

ASHFIELD TOWN MEETING TRADITIONS AND PROCEDURES

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FORWORD

Town Meeting is the purest form of democracy. It is the legislative branch of Ashfield's government, enacting bylaws, creating policies, and approving town expenditures. Instead of electing 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 community. This handbook is offered to assist voters and encourage them to participate in Town Meeting. It is designed to answer questions that often arise. It is based on the 2016-17 Concord, MA *Town Meeting Traditions and Procedures*, adapted by Ashfield Town Moderator Buz Eisenberg to help Ashfield Town Meeting participants understand how our Town Meetings work. Suggestions, including additional topics for future revisions, are welcome. The Moderator may be reached by email at buz.e@verizon.net or by telephone at 413.628.3325.

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

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 Mohawk Trail Regional School District, which is a separate and independent governmental entity. It combines the resources of nine towns to provide Grades K-12 education in certain facilities.

spring. Pursuant to a bylaw amended in 1985, Ashfield holds its Annual Town Meeting on the first Saturday in May. 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, by using money held in existing accounts, or money that 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 Warrant is still "open" pursuant to relevant law. A 1993 Bylaw requires a copy of the Warrant to be posted by a Constable at Town Hall and at the Ashfield Post Office. Town Meeting is the legislative body of Town Government. Every Ashfield registered voter is encouraged to attend and participate in shaping the decisions that determine how our Town operates. The Town Clerk keeps the official minutes of every Meeting.

In the Warrant the Select Board directs the Meeting to convene at a specified date, time and place, almost always at Ashfield Town Hall. If the Meeting does not complete its business in its first session, it will vote to suspend to a specific date and time on which to reconvene.

I. PROCEDURAL RULES

By tradition, Ashfield uses Robert's Rules of Order to conduct Ashfield Town Meetings. Those rules are explained and tailored for Town Meeting in the book Town Meeting Time (Third Edition), a handbook of parliamentary law prepared by the Massachusetts Moderators Association. Together these resources guide the **Town Moderator**, a public official elected each year in the town election, in the conduct of Town Meeting. Generally, the less Town Meeting becomes involved in parliamentary maneuvers, the better citizens understand what the Meeting is doing. The Moderator should aspire 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 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 by the **Select Board** in the **Warrant**, which contains the recommendations of the **Ashfield Finance Committee (FinCom)** on articles involving money, those over which the FinCom has jurisdiction to consider. The **Town Administrator** plays a key role in assisting the Select Board in preparing the Warrant. Copies of the Warrant, and some separate handouts involving specific Articles, are made available at all Town meetings to voters and other participants. The Warrant is the official agenda for the Meeting. At every meeting every voter should have a copy of the Warrant and the handouts, since the Moderator often refers to articles by number, and usually obtains consent of the Meeting to not read the full text of article being considered.

Articles are normally considered in the order in which they appear in the Warrant. 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

² Holding a Town Meeting entails considerable expense to the Town. The Select Board thus makes every effort to get the Town's business accomplished in the Annual Town Meeting, even though on occasion it may require more than one session of hard work by dedicated voters who attend, participate, and vote.

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.

The wording of a motion will differ, at least slightly, from the wording of the article to which it relates. That's because the wording of the article is determined by the posting of the Warrant, which must be done 7 days prior to the Annual Town Meeting or 14 days prior to a Special Town Meeting. The wording of the article gives notice of the subject to be considered. But at the meeting, the language is modified to turn it into a **motion**, effectively a request for action. Sometimes 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 posted Warrant) of actions they may be asked to approve. Efforts are made, facilitated by the Town Administrator, to finalize the wording of motions before Town Meeting to permit review by Town Counsel and the Moderator. 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 change, 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. It is our tradition that on more complicated articles supplemental materials may be created by a town board, commission, or employee and provided as handouts for specific articles. At the time a vote is called the Moderator will endeavor to make clear what it is that the voters are being asked to vote on.

IV. SPEAKING TO A MOTION

To speak to a motion the Town endeavors to provide microphones so that every meeting member can hear the discussion. When called upon by the Moderator, state your name and address prior to speaking to the motion. Please address all remarks and questions to the Moderator. Those who wish to be heard should raise their hand until seen by the Moderator, who will endeavor to call on people in the order he has seen them.

