



GENERAL RULES FOR ORGANIZING STATE-LEVEL LEGISLATIVE ADVOCACY ON HIV CRIMINALIZATION

1. Determine your short-term and ultimate goals

In order to develop an effective strategy you must know your ultimate goal. “Ending criminalization” is a very general statement of our goal, and once you get into legislative advocacy you will quickly discover that the devil is in the details.

If a law punishes a person for criminal conduct that involves that person’s HIV infection, there are certain elements that law must have if it is going to be just. By just, we mean that:

- The law is a response to a major problem than requires use of the criminal law to address it rather than a reaction to an isolated or small number of cases;
- The law is consistent with current knowledge about the real risk of danger the conduct poses to another person; and
- The law itself and the punishment it imposes are consistent with and proportionate to the informed treatment of similar types of conduct and risks of harm.

In the case of HIV criminalization, there is very broad, even international, agreement that there is no legal, medical or public health support for the existence of HIV-specific criminal laws because:

- The conduct that the laws target – intentionally trying to harm another through infection with HIV – is too rare to justify a special law to address it;
- The conduct involved – primarily – is the identical conduct through with a number of other existing or potential diseases are spread, some of which can be equally or more serious but none of which are singled out for their own separate law and punishment;
- HIV is a difficult disease to transmit, and with effective treatment the risk of transmission is reduced to near-zero.

There also is broad agreement – from international organizations like UNAIDS to U.S. organizations such as the American Bar Association, The Center for HIV Law and Policy, the HIV Medicine Association, the Association of Nurses in AIDS Care, AIDS United, the National Alliance of State and Territorial AIDS Directors, and more than 700 other US agencies and individuals, that laws that punish people with HIV or any other disease for harm that is risked through sex must require:

- Proof of an intent to harm;
- Conduct that is likely to result in that harm;
- Proof that the conduct of the accused person in fact resulted in that harm; and
- Punishment that is proportionate to the actual harm the person’s conduct caused.

Below are explanations of different ultimate goals:

- **Repeal** is the elimination of a law. A repeal can occur with or without replacement. Repeal without replacement typically occurs when there has been a significant change in society and the law is no longer effective (for example, the 1933 repeal of prohibition, the ban on alcoholic beverages). Repeal without replacement is not an effective strategy for HIV criminalization because the absence of an HIV-specific law does not stop the use of other criminal laws to target people with HIV. This approach may also lead to the enactment of a more harmful and discriminatory law. Repeal with replacement occurs when the law that is repealed is replaced with an updated law. If your state has HIV-specific criminal laws, you can use this approach to repeal the current statute(s) and replace it with the PJP Model Law or another modified version of the law. The Center for HIV Law and Policy or the PJP Legal Working Group can work with advocates on developing proposed legislation for your state.
- **Modernization** is a term we are using to describe the process of amending existing laws so that they conform to current scientific and legal standards. In most cases this would mean taking the existing HIV law, and/or the states criminal STI law (many states also have one of these, although they rarely use them), and changing or adding language so that they reflect the principles we describe above. *Decriminalization*, like repeal, is the abolition of criminal penalties in relation to certain acts, and *modernization* is changing existing laws or implementing new laws that reflect generally accepted criminal law principles and legal standards. The Center for HIV Law and Policy, or the PJP Legal Working Group, can provide you with a sample of what that could look like in your state.
- A **Resolution** is an official expression of the opinion or will of a governmental body. Resolutions are non-binding and can be the first step to successful reform.
- **Commission or Task Force**- A legislative commission or taskforce is a committee authorized by legislative leadership to review and study a particular subject for a specified time period, and provide the legislature with recommendations. Depending on state law, commissions or taskforces may contain lay members. In order to ensure good recommendations, the committee must be evenly composed. Commissions or taskforces have minimal, if any, decision-making authority but they are a great way to start conversations concerning HIV criminalization, particularly in conservative legislatures.

2. Create a coordinating structure and communication network

An organized coordination structure is necessary for a successful, collaborative advocacy effort. Before you gather supporters, you should identify a coordination structure that will facilitate communications, decision-making, and member mobilization. The coordination structure should help maintain and gain momentum. The PJP State Advocacy Working Group can work with local advocate to create a coordination and communication structure for any state group. The PJP State Advocacy Working Group can provide group email capabilities, conference calls, scheduling assistance, advocacy resources, and guidance on developing and implementing a state-level advocacy strategy. These mechanisms make it possible to send

action alerts, mobilize advocates, share resources, share joint press releases, circulate sign on letters, and advance other communications.

