

Ruling the Unruly: How to Moderate a Vermont Town Meeting

**With References to
Robert's Rules Of Order 11th Edition**

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KEY TO REFERENCES:

1. *RRO* – “Robert’s Rules of Order, Newly Revised”, 11th Edition (2011);
2. *MH* – *A Handbook for Vermont Moderators* (2009) available at:
<https://www.sec.state.vt.us/media/78387/moderator-guide.pdf>
3. *V.S.A.* – *The Vermont Statutes Online* **official copy** available at:
<http://www.lexisnexis.com/hottopics/vtstatutesconstctrules/>
There is an **unofficial copy** of the Vermont Statutes available at
<http://legislature.vermont.gov/statutes/>

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MODERATING A VERMONT TOWN MEETING

I. THE MODERATORS JOB

The Moderator's job is “an intense experience, so infrequent task, a sourcebook is essential” – *MH(2)*

1. **GUIDE AND MOLD** the meeting from opening to adjournment with fairness, impartiality, and authority – you are in charge.
2. **RUN WITH RIGOR** to *Robert's Rules* as modified by VT State Law, the assembly, and “Tradition” – **NO EXCEPTIONS**, even on the “little things”, or you might get to do it over again.
3. It's all about the voters – **FACILITATE THEIR WILL**. Assist them in framing motions – “convert” their desired action to RRO Motions; help them move through the process; answer their questions.
1. *MH (4) Moderator's Behavior RRO Page 395 Line 31*
4. Remember that the **PEOPLE RULE** except where State Law is specific -- *MH (3) State Law vs. RRO*
 - a. They can modify *Robert's Rules of Order (Suspend the Rules)*.
 - b. They can challenge your rulings.
 - c. They cannot change **Vermont State Law**. If they choose to violate **Vermont State Law**, the resulting action could be nullified by court action.
 - d. If you're in doubt regarding how to proceed, ask the body and accept their guidance.
5. **REMAIN IMPARTIAL** – you're not allowed to express an opinion on the issue before the assembly while you're acting as Moderator. If you want to engage in debate on an article, step down as Moderator before the article is read and don't return as Moderator until the vote on the article has been completed. (Details Page 12, #47).
6. **AVOID LEGAL DEBATES** – not your job! You are only responsible for procedural questions. Answering legal questions could lead some to question your impartiality. Find someone else to answer legal questions (Town Lawyer, Select board Member, Town Clerk, Town Treasurer, School Board Member, ...). *MH (4) Moderator's Behavior*

II. PRE & POST MEETING REQUIREMENTS

BEFORE THE MEETING...

1. Help the Town Clerk, Select board and School Board **PREPARE THE WARNING**. At a minimum, review the Warnings to ensure motions are properly framed and in an appropriate sequence to avoid parliamentary gymnastics during Town Meeting. *MH (2) Preparation for Town Meeting*
2. **PREPARE NOTES** on procedures for reference during the meeting – Motion Reference Sheet?
3. Set up the meeting at the beginning so that **ONLY LEGAL VOTERS VOTE** (Checklists, segregation, cards, have non-voters identify themselves...). *MH (2) Preparation for Town Meeting*
4. **MAINTAIN NOTES** during the meeting so you don't lose track of where you are. Record amendments, what passed, what failed, etc. These notes will help you keep organized during debate and are useful in reviewing and approving the Meeting Minutes.
5. **REVIEW** *Robert's Rules of Order* and the *Handbook for Vermont Moderators*.
6. **REVIEW** *Robert's Rules of Order* and the *Handbook for Vermont Moderators*.
7. **REVIEW** *Robert's Rules ...*

AFTER THE MEETING...

1. Review and sign the Meeting Minutes

III. CLASSIFICATION OF MOTIONS
(Refer to MOTIONS REFERENCE TABLE p.5)

MAIN MOTION

1. A Main Motion is a formal proposal by a member of a body that places an article before the body for them to act on.
2. A Main Motion can only be made when **NO OTHER MOTION IS PENDING**.

SUBSIDIARY MOTIONS

1. Subsidiary Motions are the most frequently used motions in parliamentary procedure.
2. Subsidiary Motions are **MADE WHILE A MAIN MOTION IS PENDING**, for the purpose of assisting or modifying it or to delay action or otherwise dispose of the main motion.
3. The Subsidiary Motion **SUPERSEDES THE MAIN MOTION** of the time being and must be dealt with before action can be taken on the main motion. However, all subsidiary motions must **YIELD TO INCIDENTAL AND PRIVILEGED MOTIONS**.
4. A Subsidiary Motion of higher rank can always be entertained while a motion of lower rank is pending before the house, but a motion of lower rank cannot be entertained if a motion of higher rank is before the body.

INCIDENTAL MOTIONS

1. Incidental Motions are those which **ARISE OUT OF A PENDING QUESTION** and must be decided before any other business is taken up; or are something connected with the business of the assembly that must be attended to and which requires a temporary interruption.
2. Incidental Motions have **NO SPECIAL RANK AMONG THEMSELVES**, but they **YIELD TO PRIVILEGED MOTIONS**.
3. Incidental Motions are dealt with individually as they arise, but they **TAKE PRECEDENCE OVER SUBSIDIARY MOTIONS**.
4. Most Incidental Motions are non-debatable.
5. **POINTS OF ORDER, PARLIAMENTARY INQUIRIES** and **REQUESTS FOR INFORMATION** do not require action by the assembly. The Moderator disposes these unless they need to be referred to the group for consideration.

