



May 4, 2020

****Updated****

REMOTE LEGISLATIVE SESSIONS

In response to public health concerns regarding the COVID-19 pandemic, state legislatures are exploring means to convene remotely in order to protect their members, staff, and the public. This memorandum provides an overview of the common components contained in resolutions, legislation, and other documents identified by the [National Conference of State Legislatures](#)¹ that enable legislative bodies to continue their work, remotely, during a time of crisis. The memorandum also compares actions taken to date by 19 legislative bodies in 13 states in 2020, on topics including voting, quorums, participation, committee meetings, and the trigger for a remote session, and includes information on a Wisconsin statute and Oregon Constitutional Amendment in place since 2009 and 2012 respectively on this topic. Attachment A provides more specific information on the provisions in other states.

Additionally, this memorandum provides an overview of Kansas legislative activities, constitutional provisions, statutes, and legislative rules that refer to physical presence in the Statehouse for conducting legislative business.

Authorizations

Nearly all of the documents reviewed were resolutions that either changed rules or created new rules that, among other things, allow for remote sessions of legislative chambers and, in some instances, standing committees. The state legislative bodies that adopted such resolutions include one or both chambers from the states of Arkansas, California, Connecticut, Kentucky, Minnesota, New Jersey, New York, Oklahoma, Pennsylvania, Utah, and Vermont. Please note it was common for only one chamber of a legislature to adopt such a resolution.

Arizona, South Dakota, Oregon, and Wisconsin authorized remote sessions *via* a means other than a resolution changing chamber rules. The Arizona House of Representatives adopted a “motion” that suspended a provision of its Rule 14, which prohibited House members from voting in place of other House members. This would allow for a proxy voting system that other legislative bodies have adopted in order to comply with limitations on gatherings. South Dakota’s Legislative Research Council issued an announcement outlining a process for an “electronic veto day.” Oregon voters amended the State Constitution with robust continuity of governance provisions in 2012. The Wisconsin Legislature passed legislation in 2009 that established a robust process for remote legislative session in statute. [Note: This is summarized later in this memorandum.]

1 [Continuity of Legislature During Emergency](#), dated April 2, 2020; accessed April 21, 2020.

Voting, Quorums, and Debate

Voting and quorums were addressed in most of the actions reviewed. Legislatures primarily used one of three methods to authorize member participation: *via* technological means, *via* proxy, or *via* a hybrid system using technology and proxy voting, in order of most to least common.

Generally, resolutions made broad reference to the technology required for members to participate. Terms such as “electronic means,” “available means,” “teleconference,” and “video conference” were common among resolutions allowing for complete remote participation and hybrid participation. The Pennsylvania Senate’s resolution and the Wisconsin statute are the most detailed, requiring the use of communication technology that enables simultaneous and interactive participation of its members.

The second most common remote voting method authorized is voting by proxy. Resolutions that enable this option typically suspend rules that prohibit members voting in place of others, and establish a process of notification and verification. The Arkansas House of Representatives, the Oklahoma House of Representatives, and the Pennsylvania House of Representatives all established a method for proxy voting with their respective resolutions. Typically, members were required to assign their vote to the Majority party or Minority party leadership or members designated by such leadership. In some instances, the considerations eligible for proxy voting were limited. For example, Oklahoma’s resolution allows only physically present members to vote on procedural motions. Other provisions were also included, such as delays in action to accommodate a possible change of vote. As noted above, the Arizona House of Representatives also adopted a proxy vote methodology by suspending the rule prohibiting the activity.

Some legislative chambers authorized or engaged in a hybrid remote session that involved remote participation and proxy voting by legislators. Legislators in Kentucky and South Dakota authorized this method. The resolution by the Kentucky House of Representatives allows members not in physical attendance to notify the Speaker of the House, clerk, or designee of a member’s caucus who is in attendance on how they wish to cast a vote. Prior to the acceptance and casting of a vote, the representative’s identity and desired vote must be verified by “appropriate means,” which would include a video conference where the member’s face is visible. South Dakota employed another version of this method for its veto session held on March 30, 2020. Legislators were allowed to participate remotely *via* “electronic conference” and up to nine members from each chamber were allowed to participate in designated committee rooms that had a live feed broadcast on public access television. It was unclear whether more than nine legislators per chamber were allowed to be physically present *via* rotation of individuals.

