

Subj: Continuity of Legislatures
To: Federal and State Legislators
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Legislatures must update their rules now so they can continue operating even as the Coronavirus makes in-person deliberations inadvisable or impossible. Many legislative bodies have rules requiring members to be present to establish a quorum, hold deliberations, and vote. These rules must be amended or suspended to permit electronic deliberations during the emergency. Otherwise, legislatures will be unable to pass emergency provisions, conduct business, or oversee the executive. Most states are likely to require legislative action over the coming weeks and months to address budgetary shortfalls, election rules, and other matters in response to the crisis.

Once the Coronavirus makes in-person meetings impossible, it will be too late for legislatures to update their rules. That is why legislative action is needed immediately.

We recommend that legislatures—

- Amend their rules to deem legislators to be present if they are present via electronic means, such as by video-conference.
- Permit the counting of votes cast by members present via electronic means.
- Provide for these amendments or suspension of chamber rules to be in effect only upon the declaration of legislative leadership; be in effect only for a limited time, such as 30 days; and be renewable by a vote of the legislative body as remotely assembled.
- Purchase and provide equipment to all members of the chamber and provide video-conference software to committee and chamber clerks.
- Ensure live-streaming of all official proceedings and press access to the Capitol complex.
- Provide for a skeleton staff in the Capitol complex in circumstances where Constitutional rules require in-person presence at the seat of government.

There is no need to purchase expensive deliberation and voting tools. Inexpensive commercial off-the-shelf software like Zoom allow for committee and floor deliberations via video-conference, where the image and sound of members serves to authenticate their identities. Votes can be cast by voice, which addresses quality assurance for the accuracy of the count. The proceedings can be streamed online, recorded, and the press provided a live feed, to ensure public access.