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# Parliamentary DOs & DON'Ts

## Common Questions Answered

*The following article tackles common parliamentary procedure questions faced by many community associations.*

### Counted Votes in Meetings

**Question:** We have a large association and hold quarterly unit owners meetings, partly for social reasons. One unit owner constantly disrupts meetings by calling for counted votes on every issue, including procedural issues. It takes forever to get anything done because each unit owner has a different percentage interest, which has to be calculated for each vote. He claims *Robert's Rules* permits him to do this. Can that be true? Is there anything we can do about it?

**Answer:** Under *Robert's Rules of Order*, any member has a right to demand a standing vote to verify the chair's determination of the results of a voice vote. This is called a "division of the assembly." A standing vote under *Robert* does not need to be counted, unless the rules require it or the meeting votes by majority vote to allow a counted vote. However, in a community association, where each unit may have a different percentage interest and some members may be voting by proxy, the chair cannot verify the vote simply by estimating the number of individuals standing on each side of a question. Your punctilious unit owner has a point and should be able to demand a counted vote on every issue, unless the vote is overwhelmingly clear, which may be evident in associations where all the units have similar percentage interests.

One solution might be to amend the bylaws to grant each unit an equal vote on procedural matters, so the chair could easily ascertain the votes and move on to

more substantive matters. If you do consider adopting such a bylaw, you should include an override provision allowing a specified number of unit owners (for example, seven units, or 20 percent of all units) to demand a counted vote even for procedural matters.

### Availability of Committee Reports to Unit Owners

**Question:** Our association board accomplishes a lot of its business through committees, which typically consist of a board member as chair of the committee and several non-board member unit owners as committee members. The prior board circulated committee reports to the whole association, but the new board says the reports are too controversial and divisive, and cost too much to circulate. The board now keeps those reports confidential at the board level. Can they do that?

**Answer:** Committees formally report to the body that appoints them. Unless your bylaws provide that committees appointed by the board are to report to the association as a whole, such committees are committees of the board and not the association, even though the committees may include non-board association members. Committees and boards typically meet in confidential executive session. Therefore, the board has the right to receive reports of committees in executive session and to refuse to circulate them to the association membership. Whether this is a wise policy is for the board and the unit owners to resolve — at the next board election.

### Secret Ballot Elections

**Question:** Most of our unit owners

want to elect board members by secret ballot. Some members contend that no ballot can really be secret, because whoever counts the votes will know who voted for each candidate by examining the percentage interest indicated on each ballot. In that case, they say, elections should be open. Is there a way to ensure that elections by secret ballot in community associations remain confidential?

**Answer:** You have identified a significant concern for many community associations. While electronic balloting is a theoretical possibility, currently the technology is too expensive for use at most association meetings. The way many associations handle elections is to issue ballots to each unit owner that indicate the unit owner's percentage interest, but no other information about the unit owner. That way, at least, unit owners with similar percentage interests can be essentially anonymous.

You also may want to make sure that the votes are counted by a trusted neutral person who agrees to maintain confidentiality, such as the association manager, lawyer or professional parliamentarian. While the results of such an election may not be completely anonymous, the essence of ballot secrecy will be preserved by this procedure. ■

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