In recognizing people to speak, the bylaws limit the number of times a participant may speak to a motion "on the floor" to twice, and preference will be given to those who have not already spoken to the article under discussion, or spoken much during the Meeting. **Participants should try to be economical in their remarks, and stick closely to the subject the Meeting is considering (known as the motion "on the floor.")** By long-standing tradition, the Moderator has the discretion to determine time limits on main motion presentations and other speeches. Normally up to **four minutes will be provided for most initial presentations and two minutes for other speakers.** When follow-up questions or comments flow from a particular comment, the allotted time 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, 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 Robert's Rules of Order parliamentary procedures, and the guidance provided by Town Meeting Time, 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 should have the written amendment to hand to the Moderator **before** rising to offer the amendment. It is up to the discretion of the Moderator whether to put an amendment to the Meeting if it is not immediately available in writing. 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. 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 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 to call the question**," which if passed terminates debate. 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 "to call the 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 to call the question."

When the Moderator feels that fairness requires that a small number of speakers that have waited their turn have the opportunity to provide a comment not previously offered, the Moderator may ask the mover of the motion to call the question not to 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 such a situation, rather than bring the matter to a vote, a "**motion to postpone**" or refer to a named Town board or committee. A motion to

postpone is debatable, amendable, and requires a simple majority to pass. On occasion a **“motion to lay on the table, also called a motion to table”** has is used to terminate debate without bringing a matter to a vote. A motion to table is non-debatable, non-amendable, and requires a 2/3 majority to pass. Originally, “tabling” 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. A Moderator may refuse 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 Ashfield 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 (also called the “Quantum”)

A simple majority vote is required for passage of any motion unless otherwise specified. After every vote, the Moderator declares the result. The tradition in Ashfield has long been that if a voter doubts the accuracy of the Moderator’s determination, that voter has the right to ask for a count. 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. The count may be done with a showing of hands, by asking voters to stand, or by a paper (secret) ballot if a motion to do so is made and duly passed.

State law requires that some motions must receive a majority of 2/3 of the vote for passage. Included in this category are votes that authorize borrowing, property transfers, and zoning bylaw changes. The best practice is to actually count votes on those matters in which state law requires the town to certify that 2/3 has been achieved, or in situations in which a subsequent challenge is foreseeable. However, there are situations in which a two-thirds vote is required for passage in which the vote need not be counted unless the Moderator is uncertain of the two-thirds majority, or if a Meeting member challenges the Moderator’s determination. Ashfield’s tradition is that whenever possible, a count should determine whether 2/3 has been satisfied. 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. **A few motions require even higher levels of affirmative vote for passage under Massachusetts law, even 90%.**

VIII. VOTING

By tradition the vote is usually determined by a **“voice vote”**, whereby the Moderator asks that all in favor say “aye”, opposed say “nay”, and then asks if there are any who are abstaining from voting (“abstentions.”) If the Moderator cannot determine the result by a voice vote, a **“raised hand”** vote will normally be used, in which sworn **“tellers”** will be asked to count the raised hands and report the results to the **Town Clerk**, who certifies the count and reports the result to the Moderator, who in turn reports it to the Meeting. Whenever a hand vote is required, no one should 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 could 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 raise his/her hand when directed by the Moderator and keep them up and visible so that the Tellers may complete the count. This procedure seeks to assure the integrity of the vote. The tally may not be questioned. (See Town Meeting Time, page 148).

IX. PAPER BALLOT VOTES

If a motion for a paper ballot has passed on a particular article, a paper voting slip will be given to each voter. A box will be provided into which your voting slip will be placed under observation by sworn tellers. If a paper ballot is used, 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 Ashfield, so it is not used often. 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 (i.e. in Ashfield we use raised hand), 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 Moderator concludes that a paper ballot is appropriate, usually the case if the Moderator thinks the particular motion deserves a secret ballot because a public vote might hamper some voters from voting their true feeling.) In the event the vote will be by paper ballot, the Moderator asks the Town Clerk to assist in the explanation and to conduct the procedure.

X. ADJOURNMENT

It is unusual that Annual Town Meeting business cannot be completed in a single session. If that is the case however, a member of the Select Board usually moves that no new business be taken up after a certain time, or may move that the Meeting be suspended immediately. However, such a motion is generally not made if the total business remaining in the Warrant can be expected to be concluded by late afternoon (thereby avoiding the need to reconvene another session).

XI. RECORDING THE PROCEEDINGS

Meetings are usually videotaped by a private individual, and are recorded by at least one audio recorder. While the Moderator endeavors to alert participants to the fact that the proceedings are being recorded, participants should assume that they will be recorded.

XII. 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 table materials should be approved in advance by the Moderator.

Other activities. Individual distribution of materials, signing of petitions, and similar activities must be done no closer than 150 feet outside the Ashfield Town Hall.

Cell Phones. In order to avoid disturbing voters listening to the proceedings, cell phones or any similar devices should be turned off or put in vibrate mode before the meeting starts.

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