

Government of the District of Columbia



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TO: Commissioners Paula Edwards
Commissioner Patience Singleton *DZW*
FR: Denise Wiktor, General Counsel
DT: November 7, 2023
RE: Does a Motion Pass if the Majority of the Votes are Abstentions

You asked when a quorum of 7 Commissioners was present and the results of a vote were 3 yes, 0 no, 4 abstentions whether the Motion is considered passed. You also asked if D.C. had a law superseding D.C. Official Code that would preclude Robert's Rules in this case as similar to an ordinance in Washington state that requires that a majority of those present vote yea.

Under the D.C. Official Code, Robert's Rules governs where a matter is not directly addressed in the Code or the Bylaws of an ANC, this Motion would be considered passed. There is no other section of the Code other than the one reference below that would address this situation.

The OANC has a copy of ANC 4A's bylaws as amended on February 7, 2023. I have reviewed the different sections talking about vote passage.

Article V Section 6 provides for a "simple majority shall be required for election of officers."

Article IX Section 5 states "No official action may be taken by the Commission unless it is at a regularly scheduled, public ANC meeting at which a quorum is present and a majority of those "voting yea or nay" vote in favor of the action."

There are no qualifiers to these sections of your bylaws delineating whether it is the number of persons present or the percentage of the board one to carry a motion. In that case, the process defers to Robert's Rules of Order.

Robert's Rules sets out the manner of counting votes in two parts. First, it deals with the basic Rules in Section 1:6 which provides:

The basic principle of decision in a deliberative assembly is that, to become the act or choice of the body, a proposition must be adopted by a majority vote; that is, direct approval—implying assumption of responsibility for the act—***must be registered by more than half of the members present and voting on the particular matter***, in a regular or properly called meeting of the body (see also 44:1–2). Modifications of the foregoing principle that impose a requirement of more than a majority vote arise: (a) where required by law; (b) where provided by special rule of a particular organization or assembly as dictated by its own conditions; or (c) where required under the general parliamentary law in the case of certain steps or procedures that impinge on the normal rights of the minority, of absentees, or of some other group within the assembly's membership. (Emphasis added)

Section 44 addresses variations based on what is in the Bylaws. For example, to amend bylaws may require 2/3 of the Commission so you need 2/3 of the total number of commissioners. Other things may require a majority of the members *present*. In both of these cases, the vote would not carry. If there is no such requirement based upon the total number of Commissioners or the number of Commissioners present, then the yeas would carry the vote as abstentions would not be counted in the total.

Since your bylaws do not specify whether the vote is by the number of Commissioners or by the majority of those present, the D.C. Official Code 1-309.11(e)(3) states: “*Where not otherwise provided*, the procedures of the Commission shall be governed by Robert’s Rules of Order.” (Emphasis added)

Robert’s Rules 44:1 addresses the majority vote—the basic requirement. Provides:

As stated in 1:6, the basic requirement for approval of an action or choice by a deliberative assembly, except where a rule provides otherwise, is a majority vote. The word majority means “more than half”; and when the term majority vote is used without qualification—as in the case of the basic requirement—it means more than half of the votes cast by persons entitled to vote, excluding blanks or abstentions, at a regular or properly called meeting. For example (assuming that there are no voters having fractions of a vote, as may occur in some conventions):

- If 19 votes are cast, a majority (more than 9½) is 10.
- If 20 votes are cast, a majority (more than 10) is 11.
- If 21 votes are cast, a majority (more than 10½) is 11.

While an abstention is a vote, it is a vote that does not count for purposes of determining whether a motion has carried or failed. Robert’s Rules 4:35 states “[t]o “abstain” means not to vote at all, and a member who makes no response if “abstentions” are called for abstains just as much as one who responds to that effect.” As a note, this rule also says a Chair only calls for yeas or nays and not for abstentions.

The facts that you gave me showed the majority of those present voted, abstentions are a vote. Based on the language in your bylaws, the resolution was passed.

I hope this clarifies things for you. If you need any additional information or analysis, please let me know.