

CITY OF MADISON
OFFICE OF THE CITY ATTORNEY
Room 401, CCB
266-4511

DATE: November 2, 2006

MEMORANDUM

TO: **Mayor Dave Cieslewicz, Common Council Members**

FROM: Michael P. May, City Attorney

SUBJECT: **Point of Order – Changing Vote in Order to Move Reconsideration**

As you are well aware, in order to move for reconsideration, an Alder must either have voted with the prevailing side on a motion, or have been absent from the meeting. When a motion is about to fail by one vote, Alders sometimes change their votes so that they are on the prevailing side, allowing them to bring a motion for reconsideration.

There is nothing wrong with such a change in vote. However, I was asked to prepare a memorandum noting that such a change in vote should take place before the result of the vote has been announced by the Chair.

The Common Council has no rule with respect to changing a vote. Therefore, the rule is governed by **Robert's Rules of Order**.

Robert's Rules of Order, Sec. 45, provides in part as follows:

CHANGING ONE'S VOTE. A member has a right to change his vote up to the time the result is announced; after that, he can make the change only by the unanimous consent of the assembly granted without debate.

The vote is considered to have been announced when the Chair announces the vote and whether the motion has passed or failed.

Under these rules, members of the Common Council should take care to change their vote, if desired, prior to the Chair announcing the result. After that, changing a vote is only allowed with unanimous consent of the body.

cc: Tammy Peters
Lisa Veldran