PRIVILEGED MOTIONS

1. Privileged Motions have nothing to do with the pending question or motion, but are of such urgency and importance that they are allowed to **INTERRUPT THE CONSIDERATION OF ALL OTHER QUESTIONS AND TAKE PRECEDENCE OVER THEM**.
2. When there is a pending question, Privileged Motions are non-debatable because of their high rank.
3. If there is no pending question when a Privileged Motion is made, they are then **MAIN MOTIONS** and are without privileges

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1	PRIVILEGED MOTIONS_ IN RANK ORDER	2nd	Debate	Amend	Vote	Interrupt	Reconsider
2	FIX TIME TO ADJOURN W/PEND QUEST	2ND	NO	AMD	MAJ	NO	REC
3	FIX TIME TO ADJOURN NO PEND QUEST MAIN	2ND	DEB	AMD	MAJ	NO	REC
4	ADJOURN	2ND	NO	NO	MAJ	NO	NO
5	RECESS-W/PEND QUEST	2ND	NO	AMD	MAJ	NO	NO
6	RECESS-NO PEND QUEST--MAIN	2ND	DEB	AMD	MAJ	NO	NO
7	QUESTION OF PRIVILEGE						
8	MAIN MOTION IN ORDER--MAIN	2ND	DEB	AMD	MAJ	NO	REC
9	MAIN MOTION NOT IN ORDER	NO	MOD	NO	NO	INT	NO
10	ORDERS OF DAY, CALL FOR *1	NO	MOD	NO	NO	INT	NO
11	INCIDENTAL MOTIONS--NO RANK AMONGST THEMSELVES						
12	APPEAL MODERATOR'S DECISION *2	2ND	DEB	NO	MAJ	INT	REC
13	BLANKS, TO CREATE BY STRIKING OUT	2ND	NO	NO	MAJ	NO	NO
14	CLOSE SUGGESTIONS (OR NOMINATIONS)	2ND	NO	AMD	2/3	NO	NO
15	DIVISION OF ASSEMBLY (THE BODY)	NO	MOD	NO	NO	INT	NO
16	DIVISION OF A QUESTION	2ND	NO	AMD	MAJ	INT	NO
17	METHOD OF VOTING	NO	MOD	NO	*9	NO	REC
18	OBJECTION	NO	NO	NO	2/3	INT	NO *3
19	(PASSEVER AFTER MOTION IS SECONDED AND RESTATED BY MODERATOR BEFORE DISCUSSION STARTED MH)						
20	PARLIAMENTARY INQUIRY	NO	MOD	NO	NO	INT	NO
21	REQUEST FOR INFORMATION	NO	MOD	NO	NO	INT	NO
22	POINT OF ORDER	NO	MOD	NO	NO	INT	NO
23	READ PAPERS	2ND	NO	NO	MAJ	NO	REC
24	RECONSIDERATION *8	2ND	DEB	NO	MAJ	NO	NO
25	SUSPEND THE RULES	2ND	NO	NO	2/3	NO	NO
26	(PASSEVER BEFORE THE MAIN MOTION IS MOVED-MH)						
27	WITHDRAW A MOTION (BY THE MOVER)	2ND	NO	NO	MAJ	NO	REC
28	(PASSEVER AFTER MOTION IS MADE BUT NOT RESTATED BY THE CHAIR)						
29	SUBSIDIARY MOTIONS_ IN RANK ORDER						
30	LAY ON THE TABLE--EMERGENCY ONLY	2ND	NO	NO	MAJ	NO	NO
31	PREVIOUS QUESTION / CALL THE QUESTION	2ND	NO	NO	2/3	NO	REC *4
32	LIMIT/EXTEND DEBATE ON A PENDING QUEST	2ND	NO	AMD	2/3	NO	REC
33	DURATION OF MEETING	2ND	DEB	AMD	2/3	NO	REC
34	POSTPONE TO A DEF. TIME--NO MERITS	2ND	DEB *5	AMD *6	MAJ	NO	REC
35	REFER TO A COMMITTEE	2ND	DEB	AMD	MAJ	NO	REC
36	AMEND THE AMENDMENT	2ND	DEB	NO	MAJ	NO	REC
37	AMENDMENT(SUBSTITUTE--DEBATE BOTH)	2ND	DEB	AMD	MAJ	NO	REC
38	POSTPONE INDEFINITELY--DEBATE MERITS	2ND	DEB	NO	MAJ	NO	REC *7
39	(PASSEVER AFTER THE MOTION HAS BEEN SECONDED AND RESTATED BY THE CHAIR)						
40	MAIN OR PRINCIPAL MOTION	2ND	DEB	AMD	MAJ	NO	REC
41	TAKE FROM THE TABLE	2ND	NO	NO	MAJ	NO	NO

NOTES: *1 MUST BE ENFORCED ON DEMAND OF ONE MEMBER UNLESS SET ASIDE BY A 2/3 VOTE *2 MODERATOR EXPLAINS RULING, EACH VOTER CAN SPEAK ONLY ONCE, THEN MODERATOR RESPONSE - RRO 254 *3 NEGATIVE VOTE (SUSTAINING OBJECTION) ONLY *4 ONLY ON AFFIRMATIVE VOTE BEFORE ANY ACTION TAKEN UNDER IT *5 CAN'T DEBATE MERITS OF MOTION, ONLY POSTPONEMENT *6 AMENDABLE ONLY AS TO THE TIME *7 AFFIRMATIVE VOTE ONLY *8 MUST BE MADE BY A PERSON WHO VOTED ON THE PREVAILING SIDE (RRO 304 Line 30) BEFORE NEXT ARTICLE IS TAKEN UP (VT LAW) *9 PAPER BALLOT - VT LAW 7 VOTERS UNLESS OTHER ARRANGEMENTS MADE

