procedures or routes through the jungle.
2. A workable solution in an understandable written form.
3. The progressive mobilization of support — from you to friends, to committee, to full Senate debate and, hopefully, a majority.

B. Functioning Through Senate Committees. How do you get something done in the Senate? Somehow, one has to get a specific proposal together which can be presented in the form of a motion which might be adopted. But you may not have a specific proposal. You just have a worry or concern. What are your options?

1. Get it on the Senate agenda for discussion; be prepared also to move that the subject be assigned either (a) to a standing committee for consideration and refinement into a proposal or (b) to a special committee (be prepared to specify in your motion who appoints, how many members, etc.) with instructions to report back. But this takes everyone's time and the concern may be premature.
2. Do some research and talking yourself with your Senate colleagues, even circulating a questionnaire. Is it really a problem for more than a few? If so, what is the specific complaint and is there any solution, etc? Then back to the Senate agenda with an item for new business, and on to the procedure described above.
3. Use the existing Senate committee structure by going to the committee chair or to a member and asking that committee to take up your problem, offering to help if need be. This will usually be your best route; such is what the committees are for.
4. If your college has its own faculty organization start with that mechanism. You may request to appear before your college's Senate caucus. If a college faculty or college's Senate caucus faculty makes a request, you have a good deal of support. Who is the request directed to, the Speaker or the chair of the relevant committee? Either will do. Be prepared to "push" in the Senate.

C. Strategy in a Representative Body. Strategy (and tactics, usually referring to smaller parts of the strategic plan) can be found in several aspects of parliamentary procedure, such as the following:

1. The selection of a route such as that in the first section above, in which you ask yourself the question: How will I approach getting a solution to my problem?
2. In debate. You are likely to get only one major opportunity to speak on any single matter before the Senate. If you are the mover, you have the right to speak first. But would it be better to wait until you see how the debate is going, so you can reply more precisely to the actual arguments? This procedure may be desirable when you are uncertain about the nature of the opposition, but it runs the risk of having debate closed before you get to speak. Or, consider making a careful and persuasive opening speech, and then have a friend move to close debate, hoping to capitalize on the favorable sentiment aroused by your comments. It is often helpful to split up the speaking task, which will make it seem that the motion has wide support, hopefully from several colleges. If the speakers appear to be scattered in the audience rather than sitting together, this also will suggest support. Such considerations become especially important in a "close" situation.

3. In voting. You can ask (by calling out "division") for a standing vote. You can also make a motion for a roll call or secret ballot, which takes a majority okay for approval. These latter two procedures have, as you can imagine, tactical implications, depending on the nature of the topic being voted on. A vote might go one way by public roll call and another way by secret ballot, especially if the vote is likely to be close.

D. Some Practical Guidelines. Much depends on the procedural good sense of individual Senators. Long experience suggests that the following will save enormous amounts of time and do much to produce well thought-out actions and legislation:

1. Plan Ahead. If you contemplate an action, think it out, consult others, check the alternate procedures (there often can be more than one), prepare debate remarks, etc.
2. Write it Down. RNR and all parliamentary manuals require proposals of more than a sentence to be written. If possible make four copies, one for the Speaker, one for the Secretary, one for the Parliamentarian, and one for your use. Of course, when there must be advance notice, a copy will go to everyone. If necessary, write it out in the meeting, and hand it to the Secretary after you have presented and moved it. A large body cannot handle complicated matters verbally. Anyone may object that you are out of order if you try.
3. Notify the Speaker. Work with the Speaker and perhaps the Parliamentarian or another relevant officer for placement on the agenda, possible procedural problems, alternate ways of accomplishing what you desire, better working or timing, etc.
4. Make an Appropriate Motion. Don't merely suggest something if you think it ought to be done. Nothing will happen without a motion. When in order (right time), make your proposal, give your reasons, and then actually make a motion.
5. Discuss Issues Not Personalities. The Speaker should not hesitate to politely but firmly rule any member out of order if that member engages in a personal attack on the character of another member. Caution is required here. To argue that a motion is idiotic is not out of order even though the implication may be unavoidable that the maker of the motion is devoid of intelligence. American parliamentary law does not permit the latitude allowed in English parliamentary law for discussion of personalities.

E. Placing Items on the Agenda. The Senate Agenda is controlled by the Executive Committee. In the Bylaws, Chapter IV , Article B, Meeting Agendas, Number 2, it is stated "the Executive Committee shall set the agenda and report to the Senate on the status of unscheduled items."

However, ultimate control of the agenda rests with the Senate itself.

Within the framework of these two general provisions and specific provisions of the Bylaws the individual senator has the following eight avenues available for placing items on the Senate Agenda. (Several Senators together or a caucus have the same avenues available.)

1. Present an issue or resolution to the appropriate Senate Standing Committee. The Committee may or may not act to place the item on the agenda through the Executive Committee.
2. Present "the proposed agenda item shall be in writing and shall contain any motions on which action is desired at the meeting" (IV.B.1.) to the Executive Committee. If you present a general issue, the Executive Committee has no obligation to do anything with the issue. However, if the proposed agenda item is presented in writing, the Bylaws require:

"Such items shall either be placed on the agenda or sent to an appropriate committee for consideration." (IV.B.1).

