

DWH Brief in Opposition

Exhibit 3 - 2

(excerpts)

Standard Code of Parliamentary Procedure
Alice Sturgis – 4th Ed.

Definitions of Parliamentary Procedure
Tables on Motions Practice

DEFINITIONS OF PARLIAMENTARY TERMS

Adhere To be attached to and dependent on; pending amendments *adhere* to the motion to which they are applied.

Ad hoc Committee See *Special Committee*.

Adjourn To officially terminate a meeting.

Adjourned Meeting See *Continued Meeting*.

Adjournment Sine Die (without day) The final adjournment terminating a convention or series of meetings.

Adopt To approve by vote and give effect to a motion or a report.

Affirmative Vote The "yes" or "aye" vote supporting a motion as stated.

Agenda The official list of items of business planned for consideration during a meeting or convention.

Apply A motion is said to *apply* to another motion when it may be used to alter, dispose of, or affect the first motion.

Approval of Minutes Formal acceptance, by vote of the members or by general consent, of the secretary's record of a meeting, thus making the record the official minutes of the organization.

Assembly A meeting of the members of a deliberative body.

Ballot Vote The expression by ballot, voting machine, or otherwise of a choice with respect to any election or vote taken on any matter, cast in such a manner that the person expressing the choice cannot be identified with the choice expressed; i.e., a secret ballot.

Bylaws The set of rules adopted by an organization defining its structure and governing its functions.

Call of a Meeting The written announcement distributed to members prior to the meeting indicating the time and place of the meeting, and stating the business that is to be brought up at the meeting.

Chair The presiding officer of a deliberative body.

Challenging a Vote Objecting to a vote on the ground that the voter does not have the right to vote.

Challenging an Election Objecting to an election on the ground that it is not being conducted properly.

Charter An official grant from government of the right to operate as an incorporated organization, or an official grant from a parent organization of the right to operate as a constituent or component group of the parent organization.

Close Debate A motion which, if approved, ends discussion and prevents further amendments. The old terminology for this motion is "move the previous question." The term "vote immediately" also is sometimes used.

Closed Session A session of an assembly, board, or committee open only to members of the assembly, board, or committee, the proceedings of which are confidential.

Common Parliamentary Law The body of rules and principles that is applied by the courts in deciding litigation involving the procedure of organizations. It does not include statutory law or particular rules adopted by an organization.

Consent Agenda A section of an organization's agenda including only routine matters which are expected to be approved without discussion and without dissent. Any member desiring to discuss or oppose an item can remove it from the consent agenda. Also known as a *consent calendar* or a *unanimous consent agenda*.

Constituent or Component Groups Subordinate groups making up a parent state, national, or international organization and chartered by it.

Continued Meeting A meeting that is a resumption at a later specified time of an earlier regular or special meeting. The continued meeting is legally a part of the original meeting. Sometimes called an *adjourned* meeting.

Convene To open a meeting or convention, usually a large and formal one.

Cumulative Voting The casting of more than one vote for a candidate when several offices are to be filled, instead of voting for as many candidates as there are vacancies.

Debate Formal discussion of a motion or proposal by members under the rules of parliamentary law.

Delegation of Authority An assignment by one person or group to another person or group of the authority to act for the first person or group in certain matters that are lawful and capable of being delegated.

Demand An assertion of a parliamentary right by a member.

Dilatory Tactics Misuse of procedures of debate to delay or prevent progress in a meeting.

Discretionary Duty A duty that usually cannot be delegated to another because members rely on the special intelligence, skill, or ability of the person chosen to perform the duty.

Disposition of a Motion Action on a motion by voting on it, referring, postponing, or in some way removing it from the consideration of the assembly.

Division of the Assembly A standing vote.

Division of the Question Separation of a motion into two or more parts to be discussed and voted upon independently.

En Bloc As a group.

Ex Officio Member One who is a member of a committee or board by reason of holding another office; a treasurer is often an *ex officio member* of the finance committee.

Executive Session See *Closed Session*.

Floor (as in *have the floor*) When a member receives formal recognition from the presiding officer, that member *has the floor* and is the only member entitled to make a motion or to speak.

General Consent An informal method of approving routine motions by assuming unanimous approval unless objection is raised. Also called *unanimous consent*.

Germane Amendment An amendment relating directly to the subject of the motion to which it is applied.

Hearing A meeting of an authorized group for the purpose of listening to the views of members or others on a particular subject.

Hostile Amendment An amendment that is opposed to the spirit or purpose of the motion to which it is applied.

Illegal Ballot A ballot that cannot be counted because it does not conform to the rules governing ballot voting.

