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QUORUM AND ATTENDANCE OF MEMBERS AT LOCAL GOVERNMENT MEETINGS

Situation: It is important that members of local government boards, councils, and committees attend every meeting in its entirety so that each decision made is as representative of the will of the body as possible. In addition, it is required that a specified number of members or proportion of the membership – i.e., a “quorum” – be present at a meeting for any decisions made to be valid and binding on the group. Non-attendance at, or early departure from, meetings can prevent the group from conducting business.

[Note that quorum requirements apply to local government bodies but not to meetings of the electorate as in annual town meetings or annual school district budget meetings.]

What is the number of members required to constitute a quorum? A quorum of a public body is typically a majority of members, unless a different number is set by law or by a local rule established by a parent body. For example, the quorum of a city council having more than five members is two-thirds of the members. Sec. 62.11(3)(b), *Wis. Stats.* Also, a governing body may set the quorum requirements for its committees.

[Note that “quorum” refers to the minimum number or proportion of the membership that must be present to have a meeting in which decisions that bind the group can be made. The number of votes required to make some changes or pass some measures varies, so that in some cases the number of votes required to act is more than the number required for a quorum. Local government officials should check the statutes and their own rules for specific vote requirements.]

What is the effect of not having a quorum at meetings? When a meeting is attended by fewer members than those required to constitute a quorum, those in attendance cannot legitimately act for the entire body. In the event that those assembled inadvertently make a decision, the body is not bound to any commitments or conclusions the decision entails. Whether any harm is done depends on the circumstances but, in all likelihood, some confusion or inconvenience may ensue.

What can and should be done when there is no quorum? Provided that proper public notice of the meeting has been issued, the body there assembled may discuss – without taking action – the issues and concerns that are specified in the notice. As with any meeting, discussing items that are not on the notice may run counter to the Wisconsin Open Meetings Law.

If a quorum is not present when a meeting is scheduled to begin, it is nonetheless important to keep a record of the meeting. The record should document that the meeting was called to order at the time and place specified in the notice. The names of those in attendance should be noted. The record should also indicate what topics, if any, were discussed and any actions that were taken to obtain a quorum. If an “adjourned meeting” (as explained below) is scheduled, the record should indicate the time and place of the adjourned meeting. The record should also include the time of adjournment, to document that those in attendance attempted to meet as scheduled and waited a reasonable time for absentees to arrive.

If after a reasonable delay, those present conclude that the absentees are not likely to arrive, they may schedule an “adjourned meeting.” An adjourned meeting is a meeting scheduled to be held at a time prior to the next regular meeting. An adjourned meeting may be desirable if there is business that needs attention before the next regular meeting. An adjourned meeting must receive the same public notice as any other meeting.

If a meeting begins with a quorum in attendance, but loses its quorum through early departures, the chair should announce the loss of the quorum and the record of the meeting should note the time of the announcement. (It is good practice for the record of a meeting to note late arrivals and early departures regardless of whether the presence of a quorum is involved.) Once a quorum is lost, the body may adjourn or, as noted above, may discuss, but not act on, the topics that are remaining on the agenda, or may schedule an adjourned meeting.

Proxy and absentee votes are not permitted in Wisconsin local governmental bodies.

Prepared by: Larry Larmer, Professor Emeritus, University of Wisconsin-Extension. Reviewed by: Dan Elsass, Dan Hill, David Hinds, and James Schneider, Local Government Specialists, University of Wisconsin-Extension.

Local Government Center
University of Wisconsin-Extension
610 Langdon Street, 229 Lowell Center
Madison, WI 53703

(608) 262-9960
Fax (608) 265-8662
www.uwex.edu/lgc/