If the item is sent to a committee from the Executive Committee, it may or may not be reported out. It would be buried. However, the Executive Committee would have to report the status of the request to the full Senate at the next Senate meeting and from time to time (once a semester should be adequate) and upon request.

The Bylaws do not specify how rapidly the Executive Committee has to act on a matter presented to it by a Senator. In such cases RNR specifies that action must be taken in a reasonable manner, and precedent is considered in determining "reasonable."

I would advise that the Executive Committee should place the item on the agenda or refer it to another committee within three months. That is only unsolicited parliamentary advice.

3. Present the proposed agenda item directly to the Speaker and ask the Speaker to include the item on the next agenda as an Emergency Item (IV.B.4). Any motion so presented would require a three-fourths vote to pass (IV.C.3).
4. Present the agenda item at the appropriate time, usually under new business, to the Senate with a motion to make the item an emergency item.

The item may be declared an emergency item by a majority vote of the members present and voting. However, You then face a three-fourths majority to pass any resolutions contained in the item.

What constitutes an "emergency item?" "Emergency" is a parliamentary term. Anything you can get a majority of the senators to declare an emergency is by definition an emergency. However, individual senators may have their own definitions of "emergency" that they will apply to your item before they will vote for consideration.

5. Present your agenda item under new business or at an appropriate time with a motion to make it an agenda item on the next regular or at a special Senate meeting. (As it is difficult to call a special meeting — I will consider here only the next regular meeting.)

A motion to place your item on the next agenda is treated as a main motion, debate is in order but not on the substance of your item, only on its inclusion on the agenda at the next agenda.

6. Present your agenda item under new business or at an appropriated time with a motion to make it a special order or the special order at the next regular meeting. a special order takes precedence over many other matters; the special order makes your item the first matter to be considered after the consent agenda. The motion to make your agenda item a special order or the special order requires two-thirds vote for adoption.
7. Present your concern with or without a resolution to the Committee of the Whole, which is always the last item on the agenda.

The Committee of the Whole may not instruct the Executive Committee or any other Committee.

It may not speak to the media on behalf of the Senate.

It may do any of the following with your concern or resolution:

- a) It may make informal suggestions to other committees including the Executive Committee.

- b) It may request that the Executive Committee instruct other committees.
- c) It may request that the Executive Committee place an item on the agenda.
- d) It may request that the Executive Committee either place an item on the agenda or refer the item to a committee. (However, in this regard the Committee of the Whole does not have as much authority as an individual Senator who can require that the Executive Committee either place an item on the agenda or refer an item to another committee.)
- e) It may report a resolution directly back to the Senate, meeting as a whole, immediately following the Committee of the Whole meeting.

It has been our practice to receive the report of the Committee of the Whole and then to promptly adjourn the Senate meeting. It is not necessary to adjourn immediately upon receiving the report of the Committee of the Whole. In the first edition of Notes on Parliamentary Procedure, Parliamentarian Paul Van Riper wrote "if there is time the report (from the Committee of the Whole) can be handled then and there." I added in the revision of the Parliamentary notes, "if the report does not require prior notice before Senate action."

What does this mean?

- Well, the resolution passed by a recent Committee of the Whole commending our Speaker for coaching the Lady Aggies Basketball team is honorary and uncontroversial in nature and does not require prior notice. The Senate could have voted on this report and passed or rejected it before adjourning.
- A report coming from the Committee of the Whole that concerns itself with an item that has been on that meeting's agenda might also be acted upon by the Senate after the meeting of the Committee of the Whole. (Some restrictions apply.)

The Senate, in meeting after the Committee of the Whole, can also do the following:

- Refer a motion received from the Committee of the Whole to the Executive Committee or any other committee, standing or ad hoc, with requests and/or authoritative instructions or orders. (Some restrictions apply.)
 - Place the item on the agenda for the next or some future meeting (without Executive Committee consultation) as a regular order, a special order, or the special order (requiring a majority, 2/3, 2/3 vote respectively).
8. Our Constitutions, Bylaws and procedural rules make it very easy, exceptionally easy, for an individual senator to bring a resolution before this body.

However, if anyone feels it is not easy enough, there is always the avenue of amending the Bylaws to abolish the prior notice requirement, which would then make it possible to bring up almost anything in any given meeting.

Chapter IV. Rules of Debate

RNR limits any single speaker to 10 minutes on any single matter, and none has a right to speak a second time on that matter until all other members who wish to be heard have had a chance to speak. The mover of a proposal has the right to speak first if desired, but can choose to wait until later. By a two-thirds vote the Senate may limit or extend debate as a whole or by individuals.

Besides watching your time limit in speaking there are a few other do's and don'ts to bear in mind. Do prepare some notes from which to speak; organize yourself beforehand. Do try and figure out when it would be best to speak. If you have made the motion, you are entitled to speak first. Bear in mind that you will probably be able to speak only once. Consider the tactic of perhaps waiting until later, then you can hear the opposition and prepare yourself better. You are not entitled to a second chance at speaking until everyone else who wants to speak has had the chance. Do not read a speech, for this is not authorized without permission of the body (Senate) itself. You can talk from notes but not from a complete script without permission. This is to prevent people from wasting time easily by reading. Your remarks must be germane (to the issue), and they may not reflect on a member's character or motive or be defamatory.

