



**STATE OF VERMONT**  
CLERK OF THE HOUSE

**MEMORANDUM**

To: House Committee on Rules  
From: BetsyAnn Wrask, Clerk of the House  
Date: February 12, 2021  
Subject: House remote voting: Overview of applicable Vermont Constitution and House Rule provisions

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***I. Vermont Constitution***

[Vt. Const. Ch. II, § 9](#) sets forth the journal requirement, as well as the roll call requirement and its accompanying vote explanation requirement. This section provides that when required by five members, the individual members' Yeas and Nays on a question are required to be journalized and that when this occurs, a member has a right to insert the reasons for the member's vote in the journal. The exact text is as follows:

§ 9. [JOURNALS; YEAS AND NAYS]

The votes and proceedings of the General Assembly shall be printed (when one-third of the members of either House think it necessary) as soon as convenient after the end of the session, with the yeas and nays of the House of Representatives on any question when required by five members, and of the Senate when required by one Senator, (except where the votes shall be taken by ballot), in which case every member of either House shall have a right to insert the reasons of the member's vote upon the minutes.<sup>1</sup>

***II. House Rules: Roll Calls and Vote Explanations***

These constitutional roll call and vote explanation requirements are repeated in [House Rules 69 and 70](#), which provide as follows:

69. The alphabetical roll call shall be called upon any question if demanded by one member and sustained by at least four other members.

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<sup>1</sup> Cf. *Mason's* Sec. 530-4, which indicates that 43 states—Vermont not included—require the yeas and nays to be taken on the passage of bills: “Forty-three state constitutions require the ‘yeas’ and ‘nays’ to be taken on the passage of bills. The ‘yeas’ and ‘nays’ are usually taken by roll call, but in many states, mechanical voting methods have been installed.”

70. Explanations of votes will be allowed only after the roll call is complete and immediately before the result thereof is announced. Explanations shall be submitted immediately to the Clerk in writing. It is generally recommended that vote explanations should be infrequent and brief.

The Clerk's duty to record in the Journal only roll call votes is repeated in [House Rule 19](#), which requires the Clerk to prepare the Journal, which "shall record the proceedings of the House, including . . . the names of members, and the votes which they give on every question decided by roll call . . ."

### ***III. House Rules: Remote Voting***

The House adopted temporary [House Rule 9a](#), which allows remote participation while the House's declaration of emergency is in effect. The text of this rule is as follows:

9a.(a) The House of Representatives shall allow remote participation while the House's Declaration of a State of Emergency is in effect. Remote participation shall consist of members being permitted to vote remotely and engage in debate remotely. Members allowed to participate remotely shall validate they are the person connected remotely. Votes conducted remotely shall be compiled by the Clerk of the House. A quorum will be calculated as those members present in the chamber of the House of Representatives and those members who are connected remotely and voting remotely.

(b) This Rule shall expire at the earlier of the (1) the convening of the 2023 biennial session; or (2) the expiration of the House's Declaration of a State of Emergency in response to COVID-19 and any extension of this declaration by a Joint Resolution or a House Resolution.