

Parliamentary Opinion

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This opinion is based on general principles of parliamentary law. Nothing in this opinion should be construed as interpretation of statutory law.

Questions have been raised regarding the permissible rules of procedure for the Texas State Board of Education (SBOE). The board obtains the extent and limits of its powers from the state constitution (Art. VII, §8) and from statute (Texas Education Code §7.101-§7.113). Attorney general opinion GA-0554 placed additional limits on board procedures.¹ This parliamentary opinion answers two questions:

1. What are the SBOE's powers for adopting rules of procedure – in particular, what are the parliamentary rights and privileges enjoyed by the SBOE?
2. Do any of the rules of procedure in *Robert's Rules of Order Newly Revised* (RONR) exceed the constraints of GA-0554?

SBOE Parliamentary Rights and Privileges

The right of parliament to manage itself dates back to 1328 when the highest court of England, the King's Bench, decided it had no jurisdiction on matters of procedure in the House of Lords.² This precedent was reiterated by Jefferson: "The courts of Common law are guided by the rule of the Common law, but the proceedings of parliament are by the Custom and Usage of Parliament."³ Thus, the power to determine rules of procedure and enforce those rules was inherent to the legislature.

At the opening of a new session in the House of Commons, it has been the tradition for the speaker to pray that the crown grant the ancient rights and privileges of parliament. This tradition was followed by the American colonial legislatures, and so in 1736, at the beginning of the session of the Virginia House of Burgesses, the speaker

"petitioned Governor that they may enjoy their ancient Rights and Privileges: Such as, Freedom of Speech and Debate, Exemption from Arrests, and Protection for their Estates, That they may have the Power over their own Members, and the sole Right of determining their own Elections, and lastly, For himself, that his Mistakes may not be imputed to the House; to which the Governor answered, That he should take Care to preserve the ancient Rights and Privileges of the House."⁴

¹ See Attorney General of Texas website, <http://www.oag.state.tx.us/opinions/opinions/50abbott/op/2007/pdf/ga0554.pdf>

² See 3. Edw. 3. 19 and also Jefferson, Thomas, *Parliamentary Pocket-Book*, paragraph 29, as published in *Jefferson's Parliamentary Writings*, Wilbur Samuel Howell, editor, Princeton Univ. Press, 1988, pages 54-55, 172.

³ *Ibid.*, paragraph 112, page 75; Jefferson quoting Petyt's *Lex Parliamentaria* – one of the first books published in the colonies (1716).

⁴ *Journal of the House of Burgesses*, August 5, 1736, Williamsburg; retrieved from Readex database *Early American Imprints*, First Series, Number 4095.

These were privileges to be granted to the colonial legislature by the sovereign through his designee, but when sovereignty was embodied in the people, many of the rights and privileges of the legislature were codified in the U.S. Constitution. Article I, Section 5 secured legislative power over members and the right of determining elections. Article I, Section 6 secured legislative freedom of speech and debate and exemption from arrest. In addition, Article I, Section 5 codified the right of the legislature to determine its own rules of procedure and enforce those rules without judicial scrutiny: "Each House may determine the Rules of its Proceedings . . ."

The Texas Constitution, Article III contains parallel wording for the parliamentary rights and privileges granted to the state legislature: right of determining elections (§ 7); power over members (§ 11); exemption from arrest (§ 14); and freedom of speech and debate (§ 21). There is also the right of determining procedure: "Each House may determine the rules of its own proceedings . . ." (§ 11). These provisions are in the same rendering as those granted by the U.S. Constitution and as handed down by tradition from English parliamentary law.

Numerous state agencies have been established in Texas which govern through a deliberative body, and the SBOE is among them. The Texas Education Code grants the following parliamentary privileges to the board:

"At the board's first regular meeting after the election and qualification of new members, the board shall organize, adopt rules of procedure, and elect by separate votes a vice chair and a secretary" (Texas Education Code §7.107(b)).

These limited powers preclude a number of parliamentary privileges. The SBOE cannot expel its members, nor determine the outcome of member elections. It is reasonable to conclude the SBOE shares the privilege of exemption from arrest while in session, though this is not explicitly granted. Freedom of speech and debate are protected under the Texas Bill of Rights (art. I, § 8), but the privilege granted to the legislature that "no member shall be questioned in any other place for words spoken in debate" is not explicitly granted to the SBOE.

The Texas Education Code §7.107(b) explicitly grants the SBOE the right to elect certain officers⁵ and adopt rules of procedure. The phrase *rules of procedure* is similar to and in the same rendering as *rules of proceeding* in the U.S. and Texas constitutions. *Proceeding* is the archaic term for *procedure*. Both words have the same etymological origin (*pro* – forward, *cedere* – to go) and are near perfect synonyms.⁶ Thus, *rules of proceeding* in the U.S. and Texas constitutions is identical in meaning to *rules of procedure* in the Texas Education Code.

There is no limitation or qualification attached to the phrase *rules of procedure* as it is used in the statute. In other Texas statutes, where the same phrase is applied to a public deliberative body, there is always a limited or qualified usage.⁷ Since the same unrestricted wording is in the Texas

⁵ The chair of the SBOE is a member of the board (Texas Education Code § 7.107(a)) and the executive secretary of the SBOE is the commissioner of education (Texas Education Code § 5.055(b)(2)). Both officers are appointed by the governor, with the advice and consent of the senate. The procedure for electing the vice chair and secretary are laid out in the SBOE Operating Rules.

⁶ In contemporary usage, *proceedings* is more at recording (e.g., journal of proceedings) and *procedure* is more at the form.

⁷ See Alcoholic Beverage Commission (Texas Alcoholic Beverage Code §5.43(b)); Credit Union Commission (Texas Finance Code §121.005(b)); School Land Board (Texas Natural Resources Code §32.062(a)); Ethics Commission (Texas Government Code, Chapter 571, various places); Board of Podiatric Medical Examiners (Texas Occupations Code §202.254(b)); Optometry Board (Texas Occupations Code §351.157(a)(3)); Board of Professional Engineers (Texas Occupations Code §1001.508(b)); Board of Professional Geoscientists (Texas Occupations Code §1002.453(a)). References are not exhaustive.

Education Code as in the U.S. and Texas constitutions, the intent of the legislature was to give the SBOE the same flexibility in procedure as the national and state legislatures enjoy. Legislatures, however, cannot use parliamentary procedure to circumvent constitutional provisions or the *lex majoris partis* – the common law doctrine of majority rule.⁸ Similarly, a public deliberative body cannot use parliamentary procedure to circumvent constitutional provisions, statutory provisions, or the common law doctrine of majority rule. The precedent of 1328 still stands today: “The courts will not disturb a ruling on a parliamentary question made by a legislative or governmental body having authority to make rules for its government and acting within the scope of its powers.”⁹

Conclusion: The State Board of Education is authorized to adopt *rules of procedure* that are within the realm of rules utilized by the state legislature, the national legislature, and the traditions of English parliamentary law, as long as such procedures do not circumvent constitutional or statutory provisions or the common law doctrine of majority rule.

Procedural Constraints Imposed by GA-0554

Opinion No. GA-0554, delivered on July 9, 2007, was in response to a request made by the TEA legal counsel and SBOE parliamentarian under the hand of the SBOE chairman (RQ-0561-GA). The question posed was whether the SBOE may adopt a procedural rule that requires a vote greater than a majority vote.

GA-0554 stated the question as: “In the situation you pose, the question is thus whether the grant of procedural rule-making authority given to the Board in section 7.107(b) of the Education Code is sufficient to overcome the common-law doctrine of majority rule.” It then concluded: “the Board’s authority to adopt rules of procedure does not encompass the authority to adopt rules that impose, in certain instances, a supermajority voting requirement.” The main premise for this conclusion stems from a 1922 Texas case that stated “The general rule is that, in the absence of an express [*constitutional or statutory*] provision to the contrary, a proposition is carried in a deliberative body by a majority of the legal votes cast.”¹⁰ There are three express provisions whereby an extraordinary¹¹ voting requirement is imposed on the SBOE:

- Setting the permanent school fund distribution amount requires a two-thirds vote of total membership (Tex. Const. Art. VII, § 5(a));
- Adopting an administrative rule with an earlier effective date requires a two-thirds vote of the members for adoption (Tex. Educ. Code § 7.102(f)(2)); and

⁸ See *Mason’s Manual of Legislative Procedure*, 2000 edition, § 512.6, page 353, and supporting cases cited: *Taylor v. Davis* (1924), 212 Ala. 282, 102 S. 433; and *Outwater v. Borough of Carlstadt* (1901), 66 N.J.L. 510, 49 A. 533.

⁹ *Mason’s Manual of Legislative Procedure*, 2000 edition, § 71.1.

¹⁰ *Commissioners Court of Limestone County v. Garrett*, 236 S.W. 970, 973. Words in brackets added by me to emphasize a footnote in the opinion.

¹¹ The term *extraordinary* vote encompasses any voting requirement that departs from a majority vote. *Supermajority* is newer jargon – first used in 1977 – meaning greater than a majority vote. By definition, majority means the greater part or more than half. Majority vote is more than half of those present and voting. Majority vote of the total membership is an extraordinary vote because the set of those who must vote is greater than those present and voting. Two-thirds vote is an extraordinary vote because the proportion of those who must prevail is greater than a majority. Delegating power to an individual, such as the chairman, is an extraordinary vote because it reduces the set of those voting to a minority of one.

- Rejecting a rule proposed by the State Board of Educator Certification requires a two-thirds vote (Tex. Educ. Code § 21.042).