A. Need for Seconds. Here are the general guidelines:

1. No seconds are required for reports or motions about them from a group composed of two or more persons. The only reason for a second is to show that at least two people are interested in the matter. A committee is, by definition, two or more--hence no second is required as long as the motion is on behalf of the committee and approved by it. Motions by individuals to amend such a motion require a second as usual.
2. No seconds are required on privileged motions about emergencies. If there is a fire, no second is needed to recognize it.
3. No second is needed for a nomination, though one is not improper. A nomination is an exercise of the right of any individual member; you need no one else's concurrence.
4. You don't need a second to ask a proper question.

B. On Calling Out "Question". Calling out "Question" has no parliamentary standing. Such is not proper, and such need not be recognized by the Speaker. Pay no attention to such calls. If you wish to close debate, get recognized and make a motion to close debate (or, in more technical language, "Move the Previous Question"). This motion must be seconded, but is not debatable, and requires a two-thirds vote (two-thirds of those present and voting) for it to be effective. If you want to speak more or hear more, vote against the motion. This motion is in order at any time after the motion is seconded, though courtesy suggests (but does not require) one wait at least a few moments after the second before offering the motion.

C. On Friendly Amendments. There is technically no such thing as a "friendly amendment." The Speaker is required to treat a "friendly amendment" the same way any other first or second order amendment would be treated. There is nothing wrong with calling an amendment "friendly" in order to assure the originator of the main motion that you support the motion. But once the main motion has been made, seconded and debate has occurred (your statement that you are friendly to the motion constitutes debate), the motion is the property of the assembly. It may be withdrawn or changed by unanimous consent (often obtained by the Speaker without a vote), or withdrawn by motion (not debatable, majority vote, motion to withdraw must be made by maker of proposed motion to be withdrawn). The motion cannot be altered by a "friendly amendment" with agreement only of the maker and seconder.

D. Know What's Happening. It is primarily a responsibility of the Speaker to keep discussion on one matter at a time. However, the Secretary and every member share in this responsibility. The Secretary as well as the Speaker should halt discussion if the motion being discussed has not been clearly recorded. The exact wording of a motion, the exact portion of a report being considered, should be clearly known by the assembly. Prior to a vote the Speaker should state, or have the Secretary state, the exact words of the motion before the assembly. In the event of a complicated procedure it is advisable for the Speaker, or the Parliamentarian upon the Speaker's request, to explain the effects of a yea or no vote. The requirements for victory in an election should be explained prior to every election.

Chapter V. Motions

- A. Principal Motions. There are 13 principal motions; these are divided into two categories, as shown below. These 13 have a precise relationship to each other in terms of what is called precedence. That is, no. 1 takes precedence over no. 2, and no. 2 over 3, and 5 over 8, etc. On the floor the effect is, for example, that if you introduce no. 10 (refer to committee) and then someone introduces no. 6 (lay on the table), the discussion immediately shifts to no. 6; then, if no. 6 is passed, we forget no. 10 (it is too late); if no. 6 is not passed, we come back to no. 10. All this means that, if you do not like a motion before the Senate and prefer a higher ranking motion, introduce it (you can do so any time you can get the floor) and the discussion must shift to your new and higher-ranking motion.

The five highest ranking motions are called PRIVILEGED motions. They have to do with questions about rights, the declaration of emergencies, or the timing and scheduling of meetings or items on the agenda. These five, with a few comments on each, are as follows (none of the first 8 are debatable except number one in certain situations):

1. Fix the Time at or to Which to Adjourn. These motions (I move we adjourn at....) or (I move we adjourn to....) take precedence over everything else. They require a second if a question is pending, are not debatable but may be amended as to time and place. If no question is pending they are debatable, majority vote. As the Senate's time for adjournment is established, the former will not often be used. However, you might want to adjourn for a few hours or several days, while you recruit your support for a motion. In this case you would move to adjourn to a more desirable time, thus setting the time for the next meeting in advance of the regularly scheduled meeting. This motion may be made even after the assembly has voted to adjourn, provided that the Speaker has not declared the meeting adjourned. Under the heading of this motion you may also specify the place to which to adjourn.
2. Adjourn. This motion ("I move we adjourn" — without any qualifications) takes precedence over anything else except fixing the time to which to adjourn, until it is settled. Requires a second, not debatable, majority vote. As only a majority is required, this is the easiest way to, in effect, end debate; but it ends everything else, too, and you all go home till the next meeting.
3. Take a Recess. This means take a short break (usually 10 to 15 min.) right now. This is useful for a seventh-inning stretch, or if you and others want to talk something over before voting, suggesting amendments, etc. Requires a second, amendable as to time, not debatable, majority vote. The Speaker may and occasionally should order a short recess if a motion is confused or members are engaged in debate over terminology rather than substance. This enables the wording of a motion to be clarified before a series of amendments are proposed.
4. Raise a Question of Privilege. Such questions can be of two kinds: (a) a question about a right of some kind (e.g., "Am I entitled to vote?"), or (b) not really a question at all but usually a statement about an emergency of some kind (e.g., "We are freezing back here!" or "Smoke is filling the hallway!"). As common sense would suggest, such questions or statements do not require a second and are not debatable. If a vote is appropriate (not in case of a fire), a majority is enough; sometimes the Speaker or the Parliamentarian can answer a question about rights. Votes are rare on privileged motions. A warning: There is wide misunderstanding about use of the word "privilege" and one sometimes hears the phrase, "I rise to a point of personal privilege." The person thus getting the floor then wants to make a speech of some kind. This usage is out of order. A question of privilege does not authorize one to ask an ordinary question, either, such as: "What are we voting on?" or "Why don't we get on with the business?" A question of privilege, properly used, gets you the floor only for a question about some fairly precise right or about some clear emergency problem. Use for other purposes can be declared out of order. Finally, if the emergency requires, you can interrupt anything or anybody.
5. Call for Orders of the Day. Here you say: "Speaker, I call for the orders of the day." What do you mean? You are politely saying: "We are wasting time on something not on the agenda, and I demand

