

ITEM 33 | AMEND

To Amend takes precedence of the motion to postpone indefinitely, and yields to all other subsidiary [12] motions and to all privileged [14] and incidental [13] motions, except the motion to divide the question. It can be applied to all motions except those in the List of Motions that Cannot be Amended [33:12]. It can be amended itself, but this "amendment of an amendment" (an amendment of the second degree) cannot be amended. The previous question and motions to limit or extend the limits of debate may be applied to an amendment, or to only an amendment of an amendment, and in such case they do not affect the main question, unless so specified. An amendment is debatable in all cases except where the motion to be amended is undebatable. An amendment of a pending question requires only a majority vote for its adoption, even though the question to be amended requires a two-thirds vote. An amendment of a constitution or by-laws, or rules of order, or order of business, previously adopted, requires a two-thirds vote; but an amendment of that amendment requires only a majority vote. When a motion or resolution is under consideration only one amendment of the first degree is permitted at a time, and one amendment of that amendment -- that is, an amendment of the second degree is allowed also. An amendment of the third degree would be too complicated and is not in order.¹ Instead of making it, a member may say that if the amendment of the amendment is voted down, he will offer such and such an amendment of the amendment. While there can be only one amendment of each degree pending at the same time, any number of them may be offered in succession. An amendment must be germane² to the subject to be amended -- that is, it must relate to it, as shown further on. So an amendment to an amendment must be germane to the latter.

Form. An amendment may be in any of the following forms: (a) to insert or add (that is, place at the end); (b) to strike out; (c) to strike out and insert, or to substitute, as it is called, when an entire paragraph or resolution is struck out and another is inserted. The third form is a combination of the other two and cannot be divided, though, as shown hereafter, for the purposes of amendment the two motions are treated separately, the words to be struck out being first amended and then the words to be inserted. No amendment is in order the effect of which is to convert one of these forms into another.

The motion to amend is made in a form similar to this: "I move to amend the resolution by inserting the word 'very' before the word

'good;' or, it may be reduced to a form as simple as this: "I move to insert 'very' before 'good.'" The motion to insert should always specify the word before or after which the insertion is to be made. The motion to strike out should also locate the word, provided it occurs more than once. When the chair states the question on the amendment he should repeat the motion in detail so that all may understand what modification is proposed. Unless the effect of the amendment is very evident, he should, in putting the question, show clearly the effect of its adoption, even though it requires the reading of the entire resolution, and then the words to be inserted, or struck out, or struck out and inserted, and finally the resolution as it will stand if the amendment is adopted. He then says, "As many as are in favor of the amendment [or, of striking out, etc., or of inserting, etc.] say aye; those opposed, say no. The ayes have it, the amendment is adopted, and the question is on the resolution as amended, which is, 'Resolved, That,'" etc., reading the resolution as amended. If the vote is taken by show of hands or by rising, the question is put and the vote announced thus: "As many as are in favor of the amendment will rise [or, will raise the right hand]; those opposed will rise [or, will manifest it in the same way]. The affirmative has it and the amendment is adopted. The question is on the resolution," etc. The instant the amendment is voted on, whether it is adopted or lost, the chair should announce the result of the vote and state the question that is then before the assembly.

To Insert or Add Words. When a motion to insert [or add] certain words is made, the words to be inserted should be perfected by amendments proposed by their friends before the vote is taken on inserting or adding them. After words have been inserted or added, they cannot be changed or struck out except by a motion to strike out the paragraph, or such a portion of it as shall make the question an entirely different one from that of inserting the particular words; or by combining such a motion to strike out the paragraph or a portion of it with the motion to insert other words. The principle involved is that when the assembly has voted that certain words shall form a part of a resolution, it is not in order to make another motion that involves exactly the same question as the one it has decided. The only way to bring it up again is to move to reconsider [36] the vote by which the words were inserted. If the motion to insert is lost, it does not preclude any other motion to insert these words together with other words, or in place of other words, provided the new motion presents essentially new question to the assembly.



To Strike out Words. The motion to strike out certain words can be applied only to consecutive words, though, as the result of amendments, the words may be separated when the final vote is taken. If it is desired to strike out separated words, it is necessary to strike out the separated words by separate motions, or still better, a motion may be made to strike out the entire clause or sentence containing the words to be struck out and insert a new clause or sentence as desired. The motion to strike out certain words may be amended only by striking out words from the amendment, the effect of which is to retain in the resolution the words struck out of the amendment provided both motions are adopted. If the motion to strike out certain words is adopted, the same words cannot be again inserted unless the place or the wording is so changed as to make a new proposition. If the motion to strike out fails,³ it does not preclude a motion to strike out the same words and insert other words, or to strike out a part of the words, or to strike out a part and insert other words; or to strike out these words with others, or to do this and insert other words. In each of these cases the new question is materially different from the old one. For striking out all, or a part, of something that has been previously adopted, see "Rescind, etc." [37].

