

September 11, 2024

Information Item regarding voting/participation by the Chair in a debate.

Bourinot's Rules of Order are Canadian and generally used in the House of Commons of Canada.

Under "Duties of Chair" Bourinot states:

"The Chair conducts the meetings, preserves order and decorum and interprets the Rules of Order. The Chair is impartial and may not take part in debate nor vote.

The Chairperson is **not permitted to move a motion**, unless they vacate the Chair to do so, or unless they are moving a motion to adopt their own report."

Robert's Rules of Order, which is the guideline used in the United States House of Representatives. They are most commonly used by councils and boards across North America. (See attached)

The essence of this set of guidelines is the **Chair must "Remain impartial during debate** – the presiding officer relinquishes the chair in order to debate one merits of a motion", and "Vote only to create or break a tie except the presiding officer may vote on any vote by ballot."

In essence, the **Chair only votes** when his/her vote would affect the result – commonly referred to as "**making or breaking a tie.**"

Eg. If there are 6 votes in favour of a motion and 5 votes against the motion, the Chair can:

- Continue not to vote and allow the motion to pass by a majority vote
- Vote "no" to create a tie, thus allowing the motion to be lost.

I intend to follow Robert's Rules of Order while Chairing Council and Planning meetings.

CParrish

ROBERT'S RULES OF ORDER

What are Robert's Rules of Order?

The first edition of the book was published in February, 1876 by U.S. Army Major Henry Martyn Robert. Its procedures were loosely modeled after those used in the United States House of Representatives. Robert wrote Robert's Rules of Order after presiding over a church meeting and discovering that delegates from different areas of the country did not agree about proper procedure. The book is now in its 10th edition; Robert's Rules of Order Newly Revised (RONR).

V. Role of the Presiding Officer

- A. Remain impartial during debate - the presiding officer must relinquish the chair in order to debate the merits of a motion
- B. Vote only to create or break a tie (or 2/3 for matters requiring a 2/3 vote) – exception: the presiding officer may vote on any vote by ballot
- C. Determine that a quorum is present before transacting business
- D. Introduce business in proper order
- E. Recognize speakers
- F. Determine if a motion is in order
- G. Keep discussion germane to the pending motion
- H. Maintain order
- I. Put motions to a vote and announce results
- J. Employ unanimous consent (general consent) when appropriate

XI. Voting

- A. Majority vote - defined as more than half of the votes cast by those present and voting (i.e., excluding abstentions) unless the organization's rules specify otherwise (e.g., majority of those present, or majority of the entire membership)
- B. Two-thirds vote - defined as at least two-thirds of those present and voting, unless otherwise specified by the organization's rules. Examples of motions that require a two-thirds vote: to close, limit, or extend debate; to suspend the rules; to amend the constitution and bylaws; to close nominations; to remove an officer or expel a member; or to object to the consideration of a motion.
- C. Voting by the Chair - except when there is a ballot vote, the chair only votes when his/her vote would affect the result.**
- D. Methods of Voting 1. Voice vote - method normally used 2. Show of hands or rising vote - used to verify an inconclusive voice vote or on motions requiring a two-thirds vote 3. Ballot - normally used for election of officers and when ordered by a majority vote 4. Roll call vote - used when it is desired to have a record of how each member voted. Can be ordered by a majority vote unless the organization's bylaws specify otherwise.
- E. Proxy voting is prohibited unless specifically provided for in the charter or bylaws.

Can the Chair vote in Robert's Rules of Order?

The voting rights of the meeting chairman is probably one of the most frequently asked questions of [parliamentarians](#)! There can be a lot of confusion in this area, so this post will break down all of the relevant concepts to help decide if the chairman of your group can vote in a meeting. Yes, the chairman can vote in a meeting, but there are restrictions depending on the size and characteristics of the meeting.

For organizations where the chairman is also a member, *Robert's Rules of Order* makes it clear that the chair does not give up membership rights for simply being elected chair. "If the presiding officer is a member of the assembly or voting body, he has the same voting right as any other member....[H]owever...the chair protects his impartial position by exercising his voting right only when his vote would affect the outcome" (*Robert's Rules of Order Newly Revised 12th ed.*, §4:56). This means that the Chair has the ability to vote, but should only exercise it as a last resort in order to maintain his or her impartiality while presiding over a meeting.

