

call to order

Voting

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The basic requirement of approval for any action is the majority vote unless otherwise stated. A majority means more than half of the votes cast by those entitled to vote excluding abstentions. In some cases state statute, bylaws or local rules may require a super majority such as two thirds or three fourths. A plurality vote should only be used when specified in bylaws or other rules.

A plurality vote is the largest number of votes garnered when there are more than two choices. It is sometimes used to elect officers or directors when balloting is done by mail. In a situation where four candidates are running for board chair on a twenty-member board and *Candidate A* received seven votes; *Candidate B*, six votes; *Candidate C*, four votes; and *Candidate D*, three votes. *Candidate A* would be the winner if a plurality was required; under a majority vote rule there would be no winners. Generally, a rule that allows for a plurality vote is not usually in the best interest of an organization.

That said, the Wisconsin Counties Association recently amended its constitution to allow for the election of the Wisconsin director for the National Association of Counties Board of Directors by a plurality vote. An election will be conducted at each of the seven district meetings and the candidate with the most votes will be the winner, which may not be a majority. It was not practical to require a majority when the election process takes place on different days and locations.

In determining the vote total for approval, such as a majority, two thirds or three fourths, it must be based on the size of the group, which can vary depending on how it is defined. If the group has no specific rule it is always the number of members *present and voting*, but could be based on the *number of members present*, *total membership* or some other grouping.

If an organization with a membership of 20 convenes a meeting where 18 are in attendance but only 15 vote, then a majority vote would be 8 using the rule *present and voting*. A majority vote based on the *number of members present* would be 10. A majority vote based on *total membership* would be 11.

Robert's Rules of Order suggests that voting requirements based on the *number of members present* is generally undesirable. When someone abstains, it has the same effect as voting no and thus deprives a member the right to maintain a neutral position by abstaining.

Wis. Stat. § 59.02(3) states in part "... All questions shall be determined by a majority of the supervisors who are present unless otherwise provided." A Wisconsin Appeals Court ruled that a supervisor who is required to abstain is not "present" for calculating the number of votes required for passage.

Ethics laws prohibit elected officials from using their office or position to obtain gain for the private benefit of themselves, immediate family or for an organization for which the official is a member.

Roberts Rules of Order also states that no member should vote on a question on which a member has a direct personal or pecuniary interest not common to other members of the organization. However, a member is free to vote for his or herself for an office or position of the body.

Every member of a body has a right to abstain from voting whether they have a conflict of interest or not. A member of a government body has a duty and obligation to vote but cannot be compelled to vote.

Some organizations are under the impression that the chair should not vote unless there is a tie. As a member of the body, the chair has every right to vote and should vote especially if serving on a governmental body.

A motion is lost on a tie vote when a majority is required. It should be noted that a tie vote sustains

the decision of the chair in an *Appeal* of the decision of the chair.

Once the voting process has begun, the vote cannot be interrupted. Debate on the question cannot be reintroduced unless there is a suspension of the rules. Members are not allowed to explain their vote during the voting process, which would be the same as debate. A member has the right to change their vote right up to the time the result is announced. Once the result is announced, a member's vote can only be changed with unanimous consent of the body. In addition, a member can still take action that may change the outcome of the vote by calling for a *Division of the Assembly* or move to take the vote under a different method.

I would be remiss in writing a column about voting without reminding you to vote on April 5th.

Source: Robert's Rules of Order, Newly Revised, 11th Edition

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