

## ***A sample from Robert's***

### **Appeal from the Decision of the Chair (Challenge the Ruling of the Chair)**

*Appeal from the Decision of the Chair*—most often comes up at what is usually an already confusing time in a meeting. People are unsure and the chair, who anchors the meeting, may themselves be in doubt about a Robert's detail. Here is part of Robert's section on this point. Does this help? Few people would be able to know what to do with this from a fast read. We can hardly expect an entire assembly to have this internalized.

(RONR 11<sup>th</sup> ed p 255)

#### **§ 24. APPEAL**

By electing a presiding officer, the assembly delegates to him the authority and duty to make necessary rulings on questions of parliamentary law. But any two members have the right to *Appeal* from his decision on such a question. By one member making (or "taking") the appeal and another seconding it, the question is taken from the chair and vested in the assembly for final decision. Members have no right to criticize a ruling of the chair unless they appeal from his decision.

#### **Standard Descriptive Characteristics**

*An Appeal:*

1. Takes precedence over any question pending at the time the chair makes a ruling from which the appeal is made. It yields to all privileged motions (provided that they are in order at the time according to the order of precedence of motions), and it yields to incidental motions arising out of itself. If it is debatable (see Standard Characteristic 5, below), it also yields to the subsidiary motions to *Limit or Extend Limits of Debate* and for the *Previous Question*, and yields to the motions to *Commit*, to *Postpone Definitely*, and to *Lay on the Table*, provided that they are in order at the time according to the order of precedence of motions. If it is undebatable and adheres to pending question(s), it does not yield to any subsidiary motion except to *Lay on the Table*; and if it is undebatable and does *not* adhere to pending question(s), it yields to no subsidiary motion.
2. Can be applied to any ruling by the presiding officer except that:
  - a) if a point of order is raised while an appeal is pending, there is no appeal from the chair's decision on this point of order, although the correctness of the ruling can be brought up later by a motion covering the case; and
  - b) when the chair rules on a question about which there cannot possibly be two reasonable opinions, an appeal would be dilatory and is not allowed.

Rules governing the applicability: of subsidiary motions to *debatable appeals* are as follows: A motion limiting or extending debate or a motion for the *Previous Question* "" can be applied to a debatable appeal without affecting any other pending question. Also:

- When a *debatable* appeal *does not adhere* to pending question(s)-that is; when the decision on it would in no way affect pending question(s)-such a debatable appeal can have any of the subsidiary motions applied to it except *Postpone Indefinitely* and *Amend*.
- But when a *debatable* appeal *adheres* to pending question(s)-as in the case of an appeal from a ruling that an amendment is not germane-the subsidiary motions, except the motions affecting debate, cannot be applied to the appeal alone. However, they can be applied to the main question, and if the latter is committed, postponed, or laid on the table, the appeal goes with this main question.

In the case of *undebatable* appeals:

- When an *undebatable* appeal *does not adhere* to pending question(s), no subsidiary motion can be applied to it; however,
  - When an *undebatable* appeal *adheres* to pending question(s), no subsidiary motion can be applied to it alone; but the main question can be laid on the table, and the appeal then goes to the table with the main question and all adhering motions.
3. Is in order when another has the floor, but the appeal must be made at the time of the ruling. If any debate or business has intervened, it is too late to appeal.
  4. Must be seconded.
  5. Is debatable, unless it (a) relates to indecorum or a transgression of the rules of speaking; (b) relates to the priority of business; or (c) is made while the immediately pending question is undebatable. When an appeal is debatable, no member is allowed to speak more than once except the presiding officer—who need not leave the chair while so speaking, but should stand. The first time the chair speaks in debate on the appeal, he is entitled to preference over other members seeking recognition. He can answer arguments against the decision or give additional reasons by speaking a second time at the close of the debate. He may announce his intention to speak in rebuttal and ask if there are others who wish to speak first. Even when the appeal is not debatable, the chair can, when stating the question on it, give the reasons for his decision without leaving the chair.
  6. Is not amendable.
  7. A majority or a tie vote sustains the decision of the chair on the principle that the chair's decision stands until reversed by a majority. If the presiding officer is a member of the assembly, he can vote to create a tie and thus sustain his decision
  8. Can be reconsidered.