The resolutions of nine states mentioned quorums, all of which stated that legislators participating remotely or by proxy would be considered in attendance and counted for the purposes of determining a quorum. A unique provision found in Arkansas’s resolution stipulated that members who are not physically present would not be eligible for per diem. Oregon’s constitutional provision is also unique when compared to other quorum requirements because it allows the number, or members, in attendance to fluctuate based on the ability of a member to be present. [*Note:* This is addressed later in this memorandum.]

Standing Committee Meetings

More than half of the states that have authorized remote voting specifically authorized committees to conduct business remotely. The remainder did not specifically address the process but also did not prohibit such meetings. The majority of the resolutions allowed for standing committees to meet by the general language used to authorize a remote meeting of the chamber. At the time of review, it appears the Connecticut General Assembly only authorized remote voting of committee members in joint standing committee meetings.

Public Participation

Resolutions adopted and actions taken by legislatures of California, Minnesota, South Dakota, Utah, Vermont, and Wisconsin all address the ability for the public to participate. Resolutions adopted by the California Senate and Minnesota House of Representatives used broad language to the effect of allowing participation through any means available or allowing the opportunity to submit testimony. The South Dakota Legislature made arrangements for the public to submit comments on bills before the respective chambers online and allowed for individuals to physically testify before a committee of the whole if they underwent a health screening prior to entering the rooms dedicated to the public broadcast of its veto session. Wisconsin law requires the system to allow the public to monitor proceedings, within technological limits..

Triggers and Duration of Special Provisions

Triggers

Each of the actions reviewed contained a “trigger” for invoking rules or processes allowing for remote legislative sessions. In most instances, the trigger was a declared local, state, or national emergency. In several, the Legislature was also required to adopt its own disaster resolution. Resolutions adopted by legislatures in Kentucky and Pennsylvania allowed such rules and processes to be invoked solely at the discretion of a chamber’s leadership. Documents of Utah and Wisconsin also authorize remote participation when legislators are prevented from traveling to or meeting in the Statehouse, regardless of a declared emergency. Finally, some legislatures required both a declared emergency and action of legislative leadership, as is the case with legislative bodies in Minnesota, New York, and Utah, to initiate rules for remote sessions. The trigger for South Dakota’s remote veto day was unique among the legislative actions reviewed. According to the state’s legislative agency announcement, authorizing remote participation in veto day proceedings was in direct response to federal guidelines suggesting gatherings should be limited to fewer than ten individuals.

Duration

A majority of the resolutions and other documents reviewed clearly address the duration of authority for remote legislative sessions. The majority limit authority to the term of the declared disaster or until the threat has concluded, legislative bodies no longer require it, or upon legislative leadership determination. Arkansas, the New York Senate, and the Oklahoma House of Representatives limited their new or amended rules to be active only during the 2020 session, and in Vermont, changes in duration will expire with the convening of the 2021 session.

The Pennsylvania Senate set a date of July 31, 2020, or ten days after the expiration of the emergency declaration (whichever occurred first), for the expiration of rules authorizing remote sessions. Oregon’s State Constitution allows the relevant articles to remain in affect for 30 days after initially invoked and for the Legislature to extend beyond the initial 30 days.

Actions Taken Prior to COVID-19 Pandemic

Wisconsin passed legislation authorizing remote legislative sessions in 2009 [Wisconsin Statute § 13.42]. The statute contains provisions for authorizing a remote session during a disaster or threat of disaster, a method for returning to normal operation, and allowing public participation to some degree. The law also authorizes the presiding officers to interpret chamber rules requiring physical presence to “accomplish the same purposes for which the rules were adopted.” The law also authorizes the legislature to conduct a week-long remote session annually in order for legislators and interested parties to become familiar with the process. However, according to the Wisconsin State Journal, the first time a remote session was held in the state was on March 24, 2020, in preparation for impacts of the COVID-19 pandemic.²