we get back on the proper agenda item or topic!" Requires no second, is not amendable, and the Speaker must comply unless a new motion is introduced to modify the agenda. Any such new motion would require a two-thirds approval. Again, calling for the orders of the day tells the Speaker to get the discussion back on the right track, and he must do so promptly!

The following eight motions are known as SUBSIDIARY motions. They are used to move a topic to final approval or to final oblivion. More than two-thirds of the motions made in most assemblies will come from among these eight. Again, these are in precedence order:

6. Lay on the Table. Requires a second, but neither amendable nor debatable. Majority vote. The result is to remove a topic from consideration until a motion to take the question from the table is approved. Use of this motion "improperly" constitutes one of the more common violation of basic constitutional rights. "Improper" usage involves the strategy of removing a controversial resolution from consideration without the necessity of going on record against the resolution. It also cuts off debate on a subject with a majority vote instead of the usually required two-thirds vote needed to suppress minority expression. This techniques is a favorite of politicians in most deliberative elective bodies. While Robert's terms this usage "improper," it is common and not obviously in violation of parliamentary rules. "Proper usage" is to use this motion to temporarily postpone consideration of a question because an issue that is more important has appeared. Robert's struggles unsuccessfully with ways of insuring "proper" rather than "improper" usage of this motion in the RNR and then lamely urges members to use motions to postpone in place of the motion to table. Before the Senate established a session, a tabled motion was killed if it was not removed from the table at the same meeting in which it was tabled. But in organizations with a formal session, like the Senate, a tabled motion may be taken from the table (majority vote) at any meeting in the same session. It need not be on the agenda for that meeting. Therefore, while tabling does permit one to "kill" a measure without voting against it and to cut off debate with only a majority vote - if improper usage occurs - the measure may rise from the "dead" at any unexpected time during the same session. Use this motion with care. The session lasts from the swearing in of new Senators in May to the same time next year.
7. Previous Question. Requires second, not debatable, requires two-thirds as it shuts off the right to speak.
8. Limit or Extend Limits of Debate. (e.g., "I move total debate on the topic be held to one hour" or "I move we alternate pro and con speakers with a time limit of three minutes for any single speaker and a total limit of one hour.") Requires second, not debatable, but may be amended. Requires two-thirds as it affects the right to speak.
9. Postpone to a Certain Time or Indefinitely. (e.g., "I move we postpone consideration of this question until 5 p.m." or "...until we have completed all old business." or "...until the end of committee reports at the next meeting"). In this motion, you must make clear when the topic is to be taken up again. Requires second, amendable as to timing. Debatable but only on the issue of postponement.
10. Commit or Refer. (e.g., "I move we refer this to committee." or "I move we return this to the committee for further study, with another report and recommendation to be made at the December meeting"). Be as specific as you like, except that you cannot by this motion upset the normal jurisdiction of standing committees. But you can move it by referring it to a special committee of some kind (indicate in the motion what kind, composition, perhaps date to report back, etc.). Requires second, debatable, amendable. Motion No. 9 above tends to delay briefly, while this motion will make for a much longer delay. If you want permanent delay, do not specify that the committee is to report back and hope that it never will! If you want action on the topic, try to amend the motion to insure that the committee reports back, perhaps by a certain date.
11. Amend. Requires second, debatable, amendable once before the first vote must be taken (on the amendment to the amendment). Then another amendment to the amendment can be offered. You can amend four ways:

- a) By moving to amend by adding or inserting a word or consecutive words.
- b) By moving to amend by striking out a word or consecutive words.
- c) By moving to amend by striking out....and inserting in their place....
- d) By moving to amend by substitution....for (specify what).

Amendments to Amendments.

- a) When a first, or primary, amendment is on the floor and has been seconded, it is in order to receive another, or secondary, amendment provided the secondary amendment would only amend the primary amendment. Another primary amendment (amending something else) or an amendment to substitute (see below) is not in order as a secondary amendment. A secondary amendment must be an amendment of the already existing initial (primary) amendment; a secondary amendment is not in order if it attempts to do anything else. One must wait until any existing primary amendment is finally disposed of before introducing another primary amendment. Otherwise, one violates the basic rule: one thing at a time!
- b) An amendment to substitute (see details just below) is never in order as a secondary amendment.

