

The Leader in Municipal Law

101 Arch Street Boston, MA 02110 T: 617.556.0007 F: 617.654.1735 www.k-plaw.com

December 3, 2008

Michael E. Malamut mmalamut@k-plaw.com

Town Meeting Time v. Robert's Rules of Order v. Demeter's Manual Quick Motion Comparison Table

The table below compares the rules concerning motions in Richard B. Johnson *et al.*, *Town Meeting Time* (3d ed. 2001) (TMT), Henry M. Robert, *Robert's Rules of Order Newly Revised* (10th ed. 2000) (RONR), and George Demeter, *Demeter's Manual of Parliamentary Law & Procedure* (Blue Book ed. 1969) (DEM). RONR's treatment of motions is indicated in the table in *blue italic typeface*. DEM is very similar to RONR. In the few instances when DEM is different from RONR, DEM is in green regular typeface. Distinctions between RONR and TMT are highlighted in yellow. Distinctions between RONR and DEM are highlighted in grey. If, on a particular point, there is a difference between all three authorities, RONR and TMT are highlighted in yellow and DEM only is highlighted in grey. If the authorities are identical with a slight nuance on a particular issue, or if only one authority contains a particular motion, only the point of distinction is highlighted.

Under the category of Ranking Motions, motions are ranked in the table below from highest to lowest precedence. The precedence of unranked incidental and restorative motions is described in the notes to the table. For a more detailed discussion of the distinctions between TMT and RONR, please see the author's articles, Differences in Basic Approach Between Town Meeting Time, the Parliamentary Authority for New England Town Meetings, and Robert's Rules of Order Newly Revised, Parliamentary Journal v. 45, no. 1, p. 14 (Jan. 2004), and Distinctions in Handling Procedural Motions in Town Meeting Time and Robert's Rules of Order, Parliamentary Journal, v. 45, no. 2, p. 52 (April 2004).

Motion	Second	Debat-	Amend-	Can	Recon-	Vote Required
	Required	able	able	Interrupt	siderable	- Total Garage
I. RANKING MOTIONS				, and the same of	Siderable	
A. PRIVILEGED MOTIONS						
i. Dissolve or adjourn sine die 1	Yes	No	No	No	No	Majority
ii. Fix a Time to Which to Adjourn	Yes	No	Yes	No	Yes	Majority
Fix a Day to Which to Adjourn	Yes	No	Yes	No	Yes	
Motion ranks lower in TMT		110	103	110	1 68	Majority
iii. Adjourn	Yes	No	No	No	No	Majority
Adjourn to a Fixed Time or Recess	Yes	Yes	Yes	No	No	Majority
iv. Recess	Yes	No	Yes	No	No	0 0
TMT treats To Recess as a form of		110	103	110	110	Majority
Adjourn to a Fixed Time						
v. Point of No Quorum ²	No	No	No	No	No	Chair rules
Point of No Quorum	No	No	No	Yes		U 100 W 100
vi. Fix the Time to (or at) Which to	Yes	Yes			No	Chair rules
Adjourn ³	168	ies	Yes	No	Yes	Majority

KOPELMAN AND PAIGE, P.C. Town Meeting Time v. Robert's Rules of Order v. Demeter's Manual Quick Motion Comparison Table