IV. SUMMARY OF ROBERT'S RULES AS MODIFIED BY VT STATE LAW

1. **ROBERT'S RULES OF ORDER** are the basic rules of order for Town and School Meetings except where Vermont Law takes precedence. *17 V.S.A. § 2658 – Town, 16 V.S.A. § 554 – School* You cannot change **Vermont State Law**, but you can change *Robert's Rules*.
2. The motion required to change *Robert's Rules* is to **SUSPEND THE RULES**, which requires 2/3 of the body to vote in the affirmative to pass. *MH (3a) – State Law vs. Robert's Rules*. Robert's Rules of Order also prescribe a method by which rules may be amended, for example, before the business of the meeting begins. *RRO Pages 15-17*
3. The Town Meeting in many towns has split into two, discrete parts—the **OPEN MEETING** and the **AUSTRALIAN BALLOT ELECTION**. The Moderator oversees the Open Meeting. The Municipal Clerk is the presiding officer of Australian ballot elections. The Moderator has no part in the **AUSTRALIAN BALLOT VOTING**. *MH – Moderator's Behavior, 17 V.S.A §2452*
4. **Vermont State Law** stipulates that Town Meeting can be held on the first Tuesday of March or started on any of the three days immediately preceding this first Tuesday. If Town Meeting is held **ON THE FIRST TUESDAY** of March, **PUBLIC DISCUSSION OF AUSTRALIAN BALLOT ITEMS**, as well as all other issues appearing in the warning, **EXCEPT FOR THE ELECTION OF CANDIDATES**, shall be permitted on that day at Town Meeting, regardless of the location of the polling place. If Town Meeting is held **PRIOR TO THE FIRST TUESDAY** of March, Public discussion of Australian Ballot items, including the election of candidates, shall be permitted. In your Town Meeting, when the voters reach the place in the warning where there is an article to be voted by Australian ballot, the moderator should ask if there is any discussion of the article. Do not allow consideration of any motions, amendments, or taking any action on these articles, however, since the question must be voted on by Australian ballot on Town Meeting Day as warned. *17 V.S.A 55 §2640*.
5. If a town holds their meeting on the **SATURDAY, SUNDAY OR MONDAY** before Town Meeting Day, the moderator does not need to "recess" the meeting until Town Meeting Day. They may adjourn the meeting without fear of compromising the Tuesday election in any way. Regardless of what is done in the Town Meeting, the town clerk, as presiding officer, will still be able to declare the polls open and close them on Town Meeting Day. *MH – Moderator's Behavior. 17 V.S.A §2640(b)*
6. **Vermont State Law** says a **MODERATOR SHALL BE ELECTED** at the annual meeting for a term of one year unless your municipality has voted to elect a moderator by Australian Ballot. *17 V.S.A. § 2646(1), 2680 (b)*. (Note that **TOWN AND SCHOOL DISTRICT MODERATORS ARE SEPARATE OFFICES**.) The Moderator elected at last year's annual meeting will preside at this year's annual meeting, until a new Moderator is elected. Roberts Rules stipulates that if the motion made refers only to the Moderator, the Moderator should step down and allow a Select Board or School Board member to preside over the election (*RRO Page 436 Line 6*). However, The Vermont Supreme Court has ruled that there is no conflict of interest in a moderator presiding over the election of a moderator, even though the moderator is one of the candidates. *State ex rel. Ballard v. Greene, 87 Vt. 515, 517 (1914)*. That new Moderator will take office after being elected, and will preside at the remainder of this year's meeting and at special meetings throughout the year until the beginning of next year's annual meeting. There is no requirement that Moderators be sworn before taking office. *24 V.S.A. § 831*. If the Moderator is absent, a Select Board or School Board member must preside until a Moderator is elected. *17 V.S.A. § 2657*.

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7. Vermont state law requires that a moderator must follow “reasonable and necessary procedures to ensure that persons who are **NOT VOTERS** of the town **DO NOT VOTE.**” 17 V.S.A. § 2656. These may include setting up a checklist at the door of the meeting room and designating separate areas for voters and non-voters, or giving voters cards to hold up as they vote. Where the assembly consists of voters and non-voters, some moderators ask that non-voters stand at the beginning of the meeting, and then remind them that they may not vote or otherwise participate in the meeting without the permission of the assembly.
8. The Moderator is required to **PRESERVE ORDER** in the conduct of business and in debate. If a person who, after notice, is persistently disorderly and refuses to withdraw from the meeting, the Moderator may have the constable or other person remove him. If they refuse to leave, they can be fined up to \$200.
17 V.S.A §2659
9. “If there is no objection...” **UNANIMOUS CONSENT** is the Moderator’s best friend. Using Unanimous Consent, the assembly can do business with little regard for the rules of procedure and expedite the process. The Moderator should act with unanimous consent where possible to eliminate the need for a formal vote on a motion. For example, instead of offering a motion to suspend the rules to allow a non-resident to speak, the Moderator might say, "If there is no objection, we'll allow this non-resident to speak." If there is an objection, the Moderator must follow the rules and entertain a motion to vote to suspend the rules to allow this non-member to speak.
MH (4) – Moderator’s Behavior, RRO Page 54 Line 11
10. **Vermont State Law PROHIBITS** a town from **CONSIDERATION OF ARTICLES THAT HAVE NOT BEEN WARNED**. Therefore, a motion must always be introduced to the floor **EXACTLY** as it is written in the warning. After the motion is on the floor as warned, the Assembly can then amend it within the limitations described within item 19 below. *MH (13) – Other Business, VT State Law 17 V.S.A §2660(d)*
11. Effect of a **NEGATIVE MAIN MOTION** is to make adoption of the main motion equivalent to doing nothing at all. Rule the motion **OUT OF ORDER** and instruct the moving party to move the article as warned.
MH (6) – Motions
12. **MOTIONS OR AMENDMENTS CAN BE REFUSED** if frivolous, if they violate Vermont Statutes, or are out of order for any other reason. *RRO Page 342 Line 9*
13. If a motion is made **CONTINGENT ON A LATER ARTICLE**, strongly suggest that the voter move to suspend the rules and consider the later article right now, then move back to the article currently under consideration. *MH (end of 11) – Money*
14. A **MAIN MOTION** must be **MOVED** and **SECONDED** by the body, then **RESTATED** by the Moderator before it is under consideration and debate on the article may begin. *RRO Page 32 Line 10*
15. The **MAKER OF A MOTION** has the right to **SPEAK FIRST** in debate, if they wish, after the Moderator has stated the question. *RRO Page 42 Line 30*
16. After a main motion has been made and before the question has been stated by the chair, any member can quickly rise and informally suggest one or more **MODIFICATIONS IN THE MOTION** which, at this point, the maker can accept or reject as they wish. *RRO Page 40 Line 16*