An Amendment to Substitute.

- a) An amendment to substitute must involve not less than a full paragraph, and it is usually applied to introduce an entirely new proposal.
- b) Because it is complicated, it is not in order if one of the other kinds of amendments (to add, to strike out, or to strike and add at the same place) can do the job. In a sense, all amendments are substitutes, but "substitute amendment" is a technical term, defined above.
- c) An amendment to substitute can only be made as a primary amendment.
- d) Here is the procedure for handling an amendment to substitute:
 - After the substitute is moved and seconded, then the Senate would go back to the original text (paragraph or whatever) which then can be what is termed "perfected". That is, the original can be amended and revised so that it is in the best shape it can be put (assuming there are enough votes to make changes).
 - Then one takes the substitute and it is "perfected" insofar as there are enough votes to make any changes.
 - Then, finally, and only then, does one vote on whether to accept the substitute in place of the original (paragraph or whatever).
 - The idea is that the Senate will then have two or more proposals before it, each in the best form possible, so that a really sensible choice can be made.

12. Postpone Indefinitely. Means what it says; it disposes of the matter. Like commit or refer, it is nicer sounding, hence sometimes easier to get done, than marshaling the votes to vote the proposal down. Requires second, but not amendable. Unlike the motion to table this motion is debatable and unlike the

motion to postpone to a definite time the debate is not limited to the issue of postponement only but may go into the merits of the main question.

13. Main Motion. This is what we call the motion that starts something. It may be as simple as: "I move we buy a chair." Or it may come at the end of a complex committee report proposing a series of actions, when the committee member says: "I move adoption of this report." Requires a second, debatable, amendable. This is the lowest precedence, but it is also the beginning of all legislation of topical significance and substance.
14. General Tactics. If you are happy with a main motion, second it or wait for the second and move to close debate and come to a vote. If you are unhappy, consider alternatives above, especially 2, 3, 6, and 8 through 12. If you have the votes, you may wish to move the previous question quickly before the opposition can convince the wavering.

B. Incidental Motions. This is a class of motions which, unlike those previously discussed, have no sequential priority or fixed order of precedence. These motions arise out of, or are "incidental" to, deciding some question that is pending and must be taken up and decided "along the way." That is, if offered at the "right time," these motions take immediate priority; offered at the wrong or a nonsensical time, they have no standing at all. As you can see from their nature, most of these motions are undebatable and unamenable; 1, 4, 6, 8 and the nomination part of 7 require no seconds. They are as follows (in no priority order):

1. Point of Order. As RNR says, "When a member thinks that the rules of the assembly are being violated, he can make a Point of Order" or raise a question about whether the procedure is correct. This must be dealt with immediately. The person raising the point says, "Speaker, I raise a point of order." The Speaker replies, "What is your point [or question]?" The Senator states the problem and the Speaker provides a ruling. Then the Senate would go on about its business, the "incidental" matter having been settled then and there. There is one important thing to remember about a point of order: it must be raised promptly and at the time of the alleged error, otherwise, it is too late. That is, one may not raise a point of order some time after it has occurred. The only exception is when the procedure would violate the Constitution or Bylaws, so that the action proposed might itself be improper or unconstitutional even if approved. Most points of order (improper procedure) will be caught by the Speaker or the Parliamentarian; but, if not, any member may by raising a Point of Order correct the procedure. No second needed.
2. Appeal. If a member disagrees with a ruling of the Speaker, the Senator can appeal to the Senate as a whole for a decision. The member says, "I appeal from the decision (there must have been a decision in an actual case pertaining to a real motion) of the Speaker. The Speaker would then state his/her reasons for the decision and then ask the Senate: "Shall the decision of the Speaker be sustained?" A vote follows and the vote determines the decision now. Such an appeal cannot, however, be used to violate standard parliamentary procedure or to, in effect, modify the Constitution or Bylaws. An appeal is usually relevant only when there is a legitimate question of interpretation of some procedural guideline. Neither RNR nor the Constitution and Bylaws will be absolutely clear on everything; but an Appeal is normally quite rare. You can not "appeal" a vote. Requires a second. The Speaker has the right to explain his/her decision. The member bringing his/her appeal and his/her supporters have no right to speak on behalf of the appeal once it is made as an appeal is not debatable. Therefore, it is prudent for the person who makes the appeal to state reasons for the appeal prior to making the motion.
3. To Suspend the Rules. This requires a two-thirds vote of approval and is used to allow the Senate to do something which its ordinary rules do not permit. It can be used only when the current motion has been disposed of and before another is presented. It can not be used to suspend the Bylaws or Constitution or normal parliamentary procedure. Most often it is used to take up something out of the proposed order of business, when there is some obvious urgency; or it can be used to allow an outsider

to speak to the body. One simply says, "Speaker, I wish to suspend the rules to allow....." Requires a second.

