

Ask the Experts

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TIED UP

Q: Our board voted on a motion that resulted in a tie due to a board member not being in attendance. What is the standard practice when tie votes occur? —New York

A: While most community association boards comprise an odd number of members to avoid this very issue, an even number may be called upon to act on a particular motion where there is an absence, vacancy, or a conflict of interest. In these circumstances, it is possible—even likely—that a divisive issue may result in a tie.

As a starting point, you should refer to the association's governing documents. If a successful motion requires an affirmative vote of a board majority, a tie vote would be insufficient to carry the motion. It is also possible that the governing documents anticipated this situation and provide a method to resolve the impasse. For example, in the event of a tie, the governing documents may permit the president to cast the deciding vote.

If the governing documents are silent, refer to any duly adopted board procedures. Many boards have adopted parliamentary procedure such as *Robert's Rules of Order*. Under Robert's Rules, while members cannot be asked to decide the same question twice at the same meeting unless they reconsider the vote, anyone can (but is not required to) bring the motion before the board again at the next meeting, where it is handled as if it is a new motion.

If the governing documents and duly adopted procedures are silent, consider what the board's past precedent has been. You could consider adjourning that item until the next meeting at which an odd number of members is present.

Once the current issue is resolved, it may be prudent to amend the governing documents or adopt a formal procedure to guide the board in the future.

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