§35. RESCIND; AMEND SOMETHING PREVIOUSLY ADOPTED

By means of the motions to *Rescind* and to *Amend Something Previously Adopted*—which are two forms of one incidental main motion governed by identical rules—the assembly can change an action previously taken or ordered. *Rescind*—also known as *Repeal* or *Annul*—is the motion by which a previous action or order can be canceled or countermanded. The effect of *Rescind* is to strike out an entire main motion, resolution, order, or rule that has been adopted at some previous time. *Amend Something Previously Adopted* is the motion that can be used if it is desired to change only a part of the text, or to substitute a different version.

Standard Descriptive Characteristics

The motions to *Rescind* and to *Amend Something Previously Adopted*:

1. Take precedence over nothing, and can therefore be moved only when no other motion is pending. *Previous notice* (pp. 121–24) of intent to offer one of these motions at the next meeting can be given while another question is pending, however—provided that it does not interrupt a speaker (see Standard Characteristic 7). These motions yield to subsidiary, privileged, and incidental motions.
2. Can be applied to anything (e.g., bylaw, rule, policy, decision, or choice) which has continuing force and effect and which was made or created at any time or times as the result of the *adoption* of one or more main motions. (However, see below for actions that cannot be rescinded or amended.) All of the subsidiary motions can be applied to the motions to *Rescind* and to *Amend Something Previously Adopted*.

3. Are out of order when another has the floor; but previous notice of intent to offer one of these motions at the next meeting can be given after another member has been assigned the floor, provided that he has not begun to speak.
4. Must be seconded.
5. Are debatable; debate can go into the merits of the question which it is proposed to rescind or amend.
6. Are amendable, by the processes of primary and secondary amendment in any of the forms discussed in **12**, as applicable to the particular case. Thus, a motion to *Rescind* can be amended, for example, by substituting for it a motion to amend what is proposed to be rescinded. But if a motion to *Rescind* or to *Amend Something Previously Adopted* is amended so that the change proposed by the amended motion then exceeds the scope of a previous notice that was given, the effect of the previous notice is destroyed and the motion can no longer be adopted by a majority vote (see Standard Characteristic 7). When these motions *require* previous notice (as may be the case with respect to a motion to rescind or amend a provision of the bylaws or a special rule of order), such a motion cannot be amended so as to make the proposed change greater than that for which notice has been given.
7. In an assembly, except when applied to a constitution, bylaws, or special rules of order, require (a) a two-thirds vote, (b) a majority vote when notice of intent to make the motion, stating the complete substance of the proposed change, has been given at the previous meeting within a quarterly time interval or in the call of the present meeting, or (c) a vote of a majority of the entire membership—any one of which will suffice. The same vote is required for the assembly to rescind or amend an action taken by subordinate bodies, such as some executive boards, empowered to act on behalf of the assembly. In a committee, these motions require a two-thirds vote unless all committee members who voted for the motion to be

rescinded or amended are present or have received ample notice, in which case they require a majority vote. A motion to rescind or amend provisions of a constitution or bylaws is subject to the requirements for amendment as contained in the constitution or bylaws (see **56**, **57**). If the bylaws or governing instrument contains no provision relating to amendment, a motion to rescind or amend applied to a constitution or to bylaws is subject to the same voting requirement as to rescind or amend special rules of order—that is, it requires (a) previous notice as described above *and* a two-thirds vote or (b) a vote of a majority of the entire membership.

8. A negative vote on these motions can be reconsidered, but not an affirmative vote.

Further Rules and Explanation

RIGHT OF ANY MEMBER TO MAKE THE MOTIONS, WITHOUT TIME LIMIT. In contrast to the case of the motion to *Reconsider*, there is no time limit on making these motions after the adoption of the measure to which they are applied, and they can be moved by any member, regardless of how he voted on the original question. When previous notice has been given, it is usual to wait for the member who gave notice of these motions to move them; but if he does not, any member can do so.

