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# **Measuring Consensus**

**A note on determining agreement**

**3 October 2008**

## What Constitutes Consensus?

### Background

Common use of the word 'consensus' can be confusing because it implies both an indistinct form of general agreement and connotes the character of any processes by which such agreement might be reached (eg. consensus decision making).

Despite the image sometimes projected, consensus decision making and actually taking a vote are not mutually exclusive, nor is either inherently good or bad. More important is the basic leadership issue that articulating a clear view for the entity is vital, as are binding decisions which allow the entity to move forward on a reasonably certain basis.

Clarity is to be found by revisiting the long-established authorities on parliamentary procedure and rules of order for meetings. Based on a better understanding of the formal tenets for recording consensus through voting, a sound result is much more likely from decisions arising from consultative, consensus-based processes.

### Origins

While the origins of formal voting to denote agreement or consensus reach back to the earliest civilizations, and modern times have seen a plethora of 'how to' books on meetings, the enduring contemporary authorities on the topic are Robert's Rules of Order and Erskine May.

Between these two, the vast majority of issues are covered as to the varieties of voting systems and their applicable purposes, as well as the traditions of when and how to apply or suspend established rules of practice for decision making entities. In broad terms, the two references are consistent in their guidance, although the level of specificity differs depending on the particular topic.

### Usages

Robert's 'deliberative assemblies' included not only parliamentary type bodies but a very broad range of groups convened to make binding decisions, (eg. incorporated entities, boards of directors, executive committees, management committees, associations, unions, clubs, cooperatives, etc.).

### The Essential References

**Robert's Rules of Order** is perhaps the most widely used reference in the world for 'deliberative assemblies', being adopted as the basis for meeting procedures, formally or informally, by a huge diversity of incorporated bodies, associations, conferences/conventions, boards of directors, committees, etc.

Originally written by General Henry M. Robert and published in 1876, it has been updated continuously to the present (firstly by his daughter-in-law and eminent parliamentarian in her own right, Sarah Corbin Robert, and later by his grandson, Henry M Robert III and co-authors).

There are two authorised current editions of this reference (see References for details). RONR is the standard abbreviation parliamentarians use to cite the main reference, RONRIB indicates the shorter handbook.

Highly influential around the world as a source document for keeping order in formal assemblies of law makers, **Erskine May's Parliamentary Practice** (typically referenced just as Erskine May) is particularly recognised as the seminal document for Westminster based parliaments.

First published in 1844 by the then Clerk of the House of Commons, Sir Thomas Erskine May, it has been revised by his successors ever since. (Later, just a few days before he died, he was created Baron Farnborough.)

Erskine May is acknowledged as the authoritative text book on the law and practice of both Houses of Parliament in Britain. Widely considered to form part of the British Constitution, it is also a reference for every parliament in Australia.

Robert's also notes the importance of the hierarchy of authorities for governing a meeting. The authorities that govern both the assembly and decisions of such bodies are firstly the prevailing law (federal, state and local as applicable), the corporate charter where there is one and any applicable bylaws or constitution of the entity. (For example, incorporated associations in many jurisdictions are commonly required to have bylaws in order to incorporate.) Thereafter, for many practical purposes in running a meeting having the capacity to make binding decisions, the adopted rules of order govern the means of making and recording those decisions.

## What Constitutes Consensus?

In conjunction with the actual method of voting, the single most important issue in making a decision at a meeting is what constitutes a *binding* decision, noting that unanimous agreement on a course of action is, in almost all places, the exception rather than the rule.

Put another way, given a suggestion (usually by way of a motion, whether it is written or spoken, with or without notice), what constitutes a consensus that the entity should proceed in the direction suggested?

### The Members

The first issue is eligibility for voting. In the majority of meetings or assemblies, votes are determined by the members present (unless proxy voting is specifically provided for under the rules governing the assembly). So, unless otherwise specified, a majority vote is usually taken to mean 'a majority of those members present, entitled to vote and casting a vote.'

The total of votes cast is the sum of those for and against, an abstention not being a vote. Abstentions can be influential, because they effectively reduce the total in which a majority is determined.

