

Model Constitutional Convention

Delegate Parliamentary Orientation

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ASU Sandra Day O'Connor
College of Law
Arizona State University
Center for Constitutional Design

**Model
Constitutional
Convention**





- ▶ In a real-world convention, this would be a 2-3 month process.
- ▶ Condensed time frame dictates that we must elect officers, adopt rules and adopt the credentials and agenda in advance.
- ▶ Many conventions take days to adopt their credentials and elect a permanent chair.

Procedure in Committees





Why did we choose Robert's?


- ▶ Robert's Is the Common Parliamentary Law.
- ▶ There is no guarantee that a convention of states would be composed of legislators.
- ▶ Robert's has more practical and educational application than Masons or the House Rules.



Procedure in Committees

- ▶ Each committee will be assigned one NCC amendment.
- ▶ This can be amended by the committee or sent directly to the floor.
- ▶ Each committee is allowed to only two proposals to the convention floor for adoption
- ▶ Territorial Delegates may submit one proposal in total to one committee
- ▶ All parts of a proposal must be germane to one another.



- 
- ▶ Limits of Debate-30 mins for the NCC proposal.
 - ▶ Two debates of no more than two minutes per speaker per debatable motion. Not transferable
 - ▶ The time remaining shall be divided equally among the remaining proposals or a maximum of 15 minutes, whichever is less, after which any pending motions shall be put to a vote.

Debate






Procedure in Committees

- ▶ Each state can only offer one proposal so coordinate with you state mate to pick which committee to offer the proposal.
- ▶ The proposals receiving the highest number of votes in each committee will be brought to the floor of the convention.
- ▶ This makes it important to both vote for and against the proposals that you like.
- ▶ If no proposal receives a majority vote of that committee, then no proposal will be brought to the floor of the convention.



Motions in Committees

Limit Debate and Previous
Question are allowed.

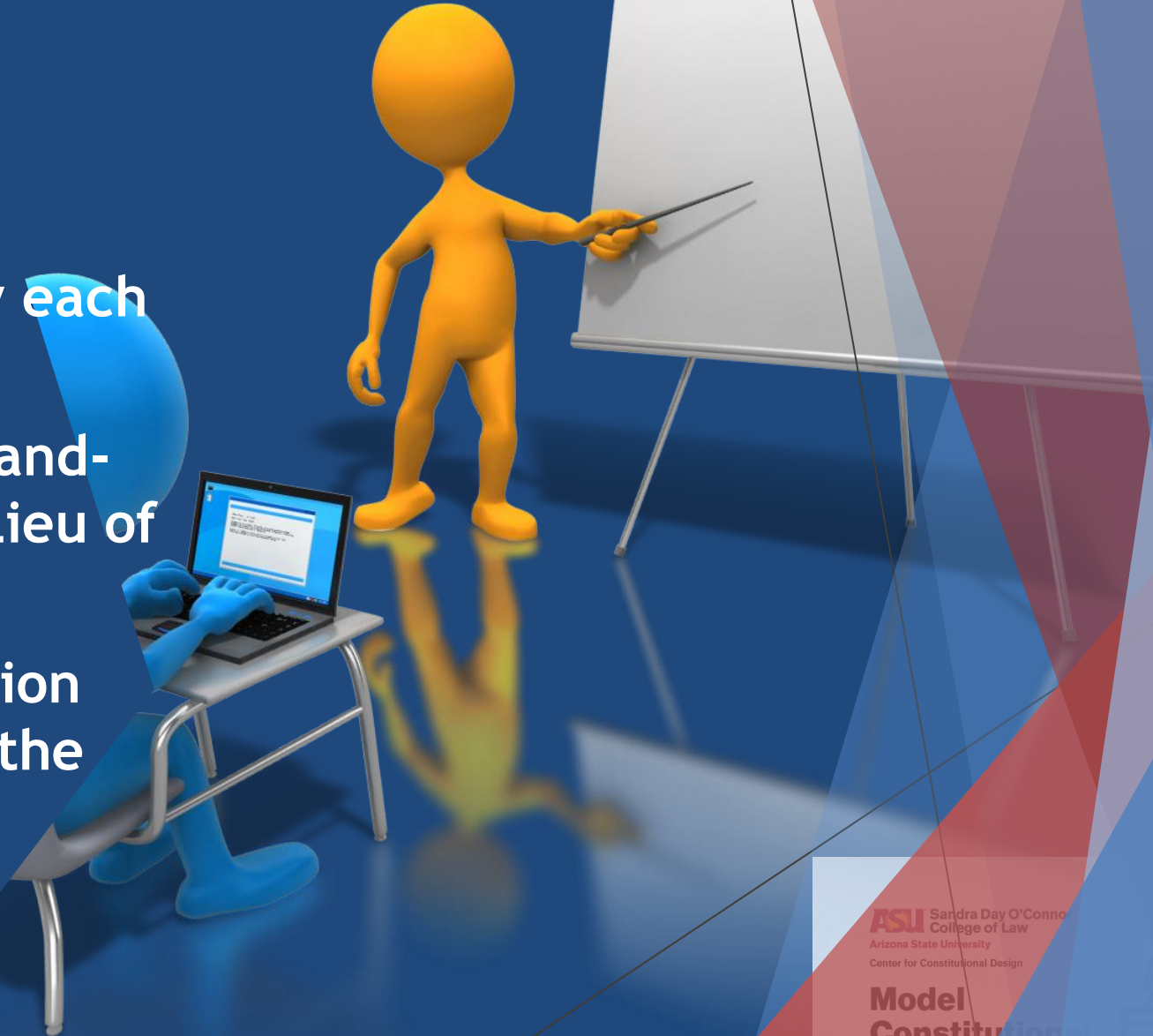
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- ▶ Time limits
 - ▶ Two debates of no more than two minutes per speaker per debatable motion. Not transferable
 - ▶ Preference in debate to the motion maker.
 - ▶ No more than 1 hour per proposal.

