

## Congress Explores Remote Voting Possibilities During COVID-19 Pandemic

- *House cancels vote on 60-day proxy voting resolution.*
- *Leadership creates bipartisan task force to review remote voting options.*
- *Dems float video conferencing for committee work, floor votes by proxy.*
- *GOP pushes for plan to re-open Congress.*

As the COVID-19 health crisis has worsened — leading to tighter restrictions on public gatherings and travel — Congress is considering an array of unprecedented steps that would temporarily establish remote voting procedures during the emergency. There have been several options floated from both sides of the aisle that would permit members to vote without being in Washington and facilitate Committee hearings and markups of key legislative items. Despite general agreement that some form of contingency plan needs to be implemented to protect at-risk members while ensuring that Congress can address pressing legislative priorities, Republicans and Democrats have yet to coalesce behind a comprehensive approach.

### What's been proposed?

- **House.** Under a proposed rules change unveiled by House Rules Committee Chairman James McGovern (D-MA), the [resolution \(details\)](#) would establish a 60-day emergency period that would permit members to vote on COVID-19-related legislation by proxy — meaning one member can submit votes on behalf of another. The proposal would require lawmakers to submit a signed letter to the House clerk authorizing member to vote on their behalf and indicating how they are directing the proxy to vote on the legislation. Members would also have to send written instructions to their proxy on additional procedural votes via email. Proxy votes would only be allowed for items related to the pandemic, procedural matters, and privileged matters. The resolution would also permit Committees to meet remotely for hearings and markups.
  - Details on how to proceed with virtual hearings— particularly surrounding the preferred technology — are unclear in this current proposal. House Majority Leader Steny Hoyer (D-MD) has strongly [advocated](#) for virtual hearings, markups, and floor votes to resume through an “approved video conferencing platform,” pointing to platforms such as Zoom, Microsoft Teams, FaceTime, and others as potential options that could help facilitate this. Leader Hoyer has been dismissive of potential security concerns raised by other members, arguing that the use of these platforms would help ensure that Congress remains transparent with the public during the national emergency.
- **Senate.** While Senate Majority Leader Mitch McConnell (R-KY) has remained largely bearish on the prospects of remote voting, Sens. Rob Portman (R-OH) and Dick Durbin (D-IL) released a [bipartisan resolution](#) in March that would give the Majority and Minority Leaders joint authority to pursue secure remote voting for 30 days, after which the Senate

would have to vote to renew the remote voting plan if needed. Senate Rules Committee Chairman Roy Blunt (R-MO) and Ranking Member Amy Klobuchar (D-MN) are also working on a proposal that would permit remote hearings. Additionally, Sen. Rand Paul (R-KY) attempted to pass a bill by unanimous consent during yesterday's *pro forma* session that would permit temporary remote voting, but the measure was blocked by Leader McConnell.

#### What concerns have been raised?

Several congressional Republicans have raised concerns about the prospects of remote voting proposals, questioning both the feasibility and legality of some of the plans that have been floated thus far:

- Leader McConnell has remained focused on social distancing and sanitation efforts for senators who remain in Washington during the chamber's *pro forma* sessions, stating that he strongly prefers to consider legislation once it has been deemed safe for lawmakers to return.
- House Minority Leader Kevin McCarthy (R-CA) and the top Republicans on the House Rules and Administration Committees — Reps. Tom Cole (R-OK) and Rodney Davis (R-IL) — have all poured cold water on potential remote voting ideas floated by their Democratic counterparts, **calling** for a bipartisan solution that also prioritizes the development of a plan to resume legislative business in Washington.
- A few of the most conservative Republican lawmakers, such as Sen. Mike Lee (R-UT) and Rep. Thomas Massie (R-KY), have expressed strong opposition to moving large packages of COVID-19 legislation by unanimous consent, citing constitutional concerns about passing legislation absent a quorum of lawmakers.

Additionally, lawmakers on both sides of the aisle — including Speaker Nancy Pelosi (D-CA) — have raised concerns about using video conferencing technology such as Zoom, Google Hangouts, and others that could present privacy and cybersecurity issues.

#### What's next?

While Democratic leadership originally teed up a vote on Chairman McGovern's proxy voting resolution for tomorrow, **the vote has been cancelled amid widespread criticism from GOP lawmakers.** Leadership is instead opting to establish a bipartisan working group of lawmakers to determine the best path forward for remote work. This group is expected to include Speaker Pelosi, Leader Hoyer, Leader McCarthy, Chairman McGovern, House Administration Chairwoman Zoe Lofgren (D-CA), and Reps. Cole and Davis. While lawmakers are anxious to return to some resemblance of "regular order" during this national public health emergency, it remains to be seen if, and when, they can reach an agreement as they wait for it to be deemed safe to return.