To Strike Out and Insert Words is a combination of the two preceding motions, and is indivisible.³ For purposes of amendment it is resolved into its constituent elements, and the words to be struck out are first amended, after which the words to be inserted are amended. After their amendment the question is put on the motion to strike out and insert. If it is adopted, the inserted words cannot be struck out, nor can the words struck out be inserted, unless the words or place are so changed as to make the question a new one, as described above. If the motion is lost, it does not preclude either of the single motions to strike out or to insert the same words, nor another motion to strike out and insert, provided there is any material change in either the words to be struck out or the words to be inserted, so that the questions are not practically identical. When it is desired to strike out or modify separated words, a motion may be made to strike out so much of the resolution as is necessary to include all the words to be struck out or changed, and to insert the desired revision including these words. If the words are inserted in the place previously occupied by the words struck out, they may differ materially from the latter, provided they are germane to it. If the words are to be inserted at a different place, then they must not differ materially from those struck out, as it must be in the nature of

a transfer The combined motion to strike out words in one place and to insert different words in another place is not in order. Either the place or the words must be substantially the same. If there are several changes to be made, it is usually better to rewrite the paragraph and offer it as a substitute, as shown further on.

Amendments Affecting an Entire Paragraph. A motion to insert (or add) or to strike out a paragraph, or to substitute one paragraph for another, is an amendment of the first degree, and therefore cannot be made when an amendment is pending. The friends of the paragraph to be inserted or struck out should put it in the best possible shape by amending it before it is voted on. After a paragraph has been inserted it cannot be amended except by adding to it; and it cannot be struck out except in connection with other paragraphs so as to make the question essentially a new one. If a paragraph is struck out, it cannot be inserted afterwards unless it is so changed in wording or place as to present an essentially new question. If the motion to insert or to strike out a paragraph is lost, it does not preclude any other motion except one that presents essentially the same question as the one that the assembly has already decided, as shown above in the case of amending words of a paragraph. Thus, when a motion to insert a paragraph has been lost, it is in order to move to insert a part of the paragraph or the entire paragraph if materially altered. So, though the assembly has refused to strike out a paragraph, it is in order to strike out a part of the paragraph or otherwise to amend it, though it is safer for its friends to make it as nearly perfect as possible before the vote is taken on striking it out, with a view to defeating that motion.

A motion to substitute one paragraph for another (which is a combination of the two preceding motions) after being stated by the chair is resolved into its two elements for the purpose of amendment, the chair at first entertaining amendments only to the paragraph to be struck out, these amendments being of the second degree. After it is perfected by its friends, the chair asks if there are any amendments proposed to the paragraph to be inserted. When both paragraphs have been perfected by amendments the question is put on substituting one paragraph for the other. Even though the paragraph constitutes the entire resolution and the motion to substitute is carried, it is necessary afterwards to vote on adopting the resolution, as it has only been voted to substitute one paragraph for another. A paragraph that has been substituted for another cannot be amended afterwards, except by adding to it,



like any other paragraph that has been inserted. The paragraph that has been replaced cannot be again inserted unless so modified as to constitute a new question, as with any paragraph that has been struck out. If the motion to substitute is lost, the assembly has only decided that that particular paragraph shall not replace the one specified. It may be willing that it replace some other paragraph, or that it be inserted, or that the paragraph retained in the resolution be further amended, or even struck out. But no amendment is in order that presents to the assembly practically a question that it has already decided.

In parliamentary language it is not correct to speak of "substituting" one word or part of a paragraph for another, as the term is applied to nothing less than a paragraph. When a question is being considered by section, it is in order to move a substitute for the pending section. A substitute for the entire resolution, or report, cannot be moved until the sections have all been considered and the chair has announced that the entire paper is open to amendment. When a resolution with amendments of the first and second degree pending, is referred to a committee, they may report it back with a substitute for the resolution which they recommend, even though two amendments are pending. In such a case the chair states the question first on the amendments that were pending when the resolution was committed. When they are disposed of, he states the question on the substitute recommended by the committee and proceeds as in case of any other substitute motion.

Improper Amendments. An amendment is not in order which is not germane to the question to be amended; or merely makes the affirmative of the amended question equivalent to the negative of the original question; or is identical with a question previously decided by the assembly during that session; or changes one form of amendment to another form; or substitutes one form of motion for another form; or strikes out the word Resolved from a resolution; or strikes out or inserts words which would leave no rational proposition before the assembly; or is frivolous or absurd. An amendment of an amendment must be germane to -- that is, must relate to -- the subject of the amendment as well as the main motion. No independent new question can be introduced under cover of an amendment. But an amendment may be in conflict with the spirit of the original motion and still be germane, and therefore in order.

