

CONCORD TOWN MEETING



TRADITIONS AND PROCEDURES

Seventeenth Edition

February 2011

TOWN MEETING TRADITIONS and PROCEDURES

SUMMARY

- I. Procedural Rules. Concord Town Meeting is conducted by the Moderator under rules set forth in Town Meeting Time and in accordance with Concord tradition.
- II. Agenda. The Agenda is set forth in the Warrant and Finance Committee Report and in handouts on tables outside the auditorium. Every participant should have copies.
- III. Articles and Motions Articles, which form the agenda, are stated in the Warrant and Finance Committee Report. Motions are requests for specific action on each article, and must be within the scope of the article.
- IV. Speaking on a Motion After being recognized by the Moderator, state your name and address. Speaker time limits (usually three minutes) must be observed. Remarks must be relevant to the subject under discussion and must avoid any form of personal attack. All remarks and questions should be addressed to the Moderator.
- V. Amending a Motion. Amendments to motions must be submitted in writing to the Moderator before being made, and must be within the scope of the article.
- VI. Ending Debate. Debate ends when no one wishes to be recognized (possibly after a Moderator reminder that discussion is becoming repetitious), or if someone “moves the previous question” and a two-thirds vote of the Meeting votes in favor.
- VII. Size of Vote for Passage. Most motions pass by a simple majority vote, and the Moderator will advise the Meeting whenever a larger vote is required. A two-thirds vote is generally required for borrowing, zoning bylaw changes, and property transfers.
- VIII. Standing Votes. In a standing vote, Tellers count voting slips held by participants.
- IX. Paper Ballot Votes. Every voter must have a paper voting slip. (See more on page 7).
- X. Adjournment Time. Normally, no new business is taken up after 10:00 PM.
- XI. Reconsideration. Motions to reconsider are rare in Concord, and can only be made in accordance with the Concord Town bylaw set forth on pages 7-8.
- XII. Broadcast Coverage. Cable channel 8 and WIQH FM 88.3 broadcast Town Meeting live under guidelines designed to minimize any impact on the proceedings.
- XIII. Miscellaneous. CELL PHONES MAY NOT BE USED INSIDE THE HALL. Important meeting materials are available on tables outside the auditorium.
- XIV. Flow Chart

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FOREWORD

Just as Congress and the State Legislature make the laws and approve expenditures for our nation and state, Town Meeting is the legislative branch of Concord government, passing By Laws and policies and approving town expenditures. However, unlike with Congress and the Legislature, where citizens elect representatives to speak and act on their behalf, at Town Meeting every registered voter can speak and vote directly on matters that affect their lives and their livelihood.

This handbook has been prepared by the Moderator to help Town Meeting participants understand how the Meeting operates. It also hopes to give help and encouragement to those who wish to participate, and attempts to answer questions which arise repeatedly.

The Moderator welcomes suggestions for clarifications or additional topics for future revisions. My telephone number is 978-369-8528, and my e-mail address is moderator@concordma.gov.

INTRODUCTION

The Massachusetts State Constitution provides for two units of local government: towns and cities. The Town is the basic unit, and Town Meeting is the method provided by the Constitution and The Great and General Court of Massachusetts (the state Legislature) for the governance of towns.¹

In the Open Town Meeting form of government, every registered voter may attend, speak and vote. Attendance must be in person; there is no absentee voting in a Massachusetts Town Meeting. State law requires the Town to hold at least one Town Meeting each year in the spring. This is the Annual Town Meeting, and the principal business of the Meeting is to appropriate money to fund the Town's expenses for the fiscal year which starts the following July 1st. Money can be provided by appropriation directly against the municipal tax rate levied on real and personal property, or money may be borrowed within limits set by the State.

The Warrant is the notice to voters of what matters will be considered and acted on at Town Meeting. The Warrant for the Annual Town Meeting calls for action on town expenditures and other subjects. If additional matters arise at a later time, they may become the subject of a Special Town Meeting.² Some articles in the Warrant are general, while others are detailed and specific. Citizens may insert articles into the Warrant during the period in which the Selectmen publicly declare that the Warrant is "open." A copy of the Warrant is posted by a Constable in at least one public location in Town, and a copy is mailed to every household at least 14 days before the Meeting.

In the Warrant, the Selectmen call the Meeting to convene at a specified time and place. If the Meeting does not complete its business in its first session, the Meeting decides to what date and time it will adjourn. However, the Selectmen will always have suggested additional dates, reserved facilities, and made arrangements for public address systems and the like, so the Meeting usually decides to reconvene on the dates the Selectmen suggest.

