

## Voting Members of the State Capitol Preservation & Restoration Commission

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November 10, 2025 | 2025-R-0179

### Issue

Are ex officio members of the State Capitol Preservation & Restoration Commission considered voting members of the commission?

The Office of Legislative Research is not authorized to issue legal opinions and this report should not be considered as one.

### Ex Officio Voting Members

Generally, all members of a commission are considered voting members unless the commission's authorizing statute or bylaws explicitly specify a member as non-voting. The term "ex officio" indicates that someone is automatically a member because of another office or position they hold. It does not mean that the person is a non-voting member. Although they are not necessarily controlling, according to Robert's Rules of Order, ex officio board members have all the privileges of board membership, including the right to make motions and to vote (rule 49:8).

By law, the 12-member State Capitol Preservation & Restoration Commission has 11 appointed members (two appointed by the governor, six appointed by the legislative leaders, two appointed by the Joint Committee on Legislative Management's chairpersons, and one appointed by the Historic Preservation Council's chairperson). The 12th member is the Department of Administrative Services (DAS) commissioner, or her designee, who serves as ex officio member of the commission. As the law does not explicitly make the DAS commissioner a non-voting member, she presumably may vote and has the same authority as other commission members.

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