Motion	Second	Debat-	Amend-	Can	Recon-	Vote Required
	Required	able	able	Interrupt	siderable	vote Required
vii. Raise a Question of Privilege	No	No	No	Yes	No	Chair Rules†
Question of privilege	No	No	No	Yes	No	Chair Rules†
viii. Call for the Orders of the Day	No	No	No	Yes	No	2/3 to override
Call for the Orders of the Day	No	No	No	Yes	No	Member
						Demand
TMT uses Point of Order						Demand
B. SUBSIDIARY MOTIONS						
i. Lay on the Table	Yes	No	No	No	Negative	Majority
T				100 (C)	only	Trajority
Lay on the Table	Yes	No	No	No	Yes	2/3
ii. Previous Question	Yes	No	No	No	Yes	2/3
Previous Question ⁴ *	Yes	No	No	No	No	2/3
iii. Limit or Extend Limits of	Yes	No	Yes	No	Yes	2/3
Debate					5, 4 1	
Limit or extend debate*	Yes	No	No.‡	No	Yes	2/3
iii. Postpone Definitely	Yes	Yes	Yes	No	Yes	Majority
Postpone to a Time Certain ⁵	Yes	Yes	Yes	No	Yes	Majority
iv. Commit or Refer	Yes	Yes	Yes	No	Yes	Majority
Commit or Refer ⁶	Yes	Yes	Yes	No	Yes	Majority
v. Amend ⁷	Yes	Yes	Yes§	No	Yes	Majority
Amend or Substitute	Yes	Yes	Yes§	No	Yes	Majority
vi. Postpone Indefinitely	Yes	Yes	No	No	Affirma-	Majority
D. J. J. O. J. J.					tive only	
Postpone Indefinitely	Yes	Yes	No	No	Yes	Majority
Postpone Indefinitely	Yes	Yes	No	No	Yes	Majority
C. MAIN MOTION						<i>y</i>
i. Main Motion	Yes	Yes	Yes	No	Yes	Majority
Main Motion ⁸	Yes	Yes	Yes	No	Yes	Majority
ii. Advance an Article ⁹	Yes	Yes	Yes	No	Yes	Majority (2/3 if
						for mere
II Ivan average March 10						jockeying)
II. INCIDENTAL MOTIONS ¹⁰						V 0/
i. Point of Order	No	No	No	Yes	No	Chair decides
Point of Order	No	No	No	Yes	No	Chair Decides
ii. Appeal 11	Yes	Yes¶	No	Yes	Yes	Majority
Appeal	Yes	Yes	No	No	Yes	Majority
Appeal	Yes	Yes	No	No**	Yes	Majority
iii. Suspend the Rules	Yes	No	No	No	No	2/3††
Suspend the Rules	Yes	No	No	No	No	2/3++

KOPELMAN AND PAIGE, P.C.
Town Meeting Time v. Robert's Rules of Order v. Demeter's Manual Quick Motion Comparison Table

Motion	Second	Debat-	Amend-	Can	Recon-	Vote Required
	Required	able	able	Interrupt	siderable	vote required
iv. Objection to Consideration of	No	No	No	No**	Negative	2/3
the Question					only	210
Objection to Consideration of the	No	No	No	No**	Yes	2/3
Question				30,000		
Not permitted by TMT						
v. Division of a Question	Yes	No	Yes	No	No	Majority
Division of a Question <mark>*</mark>	Yes	Yes	Yes	No	No	Majority
Division of a Question	Yes	No	Yes	No**	No	Majority
vi. Consider <i>Seriatim¹²</i>	Yes	No	Yes	No	No	Majority
Separate Consideration <mark>*</mark>	Yes	Yes	Yes	No	No	Majority
Consider seriatim	Yes	Yes	Yes	No	Yes	Majority
vii. Division of the Assembly	No	No	No	Yes	No	1 Member
(standing vote, no count)						Demand
Division of the Meeting (counted	No	No	No	No	No	7 Member
vote)						Demand‡‡
Division of the Assembly	No	No	No	No	No	1 Member
(standing, counted vote)						Demand
viii. Motions Related to Voting	Yes	No	Yes	No	Yes <mark>§§</mark>	Majority §§
Fix the Method of Voting ¹³	Yes	Yes	Yes	No	Yes	Majority
ix. Motions Related to	Yes	No	Yes	No	Yes	Majority
Nominations						
Nominations to Committees ¹⁴	No	No	No	No	No	Plurality
Close Nominations/Reopen	Yes	No	Yes	No		
Nominations						
x. Request to be Excused from a	Yes	Yes	Yes	Yes	Negative	Majority
Duty					only	
Request for resignation ¹⁵	Yes	Yes	Yes	Yes	No	Majority
(Not recognized by TMT)						
xi. Request Leave to Withdraw or	Yes	No	No	Yes¶¶	99	Majority
Modify a Motion ¹⁶						
Withdraw or Modify a Motion	No.	No	No	No	No	Majority
Withdraw a Motion (only)	Yes	No	No	No	Negative	Majority
D					only	
xii. Point of Information 77	No	No	No	Yes	No	Chair
Oti	2.7					responds
Question of Information	No	No	No	No**	No	Chair responds
xv. Other Requests 7	Yes	No	No	Yes	Yes	Majority
Requests of any kind	No	No	No	No	No	Unanimous
						Consent