3. Engage allies

Legislatures typically respond to contentious social issues when there has been a large change in public opinion. Therefore, it is necessary to have broad support so that your state legislature sees that HIV criminalization is not just an HIV issue, but also a social problem that affects many facets of society. Reach out to local LBGT, civil rights, racial justice, social justice, religious, reproductive rights, women, and people of color groups, and AIDS Service Organizations and let them know why HIV criminalization is an issue that affects their organizational interest, members, or community. Some allies may be hesitant to collaborate because of funding, capacity, and other issues that are irrespective of interest in the issue. In this case, you can explain how your advocacy strategy fits into their current work. You can also propose a creative collaboration that accounts for the allies' constraints. Broad based support increases the capacity of any advocacy effort and can be persuasive when seeking support from legislators for sponsorship or support of a bill or legislative action. Additionally, allies may be able to bring new and different experiences, skills, or resources that can help enhance your advocacy strategy, particularly allies with experience in legislative reform. PJP State Advocacy Working Group members can also provide additional communications support in the form of action alerts to gather an immediate and broad response to legislative activity.

4. Know the issue

All advocates should be familiar with HIV criminalization issues. This includes understanding the science of HIV, your state's laws, prosecution trends, penalties and collateral consequences. You should also be familiar with your opposition's arguments, and develop point-for-point responses. Advocates must be on the same page on the issues. This is imperative. When you get to the point of introducing proposed legislation, your credibility will be at stake and legislators will be critical. Legislators may also want to make concessions on proposed legislation because of the political sensitivity associated with changing criminal statutes. You want to make sure that all advocates understand – and agree on – the proposed legislation and its intent so that all advocates understand how a concession or amendment could be detrimental to your goal. This is especially true in states that have multiple HIV-specific statutes. For instance, it would be counterproductive to reform a state's HIV exposure statute, and to leave an HIV-specific prostitution statute intact.

5. Define your message

You should have a defined and clear message before proceeding with any major advocacy or legislative activity. A defined and clear message will help avoid future impediments to your advocacy efforts, including misunderstandings and inconsistencies. You do not want to appear disorganized or unprofessional. Your message should clearly state why HIV-specific laws are problematic and how the modernization you seek will address these problems. HIV-specific laws unjustly target and discriminate against people living with HIV. The laws are commonly applied to behavior that poses little or no risk of HIV transmission, and where there was no intent to harm. Your audience should understand that modernization will address the misuse of the criminal justice system against people with HIV, but not free anyone that intentionally

engages in harmful behavior from responsibility under the law. Providing examples will help illustrate your point and make the message clear. Many of these talking points can be gathered from [Positive Justice Project's Consensus Statement on the Criminalization of HIV in the United States](#).

6. Targeted education

Broad community education is important for building a larger and stronger movement, but successful reform will also require support from specific stakeholder and policymakers. Since HIV criminalization is part of the criminal justice system it is necessary to educate those who enforce the laws, including police, law enforcement professionals, prosecutors, and judges. You should also target educational efforts towards the media by creating media advisories, submitting opinion editorials or writing letters to the editor. Educating and engaging these key individuals and groups is necessary before any major legislative advocacy. Introducing legislation that will modernize criminal laws is a risky political move for a legislator, and you should ensure legislators that you have laid a foundation for reform with demonstrated support from key allies and stakeholders.

7. Approach legislators and policymakers

Make sure that everyone involved in the advocacy effort knows their state legislator and builds a personal relationship with their state legislator or a legislative aide. You want the legislator's office to recognize your name, answer or return your calls, and respond to your emails. Once you have established a relationship with the legislator or his/her staff, set up a meeting with the legislator's office. You can also invite someone from the legislator's office to a community presentation or event. You should also try to identify and contact legislators who may be potential allies. You can identify potential legislative allies by researching legislators who have supported or have a background in related issues, or who have a personal connection to HIV-affected individuals or communities. Educating many legislators on HIV criminalization is necessary before broaching the subject of introducing or co-sponsoring legislation. You should create a packet of resources and materials to leave with the legislator and have a concrete plan to follow-up, including asking that legislator to make a specific commitment. In addition to establishing relationships with state representatives, advocates should also try to connect with policymakers, including state public health officials or your city's Ryan White planning council. Support from state health department can be very influential in advocacy work, particularly once legislation is introduced.

