

VOTES REQUIRED TO AMEND SENATE RULES

January 27, 2017

In ruling upon the point of order raised by Senator Liias as to the number of votes required to amend the Senate Rules, the President finds and rules as follows:

Senate Rule 35 uses the term “majority vote of the members” to inform the body of how many votes are necessary to amend the Senate Rules under the last sentence of Rule 35(1).

While the President finds this language to be ambiguous, he believes that the term must be construed in light of other Rules that use similar language. For example, Senate Rule 2(3) defines a majority caucus as a caucus whose members constitute a majority of the Senate. The majority doesn’t change depending upon which members are present. A member doesn’t need to be present to be a member.

A majority of members, without further qualification, is not different from a majority of members elected or appointed. A majority of members means a majority of the members of this body, not just those who are present. Membership doesn’t end at the chamber doors.

Senate Rule 54 defines “majority” to mean “a majority of those members present unless otherwise stated.” In Rule 35 it is “otherwise stated” using the terms “majority vote of the members.”

In light of the Rule change before us, the President recognizes that taking the approach that a rule change could be accomplished by a vote of the majority of those present, a single Senator could theoretically change the rules and require a 90% vote to change those rules again in the future.

For these reasons, the President finds that it takes a majority of the members of this body to amend the Senate Rules under the final sentence of Senate Rule 35(1).