In 2012, Oregon voters amended provisions of their State Constitution relating to catastrophic disasters. Article 10-A, Section 5 authorizes a member of the legislative body to be counted as in attendance if they are able to participate through electronic or other means that allows them and others to hear the proceedings as they are occurring and enable others to hear or remote participants votes and contributions as they are occurring. Article 10-A, Section 3 address procedural requirements for the Legislative Assembly during a declared disaster. This section allows for the Legislative Assembly to convene in a location other than the State Capitol and address determination of a quorum in circumstances when the Legislative Assembly cannot compel the attendance of more than two-thirds of members for both houses. In such a circumstance, a quorum would be determined as two-thirds of the session’s participants. The Article also requires three-fifths of those able to attend voting in the affirmative is required to pass any bill or resolution. [Note: There are several other authorization in Article 10-A that were not summarized in the memorandum or its Attachment A. The full text of Oregon’s State Constitution can be found on their [Legislative Assembly’s website](#).] Oregon’s State Constitution also contains additional articles addressing continuity of government and legislative action that are summarized in another KLRD memorandum dedicated to that topic.

Overview of Kansas Legislative Activities—HCR 5025

Prior to adjournment on March 19 pursuant to provisions in SCR 1615, the Legislature passed **HCR 5025** to extend the Governor’s March 12, 2020, state of disaster emergency declaration for the state regarding novel coronavirus disease (COVID-19) through May 1, 2020, subject to additional extensions by concurrent resolution of the Legislature. [Note: SCR 1615, the “adjournment resolution”, provided that if the legislative coordinating council determines it is necessary to secure the health and safety of the public, legislative staff and legislators, the [LCC] may reconvene the legislature before April 27, 2020, or may postpone the reconvening of the legislature past April 27, 2020, by a majority vote of five members of the legislative coordinating council, except that such postponement shall not be later than May 21, 2020.” The LCC voted to extend the Legislature’s return date to a date determined at a future meeting, on or before May 6, 2020. At the time of this updated publication, the meeting was set for May 6.]

2 [“State Senate Holds Dress Rehearsal in Anticipation of Wisconsin’s First-ever Virtual Session,”](#) *Wisconsin State Journal*, March 26, 2020, accessed April 22, 2020.

State of Disaster Emergency Declaration. HCR 5025 provides that, if the Legislature is not in session, the Governor could apply to the State Finance Council (Council) to extend the state of disaster emergency declaration, and the Council could authorize one additional extension of the declaration for a specified period not to exceed 30 days, by a majority vote of the legislative members of the Council. Following such Council action, the Legislative Coordinating Council (LCC), representing the Legislature when the Legislature is not in Session, is:

- Authorized to ratify a declaration, terminate a state of disaster emergency, revoke an order or proclamation, or assume any other power granted the Legislature in the statutes governing state of disaster emergency declarations;
- Authorized to grant additional extensions of such state of disaster emergency, for specified periods not to exceed 30 days each, by a majority vote of five members;
- Required to meet at least once every 30 days to review the state of disaster emergency, consider any orders or proclamations issued since the previous LCC meeting, and consider whether such orders or proclamations, if any, are an exercise of any power listed in KSA 2019 Supp. 48-925(c)(2), (c)(4), (c)(7), (c)(8), or (c)(11); and
- Authorized to review and revoke all orders and proclamations issued by the Governor pursuant to KSA 2019 Supp. 48-925(b). The chairperson of the LCC, in consultation with the Attorney General, Adjutant General, and any other parties the chairperson deems necessary, shall determine if an order or proclamation of a power listed in KSA 48-925(c)(2), (c)(4), (c)(7), (c)(8), or (c)(11) has been issued. If the chairperson determines the order or proclamation is an exercise of such power, the LCC shall meet to consider such order or proclamation within three calendar days and may revoke such order or proclamation at the meeting.

The resolution further states, for the purposes of the ratification, the Governor shall not have the power or authority pursuant to either KSA 2019 Supp. 48-925(c)(8), or any other executive authority, to temporarily or permanently seize, or authorize seizure of, any ammunition or to suspend or limit the sale, dispensing, or transportation of firearms or ammunition.

