

Shirley Town Meeting Procedures

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Town of Shirley Moderator
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(Prior Version 1 June 2008)

The town of Shirley holds an annual town meeting (ATM) once a year in the Spring, and other special town meetings (STMs) as needed during the year. At town meetings, voters exercise the traditional powers of the legislative branch of government – the making of bylaws and town budgets. Each town meeting is open to all who want to attend, but only Shirley registered voters may speak, make motions, and vote. Non voters may speak, at times, with permission. New England town meetings are democracy in action and provide each voter maximum influence in town affairs.

Procedure at town meetings is governed by Massachusetts state law, the town of Shirley bylaws, the book *Town Meeting Time: A Handbook of Parliamentary Law* (copies of which are available in the Shirley library), and this document *Shirley Town Meeting Procedures*. The town of Shirley moderator presides at all town meetings. The moderator's function, as specified in both state law and the Shirley bylaws, is to "preside, regulate the proceedings, decide all questions of order and make public declaration of all votes".

What follows is a brief summary of the most common motions and procedures at Shirley town meetings, and the moderator's policy on certain motions and procedures.

To participate in the meeting and vote

1. Be checked in at the entrance to the meeting room and receive a colored voter card.
2. Sit in the voter's section of the room.

To speak at the meeting

1. Wait in line at a microphone, be recognized, state name and address, then speak into the microphone.

Notes:

No one may speak more than 3 times on any question unless leave of the moderator is first obtained. Please complete your remarks within 3 minutes so that others may have the opportunity to speak too. (See Appendix A) Any person employed as an attorney by another interested in a matter under discussion shall disclose the fact of his or her employment before speaking thereon.

All comments are to be addressed to the moderator, should be confined to the matter under discussion, and should relate to the facts of the matter and/or the speaker's position on the facts. No one should denigrate or impute motives to a person or board or committee.

To make a motion

1. Wait in line at a microphone, be recognized, state name and address, then state your motion.
2. Wait for a second to your motion, then present it in writing to the moderator. The moderator will ask you to explain your motion.

Notes:

All motions, other than parliamentary motions such as “moving the question”, must be seconded and presented in writing. When possible, please prepare written motions in 4 copies before the meeting so as to save time at the meeting. Motions must be within the scope of the warrant article under discussion. (See Appendix B)

The proponent of an article will usually be the one recognized by the moderator to make the first motion under the article.

Motions which are amendments to a main motion already under consideration take precedence over the main motion and are therefore discussed and voted upon before the main motion. Only two motions to amend may be active at any time. After one of these amendments has been voted, an additional amendment may be offered.

The main motion under an article may be somewhat different from what was published in the warrant. This is permissible as long as the motion is within scope of the article. When the main motion under an article is not the same as the published article, the mover of the motion should identify differences so that everyone will know.

What is to be discussed and voted upon during town meeting is not the article as published, but the motion made under the article. The purpose of the article as published is to inform the voters of the matter to be considered by town meeting.

To second a motion

1. Simply call out “Second” or “I second the motion.”

Notes:

This is an exception to the requirement of being recognized before speaking.

To end debate and bring about a vote

1. Wait in line at a microphone, be recognized, state name and address, then state “Mr./Madam Moderator, I move the question.”

Notes:

This motion, when seconded and approved by a 2/3 majority, ends debate on a question and brings about an immediate vote. The motion to move the question is itself not debatable.

A voter may not first speak to a question and then move the question. However, it is permissible to speak to a question and then at a later time, after being recognized again by the moderator, to move the question.

To question a non-counted vote

1. Immediately after a non-counted vote is declared by the moderator, stand and state “Mr./Madam Moderator, I question the vote.”
2. The moderator will ask if there are 6 other people who will stand in support of your statement. If so, the moderator will ask for a show of voter cards to determine the vote by counting.

Notes:

This is an exception to the requirement of being recognized before speaking. When the moderator declares a vote without counting, he or she must take a count if 7 or more people immediately stand to question the vote declaration.

