

CLIENT NEWS BRIEF

Senate Bill 751 Amends the Brown Act

Recently enacted Senate Bill (SB) 751 has amended the Brown Act to require, effective January 1, 2014, that the "legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action." This bill, which adds to Government Code section 54953(c)(2), is a clarification of existing law, which already prohibits action by secret ballot. Nevertheless, the Legislature thought it was important to add this section to curb abuse by agencies with large legislative bodies, where it is not always possible to determine from the record who voted yes, no, or abstained.

The Brown Act's open governance mandate helps ensure that the public knows how legislative body members vote on all matters. When it is likely to be difficult from the record to determine how a particular member voted, or whether a member abstained, the legislative body may wish to conduct a roll call vote to ensure compliance with SB 751. Another good practice is to include the vote tally, and any abstentions, as part of the minutes.

As a practical matter, for legislative bodies that have seven or fewer members and keep minutes, this new legislation may have little practical impact. However, Brown Act committees or advisory bodies that are not already reporting each member's vote or abstention, if and when the body votes, may now need to provide that information to the public.

If you have any questions regarding the Brown Act or open meeting laws, please feel free to contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).

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