4. Objection to Consideration. No second needed. This motion can be used at one point only. It is in order only after a motion has been made and seconded and before debate has begun. The member says, "Speaker, I object to consideration of the question." The Speaker then says (immediately), "Shall the question be considered?" Requires a two-thirds negative vote for approval. This is normally used to avoid irrelevant, unprofitable, or contentious motions, or motions on which you know no one wants to be publicly committed at that time. Rare, but occasionally useful.
5. Division of a Question and Consideration by Paragraph or Seriatim. This is often done by consent and may be proposed by the Speaker. It helps if the mover specifies how the question (e.g., committee report) shall be divided. Needs a second if from the floor. Requires a majority vote. (RNR provides that if a question consists of parts that are totally unrelated the parts must be separated upon demand by even one member.) This provision is often violated in parliamentary bodies by defining "unrelated" loosely.
6. Division of the Assembly (for another vote). This is in order when a vote has been taken by show of hands or by voice. This motion then requires the Speaker to take a standing vote. All that is required is that a member call out the word "division." This is the only case where a member may simply sing out and expect something to happen. Then either a show of hands or a voice vote must be checked again by a standing vote, and the standing vote is what will determine the result. (In the Senate our practice has been to take votes by a show of hands when "division" is called after a voice vote.) Members are permitted to change their vote when a subsequent count is taken.
7. Motions Relating to Nominations, Methods of Voting and the Polls. Bear in mind that nominations do not require a second (although not improper); and that closing nominations and closing the polls (in case of a ballot involving some time) require two-thirds approval.
8. Requests and Inquiries. These must be relevant and timely and pertain to the business at hand. These may be of several kinds. A Parliamentary Inquiry asks for information about procedure. Leave to withdraw or modify a motion must be made as a motion if the original motion has been seconded or is in course of debate. A motion may not be removed simply by the agreement of the maker and the seconder if debate has occurred. You can request permission to Read Papers or to be Excused from Duty, etc. No seconds required.

C. Unclassified Motions. These are sometimes termed "reruns" for most of them have to do with bringing a matter back before the group a second time.

In general, they can be introduced when there is a brief interval between the completion of one item of business and before another is begun. They all require a second, all but the first are debatable, and they are amendable (except the first) if it makes sense to amend the action they propose.

1. To take from the Table. The motion in question must have been "tabled" formally before this is applicable. As "to table" is undebatable and not amendable, so is this motion. This motion is in order during the same session at which something was tabled. Use "take from the table" if you think that sentiment for the tabled motion may have changed during the interval. The motion is not in order unless at least some business has been transacted between the time of the motion to table and a motion to take from the table. It is in order in any subsequent meeting in the same session when questions of the same order are admissible. It takes precedence over any new business and need not be on the announced agenda of the meeting. This motion brings back to the assembly the tabled motion and any amendments, etc. That is, the tabled business comes back in the precise form or state it was when tabled, and it comes back to be settled then and there unless otherwise disposed of (it can be tabled again or postponed, etc.). Majority vote.

2. Rescind or Repeal or Annul. This is to make void an action previously taken at some previous meeting. As you are modifying the agenda by such a proposal, approval of this motion requires a two-thirds vote. If there is prior notice, then (as it will be on the agenda), a majority vote is enough. Rare but useful. Many restrictions apply to this motion. Consult the parliamentarian for assistance.
3. Discharge a Committee. The language here is a bit ambiguous. What is meant is to take some matter out of committee hands and bring it to the floor for decision. The matter comes back in the same state it went to the committee. As with rescind, etc., this requires a two-thirds vote unless there has been prior notice. If a committee has failed to report on time, a majority vote is enough. Very rare.
4. To Reconsider. This is to get another vote (vote only; there is no further debate or discussion). It can be made only on the same day or next succeeding day in the session. Holidays and days on which no meeting occurs do not count as "days." Hence, it can be made on the same day or one the next regular or special meeting. It can not be made if "action" has already been taken on the basis of the original vote. Parliamentary and/or legal opinion may be necessary to define "action." The motion may be made only by someone who voted with the prevailing side when the first vote was taken. And the Speaker may ask the mover how he or she voted the first time. This is less rare and a very useful motion to remember; but, as implied, there must be evidence that at least one person (the mover) has changed his/her mind in the interval between the first and second vote. Do not attempt to use this unless original vote was close or there has been a fairly clear change in sentiment during the interval. (Debatable if the motion being reconsidered is debatable and debate on the issue of reconsideration may consider the merits of the question originally voted upon.)
5. Renew. This is to make the same (or very similar) motion a second time in one session. Such is not in order the same session, and will be ruled out of order. But you can try such the next session. The restrictions on renewal had little relevance before this Senate adopted a year long session (1987). Now, however, the Speaker may rule out of order motions very similar to motions on which the Senate has acted during the session, by declaring them to be improper motions to renew.
6. To Ratify. The object here is to make valid an action already taken. Rare but occasionally necessary. For example, some emergency might require the Executive Committee or an officer to make a commitment before a meeting of the Senate could be called. The Executive Committee or the officer could act and then come back to the Senate to get the action approved at the first meeting thereafter. The Senate is not obliged to approve, and the action is taken at the taker's risk. I would advise no one to take such an emergency action unless the action is one so obviously correct or necessary for the well-being of the whole Senate that a very high proportion of the membership could be expected to approve. Rare but useful.
7. Dilatory, Absurd or Frivolous Motions. These do not have to be recognized or dealt with by the Speaker and the Speaker may call them out of order.