8. Introducing legislation

Once you have identified a legislator to introduce or co-sponsor a bill, you should approach the legislator's aides to review the PJP Model Law or your adaptation of the law. If you identified other legislators who have expressed interest in supporting proposed legislation you should keep their staff informed. While you are reviewing the bill you should develop a bi-partisan outreach strategy for each step of the legislative process. You should identify potential obstacles the bill may face once it enters the legislative process and explore solutions that may help advance the proposed bill.

If the bill succeeds, then you should continue advocacy efforts to ensure that it is properly implemented and investigate advocacy opportunities on the behalf of individuals convicted for HIV-related offenses. If the bill fails, DON'T GIVE UP. Take time to assess the situation and understand what may have caused the bill to fail. Use this assessment to develop a new strategy that addresses the identified issue(s). Also use this time as another opportunity for educational outreach and coalition building—having a broader and stronger movement will only serve to benefit your strategy. Legislative advocacy is hard and success may look different in every state, so use all experiences as lessons learned that will help in the next legislative session.

CHLP encourages the broad use of this material. Please credit the source.



STATE-LEVEL LEGISLATIVE ADVOCACY CHEAT SHEET

This cheat sheet contains highlights from our General Rules for Organizing State-Level Legislative Advocacy on HIV Criminalization (see appendix), and includes additional suggestions for advocates. This is a quick reference tool for discussions, strategy development, meetings, and presentations. CHLP encourages the broad use of this material. Please credit the source.

1. Determine your ultimate goal

- For conservative legislatures and states, seeking a legislative commission or task force may be a great way to start a conversation about HIV criminalization in the legislature.
- If your goal is to repeal an HIV-specific law, you should consider replacing the current statute(s) with a modernized bill. You can use the PJP Model Law or another modified version of the law as your proposed legislation. Samples are attached in the appendix.

2. Get organized

- Create a coordinating structure and communication network to facilitate communications, decision-making, and group mobilization.
- Gather or create resources for members to use, such as a shareable presentation for community forums and educational events. Contact Kate Boulton (kboulton@hivlawandpolicy.org) for help in developing a state specific shareable presentation.

3. Engage allies/coalition building

- Engage allies because broad based support increases advocacy capacity. Allies may bring valuable experience, skills, and resources that enhance the advocacy strategy.
- Organize continuous community forums and educational events throughout your state to ensure you are reaching different demographics. You do not want to keep talking to the same people that already agree with you.
- Work with allies to develop outreach strategies for communities or groups that may be difficult to reach.

4. Know your issue

- All advocates should be familiar with HIV criminalization issues. Advocates should also be prepared to answer questions, and respond to comments and criticisms they may receive during presentations, meetings, or one-on-one discussions.
- Modify the Frequently Asked Questions and Answers sheet to include state specific questions and issues.

5. Define your message

- Provide examples to make sure that your audience understands your point.

6. Targeted education

- Target specific stakeholders and policymakers whose support may influence legislators such as law enforcement professionals, prosecutors, judges, and medical professionals.
- Target media professionals to ensure accurate and responsible reporting of HIV-related criminal incidents. Since the media can influence public opinion, you should use the media to disseminate your message to broader audiences, and influence public debate in a way that will advance your advocacy strategy.

7. Approach legislators and other policymakers

- Develop a relationship with your individual state representative(s) and other allies in the legislature. Educate legislators and their staff on HIV criminalization and the need for modernized legislation. Use legislators to identify potential sponsors or co-sponsors.