Debate



Presenting Proposals

- ▶ One proposal is presented by each committee.
- ▶ They may be presented as stand-alone proposals or Adopt in Lieu of Proposals.
- ▶ 5 minutes to make presentation after which they must move the proposal.



Permissible Motions

- ▶ Original Proposals, Postpone Indefinitely, primary, and secondary Amendments to proposals, Limit or Extend Debate, Previous Question, Point of Order, Appeal, Suspend the Rules, Division of the Question, Division of the Assembly, Parliamentary inquiry, Motions Concerning Voting, Request for Information, Reconsider, Adopt in Lieu Of as described in Rule 11, Question of Privilege, Recess and Adjourn sine die.



Voting on Proposals

- ▶ Most Motions require a majority vote which is more than half of the votes cast. ASU MCC will establish a voting system.
- ▶ Motions such as limit debate and previous question require two-thirds of the votes cast.
- ▶ Final adoption of a proposal or an Adopt in Lieu of Proposal will require 76 votes.

The word "VOTE" is written in a stylized, blocky font. The letters 'V', 'O', and 'T' are yellow with black outlines, while the letter 'E' is brown with a black outline. The 'O' has a circular pattern inside. The background is a teal color with a hand icon in the center.



- ▶ Persuasive and Original
- ▶ Free from Redundancy
- ▶ Realistic and Pertinent
- ▶ Debate in Plenary Session shall be limited to two debates of no more than two minutes per speaker per debatable motion.

Debate



DEBATING AT A MEETING

Stand if required and be recognized by the chair

Begin with an opening statement.

Use logical reasons to support your argument.

Don't use prior actions or a member's motives to defeat a motion.

Conclude with a reinforcement of your position.

It is debate not discussion! Rhetorical questions are not good debate?

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DEBATING AT A MEETING

RULES OF DECORUM IN DEBATE

Debate must be germane or pertinent to the immediately pending motion.

A member cannot speak against their own motion.

A member cannot attack another member's motives.

A member must refrain from disturbing the assembly.

Avoid the use of member's names.



DEBATING AT A MEETING

RULES OF DECORUM IN DEBATE



Address all remarks to the chair.



Refrain from speaking adversely on a prior action not currently pending.



Be seated during an interruption by the chair.



Refrain from reading from papers without permission.



Chair, except in very small boards and committees, should not speak in debate unless they relinquish the chair.



- ▶ Express the will of the Majority
- ▶ Protect the rights of the minority, absentees and individual members.
- ▶ Handle one item of business at a time.
- ▶ Conduct Business as efficiently as is possible.

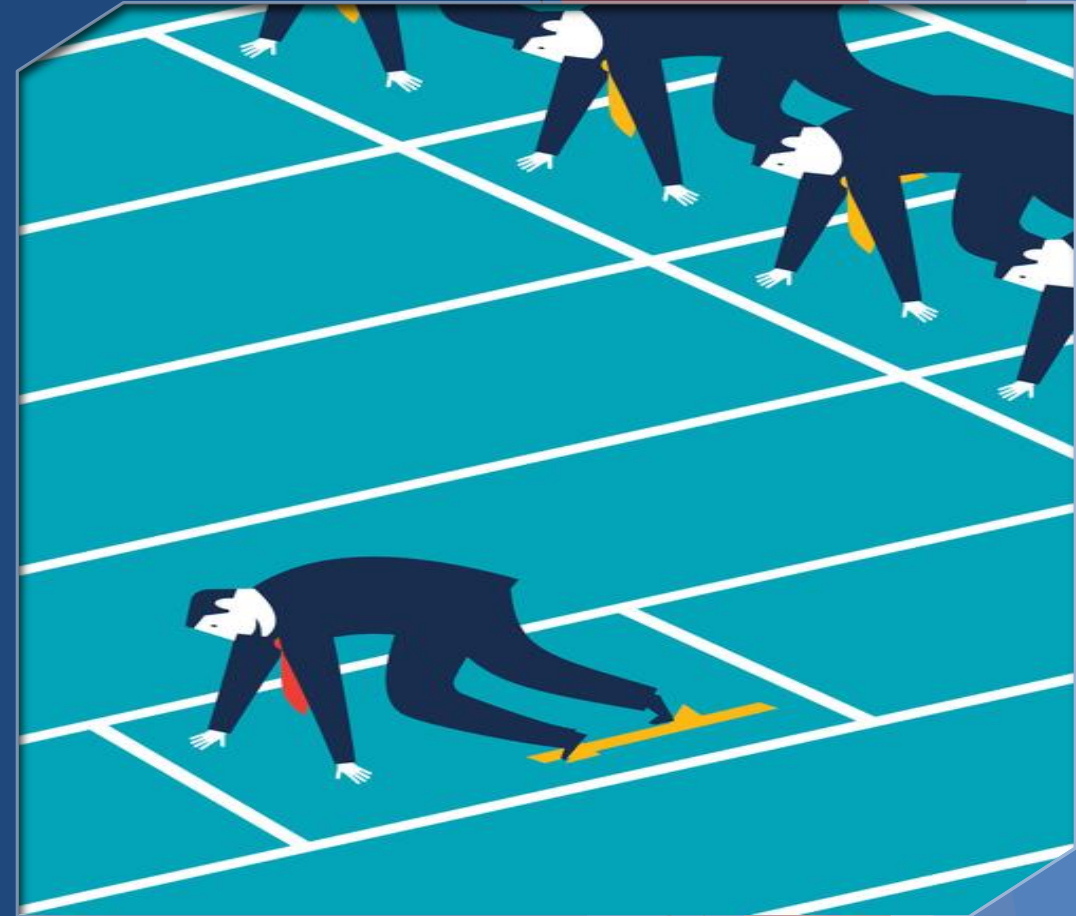
Fundamental Principles of Parliamentary Law



▶ Voting to Approve the Al Gage School of Parliamentary Procedure

▶ This school is not accredited, appropriate, approvable, allowed, authorized, accountable or achievable!

