

Quorum Rules In Wisconsin Make International News

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Practice Area: Community Associations

Parliamentary Procedure Affects Outcome - But We Knew That.

We wondered if Wisconsin condominium board members found a special, and nonpartisan, interest in the political events which recently unfolded in Madison. There, the use of parliamentary procedure slowed government, angered some and galvanized others, and attracted international attention. All this because a governing body needed a quorum? No stranger to us – this problem of parliamentary procedure!

Now, many more people realize that the assemblies which gather to make laws are themselves subject to procedural rules that affect outcome. The powers to regulate conduct, raise and spend money and pick leaders, are all subject to these rules, whether in the Legislature or at your association's annual meeting.

As just about everyone knows, now, the rules of a deliberative assembly typically require a minimum number of people to be present (and in the condominium context, present by proxy is usually okay,) to do business. And whereas the Madison drama involved the deliberate absence of a quorum, the opposite is often true in Wisconsin condominiums. When quorums become an issue for condominium assemblies, it is typically because the required minimum number of voters does not materialize at the meeting where business awaits.

Here are some lessons we have learned and offer to our Wisconsin condominium clients:

- The default rule that a majority of all the owners constitutes a quorum is a bad rule.
 - A reasonable definition of quorum is that number of members that will show up on a snowy night in January. (Sorry for reminding you.) We did not make this up – it a well-accepted idea.
 - The smaller quorum requirement will not result in a “runaway” assembly, because fundamental changes in use and assessments must be via amendments to the bylaws or declaration, which require, minimally, two-thirds of everyone.
 - But the smaller quorum requirement *will* allow those who are interested to elect leaders and vote on other issues affecting the community.
 - Quorum requirements are easily changed if your bylaws were written by someone who never tried to do business in a deliberative assembly.
 - We have no problem with “campaigning” for a quorum, by distributing proxies or through special invitations, if that is what it takes. If the complaint is, “our opponent is going door-to-door to secure proxies,” one could answer, “that’s democracy, isn’t it?”
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