In these instances, the constitution and statutes override the common law doctrine of majority rule. All three, however, relate to final action and not to the procedural steps that may be necessary to arrive at final action – steps which have long been established by parliamentary custom and usage, and not by the courts.

The SBOE adopts *Robert's Rules of Order Newly Revised* as its parliamentary authority,¹² which contains general procedures for the precedence of motions, previous notice, extraordinary votes, demands by individual members, and even unanimous consent. A rule of procedure does not overcome majority rule if it does not interfere with the right of the majority to take final action in rule-making or any other substantive business. GA-0554 stated this: "Nothing in the Board's enabling statutes indicates a legislative intent to permit the Board to adopt operating procedures that override common law." This should be the basis for testing whether the procedures in *Robert's Rules of Order Newly Revised* have the effect of overcoming the common law doctrine of majority rule.

First, some definitions will be laid out regarding voting requirements. The procedures in *Robert's Rules of Order Newly Revised* will then be examined along three categories: Votes Exceeding a Majority; Individual Demands; and Requirements for Unanimous Consent.

Definitions of Voting Requirements

Majority	more than half
Majority vote	a majority of the members present and voting (common law doctrine)
Two-thirds vote	two-thirds or more of the members present and voting
Majority of the members	a majority of the members in office (fixed membership less vacancies)
Two-thirds of the members	two-thirds or more of the members in office (fixed membership less vacancies)
Majority of the membership	a majority of the membership as fixed by statute (15 on the SBOE)
Two-thirds of the membership	two-thirds or more of the membership as fixed by statute (2/3 of 15 is 10)

These voting requirements can be best understood through an example. The SBOE is made up of 15 districts. This is the total membership fixed by law. Assume there are three vacancies, leaving 12 members in office. At a meeting, three members are absent, leaving nine members present – a

¹² "When a society or assembly has adopted a particular parliamentary manual – such as this book – as its authority, the rules contained in that manual are binding upon it in all cases where they are not inconsistent with the bylaws (or constitution) or any special rules of order of the body, or any provisions of local, state, or national law applying to the particular type of organization" (RONR, p. 16).

quorum.¹³ On a vote taken at the meeting, three members abstain, leaving six members present and voting. The matrix of voting requirements under this example – three vacancies, three absences, and three abstentions – is as follows:

Voting Basis	#	Majority	Two-thirds	Constitutional & Statutory Provisions
Membership (fixed by statute)	15	8	10	2/3 of total membership, for adopting PSF distribution
less vacancies	<u>-3</u>			
Members in Office	12	7	8	2/3 of the members, for adopting a rule with earlier effective date
less absences	<u>-3</u>			
Members Present	9	5	6	Quorum is eight or more members
less abstentions	<u>-3</u>			
Members Present & Voting	6	4*	4	2/3 of the members present and voting, to reject SBEC rule

* Common law doctrine of majority rule is a majority of those present and voting

Even if only four members voted in the affirmative, the vote would achieve the common law doctrine of majority rule, as it constitutes a majority of the members present and voting. Note that abstentions never affect majority vote, and vacancies and absences have no effect as long as a quorum is present.¹⁴ This is not the case with the constitutional and statutory provisions that impose an extraordinary voting requirement. With only nine in attendance, it would be impossible to adopt the permanent school fund distribution amount, as ten or more votes are required by the constitution. To set an earlier effective date for an administrative rule, at least eight of the nine members present would have to vote in the affirmative, as two-thirds of the members is required by statute. Note that when extraordinary voting requirements are imposed, the result is usually affected by vacancies, absences, and abstentions.¹⁵

¹³ A quorum is a majority of the membership fixed by statute (Texas Government Code, § 311.013(b)).

¹⁴ The cleanness of the common law here reduces confusion and greatly simplifies the mathematics of voting – it is no wonder why tradition, practice, and court decisions have favored it.

¹⁵ With extraordinary voting requirements, vacancies, absences, and abstentions affect only one side of the ratio, by reducing the number of available votes without affecting the voting population. Vacancies do not affect the population of membership, absences do not affect the population of members in office, and abstentions do not affect the population of members present. Thus, an absence or abstention can have the same effect as casting a negative vote, when the voting population is fixed.

Votes Exceeding a Majority

The following procedures exceed a majority vote in *Robert's Rules of Order Newly Revised*:¹⁶

Motion	Vote Required	RONR reference
Suspend the Rules	2/3	p. 256, l. 13
Limit or Extend Debate	2/3	p. 185, l. 13
Previous Question	2/3	p. 192, l. 24
Suspend the Rules and Adopt	2/3	p. 258, l. 1
Close Nominations	2/3	p. 276, l. 7
Close Polls	2/3	p. 274, l. 8
Object to the Consideration of the Question	2/3 in negative	p. 259, l. 19
Consider an action outside the scope of the organization's object	2/3	p. 108, l. 5 p. 333, l. 1
Make a Special Order; or Postpone and Make a Special Order	2/3	p. 175, l. 3
Refuse to Proceed to the Orders of the Day; or Set Aside an Order of the Day	2/3 2/3 in negative	p. 215, l. 1
Take up a Question out of its proper order; or Take up an Order of the Day before the time for which it has been set	2/3	p. 353, l. 16
Amend Something Previously Adopted; or Rescind, Repeal, or Annul	2/3, Majority of entire membership, or Majority with notice	p. 295, l. 25
Discharge a Committee	2/3, Majority of entire membership, or Majority with notice	p. 301, l. 3
Adopt/Amend special rules of order; or Amend bylaws where there is no provision for it	2/3 with notice, or Majority of entire membership	p. 17, l. 28, p. 296, l. 3
Remove from Office	2/3, Majority of entire membership, or Majority with notice	p. 642-643
When term is "___ years or until successor is elected"		
When term is fixed as "___ years," or "___ years and until successor is elected"	Investigation, notice, trial, and 2/3	p. 643, l. 6
Expel from Membership		
for breach of order at a meeting	2/3	p. 628, l. 12
for offenses outside a meeting	Investigation, notice, trial, and 2/3	p. 640, l. 1
Convention Rules		
Adopt parliamentary standing rules	2/3	p. 601, l. 7
Suspend convention rules and the general parliamentary rules	2/3	p. 602, l. 7
Amend adopted convention agenda with reference to items not yet reached; or Change or depart from adopted convention agenda to take up a matter out of its proper order	2/3, or Majority of those having convention voting rights	p. 611, l. 17
Expunge from the Minutes	Majority of entire membership	p. 299

¹⁶ This table was constructed by gathering all the motions that exceed a majority vote, from the tables in the RONR tinted pages: *II. Table of Rules Relating to Motions* (pp. t6-t29), and *IV. Motions Which Require a Two-Thirds Vote* (p. t46).

Suspend The Rules

Suspend the Rules is the underlying motion on which the two-thirds procedural vote is based. Several of the motions that require a two-thirds vote in *Robert's Rules of Order Newly Revised* are special cases of Suspend the Rules, as will be seen below. Before 1811, there is no record of a written rule for suspending or dispensing with procedures. The U.S. House of Representatives adopted the first such rule exactly two hundred years ago. A two-thirds vote was required.¹⁷ This has been the customary rule adopted by most legislative assemblies, ordinary assemblies, and parliamentary manuals. According to Cushing, the vote required under the common parliamentary law to Suspend the Rules is unanimous consent.¹⁸ Thus, if a body does not have a procedure, either through special rule or an adopted parliamentary manual, the vote required to Suspend the Rules is unanimous consent. *Robert's Rules of Order Newly Revised* requires a two-thirds vote, as it has since its first edition in 1876.¹⁹

In parliamentary law, the purpose for having a two-thirds vote is to protect a sizable minority or the individual member from the whims of the majority under certain conditions. If a mere majority could render the rules nugatory through suspension, then the rules are reduced to little more than a suggestion or guideline, instead of being a set of regulations for the transaction of business. If, on the other hand, unanimous consent were required, one person could impose unnecessary delay in the proceedings. The two-thirds vote is essentially a compromise between unanimous consent and majority vote.

Suspend the Rules is like taking a short cut to save time and effort. If not, the normal path is always available, though more time and steps are required. As long as parliamentary procedure does not override the common law doctrine of majority rule, the rights of the majority are not impinged by following those procedures. There is no principle that the majority deserves immediate gratification, as all parliamentary forms involve some element of delay. Even if unanimous consent were required to Suspend the Rules, the majority would still be able to exert its will by simply following the rules, despite the temporary inconvenience.

Conclusion: A two-thirds vote to Suspend the Rules does not override the common law doctrine of majority rule.

Limit or Extend Debate, and Previous Question

All the currently-published parliamentary manuals, which are designed for use by ordinary (non-legislative) assemblies, agree that a two-thirds vote is required to Limit or Extend Debate and to order the Previous Question.²⁰ Adoption of a parliamentary authority puts into play the general rules of debate in that manual, and a motion to Limit or Extend Debate suspends those rules. In *Robert's Rules of Order Newly Revised*, the general limits on debate are that each member may

¹⁷ See Appendix B for entry in 1811 for Rules of the U.S. House of Representatives, 12th Congress.

¹⁸ See Appendix C. Seven authors agree with Cushing that the common parliamentary law requires unanimous consent to Suspend the Rules if there is no provision in the rules for their suspension. Two authors claim that a majority vote is required, two others claim that two-thirds is required, and one claims that no suspending is allowed if the rules don't provide for it.

¹⁹ SBOE Operating Rule §2.7. See Appendix B for entry in 1876 for *Robert's Rules of Order*, 1st edition.