Town Meeting Time v. Robert's Rules of Order v. Demeter's Manual Quick Motion Comparison Table

Motion	Second	Debat-	Amend-	Can	Recon-	Vote Required
	Required	able	able	Interrupt	siderable	1
III. RESTORATIVE MOTIONS				1		
i. Take from the Table ¹⁸	Yes	No	No	No	No	Majority
Take from the Table	Yes	No	No	No	No	Majority
ii. Rescind or Amend Something	Yes	Yes	Yes	No**	Negative	Majority w/
Previously Adopted 19					only	notice***
Rescind	Yes	Yes	Yes	No**	Negative	Majority w/
					only	notice***
iii. Discharge a Committee ¹⁹	Yes	Yes	Yes	No**	Negative	Majority w/
					only	notice***
Discharge a Committee	Yes	Yes	Yes	No**	Negative	Majority w/
					only	notice***
iv. Reconsider ²⁰	Yes	Yes	No	No**	No	Majority
Reconsider	Yes	Yes	No	No	Nottt	Majority

^{*} In TMT, the Moderator can take this action on his/her own initiative.

- § Only first and second degree amendments are permitted.
- || Debate may go to the merits of the underlying question. In TMT, this is implicit in the text for Postpone Indefinitely and Reconsider. In DEM, this is implicit in the text for Rescind.
- ¶ Under RONR, TMT, and DEM, Appeal and Reconsider are undebatable if the underlying motion is undebatable. **Under RONR and DEM, members are limited to one speech on an appeal.** *Under TMT, there are no limits on the number of speeches on an appeal.*
- ** In order to make when another on floor, but before he/she begins to speak. With Rescind and Discharge a Committee under RONR and DEM, it is in order to give notice of intent to make at the following RONR meeting (TMT session) when another is on the floor but before he/she begins to speak. Under RONR and DEM it is in order to make, but not take up, the motion To Reconsider when another is on the floor but before he/she begins to speak.
- †† Suspend the rules is impermissible if the rule in question protects absentees. Under RONR, the percentage vote required to suspend the rules is proportionally higher than 2/3 if the rule in question protects a minority greater than 2/3. Under TMT, if the rule protects a minority greater than 2/3, it may only be suspended by unanimous consent.
- ‡‡ Under TMT, 7 members may demand verification of a vote by a division or poll (roll call). The Moderator in his/her discretion decides whether to take the second vote by division or poll.
- §§ Under RONR, To Close the Polls is not reconsiderable; on To Re-Open the Polls, only a negative vote is reconsiderable. To Close the Polls requires a 2/3 vote. TMT does not mention closing and re-opening the polls.

[†] If the chair denies the member's request, the member can make a main motion if the matter is truly privileged.

[‡] Under TMT, Limit or Extend Limits of Debate is not amendable, per the flyleaf table, pp. 90–91, and 101. Per p. 93, it is amendable.

