



What Constitutes a 2/3 Majority

11.4.2015

Question:

If we have a five member board, how many affirmative votes does it take to go into Executive Session?

Answer:

Section 74-206(1) states that, "An executive session shall be authorized by a two-thirds (2/3) vote of the governing body." Therefore, it will take four members of a five member board to vote yes to go into Executive Session. Three members only constitutes 60% not 66 2/3%.

We recently had the opportunity to participate in an Open Meeting Law workshop conducted by the Attorney General (AG), Lawrence Wasden, and Brian Kane, one of his Chief Deputies. At that time, the AG confirmed that it takes four out of five members to agree to go into executive session.

However, he also went one step further. We questioned him about a five member Board that may have two vacancies or where two Board members may be absent from the meeting. Mr. Kane replied that the Board should hurry and fill one of those vacant seats or get one of the other members to quickly attend the meeting because the Board could not go into executive session until there were four members who voted in the affirmative to go into executive session.

Bottom line – no matter the reason or the condition, it takes four affirmative votes to move into executive session if you have a five member board. For those boards with three members, it will take two affirmative votes; for those boards with six members, it will take four affirmative votes; for those Boards with seven, eight, or nine members, it will take six affirmative votes.

contact us with your question:



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