

Nantucket Town Meeting



Traditions and Procedures

**NANTUCKET TOWN MEETING
TRADITIONS AND PROCEDURES**

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- I. **General Overview.** Nantucket holds its Annual Town Meeting in the spring to vote the Town's budget for the next fiscal year starting July 1st and to transact other business. Special Town Meetings may be called whenever needed. Voters are notified by publication of the Warrant in a local newspaper. The Warrant contains the articles that formally set the agenda of the meeting. A copy of the Warrant with the recommendations of the Finance Committee is mailed to each registered voter at least seven days prior to the meeting (Town Charter, Article II, §2.5(c)).

To make Town Meeting serve its democratic purpose of legislating all matters concerning the Town, voter attendance and active participation in every session of a Town Meeting are vital. The budgets and bylaws adopted, the appropriations authorized, and all of the other actions taken generally determine how the Board of Selectmen and Town departments will be able to serve the public through the year. Participation is a voter's basic democratic opportunity and responsibility. The Moderator welcomes any constructive comments and suggestions on the conduct of Town Meeting and this booklet.

- II. **Rules of Procedure.** Section 2.7 of Article II of the Town Charter provides that:

Except to the extent other procedures have been or are adopted by town meeting or by the moderator in conformity with this charter and the laws of the commonwealth, town meeting shall follow the latest revised edition of *Town Meeting Time: A Handbook of Parliamentary Law*, by Johnson, Trustman and Wadsworth.

The proceedings at Town Meeting are also regulated by the Moderator pursuant to relevant provisions of state law, Chapter 44 of the Nantucket Code, the guidelines set forth in this booklet, and Nantucket tradition.

Town Meeting Time is a handbook of parliamentary law prepared under the auspices of the Massachusetts Moderators Association. The procedures detailed in this book are simpler and easier to understand than are those of the more widely known Robert's Rules of Order. In general, the less Town Meeting becomes involved in parliamentary maneuvers, the better will be the understanding of what is being undertaken. *Town Meeting Time* is available for reference in the High School Library, the Nantucket Atheneum library, and the Town Clerk's office.

The Moderator is the elected official who serves as the presiding officer, deciding all questions of order and making public declaration of all votes. The Moderator's goal is to conduct the Town Meeting in an impartial, yet expeditious, manner, allowing all points of view a fair hearing, while keeping the process moving. The Moderator recognizes speakers from the floor and, while they are

speaking, allows no interruptions, except when a point of order or privilege is raised.

Action will preferably be completed in a single session on articles that are closely related in subject matter. New business is usually taken up before 10:30 PM, since many find it difficult to participate at a later hour. A session may be continued until midnight if the total business contained in the Warrant can be expected to be concluded by then, thereby avoiding the necessity of reconvening on another day. On the other hand, a motion may be made not to consider any article beyond the one under discussion at a selected hour.

The Moderator ensures that news coverage by television, radio, or newspaper is unbiased and not disruptive of the meeting. Video taping by private individuals is permitted with consent of the meeting. In the Town Meeting hall, the use of cellular telephones is prohibited, and the wearing of hats is discouraged.

§44-2 of the Nantucket Code and §2.6 of the Town Charter limit the extent to which non-voters may be present and speak. Any questions are preferably resolved with the Moderator before a session of Town Meeting.

III. Handouts. An area outside of the Town Meeting hall will be specifically designated for the distribution of materials. Only materials that meet the following criteria may be distributed. When the meeting is not in session, at least one person responsible for such materials must be present at the point of distribution, and at least one person shall be responsible for distributing such materials, as necessary, when the appropriate article comes up for consideration. A minimum of 500 copies of all materials must be provided. Such materials must:

- Directly relate to the subject matter of an article on the Warrant.
- Identify the article or articles involved by number and title.
- Identify by name at least one registered voter responsible for their content.
- Be dated.
- Be typed.
- Be available at least one hour prior to the start of the meeting on the night or nights that such materials are to be available.
- Be removed from the hall each night at the end of the meeting.

IV. Protocol for Speakers. When a voter wishes to speak, s/he shall raise her/his hand, or rise and say "Mr. Moderator" or "Madame Moderator", as appropriate, and shall wait for recognition. Then, standing at a microphone, s/he should give her/his name. Every speaker shall address the chair standing, unless s/he has a mobility impairment (Nantucket Code §44-4). Before speaking, the speaker shall disclose if another person has employed him or her concerning the subject under discussion (Nantucket Code §44-7.1). The voter may continue with reasonable brevity, as long as s/he speaks directly to the question under discussion. Remarks must be relevant to the

subject under discussion and avoid personal attacks. All remarks and questions should be addressed to the Moderator.

Limitation of discussion is required to assure expeditious completion of the business at hand; it does not inhibit presentation of controversial points of view. The general practice in Nantucket is to allow five minutes for the presentation of an article. Subsequent speakers, including those speaking for a Town Board or Committee in support of a motion, are asked to limit their comments to two minutes. At the Moderator's discretion, such time limitations may be altered, if the Moderator finds it to be in the best interest of furthering the purposes of the meeting to do so. The Moderator may call to the attention of speakers the time elapsed, with the expectation that they will conclude their remarks promptly.

