

Introduction to the Rules of Town Meeting

TOWN MEETING

Southborough's Town Meeting is an open town meeting in which all registered voters may participate in the voting. The Meeting is a deliberative assembly, conducted in the democratic process, charged with considering a maximum number of questions of varying complexity in a minimum amount of time and with full regard to the rights of the majority, strong minority, individuals, absentees and all of these together.

AUTHORITY

The three elements of authority at Town Meeting are a quorum of one hundred (100) registered voters or more, the Town Clerk and the Moderator. Of these three the quorum is the most important.

The Town Clerk is responsible for voter registration, certification of a quorum, setting up the hall and keeping the record of the Meeting. He may also officiate at the Meeting in the absence of a Moderator.

The Moderator presides at and regulates the proceedings, decides all questions of order, and makes declarations of all votes. No one may speak on an issue without being recognized by the Moderator. It is his responsibility to approve the distribution of materials, and persons wishing to do so must seek his permission. The Moderator appoints Tellers and alternates for the purpose of counting votes of the meeting.

THE WARRANT

All matters to be considered at Town Meeting must be published in the Town Meeting Warrant, which is the responsibility of the Board of Selectmen. By state law, Town by-law, or custom several business articles such as budget appropriations must be presented in the Town Warrant each year for consideration. Other items are added by warrant articles proposed by town officials, committees, boards, or groups of ten or more registered voters. The Advisory Committee reviews the warrant, making recommendations on all the items of business to be presented. In accordance with the by-laws, all articles in the Warrant are considered in the order in which they appear in the Warrant, unless the Town Meeting votes to change the order.

PARTICIPATION

Anyone wanting to ask questions, make a statement, or otherwise participate in the meeting must go to one of the floor microphones and wait to be recognized by the Moderator. Upon recognition by the Moderator, state your name and address and then state your business.

Anyone whose name is not on the list of registered voters requires the approval of either the Moderator or a majority of the Meeting to sit in the voting area.

All remarks should be limited to the subject then under discussion. It is improper to indulge in references to personalities and all expressions of approval or disapproval, such as applause or booing, are out of order. The Moderator may request any person to keep silent. If after warning from the Moderator, a person refuses to be silent or persists in other disorderly behavior, the Moderator may order a person to withdraw and if he fails to withdraw, may order a police officer to remove such person from the Meeting.

Individuals who have a personal or financial interest with respect to a matter may speak or vote thereon but should frankly disclose their interest. However, no Town Meeting voter should accept compensation for speaking to or voting at the Meeting without disclosing that fact.

There is no fixed time limit to the debate of any question. However, each individual who speaks to the Meeting should make an effort to be as brief as possible, out of consideration for the others attending the Meeting and the need to give adequate time to all matters coming before it.

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Anyone who wishes to make a special presentation with respect to any article must, prior to the Meeting, inform the Moderator of the length of time required and the nature of the presentation in seeking his approval.

In order to give all a fair opportunity to speak, no one who has addressed the Meeting on any particular motion shall speak again, except to answer questions, until all others wishing to speak to the motion have done so.

HOW ARE MOTIONS CLASSIFIED?

Main Motions

Motions of this group have for their object the bringing of questions, or propositions, before the Meeting for consideration. Only one main motion can be considered at a given time by the Meeting, and such a motion, when introduced, excludes all other main motions until it has been disposed of.

Subsidiary Motions

Motions of this group have for their object the modification or disposition of the main motion that is being considered. Their existence as motions depends entirely upon the principal motion to which they are subordinate. Since they relate to the question before the Meeting, it is "in order" to propose them when a main motion is still before the Meeting and to vote upon them before voting upon the main motion.

Privileged Motions

Motions of this group have no connection whatsoever with the main motion before the Meeting, but are motions of such importance that they are entitled to immediate consideration. These motions have the privilege of setting aside temporarily the main business before the Meeting.

Incidental Motions

Motions of this group have few characteristics in common, but for convenience have been grouped into one class. The name, "incidental," has been chosen because they arise only incidentally out of the business of the Meeting.