²⁰ RONR, 10th edition, page 185, line 13, and page 192, line 24; Sturgis' Standard Code of Parliamentary Procedure, 4th edition, pages 64 and 67; Demeter's Manual of Parliamentary Law, blue book edition, pages 91 and 93; Cannon's Concise Guide to Rules of Order, page 109; Riddick's Rules of Procedure, page 45; Town Meeting Time, 3rd edition, pages 101-102. Mason's Manual of Legislative Procedure, 2000 edition, requires a majority vote on either motion (pages 246 and 251), as is the practice by special rule in many legislative bodies.

speak for no longer than ten minutes at a time and can speak no more than twice to each debatable motion.²¹ These limits are adequate for preventing irrepressible debate tactics. They effectively prevent the filibuster techniques of the U.S. Senate from being employed (see Appendix A: The Myth of the Filibuster).

The Previous Question cuts off all debate, further amendments, and prevents the introduction of lower-ranking subsidiary motions until the vote is taken on the immediately pending question. In other words, the Previous Question by its very nature suspends the deliberative process. A two-thirds vote is required to protect the inherent right to deliberate. If the Previous Question is not adopted, then debate continues until exhausted under the existing rules. While such debate can take considerable time, it cannot prevent the majority from eventually exercising its will.

Conclusion: A two-thirds vote to Limit or Extend Debate or for the Previous Question does not override the common law doctrine of majority rule.

Suspend the Rules and Adopt

The dual motion to Suspend the Rules and Adopt allows a single vote to be taken to adopt a motion without debate or amendment. It requires a two-thirds vote, because it suspends the right to deliberate. As with Suspend the Rules and the Previous Question, the majority is not prevented from taking action, though it may be delayed. If only a majority vote were required for this motion, the deliberative character of the assembly would be wiped out, except where the humor of the majority may allow debate or amendment to take place.

Conclusion: A two-thirds vote to Suspend the Rules and Adopt does not override the common law doctrine of majority rule.

Close Nominations and Close the Polls

A two-thirds vote is required to close nominations, while only a majority vote is required to reopen nominations. The purpose is to give members a full and free opportunity to suggest names. Once nominations have been completed, the election takes place and the majority exercises its will. The number of names placed in nomination does not restrict the majority's rights in this regard. For an SBOE office, there are a finite number of nominees possible. The most likely situation that would delay the result is when three candidates are nominated and the first ballot fails to produce a winner, requiring additional balloting.²² There are examples in history of such balloting lasting for weeks, such as the election of the speaker of the U.S. House of Representatives in 1855, which took nine weeks and 133 ballots. A possible scenario on the SBOE is an election resulting in a seven/six/two split between three candidates. While the balloting could last for some time, eventually votes would shift. Nominations could be reopened to introduce a dark horse candidate to break the logjam, or one of the candidates can withdraw. Whatever the scenario, the requirement of a two-thirds vote to close nominations would not prevent the majority from exercising its will.

A two-thirds vote is required to close the polls for a ballot vote, while only a majority vote is required to reopen the polls. The purpose is to give members a full and free opportunity to cast

²¹ Demeter, Cannon, and Riddick also apply ten minutes per speech and no more than two speeches. Sturgis and Town Meeting Time establish no limits on time or number of speeches.

²² Adopting a special rule for a runoff between the top vote getters or dropping the low vote getters requires a two-thirds vote.

their ballots. It is almost unheard of for a public board to use a formal polling site to gather ballots. The general custom for all boards is to distribute ballots and take them up as soon as possible without an extended voting period. This motion would not properly come up before the SBOE or any similar public deliberative body. Establishing a polling site requires adoption of an election procedure and the majority could prevent the adoption of any such rule. In a worst case, the failure to close the polls might result in an indeterminate election for SBOE vice chair or secretary. The SBOE could conduct its business without these permanent officers in place, by electing a secretary pro tem at each subsequent meeting.

Conclusion: A two-thirds vote to Close Nominations or Close the Polls does not override the common law doctrine of majority rule.

Object to the Consideration of the Question

A two-thirds vote is required to Object to Consideration of a Question. If adopted, the motion kills the matter without debate. It has the same effect as immediately moving to Postpone Indefinitely, followed by a motion for the Previous Question. Its adoption suspends the right of members to introduce matters for consideration. A sizable minority can defeat this motion to Object to Consideration, forcing the body to take up and deliberate the matter. The majority can still defeat it by voting the matter down when it is eventually put to a vote.

Conclusion: A two-thirds vote for Objecting to Consideration of the Question does not override the common law doctrine of majority rule.

Consider an Action outside the Scope of the Organization's Object

A two-thirds vote is required to Consider an Action outside the Scope of the Organization's Object. The SBOE may perform only those duties assigned to it by the Texas constitution or statute (Tex. Educ. Code § 7.102). Though the SBOE has adopted an operating rule which allows it to consider resolutions outside its object, the SBOE cannot take action on anything beyond its legal duties.

Under *Robert's Rules of Order Newly Revised*, the two-thirds vote for this motion keeps organizations on track with their object. While it impinges upon the majority's rights, it is only because the majority has no business taking up matters outside the organization's object. In other words, the rights of the majority are limited to taking action that is within the constraints of the body's organic documents, or in the case of the SBOE, within statutory limits.

Conclusion: A two-thirds vote to Consider an Action outside the Scope of the Organization's Object overrides the common law doctrine of majority rule, though not available to the SBOE.

Make a Special Order, and Postpone and Make a Special Order²³

Making an item of business a special order means that when the time for consideration of that special order arrives, all pending business is immediately set aside so the special order can be taken up. Once dispensed with, the regular order of business resumes at the point it was interrupted. Making a Special Order suspends all the rules that would prevent such interruption and therefore requires a two-thirds vote. If a sizable minority opposes establishing a special order, the item can

²³ Make a Special Order is a main motion. Postpone and Make a Special Order is a subsidiary motion.

still be taken up as a general order under the regular order of business. Thus, the rights of the majority are not impinged as the item will eventually be considered.

Conclusion: A two-thirds vote to Make a Special Order does not override the common law doctrine of majority rule.

Suspending the Agenda by one of the four methods

(Refuse to Proceed to the Orders of the Day, Set Aside an Order of the Day, Take Up a Question Out of its Proper Order, and Take Up an Order before the time for which it has been set)

An established order of business is usually followed without difficulty. The SBOE traditionally follows an agenda made up of general orders with no designation of time. Special orders may be established for a specific time, although this procedure is not used by the SBOE. Occasionally, it may be of advantage to take up an item in a different order or at a different time. To do so requires suspending the agenda with a two-thirds vote.

The motion to Refuse to Proceed to the Orders of the Day (also to Set Aside an Order of the Day) is used when the time for a special order has arrived while the body is considering business which it wishes to continue considering. If adopted, the pending business continues until dispensed with, and then the regular order of business is taken up at the point where it was suspended. The motion to Take Up a Question Out of its Proper Order (also to Take Up an Order before the time for which it has been set) requires either a two-thirds vote to suspend the agenda, or a majority vote to reconsider the vote establishing the order (RONR, page 353). Suspending the agenda by any of these methods is used for the sake of convenience and efficiency. If a two-thirds vote cannot be achieved, the majority may patiently wait until the item comes up in the established order, at which point it may exercise its will.

There is yet another procedure available to the majority if a two-thirds vote cannot be obtained to suspend the agenda. The motion to Lay on the Table, requiring only a majority vote, can be used to lay individual items on the table, one at a time, until the item of interest is reached – there being a legitimate matter of urgency to consider the desired item. The motion to Postpone, requiring only a majority vote, can be used to postpone individual items, one at a time, until the item of interest is reached.²⁴

Conclusion: A two-thirds vote to Suspend the Agenda by any of the four methods does not override the common law doctrine of majority rule.

Amend Something Previously Adopted; or Rescind, Repeal, or Annul

The motion to Amend Something Previously Adopted is the most commonly used motion by the SBOE, as it reviews and modifies its administrative rules on a regular basis. The motions to Rescind, Repeal, or Annul are special cases of this motion. While the rights of the majority, a sizable minority (greater than one third), and the individual must be protected under parliamentary law, so must the rights of absentees. The motion to Amend Something Previously Adopted requires a two-thirds vote, a majority of the entire membership, or a majority with notice. This protects absentees. If notice is given that an action already taken is to be amended or rescinded, all members are equally in a position to choose whether to attend the meeting. If a

²⁴ RONR p. 207, l. 17 and p. 176-177. A class of business composed of several items or subjects cannot be laid on the table or postponed with a single vote.

member chooses to be absent having been notified, he has effectively decided to abstain on those matters included in the notification. Thus, a majority vote is all that is required after notification has been given to all members. Without notification, a higher hurdle is necessary to protect absent members who have not been made aware of the attempt to Amend Something Previously Adopted. This notification under parliamentary law is only for members of the body and not the public.

Under the Texas Open Meetings Act and the Administrative Procedure Act, notification of proposed actions must also be given to the public. The notice requirement precludes the need for a two-thirds vote or a majority of the entire membership to adopt the motion, and only a majority vote is needed. There is the special case where emergency rulemaking is allowed without notice (Tex. Admin. Code § 2001.034), but an emergency rule is only temporary and must be formally adopted to become permanent.

Conclusion: A two-thirds vote or a majority vote of the entire membership to Amend Something Previously Adopted does not apply to the SBOE or other Texas public bodies which must follow the Texas Open Meetings Act and the Administrative Procedure Act. The common law doctrine of majority rule is intact for such motions.

