

Hi this is Chris Micheli, a principal of the Sacramento Governmental Relations firm of Aprea and Micheli and an adjunct professor here at McGeorge School of Law in its Capital Lawyering program. Thanks for joining today's podcast on methods of voting on the floors.

In the two houses of the California Legislature, there are differences in how voting by legislators is conducted on the floors of the State Assembly and State Senate. The main difference is that the Assembly uses an electronic means of recording votes on the floor while Senators record their votes with a verbal response to an announced roll call. The other major difference is that Assembly Members may change their votes under specified circumstances. Generally, Senators cannot. So let's look more closely at the Assembly and the Senate rules on voting on the floors.

In the Assembly first. Under Assembly Rule 105 the ayes and no's are recorded by the electrical voting system on the final passage of all bills. The names of the Legislators and how they cast their votes are then entered in the Assembly Daily Journal. And pursuant to Assembly Rule 106, when begun, voting may not be interrupted except that before the vote is announced any legislator may have the total pending vote flashed on the visibly screen recorder and then any Legislator may move a Call of the Assembly after the completion of the roll before that final vote has been announced.

Further under Rule 106, prior to adjournment on the same legislative day and in the absence of any objection, a Legislator may instruct the Assembly Chief Clerk to change his or her recorded vote after the vote has been announced so long as the outcome of the final vote on the matter is not changed. Then the Chief Clerk may record any vote change only after the legislator makes the change, having announced it to the full Assembly. Note that under Assembly Rule 107, in a tie vote, the motion or the bill fails passage.

Now let's look at the Senate. Pursuant to Senate Rule 44, whenever a roll call is required by the Constitution or the Rules or it is ordered by the Senate or demanded by at least three legislators, every legislator within the Senate without debate answers aye or no when his or her name is called. This Rule requires that the names of legislators be called alphabetically, and a Senator may not vote or change his or her vote after the announcement of the final vote by the presiding officer.

There is an exception for the two-party leaders. Under the Senate Rule, on a legislative day when the President Pro Tem or the Minority Floor Leader is in attendance throughout a session but he or she in absence of any objection may instruct the Secretary of the Senate to add his or her vote to any previously announced vote that was taken while he or she was performing a responsibility of their respective office. Here, then, is the limitation that provided that the outcome of the vote is not changed by the addition of their vote. As explained by Senate Rule 44, the intent of this paragraph is to allow the President Pro Tem and the Minority Floor Leader to carry out their unique and special duties that their offices hold without losing the opportunity to vote on matters before the State Senate.

So that's a brief look at the methods of voting on the two floors. I hope you enjoyed it.