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17. After a main motion has been made and before the question has been stated by the chair, any member can quickly rise and ask if the maker of the motion would **WITHDRAW THE MOTION** if they were aware of information this member offers, at which point the maker of the motion can choose to maintain or withdraw their motion. *RRO page 41 Line 15*
18. After a motion has been stated by the Moderator, it belongs to the assembly. The maker of the motion can request **PERMISSION TO WITHDRAW** it at any time before a vote is taken, even if it has been amended. Using Unanimous Consent, the Moderator will say, “Unless there is an objection, the motion is withdrawn. If there is objection, the Moderator will put the question of granting the request to the assembly. *RRO Page 295, Line 35*
19. An article may have only **ONE AMENDMENT** (a **PRIMARY AMENDMENT**) at a time associated with it, and this primary amendment, likewise, may have only one amendment at a time (a **SECONDARY AMENDMENT**) associated with it. *RRO Page 135 Line 27, MH – Motions (6)*
20. An **AMENDMENT** must be **GERMANE** to the subject that was warned, both in terms of the subject of the main motion, and the method of completion of some business, and it must be reasonable to **ACHIEVE THE PURPOSE** of the article as warned. If in doubt regarding the germaneness of an amendment admit you are in doubt and, in important cases, refer the decision to the assembly. If an amendment were to change the **SUBJECT, OBJECT** or **MEANS** of execution of an article, voters will not have had adequate notice of that vote, so the Moderator must reject it. If such an amendment were allowed, the article would be considered as **UNWARNED**, and the vote would be invalid. For example, you can’t change “Purchase a Big Red Truck” to “Purchase a Yellow Bucket Loader”, or change “Study Building a Garage” to “Build a new Garage” , or change “Pay using Taxes from coming year” to “Pay by taking out a 5 year loan”.
RRO Page 136 Line 5, Page 131 Line 15, MH (6e) – Motions – Amendments, Kaeser v. Town of Starksboro, 116 Vt 251 (1950)
21. A **SECONDARY AMENDMENT** must be **GERMANE TO THE PRIMARY AMENDMENT**, not just to the main motion. *MH – Motions (6) – Amendments, RRO Page 136 Line 9*
22. A motion to amend by striking out an article or a portion of an article is called a motion to substitute. A **SUBSTITUTE MOTION** is considered to be a primary amendment and, therefore, can only be moved when no other amendment is pending. You can also have a substitute amendment that follows the same guidelines. When a Substitute Motion is introduced, debate can go into the **MERITS OF BOTH** the pending motion and the proposed substitute, and **BOTH MAY BE AMENDED**, but any amendments to the pending motion will be taken up first. At the end of discussion, the body will vote on the amendment to substitute article for the original article. Whichever survives then becomes the main article under consideration.
RRO Page 154 Line 4
23. If a pending main motion (or an amendment to it) contains two or more parts capable of standing as separate questions, the assembly can vote to treat each part accordingly in succession by proposing **DIVISION OF THE QUESTION**. *RRO 270 Line 30* Robert’s Rules of Order also instructs that Division of the Question can be done on the request of a single voter. *RRO 274 Line 31*

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24. **FILLING BLANKS**, the number of alternatives is not limited, and members have an opportunity to offer many options without going through the rigor of an amendment for each proposal. If the Moderator senses that there may be multiple values proposed, suggest, ***“If there is no objection, the chair suggests that the number in the motion be decided upon by the method of filling blanks,”*** then record each value offered from the floor. *RRO Page 162 Line 23, MH (10) – Reports of Officers*
25. **CLOSE SUGGESTIONS** is the motion used to end **FILLING BLANKS** (and **NOMINATIONS**). This motion requires a second and a 2/3 Vote to pass. *RRO Page 167 Line 17*
26. In **FILLING BLANKS**, after suggestions are closed, the members have an opportunity to weigh all choices before voting and to vote on them in a fair and logical order. The least likely value should be considered first (spending money – go from highest to lowest; selling something – go from lowest to highest, setting a date – consider the most distant date first). The first value that receives a majority vote fills the blank. **THE VOTE THAT FILLS THE BLANK DOES NOT DECIDE THE MAIN QUESTION.** When the blank is filled, the chair must immediately state the question on the adoption of the main motion, which places it on the floor for discussion. *RRO Page 167 Line 11, RRO Page 162 Line 23, MH (10) – Reports of Officers*
27. **PASSOVER** is a VT Tradition upheld by the courts in an Albany 1867 Case. It might represent **OBJECTION, WITHDRAW A MOTION, SUSPEND THE RULES, or POSTPONE INDEFINITELY**, depending on what point in the process it is introduced and who is making the motion to Passover – the person who made the motion or someone else. The Moderator should assist the voter at arriving at the right motion as defined by Roberts Rules of Order and can do so by considering the point in process at which the motion is introduced. Ask the voter to offer the motion as defined in Robert’s Rules of Order so that their intent is clear. A recent court case was decided on the basis that the court could not conclude what “Passover” meant. See Motion Crib Sheet on Page 5. *MH – (Motions 6)*
28. Speeches must be confined to the merits of the question. Speakers must not be allowed to engage in **PERSONAL ATTACKS** on a member of the body or their **MOTIVES**. *RRO Page 392 Line 12*
29. In the debate, each member has the right to **SPEAK TWICE** on the same question on the same day, but **CANNOT MAKE A SECOND SPEECH** on the same question so long as any member who has not spoken on that question desires the floor. Permission of the assembly is required to speak more than twice on the same question on the same day (Suspend the rules). No one can speak longer than **10 MINUTES** in a given speech without the permission of the assembly (Suspend the rules). *RRO Page 43 Line 4, RRO Page 43 Line 11, RRO Page 379 Line 10, Page 379 Line 2, Page 387 Line 33, Page 388 Line 28*
30. In cases where the chair knows that persons seeking the floor have **OPPOSITE OPINIONS** on the question, the chair should choose speakers from the floor whose views **ALTERNATE** as far as possible. This is most easily implemented by the Moderator asking for a speaker who supports the motion, then one who opposes the motion, etc. *RRO Page 379 Line 32*
31. To raise a **QUESTION OF PRIVILEGE** is a device that permits a request or main motion relating to the rights and privileges of the assembly or any of its members to be brought up for possible immediate consideration because of its urgency, while business is pending and the request or motion would otherwise be out of order. Examples, comfort (heat, light, noise, ventilation), conduct of those present, items that should be discussed in a closed session, etc. *RRO Page 224 Line 23*