RULES RELATIVE TO MOTIONS

A motion is the means of bringing a proposal or question before the Meeting for consideration. When put forward it is a motion; after it is seconded and acknowledged by the Moderator, it becomes the question or proposal. Except for complimentary resolutions (the presentation of which must be approved in advance by the Moderator), no main motion shall be entertained unless it is contained within a warrant article (main motion, take from the table, reconsider, rescind, advance an article, postpone indefinitely or postpone to a time certain). Upon completion of debate, articles will be voted upon.

The Moderator shall determine whether a motion, or any discussion relative to a motion, is within the "scope of the article." That is, the motion and the debate must be relevant to the article as written in the Warrant. Articles only give notice to

the voters and do not initiate action; motions do. Motions may be withdrawn; articles may not be withdrawn – articles must be acted upon by Town Meeting.

There are four types of amendments: striking out, inserting, striking out and inserting, and substitution. Motions to amend may be hostile as long as they are germane. An amendment to a motion is an amendment of the first rank; an amendment is an amendment of the second rank; there can be no amendment beyond that of the second rank.

Some motions avoid a final determination by the Meeting. A motion to commit or to refer sends the matter to an existing board or committee or one to be established. The motion to postpone indefinitely disposes of the question without bringing it to a direct vote. The motion to postpone indefinitely should not be confused with the motion to table which only temporarily delays a vote.

As previously stated, articles may not be withdrawn; so when the Meeting does not wish to act on a particular article, the proper motion is to postpone consideration indefinitely.

Introduction to the Rules of Town Meeting (continued)

Motions to reconsider are in order and shall be entertained when moved by a person who voted on the prevailing (winning side) side of the original vote on the article. Articles may be reconsidered and defeated only once. A motion to reconsider, when passed by the necessary 2/3 vote, will bring the original article back to the floor (requires a new motion and additional debate) or, if the motion to reconsider is defeated, then the original article stands as previously voted and may not be reconsidered again. The person making the motion for reconsideration is under no obligation to state why said article should be reconsidered (although informing the hall of a reason(s) is the usual process). Actions to reconsider can be taken at the same session or any subsequent session of the Meeting. A notice of reconsideration may be filed with the Town Clerk stating that, at a specific point during the current Town Meeting, a person will move for reconsideration on a particular article. The Moderator, when so informed by the Town Clerk of this pending motion, will inform the hall of said action.

All motions other than purely procedural motions must be in writing and signed by the sponsor.

CHART OF PRECEDENCE OF MOTIONS AND SUMMARY OF GOVERNING RULES

	<u>May interrupt a speaker</u>	<u>Req. a sec.</u>	<u>Debatable</u>	<u>Vote Required</u>	<u>Motions that may apply</u>
<u>PRIVILEGE MOTIONS</u>					
1. To dissolve	no	yes	no	majority	none
2. To adjourn	no	yes	limited	majority	amend
3. Point of no quorum	no	no	no	none	none
4. Recess	no	yes	limited	majority	amend
5. Question of privilege	yes	no	no	chair rules	none
6. Orders of the day	yes	no	no	none	none
<u>SUBSIDIARY MOTIONS</u>					
7. To lay on the table	no	yes	no	2/3	none
8. Previous question	no	yes	no	2/3	none
9. To postpone definitely	no	yes	limited	majority	amend, reconsider previous question
10. To refer to a committee	no	yes	limited	majority	amend, reconsider previous question
11. To amend	no	yes	yes	majority	amend, reconsider previous question
12. To postpone indefinitely	no	yes	yes	majority	reconsider previous question
<u>MAIN MOTIONS</u>					
Main Motions	no	yes	yes	majority*	all
To take from the table	no	yes	no	majority	none
To reconsider	no	yes	yes	2/3	table previous question postpone definitely
To rescind	no	yes	yes	2/3	all
To amend after passage (requires a 2/3 vote to reconsider the prior vote)	no	yes	yes	majority	all
Consideration of Articles					
a) To advance	no	yes	yes	majority	reconsider previous question
b) To postpone definitely	no	yes	yes	majority	amend, reconsider previous question
c) To postpone indefinitely	no	yes	yes	majority	reconsider previous question

Introduction to the Rules of Town Meeting (continued)

	May interrupt a speaker	Req. a sec.	<u>Debatable</u>	<u>Vote Required</u>	<u>Motions that may apply</u>
<u>INCIDENTAL MOTIONS</u>					
To suspend rules	no	yes	no	2/3	none
To withdraw a motion	no	no	no	majority	reconsider
Point of order	yes	no	no	chair rules	none
Parliamentary inquiry	no	no	no	none	none
Point of information	no	no	no	none	none
Division of the assembly	no	no	no	none	none
Division of a question	no	yes	no	majority	none
Separate consideration	no	yes	no	majority	none

*The vote required to pass an affirmative main motion is a matter of substantive law, and it is usually a majority.

