



FAQs

Reconsidering Main Motions

Situation: A member may believe that a body’s recent decision was made precipitously or that some new information has come to light that justifies reopening the matter for further deliberation. In such cases, s/he may, within certain limits, attempt to get the body to agree to “reconsider” the decision.

[NOTE: Although the Robert’s system recognizes that some procedural motions (i.e. certain subsidiary, privileged and incidental motions) may be reconsidered, the discussion here is limited to main motions—i.e. motions that propose substantive actions, resolutions, and ordinances. Occasions when reconsidering motions other than main motions are rare and reviewing them here would be needlessly complicated.]

The effect of agreeing to reconsider a decision. If the body agrees—either by unanimous consent or by passing the formal motion to reconsider—to reconsider a decision, it is agreeing to reopen the matter as though it had not been decided in the first place. Although the matter under reconsideration is open to debate, amendment and any other disposition, these additional deliberations do not necessarily eventuate in a change from the original decision. Agreeing to reconsideration suspends all action mandated by the initial decision until the reconsideration is completed. The matter under reconsideration must eventually come to closure by voting on it again either in its original or some modified form.

Rules that apply to the motion to reconsider. Only a member who voted with the prevailing side in the initial decision may move to reconsider. If s/he wishes to reconsider a motion that was voted down, s/he would have to have voted in the negative. If s/he wishes to reconsider a motion that had passed, s/he would have to have voted for it in the original vote. A member who did not vote with the prevailing side may offer reasons why reconsideration is desirable and request that the motion be made by a member who is eligible to do so. In case it is impossible to determine how an individual voted—such as a voice vote taken in a large group—Robert advises that the motion to reconsider be accepted. Any member, regardless of how s/he voted, may second the motion. A majority of the votes cast are required to pass the motion to reconsider. The motion to reconsider a main motion is debatable and the debate on the motion to reconsider may include arguments on the merits of the main motion.

Under the Robert’s system, the motion to reconsider a decision can be made only in the same meeting, or in another meeting on the same day, in which the initial decision was made. However, in cases of multiple meetings within a session covering more than one day, such as a convention, the motion to reconsider can be made during a meeting on the next day. It is not clear whether the “same meeting or day” restriction applies to units of local government. The League of Wisconsin Municipalities’ recommended rules for cities and villages explicitly permits reconsideration in the next meeting even though it will be on a later day. Local government bodies that have not adopted the League’s recommended rules are advised to express their own rules as to the time limits within which a motion to reconsider is in order.

It should be noted that the motion to reconsider can be passed within the time limits for the motion but with the stipulation that the actual reconsideration be taken up at a later time—even several meetings

hence. Again, any action that may be mandated by the original motion would be suspended pending the outcome of the reconsideration.

If it turns out that it is advisable to reopen a previous decision after the time limit for moving to reconsider has passed, there are other parliamentary steps available. If the decision involves a motion that did not pass, the matter can be reintroduced at a later meeting, subject only to whatever agenda-setting restrictions the body may have. If the matter involves a motion that was previously passed, a member may move to rescind or amend the measure.

Occasions when reconsider may not be used. Both Hills [p. 295] and Mason [p. 293] state that if third parties acquire vested rights as a consequence of a body's actions, those actions cannot be reconsidered. Hills [p. 294] also notes, "*Whether third parties have gained rights depends upon the circumstances of each case.*" Drawing from Hills, Mason and Robert's, it appears that reconsideration is out of order in the following situation:

- The action is no longer in control of the body
- A defeated action could be renewed
- A contractual arrangement has been entered into
- An election of appointment is known to the third party
- The action has gone into effect
- Reconsideration of action A would conflict with action B which was taken since action A was decided
- Reconsideration would conflict with a pending motion if that motion were adopted

If a measure is to be reconsidered, rescinded, or amended at a meeting subsequent to the initial action, the intent to do so must be on the public notice of the meeting.

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Hills, George S. Managing Corporate Meetings: A Legal and Procedural Guide. New York: Ronald Press Company, 1977.

Mason, Paul. Mason's Manual of Legislative Procedure. St. Paul: West Publishing Co., 1989.

Robert, Henry M. III, Daniel H. Honemann and Thomas J. Balch, et. al. Robert's Rules of Order, Newly Revised, (11th ed.), Philadelphia, DeCapo Press, 2011.

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