Town Meeting Time v. Robert's Rules of Order v. Demeter's Manual Quick Motion Comparison Table

- IIII In RONR motions relating to nominations are undebatable. DEM does not recognize motions relating to nominations. In both RONR and DEM, nominations themselves are debatable; To Close Nominations is not reconsiderable; on To Re-Open Nominations, only a negative vote is reconsiderable; To Close Nominations requires a 2/3 vote; and elections are by majority vote. TMT does not recognize motions relating to nominations. Under TMT, elections are by plurality.
- ¶¶ Under RONR, To Withdraw or Modify, if made by someone other than the original mover with his/her assent, does not need a second. Reconsideration is permitted only for a negative vote on To Withdraw, and for any vote on To Modify.
- *** Under RONR, alternative vote without notice is 2/3 or a majority of the entire membership. Under DEM, alternative vote without notice is 2/3 only.
- ††† Per the flyleaf table and TMT p. 84, To Reconsider is not reconsiderable. TMT p. 80 indicates that To Reconsider can be infinitely reconsidered unless there is an adopted rule to the contrary.
- ¹ Under TMT, To Dissolve is only in order after all articles in the warrant have been addressed. In RONR to dissolve a meeting of an organization meeting less frequently than quarterly is a main motion. If the organization meets at least quarterly, To Dissolve is treated as an ordinary privileged motion To Adjourn. Under RONR, there is no requirement to address all previously noticed business/warrant articles before dissolution.
- ² In RONR, lack of quorum is treated as Point of Order, but it cannot interrupt. In DEM, a point of no quorum is an incidental motion, not a privileged motion.
- ³ In RONR, Fix a Time to Which to Adjourn has a higher rank that in TMT. In RONR, Fix a Time at Which to Adjourn is an unprivileged main motion.
- ⁴ A member may not end a speech with a call for the previous question.
- ⁵ In RONR a motion can be postponed to next RONR session (TMT meeting), if it falls within a quarterly time interval. In TMT, a motion can only be postponed to an adjourned date of the same TMT meeting (RONR session), but not to a subsequent special meeting.
- ⁶ In TMT, referral to the selectmen implies the power to act.
- ⁷ RONR includes special rules on different types of amendment—strike out, add, insert, strike out and insert, and substitute. TMT does not include special rules for different types of amendments.
- ⁸ TMT recognizes both positive and negative main motions. A negative main motion is used to defeat a warrant article/previously noticed item of business. RONR does not allow negative main motions, but achieves the same effect for a previously noticed item of business through an incidental main motion to Postpone Indefinitely.
- ⁹ Under RONR, to treat an item of business outside of its heading in the standard order of business or to change the order on an adopted agenda requires a motion To Suspend the Rules. To advance an item of business on an advisory agenda (as opposed to an adopted agenda), a member would move To Suspend the Rules to advance an item before its category of business in the adopted order of business or Raise a Question of Privilege to introduce a coexisting incidental main motion to change the advisory order of business items within the new business items.

Town Meeting Time v. Robert's Rules of Order v. Demeter's Manual Quick Motion Comparison Table