▶ You must all vote to disapprove this school!



Mock Meeting

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The agenda has been provided for you.

► Let's adopt the agenda!

- Is it debatable?
- Is it amendable?
- If not adopted what does that mean?



Mock Meeting

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- ▶ Processing Motions-There are six steps in the processing of a motion.
- ▶ A member “makes” a motion.
- ▶ It is seconded.
- ▶ The Chair states the motion.
- ▶ The assembly debates the motion if debatable.
- ▶ The Chair “puts” the motion to a vote.
- ▶ The Chair announces the results of the vote and its effect.

Processing Motions



- ▶ Member rises and addresses the chair Member requests recognition in the chat!
- ▶ The Chair recognizes the member
- ▶ Member make motions starting with “I move.”
- ▶ No short cuts such as “So moved.”
- ▶ The chair can require the motion be in writing!
- ▶ This all occurs BEFORE debate or discussion has taken place.



1) Motion is made!





- ▶ The member calls out “Second” or “I second that” from their seat.
- ▶ The chair does not need to recognize the member.

2) Seconding a Motion



SECONDING A MOTION

A second is not recorded in the minutes other than that it occurred and is not required in a committee.

The name of the seconder is not a required element

A second does not mean the member necessarily supports the issue.

The lack of a second does not invalidate business that is subsequently conducted.

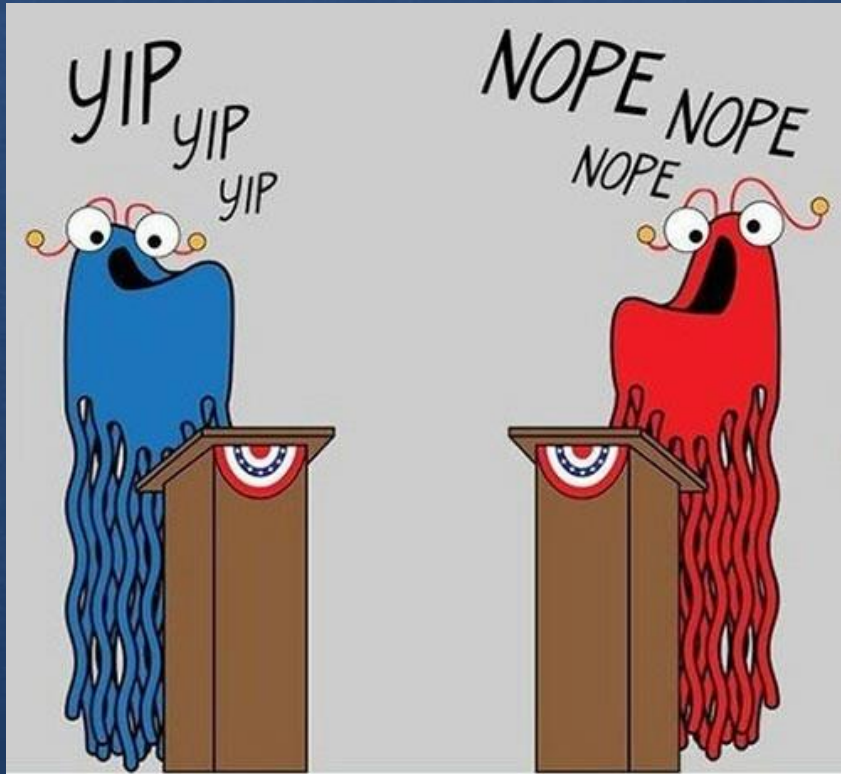


3) The Chair states the motion

- ▶ This is a ruling of the chair that the motion is in order or not.
- ▶ The chair states the motion by saying “It is moved and seconded to” Note the present tense!
- ▶ Once the chair states the motion it is the property of the assembly.



4) Debate and Amendment occur



- ▶ A member can only debate twice on any one motion.
- ▶ Each debate can only last 10 minutes.
- ▶ Should have a lower limit of debate
- ▶ To debate rise and address the chair.



5) THE CHAIRMAN PUTS THE MOTION TO A VOTE.

The chair completely restates the motion that is about to be voted on. No Shortcuts!

The wording the chair uses immediately before taking the vote is what should appear in the minutes.

If the motions are displayed the chair may state the motion “as displayed”

Should not state “Dan’s” Motion or other identifying labels.



6) The Chair Announces the outcome of the vote



- ▶ The Chair has a responsibility to ascertain the true outcome of the vote!
- ▶ The first declaration is which side has it
- ▶ The second declaration is the motion is adopted or lost!
- ▶ If adopted, the chair states the result of the motion i.e., “we,” will

- ▶ The chair moves on to the next item of business.