Chapter VI. Voting

- A. Voting by Voice or Hand. When there is no special reason for a count, voting may be by voice (sometimes written as "viva voce") or by hand, as the Speaker chooses. Usually a decision will be clear, but, if not, then a standing vote (another vote on the same question) may be called for.
- B. Standing Vote. There are two ways to get to a standing vote. The Speaker may call for a standing vote if he is uncertain as a result of the voice or hands vote; or any member of the Senate may request a standing vote. The Senator may do this either by calling out the word "division" or by standing and simply requesting a standing vote. This is one of the very few times that any member can simply call out and expect something to happen. There is no requirement that a standing vote be counted, but it usually is and the Speaker may conduct a count. The Speaker is usually assisted by the Secretary and Parliamentarian.

Note that this is in fact a second vote. When a second vote is taken, the result may well be different from the first. Voters may change their minds, and those who abstained during the first vote may choose to vote the second time round. All this is quite legal.

- C. Ballot or Roll Call Vote. To obtain either of these, approval of a motion is required. Here our Bylaws modify RNR. Twenty-five percent of the Senators may obtain a roll call vote. This shall prevail, according to the Bylaws, unless two-thirds of the Senators present and voting approve a secret ballot. But this provision is operative only when the two kinds of voting are in opposition. An ordinary motion for a ballot ("ballot" always means "secret ballot") needs only a majority to pass.

If you do not wish to vote on a roll call, answer "present" or "abstain." You can never be required to vote. You may not, however, simply remain silent as your silence affects the quorum count.

- D. In Case of a Tie. Our Bylaws provide for ties in elections. When there is a tie in the vote on an ordinary motion or amendment, the motion loses. If he/she has not voted already, the Speaker may vote to make or break a tie, but he/she cannot vote twice.
- E. When You May Not Vote. It will be rare when a Senator "must" abstain from voting. But, if the vote is on a matter in which you have a personal or pecuniary interest (different from that of other Senators), you must abstain. Such a situation is much more likely to come up in connection with the activities of city councils and other elected bodies than in the Senate.

Chapter VII. Minutes

- A. Handling of Minutes. No one needs to move approval of minutes after the Speaker has asked for any corrections and there are none. In effect, there is unanimous consent for the minutes and that is enough; the minutes can then simply be declared "approved as presented." An uncontested correction does not need either a motion or a second or a vote--again there is unanimous consent; the minutes are then declared "approved as corrected" without a motion or second. The only time minutes get involved with motions and seconds is when there is a contested correction. The contested correction becomes the subject of a motion with a second, debate if need be, and a vote. But the then corrected (or not corrected) minutes do not require any further motion, as there is no need to vote twice on the same thing. Once again the Speaker can simply declare the minutes approved as corrected (or as presented). Knowing all this can save a little time each meeting.
- B. Content of Minutes. Do not be surprised if the Secretary does not record all the fine points of debate, or indeed, any debate at all. The Secretary is not obliged to do so, for all RNR requires, in the interest of brevity--besides you would complain if you were misquoted or only an opponent was quoted; the Secretary can't win!--is a report of actions taken. Members may request their comments to be included in the minutes or the Speaker may and should order significant points to be included in the minutes, but neither of these activities should be abused. If the Speaker promises to look into a point raised by a member, the member's point and the Speaker's promise should be noted and the Speaker should instruct the Secretary to enter the exchange in the minutes.

RNR requires the Secretary to include much less content in the minutes than previous editions of Robert's required. The assumption is that deliberative bodies that want accounts of the actual debates will maintain electronic recordings. The original Robert's required a summary of every argument and identification of all speakers.

All motions, amendments, points of order and appeals together with the Speaker's rulings and reasons are recorded. The recording of names to those who second a motion is no longer required unless ordered by the assembly or Speaker, or requested by the seconder. Names of makers of motions and appeals must be recorded.

Chapter VIII. Committee Reports

Committee Reports. Such reports are of two kinds. The kind asking the Senate to commit itself to certain opinions or actions requires a motion of approval. This is usually made at the end of the report by the person making the report. If you are that person, at the end of the report simply say, "On behalf of the Committee on.....I move adoption of.....the report or whatever section of it is making the proposal." The Senate has had problems when it has not been clear what portions of the report have been moved for adoption.

Reports for information (and sections of the above reports which do not contain requests for Senate action) do not need formal motions of approval. If you say anything at the end, either ask for questions or just sit down, and the Speaker can ask for questions. If none, or when the questions are over, all that the Speaker needs to say is, something like "Thank you, the report is received for the files." No motion of approval is necessary as no request was made. A copy of or a digest will appear somewhere in the minutes even though there is no formal approval. All this saves time too.

