

Parliamentary Procedures in the Presbyterian Church (U.S.A.)

INTRODUCTION

The *Constitution of the Presbyterian Church (U.S.A.)* designates *Robert's Rules of Order, Newly Revised*, latest edition, as the parliamentary authority to be used in governing body meetings. This booklet is an introductory summary of the purpose and practice of common parliamentary principles. It is not a substitute for *Robert's Rules of Order, Newly Revised*, but rather, a way of understanding the basic principles behind the development of parliamentary procedures which should make *Robert* more accessible. While the booklet is specifically developed for clerks and moderators, it is also useful for any member of a governing body, and is easily read and used during a meeting.

WHAT IS PARLIAMENTARY LAW?

❖ Parliamentary Law is common sense and courtesy developed over many centuries of practice.

❖ Parliamentary Law is the original model for conflict resolution and is still a working model, when used correctly.

❖ Parliamentary Law is not law, but, rather, is a body of conventions and customs used to aid decision making in deliberative assemblies.

❖ Parliamentary Law is subordinate to the bylaws of the governing body and both are subordinate to the *Constitution of the Presbyterian Church (U.S.A.)*.

❖ Parliamentary Law, when properly used, is designed to provide:

- A – accuracy
- E – efficiency
- I – impartiality
- O – objectivity
- U – uniformity

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REV. 10/03

For us as Presbyterians, parliamentary law is a tool we use which is servant to our theological understanding of the purpose of a governing body: to seek God's will for our actions in the world, as we witness to our faith in Jesus Christ. It is never an end in itself. It is always out of order, in the church, to make parliamentary gamesmanship more important than our search for the "truth."

BASIC ASSUMPTIONS

Parliamentary procedures, as they are used in the church, are grounded in two assumptions, without which our decisions have no valid basis.

First, there is a presumption of the overwhelming desire for unity on the part of the members as a visible expression of the Body of Christ. It is from this covenant of Presbyterians with one another that the tenacity and patience to live with and work with differences of opinion derives. (G-4.0200)

Second, there is a presumption of the necessity of tension between majority and minority views as the means by which the Spirit is present in the Governing Bodies of the church (G-1.0304-1.0305)

Parliamentary conventions have their roots in the origins of the parliamentary system of 13th-16th century England in the struggles between the crown and the feudal barons. Trial and error over a long period of time produced parliamentary practices that became tools for holding conflicting opinions in a dynamic and constructive tension until resolution could be brought about. Although parliamentary practice grew out of a particular cultural ethos, the unity these practices seek to preserve has made them widely accepted in many cultures. Knowledge of these practices was deeply embedded in the consciousness of our ancestors as the church in the United States was being formed and as these same people helped to formulate the government of the young nation.

RIGHTS OF INDIVIDUAL MEMBERS

Parliamentary principles attempt to balance the expression of individual conscience with the will of the majority. In so doing, these principles take very seriously the following rights of individual members of the body:

- ❖ **The Right to Know:**
due notice; approval of minutes.
- ❖ **The Right to Speak:**
rules of debate.
- ❖ **The Right to Vote:**
definition of membership
- ❖ **The Right to Hold Office:**
fair representation

In general, parliamentary practice requires a two-thirds vote to abridge any one of these rights of the member in favor of the rights of the majority.

CONFLICT RESOLUTION

The most seriously divisive conflict within a governing body of the church arises from the premature resolution of the conflict without regard for members' rights. All possible care needs to be exercised within the polity and parliamentary practice of the church to assure member's rights. This includes the consultative process which is often required between governing bodies by our *Constitution*.

THREE PARLIAMENTARY PRINCIPLES

Three statements express the parliamentary principles that preserve constructive tension between these individual rights of conscience and the unity of the body:

✓ **The Rights and the Unity of the Body Shall Be Preserved**

Parliamentary conventions are first and foremost concerned with preservation of the unity of the body, holding the rights of individual conscience in tension with the body, through what has become known as the "two-thirds compromise."

We have come together in the Presbyterian Church (U.S.A.) in a common faith, expressed in the confessions of the church. *The Book of Confessions* is the expression of the foundation of our unity and cannot be changed except by two-thirds of the presbyteries of the church voting in the majority to do so. A simple majority vote on so fundamental an expression of our unity would place that unity in jeopardy. Tracing the requirements for two-thirds vote in a constitution or a set of bylaws will generally tell the story of where the most serious threats to the unity of the body lie at some time in that governing body's life.

