

REVIEW OF ROBERT'S RULES OF ORDER AND THE NOVEMBER 2022 MOTION TO RECONSIDER ON GEAR SWITCHING

At the November 2022 meeting of the Pacific Fishery Management Council (Council), the Council took up the topic of gear switching (see [Agenda Item H.3, November 2022](#)). Consideration of this matter arose twice during the course of the meeting, the second time occurring when a motion to reconsider was made on the last day. The manner in which the motion was considered on the Council floor raised several questions regarding the application of Robert's Rules of Order. This short document is intended to clarify the process and questions that came before the Council, and how Robert's Rules of Order should apply in such cases.

A Brief Review

On day last of the November 2022 Council meeting, Ms. Christa Svensson moved to reconsider. Ms. Svensson was permitted to make this motion since she had been on the prevailing side of an earlier motion and because the Council had not adjourned. The motion to reconsider was voted on, with 7 voting yes, 5 voting no, and 2 abstentions. Because the majority of the voting members voted yes, the Council considered the motion as having passed. Ms. Svensson then proceeded to the next step which is to make her substantive motion to include refinements to the alternatives being considered by the Council regarding gear switching. Before concluding, a Point of Order was raised by Mr. Phil Anderson regarding whether the motion to reconsider had passed. In raising this Point of Order, Mr. Anderson referred to language within Robert's Rules of Order stating "...a majority of members present...". The Council subsequently concluded that because the 7 votes in favor of Ms. Svensson's motion to reconsider did not constitute the majority of members present, that the prior motion had failed.

Robert's Rules of Order and Voting

Organizations that claim to follow Robert's Rules of Order develop and apply voting rules in somewhat different ways. Some organizations have policies in place which indicate that a majority of members present must vote in favor of an item for it to pass, while other organizations have policies in place which indicate that a majority of members voting must vote in favor in order for an item to pass. However, a review of the formal rules indicates:

"When a quorum is present, a majority vote, that is a majority of the votes cast, ignoring blanks, is sufficient for the adoption of any motion that is in order, except those...which require a two-thirds vote. A plurality never adopts a motion nor elects any one to office, unless by virtue of a special rule previously adopted. On a tie vote the motion is lost, and the chair, if a member of the assembly, may vote to make it a tie..."

In other words, a review of the formal rules, indicates that a motion should pass if the majority of the voting members vote in favor. Those choosing to abstain do not count. Applying these rules to the November 2022 motion to reconsider would have meant that Ms. Svensson's motion should have passed.

Council Statement of Organization, Practices, and Procedures (SOPPs)

Many organizations that indicate they follow Robert's Rules also memorialize many of their rules in their own procedures. The Pacific Fishery Management Council follows this practice. Language within our SOPPs addresses an occasion like the motion to reconsider that was made in November of 2022. This language, contained on page 6, states:

Decisions of the Council are by majority vote of the voting members present and voting, except for a vote to propose removal of a Council member where a two-thirds majority of voting members is required. Decisions by consensus are permitted except when the action (1) recommends approval of an FMP or amendment of an FMP (including any proposed regulations), (2) requests an amendment to regulations implementing an FMP, or (3) is a recommendation for responding to an emergency. Voting by proxy is permitted only by principle state officials, the tribal Indian representative, and NMFS Regional Administrators via properly named designees. An abstention does not affect the unanimity of a vote.

In other words, the Council's rules in this case mirror the formal rules. Abstentions are not counted toward the final tally, and a motion will pass if a majority of those voting vote in favor (except in cases where two-thirds majority is necessary).

Final thoughts

A review of the November motion to reconsider against Robert's Rules of Order and the Council's SOPPs indicates that this motion should have passed. Whether the subsequent substantive motion would have passed is unknown. The Council will have an opportunity to consider refinements to the existing suite of gear switching alternatives at future meetings. Thus, while the motion to reconsider caused a fair degree of confusion in November and did not pass when it should have, this process error has not limited the Council's future consideration of gear switching alternatives and the modification or refinement thereof.

PFMC
02/10/23