5 Classes of Motions

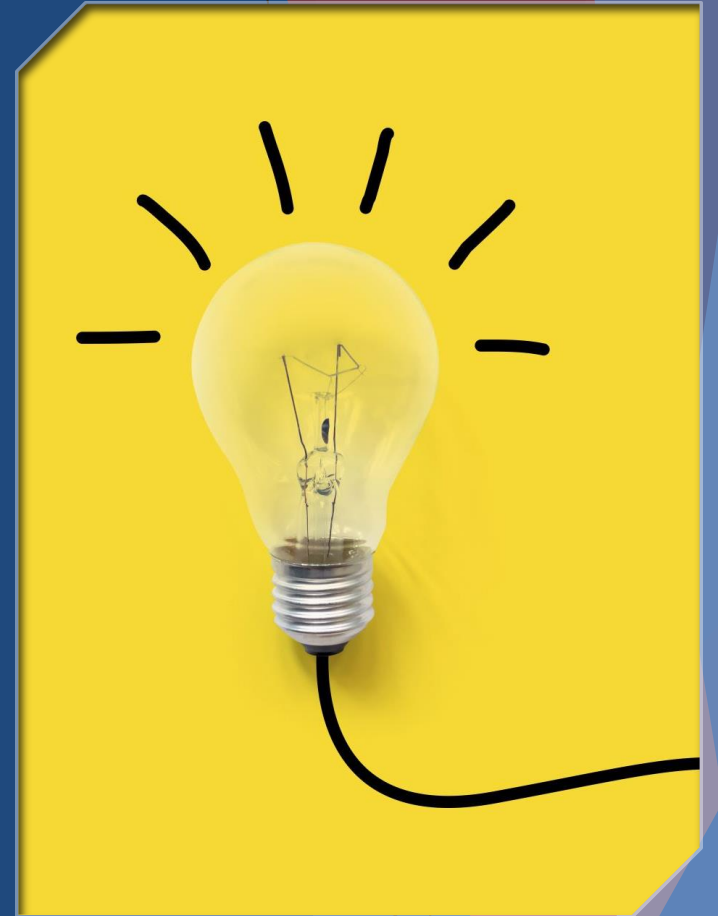
- ▶ Privileged Motions
- ▶ Subsidiary Motions
- ▶ Main Motions
- ▶ Incidental Motions
- ▶ Motions that Bring a Matter Again Before the Assembly (Bring Back Motions)
- ▶ First three are in order from top to bottom.



▶ There are 8 standard descriptive characteristics for every motion. The first is included in the rank of the motions from top to bottom.

1. The precedence or rank!
2. What it can be applied to?
3. Can it interrupt a speaker?
4. Does it require a second?
5. Is it debatable?
6. Is it amendable?
7. What vote is required?
8. Can it be reconsidered?

Rules for Motions





Privileged Motions-
Unrelated to the business at hand but of overriding importance. The highest-ranking motions.

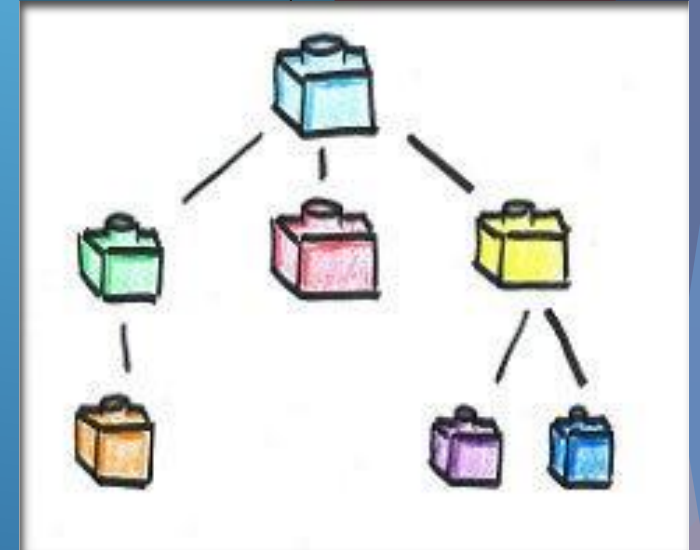
Secondary Motions

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Subsidiary Motions- Motions or Tools to help you dispose of or modify a motion. Rank below Privileged motions but above main or bring back motions.



Secondary Motions



Incidental Motions-
Motions that deal with procedure or conduct of the meeting. Generally, arise out of pending business. Have not rank or take on the rank of the motion they are applied to.



Bring Back Motions- (Motions that bring a matter again before the assembly) not secondary motions but allow for you do undo something you have done.

Secondary Motions

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**Incidental
Motions**

**Incidental
Motions**

Privileged Motions

Subsidiary Motions

**Incidental
Motions**

Main Motions and Bring Back Motions

Hierarchy of Motions





- ▶ The lowest ranking of all motions.
- ▶ Can only be introduced when no other business is pending.
- ▶ Introduces a new substantive topic to the assembly.
- ▶ Should state a specific action to be taken and not conflict with the governing documents or a previous motion still in effect.

Main Motions or Resolutions



Main Motions or Resolutions



Start with “I move”

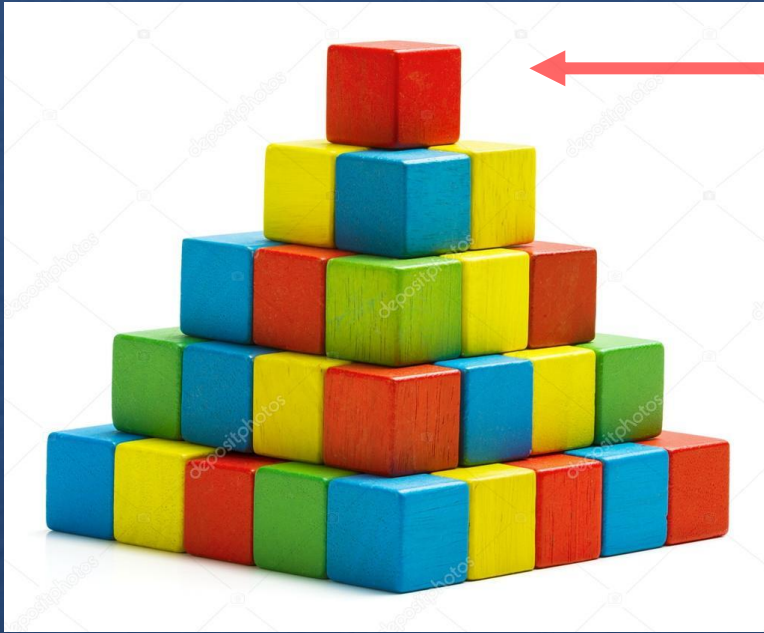
Use Precise Language!

