

Hi, this Chris Micheli with the Sacramento governmental relations firm of Aprea & Micheli. Today's podcast is on the California State Senate allowing remote voting.

The California Senate, pursuant to a rule that it adopted on March 16, in Senate Resolution 86, is now allowing remote voting in its house. The Senate President Pro Tem, Toni Atkins, announced the use of remote voting under certain specific circumstances. She explained that the State Senate was authorizing the use of remote voting to protect the health of those involved in the legislative process, and she said it was to be consistent with our Constitution, and that the Senate has consulted with legal experts and open government groups before implementing this new procedure.

The Senate is limiting the use of remote voting for policy and fiscal committees. At this time it is not authorized for use on the Senate floor. Senators who request to vote remotely will have to obtain approval for the accommodation request, which has to be related to COVID-19. They'll have to participate in the committee hearing from their district office.

In addition, the Committee Chair and a majority of the members of the committee will have to be physically present in the Capitol for the committee hearing to take place and for the remote voting to occur. The basis for this new procedure that was just announced is Senate Resolution 86, authored by the President Pro Tem, Toni Atkins. She introduced the measure and it was adopted by the Senate on March 16, which is the day that the Legislature began an extended recess this past spring.

Senate Resolution 86 added Rule 56 to the Standing Rules of the Senate. It's titled Remote Participation in Meetings During Emergencies. Senate Rule 56 only applies during emergencies - which is a state of emergency, or a local emergency that was proclaimed pursuant to the Government Code, or even an imminent threat of such a local or state emergency. Basically, it allows the Senate leader to assign, remove, or replace any member on a standing committee of the Senate as well as to establish a special committee that is deemed necessary. That has occurred earlier this past spring.

During the emergency, the Senate leader can authorize meetings to be held and for members of the committee to participate remotely by use of a telephone, teleconference, or other electronic means. In addition, the public can also participate remotely in the committee hearing by any means that the Senate committee makes available, which they have done in person, by remote video testimony, or by telephone.

Pursuant to Senate Rule 56, a Senator who participates remotely is to be considered present and in attendance at the committee meeting, including for purposes of determining if a quorum is present. With the quorum present, either in person or remotely, as verified by the Chair of the committee, then a vote of a majority of the members of the committee will still be required to report any bills, constitutional amendments, or resolutions out of committee.

SR 86 also authorizes the Senate to conduct meetings at which one or more members will participate in the meeting remotely. Under the current procedure, that's would not occur. But it may be considered during the remaining weeks of the 2020 session.

Senator Atkins released a number of requirements for permitting Senators who need a COVID-19 related accommodation to participate and vote during Senate committee hearings from their district office. These will go into effect on July 29th. The Senate committees conducted during the period for which remote voting is permitted, again, must be presided over by the Chair who is present in the Capitol. Establishment of the quorum of members in the Capitol will be required as well.

Senator Atkins, in her announcement, did note that voting by remote means on the Senate floor does remain an option for the Senate depending on how conditions develop. In the meantime, she also noted that the Senate and Assembly are taking different approaches. This was a brief look at how the California Senate is preparing to allow remote voting in legislative committees of the California State Senate.