Point of order

1. Stand and state “Mr./Madam Moderator, point of order”.
2. The moderator will ask for an explanation of your point of order and then address it.

Notes:

This is an exception to the requirement of being recognized before speaking. It is one of just two possible motions which may interrupt a speaker. On a point of order, a voter may raise one or more of the following issues.

- a. Whether the speaker is entitled to the floor.
- b. Whether what the speaker is saying or proposing is indecorous, frivolous, irrelevant, illegal, or contrary to proper procedure.
- c. Whether any pending action is frivolous, irrelevant, illegal, or contrary to proper procedure.
- d. Whether there is a problem which is interfering with the meeting.

To take no action on an article, or to postpone action indefinitely

The moderator will usually call upon the proponent of an article to make the first motion. If the proponent does not want the meeting to take action on the article, he or she may make a negative main motion: “Mr./Madam Moderator, I move to take no action on this article.” This is a main motion and must be the first motion under the article. When accepted by the moderator, it becomes debatable and requires a majority vote for approval – in which case no further consideration is given to the article.

Assuming that the proponent wants the meeting to take action on the article, he or she will make a positive main motion. After it is seconded and accepted by the moderator, that motion is then on the floor. At this point, any voter may make a motion to eliminate further action on the article by being recognized by the moderator and saying “Mr./Madam Moderator, I move that action on this article be postponed indefinitely.” This motion can only be made when a main motion and no other is pending. It is debatable and requires a majority vote for approval – in which case no further consideration is given to the article.

To lay on the table, or commit/refer

1. Wait in line at a microphone, be recognized, state name and address, then state your motion.

Notes:

These are motions to defer action on a matter which is under consideration.

A motion to “lay on the table” is not debatable and requires a 2/3 majority for approval. The motions which are laid on the table are still available and may be recalled from the table at a later time in the meeting (including a later session of the meeting) by a majority vote. When the meeting is dissolved, the motions laid on the table are lost.

A motion to “commit/refer” is debatable and requires a simple majority for approval. It sends the matter to a board or committee or other entity for further study and report back to a future town meeting.

Reconsideration and rescission of an article¹

1. Wait in line at a microphone, be recognized, state name and address.
2. State “Mr./Madam Moderator, I move to reconsider (or rescind) the motions under article ...”

Notes:

A motion to reconsider, if approved by a simple majority, brings back for renewed consideration and vote the motions under a previous article. A motion to rescind, if approved by a simple majority, annuls the motions under a previous article and brings back for renewed consideration the article under which the motions were made. No further reconsideration or rescission is permitted on an article once reconsidered or rescinded.

Because of the potential for abuse of the motion to reconsider or rescind, the following procedure will be followed.

- a. Reconsideration or rescission may be moved at any time there is no other article on the floor, subject to the following restrictions.
- b. There must be a realistic expectation that, after further debate, a new vote may produce a different result. The moderator will determine if this requirement is met.
- c. If a motion for reconsideration or rescission of an article is approved by the voters, the matter will be the last order of business at the current session of the meeting or the first order of business at the next session of the meeting.
- d. A motion to reconsider or rescind may not be made for articles considered and disposed of at a previous session of the meeting.

Secret Ballot

Regarding voting on a motion, Shirley tradition has it that if 7 or more voters stand to request a secret ballot, the vote shall be by secret ballot.

In order to avoid abuse of this tradition, the moderator will accept the first call for a secret ballot upon the request of 7 or more voters, but for a second or third or fourth such request will require a motion for a secret ballot, which will need a simple majority to pass and be implemented.

Other motions

There are several other motions which may be made at town meetings, as summarized on the inside front cover of *Town Meeting Time: A Handbook of Parliamentary Law*. The moderator is available to discuss these motions, and to assist any voter desiring help with the formulation of motions for town meeting.

