

PROPOSED AMENDMENTS TO SENATE AND HOUSE RULES 321

1 **SECTION 1. AMENDMENT.** Senate Rule 321 is amended as follows:

2 **321. Vote by members.** Every member who is present, before the vote is announced from
3 the chair, shall vote for or against the question before the Senate, unless the Senate excuses
4 the member. If the member has not voted before the key is closed, the member shall vote
5 before the vote is announced. A member cannot cast a vote on behalf of another member
6 unless the vote is cast according to verbal instructions announced to the Senate by that other
7 member while in the chamber. However, any member who has a personal or private interest in
8 any measure or bill shall disclose the fact to the Senate and may not vote thereon without the
9 consent of the Senate. A "personal or private interest" is an interest that affects the member
10 directly, individually, uniquely, and substantially.

11 **SECTION 2. AMENDMENT.** House Rule 321 is amended as follows:

12 **321. Vote by members.** Every member who is present, before the vote is announced from
13 the chair, shall vote for or against the question before the House, unless the House excuses the
14 member. A member cannot cast a vote on behalf of another member unless the vote is cast
15 according to verbal instructions announced to the House by that other member while in the
16 chamber. However, any member who has a personal or private interest in any measure or bill
17 shall disclose the fact to the House and may not vote thereon without the consent of the House.
18 A "personal or private interest" is an interest that affects the member directly, individually,
19 uniquely, and substantially.

NOTE: This proposed rules "amendment" is in response to a question concerning "presence" in the Senate (a member had left the chamber presumably to avoid voting on a measure). Senate and House Rules 321 require every member "who is present, before the vote is announced from the chair, shall vote . . . unless the [Senate][House] excuses the member." Senate and House Rules 102 define "present" as physically in the chamber.

Should Senate and House Rules 321 specifically address the situation where a member leaves (probably to avoid voting on a measure) then returns to the chamber after the vote has been taken? In the Senate, Lt. Governor Drew Wrigley interprets Senate Rule 321 to mean if a member is present at initial roll call, that member is present, regardless of temporary absence (restroom or wherever) and must vote, even if the key is to be held open.

This rules "amendment" is presented for informational purposes. No change is proposed by this amendment.