

ITEM 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.

