

SENATE No. 2720

Senate May 26, 2020 -- Report of the Committee on Rules (pursuant to Senate Rule 63) relative to temporary remote voting procedures for the Senate during the COVID-19 pandemic.

The Commonwealth of Massachusetts



In the One Hundred and Ninety-First General Court
(2019-2020)

1 WHEREAS, The outbreak of the 2019 novel coronavirus, also known as COVID-19, and
2 the governor’s March 10, 2020 declaration of a state of emergency require the Senate to convene
3 to take legislative action to ensure the welfare of the commonwealth; and

4 WHEREAS, In light of the guidance of medical professionals, the governor and other
5 governmental officials and in order to provide for the public safety, including the safety of
6 members and staff, additional methods of voting and participation are necessary; and

7 WHEREAS, The Senate, pursuant to Article VII of Section II of Chapter I of Part the
8 Second of the Constitution of the Commonwealth, has the power to determine its own rules of
9 proceedings; now, therefore be it

10 *ORDERED*, That the Senate declares that a state of emergency continues to exist within
11 the Senate as a result of the outbreak of COVID-19; and be it further

12 *ORDERED*, That the following provisions may apply for the Massachusetts Senate for
13 actions taken in formal sessions:

14 Section 1. (a) Notwithstanding Senate Rule 55, Senate Rule 57 or any other rule to the
15 contrary, a member may authorize the presiding officer to announce the member’s vote or record
16 the member’s presence in the Senate.

17 (b) A member may authorize the presiding officer by submitting a letter to the Clerk that
18 specifies the member's exact instruction to the presiding officer on how to answer the question
19 for which the roll call is ordered and states that the presiding officer is authorized to announce
20 the member's vote or record the member's presence; provided, however, that a member may
21 alter or revoke this authorization by submitting a letter to the Clerk; provided further, that if a
22 member who has so authorized the presiding officer casts the member's own vote or records the
23 member's own presence, the member shall be considered to have revoked the authorization to
24 announce the member's vote or record the member's presence in the Senate.

25 Upon receipt of a member's letter authorizing the presiding officer or altering or revoking
26 the authorization of the presiding officer, the Clerk shall notify the President and the minority
27 leader of the authorization, alteration or revocation. The Clerk shall maintain an updated list of
28 the authorizations, alterations and revocations submitted or in effect under this order and shall
29 make the list publicly available in electronic form and available during any vote subject to this
30 order.

31 (c) The presiding officer shall answer the roll call on behalf of each member who has
32 authorized the presiding officer to announce the vote or record the presence of the member;
33 provided, however, that the presiding officer shall announce the vote or record the presence in
34 accordance with the member's exact instruction.

35 (d) A letter under this section may be submitted to the Clerk electronically.

36 Section 2. Notwithstanding Senate Rule 57 or any other rule to the contrary, a member
37 not having been recorded under section 1 on the question for which a roll call has been ordered
38 and who has not recorded their own presence in the chamber may be excused from voting
39 personally in the Senate Chamber due to the risk of exposure to COVID-19 and a court officer
40 shall ascertain and announce the roll call on behalf of the member.

41 Section 3. A member whose vote is announced or whose presence is recorded by the
42 presiding officer under section 1 or for whom a roll call is being answered by a court officer
43 pursuant to section 2 shall be counted for the purpose of establishing a quorum as required
44 pursuant to Senate Rule 64 and Article XXXIII of the Amendments to the Constitution of the
45 Commonwealth.

46 Section 4. This order shall expire 30 days after its passage.