

SENATE No. 2688

Senate May 4, 2020 -- Report of the Committee on Rules (pursuant to Senate Rule 63) relative to remote voting procedures to be followed when the Senate considers the House Bill to facilitate the delay of the income tax filing deadline (House, No. 4677)

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 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 exists within the Senate as
11 a result of the outbreak of COVID-19; and be it further

12 *ORDERED*, That the following provisions shall apply to the debate on enactment on
13 H.4677:

14 Section 1. (a) Notwithstanding Senate Rule 55, Senate Rule 57 or any other rule to the
15 contrary, a member may designate another member to act as a proxy to announce the member’s
16 vote or record the member’s presence in the Senate.

17 (b) A member may designate a proxy by submitting a signed letter to the Clerk specifying
18 the member who is being designated to be the proxy; provided, however, that a member may
19 alter or revoke a proxy designation by submitting a signed letter to the Clerk; provided further,
20 that if a member who has designated a proxy casts the member’s own vote or records the
21 member’s own presence, the member shall be considered to have revoked the designation of the
22 proxy.

23 Upon receipt of a member’s letter designating, altering or revoking a proxy, the Clerk
24 shall notify the senate president, the minority leader and the other member involved in the
25 designation, alteration or revocation. The Clerk shall maintain an updated list of the designations,
26 alterations and revocations submitted or in effect under this order and shall make the list publicly
27 available in electronic form and available during any vote subject to this order.

28 (c) A member who announces a vote or records a presence for another member as a proxy
29 shall indicate that the vote or recordation is “by proxy” when responding to a roll call; provided,
30 however, that the member announcing the vote or recording the presence of another member as a
31 proxy shall cast the vote or record the presence in accordance with the other member’s exact
32 instruction.

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

34 Section 2. Notwithstanding Senate Rule 57 or any other rule to the contrary, a member
35 present in the State House may be excused from voting personally in the Senate Chamber at the
36 member’s assigned seat by the President due to the risk of exposure to COVID-19 and a court
37 officer shall answer the roll call on behalf of the member.

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