

CONCORD TOWN MEETING



TRADITIONS AND PROCEDURES

Twenty-Second Edition

February 2016

CONCORD TOWN MEETING TRADITIONS AND PROCEDURES

TABLE OF CONTENTS

| | | |
|-------|------------------------------------|---|
| | Foreward | 1 |
| | Introduction | 2 |
| I. | Procedural Rules | 3 |
| II. | Agenda | 3 |
| III. | Articles and Motions | 3 |
| IV. | Speaking on a Motion | 4 |
| V. | Amending a Motion | 5 |
| VI. | Ending Debate | 5 |
| VII. | Size of Vote for Passage | 6 |
| VIII. | Standing Votes | 7 |
| IX. | Paper Ballot Votes | 7 |
| X. | Adjournment Time | 7 |
| XI. | Reconsideration | 7 |
| XII. | Broadcast Coverage | 8 |
| XIII. | Miscellaneous | 8 |
| XIV. | Flow Chart (see inside back cover) | 9 |

FOREWORD

Just as Congress and our State Legislature pass 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 in Congress and the Legislature, where citizens elect representatives to speak and act on their behalf, at Town Meeting all registered voters may 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 Town Meeting works. It also hopes to assist and encourage those who wish to participate, and it attempts to answer questions which often arise.

The Moderator welcomes suggestions for clarifications or additional topics for future revisions. He can be reached by email at moderator@concordma.gov or by telephone at 978-369-8528.

INTRODUCTION

The Massachusetts State Constitution makes cities and towns the two units of local government. The Town is the basic unit,¹ 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.

In the **Open Town Meeting** form of government, every registered voter may attend, speak and vote. Under state law, attendance must be in person; no absentee voting is permitted in a Massachusetts Town Meeting. State law also requires the Town to hold at least one Town Meeting each year in the spring. This is the Annual Town Meeting, and its principal business is to appropriate money to fund Town 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 after publication of the Warrant, 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 add articles to the Warrant during the period in which the Selectmen publicly declare the Warrant to be "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 Selectmen will have pre-suggested additional dates, reserved facilities, and made arrangements for public address systems and the like. The Meeting decides to what date and time it will adjourn, and 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 present can participate.³ Annual Town Meeting elects a Deputy Moderator to serve for a year, and the Moderator may appoint Assistant Moderators to preside in additional halls and otherwise assist. The Town Clerk keeps the official minutes of every Meeting.

Town Meeting is the legislative body of Town Government. Every Concord registered voter is encouraged to attend and participate in shaping the decisions that determine how our Town operates.

¹ Sometimes, where combined 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 is a separate and independent governmental entity. It combines the resources of two towns to provide Grade 9-12 education in a joint facility. The same is true for Minuteman Career and Technical School District, of which Concord is one of sixteen members.

² Holding 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 facility provided is not sufficient to seat every voter who attends and wishes to participate, the Moderator is required by law to adjourn the Meeting. Another session must be held within 14 days in facilities sufficient for all who attend. This happened in 1771 and again in 1994. The story of the 1771 occasion is described in Wheeler, Concord: Climate for Freedom (Concord Antiquarian Society, 1967) p. 99.

I. PROCEDURAL RULES

The rules for the conduct of Concord Town Meeting are found in the book Town Meeting Time (Third Edition), a handbook of parliamentary law prepared by the Massachusetts Moderators Association. This comprehensive volume (almost 200 pages) guides the Moderator in the conduct of Town Meeting under procedures that are simpler and more understandable than those in the more-widely-known Robert's Rules of Order. Generally, the less Town Meeting becomes involved in parliamentary maneuvers, the better citizens understand what the Meeting is doing. The Concord Free Public Library has multiple copies of Town Meeting Time. The Moderator is always willing to assist a voter in understanding how the rules work or deciding how a matter should be presented.

The Meeting itself is conducted by the **Moderator**, 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 to be heard, 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 a 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 outside 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 believed to be 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 X". All motions must be seconded before discussion can begin or a vote be 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 identified in 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 require 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 it is 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 or spoken much during the Meeting. **Please be economical with your remarks, and stick closely to the subject the Meeting is considering**. By long-standing tradition, Concord has placed time limits on main motion presentations and other speeches. This year (as in the last four), to expedite the meeting and allow more people to speak, **five minutes will be provided for most initial presentations and two 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 immediately. If a voter feels s/he will need more than the usual time to present an article (five minutes), or to speak to a pending motion (two 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. And parliamentary maneuvering to prevent an opposing view from being heard is always discouraged.