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32. A member has no right to **READ FROM ANY PAPER** or book as part of his speech without permission from the assembly. It is customary, however, to allow members to read short, pertinent printed extracts in debate as long as they do not abuse the privilege. (“If there is no objection, I will allow Jane Smith to read from...”) *RRO Page 298 Line 9*
33. An **OBJECTION** to consideration of a question is out of order once discussion has started.
RRO Page 267 Line 27
34. The motion to **LAY ON THE TABLE** is out of order if the evident intent is to kill or avoid dealing with the measure in question. This motion is only to be used when something else of **IMMEDIATE URGENCY** has arisen (do you smell smoke?). If an article is "tabled" during the course of a meeting, it could be removed from the table during that same meeting. However, it cannot be considered at a subsequent special or annual meeting without being warned as an article for the new meeting. *Moderator's Work Shop 1995 Page 12, RRO Page 210 Line 9*
35. When a motion to **POSTPONE TO A DEFINITE TIME** is introduced, debate **MUST NOT GO INTO THE MERITS OF THE MAIN QUESTION** any more than is necessary to enable the assembly to decide whether the main question should be postponed and to what time. *RRO Page 182 Line 12*
36. When a motion to **POSTPONE INDEFINITELY** is introduced, debate can go fully into the **MERITS OF THE MAIN QUESTION**. A motion to Postpone Indefinitely can only be applied to a main motion. *RRO Page 127 Line 12*
37. Articles that are voted to be "postponed indefinitely" cannot be raised at a special or future annual meeting without a full **WARNING OF NEW ARTICLE**.
38. **DEBATE** may be **CUT OFF** by a motion to **MOVE THE PREVIOUS QUESTION (CALL THE QUESTION - Colloquial)** and a two-thirds vote to do so. When this motion is introduced, it must be acted upon immediately, but note three things:
- First, that the person offering the motion **MUST BE RECOGNIZED** by the Moderator and given the floor in order to make the motion – it can't merely be shouted by someone in the body without appropriate recognition by the Moderator. If you are calling on people in the order they raised their hands, there may be several speakers ahead of the person who wants to move the previous question.
 - Second, it immediately closes debate on, and stops amendment of the immediately pending question and prevents the making of any other subsidiary motion except the higher-ranking motion, Lay on the Table.
 - Third, it does not prevent the making of privileged or incidental motions.
 - MH (6) – Motions Page 197 Line 22*
39. When it appears that debate on the question has ended, the moderator should ask, “Is there any further debate”. If there is none, the moderator must **RESTATE THE MOTION** and **EXPLAIN THE IMPLICATIONS** of a vote of "Aye" and of a vote of "No." *RRO Page 44 Line 13*
40. **DIVISION OF THE HOUSE** is required whenever two thirds of the body is required to vote in the affirmative to pass a motion. *RRO Page 280 Line 8*

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41. **DIVISION OF THE HOUSE** can be requested by one voter before or after a voice vote. **Vermont State Law** provides for a **PAPER BALLOT** vote on the request of seven voters unless the town has made other arrangements, again, before or after a voice vote, or after a division of the house. This means that the Moderator could ask for a voice vote, declare the motion passed or failed, then...
- Someone could request division of the house. There must then be a vote by show of hands or rising, the Moderator declares the motion passed or failed, then...
 - Someone could request a paper ballot, and the Moderator would have to honor this request if the number of people asking for the paper ballot meets minimum requirements. Note that if the "other arrangements" for paper ballot are made in a given meeting, they only apply to that meeting. If you run Town Meeting and School Meeting in succession, these "other arrangements" would have to be made in both meetings independently. *MH – (5) Voting, 17 V.S.A §2658*
42. When **DECLARING THE RESULTS** of a vote, use the following form: "The Ayes appear to have it", then pause for a few seconds and say, "The Ayes have it; the motion is carried." This gives the body an indication of how the Moderator is going to rule and allows them the opportunity to call for a division of the house or a paper ballot vote if they so choose. *MH (5) – Voting—the general rule*
43. **RECONSIDERATION** of an article associated with a public question or budget is allowed by **Vermont State Law** until a point is reached where consideration of another article has begun. Consideration is defined as having begun after a motion has been Moved, Seconded and Restated by the Moderator. This means that if the body has voted down such an article, a motion can be made to reopen consideration of this article **BY A PERSON ON THE PREVAILING SIDE**. Yes, the Moderator must ask which way they voted. However, once the Moderator has placed another article before the body, no more action can be taken regarding the article at this meeting. *MH (3) – State Law Versus Robert's Rules - Reconsideration, RRO Page 315 Line 15, 17 V.S.A §2661* Reconsideration of the **ELECTION OF OFFICIALS** is not allowed. *17 V.S.A §2603*
44. **A PAPER BALLOT IS NOT AN AUSTRALIAN BALLOT**. People often confuse the terms "written ballot", "paper ballot" and "Australian ballot." In the Vermont statutes, a "written ballot" and a "paper ballot" are blank pieces of paper that are used to vote at a traditional floor school district or town meeting to elect certain officers when required by statute or when requested by at least seven voters. An "Australian ballot" vote refers to the practice of voting at designated polling places during designated polling with pre-printed ballots that must be available 20 days prior to the school district or town meeting for absentee voting.
45. When a member thinks that the rules of the assembly are being violated, they can make a **POINT OF ORDER**, thereby calling upon the chair for a ruling and an enforcement of the regular rules.
RRO Pages 247 Line 1
46. **APPEAL OF MODERATOR'S DECISION**: If someone in the body challenges one of the Moderator's rulings, the form of the question the Moderator should pose is, "**Shall the decision of the moderator be sustained?**" Process: Explanation by Moderator, debate with each person speaking only once, Moderator Summarizes, vote. *MH (4) – State Law vs. Robert's Rules, RRO Page 67 Line 30, RRO Pages 255 Line 24*
47. The Moderator should not enter **LEGAL DEBATES**. The best policy to retain the respect of the assembly for your impartiality and fairness is not to answer anything other than procedural questions. Refer questions other than procedural questions to the town or school officers. *MH (4) – Moderator's Behavior*

