The Town Tea 4: Quorums and Voting Requirements

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Link to Meeting Recording: https://us02web.zoom.us/rec/share/olvq64MeRLqjNj8PV5msijN9uD4j36XUFhHMI7SHxIcEkRFhZBEZwlP7EvslwJVi.qibGE8FjUG5Ua4

- What constitutes a majority for purposes of voting and actions taken?
- Defined by statute – General Construction Law § 41 – Quorum and Majority
  o Statutorily defined – no wiggle room!
- If a public body has three or more members, a majority of the duly constituted board is required in order to take official action
  o Can participate via videoconferencing (statute explicitly provides for this – be careful regarding the *exception* carved out in Town Law § 63, which requires meetings to take place within the jurisdiction of the town)
- A majority of the duly constituted board means that a majority constitutes the number of individuals necessary to take action assuming that every seat is filled – it does not matter if a member is not in attendance or if a seat is vacant
  o Three-member board – two votes to pass
  o Five-member board – three votes to pass
  o Seven-member board – four votes to pass
    ▪ Regardless of the number present!
- Does this apply to committees?
  o Does the committee have the ability to take official action? If it does not have the authority, there is no quorum issue because the committee is not effectuating policy or taking official action (note: the town board can require a committee recommendation be based on a majority vote)
- Hypothetical – there are five members present of a seven-member board. Three vote in favor of the action. Does it pass?
- Hypothetical – there are two board members physically present at the meeting and three calling in virtually – one of the board members physically present and two of the board members virtually present vote in favor of an action. Does it pass?

A MAJORITY OF A DULY CONSTITUTED BOARD IS REQUIRED TO TAKE OFFICIAL ACTION