A vocal minority cannot repeatedly bring before the assembly an issue upon which the assembly has spoken except as governed by the rules of the motions to reconsider or rescind. These rules prevent the renewal and prolongation of conflict beyond the point of productive decision-making. Furthermore, it is always out of order for the assembly, at the same session, to renew debate and to vote again upon an issue upon which it has spoken unless a person who voted with the majority moves to reconsider the issue. This motion requires a majority vote.

✓ **The Will of the Majority Shall Prevail**
(G-1.0400)

Majority rule is not a mystical or arbitrary concept. It is highly pragmatic, reflecting the reality that the whole church, as it acts, can do only that which most of the church is willing to do. Hence, the majority vote is a function of unity. Decisions taken by majority vote do not reflect "truth" but, rather, the search for "truth." Majority rule in this understanding need not be thought of as a "win/lose" situation.

Recent moves to adopt consensus decision-making are antithetical to this principle and also to the basic rights of the individual as listed above and should *never* be used except in the most routine of parliamentary transactions. At its worst, consensus decision-making is manipulative and overpowering to the rights of the minority because it compels the minority to "break the unity of the body" in

order to disagree. Most church members will choose to suppress their disagreement rather than risk this, and, if forced into this dilemma very often, will begin to harbor resentment toward the body. This latter is far more destructive to unity than open disagreement and the freedom of the right to disagree.

The recently popular "omnibus motion," can also be seriously misused, because of the speed with which it is executed; and its use can cause the same troublesome abridgement of the freedom of debate and vote. It is appropriate only for the most routine business and only with prior notice.

Furthermore, if we believe that it is in our very difference of opinion in debate, that new insights are found about God's will for us, either of these practices need to be used with great care lest we neglect our very purpose as governing bodies in favor of expediency of time.

✓ **The Rights of the Minority Shall Be Protected**

In addition to the preservation of the right of individual conscience, the church is aware that the minority voice may be the prophetic voice. "A man with God is always in the majority" (John Knox, inscription of Reformation Monument, Geneva, Switzerland). As such, the church protects its minority as if it were protecting its future; and such protection becomes a second function of unity of the body. Parliamentary practice requires that two people constitute a majority in their ability to require the attention to, and action upon, an idea whether it be in a committee or a governing body of the church. Once a motion, duly made and seconded, is before the decision-making body of the church, no other business can be considered until that motion is disposed of permanently or temporarily.

Our polity, as expressed in the Rules of Discipline, carries the rights of the minority even further with the rights of dissent and protest granted to one person and the rights to file complaints or accusations, also granted to one person.

PARLIAMENTARY MANAGEMENT OF DIFFERENCE OF OPINION

Keeping the above general parliamentary principles in mind, there follow specific suggestions for the parliamentary management of difference of opinion in such a way that decisions may be made in a situation of high conflict without damaging the reconciliation to which we are committed in the preservation of unity.

The Role of the Moderator: The moderator of any governing body is a member of the governing body, chosen by the members to represent, in a person, the unity of the body, which is in tension between individual conscience and majority opinion.

Strong and certain leadership of the moderator permits the members of the body to debate more openly because they feel confident that the moderator will use the authority of the office to assure justice and to prevent them from hurting each other or the body in the heat of debate and partisanship. If members are not sure of this authority, they tend to abridge hard debate, trying to take moderatorial responsibility upon themselves and thereby allowing unspoken conflict to build to levels serious to the unity of the body.

"All authority necessary" is delegated to that person by the body. The authority of the moderator in preventing abridgement of the rights of members is seen in the power to

- (a) rule actions and motions out of order,
- (b) in the appointment of committees, and
- (c) control of debate

The moderator is in a position to refuse premature closure of debate by a member through the use of the motion to "call the question." If, in the moderator's judgment, the assembly has not completed debate, the moderator has the power to refuse the motion to close debate. The moderator controls the decorum of the assembly and the proper disposition of motions according to decency and order and may interrupt the assembly at any time it is necessary to restore order.