When a majority of the entire membership is specified, this means a majority of *all* members, regardless of whether they actually cast a vote or are even present at the time. In this case, abstentions have no impact as the number constituting a majority is unaffected.

### The Numbers

The second issue is that of the extent of the majority required to move forward. While common inclination is to seek unanimity, this typically means hearing all participants and discussing objections until those objecting are satisfied that they have been heard, and recording 'unanimous consent' to a motion. For sheer practicality, formal votes required to be unanimously in favour by all members of the assembly are rare.

### Voting methods defined

**Voting on the voices:** the most common meeting method, where the chair asks "those in favour" etc., and those voting speak as requested. Silence is taken as an abstention.

**Unanimous consent:** a less formal version of voting on the voices, where the chair instead asks only for objections, and there being no objections, declares the matter passed unanimously. Silence is taken as assent, while any objection leads to a voice vote being taken.

**Standing vote:** or division, where those voting rise to express their vote and thus clarify the numbers for or against, particularly if the result of a voice vote is not clear.

**Ballot vote:** where individuals cast a vote on a ballot paper (or an electronic equivalent). Often used for changes to rules or bylaws and election of office bearers. Where allowed under the rules of order for the entity, a mail ballot or email ballot can also facilitate decisions between meetings.

**Proxy vote:** where one party is duly authorised to cast a vote on behalf of another party. Common amongst shareholders, such as in voting at company annual general meetings.

**Secret ballot,** or Australian ballot: where votes are cast such that an individual's vote is not known to any other person.

**Plurality vote:** largest number of votes cast (not recommended by RONR).

**Majority vote:** more than half the votes cast, often called a simple majority.

**Two-thirds vote:** numerically two thirds of the votes cast.

**Majority of the entire membership:** more than half of the total number of those entitled to vote, whether or not they are present or cast a vote.

**Abstention:** not a vote.

**'Weighted votes':** common term when voting rights are assigned based on representation, investment or any other grounds, rather than on a one vote per member basis.

*Based on RONR*

## What Works?

In terms of which type of voting outcome is required to pass the motion, the guidance distilled in RONR/RONRIB and extracted from Erskine May into the procedures of various parliaments spins on the significance of the issue at hand.

Most commonly, and certainly where RONR has been adopted by an assembly, a **majority vote** evidences consensus and represents a binding decision. This serves for most of the ongoing business of meetings, and allows a balance between duly assessing the consensus of members and allowing business to proceed even when not all members are present and/or cast a vote (assuming any other formal requirements, such as a quorum, have been met).

The exception cases, where a **majority of the entire membership** is required, are usually limited to more serious matters setting aside earlier decisions of the assembly. That is, to rescind an earlier decision of the assembly or to amend something previously adopted by the assembly.

Typical examples, and those for which RONR prescribes a **two thirds vote**, include decisions to suspend the rules of the assembly, including motions to close, limit or extend a debate on a motion.

If the two more restrictive conditions operate together, they represent a quite substantial hurdle, and tend to militate against any change at all. That said, organisations may seek a **two thirds vote of the entire membership** where a fundamental change to the entity is proposed. Private sector examples include mergers with another entity or demutualisation of a mutual membership corporate entity. Not for profit examples include changes to the membership requirements or to office holder eligibility for an association or club (although this is not a common thing as often a two thirds vote is sufficient in terms of standard bylaws).

## Conclusion

Setting aside well-intentioned sentiment about all those involved actually participating in making decisions, establishing parameters for binding decisions ensures that the organisation can actually make decisions with confidence to move forward.

There is, of course, no one right way for all circumstances and the job of leadership is to use the method appropriate to the circumstances. Unanimous consent does for many repetitive, routine matters; a simple majority vote for matters of general business; a higher threshold for more significant matters, including rescinding or altering earlier decisions.

Equally, when a higher threshold is called for, there is no magic in the two thirds vote that has become perhaps the most widely used precedent for more serious decisions. The benefits are largely that it strikes a pragmatic balance between demonstrating broadly based support for the decision, and the formal unanimity that would leave such support in no doubt but which is unlikely to be achieved in most realistic scenarios involving complex decisions.

## References

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