

July 2003

VOTING PROCEDURES FOR LOCAL GOVERNMENT BODIES

Situation: *It is important for local governmental bodies to employ decision-making processes that are clear and that protect the interests of their members and constituents . Questions arise as to the appropriate form in a given situation. Must formal votes be taken on every decision, including those that are routine and procedural? Must every vote be counted? When must every member’s vote be made part of the record? Is balloting ever permitted?*

Use of unanimous consent: “Unanimous consent” is a valid form of decision-making and a useful time-saver if the issue appears to be routine and/or non-controversial. To use unanimous consent, the chair asks if any member objects to deciding an issue a certain way. For example, if a member suggests an editorial change in a pending resolution, the chair, anticipating that the suggestion is generally acceptable, may say something like “It has been suggested that ...[state the minor change]. Is there any objection to this change?” If no one objects, the chair would then say, “Hearing no objection, the change will be made and the resolution will now state ‘...’.” This same approach could be used in routine matter such as approving minutes. (e.g., “Is there any objection to approving the minutes as distributed? Hearing none, the minutes are approved.”) Of course, if a member objects to the use of unanimous consent, the proposed action must go through the formal motion process. In the first example above, the chair, upon hearing the objection, would have to instruct the member with the editorial change to move to amend the resolution and, after discussion, the amendment would be voted on.

When using unanimous consent, the chair must be sure that everyone understands that a decision is being made and that the record clearly shows the decision. It may be helpful to indicate in the record that decisions were made by unanimous consent. (e.g., “Upon the suggestion of Ms. Smith, the resolution was amended by unanimous consent of the Board to;” “ By unanimous consent, the minutes of the April 3 meeting were approved as distributed.”)

Voice votes, counted votes, and recorded votes: Unless there is a statutory or organizational rule to the contrary, or unless a member requests a recorded vote as discussed below, a voice vote can be taken on any issue. Voice votes follow a familiar procedure: “All those in favor say ‘aye’ – all those opposed say ‘nay’.” The chair then rules as to whether the motion was adopted or not. If there is confusion as to the outcome, the chair may, at his or her own volition, retake the vote in a visible (i.e., show of hands or standing) form or may take a recorded vote. In addition, any member may require that a vote be re-taken in a visible manner (in general parliamentary procedure terms, “ask for a division of the assembly”) or, as provided in Wisconsin’s Open Meetings Law (Chapter 19.88(2), *Wis. Stats.*), may request a recorded vote.

When a vote *other than a recorded vote* is taken in a visible manner (show of hands or standing) it is good practice to count the votes and record the distribution. (e.g., “Motion adopted, 4 in favor, 3 opposed”). A *recorded vote* will reveal in the minutes not only the number of votes on each side of the issue, but also how each member voted.

A recorded vote may be required by statute or by organizational rule on specified issues. In addition, the chair may choose to take a recorded vote at his/her discretion or, as provided in Wisconsin’s Open Meetings Law, a recorded vote must be taken at the request of any member. As noted above, a recorded vote requires that the meeting’s record disclose how each member voted.

Recorded votes are often done by roll call, with each member responding “aye” or “nay” as his/her name is called. It is also permissible to use a signed ballot when taking a recorded vote. In this case, all members record their votes on a signed ballot and submit them to the recorder. They are then read aloud and each member’s vote is made part of the record of the meeting.

[Note that votes taken by signed ballots and then disclosed and made part of the record are not secret votes. The Open Meetings Law provides that secret ballots – i.e., those that are not signed – are allowed only as specifically authorized by statute or to elect officers of a government body.]

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