

***Article 35:  
Amend Article III Chapter 118***

*25 March 2019  
Annual Town Meeting*

# Background and Definitions

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- A *motion* is a formal proposal by a member of a deliberative assembly that the assembly take certain action
  - Types of motions
    - Main motion: those that bring business before the assembly when no other motion is pending
    - Subsidiary motions: which affect the main motion being considered
    - Privileged motions: which are urgent matters that must be dealt with immediately
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# Subsidiary Motions

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- **To lay upon the table, or take from the table:** to suspend consideration of the main and subsidiary motions to allow for immediate consideration of urgent business
  - **For the previous question:** to close debate, preclude any further amendments and vote immediately ("call the question")
  - **To close the debate at a specified time**
  - **To postpone to a time certain**
  - **To commit, or re-commit, or refer**
  - **To amend**
  - **To postpone indefinitely:** to end consideration of the main motion for the balance of that session, without a direct vote
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# Article 35 Genesis

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- Equitable and open debate is a cornerstone of Town Meeting
  - Recent events have highlighted issues where debate could be limited by the parliamentary procedures regarding subsidiary motions
  - Robert's Rules notes that: *"There is a great temptation to make an improper use of them...for the purpose of instantly suppressing..."*
- Article 35 is a carefully constructed amendment that will ensure a minimum amount of debate has occurred before subsidiary motions
  - Provides clear expectations to the Moderator and Town Meeting members
  - Preserves the broad discretion of the Moderator to run the meeting, while not impeding the process or flow

# Lexington's Current Regulations

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- Example regulations of time minimums
    - §118-13(J): *"Debate may be closed at any time not less than 10 minutes from the adoption of a motion to that effect"*
  - Example regulations of time maximums
    - §118-13(D): *"... no member shall speak more than 10 minutes at any one time..."*
    - §118-13(H): *"...no person shall speak more than three minutes or more than once, and debate shall be limited to 10 minutes..."*
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# Analysis of Other Municipalities

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Adams

**Arlington**

Auburn

**Belmont**

Billerica

Brookline

Burlington

**Chelmsford**

**Danvers**

Dartmouth

**Dedham**

Fairhaven

**Falmouth**

Holbrook

**Lee**

Ludlow

Milford

**Milton**

Montague

**Natick**

**Needham**

N. Attleborough

**Norwood**

Plymouth

**Reading**

**Saugus**

Shrewsbury

South Hadley

Stoughton

**Swampscott**

**Walpole**

Wellesley

**Winchester**

Representative town meetings without regulation of debate time

Representative town meetings with regulation of debate time

# Proposed Modification to §118-13

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**G. When a motion is under debate no motion other than those mentioned in the preceding subsection shall be entertained, except the following subsidiary motions, which several motions shall have precedence in the order in which they are arranged in this bylaw, and all shall be open to debate, except the first two, namely:**

- (1) To lay upon the table, or take from the table.**
- (2) For the previous question.**
- (3) To close the debate at a specified time.**
- (4) To postpone to a time certain.**
- (5) To commit, or re-commit, or refer.**
- (6) To amend.**
- (7) To postpone indefinitely.**

<b>Existing Bylaw</b> <b>Proposed Addition</b>
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**During the first 10 minutes of debate on any motion, subsidiary motions shall be entertained only at the discretion of the Moderator.**

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# Bylaw Evolution

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- Chapter 118, "*Town Meetings*," has been amended in recent years to adapt to modern procedural needs
    - **2007:** §118-2 amended by ATM Article 9
    - **2008:** §118-11 amended by ATM Article 35
    - **2011:** §118-12 and §118-14 amended by ATM Article 30
    - **2013:** §118-17 amended by ATM Article 32
    - **2018:** §118-12 amended by ATM Article 32
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# Summary

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- Equitable and open debate is a cornerstone of Town Meeting
  - Even one exemplar of debate suppression is one too many
- Article 35 builds upon existing regulations to ensure that a minimum of debate has occurred before subsidiary motions
  - Provides clear expectations to the Moderator and Town Meeting members
  - Preserves the broad discretion of the Moderator to run the meeting, while not impeding the process or flow