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48. If the **MODERATOR DESIRES TO SPEAK** on a motion, they must **STEP DOWN** before the article is read and not return to the podium until the vote has been completed.
MH – State Law vs. Robert’s Rules – Remain impartial, RRO Page 394 Line 25
49. The **MODERATOR** is entitled to **VOTE** when the vote is by **PAPER BALLOT**. If the vote is not by paper ballot, the Moderator can only vote in cases where the Moderator’s vote will **CHANGE THE RESULT**. For example, when the vote is not by paper ballot, the Moderator can vote when:
- a two-thirds vote is necessary, and the Moderator’s vote thrown with the minority will prevent the adoption of the question, or
 - a two-thirds vote is necessary, and the Moderator’s vote thrown with the majority will cause the motion to pass, or
 - a majority vote is necessary and the Moderator’s vote thrown with the minority will produce a tie vote and thus cause the motion to fail, or
 - A majority vote is necessary, a tie exists, and the Moderator’s vote thrown with the favorable side will cause the motion to pass. *RRO Page 53 Line 15, Page 405 Line 16*
50. **REPORTS OF OFFICERS** – This article is first moved and then gives way to an informal process in which various officers offer corrections and elucidations on their reports. Voters may cross-examine officers and request explanations on a variety of subjects, including past actions, entries in the town report and the like, but they can’t go into the warned business of the day. *MH (10) – Reports of Officers*
51. In the course of the meeting, if there is an agenda item for a **COMMITTEE REPORT**, the Moderator will call for the report to be made at that time. If there is no provision for the report of the committee, the reporting member must obtain the floor when no business is pending to inform the assembly that the committee has agreed up a report (majority of the committee supported the report) and would like to present it. The Moderator will indicate that, if there is no objection, the report will be received now. If there is an objection to receiving the report, a majority vote is required to receive the report. If the report only contains information, there is no necessity for action on the report, but a motion could be made to accept the report, which has the effect of endorsing the statement and making the assembly assume responsibility for it. If the report contains recommendations not in the form of motions, they should all be placed at the end of the report, even if they have been given separately before, and the proper motion is to adopt the recommendations. *RRO Page 513 Line 5*
52. **COMMITTEE REPORTS** should be submitted in writing except for a few permissible exceptions that apply to very brief reports in a small assembly, provided the secretary records the complete substance of the report in the minutes as it is given orally. *RRO Page 525 Line 35*
53. If there is a minority that wants to submit a report, the **MINORITY REPORT** should be introduced thus: "The undersigned, a minority of the committee appointed to study The Subject, not agreeing with the majority, desire to express their views in the case." After the committee's report has been **read** and the **motion to adopt has been made** and **the question stated**, it is usual to allow the minority to present their views, but if anyone objects to the reception of the minority report, the moderator will put the question on reception of the Minority Report to the assembly. A majority vote is required to receive the report. When the Minority Report is read, it is for information, and it cannot be acted upon except by a motion to substitute it for the report of the committee. *RRO Page 527 Line 24*

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54. **NOMINATIONS** of people to fill Town or School District Offices may be seconded as an endorsement of the potential candidates, but a second is not required for these nominations. *RRO Page 432 Line 6*
55. **ELECTION OF OFFICERS – Vermont State Law** requires a paper ballot vote for the election of Listers, Auditors, Select board members, Elective Road Commissioners and Elective Water Commissioners. All other officers may be handled on the floor in open session. *17 V.S.A. §2646* Note too, that according to VT State Law, When there is only one candidate for a position, the moderator may entertain a motion for the clerk to cast one ballot to elect this individual to the office and fulfill the law's requirement of a ballot vote. *17 V.S.A. § 2660b*. Paper ballots are also required for the vote to eliminate the office of Elected Auditor *17 V.S.A. 55 §2651b* and the office of Elected Lister *17 V.S.A. 55 §2651c*.
56. **ELECTION OF OFFICERS – Vermont State Law** *17 V.S.A. §2660(b)* requires that, when an election is **BY PAPER BALLOT FROM THE FLOOR**, a majority of all votes cast for any office shall be required for an election. **Vermont State Law** *17 V.S.A. §2660(c)* explains that when no candidate has received majority of votes by the end of the third vote, the moderator must announce that the person receiving the least number of votes in the last vote and in each succeeding vote shall no longer be a candidate. Eventually, one candidate will receive a majority of the votes by this process of elimination. *MH (9) – Majority Vote*.
57. **ELECTION OF OFFICERS – Vermont State Law** requires that, when an election is **BY AUSTRALIAN BALLOT**, the candidate receiving the most votes shall be declared elected to that office. There are additional requirements for voting on Write-In Candidates which you can find in *17 V.S.A. 55 §2682(c)*.
58. There are **INCOMPATIBLE OFFICES**. An Auditor shall not be Town Clerk, Town Treasurer, Select board member, First Constable, Collector of current or delinquent taxes, Trustee of public funds, Town Manager, Road Commissioner, Water Commissioner, Sewage System Commissioner, Sewage Disposal Commissioner or Town District School Director, nor can the spouse of any of these persons be an Auditor. A Select board member or School Director shall not be First Constable, Collector of taxes, Town Treasurer, Auditor or Town Agent. A Select board member shall not be Lister. A Town Manager shall not hold any elective office in the town or town school district. *17 V.S.A. §2647*
59. **SCHOOL BOARD** has statutory authority to determine how the funds that are approved shall be expended after the voters have set budget totals. *16 V.S.A. §562 (8)*.
60. The *Handbook for Vermont Moderators (11 – Money)* stipulates that the **SELECT BOARD** has only as much latitude as the voters allow them, suggesting that the voters can give line item by line item guidance to the Select board that they must follow. However, there is no statute associated with the spending of municipal funds that applies to the Select board like there is for School Boards. As a result, some hold the view that the voter-approved budget is simply a guide for municipal spending and that the Select board, being responsible for the general supervision of town affairs (*24 V.S.A. § 872*), has some measure of authority to deviate from this plan as circumstances dictate. The Select board's political accountability to the voters is probably the thing that will guide a given Select board as they execute their responsibilities.
61. **Vermont State Law** prohibits a town from consideration of articles that have not been warned. This means that any action taken under the article **OTHER BUSINESS WON'T BE BINDING**, because it hasn't been warned. Votes can be taken under Other Business on motions presented in order to provide a sense of direction to the School Board or the Select board, but they are not binding. *MH (13) – Other Business V.S.A §2660(d)*

