

Dec 04 2013

Practice Area: Community Associations

This time: We consider some common issues related to meetings.

Q: Can the president of a Wisconsin condominium vote at a meeting?

A: At a board meeting, or other small meeting, the president can participate and vote like any other member of that group. At an annual or comparably large meeting, the president can always vote by ballot (because his vote is private and thus not unduly influential,) and can always vote to break a tie, make a tie, or make a two-thirds majority. If the president wants to make or argue a motion in a large meeting, he should consider relinquishing the chair for the duration of the motion.

Q: Why can't the members of a Wisconsin condominium association elect the president?

A: In most associations, the officers, i.e., president, v.p., secretary and treasurer, are officers of the board, not of the association. Accordingly, it is the board that elects the officers. And it is the board that holds the real authority in any association. So, the president may run the meeting, but she cannot deny the wishes of other board members to speak or offer agenda items. The treasurer may handle the finances, in some fashion, but all board members have a duty to assure their integrity. The power and the responsibility lies with the board members, so it is they who are elected by all members of the association.

Q: Is it wise to abstain when I'm not sure of the correct position on a motion?

A: It is rarely wise to abstain, unless you have a conflict of interest. In fact, some people consider an abstention, which is the refusal to vote, a cop-out. Abstention may have unintended consequences, too. If your group's definition of majority means more than one-half of everyone present, (as opposed to the preferred definition of more than one-half of those voting,) an abstention becomes a "no" vote.

It may be prudent to abstain from meat or smoking, or golf in October. But your condominium assembly is designed to find the best wisdom of the group on a question. No one has a crystal ball, so you listen to debate, weigh the evidence and make the best choice you can, with your vote. That's how decision making works in a democracy, and should work in Wisconsin condominiums.