When the Selectmen believe attendance may exceed the capacity of one hall, they arrange for the Meeting to be conducted simultaneously in additional halls linked by public address systems, so that every voter will have a full opportunity to participate.³ The Moderator appoints an Assistant Moderator to preside in each additional hall. The Town Clerk keeps the official minutes of every Meeting.

Town Meeting is the legislative body of Town government. Every registered voter in Concord is encouraged to attend and to participate in shaping the legislative decisions which determine how our Town will operate.

¹Sometimes where combining local units can result in a better use of public resources, the Legislature provides for other kinds of units. One example is the Concord-Carlisle Regional School District, which combines the resources of two towns to provide Grade 9-12 education at a joint facility. The CCHS Regional School District is a separate and independent governmental entity. The same is true for Minuteman Regional Vocational Technical School District, of which Concord is a member.

² A Town Meeting entails considerable expense to the Town. The Selectmen thus make every effort to get the Town's business accomplished in the Annual Town Meeting, even though it may require several sessions of hard work by dedicated voters who attend, participate, and vote.

³ If the hall provided is not sufficient to seat every voter who attends and wishes to participate, the Moderator is required by law to adjourn the Meeting and another session must be held within 14 days, with facilities sufficient for all who attend. This happened in 1771 and again in 1994. For the story of the 1771 occasion, see Wheeler, Concord: Climate for Freedom, Concord Antiquarian Society, 1967, p. 99.

I. PROCEDURAL RULES

The rules for the conduct of Concord Town Meeting are set forth in the book Town Meeting Time (Third Edition), a handbook of parliamentary law prepared under the auspices of the Massachusetts Moderators Association. This comprehensive volume (just under 200 pages) guides the Moderator in the conduct of Town Meeting under procedures which are far simpler and more understandable than those in the more widely known Robert's Rules of Order. In general, the less Town Meeting becomes involved in parliamentary maneuvers, the more citizens understand what the Meeting is doing. Town Meeting Time is available in the Concord Free Public Library. The Moderator is always willing to assist a voter in deciding how a matter should be presented and how the rules work.

The Meeting itself is conducted by the Moderator, who is a public official elected each year in the town election. The Moderator serves as the presiding officer, regulating the proceedings, deciding questions of order, and making public declarations of all votes. The Moderator's goal is to conduct the Town Meeting in a fair yet expeditious manner, allowing all points of view a fair hearing, while still keeping the process moving. In the end, the Meeting itself decides how much debate it wishes to hear, and when it is time to bring the matter to a vote. (See Section VI, Ending Debate.)

II. AGENDA

The agenda for the meeting is set forth in the Warrant and the Finance Committee Report. Separate copies of some motions and amendments are also available in the lobby at the entrance to the hall. The Warrant is the official agenda for the Meeting, and the Finance Committee Report reprints all articles together with whatever recommendations the Finance Committee and the Board of Selectmen have made as of the time the report goes to press. Every voter should have a copy of the FinCom Report and the handouts, since the Moderator often refers to articles by subject matter or number only, and frequently will not read the full text of motions, referring instead to either the Warrant or the FinCom Report.

Articles are normally considered in the order in which they appear in the Warrant. The Moderator (after consulting with the Selectmen) may decide to pre-schedule high-interest articles for a specific time to enable interested voters to be present and vote. The Moderator may also decide to place articles on which action is routine, non-controversial and predictable on a Consent Calendar to be voted on out of sequence without debate. Any five voters may have an article removed from the Consent Calendar for discussion by the Meeting when reached in the order in the Warrant. Schedule changes are publicized in advance to the greatest extent possible.

Sometimes common sense or expediency dictates that articles should be considered in a different order from how they appear in the Warrant, and the Meeting may change the order. To postpone consideration of an article, a **"motion to postpone"** until a specified time or until after a specified subsequent article should be made. To advance consideration of an article, a main motion must be made when no other business is pending. Votes to change the order of consideration normally require majority vote for passage. However, if the motion appears to the Moderator to be mere jockeying for position, the Moderator may, under the power to regulate the proceedings, require a two-thirds vote. (See Town Meeting Time, pages 52-54).