Discharge a Committee

When a matter is referred to a committee without any instructions on when to report, it remains under the control of the committee until the committee decides to report the matter back to the assembly. A committee can drag its heels and unnecessarily delay reporting. In general, the motion to Discharge a Committee is a special case of Amend Something Previously Adopted and requires either a two-thirds vote, a majority of the entire membership, or a majority vote with notice. If a two-thirds vote or a majority of the entire membership cannot be achieved to immediately discharge the matter from the committee's consideration, the majority has several remedies. It can order the committee to report at a future meeting, or it can give notice to Discharge the Committee at a future meeting. There are two exceptions where a majority vote will directly discharge a matter from committee consideration: when the committee fails to report on time, as instructed; or while a partial report on the matter is being considered.

The SBOE rarely refers a matter by motion to one of its standing committees. The four standing committees of the SBOE traditionally meet on the days before the board meets, and action items posted for consideration by these committees are also posted for consideration by the board. If a standing committee fails to take action, the matter can still be considered by the board. The SBOE occasionally refers a matter to a special committee. The best method to avoid unnecessary delays is to carefully instruct the special committee to report at a particular time.

Conclusion: A two-thirds vote or a majority vote of the entire membership to Discharge a Committee does not override the common law doctrine of majority rule.

Adopt/Amend Special Rules of Order or Amend Bylaws

To Adopt or Amend Special Rules of Order requires a two-thirds vote with notice or a majority vote of the entire membership, because the adoption of special rules overrides the general rules in the parliamentary manual. Rules of order, either general or special, affect the deliberative rights of individuals, absentees, and a sizable minority (greater than one-third). To suspend such rules

requires a two-thirds vote; therefore, a higher vote is necessary to adopt or amend them. The majority already has available to it the procedures in the parliamentary manual, which are designed to protect the rights of the majority. Therefore, adoption or rejection of special rules of order will not prevent the majority from exercising its will. To Amend Special Rules of Order that are already in place requires the same extraordinary vote; however, the majority may still follow the existing rules to exert its will.

If an organization's bylaws do not have a provision for amendment but *Robert's Rules of Order Newly Revised* is prescribed in the bylaws, the vote required by *Robert's Rules of Order Newly Revised* for Amending the bylaws is previous notice and a two-thirds vote, or a majority of the entire membership. The SBOE does not have bylaws and this provision does not apply. Bylaws are the organic law of an organization; whereas, the organic law for the SBOE is the Texas constitution and statutes.

Conclusion: A two-thirds vote to Adopt/Amend Special Rules of Order does not override the common law doctrine of majority rule.

Bylaws, that make use of the provisions in *Robert's Rules of Order Newly Revised*, require an extraordinary vote for Amendment, which overrides the common law doctrine of majority rule, though not applicable to the SBOE.

Remove from Office

The SBOE has the power to Remove from Office its vice chair and secretary according to the procedures defined in its Operating Rules, which require a two-thirds vote of the membership. When an officer fails to perform his duties, the assembly always retains the power to control its officers through Point of Order and Appeal. If the SBOE cannot achieve the two-thirds hurdle to remove an irresponsible officer, the majority can still correct his behavior.

Under *Robert's Rules of Order Newly Revised*, the vote to Remove from Office depends on the wording of the officer's term. If it is worded as "___ years *or* until successor is elected," the vote to remove is the same as the vote to Rescind, which is either two-thirds, a majority vote of the entire membership, or a majority vote with notice. If the term is worded as "___ years" or as "___ years *and* until successor is elected," the procedure to remove requires a formal investigation, preferring of charges, notice to the accused, a trial, and a two-thirds vote.

Conclusion: A extraordinary vote exceeding a majority to Remove from Office does not override the common law doctrine of majority rule, because the majority still has procedures available to ensure the exercise of its will.

Expel from Membership

The SBOE does not have the power to Expel from Membership, although in certain cases, it does have the power to discipline unruly members. Possible penalties for obstinate or grave breaches of order by a member are: censure; demand for an apology; banning the member from the hall for the rest of the meeting or until an apology is given; or suspending the member's rights for a period of time (RONR, p. 627-628).

Under *Robert's Rules of Order Newly Revised*, penalties for breaches occurring during a meeting require only a majority vote. Expulsion for offenses outside of a meeting requires a formal

investigation, preferring of charges, notice to the accused, a trial, and a two-thirds vote. The rules on expulsion affect only the rights of the individual member who is accused and do not affect the rights of the majority in any way.

Conclusion: An extraordinary vote exceeding a majority to Expel from Membership affects the individual rights of membership and does not override the common law doctrine of majority rule, though not applicable to the SBOE.

Convention Rules

(Adopt Parliamentary Standing Rules, Suspend Convention Rules and the General Parliamentary Rules, and Amend, Change, or Depart from the Adopted Convention Agenda)

Convention rules of any kind do not apply to the SBOE as it is a board and not a convention. Under *Robert's Rules of Order Newly Revised*, the procedures for handling the adoption, amendment, and suspension of convention rules follows the same logic as for adopting, amending, and suspending special rules for a board. The main difference is that a majority of the entire *membership* relates to a majority of all those who have convention voting rights. The aspects of handling convention rules vis-à-vis the common law doctrine of majority rule is covered above for the motions to adopt, amend, and suspend special rules.

Conclusion: An extraordinary vote exceeding a majority to Adopt, Amend, or Suspend Convention Rules overrides the common law doctrine of majority rule, though not applicable to the SBOE.

Expunge from the Minutes

The motion to Expunge from the Minutes is a misused and misunderstood motion. It is only used after adopting the motion to rescind, repeal, or annul, and requires a majority of the entire membership. *Robert's Rules of Order Newly Revised* states:

“If the motion is adopted, the secretary, in the presence of the assembly, draws a single line through or around the offending words in the minutes, and writes across them the words “Rescinded and Ordered Expunged,” with the date and his signature. In the recorded minutes the words that are expunged must not be blotted or cut out so that they cannot be read, since this would make it impossible to verify whether more was expunged than ordered. If the minutes are published, the expunged material is omitted.”

Whether or not the information is expunged, the higher vote does not prevent the majority from exerting its will – it only affects the official recording of it.

Conclusion: A majority of the entire membership to Expunge from the Minutes does not override the common law doctrine of majority rule.

Individual Demands

The following procedures can be demanded by a single member:

Motion	Individual	RONR reference
Division of the Assembly	Any member	p. 271, l. 26
Call for the Orders of the Day	Any member	p. 213, l. 11
Call for Separate Vote on a series of different subjects offered by a single motion (Consent Agenda)	Any member	p. 106, l. 1, p. 265, l. 2
Call for Separate Vote when a committee reports a number of amendments to a resolution offered to it	Any member	p. 265, l. 2
Demand ballot vote on a vote for expulsion	Any member	p. 628, l. 10, p. 640, l. 10
Point of Order	Any member moves, Chair decides	p. 242, l. 27, p. 242, l. 33
Raise a Question of Privilege	Chair decides	p. 219, l. 15
Maker of motion may speak first in debate	Maker of motion	p. 41, l. 9, p. 367, l. 7

Division of the Assembly is a demand by a member to verify a voice vote by taking a rising vote – a more accurate voting procedure. The chair must retake the vote by rising, or by a show of hands, as is the custom on the SBOE. It has no affect on the rights of the majority; it only affects the determination of the vote.

Call for the Orders of the Day is a demand by any member to force the assembly to conform to its agenda, especially when the time for a special order has arrived. If business is pending when a Call for the Orders of the Day is demanded for a previously scheduled special order, the business is set aside so that the special order can be taken up, and once the special order has been dispensed with, the business that was previously pending is taken up as it was left off and the remainder of the agenda is followed. As with all matters relating to the order of business, the majority will eventually be able to take up every item on the agenda.

Calling for a Separate Vote on a series of different subjects or a series of amendments offered by a single motion is based on the fundamental principle that only one matter can be pending at a time. This is not to be confused with the motion to Divide the Question which requires a majority vote. The SBOE Consent Agenda is an example of how this call is used. A consent agenda is a series of different subjects offered by a single motion. Any member can Call for a Separate Vote on any item in a consent agenda. In addition, this call can be demanded when a committee reports a series of amendments. The Call for a Separate Vote does not impinge upon the majority's will, because the majority may still exert it one subject or item at a time.

Demand a Ballot Vote on a Vote for Expulsion is not allowed for the SBOE for reasons already stated, but whether a voice vote, rising vote, roll call vote, or ballot vote, the majority may still exert its will, no matter which method is used. In other words, the method of voting does not impinge upon the common law doctrine of majority rules.

Point of Order is a demand by an individual member that the rules be followed. As stated several times above, the majority has the power to exert its will through the rules, as long as the rules themselves do not override the doctrine of majority rules. The motion to Appeal is also available to the majority on rulings by the chair.²⁵

Raising a Question of Privilege is a request of the chair relating to the rights and privileges of the assembly or an individual. Examples are a request that the temperature in the room be adjusted or a motion to go into executive session. When moved while business is already pending, the chair decides whether to allow the request. If denied, the question of privilege can be moved once no business is pending, and the majority decides the matter. Whether the requests are admitted or not, the majority may still exert its will under the rules – hot or cold, in public or secret.

The Right of the Maker to Speak First on a debatable motion does not impinge in any way on the rights of the majority. It may delay action if the maker wishes to speak in debate or make a higher ranking motion, but it does not deter the majority.

Conclusion: None of the individual calls or demands under *Robert's Rules of Order Newly Revised* affect the common law doctrine of majority rule.