Immediately Pending Question The last-proposed of several pending motions and therefore open for immediate consideration.

Incidental Motion One of a class of motions dealing not with the content of the pending motion but with a procedural question arising incidentally from its consideration. Examples are point of order, parliamentary inquiry, suspension of the rules, division of the question, and appeal from the ruling of the chair. Incidental motions have no order of precedence.

Incorporate To form a group into a legal entity chartered by government and recognized by law as having special rights, duties, and liabilities distinct from those of its members.

Informal Consideration Consideration and discussion of a problem or motion without the usual restrictions on debate.

Inherent Right A right or power that is possessed without being derived from another source.

In Order Permissible and correct from a parliamentary standpoint at a particular time.

Lay on the Table See *Table*.

Legal Ballot A ballot the intent of which is clear, despite misspelling. (Blank ballots or ballots cast for ineligible persons are not considered legal.)

Main Motion A motion which brings business before the assembly.

Majority A number that is more than half of any given total.

Majority Rule Rule by decision of the majority of those who actually vote, regardless of whether a majority of those entitled to vote do so.

Majority Vote More than half of the number of legal votes cast for a particular motion or candidate, unless a different basis for determining the majority is required.

Mass Meeting See *Organizing Meeting*.

Meeting An official assembly of the members of an organization during

which there is no separation of the members except for a recess, and which continues until adjournment.

Member in Good Standing Any person who has fulfilled the requirements for membership in the particular organization and who has neither voluntarily resigned nor been suspended or expelled from membership.

Minority Any number that is less than half of any given total.

Minutes The legal record of the actions of a deliberative body that has been approved by vote of the body.

Motion A proposal submitted to an assembly for its consideration and decision; it is introduced by the words, "I move . . ."

Multiple Slate A list of offices and candidates containing the names of more than one nominee for an office or offices.

Nomination The formal proposal to an assembly of a person as a candidate for an office.

Nonprofit Corporation A corporation whose basic and dominant purposes are ethical, moral, educational, or social, and which distributes no profit to its members.

Objection The formal expression of opposition to a proposed action.

Order of Business The adopted order in which the various classifications of business are presented to the meetings of an assembly.

Organizing Meeting The initial meeting of a group which does not have an established membership roster or rules, sometimes called a *mass meeting*.

Out of Order Not correct, from a parliamentary standpoint, at the particular time.

Parliamentary Authority The code or rulebook specified in an organization's bylaws as its authority in matters not covered by its bylaws or standing rules.

Pending Question Any motion that has been proposed and stated to the assembly for consideration and that is awaiting decision by vote.

Plurality Vote A larger vote than that received by any opposing candidate or alternative measure.

Point of Order The raising of a question as to the propriety of some action taken by the chair or by a member.

Policy An adopted statement of a belief, philosophy, or practice of an organization.

Precedence The rank or priority governing the proposal, consideration, and disposal of motions.

Precedent A course of action that may serve as a guide or rule for future similar situations in the particular organization.

Preferential Ballot A ballot on which the voter indicates more than one choice, and the order of preference, so that second and subsequent choices can be taken into consideration without another election being

needed because of failure of any candidate (or proposition) to obtain a majority on the first ballot.

Previous Notice The announcement in advance, either at the preceding meeting or in the call of the meeting, that a particular subject will be considered at a meeting.

Previous Question See *Close Debate*.

Privileged Motion A motion not related to the pending business, but of such urgency that it should be allowed to interrupt pending business, to be decided generally without discussion. Privileged motions include questions of privilege and the motions to recess and to adjourn.

Procedural Motion A motion that presents a question of procedure as distinguished from a substantive proposition.

Proposal or Proposition A statement of a motion of any kind for consideration and action.

Proviso A stipulation in the bylaws or in a rule, usually indicating the date or time it goes into effect.

Proxy A signed statement authorizing a person to cast the vote of the person signing it. Proxy may also refer to the person who casts the vote.

Putting the Question The statement, by the presiding officer, of a motion to the assembly for the purpose of taking the vote on it.

Qualified Motion A motion that is limited or modified in some way in its effect by additional words or provisions, for example, "I move we adjourn *at four o'clock*."

Question Any proposal submitted to an assembly for decision.

Quorum The number or proportion of members that must be present at a meeting of an organization to enable it to act legally on business.

Railroading To push a motion through so rapidly that members do not have opportunity to exercise their parliamentary rights.

Recess A brief interruption of a meeting.

Recognition Formal acknowledgment by the presiding officer of a particular member, giving that member the sole right to speak or to present a motion.

Renew a Motion To present again a motion previously lost at the same meeting or convention.