State a specific action or position.

Should be in writing.

The Chair may require they be submitted in writing.





Have an order of precedence from high to low.

Higher than the main motion but lower than privileged motions

Generally, work to modify or assist in disposing of a motion

Subsidiary Motions



Lay on the Table- Used to set aside a matter for more important or urgent business. Commonly misused in place of postpone to a certain time.



Subsidiary Motions



Subsidiary Motions

▶ Previous Question-

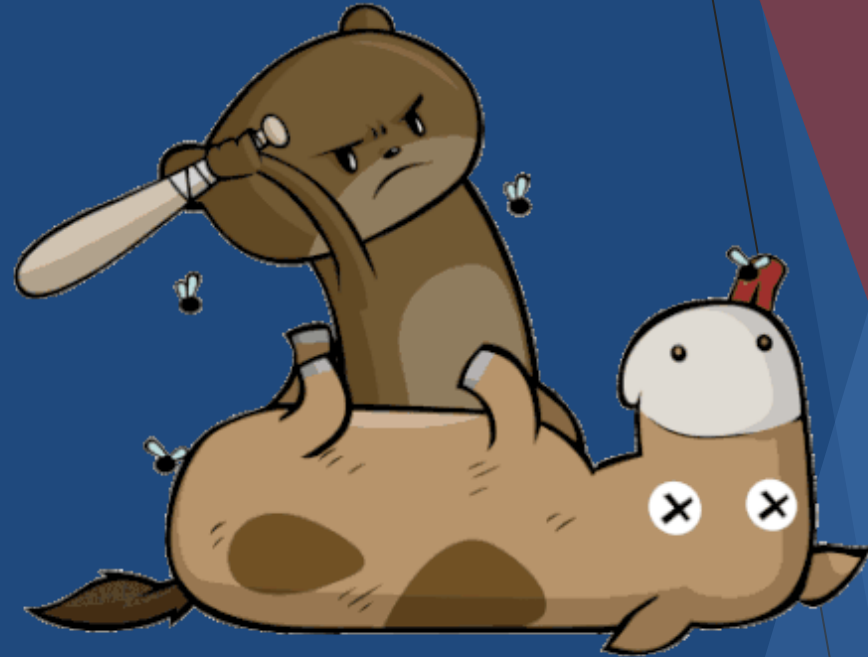
Immediately closes debate and prevents amendments of the pending motion or a series of pending motions. Commonly referred to as calling the “Question”



Subsidiary Motions

▶ Previous Question-

Immediately closes debate and prevents amendments of the pending motion or a series of pending motions. Commonly referred to as calling the “Question”



Subsidiary Motions



- ▶ *Limit or Extend Debate-*
Alters the standard limits of debate, the total time for debate or at what hour debate should close.



Subsidiary Motions



- ▶ Absent another provision, the limits of debate are two times per person, per debatable motion not to exceed 10 minutes per speech!
- ▶ Generally, this limit is too long for most organizations.





- ▶ Amend-Modifies the actual wording of a motion.