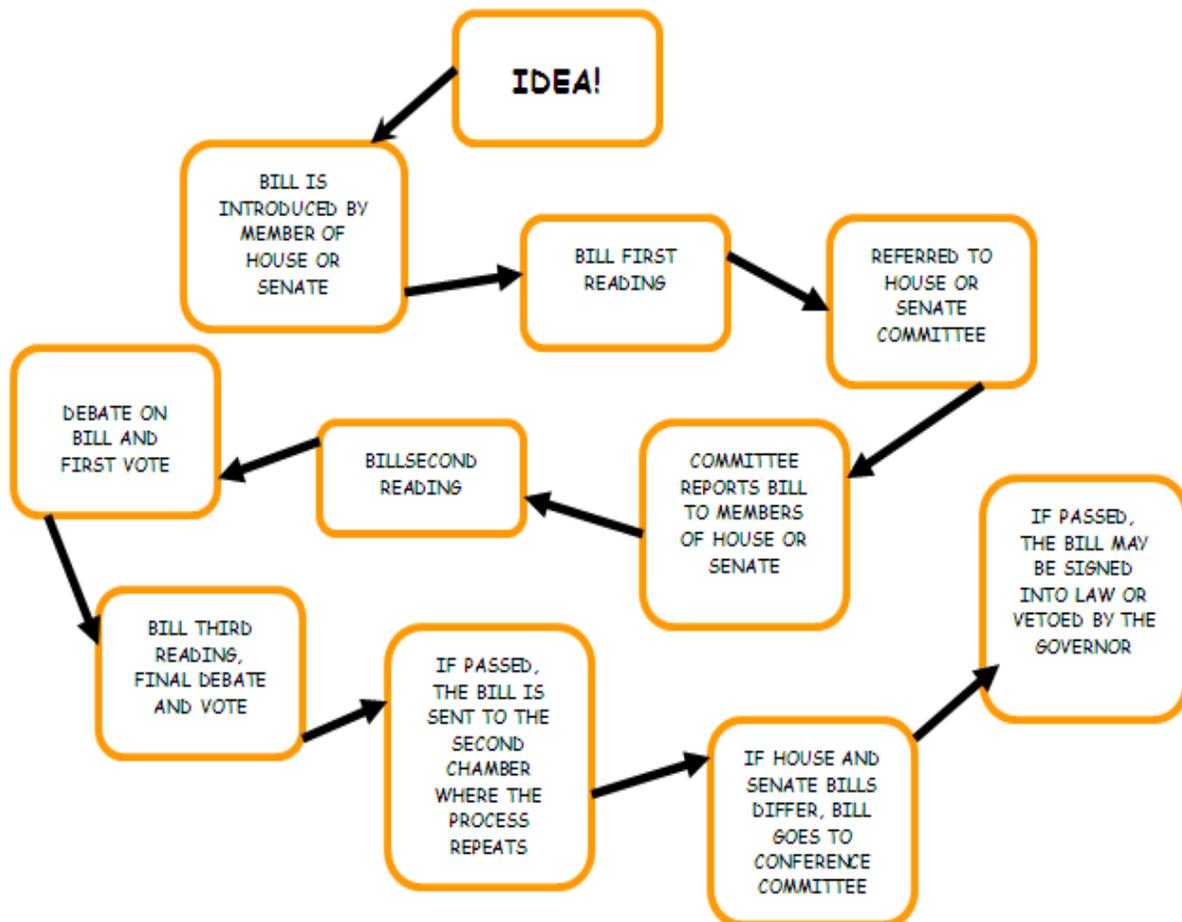
8. Introducing legislation

- Carefully vet any proposed bill with a legislator and his/her legislative aides. Use this process to discuss potential obstacles the bill may face once it enters the legislative process, and explore solutions that may help advance the bill.
- Be sure to coordinate with local and national advocates working on legislative change in other jurisdictions, take advantage of others' experiences, and make sure you have at least one person in your group who is an experienced legislative advocate and knows the "players." What happens in your state can help – or hurt – the efforts of other advocates in other states.
- Develop a bi-partisan outreach strategy for each step of the legislative process.

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HOW A BILL BECOMES A LAW

1. A bill may be introduced in either the Senate or House of Representatives by a member.
2. It is referred to a committee for a hearing. The committee studies the bill and may hold public hearings. It can then pass, reject, or take no action on the bill.
3. If the bill is voted favorably out of committee, a report from the committee is read in open session of the House or Senate, and the bill is referred to the Rules Committee.
4. The Rules Committee can either place the bill on the second reading calendar for debate before the entire body or take no action.
5. At the second reading, the bill is subject to debate and amendment before being placed on the third reading calendar for final passage. The number of readings may vary by state.
6. After passing one house, the bill goes through the same procedure in the other house.
7. If amendments are made in the other house, the first house must approve the changes.
8. When the bill is passed in both houses, it is sent to the governor.
9. The governor signs the bill into law or may veto all or part of it. If the governor fails to act on the bill, it may become law without a signature.