A moderator always controls the conduct of the assembly in full knowledge that the assembly may appeal the decision of the chair through the motion "to appeal" and the moderator can be confident in making decisions by allowing the burden of disagreement to reside with the assembly through the motion "to appeal." Seldom will an assembly overrule a moderator, even in error, unless the basic rights discussed above have been abridged or perceived to have been abridged.

The moderator preserves decorum (see Rules of Decorum, RONR §42, p. 18 of this booklet, for the rules of debate) and protects the right to know (see back of motion chart for the "Steps of the Motion").

It is incumbent upon the moderator to explain to the assembly the alternatives before it and to respond to questions of personal privilege regarding how to accomplish a particular result. The use of parliamentary expertise to prevent the assembly from knowing its own will is never legitimate. The moderator is advised to use the stated clerk in areas in which the moderator is unclear; however, *the stated clerk's function is to advise, not to rule, and may not successfully be substituted for the clear authority of the moderator.*

It is not necessarily untoward when a moderator, in a welter of confusing motions, discards everything and starts the assembly over in the consideration of a particular item of business.

THE MOTION

Charts follow that will be helpful to those who have some experience with the use of motions. For those who are new to the use of motions, a few simple understandings may help to make a governing body meeting more meaningful and easier to participate in.

- ❖ Most motions require a second. Some motions may not be debated.
- ❖ Most motions are adopted by a simple majority vote. Generally, those affecting individual rights require larger than a simple majority.

- ❖ Most motions do not bring original business to the floor of a governing body, but perfect the business at hand so a conclusion may be reached.
- ❖ There are eighty-two motions, one of which will accomplish anything that you might need to do in a meeting. Each motion has different characteristics. If you intend a complicated parliamentary process, it is wise to look up these characteristics in *Robert*.

TWO TYPES OF MOTIONS

1. Main Motions. A main motion can be made only when there is no other business on the floor. There are two types of main motions: "original" and "incidental" (see "incidental motions" below). All business of a governing body is begun by placing a main motion on the floor. There can be only one main motion in the assembly at any given time, and that motion must be disposed of permanently or temporarily before another main motion can be before the assembly. An original main motion introduces a new subject to the assembly.

2. Secondary Motions. Secondary motions permit more than one motion to be on the floor at one time in such a way that the main motion is moved forward. When made and when in order, secondary motions must be voted upon before the assembly can return to the main motion.

a. Subsidiary Motions. The function of the seven subsidiary motions is to perfect the main motion and bring the subject at hand to resolution. These motions stand in hierarchical rank with each other, the higher on the chart taking precedence over the lower. For example, when a motion to refer the main motion to a committee is before the governing body, the motion to amend is out of order until the motion to refer is defeated.

b. Privileged Motions. These five motions deal with the rights and privileges of the governing body and its members. They stand highest in rank with each other and all

(Continued on page 13)

THE SUBSTITUTE MOTION

The substitute motion is a form of amendment applied when the desire is to amend a motion in several different, nonconsecutive places. It also is used when the text to be amended is longer than a paragraph.

The following procedure is used after a substitute motion is made.

1. The Moderator calls for amendments to the main motion. The amendments may be debated. Nothing else is in order.
2. The Moderator calls for amendments to the substitute motion. The amendments may be debated. Nothing else is in order.
3. The Moderator puts the question: "Shall the substitute motion be substituted for the main motion?" At this time, the merits of the main motion and the substitute motion may be debated and no further amendments are in order.
4. The Moderator takes vote on the question. (See #3.)
 - a. If the question is approved, the main motion disappears and the substitute motion is before the assembly for debate and vote. Substantive amendment is out of order. Editorial amendment is in order.
 - b. If the question is defeated, the substitute motion disappears and the main motion is before the assembly for debate and vote. The main motion may continue to be amended.

CHART #1

RANKING MOTIONS—and their five salient parliamentary points. The order in which the thirteen motions are listed.