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62. Select boards and School Boards do not have to accept petitions for articles that are **NOT ASSOCIATED** with the **NORMAL SCOPE OF BUSINESS** for the town or the school, nor does a **MODERATOR** have to accept such a motion under **OTHER BUSINESS** unless the body agrees by a two thirds vote to do so. *RRO Page 111 Line 4, Agnes Clift vs the City of South Burlington 2006, Mooney vs Town of Stowe.*
63. If a **RECESS** is provided for in the adopted agenda or program of a convention or other meeting, the chair, without further action by the assembly announces the fact and simply declares the assembly in recess when the specified time arrives. *RRO Page 230 Line 18*
64. When the **ORDERS OF THE DAY** (an event on the agenda or order of business of the day) are called for, the chair can, and ordinarily should, immediately announce as the newly pending business the subject that is then in order. Sometimes the chair or a member may sense that the assembly would prefer to continue consideration of the presently pending question or take up another matter first. In such cases the assembly by a two-thirds vote can set aside the orders of the day as follows:
- The chair can use "Unanimous Consent" saying, "The orders of the day are called for. However, if there is no objection we'll complete consideration of the pending question before we proceed to the orders of the day." If there is no objection, continue on the pending question. If someone objects,
 - The chair can put to question on proceeding to them: "The orders of the day are _____. The question is: Will the assembly proceed to the orders of the day? As many as are in favor of proceeding to the orders of the day raise their hand (2/3 negative vote required to continue consideration of pending question).
 - A member can move that the time for considering the pending question be extended ___ minutes or that the rules be suspended and the desired question taken up (2/3 approval required). *RRO Page 351 Line 13*
65. The Vermont Supreme Court has ruled that **ADJOURNMENT BEFORE THE WARNING IS COMPLETED** will not be respected, and that voters who remain in the room after this motion is adopted to complete the business of the meeting will be supported by the court. *Jenney v. Alden, Oliver and Lennert, 79 Vt. 156. 160 (1906). MH (14) – Adjournment*
66. **Vermont State Law** allows a body to adjourn its Town Meeting, and then to continue that same meeting on another day. **ADJOURNMENT TO A DATE AND TIME CERTAIN** allows a town or school district to avoid warning delays if voters want to continue a meeting to a later date. If a motion is made to adjourn to a date and time certain, the meeting really is **CONTINUED** at the later date, rather than adjourned. Therefore, the meeting does not need to be warned again. This eliminates the 30 to 40 day warning period for a new meeting. A motion to adjourn to a date and time certain is most commonly used in the event of bad weather or other emergencies (like a broken furnace). It may also be used when the voters want to postpone a vote until they receive additional information that is not available at town meeting (as when an audit report is delayed). If the motion to adjourn does NOT contain a date and time certain, the next meeting will require full 30 to 40 day warnings. *MH (14) – Adjournment, RRO Page 236 Line 15, 17 V.S.A §2640(a)*

