

# Robert's Rules of Order Online

## Art. VIII. Vote.

[46.](#) Voting

[47.](#) Votes that are Null and Void even if Unanimous

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**46. Voting.** If the question is undebatable, or debate has been closed by order of the assembly, the chair, immediately after stating the question, puts it to vote as described under Putting the Question [\[9\]](#), only allowing time for members to rise if they wish to make a motion of higher rank.

If the question is debatable and no one rises to claim the floor, after the question is stated by the chair, he should inquire, "Are you ready for the question?" After a moment's pause, if no one rises, he should put the question to vote. If the question is debated or motions are made, the chair should wait until the debate has apparently ceased, when he should again inquire, "Are you ready for the question?" Having given ample time for any one to rise and claim the floor, and no one having done so, he should put the question to vote and announce the result.

The usual method of taking a vote is *viva voce* (by the voice). The rules require this method to be used in Congress. In small assemblies the vote is often taken by "show of hands," or by "raising the right hand" as it is also called. The other methods of voting are by rising; by ballot; by roll call, or "yeas and nays," as it is also called; by general consent; and by mail. In voting by any of the first three methods, the affirmative answer *aye*, or raise the right hand, or rise, as the case may be: then the negative answer *no*, or raise the right hand, or rise.

The responsibility of announcing, or declaring, the vote rests upon the chair, and he, therefore, has the right to have the vote taken again, by rising, if he is in doubt as to the result, and even to have the vote counted, if necessary. He cannot have the vote taken by ballot or by yeas and nays (roll call) unless it is required by the rules or by a vote of the assembly. But if the *viva voce* vote does not make him positive as to the result he may at once say, "Those in favor of the motion will rise;" and when they are seated he will continue, "Those opposed will rise." If this does not enable him to determine the vote, he should say, "Those in favor of the motion [or, Those in the affirmative] will rise and stand until counted." He then counts those standing, or directs the secretary to do so, and then says, "Be seated. Those opposed [or, Those in the negative] rise and stand until counted." After both sides are counted the chair announces the result as shown below. In a very large assembly the chair may find it necessary to appoint tellers to count the vote and report to him the numbers. In small assemblies a show of hands may be substituted for a rising vote.

When the vote is taken by voice or show of hands any member has a right to require a *division of the assembly* [\[25\]](#) by having the affirmative rise and then the negative, so that all may see how members vote. Either before or after a decision any member may call for, or demand, a count, and, if seconded, the chair must put the question on ordering a count. In organizations where it is desired to allow less than a majority vote to order a count or tellers, a special rule should be adopted specifying the necessary vote. Where no rule has been adopted a majority vote is required to order a count, or that the vote be taken by ballot or by yeas and nays (roll call).

*Announcing the Vote.* When the vote has been taken so that the chair has no doubt as to the result, and no division is called for, or, if so, the assembly has divided, the chair proceeds to announce, or declare the vote thus: "The ayes have it and the resolution is adopted." If he is not very positive, he may say, "The ayes seem to have it," and, if no one says he doubts the vote or calls for a division, after a slight pause he adds, "The ayes have it," etc. If the vote was by show of hands or by rising, it would be announced thus: "The affirmative has it (or, the motion is carried) and the question is laid on the table," or if there was a count, the vote would be announced thus: "There are 95 votes in the affirmative, and 99 in the negative, so the amendment is lost, and the question is now on the resolution; are you ready for the question?" In announcing a vote the chair should state first whether the motion is carried or lost; second, what is the effect, or result, of the vote; and third, what is the immediately pending question or business, if there is any. If there is none, he should ask, "What is the further pleasure of the assembly?" One of the most prolific causes of confusion in deliberative assemblies is the neglect of the chair to keep the assembly well informed as to what is the pending business. The habit of announcing the vote by simply saying that the "motion is carried" and then sitting down, cannot be too strongly condemned. Many members may not know what is the effect of the vote, and it is the chair's duty to inform the assembly what is the result of the motion's being carried or lost, and what business comes next before the assembly.

When a quorum [\[64\]](#) 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 mentioned in [48](#), 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 unless the vote is by ballot. The chair cannot, however, vote twice, first to make a tie and then give the casting vote. In case of an appeal [\[21\]](#), though the question is, "Shall the decision of the chair stand as the judgment of the assembly?" a tie vote, even though his vote made it a tie, sustains the chair, upon the principle that the decision of the chair can be reversed only by a majority, including the chair if a member of the assembly.