III. ARTICLES AND MOTIONS

To vote effectively at Town Meeting, voters need to understand both the issues and the wording of the motion they are voting on. An **article** (as printed in the Warrant and the Finance Committee Report) describes the subject under discussion. A **motion** made under an article describes the specific action proposed to be taken, and on which the Meeting is voting. In some cases, the action is fully and accurately described in the article, and the motion may simply be "to take affirmative action under

article _". Motions must be seconded before discussion can begin or a vote taken.

Frequently, the wording of a motion may differ from the wording of an article. The wording of the article must be determined by the close of the Warrant, which is generally about three months before the Annual Town Meeting (or a month or more before a Special Town Meeting). This allows time for hearings on the subjects of the Warrant. As a result of discussion at hearings, a board or individual petitioner presenting an article may choose to refine the wording or reduce the scope of the specific action being proposed at Town Meeting. The Moderator will not allow any expansion of the scope of the article, because voters must be properly alerted or warned in advance (by the Warrant) of actions they may be asked to approve. Great efforts are made to finalize the wording of motions several weeks before Town Meeting in order to permit review by the Moderator and Town Counsel. These reviews seek to insure that a motion is within the scope of the article and not in violation of state or federal law. Nevertheless, it is often difficult to arrive at final wording of a motion in advance of the Meeting. Dollar amounts for an appropriation may depend on actions taken under earlier articles. And there is always the possibility of amendments to a motion prior to final action.

Differences between the wording of an article and a motion made under the article can result in voter confusion. Where a motion is more than 100 words long, Concord tradition is to provide a printed copy of the text as a handout. It is the Town's responsibility to supply copies of articles proposed by a town board or commission and the individual petitioner's responsibility to provide handouts for petition articles. Failure to supply a handout of a motion of more than 100 words may result in the Moderator suggesting that the Meeting defer consideration of the motion until the handout is available in sufficient quantity for every voter to have a copy; the Meeting then decides how it wishes to proceed. In the absence of a handout, the Moderator reads the motion prior to the vote, and will endeavor to make clear what it is that the voters are being asked to vote on.

IV. SPEAKING ON A MOTION

To speak on a motion, walk to one of the microphones and wait to be called upon by the Moderator. When called upon, first state your name and address, then wait for the Moderator to ask you to speak. Please address all remarks and questions to the Moderator. When several people wish to be heard, lining up at microphones will speed the process.

In recognizing people to speak, preference will be given to those who have not already spoken on the article under discussion. Please be economical with your remarks, and stick closely to the subject the Meeting is considering. Traditionally, eight minutes have been allowed for main motion presentations and four minutes for other speakers. This year, to expedite the meeting and allow more people to speak, six minutes will be provided for most initial presentations and three minutes for other speakers. When several persons share an initial presentation, or when several articles are considered together, times may be adjusted appropriately. When the Moderator calls a speaker's attention to elapsed time, s/he should conclude their remarks promptly. If a voter feels s/he will need more than the usual time to present an article (six minutes), or to speak to a pending motion (three minutes), additional time may be arranged by conferring with the Moderator in advance of the Meeting.

The Meeting expects and welcomes vigorous and pointed debate, directed to the precise subject matter under consideration. However, lengthy, rambling discourse serves no purpose and wastes Meeting time. Attacks on the personality or motive of another person are never permissible. Parliamentary maneuvering to prevent an opposing view from being heard is always discouraged.

Within the general framework of Town Meeting Time parliamentary procedures, the Moderator's goal is to ensure basic fairness in the consideration of issues before the Meeting. This does not necessarily mean, however, that everyone may speak on every motion. When the Meeting decides it has heard enough discussion and is ready to vote, debate ends. (See VI below.)

V. AMENDING A MOTION

Voters wishing to modify a motion being discussed must be recognized by the Moderator and must offer a **motion to amend**. All motions to amend must be in writing and must state exactly what change is being proposed to the original motion. This "in writing" requirement is so the Moderator can know exactly what the voter wishes to do, before ruling on the motion or putting it to a vote.

A voter wishing to amend a main motion must have **2 written copies** of the amendment to hand to the Moderator **before** rising to offer the amendment. Absent unusual circumstances, the Moderator will refuse to put an amendment to the Meeting if it is not immediately available in writing. If the amendment is more than 100 words long, Concord practice is to provide a printed copy of the text as a handout. The Moderator will rule out of order any motion to amend which changes the original motion so much that, in the Moderator's opinion, the motion is no longer within the scope of the article.

An amendment may consist of adding, deleting, or substituting words in the motion. It may also take the form of a "motion to substitute" a different motion.

The first amendment to a main 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. The first secondary amendment must be disposed of before any second one can be entertained. Only one primary and one secondary amendment may be pending at one time.

