

LEGAL SERVICES

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MEMORANDUM

March 17, 2021

SUBJECT: Remote participation in committee meetings
(Work Order No. 32-LS0700)

TO: Senator Mike Shower
Attn: Scott Ogan

FROM: Megan A. Wallace
Director

Megan Wallace

You asked whether members are permitted to vote on moving a bill out of committee or signing committee reports if they are not physically present in the committee room at the time of action but are instead participating by teleconference or videoconference.

As you know, members regularly participate in committee meetings remotely. Historically, the only restriction on remote participation for committee members is that members cannot vote to move a bill from committee, unless they are physically present to sign the committee report. Uniform Rule 24(a) provides that "[c]ommittee reports must be in writing and the report must be signed by a majority of the members of the committee." In the past, this provision has consistently been interpreted to require that members be physically present to sign the committee report. This is largely because when members participated telephonically in committee hearings, they were not physically located in the Capitol or the same location as the meeting. However, with the COVID-19 pandemic, to increase social distancing, we are more consistently seeing members participate in meetings by teleconference or videoconference from within the Capitol or the same location as the meeting. Therefore, in my opinion, it would not be a violation of Uniform Rule 24(a), if the member voted by teleconference or videoconference from within the Capitol or the same location as the meeting, so long as the member was able to physically sign the committee report within a relatively short amount of time.¹

¹ For example, during an at ease, the member could go to the committee room to sign the committee report, or an aide could bring the committee report to the member's office for signature. It has been this office's consistent opinion that a member could not vote to move a bill out of committee by teleconference or videoconference and sign the report on a different day. Similarly, it would be most consistent with the current practice and current interpretation of Uniform Rule 24(a) that the member be required to sign the committee report at the same time that other members physically present were asked to sign.

Senator Mike Shower

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Please note that despite the advice above, I am not aware that a committee chair has allowed a member to vote by teleconference or videoconference from within the Capitol or the same location as the meeting; therefore, this would be a new practice within the Alaska Legislature and would set new precedent. In addition, there is a chance that a committee chair, or a member on the floor, may disagree with this interpretation of Uniform Rule 24(a).

If the legislature wanted to allow members to vote to move a bill from committee by teleconference or videoconference from *outside* the Capitol or the location of the meeting, a suspension of Uniform Rule 24(a) is required.

Another issue to consider with respect to Uniform Rule 24(a) is whether a digital signature might be accepted in satisfaction of the requirement that the "reports be in writing and . . . signed by a majority of the members of the committee." Before digital signatures could be considered, however, it would be my strong recommendation that a uniform process for circulating electronic committee reports be created in consultation with Information Technology and the Chief Clerk and Senate Secretary's offices, and guidelines for secure digital signatures be established.

If you have any questions, please advise.

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