In recognizing persons who wish to speak, the Moderator gives preference to those who have not already spoken on the article currently under discussion. In the unfortunate event that remarks are irrelevant to the article under discussion or that the speaker exceeds the bounds of normal propriety in criticizing other individuals, the Moderator will rule the speaker out of order but without prejudice to completion of relevant and appropriate remarks. Freedom of expression has been construed to allow presentation of all sides of an issue, popular or not, so long as proper decorum is observed.

V. **Agenda.** The Warrant is the official agenda for the meeting. Separate copies of proposed motions, amendments, or other useful materials are sometimes available in the lobby at the entrance to the hall. The Moderator generally refers to an article by number and subject matter and may not read the full text if it is lengthy.

VI. **Calling of Articles.** Articles in the Warrant set the legal limits to the subjects under discussion; they form the agenda. Before the meeting can be dissolved (ended altogether), action must be taken on all articles appearing in the Warrant.

It has been the practice in Nantucket at the outset of the meeting to call articles by number and title if they are to be discussed. Any registered voter may call an article. You do not need to be an article sponsor or a Town official or be otherwise associated with the article. The Moderator will note the names of persons calling specific articles, so that they can be called upon to speak after the article has been presented along with the Finance Committee's recommendation. The Moderator may also call articles. Absent unusual and compelling circumstances satisfactory to the Moderator, no article may be called after the initial call of the articles at the beginning of Town Meeting, and only then if it has not been reached numerically. If the person who originally called the article is not in the hall when it comes up, the Moderator may then announce that s/he will expedite the process and proceed directly to the vote (or pass over the article), unless someone wishes to speak on the article in opposition to the recommendation.

If you agree with the Finance Committee's recommendation for an article, then there is no need to call it for discussion. It will be processed most expeditiously at the end of the meeting when a vote is taken to adopt the Finance Committee recommendations for all articles that have not been called for discussion.

Articles are normally considered in numerical order. There are occasions when common sense or expediency dictate that articles should be considered in a different order from that in the Warrant. If the desired change is to defer an article, that may be accomplished by a "**motion to postpone**" until after a specified subsequent article. If the desired change is advancement of a later article, it may be presented from the floor as a main motion if and only if no other business is pending. Motions to change the order of consideration normally require a majority vote for passage, but if the motion is mere jockeying for position, the Moderator may, under her/his power to regulate the proceedings, require a two-thirds vote (See *Town Meeting Time*, pages 53-54).

VII. Motions. Generally, motions are requests for specific action on a specific article. Motions must be within the scope of the article. Motions shall be in writing, if so required by the Moderator or the meeting (Nantucket Code §44.3). If you need assistance framing a motion, please see the Moderator as well in advance of the meeting as possible.

Motions must be seconded before discussion can begin or a vote is taken.

There are several reasons why the wording of a motion may differ from that of the article under which the motion is made. The wording of the article must be settled prior to the close of the Warrant, which is generally about four months before the Annual Town Meeting, and a month or more before a Special Town Meeting. This allows time for public notice and hearings on the subjects of the printed Warrant, at which time the wording may be refined. The Moderator will not allow any significant expansion of the intended scope of an article inasmuch as the voters must be properly warned in advance of actions that they may be asked to approve. Reviews are made by the Moderator and by Town Counsel to assure that the motions are within the scope of the article and not in violation of some state or federal law. Nevertheless, it may be difficult to arrive at final wording of a motion in advance of the meeting; for example, dollar amounts may depend on actions taken under earlier articles in the Warrant.

If amendments to an article are presented, they should be given to the Moderator in writing and in duplicate whenever possible. In addition, it is very helpful if amendments are given to the Moderator in advance of the meeting. In the absence of a handout, the Moderator will endeavor to make clear what the voters are asked to vote on.

VIII. Forms of Motions. The meeting itself has the power to carry out the business of the agenda in several ways:

MAIN motions are usually shown as Finance Committee recommendations to articles in the Warrant. The recommended motion is read by the Moderator, the motion is made, seconded, and then opened for consideration.

SECONDARY motions are motions that refer to main motions. The meeting is usually limited to the discussion of two secondary motions at one time. Secondary motions usually amend, postpone, or limit consideration.

POINT OF ORDER. If a voter questions the legality or propriety of the proceedings, s/he may rise, interrupt the speaker and say, "Mr./Madame Moderator, I rise to a point of order".

AMEND. Any voter may offer an amendment to the motion under discussion, provided the scope of the original article is not significantly enlarged or altered. Amendments, if seconded, are discussed. They require only a majority vote to carry (pass) even though the motion being amended may require two-thirds or more. An amendment need not be voted upon if the proposed change is agreeable to the proponents of the original motion. Voters are encouraged to submit amendments in writing and in duplicate. The Moderator will rule out of order any motion to amend that changes the original motion so that, in her/his opinion, it is no longer within the scope of the article.