[*Note:* The specific powers referenced by statutory subsection in the resolution are as follows:

- Utilize all available resources of the state government and of each political subdivision as reasonably necessary to cope with the disaster [KSA 2019 Supp. 48-925(c)(2)];
- Subject to any applicable requirements for compensation under current law, commandeer or utilize any private property if the Governor finds such action necessary to cope with the disaster [KSA 2019 Supp. 48-925(c)(4)];
- Control ingress and egress of persons and animals to and from a disaster area, the movement of persons and animals within the area, and the occupancy by persons and animals of premises therein [KSA 2019 Supp. 48-925(c)(7)];

- Suspend or limit the sale, dispensing, or transportation of alcoholic beverages, explosives, and combustibles [KSA 2019 Supp. 48-925(c)(8)]; and
- Perform and exercise such other functions, powers, and duties as are necessary to promote and secure the safety and protection of the civilian population [KSA 2019 Supp. 48-925(c)(11)].]

Overview of Kansas Constitutional Provisions, Statutes, and Legislative Rules

Kansas Constitution

The *Kansas Constitution* does not directly address the issue of remote or virtual legislative sessions. Article 2, Section 8 stipulates that the Legislature must meet annually at the state capital; Article 15, Section 8 refers to Topeka as the temporary seat of government. Furthermore, Article 15, Section 13 addresses the continuity of state and local government in case of “disasters caused by enemy attack.” [Note: Continuity of government in Kansas is addressed in a separate memorandum.]

Some resolutions of other states reviewed made reference to similar state constitutional provisions and deemed such provisions satisfied in some fashion.

Kansas Statutes

Kansas statutes do not directly address the topic of the Kansas Legislature meeting *via* a remote or virtual session. Chapter 48, added to the statutes in 1961, encompasses the declaration of a disaster and related topics, including use of state resources and continuity of government. However, several of those statutes are specific to the case of an enemy attack. For example, KSA 48-1302 authorizes the Governor to change the place of a legislative session, KSA 48-1309 authorizes the Governor to call a special session of the Legislature, KSA 48-1401 authorizes local governments to move operations, and KSA 48-1501 authorizes the Governor to move other governmental operations, all in the case of an enemy attack or imminent enemy attack. Neither Chapter 46 (Legislature) nor Chapter 65 (Public Health) addresses procedures for legislative meetings during a public health emergency.

Rules of the Kansas Legislature

The Rules of the Kansas House of Representatives (rules) do not explicitly address the issue of holding meetings of the House or its committees remotely or at a site other than the Statehouse. Several rules regarding the House and voting would likely hinder any attempts at remote sessions unless amended or superseded. Rule 1701 stipulates that any member wishing to request the House Floor must do so by pressing the “speak bill” button and waiting to be called upon. Rule 1704 explicitly states that Representatives shall address the House only from the microphones located in the well of the House Chamber. Rule 2501 requires the electronic voting system to be used for any roll call vote unless the system is not operating properly, and Rule 2504 requires that all members who wish to vote may only do so when at their desk or within the House chamber, upon authorization by the presiding officer. Rule 2311 prohibits suspending any rule without unanimous consent or majority vote, and Rule 3701 prohibits changing any rule except by a majority vote on a resolution.

Similarly, the Rules of the Kansas Senate (rules) do not explicitly address the issue of holding meetings of the Senate or its committees remotely. There are, however, rules which would most likely prohibit the Senate from conducting business remotely without first altering or suspending them. Rule 20 states senators may vote only when in the senator's assigned seat in the Senate Chamber. Similarly, Rule 39 requires every senator in the Senate Chamber to respond when their name is called for a roll call vote. Both rules assume the Senate Chamber is the place of Senate business and, in doing so, make it the only place in which the Senate can conduct its official business.

The Joint Rules of the Senate and House do not contain any provisions for conducting remote or virtual sessions. The rules do contain procedures for calling a joint session of both legislative houses which do not contain specifics such as those in House and Senate rules. However, to call a joint session would require both chambers to reconvene and pass a resolution calling for a joint session.

The documents of other states reviewed for this memorandum generally provide procedures to be followed during a declared emergency or in the case of an imminent threat. Rules that required legislators to take physical actions on the floor such as pressing a "speak bill" button or to be present at the legislator's chair for voting were frequently suspended when authorizing remote participation in the legislative process.