Requirements for Unanimous Consent

The following procedures require unanimous consent, so that if one person objects, the procedure is not in order:

Motion	RONR reference
Allow a member to suggest more than one proposal: To fill a blank, or To propose a nomination	p. 156, l. 30 p. 476, l. 21
Allude in the assembly as to deliberations in a committee (outside of a formal committee report)	p. 476, l. 21
Change a member's vote after the result has been announced by the chair	p. 46, l. 9, p. 395, l. 9
Reconsider a motion a second time	p. 309, l. 31
Renew a defeated motion to Suspend the Rules for the same purpose in the same meeting	p. 254, l. 19
Resume debate after the vote has been taken and verified by a division	p. 375, l. 15
Strike in one place and insert matter that is materially different in another place (i.e., making two amendments simultaneously)	p. 142-143
Waive the reading of the minutes	p. 343, l. 13
Withdraw previous notice of a motion to Reconsider after it is too late for renewal	p. 285, l. 25

²⁵ "When the chair rules on a question about which there cannot possibly be two reasonable opinions, an appeal would be dilatory and is not allowed" (RONR, p. 248, l. 28).

None of the above motions affect the ability of the majority to exert its will. Most deal with the rights of the individual rather than the rights of the majority. Some deserve additional explanation.

The motion to Reconsider cannot be made a second time without unanimous consent. The purpose of Reconsider is to allow a hasty decision to be corrected; however, reconsideration is only in order on the same day the vote to be reconsidered was taken, or with a session of multiple days, the motion to Reconsider can be made on the next succeeding day. SBOE meetings are of one session (i.e., one complete order of business) over one day. The motion to Reconsider gives the assembly two opportunities to get it right, and if it fails to do so, there is still a remedy for the majority. An adjourned meeting can be set for the near future (more than a day away) by majority vote, and notice can be given for Amending the decision. At the adjourned meeting, the majority can modify the decision as desired.

A defeated motion to Suspend the Rules cannot be renewed for the same purpose at the same meeting. The remedy for the majority is to follow the rules.

Waiving the reading of the minutes requires unanimous consent. The SBOE does not traditionally hear a reading of the minutes before approving them, although any member could demand that the minutes be read beforehand. This does not impinge upon the majority's will, it only delays it.

Appendix A: The Myth of the Filibuster

Filibuster is a tactic used to block legislation by debating the matter indefinitely. It was first established in the U.S. Senate in 1917 through the adoption of a special cloture rule. A successful filibuster doesn't just delay legislation, it blocks it. This occurs through either a lengthy execution on the floor or a convincing threat off the floor. When a filibuster is executed on the floor, it is dilatory, but when a filibuster is threatened off the floor, it is not. Most successful filibusters take place off the Senate floor when the majority and minority leaders meet to discuss pending legislation. Convincing proof that more than 40 votes are in opposition of consideration of a bill is usually enough to prevent the bill from being called up by the majority leader. This is a successful filibuster without dilatory effect.

The rules of debate allow each senator to speak without time limit, and the Previous Question is not allowed. Cloture in the U.S. Senate requires a three-fifths vote of the senators duly chosen and sworn (i.e., of the members in office). There are three phases in bringing debate to a halt. First, a formal motion for a cloture vote must be filed by 16 senators, but the vote cannot take place until the next calendar day. If three-fifths agree, the second phase of debate begins, but now each senator is limited to one hour. After 30 hours of debate under the one hour rule, the third and final phase begins, where senators are limited to ten minutes. In the U.S. Senate, it is not uncommon for debate to last for days and even weeks.²⁶ The longest unsuccessful filibuster was against the Civil Rights Act of 1964, when debate lasted for 57 days until a cloture motion was adopted.

It is interesting to note that the standard limit on debate in the U.S. House of Representatives is one hour per member, and the standard limit on debate in *Robert's Rules of Order Newly Revised* is ten minutes per member.²⁷ Thus, U.S. Senate cloture sequentially imposes the same limits on debate used by the U.S. House and most ordinary deliberative bodies. Unlike the U.S. Senate which has no germaneness restrictions, the U.S. House and *Robert's Rules of Order Newly Revised* require that members must confine their remarks to the merits of the question under debate.²⁸ Almost all deliberative bodies make use of time limit and germaneness rules to control debate. These rules effectively prevent a filibuster from occurring. For this reason, the most commonly used parliamentary manuals, such as *Robert's Rules of Order Newly Revised* and *Sturgis' Standard Code of Parliamentary Procedure*, do not even mention the term filibuster. The one exception is *Demeter's Manual of Parliamentary Law and Procedure*, which states the following:

“ . . . since debate in all other bodies than the U.S. Senate is limited, such as to ten minutes a member – or seven or five minutes – in assemblies such as fraternal orders, labor organizations, veterans associations, women's clubs, PTA's, etc.; or from 20 minutes to one hour in other assemblies, such as the U.S. House of Representatives, state senates, houses of representatives or general assemblies, and city councils or boards of aldermen, etc.; a filibuster cannot occur in these organizations and it need be of no concern to you.”²⁹

²⁶ U.S. Senate Rule XIX. There are also restrictions on amendments imposed by the cloture rule. The U.S. Senate first adopted the cloture rule in 1917, requiring a two-thirds vote. This was changed to three-fifths in 1975.

²⁷ U.S. House of Representatives, Rule XVII, clause 2; and RONR, p. 375. The U.S. House adopted the one hour time limit in 1842. It also has special rules for ten minutes, 20 minutes, and 40 minutes for certain amendments and procedural motions.

²⁸ U.S. House of Representatives, Rule XVII, clause 1; RONR p. 379.

²⁹ Demeter's Manual of Parliamentary Law and Procedure, Blue Book edition, 1960, p. 20.

In some legislative bodies the duration of the regular legislative session is fixed by law. This is the case in Texas. Under these conditions, a filibuster conducted towards the end of the session can effectively halt the consideration of legislation. Unlike the U.S. Senate filibuster, which targets only one bill under consideration, Texas filibustering can affect all remaining bills that are pending. In the Texas Senate, each senator has the right to speak for as long as he can hold the floor. The timing and skill of one person are essential to make it work. While the herculean performance by Texas Senator Bill Meier in 1977 set a world record for individual debate (43 hours), most Texas Senate filibusters are on the order of 10 to 20 hours in length. In the Texas House, a filibuster can occur through the technique of "chubbing" – where routine measures, such as the Local and Consent Calendar, are delayed by repeated points of information on items that are normally adopted without debate and *en masse*. The skill and coordination of several members is essential. These late-session filibuster techniques are not possible in a deliberative body that does not have a fixed adjournment, limitation on session duration, or limitation on the number of sessions.

Under *Robert's Rules of Order Newly Revised*, a minority greater than one third of the members present and voting can defeat the Previous Question, thereby continuing debate; however, once each member has spoken twice and for no more than ten minutes each time, debate will be exhausted. The largest minority on the SBOE that could force a lengthy debate is seven members. Assuming the majority has the prudence and self-control to not participate, it could take 140 minutes to exhaust the debate (seven members speaking twice for ten minutes each). Though this is time consuming, it is not intolerable. It is possible for the SBOE to spend just as much time in constructive debate. If each member (chair excluded) speaks twice for five minutes each time, it will take 140 minutes. There is a difference between dilatory procedure and legitimate delaying procedure, as all procedures involve some element of delay.

There is the possibility of using a series of amendments as a dilatory tactic, as each amendment would restart the clock on debate. Thus, ten amendments could hypothetically take up to 1400 minutes to debate. This would be almost impossible to attain if the germaneness rule is rigidly enforced. For example, when the Social Studies TEKS were under consideration in May, 2010, a motion to amend §113.42(c)(28)(E) by striking "Robert Boyle" and "Isaac Newton" was adopted. Subsection (E) was thereby changed as follows:

"(E) identify the contributions of significant scientists and inventors, such as ~~Robert Boyle~~, Marie Curie, Thomas Edison, Albert Einstein, ~~Isaac Newton~~, Louis Pasteur, and James Watt.

It would be hard to imagine seven SBOE members concisely debating for any lengthy period of time the pros or cons of including Boyle and Newton in the high school World History course. If debate becomes unnecessarily repetitive, such as using the same phrases that previous speakers had used, the chair can rule the debate as dilatory for being redundant. This ruling can be readily sustained by the majority on Appeal. Under *Robert's Rules of Order Newly Revised*, members may not read from any text without permission of the assembly. Thus, the debate restrictions will reduce the amount of time on amendments that can be consumed by a vigilant minority.³⁰

³⁰ At the May, 2010 meeting, the SBOE considered 114 amendments to the Social Studies TEKS. In Committee of the Full Board, 54 amendments took up about 13 hours – averaging 14 minutes per amendment. In general session, 60 amendments took up about eight hours – averaging 8 minutes per amendment. In 21 hours of debate, not a single speech lasted ten minutes. The author has served as SBOE parliamentarian for six years and has yet to witness a ten minute speech.

Appendix B: Development of Suspend the Rules in Parliamentary Literature

The following is a comprehensive, but not exhaustive, study of the motion to Suspend the Rules from its original introduction in 1811 to the present. The listings below are in reverse chronological order with the current works listed first. Bold text is my emphasis. Italicized text is my opinion.

Parliamentary Works Currently Published

These works are periodically revised to reflect current usage, and are available from the major booksellers.

2001. Town Meeting Time, A Handbook of Parliamentary Law, 4th edition, page 256.

(Published by the Massachusetts Moderators Association for use by moderators and participants in New England town meetings.)

"Rules relating only to the conduct of the meeting, such as the order of business, may be suspended, but it requires a **two-thirds** vote unless there is unanimous consent. Rules protecting absentees may not be suspended at all, and rules protecting minorities may be suspended only by unanimous consent."