Source: Vermont Secretary of State, *How A Bill Becomes A Law* (2005), available at: http://www.sec.state.vt.us/kids/bill_becomes_law.html

APPENDIX



SUGGESTIONS FOR MODERNIZING NEW YORK'S PUBLIC HEALTH/STI LAW

New York does not have an HIV-specific criminal statute, but people living with HIV have been charged under general criminal laws – such as aggravated assault or reckless endangerment – for consensual sex and conduct that poses no risk of infection. Notably, New York has a criminal statute that applies to transmission of venereal diseases (Public Health Law § 2307). This document provides suggestions for modernizing this public health law so that complaints involving HIV exposure or transmission can be addressed in a more balanced, scientifically sound and ethical way. The proposed changes reflect the Positive Justice Project's Consensus Statement on HIV Criminalization in the United States. CHLP encourages the broad use of this material. Please credit the source.

New York's Current Law: Public Health Law § 2307 "Venereal disease; person knowing himself to be infected"

"Any person who, knowing himself or herself to be infected with an infectious venereal disease, has sexual intercourse with another shall be guilty of a misdemeanor."

Modernized Version of New York Public Health Law § 2307

Section 1: Intent to Harm

"Any person who, knowing himself or herself to be infected with an infectious **sexually-transmissible** [venereal] disease, has sexual intercourse with **the specific intent to transmit that disease for the purpose of causing another serious bodily harm** shall be guilty of a misdemeanor."

Section 2: Actual Harm

"Any person who, knowing himself or herself to be infected with an infectious **sexually-transmissible** [venereal] disease, has sexual intercourse with **the specific intent to transmit that disease for the purpose of causing another serious bodily harm and actually causes serious bodily harm to another** shall be guilty of **an aggravated** misdemeanor."

Section 3: Parameters for determining intent to transmit for the purpose of causing seriously bodily harm.

"A person who knows himself or herself to be infected with an infectious sexually-transmissible disease does not act with the intent to *transmit for the purpose of causing seriously bodily harm* if the person undertook or attempted to undertake practical means to prevent transmission."

Section 4: Defenses

- *Practical means to prevent transmission* shall mean any method, device, behavior, or activity that is demonstrated epidemiologically to limit or reduce the risk of transmission

of an infectious sexually-transmissible disease including, but not limited to the use of a barrier protection or prophylactic device, or adherence to a medical treatment regimen.

○ *Consent.* Consent shall mean:

(1) the conduct did not pose a statistically significant threat of, or in fact inflict, serious bodily harm; or

(2) the victim knew or reasonably should have known that the threat or occurrence of harm was a risk of:

(A) his/her occupation; and/or

(B) his/her voluntary conduct.



SUGGESTIONS FOR MODERNIZING CALIFORNIA'S HIV-SPECIFIC AND STI CRIMINAL LAWS

California has an HIV-specific criminal statute (Cal. Health & Safety Code § 120291) that targets people living with HIV who engage in consensual sex without disclosure. Although the statute is more nuanced than the HIV criminalization laws that exist in other states, the statute still reflects HIV stigma. This document provides suggestions for modernizing California's law. The proposed changes reflect the Positive Justice Project's Consensus Statement on HIV Criminalization in the United States. CHLP encourages the broad use of this material. Please credit the source.

California's Current Law: Cal. Health & Safety Code § 120291

"Unprotected sexual activity by one who knows self to be infected by HIV; offense; evidence of knowledge; charging document"

(a) Any person who exposes another to the human immunodeficiency virus (HIV) by engaging in unprotected sexual activity when the infected person knows at the time of the unprotected sex that he or she is infected with HIV, has not disclosed his or her HIV-positive status, and acts with the specific intent to infect the other person with HIV, is guilty of a felony punishable by imprisonment in the state prison for three, five, or eight years. Evidence that the person had knowledge of his or her HIV-positive status, without additional evidence, shall not be sufficient to prove specific intent.

(b) As used in this section, the following definitions shall apply:

(1) "Sexual activity" means insertive vaginal or anal intercourse on the part of an infected male, receptive consensual vaginal intercourse on the part of an infected woman with a male partner, or receptive consensual anal intercourse on the part of an infected man or woman with a male partner.

(2) "Unprotected sexual activity" means sexual activity without the use of a condom.

(c)(1) When alleging a violation of subdivision (a), the prosecuting attorney or grand jury shall substitute a pseudonym for the true name of the victim involved. The actual name and other identifying characteristics of the victim shall be revealed to the court only in camera, and the court shall seal that information from further revelation, except to defense counsel as part of discovery.