Illustrations: A resolution of censure may be amended by striking out the word "censure" and inserting the word "thanks," for both



relate to opinion of certain conduct; refusing to censure is not the same as expressing thanks. A resolution to purchase some books could not be amended by striking out the words relating to books and inserting words relating to a building. Suppose a resolution pending directing the treasurer to purchase a desk for the secretary, and an amendment is offered to add the words, "and to pay the expenses of the delegates to the State Convention;" such an amendment is not germane to the resolution, as paying the expenses of the delegates is in no way related to purchasing a desk for the secretary, and is therefore out of order. But if an amendment were offered to insert the words "and a permanent record book" after the word "desk," it would be in order, because both are articles to enable the secretary to perform his duties. If a resolution were pending condemning certain things, it could be amended by adding other things that were similar or in some way related to them. Suppose a resolution commending A and B for heroism is pending; if the acts of heroism were not connected, amendments are in order adding other names for other acts of heroism; but if the commendation is for an act of heroism in which A and B were joined, then no names can be added to the resolution unless the parties were connected with A and B in that act. Suppose the following resolution pending: "Resolved, That the Secretary be instructed to notify our representative in Congress that we do approve of his course in regard to the tariff." A motion to amend by inserting not after the word be would be out of order, because an affirmative vote on "not instructing" is identical in effect with a negative vote on "instructing." But the motion to insert the word not after do is in order, for an affirmative vote on disapproving of a certain course is not the same as a negative vote on a resolution of approval, as the latter may mean nothing but an unwillingness to express an opinion on the subject. If a resolution is pending and a member makes the motion, "I move to strike out the words 'pine benches' and insert the words 'oak chairs,'" it is an amendment of the first degree, and no other amendment of that degree is in order until this is acted upon. All the words in italics are necessary for this form of motion, and are not subject to amendment. The only amendments in order are those that change the words "pine benches" or "oak chairs" -- that is, first those to be struck out, and when they are perfected, then those to be inserted. Suppose the motion to "strike out 'pine'" is pending, and it is moved to amend by adding "and insert 'oak.'" This motion is out of order, as it changes one form of amendment to another form. It is not in order to move to strike out the word "adopt" in a motion and insert the word "reject," as



"adopt" is a formal word necessary to show the kind of motion made. Practically, however, the same result may be attained by moving to postpone indefinitely -- that is, to reject, the main question. The chair should never rule an amendment out of order unless he is perfectly sure that it is so. If he is in doubt he should admit the amendment, or submit the question as to its being in order to the assembly as described in 21.

Every original main motion may be amended. All others may be amended, except those contained in the following list of

Motions That Cannot Be Amended.

To adjourn (except when it is qualified, or when made in an assembly with no provision for a future meeting)	17
Call for the orders of the day	20
Question of order, and appeal	21
To object to consideration of a question	23
Call for a division of the assembly	25
To grant leave to withdraw a motion	27
To grant leave to speak after indecorum	21
A request of any kind	27
To take up a question out of its proper order	22
To suspend the rules	22
To lay on the table	28
To take from the table	35
To reconsider	36
The previous question	29
To postpone indefinitely	34
To amend an amendment	33



To fill a blank	33
A nomination	66

A motion to adopt a resolution or a by-law may be amended by adding, "and that it be printed and that members be supplied with copies," or, "that they go into effect at the close of this annual meeting," or anything of a similar kind. Under each of the privileged, incidental, and subsidiary motions, it is stated whether or not the motion may be amended, and, when necessary, the way in which it may be amended is explained. An amendment to anything already adopted is not a subsidiary motion. The matter to be amended is not pending and is therefore not affected by anything done with the amendment, provided it is not adopted. Such an amendment is a main motion subject to amendments of the first and second degrees. If the motion is to strike out an entire resolution that has been adopted, it is usually called to Rescind and is explained under that head [37]. If the motion is to amend a by-law, etc., it will be found under Amendments of Constitutions, By-laws, etc. [68]. Minutes are usually amended (corrected) informally, the chair directing the correction to be made when suggested. But if objection is made, a formal vote is necessary for the amendment. The minutes may be corrected whenever the error is noticed regardless of the time which has elapsed; but after their adoption, when too late to reconsider the vote, they require a two-thirds vote for their amendment, unless previous notice of the proposed amendment has been given, when only a majority vote is required for its adoption, the same as with the motion to rescind [37]. This is necessary for the protection of the records, which otherwise would be subject to the risk of being tampered with by temporary majorities. The numbers prefixed to paragraphs, articles, etc., are only marginal indications and should be corrected by the secretary, if necessary, without any motion to amend. For amending a long paper, such as a series of resolutions, or a set of by-laws, which should be considered and amended by paragraph, see 24.

