

2023 REGULAR SESSION • HOUSE

SECTION 22 – MOTIONS

22-6A. MOTION TO REFER

- **SEE ALSO: COMMITTEES, GENERALLY (Sec. 7-1)**

22-6A.1 MOTION TO REFER DEBATABLE ONLY AS TO PROPRIETY OF REFERENCE

The bill raised the threshold for the refunding of gift cards from three dollars to five dollars and permitted refunds without a receipt. A member made a motion to refer the bill to the Finance, Revenue and Bonding Committee, arguing that since there is sales tax imposed upon the redemption of gift cards but not upon cash refunds, the bill would result in a potential revenue loss. The bill's introducer opposed the motion and began to debate whether the bill should be referred. A second member raised a point of order that a motion to refer to committee is debatable only as to the propriety of the reference, but the main motion is not open to debate pursuant to *Mason 83(2)*.

The deputy speaker ruled the point of order well taken and ordered a roll call vote upon the motion to refer. Reyes, May 30, 2023.

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31-2B. NOT GERMANE TO SPECIAL SESSION CALL

31-2B.14 AMENDMENT NOT GERMANE TO SPECIAL SESSION CALL

The General Assembly was called into special session to consider legislation relating to elections, including (1) changing the date of the presidential preference primary, (2) extending the term of any incumbent municipal elected official to conform to the beginning of the succeeding term, (3) improving the procedure related to recanvasses, (4) authorizing the Secretary of the State to retain an election monitor, and (5) clarifying that a solicitation over the internet for a contribution to any committee, as defined under current campaign financing law, shall not be considered an expenditure under the law. A member called House amendment "B" that established a mandatory minimum term of imprisonment for persons found to have been involved in certain irregularities or improprieties relating to elections, including those relating to absentee ballots. A member raised a point of order that the amendment was outside the call of the special session because the call did not mention changing criminal penalties or fines relating to election statutes.

The speaker ruled the point well taken. *Mason 780* states that the legislature cannot go beyond the business specified in the call for special session. Furthermore, House precedents state that the legislature is restricted to business that is within the call for special session and a call for special session must be construed strictly. While the most germane part of the call for special session related to enacting legislation authorizing the Secretary of the State to retain an election monitor to detect and prevent irregularity and impropriety in the management of election administration procedures and the conduct of elections in certain municipalities, there was no mention in the call of absentee ballots or criminal penalties.
Ritter, M., September 26, 2023.