FORM USED IN MAKING MOTIONS

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|---------------------------------------|--|
| 1. Main Motion | Mr. Moderator, I move that...(statement of the proposal) |
| 2. Adjourn | Mr. Moderator, I move to adjourn to...(state time) |
| 3. Amend | Mr. Moderator, I move to amend by adding... |
| | Mr. Moderator, I move to amend by inserting...before... |
| | Mr. Moderator, I move to amend by stroking out... |
| | Mr. Moderator, I move to amend by striking out...and inserting... |
| | Mr. Moderator, I move to substitute...for... |
| 4. Amend an Amendment | Mr. Moderator, I move to amend the pending amendment by (see above) |
| 5. Amend Something Previously Adopted | Mr. Moderator, I move to amend the resolution under Article...by... |
| 6. Commit or Refer | Mr. Moderator, I move that the proposal be referred to a committee of... |
| 7. Division of the Assembly | Mr. Moderator, I call for a division. |
| 8. Division of a Question | Mr. Moderator, I move to divide the question. |
| 9. Lay on the Table | Mr. Moderator, I move that the proposal be laid on the table. |
| 10. Point of Order | Mr. Moderator, point of order. |
| 11. Postpone definitely | Mr. Moderator, I move to postpone the question to... |
| 12. Postpone Indefinitely | Mr. Moderator, I move that the question be postponed indefinitely. |
| 13. Previous Question | Mr. Moderator, I move the previous question. |
| 14. Question of Privilege | Mr. Moderator, I rise to a question of privilege. |
| 15. Recess | Mr. Moderator, I move to recess for... |
| 16. Reconsider (2/3) | Mr. Moderator, I move to reconsider the vote under Article... |
| | Mr. Moderator, I move to reconsider the vote on the amendment to... |
| 17. Separate Consideration | Mr. Moderator, I move for separate consideration. |
| 18. Suspend the Rules | Mr. Moderator, I move to suspend the rules which interfere with... |
| 19. Take from the Table | Mr. Moderator, I move to take from the table the motion relating to... |

INTERRUPTING A SPEAKER

No one may interrupt a speaker except for a point of order or a question of privilege.

POINT OF ORDER

A point of order is a question of the Moderator about whether the speaker is entitled to be speaking, whether the discussion is irrelevant, illegal or contrary to proper procedure.

Introduction to the Rules of Town Meeting (continued)

QUESTION OF PRIVILEGE

A question of privilege most often relates to the rights and privileges of those in attendance such as asking the Moderator to quiet the meeting so that discussion can be heard.

PARLIAMENTARY INQUIRY

A parliamentary inquiry is a question directed to the Moderator to obtain information on a matter of parliamentary law of the rules of the Meeting bearing on the business at hand. It is the Moderator's duty to answer such questions when it may assist a voter to make an appropriate motion, raise a proper point of order, or understand the parliamentary situation or the effect of a motion. The Moderator is not obliged to answer hypothetical questions.

PREVIOUS QUESTION

To call or move the question is a request to stop discussion and to take an immediate vote. This requires a 2/3 vote.

VOTING

Voting is by hand vote and the Moderator declares the results of such votes. If seven or more registered voters immediately question the vote, so declared, the Moderator shall determine the results by a standing count of votes by the tellers. After the vote, as counted by the tellers, is presented to the Moderator and announced to the floor, any further motions for recount are out of order. Moreover, the Moderator may disallow the request for a count if he believes the voice was beyond a reasonable doubt.

If a law or by-law requires more than a simple majority for action by the Meeting, the Moderator may first determine whether the vote is unanimous. If the vote is not unanimous, the voters shall be counted by means of a standing vote.

ADJOURNMENT AND DISSOLUTION

Sessions of the Town Meeting normally adjourn at eleven o'clock in the evening but may adjourn at such earlier or later time as the Meeting upon vote of the majority may determined.

The Meeting shall not dissolve until all articles in the warrant have been properly considered.