Transparency Virginia: Bringing the People's Work to the People

A (transparent) report on TV's activities in the 2017 Virginia General Assembly
June 11, 2017 Virginia LWV conference
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What we'll discuss

- Who we are
- What we believe
- How we worked
- What we found
- Changes that have taken place in transparency in the Virginia General Assembly
- What else needs to be done

Who we are

- Transparency Virginia (TV) is collection of advocacy groups and non-profits.
- Formed prior to the 2015 General Assembly session, led by Anne Sterling with superlative technical support from Megan Rhyne
- Open to anyone who happened to walk into a gathering
- Original and continuing members

LWV	VA Coalition for Open Government	Other individuals
AARP	Virginia NOW	
Brady Campaign, Richmond Chapter	Virginia Poverty Law Center	

What we believe

- Knowledge will forever govern ignorance; and a people who mean to be their own governors must arm themselves with the power which knowledge gives.
- James Madison

- Our purpose is to determine how well lawmakers adhere to a basic set of transparent practices:
  - **Meeting notice** transparency: Was adequate notice of meetings and bill dockets submitted to the public?
  - **Consideration** transparency: Was there opportunity for every bill to be heard in a public forum (committee or subcommittee)?
  - **Voting** transparency: Was there a recorded vote on the final disposition of bills so that the public could determine how members weighed in on the issue?

How we worked

- All volunteer participation in TV
- Bipartisan/nonpartisan to the extent possible
- Attended committee meetings that were part of our own advocacy portfolios
- Collected anecdotes of out-of-the-ordinary behavior in committee and subcommittee meetings
- Relied on Legislative Information System data for votes on bills (and by proxy, consideration of bills)
- Depended on the expertise of Megan Rhyne to write the final report
- Distributed the report via Internet and in hard copy to each member of the General Assembly and other interested parties.

2015 Meeting Notice Findings (difficult to quantify)	2016 (Changes in House procedures)	2017
Multiple occasions where meetings were announced to occur immediately after floor session (either at the Chairman's desk or in a Capitol conference room)	Launch of notification system for committee and subcommittee meetings and dockets, including Twitter handles for most.	Both House and Senate made archived videos of floor sessions available on the General Assembly website. Videos searchable by key word or bill number (available only in the House)
House and Senate called some standing committee meetings with very little written notice	Prohibition against members holding meetings at the desks on House floor	Progress Virginia began videotaping of committee meetings (and some subcommittee meetings)
On occasion, bills were taken up that were not on the agenda printed in advance of the meeting	Implementation of a 48-hour waiting period before voting on the budget bill	Senate continues to maintain meeting announcements and agendas using only LIS meeting notice.
	Very few divergences from the new procedures.	New procedures in House have continued through 2017

Consideration 2015	2016	2017
House considered 1,892 bills and resolutions. • 513 died without a recorded vote • 117 died with no vote at all • 76% of House votes defeated without going on record	House considered 2,017 bills and resolutions. • 901 died without a recorded vote • 115 died with no vote at all • 94.6% of House votes defeated without a recorded vote	House considered 1841 bills and resolutions • 435 died in subcommittee and 124 died in full committee without recorded vote • 87.9% of bills died on unrecorded votes in full and subcommittees
Senate considered 1652 bills and resolutions • 388 died with only 7% of them having no recorded vote or any vote at all	Senate considered 1668 bills and resolutions • 37 bills left in committee without action and 432 bills defeated on recorded vote. 10.% bills failed on unrecorded votes.	Senate considered 1664 bills and resolutions • 3 bills left in subcommittee without a recorded vote • 45 bills defeated in full committee without a recorded vote • 15% of bills defeated with unrecorded votes in full and subcommittees

Notes on voting and consideration

- Recording votes is a matter of public business.

- Senate Rule 20(d): all votes must be recorded.

- House Rule 18(a): a committee or subcommittee chair may call for a recorded vote but is not required to do so. If 1/5 of the committee members ask for a recorded vote, it must be recorded.

Not all House committees are equal

- In 2017, 100% of bills in 2 House committees were left or defeated without recorded votes: House Appropriations and Rules (accounted for 22% of House bills)
- House heard 17% of all House bills, defeated 21% of which there was no recorded vote on 92.7% of them.
- House Privileges & Elections Committee and House Counties, Cities and Towns had lowest rates for unrecorded votes (56.7% and 61.5%)
- House Science and Technology had 0% unrecorded votes (only heard 7 bills)

Senate committees and their records in 2017

- Senate Rules Committee did not record votes on 80% of the bills it defeated.

- Three committees—Commerce & Labor, Rehabilitation & Social Services, and Transportation—recorded all their votes on defeated bills.

- Education & Health, General Laws, and Privileges & Elections had unrecorded votes at 7.7%, 19.0% and 13.0% respectively (in 2016, these three had perfect records).

- Less than 1% of bills in the Senate were voted down in subcommittees.

More on Senate procedures

- Committee members are on record in LIS system.

- But

- Senate uses proxies in which a senator can leave instructions with another committee member on how to vote on certain measures in the senator's absence.

- LIS does not indicate which votes were cast by proxy, meaning that citizens really do not know for sure how their senator would vote (because sometimes bills are amended AFTER the senator leaves his/her proxy).

"Notice" changes in 2017 continued from 2016

- Meeting system in House implemented in 2016 continued. Major improvement. Anyone can sign up to receive electronic notices through email and/or Twitter from any of the 14 committees and 54 subcommittees.
  - When changes are made, notifications sent out via the same format.
  - Very important especially in the House because of the importance of subcommittee actions.

Consideration in 2017

- Bills continue to be left in committee or subcommittee without ever being taken up for consideration. Bill dies without committee members taking position.
  - 23.9% bills defeated in House and 9.4% of Senate left behind in full or subcommittee without any action being taken.
- Block votes on the floor common in Senate and House.
- Block votes in committee becoming more common in both chambers.
- Several occasions where bills that had not been presented to committees were placed in "bundle" or "block" without a hearing.
  - E.g., House committee bundled 20 bills from patrons of both parties (constitutional amendments) and defeated with one vote. None received individual consideration.
- In one House committee, letter written to both R and D patrons with controversial bills informing them that their bills would not get a hearing.

What will 2018 bring? Changes, changes, changes

- Two new chamber leaders
  - Speaker designate: Del. Kirk Cox of Colonial Heights (Chesterfield County)
  - Senate president: new Lt. Governor
- General Assembly Building to be destroyed beginning in July 2017.
- Offices of the GA are being moved to the Pocahontas Building at the bottom of Capitol Hill.
  - Senate Finance and House Appropriations will share a committee room.
  - Two committee rooms (one House and one Senate).
  - Eleven conference rooms.

The "new" General Assembly Building, 2017-2021

Ryan Ramsey 2000

Transparency Virginia recommendations

- All bills should receive consideration.

- Motions to defeat a bill, no matter which motion is used, should be accompanied by a roll-call vote (electronically recorded or noted by hand)

- The Senate should approve a meeting notice system similar to the House's.

- A substitute bill should be posted online or otherwise made available well in advance of the meeting where it is presented.

- The Senate should adopt search capabilities for its floor session video archive.

- Committee and subcommittee meetings should be audio- and/or video-recorded and archived.

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