Subsidiary Motions



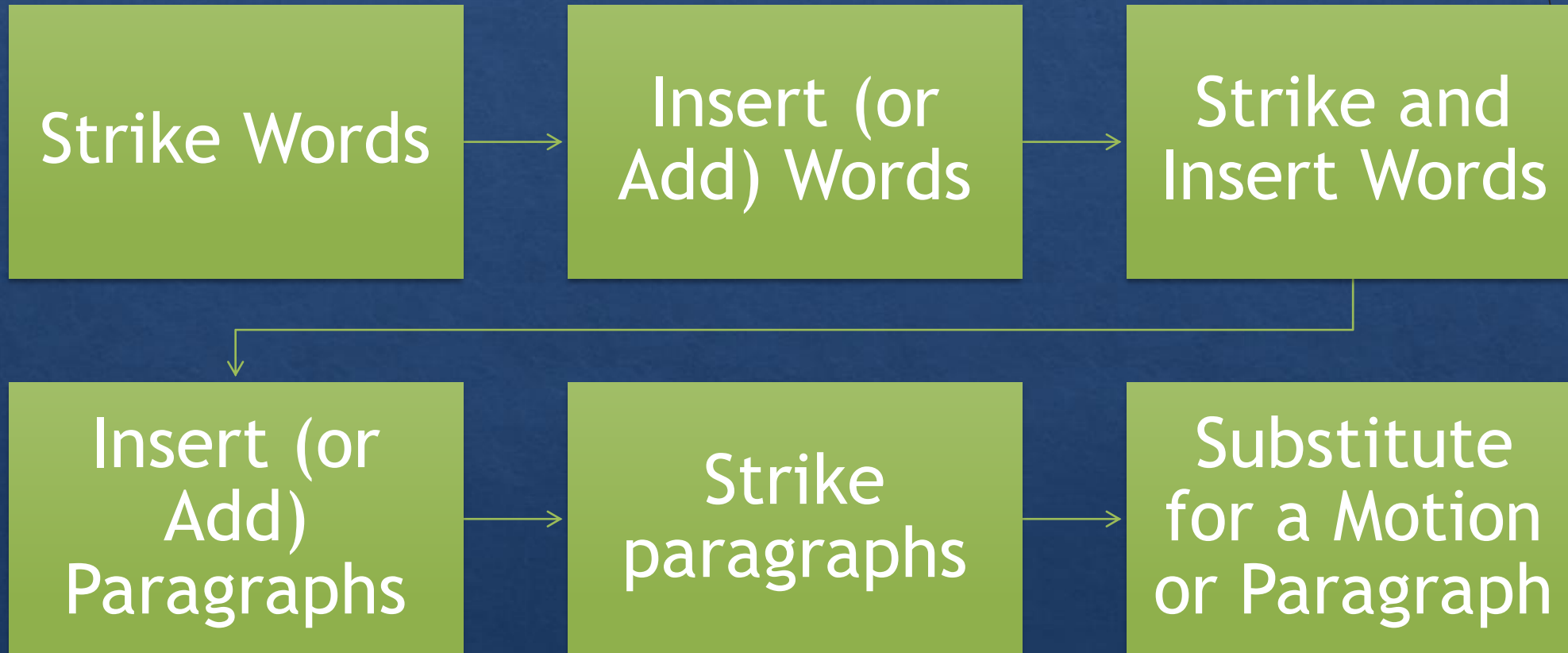


- ▶ Cannot ask the assembly to revisit an area that has already been amended.
- ▶ Only primary and secondary amendments are allowed.
- ▶ No tertiary amendments are allowed.
- ▶ Only one primary and one secondary amendment are allowed at any given time.
- ▶ No limit as to the number of primary or secondary amendments.

Subsidiary Motions



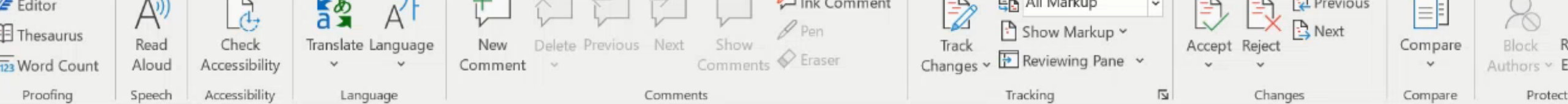
AMENDMENTS-METHODS OF AMENDING A MOTION



Making amendments-A word processor

- ▶ When you highlight words and press ENTER, they are gone or struck.
- ▶ When you move the cursor to a position and TYPE they are inserted.
- ▶ When you highlight words and then type in the same place the words are struck and then the new words inserted.





Main Motion:

I move to have a Barn Dance on

April 18th, 2021.

WHICH?

Used to ask about choice.



Which type of amendment are you using?

- Strike out
- Insert
- Strike out and insert
- Add
- Substitute



WHAT?

Used to ask for information.



What words are being edited?



WHERE?

Used to ask for a Place or location.



Where in the motion are the words being removed or added?





Which!



What?



Where?



Making amendments- which? What? Where?

- ▶ Which form of amendment are you using?
 - ▶ What words are you moving, deleting or inserting?
 - ▶ Where do you want to place those words?
-
- ▶ I move to insert the words “up to \$500” before “convention fees”

Which?

What?

Where?



Amendments may change the intent of the motion.

Amendments may be friendly But who decides?

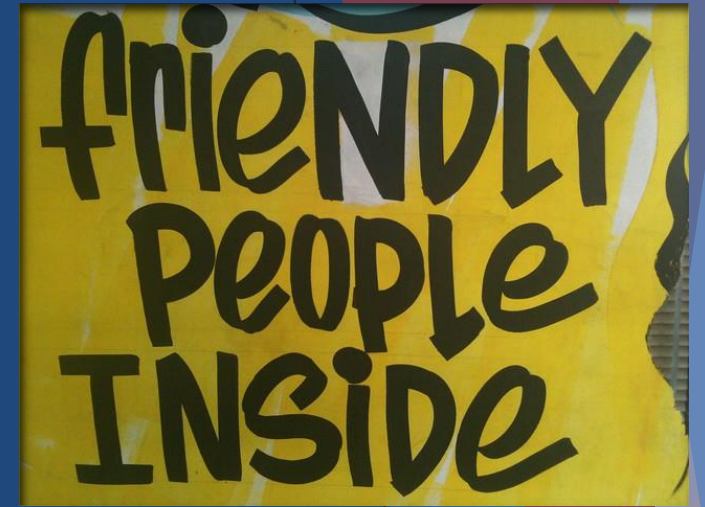
Amendments may be hostile to the intent or outcome of the motion.

In any case, all amendments are handled the same. No exception for “friendly” amendments.



Friendly Amendments

- ▶ No Such thing as a friendly amendment!
- ▶ Who decides if it is friendly?
- ▶ Robert's Rules of Order recommends that all amendments be treated equally although they can be allowed if no one objects!



[BY-SA](#)



Improper Amendments

Amendments that are the negation of the main motion.

Amendments that change one form of amendment to another.

Amendments that change one parliamentary form to another.





Improper Amendments

An amendment that, if adopted, makes the main motion out of order.

An amendment that strikes enacting words such as “Resolved.”

Amendments that are not “germane.”





- ▶ *Postpone Indefinitely-Kills* a motion for the remainder of the session.

