**The Judicial Council**

**Of the Student Government Association**

**Of Western Kentucky University**

Opinion 2014SP – 002

In re abstentions and quorum

April 24, 2014

Chief Justice Seth Church delivered the opinion of the Council. Associate Justices Julia Payne, and Jackie Stewart join.

A request was submitted to the Judicial Council to determine if Resolution 5-14-S passed the Senate appropriately. The Council was asked two questions: do abstaining Senators still count as present for the purposes of quorum and did the Senate have quorum, and thus, the power to act.

According to Robert's Rules, when a member abstains, "he knows the effect is the same as if he voted on the prevailing side." Robert's Rules also says that "if a bare majority of the membership is present at a meeting called or provided for, a majority vote (which means a majority of those who vote) shall be sufficient to make the act the act of the body." The Attorney General of the Commonwealth of Kentucky interpreted this principle in OAG 88-35, 1988, which states that "an abstaining member...is a vote concurring with the majority of those voting." As such, the Council rules that abstaining members of SGA organizations cast neither a yes nor a no vote. Instead, they express a desire to not vote and, by extension, concur in whatever the majority of members voting is.

According to Robert's Rules, "quorum refers to the number present, not to the number voting." As such, abstaining members do count to quorum. Robert's Rules go further to state that "[o]nce a quorum at a meeting has been established, the continued presence of a quorum is presumed to exist only until the chair or any other member notices that a quorum is no longer present." Since no member of the Senate noted a lack of quorum, it is presumed that they had quorum throughout the meeting, including when voting upon Resolution 5-14-S.

Robert's Rules states that "[a]fter all the members of an organization have had reasonable notice of a meeting, and ample opportunity for discussion, if a majority of the total membership of the organization come to a certain decision, that must be accepted as the action or opinion of that body."

Under the principles outlined here, the Senate acted with quorum and appropriately passed Resolution 5-14-S.

Associate Justice Megan Lemmons took no part in this decision.