



# FACT SHEET

## POLL VOTE

Occasionally a Lot Owner will request a 'Poll Vote' at a general meeting.

A poll count is a count by reference to the contribution schedule lot entitlements for each lot, and not by reference to the lot itself.

At the meeting a person entitled to vote may ask for a poll for the counting of the vote on a motion decided by ordinary resolution (A s109). This does not apply to an ordinary resolution conducted by secret ballot. The person must ask for the poll in person at the meeting or on the voting paper on which he or she votes, whether or not he or she is personally present. The request can be made before or after the meeting has already voted on the motion. However, the request must be made before the meeting decides the next motion or if the motion for which the request for a poll count is made is the last motion to be considered, before the meeting ends.

If the poll is properly requested, one vote only may be exercised for each lot in the scheme, whether personally, by proxy or in writing. The motion is passed by ordinary resolution if the total of the contribution schedule lot entitlements for the lots which voted for the motion is more than the total of the contribution schedule lot entitlements for the lots which voted against the motion.

*For example:*

There are 7 lots in the scheme. The owners of Lots 1, 2, 4 and 5 vote against the motion. The owners of Lots 3, 6 and 7 vote in favour of the motion. The motion is defeated 4 - 3. Before the meeting goes on to decide the next motion, the owner of Lot 3 calls for a poll vote. Lot 3 has 30 lot entitlements on the contribution schedule, Lots 1, 2, 4 and 5 have 19 and Lots 6 and 7 have 25. The count is therefore  $30 + 25 + 25 = 80$  in favour and  $19 + 19 + 19 + 19 = 76$  against. The motion is therefore carried 80 - 76.

The Body Corporate and Community Management Act 1997 states that:

### 109 Request For Poll

- (1) A person entitled to vote at a general meeting of the Body Corporate for a community titles scheme may ask for a poll for the counting of the vote on a motion to be decided by ordinary resolution, other than an ordinary resolution conducted by secret ballot.

- (2) The person must ask for the poll:
  - a) In person at the meeting; or
  - b) On the voting paper on which the person votes in respect of the motion, whether or not the person is personally present at the meeting.
- (3) The request for a poll:
  - a) May be made whether or not the meeting has already voted on the motion other than by poll; and
  - b) May be withdrawn by the person who made it at any time before the poll is completed.
- (4) However, the request under subsection (3)(a) must be made no later than:
  - a) If the motion (**motion A**) is not the last motion to be considered at the meeting before the meeting decides the next motion to be considered after motion A; or
  - b) If motion A is the last motion to be considered at the meeting, before the meeting ends.

### 110 Counting Of Votes For Ordinary Resolution If Poll Requested

- (1) This section applies if:
  - a) A motion is to be decided by ordinary resolution at a general meeting of the Body Corporate for a community titles scheme; and
  - b) A poll is properly requested for the counting of the vote on the motion.
- (2) One vote only may be exercised for each lot included in the scheme, whether personally, by proxy or in writing.
- (3) The motion is passed by ordinary resolution only if the total of the contribution schedule lot entitlements for the lots for which votes are counted for the motion is more than the total of the contribution schedule lot entitlements for the lots for which votes are counted against the motion.

### SOURCES:

Body Corporate and Community Management Act 1997, Chapter 3 Management of community titles schemes Part 1 Management structures and arrangements, Current as at 27 March 2013, pp 106-107

<http://www.legislation.qld.gov.au/LEGISLTN/CURRENT/B/BodyCorpA97.pdf>

[http://www.justice.qld.gov.au/\\_data/assets/pdf\\_file/0020/12557/2.6 - Poll\\_vote\\_at\\_a\\_general\\_meeting.pdf](http://www.justice.qld.gov.au/_data/assets/pdf_file/0020/12557/2.6_-_Poll_vote_at_a_general_meeting.pdf)