The amendment may consist of adding, deleting, or substituting words in the motion to be amended. It may take the form of a "**motion to substitute**" a different text. The first amendment to a motion is called the primary amendment, and it may itself be amended. An amendment to the primary amendment is called the secondary amendment and may not be further amended. Not more than one primary and one secondary amendment may be pending at one time.

POSTPONE. Action may be put off by several methods:

1. "**Pass over**" or "**Postpone indefinitely**" or "**Take no action**" are debatable motions and require a majority vote. The intent is to defeat the main motion or article.

2. "**Postpone to a definite time**" defers action on a main motion to a stated hour during the same Town Meeting. At the hour specified, it is returned to the floor when a motion is made that the deferred article be considered.

3. "**Refer to committee**" or "**Commit**" is a secondary motion that should specify how many members, how appointments are to be made and when the committee should report. If changes in a main motion are numerous, take much time, or require additional information, it is wise to commit the article to a committee. An unqualified vote to refer the matter to the Board of Selectmen has been held to confer authority, not merely to determine what should be done, but also to do it (Reference: Town Meeting Time, page 92).

4. **"Table" or "Lay on the Table"** intends to temporarily lay aside an article. It is not debatable; a two-third's vote carries. An article not taken from table before the meeting dissolves is dead. To be considered at a subsequent meeting, it must reappear in the Warrant for that meeting. The motion to "Take from Table", to consider a tabled question, requires a majority vote and can be made at any time when no other question is before the Meeting.

IX. Limit Consideration. Debate may end because no one wishes to be recognized, possibly after a reminder by the Moderator that the discussion is becoming repetitious, so that those still wishing to be heard should limit their remarks to points not already made, or debate may be ended by an affirmative vote of the meeting on a motion to limit consideration in the following ways:

1. **Limit Debate.** This secondary motion requests a vote to be taken at a specific time and requires a two-thirds majority vote.

2. **"Move the Previous Question".** This motion demands an immediate vote on any motion under consideration. It does not require a second and may not be debated, amended, or reconsidered. It requires a two-thirds vote to carry.

These limitations on our deliberations are in accordance with *Town Meeting Time*, by which we govern our conduct of Town Meetings. These procedures leave the ultimate decision on termination of deliberations to the Meeting itself, assuring both a fair opportunity to be heard and the ability to conclude the business at hand.

X. Quantum of vote. A majority of those present and voting is usually sufficient for passage of main motions. The Moderator may declare a two-thirds vote without a count (Nantucket Code §44-7.2). Whenever the quantum required for passage is more than a two-thirds majority vote, the vote must be counted unless it is a unanimous vote.

Although there are several matters that require two-thirds, four-fifths, or even nine-tenths votes, the most notable exceptions to majority vote are: two-thirds majority vote is required for borrowing of money; transfers of land; abandonment of projects for which money has been borrowed; appropriation for celebration of settlement or incorporation; and additions, deletion, or amendment of zoning bylaws. A four-fifths vote is required for payment of a bill for which insufficient appropriations were made in the previous year, a Special Town Meeting would require a nine-tenths vote to pass.

If a vote declared by the Moderator is immediately questioned by seven or more voters, they have the right to ask for a **"division of the meeting"**, in which first the "yeas" rise in place to be counted and then the "nays".

There is not a quorum requirement for any action at an Annual Town Meeting. Special Town Meetings, under Nantucket bylaws, do have quorum requirements: a quorum of 5% of the registered voters must be

present for appropriations to be made at any Special Town Meeting; the requirement is 3% of the registered voters to approve transferring funds from moneys previously appropriated or from the surplus revenue account (Nantucket Code §44-8).

- XI. Roll Call or Ballot Votes.** Although an accurate vote can be expeditiously and efficiently taken by a show of hands or a standing vote, roll call or balloting may at times be used.

The procedure to call for one of these methods of voting is to move to "**fix the method of voting**". This motion is debatable and requires a majority vote. The procedure employed in Nantucket for paper ballots (preprinted "YES/NO" paper) is the "better" procedure according to Town Meeting Time.

- XII. Reconsider an Article.** By tradition in Nantucket, motions to reconsider are seldom made. The Town Bylaw on reconsideration reads as follows:

44.1: Reconsideration of final vote.
No final vote shall be reconsidered unless the person moving the same shall have made a declaration of his intention to do so at the time of its adoption and shall have been one of the majority acting thereon; and no article of any warrant shall be again taken into consideration after it has been disposed of unless ordered by a vote of two-thirds (2/3) of the voters present.

-Written by Mark Arnold, 05/05/91; revised 03/24/94
Nantucket Town Moderator (1991-1996)

Revised by Sarah F. Alger, 04/14/97; 03/25/98; 04/09/99; 12/30/00; 1/25/11
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