- ¹⁰ In RONR, incidental motions have no rank, but have precedence if appropriate when made. In TMT, incidental motions take the rank of the motion out of which they arise.
- In RONR, the question posed on appeal is, "Shall the decision of the chair be sustained?" It takes a majority in the negative to overrule the decision of the chair. Under TMT, the question posed on appeal is, "Shall the Chair be reversed?" It takes a majority in the affirmative to overrule the decision of the Moderator. Because of the wording of the enabling statutes, there is a question as to the applicability of Appeal in most Massachusetts towns. TMT p. 111.
- ¹² In RONR, the chair may treat a motion *seriatim* on his/her own initiative, but only subject to a countervailing motion adopted by the assembly.
- ¹³ Under TMT, in a representative town meeting, a 2/3 vote is required to vote by ballot; in an open town meeting, the Moderator can take a vote by ballot on his/her own initiative.
- ¹⁴ In TMT, this motion actually elects to committees, rather than choosing procedures related to nominations to committees or other positions. TMT assumes nominations are made from the floor. TMT mentions a motion To Close Nominations with rules similar to the parallel motion under RONR.
- ¹⁵ Request for Leave to Resign is classed by DEM as an incidental main motion needed only for resignation from membership. In DEM, acceptance not necessary for resignation from office and prospective resignations cannot be accepted until their effective date.
- ¹⁶ In RONR a Request to Withdraw may made until commencement of voting. TMT p. 119 states that a Request to Withdraw may be made until commencement of voting; p. 65 says a Request to Withdraw may be made until completion of voting.
- ¹⁷ TMT treats this motion as a simple question, addressed to the discretion of the Moderator.
- ¹⁸ In RONR, Take from the Table has the rank of a main motion, but the maker has priority in recognition over others rising at the same time. It is not subject to subsidiary motions. In TMT, Take from the Table has the rank of a main motion. It is subject to applicable subsidiary motions. It is subject to any applicable rules limiting reconsideration.
- ¹⁹ In RONR, Rescind/Amend Something Previously Adopted and Discharge a Committee have the rank of a main motion. In DEM Rescind and Discharge a Committee have the rank of a main motion. Amend Something Previously Adopted is implicitly treated as a component of Rescind, as Rescind is amendable, but it is not discussed in the text. In TMT, Rescind is treated as a form of Reconsider, combining in one vote reconsideration of an earlier adopted motion and defeat of the motion. TMT does not recognize Discharge a Committee and suggests reconsidering or rescinding the referral to the committee, if necessary.
- In RONR, to make the motion To Reconsider has priority in recognition, but the body may not be able to take up the motion To Reconsider at the same time. To take up the motion To Reconsider has the same precedence as the motion to be reconsidered. The motion To Reconsider must be made on the same day as or on next business day after motion to be reconsidered. The motion To Reconsider may only be made by a member who voted on the prevailing side on the motion to be reconsidered. In TMT, the motion To Reconsider is taken up when made. Reconsider has the rank of motion to be reconsidered. Reconsider may be moved on any day within the same TMT meeting (RONR session). Only Rescind (a form of Reconsider in TMT) can be moved at a subsequent TMT meeting (RONR session) upon warrant notice. TMT has no requirement for the mover to have voted on prevailing side.

Town Meeting Time v. Robert's Rules of Order v. Demeter's Manual Quick Motion Comparison Table

Other distinctions:

- (A) Under TMT, all business must be previously noticed as articles (business items) in the warrant (call of the meeting). There is no standard order of business and no way of raising new business items not previously noticed.
- (B) Under TMT, unless limited by bylaw, rule, or a motion to limit debate, there are no limits on number and time of speeches in debate. Under RONR, members are limited to two ten-minute speeches per motion.
- (C) TMT allows repeal by implication of prior inconsistent motions. RONR considers the subsequent inconsistent motion invalid unless specifically reconsidered or rescinded, or adopted by a 2/3 vote or a majority of the entire membership.
- (D) Under TMT, more than one motion may be made under the same article. Under RONR, after a motion has been disposed of, no substantially similar motion can be made during the same session unless the first motion is first reconsidered.
- (E) RONR and TMT give opposite meanings to the terms *meeting* and *session*. Under RONR, there are several meetings in a single session treated as a single unit procedurally although it may take place over several days. Under TMT, there are several sessions in a single meeting treated as a single unit procedurally although it may take place over several days. The best analogy for the Chair or President in RONR is the Moderator in TMT and for the Secretary in RONR is the Clerk in TMT.

Prepared by:
Michael E. Malamut
Attorney-at-Law
Kopelman and Paige, P.C.
101 Arch Street, 12th Floor
Boston, MA 02110-1162
617-556-0007 (main)
617-654-1712 (private)
617-838-8657 (cell)
617-654-1735 (fax)
mmalamut@k-plaw.com
http://www.k-plaw.com

362259/80000/0150