It is a general rule that no one can vote on a question in which he has a direct personal or pecuniary interest. Yet this does not prevent a member from voting for himself for any office or other position, as voting for a delegate or for a member of a committee; nor from voting when other members are included with him in the motion, even though he has a personal or pecuniary interest in the result, as voting on charges preferred against more than one person at a time, or on a resolution to increase the salaries of all the members. If a member could in no case vote on a question affecting himself, it would be impossible for a society to vote to hold a banquet, or for a legislature to vote salaries to members, or for the majority to prevent a small minority from preferring charges against them and suspending or expelling them. By simply including the names of all the members, except those of their own faction, in a resolution preferring charges against them, the minority could get all the power in their own hands, were it not for the fact that in such a case all the members are entitled to vote regardless of their personal interest. A sense of delicacy usually prevents a member from exercising this right of voting in matters affecting himself except where his vote might affect the result. After charges are preferred against a member, and the assembly has ordered him to appear for trial, he is theoretically under arrest, and is deprived of all rights of membership and therefore cannot vote until his case is disposed of.

A member has the right to change his vote up to the time the vote is finally announced. After that, he can make the change only by permission of the assembly, which may be given by general consent; that is, by no member's

objecting when the chair inquires if any one objects. If objection is made, a motion may be made to grant the permission, which motion is undebatable.

While it is the duty of every member who has an opinion on the question to express it by his vote, yet he cannot be compelled to do so. He may prefer to abstain from voting, though he knows the effect is the same as if he voted on the prevailing side.

*Voting by Ballot.* The main object of this form of voting is secrecy, and it is resorted to when the question is of such a nature that some members might hesitate to vote publicly their true sentiments. Its special use is in the reception of members, elections, and trials of members and officers, as well as in the preliminary steps in both cases, and the by-laws should require the vote to be by ballot in such cases. Where the by-laws do not require the vote to be by ballot, it can be so ordered by a majority vote, or by general consent. Such motions are undebatable. Voting by ballot is rarely, if ever, used in legislative bodies, but in ordinary societies, especially secret ones, it is habitually used in connection with elections and trials, and sometimes for the selection of the next place for the meeting of a convention. As the usual object of the ballot is secrecy, where the by-laws require the vote to be taken by ballot any motion is out of order which members cannot oppose without exposing their views on the question to be decided by ballot. Thus, it is out of order to move that one person cast the ballot of the assembly for a certain person when the by-laws require the vote to be by ballot. So, when the ballot is not unanimous it is out of order to move to make the vote unanimous, unless the motion is voted on by ballot so as to allow members to vote against it in secrecy.

In some cases black balls and white ones and a ballot box are provided for voting, where the question can be answered *yes* or *no*. The white ball answers *yes*, and the black one *no*. But in ordinary deliberative assemblies the ballots are strips of paper upon which are printed, or written, *yes* or *no*, or the names of the candidates, as the case may be. These ballots are first distributed and are afterwards collected by tellers, either by being dropped into a hat or box by the members, who remain in their seats, or by the members coming to the ballot box and handing their folded ballot to a teller, who deposits it in the ballot box. In the latter case it is necessary for the tellers to see that no member votes twice, which in large societies can be best done by checking off the names from a list of members as the ballots are deposited. The ballots should usually be folded so that if more than one is voted by the same person the tellers will detect it in unfolding the ballot. In satisfying themselves that only one ballot is voted, the vote may be exposed if the ballot is not folded.

When every one appears to have voted, the chair inquires, "Have all voted who wish to?" and if there is no response he says, "The polls are closed," whereupon the tellers proceed to count the ballots. If in unfolding the ballots it is found that two have been folded together, both are rejected as fraudulent. A blank piece of paper is not counted as a ballot and would not cause the rejection of the ballot with which it was folded. All blanks are ignored as simply waste paper, and are not reported, the members who do not wish to vote adopting this method of concealing the fact. Small technical errors, like the misspelling of a word, should not be noticed if the meaning of the ballot is clear. For instance, if at the trial of a member a ballot was written "guilty," every one knows what was intended. In all cases where the name on the ballot sounds like the name of one of the candidates it should be so credited. If a ballot is written "Johnson," or "Johnston," or "Johnstone," it should be credited to the candidate whose name is one of these: but if there are two candidates with these names and no eligible member with the name on the ballot, it must be rejected as illegal, or reported to the chair, who will at once submit the question to the assembly as to

whom the ballot should be credited. If these doubtful ballots will not affect the result, the tellers may make their full report without asking for instructions in regard to them, placing these doubtful votes opposite the exact name as written on the ballot. Votes for ineligible persons and fraudulent votes should be reported under the heading of "Illegal Votes," after the legal votes. When two or three filled-out ballots are folded together they are counted as one fraudulent vote. The names of the candidates should be arranged in order, the one receiving the highest number of legal votes being first. In reporting the number of votes cast and the number necessary for election, all votes except blanks must be counted. Suppose the tellers find 100 ballot papers, 4 of which are blank. 1 contains two filled-out ones folded together, and 50 are cast for a person who is ineligible because of having held the office as long as permitted by the constitution: the tellers' report should be in this form:

Number of votes cast.....	96
Necessary for election.....	49
Mr. A received.....	37
Mr. B received.....	8

***Illegal Votes.***

Mr. C (ineligible) received.....	50
One ballot containing two for Mr. D, folded together, rejected as fraudulent.....	1

The teller first named, standing, addresses the chair, reads the report and hands it to the chairman, and takes his seat, without saying who is elected. The chairman again reads the report of the tellers and declares who is elected. In the case just given he says there is no election, stating the reason. If no one is elected, it is necessary to ballot again, and to continue balloting until there is an election. The chairman should always vote in case of a ballot Should he fail to do so before the polls are closed. he cannot then do it without the permission of the assembly. When the tellers report, they should hand the ballots to the secretary, who should retain them until it is certain that the assembly will not order a recount which is within its power to do by a majority vote.

*Yeas and Nays,*<sup>1</sup> or *Roll Call.* When a vote has been ordered to be taken by yeas and nays [see [25](#) for the motion] the chair puts the question in a form similar to this: "As many as are in favor of the adoption of these resolutions will, as their names are called, answer *yes* [or *yea*]; those opposed will answer *no* [or *nay*]." The chairman then directs the clerk to call the roll. The negative being put at the same time as the affirmative, it is too late, after one person has answered to the roll call, to renew the debate. The clerk calls the roll, and each member, as his name is called, rises and answers "yes" or "no," or "present" if he does not wish to vote, and the clerk notes the answers in separate columns. Upon the completion of the roll call the clerk reads the names of those who answered in the affirmative, and afterwards those in the negative, and then those who answered "present," that mistakes may be corrected; he then gives the number voting on each side to the chairman, who announces the result. An entry must be made in the minutes of the names of all voting in the affirmative, and also of those in the negative, and those who answered "present." A convenient method of noting the answers at the roll call is to write the figure 1 on the left of the name of the first member answering in the affirmative, the figure 2 to the left of the second name in the affirmative, and so on. The negative answers are treated similarly, being entered on the right of the names, and those answering "present" should be entered similarly in a third column. In this way the last figures on each side at any time show how the vote stands at that time. The yeas and nays cannot be ordered in committee of the whole.

*General Consent.* Business can be expedited greatly by avoiding the formality of motions and voting in routine business and on questions of little importance, the chair assuming general (unanimous) consent until some one objects. It does not necessarily mean that every member is in favor of the motion, but, that knowing it is useless to oppose it, or even to discuss it, the opposition simply acquiesces in the informality. Thus, in the case of approving the minutes, the chair inquires if there are any corrections, and, if one is suggested, it is made: when no correction [or no further correction] is suggested, the chair says: "There being no corrections [or no further corrections] the minutes stand approved." While routine and minor matters can be rapidly disposed of in this way, if at any time objection is made with reasonable promptness, the chair ignores what has been done in that case even if he has announced the result, and requires a regular vote. [See also [48](#).]

*Absentee Voting.* In a strictly deliberative assembly no member can vote who is not present when the question is completely put. But in many societies the membership is scattered all over a state, or even still wider, and it has been found expedient to provide a method of voting that will enable all the members to vote upon certain matters, as upon amendments to constitutions, by-laws, and in elections of officers. This provision, when it is deemed advisable to adopt it, should be placed in the constitution or by-laws, as otherwise, unless the charter or state laws authorize absentee voting, no member can vote except in person There are two forms of absentee voting -- by mail, and proxy voting.

*Voting by Mail* is used for election of officers, and for amendments to the constitution or by-laws, and for such other important matters as the society may order to be voted on in this way. If an amendment to the by-laws is to be voted on by mail, a printed copy of the proposed amendment is mailed to every member with the words "yes" and "no" printed underneath, or on a separate slip, with directions to cross out one of them, and return in the enclosed envelope, upon which should be printed the words, "Ballot for Amendment to Constitution." This envelope should usually have the signature of the voter on it, and be sealed and enclosed in another one addressed to the secretary, or to the chairman of the tellers, so that the inner envelope will not be opened except by the tellers when the votes are counted. If it is desired to present the arguments pro and con, the society can allow the leaders on the two sides to prepare brief statements to be printed and mailed with the proposed amendment to every member. Instead of having the voter's signature on the inner envelope, it may be placed on the ballot, but a place for the signature should be indicated, so that there may be some means of protection against votes being cast by other than legal voters. Voting by mail cannot be a secret ballot, as it is necessary for the tellers to know by whom each vote is cast. By some such method as the above it is practicable to give all the members, however scattered they may be, an opportunity to vote on questions of great importance.