Future revisions of this Shirley Town Meeting Procedures

This document was updated on 2 January 2014. The moderator welcomes comments on this document and suggestions for improvement. Contact information: George Knittel, 5 Parker Road, Shirley MA 01464: email <george.knittel@verizon.net>

¹ Reconsideration or rescission of a line item within the budget may be moved while the budget is being debated. A similar procedure will be followed.

Appendix A Policy on Speaking at Town Meetings

The Town of Shirley Bylaws state that “No person shall speak more than three times upon any question unless leave of the Moderator is first obtained.” Article I, Section 19. This bylaw limits the number of times a person may speak on a given question.

In regard to the length of time a person may speak at town meetings, there is no state law or Shirley bylaw. However, state law has: “The moderator shall preside and regulate the proceedings, decide all questions of order, and make public declaration of all votes, ...”. Chapter 39, Section 15. And *Town Meeting Time* has: “In view of the moderator’s power to regulate the proceedings, it seems clear that he or she has the power to impose limits on debate of his or her own accord, without waiting for a motion.”. Page 101, paragraph 43. Therefore, a 3 minute rule for speakers has been established by the moderator.

The 3 minute rule is applicable at all Shirley town meetings for speakers participating in debate of a question. Exceptions are made for presentations pre-arranged with the moderator, such as those often made by the Finance Committee, the School Committee, and study committees reporting to the town meeting.

The 3 minute rule will be applied as follows. When a person is recognized and begins to speak, a timer will be set for 3 minutes. If the speaker has not finished after 3 minutes, when the timer beeps, he or she will be offered two options: (1) one more minute to summarize his or her remarks, or (2) a simple majority vote of the meeting to give or deny the speaker an additional 3 minutes.

The 3 minute rule may be modified by the meeting via a subsidiary motion to limit or extend debate. An appropriate time for such a motion is at the beginning of a meeting, after meeting procedures have been explained by the moderator. To make the motion, go to a microphone, be recognized, state name and address, and say “Mr./Madam Moderator, I move that debate on motions at this meeting be limited to ____ minutes for each speaker.” This motion requires a second, is not debatable itself, is not amendable, and must obtain a 2/3 majority vote to be approved.

Please comply with the 3 minute rule each time you speak. It makes meetings more efficient, and is a reasonable balance between the right of an individual to freedom of speech and the right of other individuals to speak before a meeting tires of debate on a question.

Appendix B Policy on Amending Appropriations Upward

Town meetings have the power to amend, within “scope-of-the-article” limitations, appropriations published in the warrant. Scope-of-the-article limitations at town meetings are intended to protect the rights of voters who do not attend a meeting and who have certain expectations about amounts to be appropriated and matters to be discussed, based on the published warrant. Whether an amendment is within the scope of an article is a judgment call made by the moderator. This appendix provides guidance as to what amendments to appropriations the moderator will consider to be within the scope of an article.

Prior to a town meeting, copies of the warrant are made available to all Shirley residents, in order to inform them of matters to be considered at the meeting and amounts of funds expected to be appropriated.

In some Massachusetts towns, appropriations published in the warrant may be amended upward by any amount at town meeting, and in some towns they may not be amended upward. In some towns, the moderator makes a judgment at the meeting as to whether any upward amendment is “within scope” of the article. All towns permit downward amendment. In New Hampshire towns which have accepted the Municipal Budget Law, the total appropriations may not exceed the budget recommended by the budget committee by more than 10 %. Connecticut towns which have boards of finance may not make any appropriation in excess of the amount recommended by the board.

In Shirley, there is no town bylaw concerning whether the appropriation amounts published in the warrant may or may not be amended upward. Therefore, the moderator has established the following scope-of-the-article policy. Amendments to change appropriation amounts from the published amounts² will be accepted up to a 10% increase or up to a \$1000 increase, whichever is more.³ A source of funds for the increase must be identified, except for the budget which usually has multiple funding sources.

² For the annual town meeting budget line items, published amounts are those in the document-which-includes the warrant, finance committee recommendations, and department requested amounts.

³ If the warrant has wording such as “an amount not more than”, that amount will limit the amount which can be appropriated at the meeting.