Request A statement to the presiding officer of some right that a member desires to exercise. A request can amount to a demand; for example, a call for division.

Rescind To repeal a motion which has been passed.

Resolution A formal motion, usually in writing, and introduced by the word "Resolved," that is presented to an assembly for decision.

Restorative Motion A main motion that concerns an action previously taken.

Restricted Debate Debate on certain motions in which discussion is restricted to a few specified points.

Ruling Any pronouncement of the presiding officer that relates to the procedure of the assembly.

Second After a motion has been proposed, the statement "I second the motion" by another member who thus indicates willingness to have the motion considered.

Seriatim Consideration by sections or paragraphs.

Single Slate A list of offices and candidates containing the name of only one candidate for each office.

Special Committee A committee that is selected to carry out a particular task, and that ceases to exist once the task is completed. Also called an ad hoc committee.

Special Meeting A meeting held at a time other than that at which the organization normally meets, called to handle one or more specific matters, which must be noted in the call to the meeting.

Standing Committee A committee that has a fixed term of office and that performs any work in its field assigned to it by the bylaws or referred to it by the organization, the board, or the presiding officer.

Statute A law passed by a legislative body.

Statutory Law Law that is enacted by legislative bodies.

Subsidiary Motion A motion which changes the main motion or disposes of it or aids in consideration of either a main motion or another motion. Subsidiary motions include to amend, to refer to committee, to postpone to a certain time, to limit or extend debate, to close debate, and to postpone temporarily.

Substantive Motion A motion that states a concrete proposal of business as opposed to a procedural matter.

Substitute Motion The form of amendment that offers a new motion on the same subject, as an alternative to the original motion.

Suspension of the Rules A vote to disregard temporarily a rule that prevents the assembly from taking a particular action.

Table To set a motion aside until the assembly decides to resume consideration of it.

Teller A member appointed to help conduct an election and help count the votes.

Two-thirds Vote A vote of at least two-thirds of those present and voting.

Term of Office The duration of service for which a member is elected or appointed to an office.

Tie Vote A vote in which the affirmative and negative votes are equal on a motion, or a vote in an election in which two or more candidates receive the same number of votes. A motion receiving a tie vote is lost, since a majority vote is required to take an action. Candidates receiving a tie vote may be voted on until one is elected or the assembly votes to break the tie in some other way.

Unanimous Consent See *General Consent*.

Unanimous Vote A vote without any dissenting vote. One adverse vote prevents a unanimous vote.

Unfinished Business Any business that is postponed to the next meeting or that was pending and interrupted by adjournment of the previous meeting.

Voice Vote A vote taken by calling for "ayes" and "noes" and judged by volume of voice response; sometimes called a *viva voce* vote.

Vote Immediately An alternative term for the motion to close debate.

Waiver of Notice Act of relinquishing the right to have had notice of a proposal or meeting. Also may refer to the statement proving the relinquishment of notice.

Write-in Vote A vote for someone who has not been nominated, cast by writing in on the ballot the name of the person.

PRINCIPAL RULES

<i>Order of precedence¹</i>	<i>Can interrupt?</i>	<i>Requires second?</i>	<i>Debat-able</i>	<i>Amend-able?</i>
PRIVILEGED MOTIONS				
1. Adjourn	No	Yes	No ³	Yes ³
2. Recess	No	Yes	Yes ³	Yes ³
3. Question of privilege	Yes	No	No	No
SUBSIDIARY MOTIONS				
4. Postpone temporarily (Table)	No	Yes	No	No
5. Close debate	No	Yes	No	No
6. Limit debate	No	Yes	Yes ³	Yes ³
7. Postpone to a certain time	No	Yes	Yes ³	Yes ³
8. Refer to committee	No	Yes	Yes ³	Yes ³
9. Amend	No	Yes	Yes	Yes
MAIN MOTIONS				
10. a. The main motion	No	Yes	Yes	Yes
b. Restorative main motions				
Amend a previous action	No	Yes	Yes	Yes
Ratify	No	Yes	Yes	Yes
Reconsider	Yes	Yes	Yes ³	No
Rescind	No	Yes	Yes	No
Resume consideration	No	Yes	No	No

INCIDENTAL

<i>No order of precedence</i>	<i>Can interrupt?</i>	<i>Requires second?</i>	<i>Debat-able?</i>	<i>Amend-able?</i>
MOTIONS				
Appeal	Yes	Yes	Yes	No
Suspend rules	No	Yes	No	No
Consider informally	No	Yes	No	No
REQUESTS				
Point of order	Yes	No	No	No
Parliamentary inquiry	Yes	No	No	No
Withdraw a motion	Yes	No	No	No
Division of question	No	No	No	No
Division of assembly	Yes	No	No	No

¹ Motions are in order only if no motion higher on the list is pending. Thus, if a motion to close debate is pending, a motion to amend would be out of order; but a motion to recess would be in order, since it outranks the pending motion.

