



FAQs

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 body. Non-attendance at meetings, or early departure from them, can prevent the body 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? Unless otherwise specified, a quorum of a public body is a majority of the members unless a greater number is set by law. 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.). The 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 body 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? If a quorum is not present when a meeting is scheduled to begin, it may be advisable nonetheless 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 public notice. The names of those in attendance should be listed. The records should also indicate what, if any, actions 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 indicate the time of adjournment to document that those in attendance 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.)

It is not clear whether the members at a properly noticed meeting without a quorum may discuss—but not act on—the items on the agenda. Some authorities opine that if the meeting has been properly noticed then there is no harm done by discussing agenda items. Others point out that members are doing the public’s business by gathering information and deliberating in addition to making decisions and that there must be a quorum present when doing public business in any form. To date, this question has not been addressed by the courts or in an Attorney General’s opinion. The safest option is to avoid discussing agenda items when fewer than a quorum are present, even if the meeting has been properly noticed.

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

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