PROPOSED AMENDMENTS BEYOND THE SCOPE OF THE NOTICE. As noted in Standard Descriptive Characteristic 6 above, when previous notice is a *requirement* for the adoption of a motion to rescind or amend something previously adopted, no subsidiary motion to amend is in order that proposes a change greater than that for which notice was given. This is always the case, for example, when the bylaws of an organization require previous notice for their amendment, which they should do (pp. 580–82). It will also

be the case, as a practical matter, whenever a majority of the entire membership is not in attendance at the time the vote is taken on a motion to rescind or amend a provision of the constitution or bylaws, or a special rule of order. In either of the situations described above, no subsidiary motion to amend is in order that proposes a change going beyond the scope of the notice which was given, for the reason that adoption of such a motion will destroy the effect of the notice, and the motion is thus tantamount to a motion to *Postpone Indefinitely.*

ACTIONS THAT CANNOT BE RESCINDED OR AMENDED. The motions to *Rescind* and to *Amend Something Previously Adopted* are not in order under the following circumstances:

a) When it has previously been moved to reconsider the vote on the main motion, and the question can be reached by calling up the motion to *Reconsider* (37).
b) When something has been done, as a result of the vote on the main motion, that is impossible to undo. (The unexecuted part of an order, however, can be rescinded or amended.)
c) When a resignation has been acted upon, or a person has been elected to or expelled from membership or office, and the person was present or has been officially notified of the action. (The only way to reverse an expulsion is to follow whatever procedure is prescribed by the bylaws for admission or reinstatement. For the case of an election, see pp. 653–54 regarding removal of a person from office.)

Form and Example

When previous notice has been given, the motions to *Rescind* or to *Amend Something Previously Adopted* may be made as follows:

MEMBER A (obtaining the floor): In accordance with notice given at the last meeting, I move to rescind the resolution that authorized additional landscaping of the grounds. [Or "... to amend the resolution ... by adding ..."] (Second.)

In such a case, a majority vote is sufficient.

When no notice of the motion to *Rescind* or to *Amend Something Previously Adopted* has been given, the motions may be made as follows:

MEMBER A (obtaining the floor): I move to rescind the motion relating to ... adopted at the May meeting. [Or "... to amend the motion ... by inserting ..."] (Second.)

Without previous notice, the motion requires a two-thirds vote or a majority of the entire membership for its adoption.

In a great many instances, the motion or resolution originally adopted is not referred to, and only the bylaw, rule, or policy to be rescinded or amended is mentioned. For example:

MEMBER A (obtaining the floor): In accordance with the notice given in the call of this meeting, I move to amend Article V, Section 3 of the bylaws by striking out subparagraph (c) thereof. (Second.)

To offer an amendment to change one form of the motion into the other:

If the motion was made "to amend the motion relating to ... adopted at the May meeting ... by inserting ...":

MEMBER A (obtaining the floor): I move to substitute for the pending motion the following: "To rescind the motion relating to ... adopted at the May meeting."

If the motion was made "To rescind the resolution that authorized additional landscaping of the grounds.":

MEMBER A (obtaining the floor): I move to substitute for the pending motion the following: "To amend the resolution that authorized additional landscaping of the grounds by adding 'at a cost not to exceed $100,000.'"

Rescind and Expunge from the Minutes

On extremely rare occasions when it is desired not only to rescind action but also to express the strongest disapproval, a member may move to *Rescind and Expunge from the Minutes* (or *the Record*). Adoption of this motion requires an affirmative vote of a majority of the entire membership, and may be inadvisable unless the support is even greater. Even a unanimous vote at a meeting is insufficient if that vote is not a majority of the entire membership. If such a motion is adopted, the secretary, in the presence of the assembly, draws a single line through or around the offending words in the minutes, and writes across them the words, "Rescinded and Ordered Expunged," with the date and his signature. In the recorded minutes the words that are expunged must not be blotted or cut out so that they cannot be read, since this would make it impossible to verify whether more was expunged than ordered. In any published record of the proceedings, the expunged material is omitted. Rather than expunging, it is usually better to rescind the previous action and then, if advisable, to adopt a resolution condemning the action which has been rescinded.

§36. DISCHARGE A COMMITTEE

By means of the motion to *Discharge a Committee* from further consideration of a question or subject, the assembly can take the matter out of a committee's hands* after refer-

*Or a committee can take it out of a subcommittee's hands.