Attachment A
Comparison of Actions Authorizing Remote Legislative Sessions

State	Chamber	Document	Authorization	Trigger	Quorum	Duration	Remote Committee Meetings	Public Participation	Specified Technology	Unique aspect	Status
Arizona	House	Motion MIS005	Suspends rule requiring voice vote; allows voting by technological means.	N/A	N/A	Determined by Speaker of the House.	N/A	N/A	N/A	Speaker of the House chooses who may vote remotely.	Adopted 03/17/2020
Arkansas	House	HR 1001	Authorizes voting by proxy. Allows for members to assign a limited, direct proxy vote with respective caucus leadership or designee. Leadership may designate themselves as proxy. Any member may serve as proxy for multiple members. A member who assigns his or her vote shall also provide a statement of preference on each vote to the Chief Clerk of the House.	Members are allowed to designate a proxy in the event they wish to adhere to guidance regarding COVID-19.	Members who are voting <i>via</i> proxy are to be counted toward a quorum, but not for purposes of per diem. A quorum achieved <i>via</i> proxies is deemed to satisfy the constitutional requirement that the General Assembly meet at the seat of government each year.	Duration of the 92nd session of the Arkansas Legislature.	N/A	N/A	None: vote by proxy.	Vote by proxy; per diem reference.	Adopted 03/26/2020
California	Senate	SR 86	Creates Rule 56; the rule gives the Senate President or designee authority to assign, remove, and replace members of standing committees and create special committees as necessary. Allows the Senate President to authorize a meeting of a committee or the full Senate in which members participate remotely.	The rule is applicable only during an emergency, defined as a state of emergency or a local emergency as defined in section 8558 of the Government Code, or during the imminent threat of a state of emergency or local emergency.	Members participating remotely would be counted as part of a quorum. To be recognized, the member must notify the presiding officer through electronic means and the presiding officer must announce the member to speak through electronic means. When possible, the senator shall participate from the senator's district office. A member participating remotely may vote during a roll call vote and shall certify each vote in writing.	Rule applies only during an emergency.	The rule authorizes the Senate President or designee to authorize a standing committee or special committee to be conducted with one or more members participating remotely. Senators participating remotely are counted as present and as part of a quorum. When a quorum is present, a vote of a majority of members shall be required to report out.	The public may participate by any means made available.	Telephone, teleconference, and any other electronic means.	Senate President authority to reassign committee members. Authorizes public to participate in committee meetings <i>via</i> electronic means.	Adopted 03/16/2020
Connecticut	House and Senate	HJR 28	Amends a joint rule to change bill deadlines and authorizes members to vote in joint committee meetings by telephone or other means of voice communication.	A declaration of a public health emergency.	N/A	As long as declaration is in place.	Authorizes members of joint committees to vote at meetings by telephone or other means of voice communication.	N/A	Telephone or other means of voice communication.	Applies specifically to committee meetings.	Adopted 03/11/2020
Kentucky	House	HR 133	Amends the rules of the House to authorize alternative voting and allows members to vote on matters pending before the House by advising the Speaker of the House, Clerk, or designee of a member's caucus who will be physically present during a session of the House. Prior to the acceptance and casting of a vote, the Speaker of the House, Clerk, or designee must verify the identity and desired vote through appropriate means including, but not limited to, a video call. All votes will be reflected on the electrical voting system and the Clerk shall record in the journal the results in the manner provided.	When alternative voting is authorized by the Speaker of the House or other presiding officer.	A quorum shall include members physically present in the House Chamber and those whose presence has been verified by the Speaker of the House or other presiding officer through appropriate means, including, but not limited to, a video call in which the member's face can be seen.	As long as authorized by the Speaker of the House or presiding officer.	N/A	N/A	Video call in which the member's face can be viewed or by other means.	The resolution makes a number of conforming changes to account for alternative voting. Changes can be found in rules pertaining to calls of the House; voting in a member's seat; electronic recording of votes; voting for others; and roll calls. Each change allows for an alternative vote to be cast. Additionally, there is an emphasis on identity verification.	Adopted 04/01/2020
Minnesota	House	Rule 10.01	Creates a new house rule allowing floor and committee procedures related to member debate and voting to occur by means of distance voting, remote electronic voting, or voting by other means designed to allow legislative operations while preserving the safety of the public, staff, and members.	Invoked during a peacetime emergency related to Covid-19 and at the direction of the Speaker of the House after consultation with the Minority Leader and Majority Leader, only for the purpose of protecting health and safety.	N/A	For the duration of a declaration declaring a peacetime emergency related to COVID-19 and until deemed no longer necessary to protect public health and safety.	Yes	Committee meetings held by alternative means must provide the public with an opportunity to provide testimony.	Any means of distance or remote electronic voting.	N/A	Adopted 03/26/2020
New Jersey	Assembly	AB 3852	Amends law to allow the Legislature to conduct session outside the State Capitol for an emergency or due to another urgent demand. Authorizes the Legislature to use any technology or electronic means to conduct its business, carry out its purpose, or comply with provisions or to comply with requirements of the State Constitution relating to the reading in of bills and continuity of government.	Invoked during a period of emergency or exigency as determined by the Governor pursuant to state laws or by the Legislature pursuant to concurrent resolution.	N/A	Length of declaration or resolution.	Yes	N/A	Any technology.	Reference to continuity of government.	Adopted by House on 03/16/20 and by the Senate on 03/19/2020; approved 03/19/20