2001. Sturgis Standard Code of Parliamentary Procedure, 4th edition, page 87.

(Alice Sturgis was a practicing parliamentarian for several organizations and businesses. She taught at Stanford and the University of California. Sturgis wrote a number of books on parliamentary law. Recent editions have been by the American Institute of Parliamentarians.)

" Requires a **two-thirds** vote."

2000. Robert's Rules of Order, Newly Revised, 10th edition, page 256.

(The current author team is made up of three attorneys and one classics scholar.)

"The rules of order of a society, as contained in the manual established by the bylaws as the parliamentary authority, or as included in any special rules of order adopted by the organization, are rules of parliamentary procedure, the suspension of which requires a **two-thirds** vote."

2000. Mason's Legislative Manual, 9th edition, page 216.

(Paul Mason was a constitutional scholar and attorney. He served as assistant counsel and assistant secretary in the California Senate. His original work was published in 1935. Mason copiously used citations from 20 other parliamentary manuals as well as up to 651 court cases. Recent editions have been by the American Society of Legislative Clerks and Secretaries.)

"A motion to suspend the rules of parliamentary law, adopted rules or rules of an adopted authority requires only a **majority** vote . . . In many legislative bodies, it is provided by rule that the standing rules may be suspended by an **extraordinary** vote. A notice may also be required for a motion to suspend the rules."

According to Mason's Manual, the common parliamentary law requires a majority vote to suspend the rules, though a special rule can be adopted requiring a greater vote or notice. Mason is one of two authors to hold that suspension of the rules requires only a majority vote under the common parliamentary law – Kerfoot being the other. Mason changed his position with the publication of the 4th edition in 1970, though he gave no supporting explanation or citations. In Chapter 28, Suspension of the Rules, three court cases are cited, none of which address the vote required to suspend the rules, and seven authors are cited, none of which agree with requiring only a majority vote to suspend the rules.

1992. Cannon's Concise Guide to Rules of Order, page 99.

(Hugh Cannon is an attorney and parliamentarian for many organizations, especially the Democratic National Conventions from 1976-1996).

*In the Table of Twelve Basic Motions, under Suspend the Rules, the vote required is "**2/3**."*

1992. Riddick's Rules of Procedure, page 188.
(Floyd Riddick held a doctorate in political science. He served as parliamentarian for the U.S. Senate from 1964 to 1974 and compiled the precedents of the Senate).

"A **two-thirds** vote is required."

1969. Demeter's Manual of Parliamentary Law, revised edition, page 132.
(George Demeter was a graduate of Boston University Law School. He served in the Massachusetts legislature from 1933 to 1937 and taught the prep course for newly elected legislators until 1947. His revised edition included a new chapter summarizing case law with citations to more than 300 cases.)

"Suspension of the rules . . . needs a **2/3** vote for adoption."

Parliamentary Works Out of Print

1976. Deschler's Rules of Order, page 100.
(Lewis Deschler was an attorney and parliamentarian. He served as parliamentarian for the U.S. House of Representatives from 1927 to 1974 – a period of 47 years – the longest that anyone held that position, serving nine speakers. Deschler's book is an attempt to apply the U.S. House rules to ordinary assemblies.)

"No rules shall be suspended except by a vote of **two thirds** of the members voting, a quorum being present."

1957. A Manual for the use of the General Court, Commonwealth of Massachusetts, pages 562 & 602.
(The Massachusetts legislative manual is cited by Mason's Manual.)

Massachusetts Senate, Rule 63 "This rule and rules 24, 31, 33, 34, and 53 shall not be suspended **if objection** is made; and no other rules shall be altered, suspended or repealed, except by a vote of **two-thirds** of the members present and voting thereon."

Massachusetts House, Rule 103 "Nothing in these rules shall be dispensed with, altered or repealed, unless **two-thirds** of the members present consent thereto; but this rule, and rules forty-one, forty-nine, fifty, sixty-two, seventy, ninety-nine, and one hundred, shall not be suspended unless by **unanimous** consent of the members present."

1953. Demeter's Manual, 1st edition, page 142.
(see above.)

"A **two-thirds** vote adopts it."

1952. Eliot's Basic Rules of Order, page 142.
(Thomas H. Eliot was a lawyer, congressman, and professor. He was assistant solicitor for the Department of Labor and general counsel for the Social Security Board. He served two terms as a congressman from Massachusetts and taught political science at Washington University in St. Louis where he later served as chancellor.)

"The motion to suspend the Rules requires a **two-thirds** vote for adoption."

1950. Karcher, Handbook on Parliamentary Law, page 64.
(Joseph T. Karcher was a lawyer, judge, and member of the New Jersey legislature. He was counsel for the city of Sayerville.)

"One of the primary points to remember about it is that it requires a **2/3** vote to carry it. Many organizations by their own rules require a unanimous vote before the rules may be suspended. In such cases, even one dissenting member may block such suspension. "

1950. Sturgis Standard Code of Parliamentary Procedure, 1st edition.

(Sturgis included citations to 144 court cases in this edition.)

Page 39. "The motion to suspend the rules requires a **two-thirds** vote because it permits a deviation from the usual required procedure, and a vote of more than a majority is necessary to protect the minorities, which may be affected adversely by the motion."

Page 221. "Requires a **two-thirds** vote because it sets aside rules of the assembly or rules of procedure."

1949. Tilson, A Manual of Parliamentary Procedure, page 106.

(John Q. Tilson was an attorney and lecturer on parliamentary law at Yale. He served in the Connecticut House of Representatives and later in the U.S. House of Representatives, where he was majority leader for 6 years.)

"The vote required to suspend the rules is usually fixed at **two-thirds**. There is nothing sacred about the number but in view of the drastic nature of the motion and its possible abuse, it should not be less than two-thirds."

1943. Mason's Legislative Manual, 3rd edition, page 164-165.

(This was the last edition in which Mason agreed with the other manuals on Suspend the Rules. Starting with the 4th edition in 1970, Mason held that a majority could Suspend the Rules.)

"In nearly all American legislative bodies, it is provided by rule that the standing rules may be suspended by a **two-thirds** vote of those present. Where a notice is required for a motion to suspend the rules, this provision must, of course, be complied with.

"Where no provision has been made for suspending the rules of the house, it seems that it may be done only by **unanimous** consent.

"No rule can be suspended when the negative vote is as large as the minority clearly designed to be protected by that rule. A rule designed to protect absentees cannot be suspended, even by unanimous consent or a unanimous vote of the members present, so long as members are absent."

1938. Nolan, A Guide to Parliamentary Practice.

(William Ignatius Nolan was speaker of the Minnesota House of Representatives, Minnesota lieutenant governor, and congressman from Minnesota.)

Page 72. "... there are certain motions that require a two-thirds vote and these motions all relate to changing the regular order of business. Otherwise, the laws and rules of the assembly would be no protection to the minority . . . Those requiring a **two-thirds** vote are: . . . to suspend the rules."

Page 83. "Standing rules differ from the by-laws in that they provide only for procedure and may be suspended or amended by a **two-thirds** vote without previous notice."

1936. Hobby, Mr. Chairman, page 252.

(Oveta Culp Hobby served as parliamentarian for the Texas House of Representatives in 1925.)

"A **two-thirds** vote is required for adoption. A rule, the suspension of which would give a right to any group as small as one-third, should require unanimous consent for suspension."

1935. Mason's Legislative Manual, 1st edition, pages 199-200.
(See above.)

"There has been established as a compromise between the right of the individual and the rights of the house the principle that a two-thirds vote is required to adopt any of the motions listed below. The following is a list of motions which require a **two-thirds** vote:

1. Amend, annul, repeal, or rescind any provision of the standing rules previously adopted (previous notice is required).
2. Take up a question out of its proper order.
3. **Suspend the rules.**
4. Make a special order.
5. Discharge an order of the day before it is pending.
6. Refuse to proceed to the orders of the day.
7. Close, limit, or extend the limits, of debate.
8. Expel members (requires previous notice and hearing).
9. Reconsider in committee when a member of the majority is absent and has not been notified of the proposed reconsideration."

1935. Tilson, Parliamentary Law and Procedure, page 106.
(See above.)

"There is nothing sacred about the vote required to suspend the rules but in order to carry a motion so drastic in its effect as to wipe out for the time being all the rules solemnly adopted and promulgated by the assembly for its government, surely not less than two-thirds should ever be required. If there be no restriction placed upon the time when such a motion is in order and there is thought to be danger of its abuse, the rules of an assembly might well be made to require more than a two-thirds vote. The motion to suspend the rules by a **two-thirds** vote has been quite widely adopted in American assemblies and by many regarded as the general parliamentary law of American procedure . . . While a two-thirds vote is the usual, as well as the House of Representatives' requirement to suspend the rules, it may be more or less, as each assembly authorized to make its own rules may determine; but as a matter of fair play, as well as good judgement, it should never be less than two-thirds."

1926. Hughes' American Parliamentary Guide, revised edition, page 260.

(Edward Wakefield Hughes was parliamentarian of the Ohio General Assembly. He held the precedents of the U.S. House of Representatives in the highest regard.)

§575. In nearly all American legislative bodies it is provided by rule that the rules may be suspended by an affirmative vote of **two-thirds** of those present.

§576. Where no rule is provided for suspending the rules it seems that it can be done only by **unanimous** consent."

1926. Paul, Parliamentary Law, page 97.

(Nanette B. Paul, was an attorney and author. She was one of the first graduates of the Washington College of Law – the first female law school in the country – where she served as a professor and lecturer on parliamentary law. For many years, she ran the Paul Institute, a girls boarding school in Washington, DC, and played a significant role in the suffrage movement.)