(2) All court decisions, orders, petitions, and other documents, including motions and papers filed by the parties, shall be worded so as to protect the name or other identifying characteristics of the victim from public revelation.

(3) Unless the victim requests otherwise, a court in which a violation of this section is filed shall, at the first opportunity, issue an order that the parties, their counsel and other agents,

court staff, and all other persons subject to the jurisdiction of the court shall make no public revelation of the name or any other identifying characteristics of the victim.

(4) As used in this subdivision, "identifying characteristics" includes, but is not limited to, name or any part thereof, address or any part thereof, city or unincorporated area of residence, age, marital status, relationship to defendant, and race or ethnic background.

Modernized Version of Cal. Health & Safety Code § 120291

~~(a) Any person who exposes another to the human immunodeficiency virus (HIV) by engaging in unprotected sexual activity that poses a substantial risk of transmitting a serious infectious or sexually transmitted disease when the infected person knows at the time of the unprotected sex activity that he or she is infected with HIV a serious infectious or sexually transmitted disease, has not disclosed his or her HIV-positive status, and acts with the specific intent to infect the other person with HIV, is guilty of a felony punishable by imprisonment in the state prison for three, five, or eight years. Evidence that the person had knowledge of his or her HIV positive status, without additional evidence, shall not be sufficient to prove specific intent.~~

~~(b) As used in this section, the following definitions shall apply:~~

~~(1) "Sexual activity" means insertive vaginal or anal intercourse on the part of an infected male, receptive consensual vaginal intercourse on the part of an infected woman with a male partner, or receptive consensual anal intercourse on the part of an infected man or woman with a male partner.~~

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(4) As used in this subdivision, "identifying characteristics" includes, but is not limited to, name or any part thereof, address or any part thereof, city or unincorporated area of residence, age, marital status, relationship to defendant, and race or ethnic background.

(c) Consent as defense. The complainant's effective consent or the actor's reasonable belief that the complainant consented to the actor's conduct is a defense to prosecution under this act if:

- a. the conduct did not pose a statistically significant threat of, or in fact inflict, serious bodily injury; or***
- b. the complainant knew or reasonably should have known that the threat or occurrence of harm was a risk of his/her voluntary conduct or occupation."***



THE LEGISLATIVE PROCESS: A MORE DETAILED OVERVIEW

I. Legislative Composition and Cycles

Most state legislatures are made up of two chambers, the Senate and the House of Representatives (or, in some states, called the Assembly). The state legislature meets in session to create new laws, change existing laws, and enact budgets for the state.

Generally, there are two types of legislative sessions: *regular* and *special*.

- A regular session is the gathering of legislators; the starting time (and sometimes length) is set by the state constitution or statute. The [National Conference of State Legislatures \(NCSL\)](#) provides a current listing of each state legislative session.
- A special session may be called by the governor or the legislature to address a specific issue.

II. Bill Sponsorship, Co-Sponsorship, and Limits on Bills

The idea for a new law or legislative reform may be suggested by anyone, including constituents, state agencies or advocacy groups. Most state legislatures require that a bill be introduced to the legislative process by a legislator, called the sponsor. Often, the sponsor of a bill will seek additional supporters, or co-sponsors,¹ because it can help increase the chances of passing the legislation.

III. Introduction and Referral of Bills

The legislative process begins when a bill is introduced in either the senate or the house/assembly of the legislature. Next, the bill is referred to a legislative committee of the chamber (the senate or the house) where it was first introduced for review and recommendations. In most states, leadership of the legislative chamber (e.g., Speaker of the Assembly or House, President of the Senate) determines bill assignments. This determination is usually based on the subject matter of the bill and each committee's jurisdiction. Since HIV-specific laws are part of the state's criminal code, a modernized bill will likely be referred to the judiciary committee for the chamber where the bill was introduced. You should identify the members of the judiciary committee in both the senate and the house, as well as any other legislative committee the bill is likely to be referred to (e.g., the health and welfare committee). You should target these members for multiple educational and advocacy meetings before the bill or resolution is introduced, and throughout the bill's review by that legislative chamber.

¹ "Eleven chambers, however, restrict the number of signatures (including the main author's); they are: Indiana House (4); Minnesota Senate and House (5); New Hampshire Senate (10); New Hampshire House (5); North Dakota Senate and House (6); West Virginia House (7); Wyoming Senate House (15); New Mexico Senate (5)." NCSL, *INSIDE THE LEGISLATIVE PROCESS* 3-13 (1996).