Postpone Indefinitely



- ▶ Often used by strategist to :
- ▶ Test the strength of a voting body!
- ▶ Avoid a Direct Vote on a motion!
- ▶ Obtain additional debating opportunities since debate can go into the merits of the underlying motion.



Postpone Indefinitely





No Rank or Precedence Among
Themselves

The motion generally takes on the
rank of the motion to which it is
applied.

Most arise out of the business at
hand.

Incidental Motions



Incidental Motions



These are the motions that are urgent and protect your rights.

Most can interrupt and require no vote because of their urgency

Sometimes referred to as the lifesaver motions.





These are your lifesaver motions.

Most of your rights must be protected immediately .

If action isn't taken immediately your rights may be lost!

Incidental Motions





- ▶ Point of Order- Calls the chair's attention to a breach of order.
- ▶ Each member has an affirmative obligation to protect their own rights.
- ▶ Ruled on by the chair.
- ▶ Minor irregularities should be allowed to pass!
- ▶ Must be timely at the time of the breach!

Incidental Motions





- ▶ Appeal- Disagreement with a ruling made by chair.
- ▶ Requires a second and is generally debatable with modified limits of debate.
- ▶ Chair is allowed to debate first and last.
- ▶ Not applicable to the chair's opinion or answer to a parliamentary inquiry!
- ▶ An appeal must also be timely!

Incidental Motions





- ▶ *Division of the Assembly*- Demands a more accurate vote after a voice vote. This prevents abuse by the chair.
- ▶ Not necessarily a counted vote!
- ▶ Must be timely after the vote is announced.

Incidental Motions





- ▶ Parliamentary Inquiry- Asks a parliamentary question of the chair. This is your survival lifeline.
- ▶ Can interrupt the proceedings if urgent.
- ▶ Not to be used for rhetorical questions or debate
- ▶ Ask questions about parliamentary procedure or the rules of the organization.

Incidental Motions





- ▶ *Request for Information*- Asks a non-parliamentary question-must be directed to the chair.
- ▶ This is NOT an opportunity to give information or answer a question.
- ▶ Information requested should be factual not opinion based.
- ▶ Can interrupt the same as parliamentary inquiry.

Incidental Motions





- ▶ *Suspend the Rules*- Allows the assembly to deviate from some of its rules of order or standing rules.
- ▶ Rules protecting individual rights, absentees or for a purpose outside the meeting cannot be suspended.
- ▶ Not debatable or amendable!
- ▶ Requires a two-thirds vote to suspend a rule of order or a majority vote to suspend a standing rule.

Incidental Motions



▶ Rules that Cannot be suspended.

▶ Rules contained in the bylaws (or constitution) cannot be suspended unless they are in the nature of a rule of order

▶ What does that mean?

▶ No applicable procedural rule prescribed by federal, state, or local law can be suspended.

▶ Rules which embody fundamental principles of parliamentary law.



Incidental Motions



- ▶ Rules that Cannot be suspended.
- ▶ Rules protecting absentees cannot be suspended
- ▶ Rules that protect the basic rights of the individual member cannot be suspended
- ▶ Rules that have their application outside the context of a meeting cannot be suspended.



Incidental Motions



Motions to do with the Methods of Election or Voting- Motions which stipulate how a vote shall be taken..

Withdraw a Motion- Removes a motion from the floor by the motion maker.

.

Other requests- Request to speak when no motion is pending or read from papers.

INCIDENTAL MOTIONS



Adopt in- Lieu-of

Especially useful in a convention setting.

Reference committees are designed to expedite business.

Adopt in-lieu-of fits the bill.





Privileged Motions

- ▶ Privileged Motions-Do not have anything to do with the business that is pending.
- ▶ Can be made when any of the underlying subsidiary, main, incidental or bring back motions are pending.
- ▶ Most have to do with the current status of a motion.
- ▶ Not the current use of privilege.



- ▶ Adjourn: Ends a meeting or a session. If no time is set for the next meeting this motion may end the existence of the assembly.
- ▶ I have a video from the adjournment of the last Mock Constitutional Convention that I captured from the videos I was sent.

That's all Folks!

Privileged Motions

Privileged Motions

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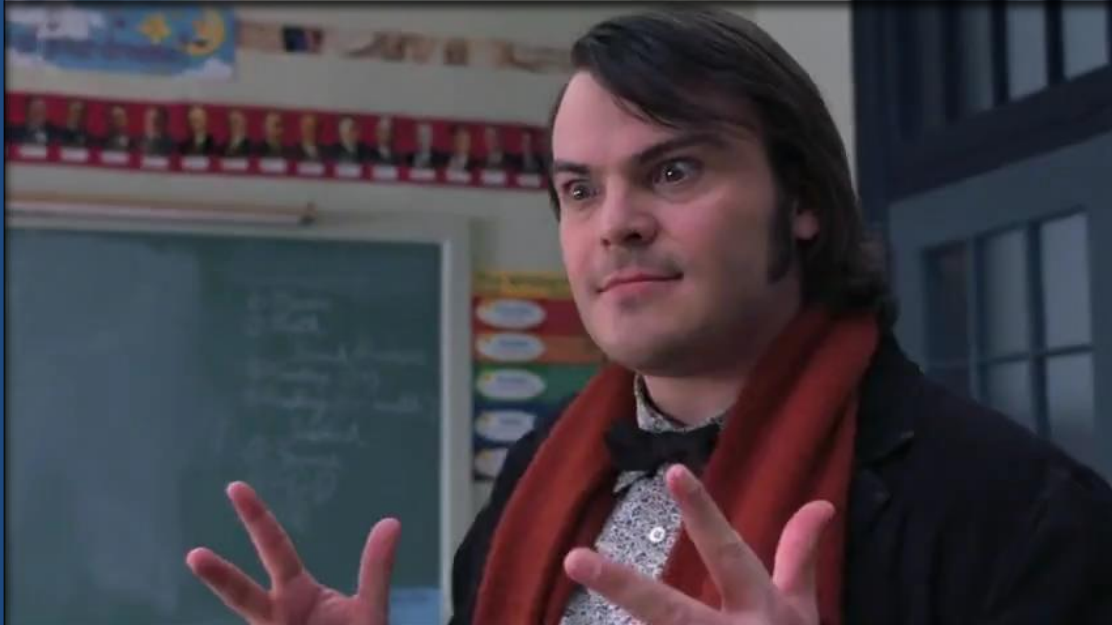