A motion to amend requires only a majority vote, even though the motion to be amended may require two-thirds or more for final passage. (See Town Meeting Time, page 88).

VI. ENDING DEBATE

Some Warrant articles will be controversial and require considerable deliberation before being voted upon. Nevertheless, a point may come in the deliberation when little (if any) new light is being shed on the subject. When that appears to be the case, it has been a Concord Moderator custom to remind the Meeting of the length of time already devoted to the deliberation, and to encourage those still wishing to be heard to limit their remarks to points not already made. Frequently, such a reminder is effective in bringing the issue to a prompt vote. If not, debate can be terminated by a "motion for the previous question." This motion may be made only by a person recognized by the Moderator, and may not interrupt a speaker who already has the floor. A motion to terminate debate must be seconded, and requires a 2/3 vote for passage. It may not be debated, amended, or reconsidered.

A voter who moves "the previous question" must do just that and no more. The mover may not first offer views on the substance of the main motion, and then seek to foreclose debate by others. The following formula is brief and to the point: "Madam/Mister Moderator, I move the previous question."

When the Moderator feels that fairness requires that proponents or opponents should have a bit more time to make their case before debate ends, the Moderator may ask that the mover of the "previous question" not press the motion until a little more debate has been heard. This is a judgment call by the Moderator, made in the interest of fairness and full presentation of the subject at hand.

Occasionally, after lengthy deliberation, it appears that the matter requires more study and amendment than can be accomplished by the Meeting. In this case a **"motion to commit"** or refer to a Town board or committee may be in order. Such a motion should specify the board or committee, or require that a special committee be appointed for the purpose. If the latter, the motion should specify who shall appoint the committee and may (but need not) specify the personnel of the committee. It is useful to instruct a special committee to report by a fixed date, or to the next special or annual Town Meeting. 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. A motion to refer the matter to a committee requires a majority vote. (See Town Meeting Time, page 96).

A **"motion to lay on the table"** has occasionally been attempted as a way to terminate debate without bringing the matter to a vote. Originally, this motion was intended to allow an assembly to take up more urgent business, while keeping the interrupted business close at hand so that it could be easily resumed when the more urgent business had been disposed of. The currently accepted intent of this motion is to cut off debate without taking action on the particular matter. In Concord, the Moderator has refused to accept a motion to lay on the table on the grounds that it is a parliamentary tactic inconsistent with our traditions of fair debate and disposition of matters on their merits by vote of the Meeting. (See Town Meeting Time, page 104).

These limitations on our deliberations are in accordance with Town Meeting Time, by which we govern the conduct of Concord Town Meeting. These procedures leave the ultimate decision on termination of debate to the Meeting itself, and assure both a fair opportunity to be heard and an ability to bring a matter to a vote, when a two-thirds majority decides that debate should end.

VII. SIZE OF VOTE REQUIRED FOR PASSAGE

A MAJORITY VOTE IS REQUIRED FOR PASSAGE OF ANY MOTION UNLESS OTHERWISE SPECIFIED

After every vote, the Moderator declares the result. If seven voters doubt any vote declared by the Moderator, they have the right to require a division of the Meeting with a standing vote. Any such request for a count must be made immediately after the Moderator declares the vote, and before the Meeting takes up the next article.

State law requires that some motions must receive a two-thirds vote for passage. Included in this category are **votes which authorize borrowing, property transfers, and zoning bylaw changes**. A few motions require even higher levels of affirmative vote for passage.

If a motion requires a two-thirds vote for passage, the vote need not be counted unless the Moderator is uncertain of the two-thirds majority, or unless the Moderator's declaration of the vote is doubted by seven voters. Occasionally, state law requires that a motion pass by a vote greater than two-thirds. In these cases, the vote must be counted unless it is unanimous. In such a case, the Moderator may ask for a "test vote" to see if the meeting can achieve unanimity and thus avoid the time required for a counted standing vote.

VIII. STANDING VOTES

Whenever a standing vote is required, the Moderator will request that the doors be closed, and that no one enter or leave the hall until the count is complete. Persons who leave before both "aye" and "nay" votes have been counted make it very difficult for the Tellers and create doubts as to the integrity of the vote. Visitors should remain seated throughout the count. Eligible voters who wish to be counted should rise when directed by the Tellers, holding their ballot slip so that it is clearly visible to the Tellers. This procedure is part of an effort to assure the integrity of our vote.