I estimate that almost all organizations' chairpersons are elected from amongst the voting members of the organization. The main exceptions will come from governmental entities. For example, in some cities the mayor presides at City Council meetings but does not receive a vote like the City Council members.

Outside of this main principle, there are other situations where the chair can and cannot vote.

The Chair Can Vote When it Affects the Result

As previously mentioned, the Chair can exercise his right to vote when it would impact the result. For majority votes, this is commonly referred to as "making or breaking a tie." For example, if there are 11 votes in favor of a motion and 10 votes against a motion, the chair can:

- Continue to not vote and allow the motion to pass by majority vote
- Vote no to create a tie; thus, allowing the motion to be lost.

The same principle applies for measures that require a higher threshold, such as a two-thirds vote. Suppose 19 people voted yes and 10 people voted no on a motion that requires a two-thirds vote. The Chair could vote yes in order for the motion to pass.

Please note that the Chair does not have a "super vote" and cannot vote twice: once as a member and once to break the tie (*See RONR 12th ed.*, §44:12).

The Chair Can Always Vote by Ballot

When a vote is conducted by secret ballot, the Chair is free to vote because her impartiality cannot be challenged because no one will know how she voted. The ballots are simply counted all together, and the Chair announces the end result.

The Chair Can Vote When He Recuses Himself

There are instances where the Chair is passionate about a particular matter and wishes to fully participate in the deliberations. When this is the case, the presiding officer may relinquish the chair to the Vice Chair (or other elected/appointed temporary chair) while the current item of business is being considered.

“If the presiding officer is a member of the society, he has—as an individual—the same rights in debate as any other member; but the impartiality required of the chair in an assembly precludes his exercising these rights while he is presiding.... On certain occasions—which should be extremely rare—the presiding officer may...relinquish the chair...[and] then may not return to it until the pending main question has been disposed of, since he has shown himself to be a partisan as far as that particular matter is concerned.”

Robert’s Rules of Order Newly Revised 12th ed., §43:29

In this instance, it is then the temporary Chair who should refrain from voting. Upon the conclusion of the debate, the permanent Chair casts his vote, and then can return to the chair once the result has been announced.

The Chair Can Vote in Small Boards and Committees

Robert’s Rules of Order allows for more informal procedures in small boards and committees, including permitting the Chair to vote. “In a board meeting where there are not more than about a dozen members present...[i]f the chairman is a member, he may, without leaving the chair, speak in informal discussions and in debate, and vote on all questions” (*RONR 12th ed., §49:21*). Further, “The informalities and modifications of the regular rules of parliamentary procedure listed in 49:21 for use in small boards are applicable during the meetings of all standing and special committees” (*RONR 12th ed., §50:25*).

This mean, if you are part of a board of directors that has “not more than about a dozen members present,” the Chair is able to vote. The same principle applies to committees, regardless of size.

Conclusion

Determining whether the Chair can vote is very fact and Bylaws specific, and depends on the individual circumstances of your deliberative assembly.

Is it true that the president can vote only to break a tie?

No, it is not true that the president can vote only to break a tie. If the president is a member of the voting body, he or she has exactly the same rights and privileges as all other members have, including the right to make motions, to speak in debate, and to vote on all questions. So, in meetings of a small board (where there are not more than about a dozen board members present), and in meetings of a committee, the presiding officer may exercise these rights and privileges as fully as any other member. However, the impartiality required of the presiding officer of any other type of assembly (especially a large one) precludes exercising the rights to make motions or speak in debate while presiding, and also requires refraining from voting except (i) when the vote is by ballot, or (ii) whenever his or her vote will affect the result.

When will the chair's vote affect the result? On a vote that is not by ballot, if a majority vote is required and there is a tie, he or she may vote in the affirmative to cause the motion to prevail. If there is one more in the affirmative than in the negative, the chair can create a tie by voting in the negative to cause the motion to fail. Similarly, if a two-thirds vote is required, he or she may vote either to cause, or to block, attainment of the necessary two thirds. [RONR (12th ed.) 44:12–13; see also Table A, p. 206 of *RONR In Brief*.]