". . . a **two-thirds** vote is required for its adoption . . . a majority is competent to repeal a rule, but not to suspend it; on the principle that while a rule is in existence it must be honored."

1923. Hall and Sturgis. Textbook on Parliamentary Law, page 171-172.
(see above for Sturgis.)

"It requires a **two-thirds** vote because it sets aside, without notice, an established rule of the assembly."

1923. Robert, Parliamentary Law, pages 156-159.

"If it were not for the common parliamentary law, the minority of an assembly that has no rules or by-laws would have no protection from the tyranny of an impassioned majority . . . Experience has shown that some rules should never be suspended, even by a unanimous vote, while there are others whose suspension should be allowed, some by a unanimous vote, others by a two-thirds vote, and still others by a majority vote."

"Rules that Cannot Be Suspended Even by a Unanimous Vote. The fundamental organic rules of a society as embodied in its constitution or by-laws cannot be suspended by a unanimous vote. . ."

"Rules that Can Be Suspended by a Unanimous Vote. By a unanimous vote, or general consent, any or all rules relating to the transaction of business may be suspended, provided absent members are not affected thereby and there is no interference with the secrecy of a ballot. . ."

*"Rules that Can Be Suspended by a **Two-Thirds** Vote.* Rules relating to the priority of business, to business procedure, to admission to the hall, or to participation in debate by non-members, etc., may be suspended by a two-thirds vote. . . Any motion that has the effect of suspending some right or privilege of members requires a two-thirds vote, even though it is not made in the form of suspending the rules. The previous question, motions limiting or extending the limits of debate, and on objection to the consideration of a question, are examples. . ."

"Rules that Can Be Suspended by a Majority Vote. . . . It has been found best in ordinary societies that a resolution or order of a continuing nature adopted at one session should be binding on future sessions, until it is rescinded or suspended. Such resolutions and orders are called standing rules. Such a rule does not interfere with the rights of future sessions, because any session may suspend the rule for that session by a majority vote. . ."

1923. Trow, The Parliamentarian, page 73.

(Carla Welles Trow – no information available. First edition, N.Y., Gregg Pub., 1905.)

"An assembly may suspend any rule that has been adopted to facilitate the conduct of meetings by a **two-thirds** vote."

1918. Cromwell, A Compendium of Parliamentary Law, pages 56-57.

(Emma Guy Cromwell was the enrolling clerk of the Kentucky House of Representatives.)

"When a body wishes to do something that interferes with its own rules and at the same time does not conflict with its constitution and by-laws or parliamentary law, a member may move to suspend the rules, stating definitely the reason for wanting the rules suspended, and if adopted by a **two-thirds** vote, the matter is taken up and nothing else can be done under the suspension."

1918. Bolles' Manual for Business Corporation Meetings, page 109

(Albert Sydney Bolles was author of many financial, banking and business law books. He was the first American professor of business at the Wharton School. He revised Cushing's Manual and included it in this book.)

Wording is the same as in Cushing's Manual of Parliamentary Practice below.

1915. Robert's Rules of Order, Revised, 4th edition, page 85.

". . . rules of order . . . require a **two-thirds** vote for their suspension."

1914. Neely's Parliamentary Practice, page 111.

(Thomas Benjamin Neely was a prominent bishop of the Methodist Episcopal Church and a noted author.)

"Deliberative bodies usually state in their code of rules what vote is necessary to suspend the rules, and provide that it shall exceed a mere majority; for example, that it shall be two thirds or three fourths. The common usage is to require a **two-thirds** vote."

"Some have held that unless the rules of the body provide for their own suspension they cannot be suspended unless by general consent or unanimous consent, but the common practice is to permit the suspension of a rule by a two-thirds vote."

"Good judgment should be used in introducing the motion to suspend, for its too frequent use tends to the destruction of the binding force of the rules. If the rules are suspended on any and every pretext, they practically cease to be rules."

1912. Gaines, The New Cushing's Manual of Parliamentary Law and Practice, Revised, page 96-97.

(Charles Kelsey Gaines, PhD was Instructor in Parliamentary law and Debate at St. Lawrence University.)

"It has become a general practice in this country, in ordinary assemblies, to permit the suspension of the rules by a **two-thirds vote**; but the rules themselves should contain a provision declaring in what manner they may be suspended, or a code providing for this should be adopted, and in permanent organizations this is customary. In the absence of such a rule (or a well-established local usage to the same effect) the rules can be suspended only by unanimous consent. The older practice was strict upon this point; but at present, in assemblies of the less format sort, there is a tendency to assume the existence of a two-thirds rule as a matter of course."

1904. Sherman, Parliamentary Law, page 56-57.

(Mary Belle King Sherman was president of the General Federation of Women's Clubs from 1924-28. Her dedication to the development of the National Park Service earned her the moniker "National Park Lady.")

"Vote - **Two-thirds**"

"Standing rules . . . may be adopted, modified, suspended and rescinded by a majority."

1902. Hollister, Manual of Parliamentary Terms and Procedures, page 60-61.

(Lillian M. Hollister was the first grand commander of the Ladies of the Maccabees, a fraternal insurance society. She was also parliamentarian for the Michigan affiliate of the Women's Christian Temperance Union.)

"To suspend the rules requires a **two-thirds** vote, with the exception of Standing Rules that are made by resolution, which requires a majority vote; a rule conferring rights or privileges on one-third or less than one-third of its members, should require a unanimous vote."

1899. Kerfoot, Parliamentary Law, page 85.

(F. H. Kerfoot was professor of systematic theology at the Southern Baptist Theological Seminary from 1887-1899. He also held an M.A. in law.)

"Since it is only under the rules that members have their rights, it is evident that there should be some restrictions as to suspension of rules, else a bare majority could at any time use the right to suspend the rules as a tyrannical method for overcoming the minority. Some writers say that, where there is no special provision, a two-thirds vote is required in order to suspend the rules. Some have taught that, in the absence of any special rule, it requires unanimous consent. But this would allow a minority to tyrannize over an overwhelming majority. It would certainly seem that when a majority can show a two-thirds vote the minority ought to give way. It is always best for a deliberative assembly to pass some special rule of its own as to the majority required for a suspension of the rules. Then there can be no doubt upon the point. **Majority rule** is a fundamental principle in deliberative assemblies, except where an assembly voluntarily makes some other rule for itself."

1898. Shattuck, Advanced Rules for Large Assemblies, page 248.
(Harriette Robinson Shattuck was president of the Boston Political Class, a founder of the General Federation of Women's Clubs, daughter of 'Warrington,' and assistant clerk for the Massachusetts House.)
"A rule is suspended only by **unanimous** consent, unless a different provision is made by special rule."
1895. Shattuck, The Woman's Manual of Parliamentary Law, page 248.
(See above.)
"Matters that require **unanimous** consent: . . . suspension of the rules . . ."
1894. Reed's Parliamentary Rules, page 50.
(Thomas Brackett Reed was admitted to the Maine bar in 1865. He became one of the most powerful and influential speakers of the U.S. House of Representatives. Reed was a sharp student of Jefferson's Manual and used its precedents to overcome the dilatory tactics of the minority as was practiced during the late 19th century.)
"Unless the rules themselves provide for their own suspension they can be suspended by **unanimous** consent only. It is usual to provide that under certain circumstances and at certain times **two-thirds** may suspend the rules."
1889. Crocker, Principles of Procedure in Deliberative Bodies, page 146.
(George G. Crocker earned his law degree from Harvard University. He served in the Massachusetts House of Representatives and the Massachusetts Senate, and was president of the Massachusetts Senate from 1883-1884.)
"When special rules are adopted, it is customary to provide that a vote **greater than a simple majority** shall be required in order to suspend, amend, or repeal them."
1888. McTyeire, Rules of Order for Deliberative Assemblies, page 224.
(Holland N. McTyeire was a bishop of the Methodist Episcopal Church. He is principally responsible for the founding of Vanderbilt University.)
"Rules of Order serve, among other purposes, to protect minorities, and as a check upon the hasty legislation of bare majorities; therefore a number **greater than a majority** is generally required for suspending a rule – as two-thirds or three-fourths of the members present."
1883. Waples, A Handbook on Parliamentary Practice, pages 105-106.
(Rufus Waples was an author of legal textbooks and a district judge.)
"Assemblies which have adopted special rules must obey them while they exist; and no majority, not even if it embraces two-thirds or three-fourths or nine-tenths of the members, can suspend one of those rules, unless there is provision for suspension in the rules themselves. The principal object of adopting them is to provide a law which all must obey; and there may be the object also of protecting minorities in their rights."
"It is necessary and important, however, that there should be special rules adopted, if the majority choose to yield any of their rights to a minority. In order to protect the latter, it is common to agree upon a rule that it shall require a vote of **two-thirds** the members present to pass certain extraordinary motions. A majority may adopt such a standing rule; and it is wise to do so – for no member knows how soon he may be one of a minority needing protection."
1882. Fish, American Manual of Parliamentary Law, pages 88-89.
(George T. Fish, botanist, was a member of the Rochester Academy of Science and served as secretary of the Good Templars' Mutual Benefit Association. Fish wrote two books on parliamentary procedure.)
"To Suspend the Rules requires **unanimous** vote or consent . . . The action of a constitution or laws cannot be suspended, neither can a parliamentary principle . . . The suspension of a rule brings the Parliamentary Law into action . . . A set of rules having been adopted, containing a provision for suspending them by a two-thirds vote, that power would not thereby extend to standing resolutions and votes."

