



# Limiting Debate

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In a previous article we discussed closing debate – aka “calling the question.” We noted that such action is permissible only with the affirmative vote of at least two-thirds of those voting or with unanimous consent. What about not closing debate but limiting it in some way? One person involved with a local government asked, “In order to expedite deliberations on an issue, are we permitted to limit each member to three minutes speaking time without violating any free speech laws?”

The short answer to this question is “yes.” Authorities seem to agree that a body may limit the total amount of time a member may speak on a pending – or about to be pending – issue without violating free speech rights. Similarly, the body may limit the number of times a member may speak on a given issue or the total amount of time the body will devote to it.

While free speech per se is not violated, parliamentary authorities such as Robert’s Rules of Order seem to believe that spending too much time on a matter is better than spending too little. An unwarranted or premature limitation on debate may deny the minority position the right to be heard or may result in failing to take into account important considerations relevant to the discussion. Accordingly, to somewhat guard against such restrictions, Robert’s and other parliamentary manuals require a super majority – typically two-thirds – of those voting to limit debate as well as to close it.

The specific motion in Robert’s to limit debate is a subsidiary motion called “Limiting or Extending Limits of Debate.” Local government bodies might not have standing rules that specify limits to debate such as those mentioned above. If they do, however, this motion can also be used to extend those

limits – e.g., allow members to speak for five minutes at a time rather than three, or allow each member to speak three times on a matter rather than two, or to extend the amount of time the body will devote to a matter beyond what may have been previously agreed to. Although it is in order to move to limit or extend limits on debate while a motion is pending, it is better to take such action prior to beginning deliberations on the motion so that all members participate under the same restrictions.

Sometimes those who prepare meeting agendas will suggest time limits – usually the total amount of time on a given topic. Such suggested limits are not binding – only the body can set limitations. If the body does so by approving an agenda, it can alter those limits as it sees fit as the meeting progresses.

The prerogative of the body to limit or extend the limits of debate also applies to the contributions of non-members as in public comment portions of meetings.

## Do you have a question about parliamentary procedure?

Email the League at [league@lwm-info.org](mailto:league@lwm-info.org) with the subject line “For the Good of the Order” and Larry may respond in a future column.