The Moderator's goal, within the general framework of Town Meeting Time parliamentary procedures, is to ensure basic fairness in the Meeting's consideration of issues. This does not necessarily mean, however, that everyone may speak on every motion. Debate ends when the Meeting decides it has heard enough discussion on a matter and is ready to vote. (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 to enable the Moderator to know exactly what a proposal states 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. For any amendment longer than 100 words, Concord practice is to provide printed copies of the text as handouts. 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, so long as the substitute is within the scope of the original article.

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 a **secondary amendment**, and may not be amended further. Only one primary and one secondary amendment may be pending at one time. A first secondary amendment must be disposed of before any further one can be entertained.

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 are controversial and require considerable deliberation before being voted upon. Nevertheless, discussion may reach a point when little (if any) new light is being shed on the subject. When that appears to be the case, the Concord Moderator customarily may remind the Meeting of the length of time already devoted to the deliberation, and 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 only 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 some additional 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 a 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 at 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 a 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, which governs 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 about the integrity of the vote. Visitors should remain at their seats throughout the count. Eligible voters who wish to be counted should rise when directed by the Tellers, and hold their ballot slips so that they are clearly visible to the Tellers. This procedure seeks to assure the integrity of the 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

When you arrive at the high school, go directly to the Registrars table each day to receive a colored paper voting slip valid for that day's session. The slip is valuable, and should be kept carefully in your pocket or other safe and accessible place. Your voting slip is needed for counted votes. In a vote by show of hands, voters must show the slip in a raised hand to make the vote easier to determine. If a ballot is taken, a voter cannot cast a ballot without showing a voting slip to a Teller.

Although ballot voting is common in some towns, it is not the custom in Concord. Town Meeting Time states (page 148): "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." The procedure to request one of these methods of voting is called **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 a single 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 (thereby avoiding 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

By tradition and practice, motions for reconsideration are rare in Concord (one time in 24 TMs prior to TM 2012). When reconsideration is rare, Town Meeting Time (pp. 86-87) provides that a motion to reconsider may be ruled out of order absent compelling circumstances, such as significant new information or changed circumstances coming to light. The presence of speakers standing at microphones when the Meeting has voted to end debate does not constitute "new information." Nor does a change in the composition of the Meeting, by itself, constitute "changed circumstances."

A reconsideration motion must comply with the Concord **Town Meeting Bylaw on Reconsideration of a Vote at the Same Town Meeting**. It allows consideration to be moved at three times:

(a) at the same session as the vote to be reconsidered or rescinded: before final action on an article in the Warrant (or group of related articles considered together), or within 20 minutes of final action on an article in the Warrant (or group of related articles considered together); or

(b) at a subsequent session: if, before adjournment of the session at which the original vote was taken, notice is given to the Moderator that reconsideration or rescission will be moved at the subsequent session; or

(c) at any time before final dissolution of a Meeting: if either the Board of Selectmen or the Finance Committee consents to the motion.

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 original motion considered. A voter making a motion to reconsider will be given two minutes to explain what new information, changed circumstances, or other basis exists for proposing the motion.

If the Meeting votes to reconsider, the previously-approved motion is open for further discussion and must be voted on again, or as amended during the reconsideration discussion.

XII. BROADCAST COVERAGE

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

XIII. MISCELLANEOUS

Lobby Tables. Tables in the Lobby are reserved for materials that voters need for the Meeting. These include the Warrant, the FinCom Report, copies of motions, and similar materials. Persons wishing to distribute materials relating to matters to be considered at the Meeting may, after complying with the following requirements, place copies on the tables.

Lobby Material Requirements. Lobby table materials must be approved in advance by the Moderator. **White paper must be used** to avoid confusion with voting slips. 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. Sufficient copies must be placed on the tables by 6:00 p.m. for all voters who attend the Meeting.

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

Cell Phones. **CELL PHONE CALLING MAY ONLY BE DONE 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, in order to avoid disturbing others.

XIV. FLOW CHART