

## **GOVERNING BODIES**

**How many votes are needed to pass an item by a city commission? Is it a majority of the whole number or a majority of those present?**

First, look to the statute setting up the particular commission. For example, Ark. Code Ann. section 14-56-422 provides that certain votes of a municipal planning commission must pass by a majority vote of the entire commission.

Sometimes, however, the statute does not state what constitutes an acceptable majority for passage of a measure. For example, the statutes governing Advertising and Promotion Commissions do not state what constitutes a majority. In such cases, the Arkansas Supreme Court has held:

Where no statute has required a contrary result, the courts have applied the common law rule that action may be taken by a majority of the members present, provided, of course, that they are sufficient in number to constitute a quorum of the body. *Benton County Taxpayers Assn., Inc., v. Bolain*, 252 Ark. 472, 473, 479 S.W.2d 566, 567 (1972)(quoting 45 A.L.R. 2d 716); see also Atty. Gen. Op. Nos. 2001-326, 87-273.

If a city has created a board or commission that is not governed by state statute, then the answer may be found in the ordinance creating the body. If not, the common law rule referenced in the preceding paragraph will prevail.