FIVE PRIVILEGED MOTIONS

	Must be Seconded	May be Debated	May be Amended	Vote	May be Reconsidered
	1	2	3	4	5
13. To Fix the Time to Which to Adjourn	Yes	No	Yes	Maj	Yes
12. To Adjourn	Yes	No	No	Maj	No
11. To Take a Recess	Yes	No	Yes	Maj	No
10. Question of Privilege	No	No	No	—	No
9. Call for Orders of the Day	No	No	No	—	No
SEVEN SUBSIDIARY MOTIONS					
8. Lay on Table	Yes	No	No	Maj	No
7. Previous Questions	Yes	No	No	2/3	Yes
6. Modify Debate	Yes	No	Yes	2/3	Yes
5. To Postpone Definitely	Yes	Yes	Yes	Maj	Yes
4. To Commit or Recommit	Yes	Yes*	Yes	Maj	Yes
3. To Amend	Yes	Yes	Yes	Maj	Yes
2. Postpone Indefinitely	Yes	Yes	No	Maj	Yes Affirmative Only
1. MAIN MOTION	Yes	Yes	Yes	Maj	Yes

Examples of

Incidental Main Motions: Rescind
Ratify
Amend Bylaws

*only re. desirability of referral or details of referral. The merits of the question *cannot* be debated.

(Adapted from *Parliamentary Procedures in the Presbyterian Church (U.S.A.)* by Marianne L. Wolfe, P.R.P.)

CHART #2

NON-RANKING MOTIONS—and their five salient parliamentary points. These motions (incidental motions) have no rank among themselves. Their being in order depends upon their necessity at the time.

	Must be Seconded	May be Debated	May be Amended	Vote	May be Reconsidered
	1	2	3	4	5
Appeal	Yes	Yes**	No	Maj	Yes
Suspend Rules	Yes	No	No	2/3	No
Point of Order, Call to Order	No	No	No	Mod	No
Objection to Consideration of a Question	No	No	No	2/3	Yes No Vote
Requests	No	No	No	Maj	No
Division of Assembly	No	No	No	—	No
To Read a Paper	Yes	No	No	Maj	Yes
To Withdraw a Motion (to be used only before debate)	No	No	No	Maj	Yes No Vote
To Divide the Question	Yes	No	Yes	Maj	No
To Close Nominations or Polls	Yes	No	Yes	2/3	No
To Consider Seriatim	Yes	No	Yes	Maj	No
TO UNCLASSIFIED MOTIONS					
Reconsider	Yes	Yes**	No	# Maj	No
To Take From the Table ^o	Yes	No	No	Maj	No
Rescind	Yes	Yes	Yes	* Maj	Neg

same Presbytery meeting

* with previous notice

^o before the end of the next regular Presbytery meeting

** if main motion is debatable

— Neither the chart nor references are inclusive but are to be used as an abridgement of *Robert's Rules of Order, Newly Revised*.

STEPS OF THE MOTION

1. **Commissioner** rises and addresses the Moderator.
2. **Moderator** recognizes commissioner and grants the floor.
3. **Commissioner** makes motion.
(Commissioner may not debate before the motion is seconded.)
4. **Another commissioner** seconds the motion without recognition from the moderator.
5. **Moderator** states the motion.
6. **Moderator** calls for debate. (Maker of the motion has the privilege of first debate.) All speakers must address the moderator and be recognized by the moderator.
7. **Moderator** states the motion.
8. **Moderator** takes the vote and announces the vote and the results of the vote.
9. **Moderator** states the next order of business.

other motions. They are always in order. They do not advance the main motion.

c. Incidental Motions. Many motions are incidental to the business at hand and are in order depending upon their necessity at the time. They have no rank in relation to each other and they may be used to clarify most other motions. Incidental motions move action laterally rather than toward completion. (Refer to the chart of motions for illustration)

If an incidental motion is made when there is no motion on the floor, it is an incidental main motion and is treated exactly as an original main motion. It does not introduce a new substantive question to the floor as does the original main motion, for example, to set limits to debate when there are no motions on the floor. Four important motions which bring business back to the assembly are incidental main motions: ratify, amend something previously adopted, reconsider, and discharge a committee.

3. Relationships of Motions. Subsidiary and privileged motions stand in hierarchical rank, which determines whether or not they are in order. It is helpful to think of them as a stepladder that one must proceed up or down in an orderly fashion. If we step on a rung on the way up the ladder, we must step on it on the way down. We may skip rungs on the way up and the same rungs on the way down. We can go up and down the ladder many times until we have disposed of the main motion. Incidental motions may be thought of as a wheel that surrounds the ladder, moving up and down, depending upon the motion before the governing body and used as needed to settle incidental issues arising out of the debate.

