

House Resolution

No. 100

Introduced by Assembly Member Calderon

July 27, 2020

House Resolution No. 100—Relative to the Legislature.

1 WHEREAS, The Governor of the State of California, on March
2 4, 2020, proclaimed, under the California Emergency Services
3 Act, a state of emergency in the State of California; and

4 WHEREAS, The President of the United States, on March 13,
5 2020, proclaimed that the COVID-19 outbreak in the United States
6 constitutes a national emergency, and, on March 22, 2020, further
7 declared that a major disaster exists in the State of California
8 related to the COVID-19 pandemic; and

9 WHEREAS, The Governor of the State of California, the County
10 of Sacramento, and other jurisdictions have issued public health
11 orders directing individuals to stay home or at their place of
12 residence in order to prevent the spread of the COVID-19 virus;
13 and

14 WHEREAS, The COVID-19 pandemic has impacted the ability
15 of several Members of the Legislature to safely attend legislative
16 committee hearings and floor sessions, and threatens to undermine
17 the constitutional duty and authority of each house to convene and
18 to compel the attendance of its Members; and

19 WHEREAS, Section 7 of Article IV of the California
20 Constitution provides authority for each house to adopt rules for
21 its proceedings, defines a quorum necessary to conduct business,
22 and establishes the authority of each house to compel the
23 attendance of absent Members; now, therefore, be it

1 *Resolved by the Assembly of the State of California, That the*
2 *Assembly hereby adopts the following rules governing proxy*
3 *voting in the Assembly during the 2019–20 Regular Session:*

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5 PROXY VOTING RULES DURING THE COVID-19 STATE
6 OF EMERGENCY

7
8 Authorization
9

10 1. (a) Notwithstanding any other rule of the Assembly, the
11 Speaker shall have the authority to permit proxy voting by
12 designated Members for floor sessions held during the COVID-19
13 state of emergency.

14 (b) To be eligible to request authorization to vote by proxy, a
15 Member shall be at a higher risk from the COVID-19 virus.

16 (c) Any authorization to vote by proxy shall terminate upon the
17 earliest of the following:

18 (1) The adjournment sine die of the 2019–20 Regular Session
19 pursuant to subdivision (a) of Section 3 of Article IV of the
20 California Constitution.

21 (2) The termination of the state of emergency.

22 (3) The withdrawal of the authorization by the Speaker.
23

24 Designation of Members Who May Vote By Proxy
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26 2. (a) A Member requesting authorization to vote by proxy
27 shall submit a letter to the Speaker prior to the floor session at
28 which the Member seeks to cast a vote by proxy. If the Speaker
29 approves the request, a copy of the authorization to vote by proxy
30 shall be provided to the Chief Clerk of the Assembly and printed
31 in the Assembly Journal.

32 (b) The Chief Clerk shall maintain a list of Members who are
33 authorized to vote by proxy for each floor session and shall
34 regularly update the list for each floor session. The Chief Clerk
35 shall post the list, as it may be updated, on the internet website of
36 the Assembly prior to the convening of each floor session.

Proxy Voting Procedures

3. (a) Before proceeding to business on the Daily File during a floor session, the presiding officer shall announce the names of any Members who have been authorized to vote by proxy for that floor session.

(b) A quorum of Members shall be present in the Assembly Chamber to conduct business.

(c) (1) A Member authorized by the Speaker to vote by proxy shall submit written voting instructions prior to each applicable floor session. The instructions shall identify each legislative action on which the Member will be voting by proxy, and shall clearly state how the Member wishes to have the Member's vote recorded for each action.

(2) The written instructions shall be submitted to the Chief Clerk in the manner specified by the Chief Clerk.

(d) A Member voting by proxy may change the Member's written voting instructions with regard to a particular legislative action at any time prior to the presiding officer opening the roll for votes on that legislative action. The revised voting instructions shall be submitted in writing as described in subdivision (c).

(e) The Speaker or the Speaker's designee, the Majority Leader, the Republican Leader or the Republican Leader's designee, and the Republican Floor Manager shall cast proxy votes for the Members of their respective caucuses who are voting by proxy by operating the electronic voting switches of those Members.

(f) A Member casting a proxy vote for a Member voting by proxy shall follow the written voting instructions exactly as submitted pursuant to subdivision (c), including any change in those instructions submitted pursuant to subdivision (d).

(g) A Member voting by proxy may not add on to a rollcall vote after the announcement of the vote by the presiding officer, and may not change the Member's vote after the proxy vote is cast. A Member voting by proxy may submit a written explanation of the Member's proxy vote and that explanation shall be printed in the Assembly Journal, provided that no explanation may exceed 50 words in length.

- 1 (h) The Assembly Journal shall identify any Members who
- 2 voted by proxy on each rollcall vote.

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