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67. When a meeting is **ADJOURNED TO A DATE AND TIME CERTAIN**, the adjourned session can only include completion of voting and discussion of articles which were in the original warning, because it is a continuation of the previous meeting. New articles cannot be added during the recess and the same checklist used at the first meeting must govern the second. Adequate warning is a consideration. Even those voters who are present in a meeting as it adjourns to another day might not attend the reconvened meeting when no other notice is required. For these reasons, a moderator should try to avoid adjournments to later dates if possible, and if not should at least try to ensure that the meeting reconvenes within a few days of the original session, rather than waiting weeks or months to reconvene. *MH (14) – Adjournment, V.S.A §2660(d)*
68. When any of the **REQUIREMENTS** as to notice or warning of an annual or special municipal meeting have been **OMITTED OR NOT COMPLIED WITH**, the omission or noncompliance, if the meeting and the business transacted at it is otherwise legal and within the scope of the municipal powers, may be corrected and legalized by vote at a regular meeting or special meeting of the municipality called and duly warned for that purpose. The question to be voted upon shall substantially be, "Shall the action taken at the meeting of this town (or city, village or district) held on (state date) in spite of the fact that (state the error or omission), and any act or action of the municipal officers or agents pursuant thereto be readopted, ratified and confirmed." Errors or omissions in the conduct of an original meeting which are not the result of an unlawful notice or warning or noncompliance within the scope of the warning, may be corrected by **PASSING A RESOLUTION OF THE BODY** of the municipality by a vote of two-thirds of all its members at a regular meeting or a special meeting called for that purpose, stating that the **DEFECT WAS THE RESULT OF OVERSIGHT, INADVERTENCE OR MISTAKE**. When an error or omission of this nature has been thus corrected by resolution, all business within the terms of the action of the qualified voters shall be as valid as if the requirements had been initially complied with. *17 V.S.A. §2662.*
69. A town can **MOVE TOWN MEETING** if it must. Every year some towns find that the place intended to hold town meeting is suddenly unavailable. If town meeting absolutely needs to move to a new location, the best option is to post a notice indicating the new location on all entrances to the original town meeting location. If the town has enough advanced warning it would be a good idea to notify the local media and post notices of the new location around town. Have the moderator be prepared to begin the meeting a bit late to ensure that people who arrive at the original meeting place on time will not miss the beginning of the meeting. After town meeting concludes, a special meeting (described in 67. above) should be held to validate the town meeting.
70. The Eleventh Edition of Robert's Rules of Order contains guidance with regard to **ELECTRONIC MEETINGS**, which they define as "meetings at which, rather than all participating members being physically present in one room or area as in traditional (or "face-to-face") meetings, some or all of them communicate with the others through electronic means such as the Internet or by telephone." In order to hold an electronic meeting, at a minimum, there must be simultaneous aural communication among all participating members equivalent to those of meetings held in one room or area. RRO strongly advises that you **adopt additional rules covering the conduct of Electronic Meetings, such as how to establish a quorum, how to keep non-members from participating, how a member is to be recognized and obtain the floor, how a member can raise a Point of Order, means by which motions can be submitted during a meeting, how to take and verify votes, and what happens in the event of technical difficulties.** *RRO Pages 97-99*

V. INSTRUCTIONS TO THE BODY BEFORE CALLING THE MEETING TO ORDER

1. **ROBERT'S RULES OF ORDER** are the basic rules of order for this meeting except where Vermont Law takes precedence. (*MH – Prologue*) You cannot change **Vermont State Law**, but you can change *Robert's Rules* with a 2/3 vote if you desire. *MH (3a) – State Law vs. Robert's Rules*.
2. An article must be **MOVED** and **SECONDED** by the body, then **RESTATED** by the Moderator before it is under consideration and debate on the article may begin. *RRO Page 32 Line 10* After the Moderator restates the motion, the person who made the motion has the right to speak first in the debate. *RRO Page 42 Line 30*
3. **ARTICLES** may have only **ONE AMENDMENT** at a time **ASSOCIATED** with them, and **AMENDMENTS TO AN ARTICLE**, likewise, may have only **ONE AMENDMENT** at a time associated with them. *RRO Page 135 Line 27, MH – Motions (6)*
4. **AFTER YOU'VE SPOKEN** once on a particular article, you will not be recognized a second time during discussion on that article or amendment until all other voters who wish to speak on the issue for the first time are given an opportunity to do so. Roberts Rules only allows a given speaker to speak twice on a given motion and limits the duration of speeches to 10 minutes. *RRO Page 389 Line 25*
5. **DIVISION OF THE HOUSE** can be requested by one voter before or after a voice vote. **Vermont State Law** provides for a **PAPER BALLOT** vote on the **REQUEST OF SEVEN VOTERS** unless the town has made other arrangements, again, before or after a voice vote, or after a division of the house. This means that the Moderator could ask for a voice vote and declare the motion passed. Someone could immediately request division of the house. The Moderator then must require a vote by show of hands or rising, and the Moderator would declare the motion passed. Someone could immediately request a paper ballot, and the Moderator would then have to honor this request if the number of people asking for the paper ballot meets minimum requirements. *MH – (5) Voting, 17 V.S.A §2658*
6. **DEBATE MAY BE CUT OFF** by a motion to Move the Previous Question and a two-thirds vote to do so. *MH (6d) – Motions*
7. All motions, remarks and discussion must be **ADDRESSED TO THE MODERATOR**. I will do my best to recognize you in the order that you have raised your hands. You must be recognized to speak, even to "Move the Previous Question" (*RRO Page 199 Line 30*). After being recognized, please stand up, wait for a microphone, give your name, and speak in a loud voice so that your comments may be heard by everyone. *RRO Page 392 Line 27*
8. Your speeches must be confined to the merits of the question. You will not be allowed to engage in **PERSONAL ATTACKS** on a member of the body or their **MOTIVES**. *RRO Page 379 Line 31, Page 392 Line 12*
9. **Vermont State Law** prohibits consideration of articles that have **NOT BEEN WARNED**. This means you cannot take binding action under the article "Other Business", and you can't amend warned articles such that they would deal with business that hasn't been warned. *MH (13) – Other Business, 17 V.S.A §2660(d)*

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10. **RECONSIDERATION** of an article is allowed by **Vermont State Law** until a point is reached where the body has begun working on another article. This means that if you have voted down an article, a motion can be made to reopen consideration of this article by a person on the prevailing side (Yes, I will need to ask you how you voted.). However, once the next article is on the floor, no more action can be taken regarding the previous article at this meeting. *MH (3) – State Law Versus Robert’s Rules - Reconsideration, RRO Page 315, 17 V.S.A 55 §2661*

11. My role, as moderator, is to help you **ACCOMPLISH THE BUSINESS** you intend to do. Please raise your hand and ask questions if you don't understand what is happening, or if you think what is happening is wrong for some reason, or if you want to do something, but you don't know how to proceed.

12. Please tell me if you feel I am ruling improperly. You have the right to **CHALLENGE THE MODERATOR’S** rulings.

13. Only registered voters of the town may vote at annual or special meetings of the town. AT THIS TIME, I ASK THAT THOSE WHO **ARE NOT REGISTERED VOTERS** IN THE TOWN OF _____ TO RAISE THEIR HANDS. You may not vote, and unless there is a suspension of the rules, you may not speak on articles.
MH (2d) – Preparation for Town Meeting