*Proxy Voting.* A proxy is a power of attorney given by one person to another to vote in his stead and it is also used to designate the person who holds the power of attorney. It is unknown to a strictly deliberative assembly, and is in conflict with the idea of the equality of members, which is a fundamental principle of deliberative assemblies. There can be but little use for debate where one member has more votes than another, possibly more than all the others combined. If the proxy voting is limited to the election of a board of directors, as it is practically in stock corporations, and if, also, the proxies must be given to members of the corporation in all cases where it requires an election to become a member -- with these two limitations proxy voting would be useful and do no harm. In stock companies the members meet only annually to elect directors, who elect the officers and transact the business of the corporation. Though the directors are elected largely by proxies, their own meetings, where all the business is done, are as secret as they choose to make them, no proxies being allowed in them, and therefore proxy voting

does not interfere with their business. As any one can dispose of his stock to any one else, there is no objection to his appointing any one as his proxy. But the case is very different with many incorporated societies of a social, benevolent, or religious character, whose business meetings are sometimes secret. Their membership cannot be transferred by the members like stock, and therefore they should not be allowed to appoint any proxies who are not members of the organization. The state law is above the by-laws of the society, and if the state law empowers members of all corporations to appoint proxies to vote at all business meetings, no by-laws of an incorporated secret society could prevent non-members holding proxies from attending and voting at all business meetings of the society. This should not be the case. With stock corporations it does no harm, because all the business is done by directors, and no proxies are allowed in their meetings, and no one can be present without their consent. But in many societies of the kind mentioned the business is transacted in meetings attended by none but members, and unlimited proxies would be a serious interference with their work. If the state law requires proxy voting in all corporations, it should be limited to the election of officers, including directors, and also the proxies should be required to be held by members of the corporation in all organizations whose primary object is not pecuniary profit.

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1. Taking a vote by yeas and nays, which has the effect to place on the record how each member votes, is peculiar to this country, and, while it consumes a great deal of time, is rarely useful in ordinary societies. While it can never be used to hinder business, as long as the above rule is observed, it should not be used at all in a mass meeting, or in any other assembly whose members are not responsible to a constituency. By the Constitution, one-fifth of the members present can, in either house of Congress, order a vote to be taken by yeas and nays. In representative bodies this method of voting is very useful, especially where the proceedings are published, as it enables the people to know how their representatives voted on important measures. If there is no legal or constitutional provision for the yeas and nays being ordered by a minority in a representative body they should adopt a rule allowing the yeas and nays to be ordered by a one-fifth vote, as in Congress, or even by a much smaller number. In some small bodies a vote on a resolution must be taken by yeas and nays upon the demand of a single member.

**47. Votes that are Null and Void even if Unanimous.** No motion is in order that conflicts with the laws of the nation, or state, or with the assembly's constitution or by-laws, and if such a motion is adopted, even by a unanimous vote, it is null and void. No rule that conflicts with a rule of a higher order is of any authority; thus, a by-law providing for the suspension by general consent of an article of the constitution would be null and void; so, the general parliamentary rule allowing a two-thirds vote to amend the by-laws after due notice, is only in force when the by-laws are silent on the subject. Rules that protect absentees cannot be suspended informally by general consent, or formally by a unanimous vote, as the absentees have not given their consent. For instance, a rule requiring the giving of a specified notice of certain motions, as an amendment of the by-laws, cannot be suspended by general consent or by a unanimous vote. When a vote is required to be taken by ballot, the object is to enable members to conceal their votes, and any motion that defeats this object is out of order. Thus, when the rules require the vote to be by ballot, as is usual in elections to office or membership, this rule cannot be suspended even by general consent, because no one can object without exposing his vote, which he cannot be compelled to do. When the election must be by ballot, a motion to have the ballot cast by one person is out of order. So, when the rules require the vote to be by ballot, a motion to make unanimous a vote that was not unanimous, must be voted on by ballot, as otherwise the vote would not be secret.

**48. Motions requiring more than a Majority Vote.** *Majority Vote.* Any legitimate motion not included among those mentioned below as requiring more than a majority vote, requires for its adoption only a majority; that is, more than

half of the votes cast, ignoring blanks, at a legal meeting where a quorum is present, unless a larger vote for its adoption is required by the rules of the assembly.