State	Chamber	Document	Authorization	Trigger	Quorum	Duration	Remote Committee Meetings	Public Participation	Specified Technology	Unique aspect	Status
New York	Assembly	AR 854	Authorizes, among other things, the Speaker of the Assembly to allow for members to be in attendance in any proceeding by remote means during a declared state or national state of emergency. Members submit any request for recognition to the presiding officer by electronic means. This includes questions for debate that will be presented within the member's allocated time. Any technical failure on part of the individual or a group that breaks connection does not invalidate action taken by a majority of the Assembly.	Declared state or national state of emergency and Speaker of the Assembly authorization.	Any member participating remotely shall be counted by the clerk as being in attendance.	When the Speaker of the Assembly rescinds the authorization.	Not clear: resolution states any preceding of the Assembly.	N/A	Remote means including teleconference or video conference.	All votes will be by "fast roll call" and only those members that indicated on the electronic voting system as voting in the negative will have their names called, unless a "slow roll call" is requested. All other votes will be recorded as affirmative. The resolution would limit each member to speaking once on any bill or amendment and total speaking time to 15 minutes. Any technical failure on the part of an individual or group will not invalidate any action taken by a majority of the Assembly.	Adopted 03/30/2020
New York	Senate	SR 3108	Authorizes the Temporary President to designate a method allowing Senators to be in attendance and participate in any proceeding by remote means.	Invoked during a declared state or national state of emergency and Temporary President authorization.	Any member participating by authorized means shall be deemed present for establishing a quorum.	The resolution expires and is repealed when the Temporary President's declaration no longer exists, and shall only be in effect for the duration of the remainder of the 2019-2020 Legislative Session.	Not clear: resolution states "any preceding of the Senate."	N/A	Remote means including, but not limited to, teleconference or video conference.	Any technical failure on part of an individual or a group that breaks connection does not invalidate action taken by a majority of the Senate.	Adopted 03/29/2020
Oklahoma	House	HR 1032	Any member of the House may designate a proxy, chosen by the caucus leader, to vote for them. The member shall direct all voting preferences of their proxy. A member who assigns his or her vote shall notify the Parliamentarian and the Chief Clerk of the House of his or her assignment and voting preference. The proxy may not vote on question related to procedure.	Invoked after adoption of a simple resolution declaring an emergency.	Any member that assigns proxy to a designee chosen by the caucus leader shall be counted as present for the purposes of the quorum.	The rule shall remain effective until the House adopts a simple resolution declaring the emergency has ceased or upon <i>sine die</i> adjournment of the House.	Not clear: only addresses voting but does not stipulate limits other than questions of procedures.	N/A	N/A	Does not utilize remote voting except <i>via</i> a proxy; House Rule 9.6 otherwise requires a member to be in the House Chamber.	Adopted 03/16/2020
Oregon	Constitution	Article 10-A. Various Sections (Not all sections summarized)	Section 5 of the Constitution authorizes a member of the legislative body to be counted as in attendance if they are able to participate through electronic or other means that enable the member to hear or read the proceedings as the proceedings are occurring and enable others to hear or read the member's votes or other contributions as the votes or other contributions are occurring. Section 3 authorizes the Legislative Assembly to convene in a place other than the State Capitol if the Governor or the Legislative Assembly determines that the State Capitol is inaccessible.	When the Governor declares that a catastrophic disaster has occurred.	Two-thirds of the members of each house who are able to attend a session that is called because of the catastrophic disaster or that was imminent or ongoing at the time the catastrophic disaster was declared constitutes quorum to do business. Three-fifths of the members of each house who are able to attend a session is necessary to pass every bill or joint resolution.	The article shall cease to be operative no later than 30 days following the date the Governor invoked the relevant provisions or on an earlier date recommended by the Governor and determined by the Legislative Assembly. The Legislative Assembly may extend the operation of the article beyond the 30-day limit upon the approval of three-fifths of the members of each house who are able to attend in the form of a bill.	N/A	N/A	Electronic or other means that enable a member to hear or read the proceedings as the proceedings are occurring and enable others to hear or read the member's votes or other contributions as the votes or other contributions are occurring.	Consideration of quorum requirements that account for the inability of members of the Legislative Assembly to be present during a catastrophe. Section 4 of the State Constitution authorize the Legislative Assembly to disperse certain monies to respond to a catastrophic disaster.	Amended 2012

