

§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 (However, see below for actions that cannot be rescinded or amended.)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*.

- 1 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 as-
signed the floor, provided that he has not begun to speak.
- 5 4. Must be seconded.
5. Are debatable; debate can go into the merits of the ques-
tion which it is proposed to rescind or amend.
6. Are amendable, by the processes of primary and second-
ary amendment in any of the forms discussed in 12,
10 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it a motion to amend what is proposed to be rescinded.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 Previ-*
15 *ously 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
20 respect to a motion to rescind or amend a provision of
the bylaws or a special rule of order), such a motion can-
not be amended so as to make the proposed change
greater than that for which notice has been given.
- 25 7. In an assembly, except when applied to a constitution, by-
laws, 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 pro-
posed change, has been given at the previous meeting
within a quarterly time interval or in the call of the present
30 meeting, or (c) a vote of a majority of the entire mem-
bership—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
35 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

- 1 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
5 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 adop-
tion of such a motion will destroy the effect of the notice,
and the motion is thus tantamount to a motion to *Postpone*
10 *Indefinitely*.

ACTIONS THAT CANNOT BE RESCINDED OR
AMENDED. The motions to *Rescind* and to *Amend Some-*
15 *thing 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).
- 20 b) When something has been done, as a result of the vote
on the main motion, that is impossible to undo. (The un-
executed part of an order, however, can be rescinded or
amended.)
- 25 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
30 pp. 653–54 regarding removal of a person from office.)

Form and Example

When previous notice has been given, the motions to
35 *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.":

- 1 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.'"

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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,
10 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
15 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
20 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
25 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.

30 §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.