² Requires two-thirds vote when it would suppress a motion without debate.

³ Debatable if no other motion is pending.

⁴ Withdraw may be applied to all motions.

GOVERNING MOTIONS

<i>Vote required?</i>	<i>Applies to what other motions?</i>	<i>Can have what other motions applied to it?⁴</i>	<i>Refer to page</i>
Majority	None	Amend	77
Majority	None	Amend ³	75
None	None	None	72
<hr/>			
Majority ²	Main motion	None	68
2/3	Debatable motions	None	65
2/3	Debatable motions	Amend ³	62
Majority	Main motion	Amend ³ , close debate, limit debate	58
Majority	Main motion	Amend ³ , close debate, limit debate	55
Majority	Rewordable motions	Close debate, limit debate, amend	47
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Majority	None	Restorative, subsidiary	32
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Majority	Main motion	Subsidiary, restorative	36
Majority	Previous action	Subsidiary	37
Majority	Main motion	Close debate, limit debate	38
Majority	Main motion	Close debate, limit debate	42
Majority	Main motion	None	44

MOTIONS

<i>Vote required?</i>	<i>Applies to what other motion?</i>	<i>Can have what other motions applied to it?</i>	<i>Refer to page</i>
			82
Majority	Decision of chair	Close debate, limit debate	
2/3	None	None	84
Majority	Main motion	None	128
<hr/>			
None	Any error	None	87
None	All motions	None	90
None	All motions	None	94
None	Main motion	None	96
None	Indecisive vote	None	99

PARLIAMENTARY STRATEGY

THE CHIEF PURPOSES OF MOTIONS

PURPOSE	MOTION
Present an idea for consideration and action	Main motion Resolution Consider informally
Improve a pending motion	Amend Division of question
Regulate or cut off debate	Limit or extend debate Close debate
Delay a decision	Refer to committee Postpone to a certain time Postpone temporarily Recess Adjourn
Suppress a proposal	Table Withdraw a motion
Meet an emergency	Question of privilege Suspend rules
Gain information on a pending motion	Parliamentary inquiry Request for information Request to ask member a question Question of privilege
Question the decision of the presiding officer	Point of order Appeal from decision of chair
Enforce rights and privileges	Division of assembly Division of question Parliamentary inquiry Point of order Appeal from decision of chair
Consider a question again	Resume consideration Reconsider Rescind Renew a motion Amend a previous action Ratify
Change an action already taken	Reconsider Rescind Amend a previous action
Terminate a meeting	Adjourn Recess

TO SUPPORT A MOTION	TO OPPOSE A MOTION
<ol style="list-style-type: none"> 1. Second it promptly and enthusiastically. 2. Speak in favor of it as soon as possible. 3. Do your homework; know your facts; have handouts, charts, overhead projector slides, etc., if appropriate. 4. Move to amend motion, if necessary, to make it more acceptable to opponents. 5. Vote against motion to table or to postpone, unless delay will strengthen your position. 6. Move to recess or postpone, if you need time to marshal facts or work behind the scenes. 7. If defeat seems likely, move to refer to committee, if that would improve chances. 8. If defeat seems likely, move to divide question, if appropriate, to gain at least a partial victory. 9. Have available a copy of the organization's standing rules, its bylaws, and <i>The Standard Code of Parliamentary Procedure</i>, in case of a procedural dispute. 10. If motion is defeated, move to reconsider, if circumstances warrant it. 11. If motion is defeated, consider reintroducing it at a subsequent meeting. 	<ol style="list-style-type: none"> 1. Speak against it as soon as possible. Raise questions; try to put proponents on the defensive. 2. Move to amend the motion so as to eliminate objectionable aspects. 3. Move to amend the motion to adversely encumber it. 4. Draft a more acceptable version and offer as amendment by substitution. 5. Move to postpone to a subsequent meeting. 6. Move to refer to committee. 7. Move to table. 8. Move to recess, if you need time to round up votes or obtain more facts. 9. Question the presence of a quorum, if appropriate. 10. Move to adjourn. 11. On a voice vote, vote emphatically. 12. If the motion is adopted, move to reconsider, if you might win a subsequent vote. 13. If the motion is adopted, consider trying to rescind it at a subsequent meeting. 14. Have available a copy of the organization's standing rules, its bylaws, and <i>The Standard Code of Parliamentary Procedure</i>, in case of a procedural dispute.

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