1876. Robert's Rules of Order, 2nd edition, page 44.

"The rules of the assembly shall not be suspended except for a definite purpose, and by a **two-thirds** vote; nor shall any rule be suspended, unless by unanimous consent, that gives any right to a minority as small as one-third."

1876. Robert's Rules of Order, 1st edition.

page 35: "The rules of the assembly shall not be suspended except for a definite purpose, and by a **two-thirds** vote."

page 167: "If an assembly has adopted no Rules of Order, then a majority vote is sufficient for the adoption of any motion, except to 'suspend the rules' which would require a **unanimous** vote."

1875. Warrington's Manual, pages 52-53.

(William S. Robinson, nicknamed 'Warrington', was clerk of the Massachusetts House of Representatives from 1862-1873.)

"No rule of order should be dispensed with, altered, or repealed, unless **two thirds** of the members present consent thereto. This rule is necessary in order that members may have a permanent guide for parliamentary action . . ."

"As it is often necessary that some special rules should not be suspended without unanimous consent, a clause to this effect should be added."

1869. Wilson, A Digest of Parliamentary Law, page 269.

(Oliver M. Wilson was secretary of the Indiana Senate from 1865-1869.)

"A vote of **two-thirds** is required to suspend the rules. This number may at any time suspend one, or all of the rules of the House."

1867. Mell, A Manual of Parliamentary Practice, page 62.

(Patrick Hughes Mell was professor of Ancient Languages at Mercer University and professor of Metaphysics and Ethics at the University of Georgia, becoming chancellor in 1878.)

"It is customary for a rule to be adopted prescribing what number, **exceeding a majority**, shall be required to suspend a rule. In some cases, a vote of two-thirds, in others, of three-fourths, is required. Where no rule exists on the subject, it would seem that the rule can be suspended only by **unanimous** consent."

1856. Crosswell's Manual, page 267.

(Sherman Crosswell graduated from Yale in 1822 and read law. He wrote many books and was editor of the Albany Argus newspaper. Crosswell's Manual is still used by the New York legislature.)

"By **unanimous** consent, any rule or rules of either House may be suspended, changed or rescinded, subject only to the restraints of the Constitution. If such consent be wanting, the rules quoted elsewhere . . . prescribe the mode in which such suspension, change or abrogation may be effected."

1856. Cushing, Lex Parliamentaria Americana, page 575.

(Luther Stearns Cushing served as clerk of the Massachusetts House of Representatives from 1832-1844. He was editor of the American Jurist and Law magazine, city court judge, reporter of the Massachusetts Supreme Court, lecturer on Roman Law at Harvard Law School, and translator of foreign legal treatises. Cushing was the first to recognize that parliamentary procedure for legislative assemblies was diverging from the needs of ordinary assemblies, and wrote two manuals on parliamentary law – one for each.)

"Where a rule or order contains a provision, permitting the house, on any occasion, that, in their judgement, may justify a departure from the rule, to do so, the order may, as it seems, be dispensed with according to its terms, or by a vote of the majority in the usual manner; but, where the rule is absolute, and contains no such provision, it can only be departed from, or set aside in the particular case, by general consent, that is, by an **unanimous** vote."

1848. Matthias' Rules of Order

(Benjamin Matthias served in the Pennsylvania House of Representatives and the Pennsylvania Senate, where he was Speaker of the Senate in 1851. He helped establish the Hebrew Educational Society of Philadelphia.)

page 90. "In Legislative bodies all business has its regular order . . . Frequently, however, bills that are much desired are taken up and disposed of before their regular order is reached. This can sometimes be done, by a bare majority assenting, but if any one member calls for the "orders of the day," the process is stopped unless a vote of two-thirds can be obtained in favor of a motion to suspend the rules."

Page 116. "When the by-laws or rules are before the meeting for its action, a majority is sufficient to make an alteration or amendment, but when they have been formally adopted, and are in operation, it usually requires a vote of **two-thirds** to effect a change or procure a suspension. The joint rules of our State Senate and House of Representatives are adopted by a majority vote, but they cannot be altered or suspended without a vote of two-thirds."

1847. Cushing's Manual of Parliamentary Practice, 7th edition, page 90.

"It is usual, in the code of rules adopted by deliberative assemblies, and especially legislative bodies, to provide that a certain number **exceeding a majority**, as two thirds or three fourths, shall be competent to the suspension of a rule in a particular case; where this is not provided, there seems to be no other mode of suspending or dispensing with a rule than by **general consent**."

Cushing was the first parliamentary author in history (including those in Britain) to mention the motion to Suspend the Rules. Cushing's aim was so summarize the common parliamentary law. In 1847, general consent (i.e., unanimous consent) was required to Suspend the Rules, unless the rules specified the vote required to do so.

1847. Rules of the U.S. House of Representatives, 30th Congress.

The following words were added: "Except during the last ten days of the session the Speaker shall not entertain a motion to suspend the rules of the House at any time except on Monday of every week."

This rule was adopted because the motion to Suspend the Rules combined with a roll call vote became an overused dilatory tactic.

1828. Rules of the U.S. House of Representatives, 20th Congress.

The following words were added: "Nor shall the order of business, as established by the rules, be postponed or changed, except by a vote of at least **two-thirds** of the Members present."

1817 Journal of the U.S. House of Representatives, 15th Congress.

12/19/1817 *First time that the House rules were suspended:* "The said proposition being read, the rule requiring it to lay one day for consideration, was by unanimous consent dispensed with . . ."

1814 Journal of the U.S. House of Representatives, 13th Congress.

12/1/1814 *First attempt to suspend the rules was laid on the table.*

1/3/1815 *Second attempt to suspend the rules was laid on the table.*

1811. Rules of the U.S. House of Representatives, 12th Congress.

*The following words were added: "Nor shall any rule be suspended, except by a vote of at least **two-thirds** of the Members present."*

This was the first time that a formal, written rule for Suspend the Rules was adopted. Before 1811, there was no written rule on suspending the rules in either the U.S House of Representatives or the U.S. Senate, nor was there such a rule in the British House of Commons. It appears that the motion to Suspend the Rules is an American innovation.

1789. Journal of the U.S. Senate, 1st Congress.

8/18/1789 "Ordered, That the rules of the House be so far dispensed with, as that the said bill shall have a third reading at this time."

This was the first record in a legislative journal that the rules were suspended. The U.S. Senate used this procedure several times during its first session. The size of the vote obtained was not mentioned in the journal.

1801. Jefferson's Manual.

(Thomas Jefferson was a legislator and an attorney. While serving as vice president, he wrote the first American book on parliamentary procedure, tying the English common parliamentary law, as practice in the House of Commons, to the practice in the U.S. Senate. In 1837, the U.S. House of Representatives incorporated Jefferson's Manual into its rules, of which it remains a part to this today. The U. S. House considers Jefferson's Manual to be the foundation of American legislative procedure. Since the days of Speaker Reed, it is considered the common parliamentary law while a newly elected House is organizing.)

No mention was made of Suspend the Rules.

In the early 19th century, the accepted parliamentary manual in the United States was Jefferson's Manual. Updates were published every two years, with the latest version of the Rules of the U.S. Senate and the Rules of the U. S. House of Representatives included in an appendix. Deliberative assemblies essentially followed some implementation of the rules of Congress and Jefferson's Manual until Cushing's Manual was published in 1847.

Professions of the Parliamentary Authors listed above

Attorney:	(16) Thomas Jefferson, Luther Cushing, Sherman Crosswell, Oliver M. Wilson, Rufus Waples, George G. Crocker, Thomas Reed, F. H. Kerfoot, Nanette Paul, John Tilson, Paul Mason, Oveta Culp Hobby, Joseph Karcher, Thomas Elliot, George Demeter, Lewis Deschler, Hugh Cannon
Professor:	(4) Patrick Hughes Mell, Alice Sturgis, Albert Bolles, Charles Kelsey Gaines
Theologian:	(2) Thomas Neely, Holland McTyeire
Legis. Clerk:	(2) Edward Hughes, Emma Guy Cromwell
Political Scientist:	Floyd Riddick
Politician:	William Nolan
Botanist:	George T. Fish
Journalist:	William S. Robinson (Warrington)
Author:	Harriette Robinson Shattuck
Social Activist:	Lillian Hollister
Engineer:	Henry M. Robert
Unknown:	(2) Mary Sherman, Carla Wells Trow

Appendix C: The Common Parliamentary Law on Suspend the Rules in Parliamentary Literature

The following are excerpts from Appendix B of those authors who describe the common parliamentary law for Suspend the Rules and the vote required to do so (i.e., when the rules themselves have no provision for suspension). The list is in reverse chronological order.

Date	Author	Vote Required to Suspend the Rules (when no provision is given in the rules)
1970	Mason, 7 th edition	Majority
1943	Mason, 3 rd edition	Unanimous Consent
1935	Tilson	Two-thirds
1926	Hughes	Unanimous Consent
1923	Robert, Parliamentary Law	Common parliamentary law protects minorities from tyranny of majority (vote not specified)
1918	Cromwell	Two-thirds
1914	Neely	Two-thirds
1912	Gaines	Unanimous Consent
1899	Kerfoot	Majority
1898	Shattuck	Unanimous Consent
1894	Reed	Unanimous Consent
1883	Waples	No Suspension allowed (without provision in the rules to do so)
1882	Fish	Unanimous Consent
1876	Robert, 1 st edition	Unanimous Consent
1867	Mell	Unanimous Consent
1856	Croswell	Unanimous Consent
1856	Cushing, Lex Parliamentaria Americana	Unanimous Consent
1847	Cushing's Manual	Unanimous Consent