There can be only one (primary) amendment and one amendment to the amendment (secondary) before the assembly at any given time. In the debate of highly controversial issues, the use and misuse of the subsidiary motion "to amend" serves both to build consensus and to build on amendments until, wishing to be rid of the issue, the assembly adopts the main motion without debate.

Without detracting from the positive aspects of this use of the motion to amend, there can be instances in which highly controversial aspects of a controversial matter are adopted without full consideration, or in which amendments presented on the floor do not take full account of the consultative process. In some cases, many amendments to a main motion indicate a poorly conceived motion. In either instance, the moderator may suggest, or a member of the assembly may use, the motion "to refer or commit," which takes precedence over the motion to amend. To take such action opens several options to the assembly.

EIGHT USEFUL MOTIONS

1. Amend. There are *only* three forms of simple amendment.

- a. to delete or strike out
- b. to add or insert
- c. to strike out and insert

The words proposed for deletion or addition *must be consecutive words*. When the amendment does not involve consecutive words or is longer than a paragraph, the motions "to substitute" (a form of amendment) is used. This is a difficult motion and should *never* be used when the simple form of amendment can be used.

2. Commit or Refer. To commit or refer back to committee for further study and amendment allows the consultative process to be used in greater depth. When this motion is made, it needs to state clearly what committee; appointment of the committee, if necessary; the task of the committee; and report time.

The committee cannot change the main motion, which comes out of the committee exactly as it went into committee. The committee, to change the motion, does so using the amendment process.

3. Postpone to a Particular Time. This motion takes precedence over the preceding two and has the power to grant additional time to a particular member or committee or do further study or consultation. It should

always be used in preference to "table" because it permits debate on the propriety of postponement.

4. Limits on Debate. The assembly always has the power, and the moderator the right of suggestion, to limit debate to a particular hour, or extend or shorten speeches according to the necessity of the moment. Limits on the length of speeches are advisable in instances where the issue before the assembly is highly divisive and many members wish to speak.

5. Previous Question. The maker of the motion "to move the previous question" (close debate and immediately take the vote) must be recognized by the moderator and the motion must receive a second. *It is never in order when called from the floor.* This motion should never be considered when it is used to prevent legitimate debate.

6. Lay on the Table. This motion is seldom necessary. The motion "to postpone" is always preferable because of its lower rank and its debatability. Misuse of this subsidiary motion can be a strategy that seriously abridges the rights of the assembly because of its high rank and its adoption by a majority vote without debate. The moderator is obliged to explain carefully to the assembly the implications of this motion should it be made.

7. Consideration by Paragraph or Seriatim. Consideration by paragraph or seriatim is an incidental motion that may be suggested by the moderator or any two members of the assembly, allowing for orderly consideration of a complex proposal with several different parts, clarifying for the assembly the controversial aspects of the proposal. Each paragraph of the proposal can be amended without finally adopting the new wording until the final action on the main motion as amended.

8. Use of Standing Rules in Controversial Issues. A governing body may adopt standing rules concerning issues that are

highly controversial in the judgment of the moderator or the assembly. A standing rule may require their referral or postponement to the next meeting in cases where time is not of the essence. This judgment can be placed within the authority of the moderator with, of course, the power of the governing body to overrule the moderator's decision or the power to set aside its own standing rule by a two-thirds vote.

In instances where time is of the essence, standing rules might require referral to the committee of the whole (see "commit"). Again, judgment may be lodged with the moderator unless appealed by the assembly.

New business, introduced late in the meeting of a governing body can cause serious divisiveness if controversial. Standing rules of the governing body may govern the introduction of new business in such a way that the assembly is not confronted with such controversial matters at the close of the meeting and in such a way that permits referral.

It is usually wise for standing rules to specify debate time. *Robert's Rules of Order* permit ten minutes before a speaker can be called to order. With the exception of presentation of reports, a three-minute rule aids the progress of the meeting and sharpens the speaker's presentation to the benefit of the assembly; and therefore, is desirable.

PREPARATION OF REPORTS AND MOTIONS

Unnecessary divisiveness may be caused by the inadequate or incomplete preparation of reports to the assembly and of requests for action by the assembly. An assembly has the right to require full exposition of alternatives in any report brought to it for consideration. In large assemblies, there is not time to develop alternatives fully in floor debate. These alternatives may or may not be part of the action requested of the assembly but they should be made known to the members. The minority report can play an important part in elucidating alternatives. In our Presbyterian polity, the members of a governing body are not always the same persons who have developed and

discussed alternative actions. Adequately developed reports and responsible minority reports can redress this right to know.

