



# Rescind and Reconsider: When the Body Might Change its Mind

Larry Larmer, Professor Emeritus, University of Wisconsin-Madison

This column was prompted by the question, “If a member moves to reconsider a previous decision, does that mean that he or she wants to change it?” The short answer is “not necessarily,” but more explanation is called for. The motions to rescind and reconsider are often confused, but they differ in intent and in certain limitations.

The motion to reconsider is intended to reopen deliberations on a motion previously decided – it could apply whether the motion was passed or defeated. Presumably, the reason for reconsideration is that a member realizes that some insight or information which might change the body’s decision wasn’t taken into account. If the motion to reconsider passes, the previous action is reopened as though it had never been decided and is before the body for further deliberation, including possible amendments, and will eventually be voted on again. After the reconsideration, the vote may be exactly the same as it was originally.

Under the Robert’s system, the motion to reconsider can only be made by a member who voted with the prevailing side. That is, if the motion passed, reconsideration can be moved only by a member who voted for it and, if it failed, the member must have voted against it. Most parliamentary authorities, however, believe that this requirement is not necessary and the body can admit the motion from any member. Any member can second it. Robert’s further limits reconsideration to the same meeting in which the action was originally taken, but again that restriction is not necessary. For example, the League’s recommended rules provide that the motion to reconsider would be in order in either the same meeting or the next

regular meeting. There is a distinction between agreeing to reconsider a measure and the actual reconsideration. Thus, in one meeting, the body can agree to reconsider an action at a future meeting.

Further limitations have to do with the effect of the motion to reconsider. If the action contained in the decision has gone into effect, the decision to reconsider that action is out of order, although rescinding the action as discussed below may be possible. An action cannot be reconsidered if it conflicts with other actions taken by the body since it was originally decided or is in conflict with a pending motion that may be adopted. Further, depending on the circumstances of a given decision, once any party gains a vested interest as in a contractual arrangement, election, or appointment, the action creating those rights cannot be jeopardized through reconsideration. Other means of changing the arrangement would have to be sought.

The motion to rescind should be expanded to include the amendment of previous decisions within the body’s purview. Thus, the motion is intended to nullify or modify a previous action such as a policy now in existence and, obviously, applies only to measures that have been previously adopted. Rescinding or amending a previous action can be moved and seconded by any member. There is no time limit – the body can rescind or amend actions taken at any time in the past. However, the body cannot negate or change arrangements which include vested interests of other parties by unilaterally rescinding or amending those arrangements.