- ▶ Must be recognized but may be made while any motion is pending or only requires a majority vote.
- ▶ Privileged unless it ends the assembly, a prior time was set for adjournment via motion or adopted agenda, or when it is qualified in any way.

That's all Folks!

Privileged Motions

Privileged Motions



- ▶ Recess- A chance for adults to go to the playground-actually a short intermission to count ballots, obtain information, obtain a quorum or consult informally.





- ▶ Recess- Business is taken up exactly where it is left off!
- ▶ Very useful to ease tensions.
- ▶ Cannot be arbitrarily called by the chairman.
- ▶ Requires a motion, second, is amendable and requires a majority vote. Only debatable if made as an incidental main motion.

Privileged Motions





Question of Privilege- A request for the chair to resolve an Issue with the comfort of the assembly or go into executive session.

- ▶ Examples may include any request that enhances or improves the comfort and ability to participate in a meeting such as “It is too cold in here” or “I can’t hear”
- ▶ Sun City’s Favorite motion!

Privileged Motions



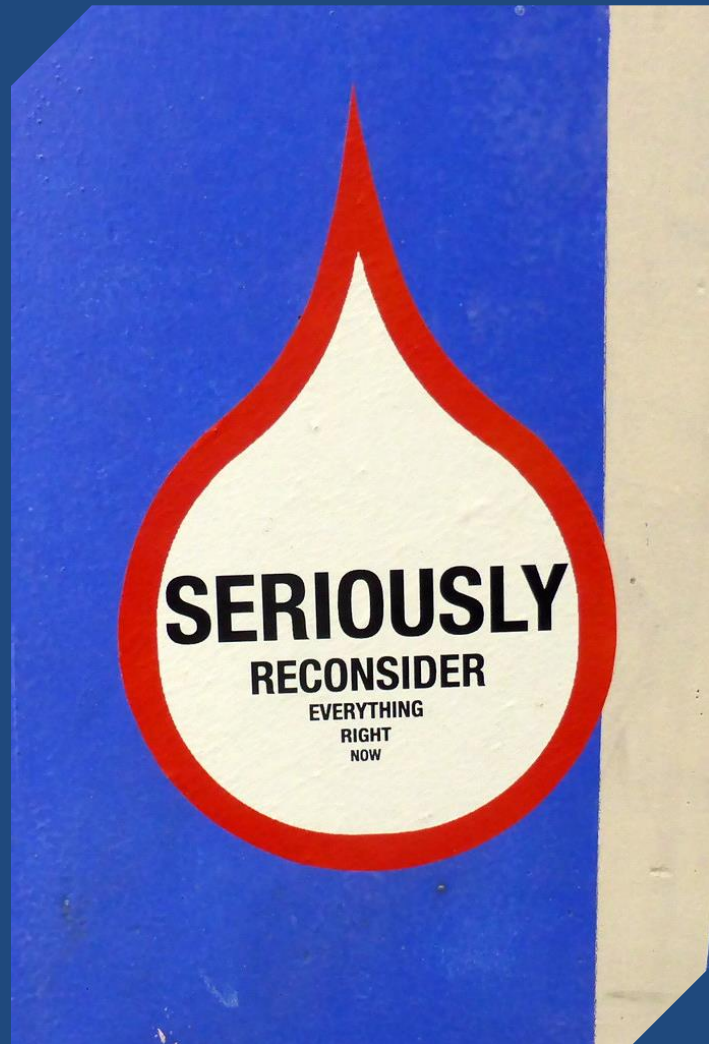
- ▶ These are motions that allow you to correct a mistake or a change of will.

- ▶ Very dependent on the time that you want to alter a decision and the level of execution of the decision.

- ▶ They have the same rank as a main motion with one exception

Motions that Bring a Matter Again Before the Assembly (Bring Back Motions)





▶ Reconsider-Makes pending again a motion that has been adopted or lost

Can only be made on the same day or the next day in a multi day session.

Can only be made by a member that voted on the prevailing side.

Must be taken up within a quarterly interval.

Majority vote makes the reconsidered motion pending again.

Can be made but not taken up at any time but cannot interrupt.

Motions that Bring a Matter Again Before the Assembly (Bring Back Motions)



- ▶ *A motion is dilatory if it seeks to obstruct or thwart the will of the assembly as clearly indicated by the existing parliamentary situation.*
- ▶ Any main or other motion that is frivolous or absurd or that contains no rational proposition is dilatory and cannot be introduced.

Dilatory Motions





- ▶ As further examples, it is dilatory to obstruct business by appealing from a ruling of the chair on a question about which there cannot possibly be two reasonable opinions, by demanding a division (29) on a vote even when there has been a full vote and the result is clear, by moving to lay on the table the matter for which a special meeting has been called, by constantly raising points of order and appealing from the chair's decision on them, or by moving to adjourn again and again when nothing has happened to justify renewal of such a motion.

Dilatory Motions

