

## Remote Voting by the General Assembly

By: Terry Adams, Principal Analyst

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### Issue

Does the state constitution prohibit the legislature from allowing members to vote remotely? Did the legislature make any rule changes in 2020 concerning remote voting?

The Office of Legislative Research is not authorized to issue legal opinions, and this report should not be considered one.

### Summary

Although in several instances the state constitution contemplates the legislature assembling and conducting its business in a single location, it does not appear to specifically prohibit legislators from casting their votes remotely. (We discuss these provisions in more detail below.) There is a statutory requirement for legislators to assemble in their respective chambers on the first day of session, but the statute is silent with respect to other session days ([CGS § 2-1](#)).

The legislature suspended its 2020 session on March 11 due to the COVID-19 pandemic. Before this suspension, the legislature amended the [Joint Rules](#) to allow members to vote at committee meetings by telephone or other means of voice communication during a public health emergency ([HJ 28](#)).

The legislature adjourned sine die on May 6 without resuming the 2020 regular session, but it held special sessions in July and September of 2020. For both special sessions, the House of Representatives amended its [rules](#) to provide that, during a public health or civil preparedness emergency, every member present in the State Capitol or Legislative Office Building and logged in to the House's electronic voting system is considered present for quorum purposes ([HRs 101 & 301](#)). (This system allows members to cast roll call votes from their offices.) The Senate did not adopt a similar measure.

## State Constitution

Article III of the [state constitution](#) vests the state's legislative power in the General Assembly and establishes several requirements concerning legislative operations. Table 1 below lists a selection of provisions that contemplate the legislature assembling and conducting its business in a single location.

**Table1: Selected Constitutional Provisions Concerning Legislative Operations**

Citation	Subject	Relevant Excerpt
Art. III § 2	General Assembly, when and where held	All regular and special sessions of the general assembly shall be held at Hartford, but the person administering the office of governor may, in case of special emergency, convene the assembly at any other place in the state.
Art. III § 12	Quorum	The house of representatives, when assembled, shall choose a speaker, clerk, and other officers. The senate shall choose a president pro tempore, clerk and other officers, except the president. A majority of each house shall constitute a quorum to do business....
Art. III § 14	Journal	The yeas and nays of the members of either house shall, at the desire of one-fifth of those present, be entered on the journals.
Art. III § 16	Debates to be public	The debates of each house shall be public, except on such occasions as in the opinion of the house may require secrecy.

These provisions do not appear to specifically prohibit remote participation or remote voting by legislators. For example, they do not define the terms "assembled" or "present," nor do they specifically define quorum to mean physical presence in the chamber. We did not find any court cases that interpret these constitutional provisions with respect to a physical presence requirement.

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