*General Consent or Unanimous Vote.* By general, or unanimous, or silent, consent the assembly can do business with little regard for the rules of procedure, as they are made for the protection of the minority, and when there is no minority to protect, there is little use for the restraint of the rules, except such as protect the rights of absent members, or the right to a secret vote. In the former case the consent of the absentees cannot be given, and in the latter case the consent cannot be withheld by the minority without exposing their votes, which they cannot be compelled to do. When the election is not by ballot and there are several candidates one of whom receives a majority vote, sometimes a motion is made to make the vote unanimous. It should never be made except by the candidate with the largest number of votes after the successful one, or his representative, and even then its propriety is doubtful. One negative vote defeats a motion to make a vote unanimous, as a single objection defeats a request for general consent.

By the legitimate use of the principle that the rules are designed for the protection of the minority, and generally need not be strictly enforced when there is no minority to protect, business may be greatly expedited. When there is evidently no opposition, the formality of voting can be avoided by the chair's asking if there is any objection to the proposed action, and if there is none, announcing the result. The action thus taken is said to be done by general consent, or unanimous or silent consent. Thus, after an order has been adopted limiting the speeches to two minutes each, if a speaker is so interesting that when his time has expired there is a general demand for him to go on, the chair, instead of waiting for a motion and taking a vote, could accept it as the will of the assembly that the speaker's time be extended, and would direct him to proceed. Or, he might say that if there is no objection the member's time will be extended two minutes, or some other time. [See also [46:16](#)]

*Two-thirds Vote.* A two-thirds vote means two-thirds of the votes cast, ignoring blanks which should never be counted. This must not be confused with a vote of two-thirds of the members present, or two-thirds of the members, terms sometimes used in by-laws. To illustrate the difference: Suppose 14 members vote on a question in a meeting of a society where 20 are present out of a total membership of 70, a two-thirds vote would be 10; a two-thirds vote of the members present would be 14; and a vote of two-thirds of the members would be 47.

There has been established as a compromise between the rights of the individual and the rights of the assembly the principle that a two-thirds vote is required to adopt any motion that suspends or modifies a rule of order previously adopted; or prevents the introduction of a question for consideration; or closes, or limits, or extends the limits of debate; or limits the freedom of nomination or voting; or closes nominations or the polls; or deprives one of membership or office. It will be found that every motion in the following list belongs to one of the classes just mentioned.

### **Motions Requiring a Two-thirds Vote.<sup>1</sup>**

<i>Amend (Annul, Repeal, or Rescind) any part of the Constitution, By-laws, or Rules of Order, previously adopted; it also requires previous notice</i>	<a href="#">68</a>
<i>Amend or Rescind a Standing Rule, a Program or Order of Business, or a Resolution, previously adopted, without notice being given at a previous meeting or in the call for the meeting</i>	<a href="#">37</a>

<i>Take up a Question out of its Proper Order</i>	<a href="#">22</a>
<i>Suspend the Rules</i>	<a href="#">22</a>
<i>Make a Special Order</i>	<a href="#">20</a>
<i>Discharge an Order of the Day before it is pending</i>	<a href="#">20</a>
<i>Refuse to Proceed to the Orders of the Day</i>	<a href="#">20</a>
<i>Sustain an Objection to the Consideration of a Question</i>	<a href="#">23</a>
<i>Previous Question</i>	<a href="#">29</a>
<i>Limit, or Extend the Limits, of Debate</i>	<a href="#">30</a>
<i>Extend the Time Appointed for Adjournment or for Taking a Recess</i>	<a href="#">20</a>
<i>Close Nominations <a href="#">[26]</a> or the Polls</i>	<a href="#">25</a>
<i>Limit the Names to be Voted for</i>	
<i>Expel from Membership: it also requires previous notice and trial</i>	<a href="#">75</a>
<i>Depose from Office: it also requires previous notice</i>	
<i>Discharge a Committee when previous notice has not been given</i>	<a href="#">32</a>
<i>Reconsider in Committee when a member of the majority is absent and has not been notified of the proposed reconsideration</i>	<a href="#">36</a>

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1. The U.S. Constitution requires a two-thirds vote of both Houses to pass a resolution proposing an amendment to the Constitution, to pass a vetoed bill, or to remove political disabilities; a two-thirds vote of either House to expel a member; and a vote of two-thirds of the Senators present to ratify a treaty or convict on an impeachment. The House requires a two-thirds vote to suspend the rules, but is obliged to allow a majority to order the previous question or to limit debate, as otherwise its business could never be transacted. Still, a bill cannot be passed without at least forty minutes of debate, as that is allowed after the suspension of the rules or the previous question has been ordered. [See foot note to [44](#).]