IV. Committee Action

Each state has its own sets of rules and procedures for how an idea becomes a bill and how a bill becomes a law. Although the process may not be identical from state to state, the process we describe here will generally apply to most, if not all, state legislatures.

A committee's main job is to review and make a recommendation regarding a proposed bill or resolution. During the committee review process, committee members will want to hear from supporters and opponents of the bill; examine the details and merits of the bill; consider proposed amendments; request information about the subject of the bill; and eventually vote on the bill.²

As the bill goes through the review process, committee staffers will prepare a report, which will get updated at different stages of the process. When the committee completes its work on the bill, it can make one of a number of different recommendations, including:

- that the rest of the legislative chamber pass the bill as is;
- pass the bill as amended by the committee;
- that the bill be referred to a different committee for review;
- to postpone the bill indefinitely (i.e., indefinitely usually means permanently, and the bill will have to be re-introduced down the road).

Not all bills get scheduled for a hearing, so a good number of bills never get any further than committee. Once a committee issues its report, the legislative chamber will vote on whether to adopt the committee's report and recommendations, and refer the bill to the legislative Rules Committee.

V. Rules Committee

The rules committee makes decisions on questions of procedure, and in some states, it decides which bills will be placed on the legislative calendar for debate and vote.

VI. The Calendaring Process

The legislative calendar is a published list of proposals and bills to be considered for debate and vote by each chamber of the legislature. Procedures for prioritizing proposed legislation on the calendar vary by state and legislative chamber. Proposed legislation may be removed from the calendar by majority vote or, in some chambers, by one legislator's objection.

VII. Floor Action

Once on the calendar of either chamber, a bill will be read to the members of that legislative chamber. Some legislative chambers require a bill to be read in full at some point in the legislative process.³ In most states, the bill must be read a set number of times. Legislators have an opportunity to discuss and debate the proposed bill, and can offer amendments. Once an amendment is proposed, the legislative chamber will vote on whether to adopt the amendment. If floor amendments are adopted, the changes will be incorporated and the bill

² NCSL, INSIDE THE LEGISLATIVE PROCESS 4-1 (1996).

³ NCSL, INSIDE THE LEGISLATIVE PROCESS 5-223 (2008).

VIII. Voting

A bill must be voted on and passed in both legislative chambers before it is sent to the governor for review.

1. If a bill is introduced in the House, it will go through the review process described above and then the members will vote. If the bill receives enough votes to pass it will move to the Senate.
2. The bill will go through the same review process in the Senate. If any amendments are made in the Senate, then the bill with the amendment(s) will be sent back to the house for a vote. If the amended bill does not pass in both legislative chambers, then a conference committee made up of representatives of both chambers will be appointed to help resolve the differences in the two versions of the bill.
3. Once a bill has passed through both chambers, it is sent to the governor for review.

IX. Governor's Action

Once a bill has passed through both legislative chambers, a governor may: (1) sign the bill, (2) reject the bill ("veto"), or (3) do nothing.

- Sign the bill- When a governor signs a bill, it is enacted and becomes a law.
- Veto the bill - When a governor rejects a bill it is vetoed. In all states – except Indiana, Nevada, New Hampshire, North Carolina, Rhode Island and Vermont – the governor may also line item veto-- reject parts of the bill and approve the remainder.⁵ If the governor vetoes a bill or line item vetoes part of a bill, both chambers of the legislature may vote to override the veto or let the bill fail.
- Do Nothing- In some states, if the governor fails to act within a certain time frame,⁶ the bill may be enacted as if it was signed, but in other states, the bill will fail by the governor's inaction.⁷

⁴ "Only eight chambers – the Alabama Senate, Arkansas House, Hawaii House, Oklahoma Senate, Tennessee Senate and House, Utah Senate and Wisconsin Senate – reported that they do not publish engrossments." NCSL, INSIDE THE LEGISLATIVE PROCESS 5-180 (2006).

⁵ NCSL, INSIDE THE LEGISLATIVE PROCESS 6-29 (1998).

⁶ In Iowa, inaction is not an option for the governor, every bill delivered to the governor must be signed or vetoed. NCSL, INSIDE THE LEGISLATIVE PROCESS 6-31 (1998).

⁷ The governors in 11 states and Puerto Rico have the ability to end a bill by inaction. NCSL, INSIDE THE LEGISLATIVE PROCESS 6-31 (1998).