Filling Blanks.⁴ Propositions for filling blanks are treated somewhat differently from other amendments, in that any number of members may propose, without a second, different names or numbers for filling the blanks, no one proposing more than one name or number for each place, unless by general consent. These are treated not as amendments, one of another, but as independent propositions

to be voted on successively. If the blank is to be filled with a name, the chair repeats the names as they are proposed so all may hear them, and finally takes a vote on each name, beginning with the first proposed, until one receives a majority vote. If the blank is to be filled with several names and no more names are suggested than required, the names may be inserted without a vote. If more names than required are suggested, a vote is taken on each, beginning with the first, until enough to fill the blank have received a majority vote. If the number of names is not specified, a vote is taken on each name suggested, and all that receive a majority vote are inserted.

If the blank is to be filled with a number or a date, then the largest sum, or the longest time, or the most distant date, is put first, unless it is evident to the chair that the reverse order is necessary to enable the first vote to be taken on the proposition that is least likely to be adopted. Suppose a committee is being instructed to purchase a building for a blank amount: the voting on filling the blank should begin with the largest sum proposed; if that is lost, all who voted for it, and some others, would favor the next largest sum, so that the vote would be greater, and so on down to the largest sum that is favored by a majority. If the voting began with the smallest sum, every one would be willing to pay that amount, and it might be adopted and thus cut off voting on the other propositions, whereas a majority would prefer authorizing the committee to spend a larger amount. On the other hand, suppose the committee was being authorized to sell a building for a blank amount: here it is evident that there would be more in favor of the large sum than of the small one. So to get at the wish of the assembly the voting should begin with the smallest sum proposed; all who are willing to sell for that amount, and some additional ones, will be willing to sell for the next larger sum; and so the smallest sum for which the majority is willing to sell will be gradually reached.

It is sometimes convenient to create a blank, as in the following example: A resolution is pending requesting the proper authorities to prohibit the erection of wooden buildings north of A street, and an amendment to strike out A and insert B, and an amendment of the second degree to strike out B and insert C, have been made. The debate developing the fact that several other streets have their advocates, the best course is for the chair to state that, if there is no objection, the motion would be treated as having a blank for the name of the street, and that A, B, and C have been proposed for filling the blank. In this way other names could be



suggested and they would be voted on successively beginning with the one that made the prohibited area the largest, and continuing down until one was reached that could get a majority in its favor. If objection is made to leaving a blank for the name, the chair may put the question without waiting for a motion, or any one may move, as an incidental motion, that a blank be created for the name of the street. This motion is undebatable, and cannot be amended, but it may be moved to fill the blank by ballot or in any other way.

The blanks in a resolution should be filled usually before voting on the resolution. But sometimes, when a large majority is opposed to the resolution, the previous question is ordered without waiting for the blanks to be filled, thus stopping debate and further amendment, and bringing the assembly at once to a vote on the resolution. Under such circumstances the resolution would usually be rejected. But should it be adopted, it would be necessary to fill the blanks in the skeleton resolution before any other than privileged business would be in order.

The method adopted in filling blanks has sometimes a great advantage over ordinary amendment. In amending, the last one proposed is the first one voted on, whereas in filling blanks the first one proposed, or nominated, is voted on first, except where, from the nature of the case, another order is preferable, and then that order is adopted as explained above.

Nominations are treated like filling blanks; any number may be pending at the same time, not as amendments of each other, but as independent propositions to be voted on in the order in which they were made until one receives a majority vote. [See 66.]

Footnotes

¹ A substitute may be reported by a committee while amendments of the first and second degree are pending as shown in 54(4)(e). In Congress it has been found best to allow a substitute and an amendment thereto while two amendments are pending. The House rule as to amendments is as follows: "When a motion or proposition is under consideration a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment by way of substitute, to which one amendment may be offered, but which shall not be voted on until the original matter is perfected; but either may be withdrawn before amendment or decision is had thereon. Amendments to the title of a bill or resolution shall not be in order until after its passage, and shall be decided without debate." H. R. Rule 19.

² "... No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment." H. R. Rule 16, §7.



³ "A motion to strike out and insert is indivisible, but a motion to strike out being lost shall neither preclude amendment nor motion to strike out and insert: ... H.R. Rule 16, §7.

⁴ While Congress has no rule on filling blanks except the common parliamentary law as laid down in Jefferson's Manual, it rarely makes use of this law, but avails itself of its rule which allows of four amendments pending at the same time, namely, amendments of the first and second degree, and a substitute and amendment to it.

