

## **How many votes are needed to pass an ordinance, resolution or motion?**

Ordinarily, a majority of the entire council is required to pass any bylaw, ordinance, resolution or order.” Ark. Code Ann. § 14-55-203. A majority is whatever number it takes to have more than half. On a five-member council, this would be three, a six-member council would require four and so forth.

Some actions require a two-thirds (2/3) vote to pass. See, for example, Ark. Const. art. 5 § 1 (formerly amend. 7) (enactment of emergency clause); Ark. Code Ann. § 14-40-302 (annexation of lands contiguous to the municipality); 14-42-304 (amendments to city charter); 14-43-504; 14-44-107; 14-45-105 (override of mayor’s veto); 14-55-202 (suspending the reading requirement for ordinances); 14-55-301 (referral of ordinances to voters); 14-58-401 (borrowing against property tax in first class city); 14-164-329 (industrial development bonds not to be issued); 19-11-801 (designation of professional services); 26-77-102 (establishment of license fees and taxes).

Other statutes require a two-thirds (2/3) vote to override mayoral appointments and removals: 14-42-110 (department heads); 14-42-422 (director of department of public safety); 14-44-111 (marshall in second class city).

The two-thirds (2/3) requirement also applies to the council’s power to remove various commission and board members: 14-49-211, 14-50-210, 14-51-210 (civil service commissioner); 14-88-305 (board of improvement or member); 14-122-106 (drainage improvement district board members); 14-141-106 (auditorium commissioner); 14-184-111 (business district board members); 14-201-108 (utility commissioners); 14-234-305 (waterworks commissioners); 14-264-103 (hospital commissioners); 14-269-202 and 302 (parks commissioners);

In some cases, the law requires confirmation by a two-thirds (2/3) vote of the council for commissioners appointed by the mayor. Ark. Code Ann. § 14-201-105 (utility commissioners of first class cities); 14-234-304 (waterworks commissioners).

Note that on a six member council, a two-thirds (2/3) vote is the same as a majority: four. On other councils, a two-thirds (2/3) vote should be calculated by rounding up to the next number needed to constitute two-thirds (2/3). For example, two-thirds (2/3) of eight is 5.33, so it would take six members of an eight-member council to constitute a two-thirds (2/3) vote. See Atty. Gen. Op. No. 94-128.