

**FOR: SENATE INVESTIGATIONS AND GOVERNMENT OPERATIONS  
COMMON CAUSE/NY  
LEAGUE OF WOMEN VOTERS/N.Y.S.  
NEW YORK PUBLIC INTEREST RESEARCH GROUP**

**SUPPORT S.3412**

**IN SENATE, BILL NUMBER 3412. INTRODUCED BY SENATOR GIPSON.**

**AN ACT** to amend the legislative law, in relation to prohibiting voting on legislation during certain times.

**SUMMARY OF PROVISIONS**

This bill would prohibit votes in either house of the legislature on everything but procedural matters between the hours of 9:00 PM and 9:00 AM.

**STATEMENT IN SUPPORT**

The rules of the Senate currently prohibit debates on measures from starting between 12:00 AM and 8:00 AM; those in the Assembly provide similar prohibitions for the hours between 12:00 AM and 6:00 AM. Unfortunately, these rules are frequently suspended whenever there is a desire to rush legislation through either house. It has become clear that in order to be effective, these prohibitions need to be enshrined into statute.

Conducting the people's business in the dead of night sends precisely the wrong message to New Yorkers. At a time where it is commonplace for members of the press and elected officials to call for greater public civic engagement, conducting debates and votes on bills between midnight and 8 a.m. , when most New Yorkers are asleep, speaks louder than any rhetorical calls for greater public involvement. Additionally, these votes are often on bills that are printed shortly before debate starts, meaning constituents and experts cannot provide commentary about their content.

It is true that improvements made to the websites of both houses allow citizens to watch recordings of previous sessions even if they are unable to watch them live. Even if purely retrospective access were sufficient, which we question, many New Yorkers do not have the access to or knowledge of the technological tools needed to engage with these videos.

An equally troubling aspect of these overnight sessions is their effect on the legislators themselves. It is difficult to expect true debate to occur when many participants are more focused on the struggle to stay awake than cogent participation in debates. Some legislators have recently claimed they did not truly understand the content of a bill they voted to pass after 10:00 PM this past January; perhaps the votes they later regretted could have been avoided if their colleagues had the time and energy needed to discuss the legislation with the attention it deserved. There is also a serious medical concern. The oft-ignored rules prohibiting overnight debates were created after several tragedies wrought by sleepless nights of voting.

In the event of a true emergency of unprecedented proportions that required the legislature to vote late into the night, the governor could presumably issue a message of necessity that temporarily suspended this legislation. This legislation, however, would limit this suspension to occurrences when time is truly of the essence.

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