State	Chamber	Document	Authorization	Trigger	Quorum	Duration	Remote Committee Meetings	Public Participation	Specified Technology	Unique aspect	Status
Pennsylvania	Senate	SR 318	Members may utilize communication technology to participate in sessions of the Senate and in committee meetings remotely with full voting power as if they were physically present.	Invoked after adoption of a resolution.	Any member participating remotely shall be counted as being in attendance.	The resolution shall remain in effect until July 31, 2020, or 10 days after the expiration of the emergency declaration, whichever is first.	Yes	N/A	Communication technology that can facilitate simultaneous and interactive participation. Technology used must safeguard the integrity of the legislative process and maintain the deliberative character of the session or meeting. The Chief Clerk is authorized to provide the software to be used by the members.	Delegates authorities of senior Senate officers to more junior officers and discusses succession beyond the original delegation. The Assistant Secretary (AS) will attest to all writs, warrants, and subpoenas issued by the Senate. The AS will also certify all passages of bills and approval of executive nominations. No guests shall be introduced. No consideration of unanimous consent resolutions. Bills may be filed electronically by members for introduction. Members may remotely participate in committee meetings utilizing technology that allows for simultaneous and interactive participation. The President Pro Tempore may appoint senators to serve on committees in one day, temporary capacities.	Adopted 03/18/2020
South Dakota	House and Senate	Announcement	Documentation outlines a hybrid physical and remote process. Legislative proceedings were to be broadcast via public access television or livestreamed from a legislative website, from two committee rooms in which only nine members would be present at a time. All other legislators participated online.	N/A	N/A	N/A Appears to apply only to the Legislature Veto Day.	N/A	Yes: the session was broadcast on public access television and the Legislature provided a process for the public to comment/testify on new legislation that may have been proposed to address COVID-19 on the day of session. Encouraged participation remotely but individuals could still testify on a bill physically in a committee room with a broadcast feed if they underwent a health screening before entering the building.	Television broadcast; online stream.	Not a resolution, rule, or law change. Hybrid nature of the process.	Announced 03/25/2020; Completed 03/30/2020