Once the vote has been taken by polling or by dividing (standing vote), either on the Moderator's own motion or after a declaration of vote has been questioned by seven voters, the counted vote as declared by the Moderator may not be questioned. (See Town Meeting Time, page 148).

IX. PAPER BALLOT VOTES

Each day when you arrive at the high school, go directly to the Registrars to receive a colored paper voting slip valid for that one session. The slip is valuable, and should be kept carefully in a pocket or other safe and accessible place. This voting slip is needed for counted votes. In a vote by show of hands, voters must show the slip in a raised hand. This makes the vote much easier to determine. If a ballot is taken, a voter will not be able to cast a ballot without showing the voting slip to a Teller.

Although ballot voting is common in a few towns, it is not the custom in Concord. Town Meeting Time states: "Normally, in the event of doubt, it should be possible to take an accurate vote - expeditiously and efficiently - by a standing vote, without resorting to a roll call or balloting. These take time and should be avoided so far as possible." (Reference: Town Meeting Time, page 148). The procedure to call for one of these methods of voting is **a motion to "fix the method of voting."** This motion is debatable, and requires a majority vote (unless the Meeting has adopted a Rule calling for less than a majority vote). In the event the Meeting decides to vote by paper ballot, the procedure will be explained by the Moderator.

X. ADJOURNMENT TIME

Usually, it is not possible to complete Annual Town Meeting business in one session. A member of the Board of Selectmen usually moves that no new business be taken up after 10:00 PM. However, such a motion is generally not made if the total business remaining in the Warrant can be expected to be concluded by midnight (and thereby avoid the need to reconvene another session). If a motion is made to take up no new business after a certain hour, it is understood to mean that action will be completed on articles which are closely related in subject matter.

XI. RECONSIDERATION

A Concord town Bylaw authorizes a **motion for reconsideration**, under specific conditions, as follows:

TOWN MEETING BYLAW

Reconsideration of a Vote at the Same Town Meeting

"A vote at a Town Meeting which is properly subject to reconsideration or rescission later at the same Town Meeting may be reconsidered or rescinded thereat only on motion of any voter made:

(a) at the same session as the vote to be reconsidered or rescinded, at any time before final action has been taken on the article in the Warrant under which the vote to be reconsidered or

rescinded was adopted, and on all other articles which by vote of the Meeting were considered together with said article, or within 20 minutes thereafter; or

(b) at an adjourned session, providing that notice that reconsideration or rescission will be moved thereat is given to the Moderator prior to the adjournment of the session at which the vote is taken; or

(c) at any time before final dissolution of the Meeting, with the consent of the Board of Selectmen or the Finance Committee."

A motion to reconsider requires a second, may not interrupt a speaker, is debatable to the same extent as the motion being reconsidered, and requires a majority vote regardless of the size of vote required for passage of the motion to be considered. For a more extensive discussion, see Town Meeting Time, pages 77-82.

XII. BROADCAST COVERAGE

Meetings are usually broadcast live on **Cable TV on channel 8** and by the Concord-Carlisle High School radio station, **WIQH, at 88.3 FM**. The Moderator may grant permission to other broadcast stations to televise all or part of the Meeting under procedures developed to assure that they will not disrupt the Meeting. Videotaping by private individuals is not permitted. These procedures are intended to limit the intrusiveness of cameras to ensure the orderly conduct of the meeting and to avoid intimidating speakers.

XIII. MISCELLANEOUS

Lobby Tables. The tables in the Lobby are reserved for materials which voters need for the Meeting, such as copies of motions, the FinCom Report, the Warrant and similar materials. Within the limits of available space, persons wishing to distribute materials relating to matters to be considered at the Meeting may place copies on the tables.

Lobby Materials. Lobby table materials must be approved in advance by the Moderator. Sufficient copies must be placed on the tables by 6:00 p.m. for all voters who attend the Meeting. Except for materials prepared by a Town board or committee, all papers must indicate the name and address of the person responsible for it and the date it was created. White paper must be used to avoid confusion with voting slips.

Other activities. Individual distribution of materials, signing of petitions, and similar activities must be done outside the High School buildings, in order to permit orderly check-in by voters and efficient distribution of materials needed for the Meeting.

Cell Phones. **Cell phones may only be used outside the hall**, to avoid disturbing voters listening to the proceedings. **Cell phones should be turned off or put in vibrate mode before the meeting starts**. Any radio or similar device may only be used with earphones, again in order to avoid disturbing others.

XIV. FLOW CHART