



Legal Briefs

What does it mean when a board member abstains from voting?

In *Merrimack v. McCray*, 150 N.H. 811 (2004), in the case of a five-member board of selectmen, the Supreme Court held that a vote of two in favor, none against and two abstentions was sufficient to pass a vote. “So long as a majority of the board is present, only a majority of the votes actually cast is necessary to support an action.” In other words, a member who is present and abstains counts for the quorum and is regarded as acquiescing to the outcome determined by the majority of those who do vote.

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