

THE SENATE
STATE OF NEW YORK



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Mr. Simon St. Laurent
1259 Dryden Road
Ithaca, N.Y. 14850

Dear Mr. St. Laurent:

Thank you for your call concerning measures that would require legislators to be present for votes.

Most of the votes for which legislators are recorded in the positive without their specific *aye* votes (so called "empty seat voting") are for what we term *noncontroversial* measures. The roll is called on each and every bill, and every member is considered a positive vote unless he or she stands up to request to be recorded as a *no* vote. In most cases, legislators are present when this occurs. It requires vigilance on the part of a conscientious legislator. The bills done under what we call a "fast roll call" are typically local bills that affect a town, a sewer district, or authorize a county to take some action. Sometimes policy measures are done this way when the change to a law is minor or there is no controversy. Legislators must be present to vote no, however.

Automatic "yes" votes under a fast roll call are a procedural tool to provide efficiency in moving legislation through the legislative process. Keep in mind that a legislator is responsible for being present and for voting no when he disagrees with a bill that is presented for the house's consideration. The automatic yes votes -- once a legislator is physically present and is checked in -- move bills through the process when there is anticipated little dissent about the measure.

But it also means, if a legislator takes a powder after checking in, that he must be held responsible for his votes. If your legislator votes yes on a bill, whether it's an automatic or a roll call, you can hold him or her accountable for that vote -- no matter how it's done.

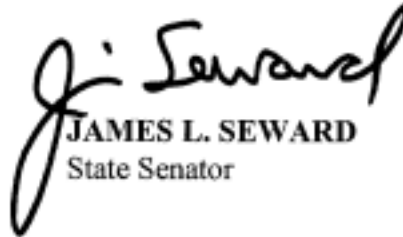
I have a copy of the Brennan Report, which despite some of its flaws and biases, offers several suggestions that will be evaluated by our task force.

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I appreciate your thoughts and will be sensitive to them as we continue to work on reforming state government.

With best wishes, I remain

Sincerely yours,



JAMES L. SEWARD
State Senator

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