Sub-divisions of the two kinds of reports include:

1. present the report in whole or part with a motion for adoption
2. present the report in whole or part with no motion
3. present the report in whole or part with no motion but with a recommendation for adoption
4. present the report in whole or part with no motion but with a recommendation for rejection
5. present the report in whole or part with a motion to reject (rare)
6. decline to present a report to the Senate ("sit on a report")

Chapter IX. Committee of the Whole

The basic idea is very simple--the entire Senate turns itself into a committee. The Speaker must designate another member to "chair" the new committee. The new chair acts like a committee chair. Normally, a motion is required (majority approval) to create a Committee of the Whole; but, as our Bylaws are specific about this, no motion is required. All the Speaker need say is something like: "We are now in a Committee of the Whole and I request that Senator ____ _assume the chair." In committee, procedure is what we term "informal," unless by a motion you adopt formal procedure (procedure for the Senate in session). By informal procedure we mean such as:

1. Any speaker may simply talk, without a motion; and the next speaker can change the subject as he or she may wish.
2. The same person can speak more than once; two people can even give and take a bit on the floor; you can ask questions of someone and that person can reply, etc. The Chair is in control, however, and can stop matters if they seem to be getting too prolix, out of hand, or repetitive.
3. The Chair can speak out from the chair and give an opinion (as the Speaker can not without giving up the chair) on controversial matters. However, in a large Committee of the Whole, such as ours, this should be rarely done.
4. As this is a committee meeting only, the Secretary does not take notes for the Senate minutes. No goings-on in the Committee of the Whole show up in Senate minutes unless the Committee of the Whole makes an actual report. Then any such report appears in the Senate minutes, but only as a committee

report. If the Committee of the Whole looks like it is going to propose some action (via a motion, etc.), then the Secretary (who is also secretary of the Committee of the Whole) should take notes "for the committee."

5. Senators can make motions, etc., as on the Senate floor; if made, they are subject to the same parliamentary rules as if made "in" the Senate--with one main exception; the debate and discussion can still be quite informal as noted above.
6. Here are some of the possible uses of the Committee of the Whole:
 - a) To express miscellaneous concerns, not earth-shaking in importance but bothersome and either unlikely to get a majority in support or not worth such an attempt.
 - b) To send up a trial balloon in the form of a new idea, another concern, a revision of something, etc. This is a good place to ask for a show of hands from those who might agree with you that the idea is worth pursuing.
 - c) To make an informal suggestion to one of the present committees.
 - d) To ask questions of Senate officers.
 - e) To initiate consideration of some major issue of possible University-wide concern.
 - f) You have tried to get something done and are running into a stone wall.
7. Here are some things to avoid:
 - a) Don't bring up situations of individuals unless you wish to illustrate a general problem. This is not a place to ask for a commendation of someone, or a condemnation, or to express euphoria or disgruntlement of a purely individual or personal nature.
 - b) When you know something is relevant take it right away to the proper committee. If you are blocked there, then the Committee of the Whole may be appropriate, to see if there is really any support for your notion.
 - c) If you ask questions of the officers or committee chairs, the questions should be of at least some more general interest. A question you want answered can be asked of the officer, etc., after the meeting or by phone some other time.
 - d) As in the Senate proper, if a point has been well made, resist the impulse to say it again.

To conclude the Committee of the Whole, someone must get up, be recognized, and move that (1) the Committee of the Whole adjourn or (2) the Committee of the Whole rise and report (if there is a motion, etc. to report).

If there is no actual "report," all the Senate minutes will show are that the Senate went into a Committee of the Whole and who was called to assume the Chair. Then the minutes show that the Committee of the Whole adjourned (or reported) and that the Speaker resumed the chair. The Speaker then would handle any "report" as any other committee report. If there is time, the report can be handled then and there, if the report does not require prior notice before Senate action, or it may be disposed of by referring the report to a standing or other committee for consideration, or a motion can be processed to put the Committee of the Whole report on the agenda at some other meeting. Usually reports from the Committee of the Whole will go to the Executive Committee for routing. The Committee can not instruct the Executive Committee or any other committee. It may make requests of (the Executive Committee, or of the Senate as a whole or of any other committee) through (the Executive Committee or through the Senate as a whole). It may not "speak" for the Senate to the press or to any person or organization external to the Senate. The Senate as a whole may

in some way act on its own Committee of the Whole report, just as the Senate itself must adjourn itself after the Committee of the Whole is concluded.

Chapter X. Questions of Constitutionality (Or Conformance with the Bylaws)

There are a few generally accepted guidelines to help in determining whether proposals or other actions are constitutional or in accord with basic documents:

1. Treat Document as a Whole. One considers any particular clause in light of the document as a whole. For example, the first amendment of our U.S. Constitution calls for freedom of religion. But this does not authorize human sacrifice in the name of religion, for that would contravene another section of the Constitution.
2. Escape Clauses. These are to be interpreted narrowly and as applicable only to the precise section where they apply. In any event, they do not permit doing things which are positively provided for or positively forbidden elsewhere in the document.
3. Intent of the Framers.
4. Basic Logic. Does the proposal derive from some combination of clauses or from the essential nature of the situation? Is the proposal logically in accord with the rest of the document or a clearly logical extension of the document? For example, if there are voters, there needs to be a method of identification of voters even though such is not specifically provided for.
5. Experience and Custom.
6. Use of Words. One takes the most common interpretation of words, or the meaning which is most customary in the academic and/or parliamentary world.

Also refer to Chapter IV. Procedures of the Texas A&M University Faculty Senate Bylaws (Section E. Interpretation of Constitutionality and Related Questions).