State	Chamber	Document	Authorization	Trigger	Quorum	Duration	Remote Committee Meetings	Public Participation	Specified Technology	Unique aspect	Status
Utah	House and Senate	SJR 16	Authorizes the President of the Senate and Speaker of the House to jointly convene and conduct an annual general session, a special session, veto session, or standing, interim, special, or other committee meeting of the Legislature by electronic means if several requirements have been met and the Speaker of the House and President of the Senate agree that the factors exist and determine that physically meeting would be dangerous, unwise, or impractical due to a public health emergency, natural or human-caused disaster, enemy attack, or other public catastrophe.	The rule may be invoked after the Governor has declared a state of emergency or the chief executive of a locality within which the seat of government is located has declared a local emergency; it would be unwise, impractical due to a public health emergency, natural or human-caused disaster, enemy attack, or other public catastrophe; or a catastrophe prevents at least 25% of the members from traveling to the seat of government; or meeting at any location presents a danger to the health or safety of participants or is impractical due to a catastrophe.	Members participating remotely will be counted as present.	Discretion of the Speaker of the House and President of the Senate.	Chairs and officers must comply with notification requirements and establish procedures governing the meeting to ensure opportunities for all members to participate. The Legislature is allowed to restrict connections based on the circumstances provided enough connections are available for members and staff. Must be governed by legislative rules when possible.	Public notice must be given and continue to be posted at the designated anchor location. The notice must describe how members will be connected and given at least 24 hours prior or as soon as practical if an emergency meeting.	N/A	Applies to multiple types of situations and is not tied to the current pandemic. Also amends a rule that allows a member to participate in a legislative committee meeting via electronic means if the member is more than 50 miles away from the anchor location.	Adopted 03/31/2020; effective 05/12/2020
Vermont	House	HR 17; HR 18	HR 18 creates a temporary rule allowing remote participation during the House of Representatives declared state of emergency. Members are permitted to vote and engage in debate remotely.	Adoption of HR 18 and House Declaration of a Disaster or Emergency.	A Quorum is calculated as if remote participants are physically present. For Standing committees quorum and other committee rules remain in affect.	The rule expires at the convening of the 2021 biennial session or the expiration of the House's Declaration, which ever is first.	HR 17 authorizes standing committees to vote remotely during a House-declared state of emergency. Remote participation was previously authorized via House rules. JRS 48 authorizes the Joint Rules Committee to permit any joint committees (including itself and conference committees) to meet and vote electronically.	N/A	N/A	Remote standing committee participation authorized years prior to COVID-19.	Adopted 03/25/2020
Vermont	Senate	SR 10; JRS 48	SR 10 authorizes the Senate and all its committees to meet and vote electronically as deemed appropriate by the rules committee. JRS 48 allows all joint committees of the Vermont Legislature to meet and vote electronically as deemed appropriate by the Joint Rules Committee.	Upon adoption of a resolution.	N/A	The rules expire at the convening of the 2021 biennial session.	Yes	N/A	N/A	N/A	Adopted 03/24/2020
Vermont	Senate	SR 11	Authorizes the Rules Committee to authorize a session be concurrently conducted electronically.	Governor issues a declaration of emergency.	A Senator participating remotely shall be considered present and in attendance.	During the declaration of emergency; the rule expires on the convening of the 2021 session.	N/A	The format authorized by the Rules Committee shall enable public access in a manner consistent with the State Constitution.	Using both audio and video capability in a format approved by the Rules Committee in consultation with the General Assembly's Office of Information Technology.	N/A	Adopted 04/08/2020
Wisconsin	House and Senate	Wis. Stat. § 13.42	Authorizes either house to provide notice that the house and committees cannot meet physically at the seat of government due to a disaster or threat of disaster. The law authorizes the body to conduct meetings and business through any means that meets technology requirements.	Issuance of a notice that the Legislature cannot meet at the seat of government due to a disaster or threat of disaster.	Any participating member shall be considered present as if they were physically present for purposes of a quorum. Member identity may be verified and actions of each authenticated in a manner satisfactory to the presiding officer or committee chairperson.	Until disaster or threat of disaster has passed.	Yes, same as remote session.	System must allow the public to monitor the proceedings, within technological limitations, unless, under the State Constitution, the public welfare requires secrecy.	Must allow all members to simultaneously hear or read the comments of each recognized member, documents used by the member and accepted by the presiding officer to be immediately transmitted to each participating member, and monitoring of the proceedings by the public.	Authorizes the Legislature to conduct session for 1 week in this fashion annually to become familiar.	Enacted 2009