

1/21/66

Memorandum 66-11

Subject: Number of Votes Necessary for Commission Action

We suggest that the Handbook of Practices and Procedures of the Law Revision Commission be revised as indicated below:

Quorum. Four voting members of the Commission constitute a quorum and must be present before the Commission may attend to any business. Any action ~~, including a recommendation to the Legislature,~~ may be taken by a majority of those present if a quorum is present, but any final recommendation to the Legislature must be approved by with a minimum of four affirmative votes.

The effect of this revision is to reduce to three (instead of four) the number of affirmative votes when a quorum of four or five is present.

We make this suggestion because it is apparent that during the next few months we will be operating with a quorum of four or five members at most meetings. Excluding legislative members and Professor Sato (who will be out of the country), we have only six members who will be available to attend meetings. (The legislative members will be generally unavailable because of the 1966 legislative session. Moreover, Assemblyman Song is planning to run for the Senate.)

Based on past experience, we doubt that all six of the members who will be available to attend meetings will be able to be present at each meeting. It is, we think, also apparent from past experience that it is difficult to make much progress when unanimous approval of all members is required to take any action. The suggested revision would make it possible to make progress on the various studies we will be considering within the next few months.

We suggest that the proposed revision take effect at the first meeting after Professor Sato becomes unavailable to attend meetings.

If this revision is not acceptable to the Commission, we suggest that the Commission consider what other actions, if any, should be taken in view of the problem we believe will exist when we begin to operate with a quorum of four or five.

Respectfully submitted,

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Executive Secretary