Recommendations for action by the assembly should be listed at the end of the report and should contain the following information: exactly what is to be done, by whom, when, at what cost. Motions that do not contain these specifics about how the work is to be done create misunderstanding and may therefore cause unnecessary and divisive conflict. It is the moderator's responsibility to require complete motions.

HOW TO WRITE A MOTION

The most important characteristics of a good motion are that it is complete and it is simple. With the exception of a resolution, a good motion should try to include all information necessary to making an intelligent decision (and understanding the resulting action if you happen to be from Mars) and should be in *ONE* sentence . . . at least, it is good discipline to try to do so. The one-sentence motion should include:

WHAT—what *exactly* is to be done.

WHO—who must approve the recommended action; who will do what needs to be done; who will appoint/nominate/elect the "who."

WHEN—when is "it" to be done; when shall the report be made to the responsible body.

HOW—how much will "it" cost; where will the money come from.

WHY—a motion may include supporting reasons for the recommended action. In this case, the motion is called a resolution. The reasons always come before the motion:

Whereas, . . . ; and,

Whereas, . . . ; and,

Whereas, . . . ;

Therefore, . . . ; (motion)

Resolutions are sometimes strategically wise and sometimes not. A motion can be lost by supporting reasons.

HOW TO SUPPORT A MOTION

1. The maker of a motion speaks first and last and may not speak against the motion. Do not make a motion you cannot support. Get someone else to do so.

2. Take time to strategize about a motion so other members of the group supporting the motion are prepared to carry part of the debate: one point per person.

3. Inadequate preparation of both the motion and the debate not only jeopardizes the motion but causes divisiveness and misunderstanding in the assembly. An assembly has the right to require full exposition of:

❖ THE PROBLEM: What is wrong that needs to be fixed?

❖ THE HISTORY: What other actions related to this one have been taken? (see minutes, journal, digest, stated clerk) Is anyone else working on the problem? If so, referral is the only possible recommendation.

❖ THE ALTERNATIVES: Every assembly has the right to full exposition of the alternatives. *Always remember that in our Presbyterian polity, the members of a Governing Body are not always the same persons who have developed and discussed the problem, its history, and alternative action.* There is usually not time to develop these in floor debate. The alternatives should be developed in:

- a written report of the committee
- one or more minority reports

❖ PROBABLE RESULT: What do you expect to happen as a result?

RULES OF DECORUM

RONR §42

1. Speeches limited to three minutes are recommended as a standing rule of the governing body unless the assembly grants additional time.

2. Each person may speak twice on a subject and may not speak a second time until everyone who wishes has spoken. (This rule relates to the kind of meeting being held.) The maker of a motion has the right of first debate.

3. Remarks shall be confined to the pending question.

4. Remarks shall not impugn another member or that member's motives.

5. All remarks shall be addressed to the moderator.

6. Members' names shall not be used.

7. Members may not refer adversely to prior acts not pending.

8. A member may not speak against one's own motion.

9. Reading of reports or documents requires the permission of the assembly.

10. Members seeking recognition shall be seated when another has the floor or the moderator is speaking.

11. Members shall not disturb the assembly.

RULES OF RECOGNITION

RONR §41

1. Maker of the motion—first

2. First member to seek recognition (unless that person has spoken before)

3. Opposite sides of the question

4. If the moderator is in doubt, the assembly decides whom it will hear by vote.

ADDITIONAL RESOURCES

This pamphlet is based on *Robert's Rules of Order, Newly Revised*, published by Scott Foresman and Company.

Additional interpretive materials are available from:

National Association of Parliamentarians
213 S. Main Street
Independence, MO 64050-3850
(816) 833-3892 Fax (816) 833-3893

These materials include a description of parliamentary resource materials and a price list of these materials, a correspondence course for self-study, tapes, a summary chart of motions.

Arrangements can also be made with N.A.P. for study with professional registered parliamentarians in local units of N.A.P. and for taking the examination for registration as a registered parliamentarian.

In addition, universities often offer courses in parliamentary law through their speech departments.