

The Thin Line Of A Majority

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First things first!!

Begin with your Governing Documents

- ✓ **Constitution and Bylaws**
- ✓ **Governance Manuals**
- ✓ **House of Delegates Manual**
- ✓ **House Rules**
- ✓ **Policies of the Organization**
- ✓ **Code of Parliamentary Procedure**

WHY?

Governing documents define a majority!

Unless otherwise qualified, a majority vote is defined as more than half the legal votes cast by members present and voting excluding abstentions.

How do Abstentions affect the majority?

Abstentions are not considered as a vote; therefore, are not counted in determining the results.

A member that abstains is agreeing with the majority – whether the motion is adopted or defeated – before the vote count is announced. *

Real life story about abstentions!

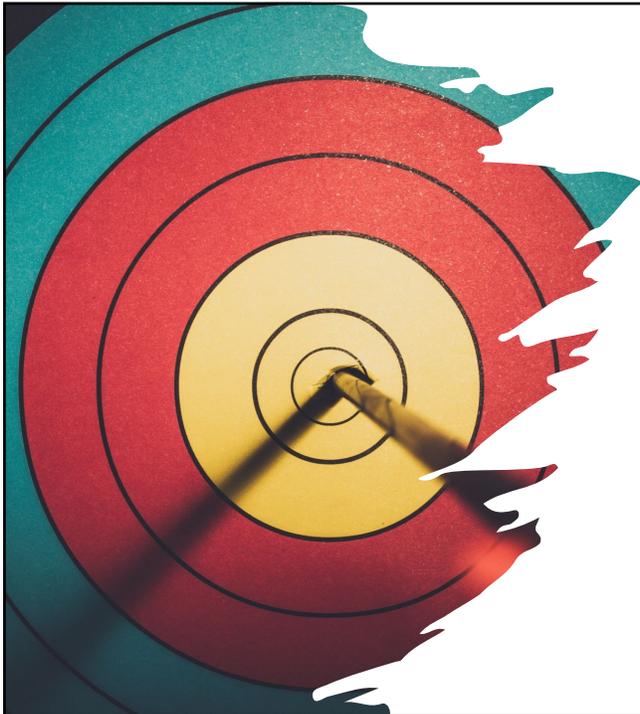
Unless otherwise qualified??

A majority of all the membership positions (8) is	5
A majority of the members in good standing is (75) is	38
A majority of the members present (75) is	38
A majority of a quorum (13) is	7
A majority of the legal votes cast is (10) is	6

Members of an organization have certain rights afforded them through bylaws!

- ✓ **Right to attend meetings**
- ✓ **Right to make motions**
- ✓ **Right to vote**
- ✓ **Right not to attend the meeting**
- ✓ **Right not to cast a vote**

The members who fail to attend or vote are presumed to have waived the exercise of their rights and to have consented to allow the will of the organization to be expressed by those present and voting!



Know your Governing Documents!!

A majority vote, or any other vote, may be qualified or defined in many ways. Clear and unambiguous language is required to ensure that the votes are defined as the organization desires!



A Majority Vote

Whenever not defined by statute, charter, bylaws, house rules, or policy, the basis on which a vote must be computed is a majority of the legal votes cast by members who are present and voting, excluding abstentions.

Unless otherwise qualified??

➤ **A majority vote of the members present**

The right of the members to vote does not reduce the number of affirmative votes required.

If there are 75 members present, an affirmative vote of 38 is necessary to act – regardless of the number voting!!

Unless otherwise qualified??

➤ **A majority of a quorum**

This is a majority of a minimum number of members who are authorized to act for the organization assuming that a quorum is present and the affirmative vote must be a least a majority of the numbers required for a quorum.

A nine-member board has a required quorum (by governing documents) of five so the majority will be three. There are five member present. The vote tally is two in the positive, one in the negative, and two abstained.

What is the outcome – adopted or defeated?

Unless otherwise qualified??

➤ **A majority of a quorum**

The motion is **defeated** because the threshold is three affirmative votes to adopt the motion – even though it has a 2/3 vote of those present and exercising their rights – **to vote or not vote** - at a legally constituted meeting.

This is one example where abstentions have an impact on the outcome of a vote. In this case, the abstaining votes were as if voting in the negative, whereas in normal voting the abstentions would have no impact on the outcome.

(Asterick)

The Foundation

Unless it is qualified in some way, a majority vote means a majority of the legal votes cast by members present and voting, excluding abstentions and the majority is computed as more than half of the legal votes cast by members present and voting!



Can a majority consist of one vote?

According to a court decision, a single affirmative vote, when no other votes has been cast, is consider a majority vote. (If governing documents do not qualify a majority vote!)

A vote tally of one yes vote and no nay votes is legal and adopted to motion!

Therefore, a thin line for a majority vote.

Plurality Vote

- **Means more votes than the number received by any other candidate or alternative proposition.**
- **No requirement for a majority**

Unanimous Vote

- **A unanimous vote on a proposal is a vote in which all legal votes cast are on the same side, whether affirmative or negative.**
- **Unanimous vote can be qualified in some way like the unanimous vote of **all the members of the board** which means that all members of the board **must be present** and **that each member must vote on the same side of the proposal.****

Unanimous Vote

- **A requirement for a unanimous vote makes the decision of the minority a rule – only one minority vote!!**
- **This rule is actually a violation of the democratic principle of decision made by a majority.**
- **It empowers the minority with unrepresented authority and an absolute, permanent, all-inclusive power of veto.**

A Tie Vote

- **Tie vote means that the outcome has the same number of members voting in the affirmative as in the negative.**
- **The motion does not achieve the majority threshold.**
- **Therefore, the motion has been defeated.**

What happens when the results of an election is a tie vote?

- **Unlike a tie vote on a motion when the result of a tie vote means the motion is defeated, this situation in an election is truly a deadlock.**
- **If governing documents do not allow provision on breaking the deadlock, balloting must continue until a single candidate receives a majority of the legal cast votes.**
- **Governing documents should address this kind of deadlock.**

Governing documents are important for the vote of a presiding officer!!

- **According to AIPSC (5.37), No officer relinquishes the rights of membership by accepting office; except that the presiding officer of an assembly should not propose motions or generally participate in debate.**
- **The presiding officer, if a member of the assembly, **does have the right to cast a vote**, but in an assembly the presiding officer customarily exercises that right only when the vote is by ballot or **when his or her vote will make a difference in the result**.**

Governing documents are important for the vote of a presiding officer!!

- **According to AIPSC (5.37), the **presiding officer cannot be required to cast a vote**.**
- **According to AIPSC (5.38), in the case of a tie vote requiring a majority vote for adoption, the presiding officer, if a member of the assembly, may vote with either side, providing that the presiding officer has not already voted.**
- **If the presiding officer chooses **not** to vote, the motion is defeated**

Governing documents are important for the vote of a presiding officer!!

- **According to AIPSC (5.39), if a motion is about to be adopted by a single vote, the presiding officer may choose to vote against it, thereby creating a tie, thereby the lacking of a majority, the motion is defeated.**
- **If the assembly does not agree with AIPSC on this issue, it would be prudent to consider including prohibitions and/or provisions in the governing documents to address this situation.**

Governing documents are important for the vote of a presiding officer!!

- **An organization that wishes to calculate a vote on the bases other than the default (AIPSC) must be careful to use precise language that clearly and unambiguously reflects the intent.**
- **Be clear and be prepared! That will limit chaos!**

The Thin Line Of A Majority Questions??

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