

## *Navigating Parenthood and Politics: Anna Paulina Luna and Postpartum Proxy Voting*

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**Abstract:** In August 2023, Congresswoman Anna Paulina Luna became the twelfth U.S. Representative to give birth while serving in office. After learning that there was no way for her to vote remotely in the House of Representatives while taking parental leave, Luna sought out a solution to grant pregnant congresspeople the right to represent their constituents during childbirth. Luna decided that the opportune solution would be instituting proxy voting, a system where legislators could designate another member of the House to vote for them. A proxy voting policy could modernize congressional operations and alter the viability of a congressional career for people of reproductive age. Yet, Luna had to weigh the ramifications of introducing proxy voting as a Republican woman during her first term in Congress against the potential benefits. Taking into consideration her party's opposing stance on the issue, her duty to her constituents, and her proposed involvement in maternal-focused legislation, Luna had to decide whether to put forward proxy voting legislation.

### **A Pregnant Freshman (in the House of Representatives)**

Representative Anna Paulina Luna, a 34-year-old Republican congressperson from Florida, was not going to let her pregnancy prevent her from voting in the House of Representatives. She expected to have a quick and easy delivery and return to D.C. to resume working. Yet, as is often the case with something as difficult as childbirth, there were hiccups. Luna developed pre-eclampsia (a pregnancy complication involving high blood pressure). She required induced labor, went through a rocky delivery, and developed mastitis (an infectious inflammation of breast tissue) (Karni 2024). After asking her party's leadership how she could vote postpartum, Luna learned that she could not (Tsirkin and Kaplan 2024). Despite Luna being the twelfth congressperson to be pregnant in-office, the House of Representatives had no existing policies to allow pregnant congresspeople to effectively represent their constituents while navigating childbirth (2024).

Luna, driven to a congressional career by her strong convictions, was incapacitated while her colleagues voted on an impending government shutdown and voted out the Speaker of the House, Kevin McCarthy (R-CA) (in October 2023) (Kaplan and Tsirkin 2024). Her frustration led her to realize that something needed to change. She determined that pregnant congresspeople needed to have a way to do their job effectively while out of office (Karni 2024). For Luna, the clear solution was to institute proxy voting. The 116th Congress utilized proxy voting during the COVID-19 pandemic to allow absent Congress members to vote via a proxy (Gode, Reynolds, and Teel 2021). Proxy voting would allow pregnant congresspeople to temporarily designate a colleague to vote for them (Karni 2024). While this appeared to be a simple solution to Luna's predicament, it would not be a simple choice to introduce legislation to establish proxy voting as

her career is dependent on her adherence to her party's policy stances, her popularity among voters, and her general public image.

Luna faced drawbacks to proposing her desired legislation. Her party, the Republican Party, opposed proxy voting when the House permitted the practice during the COVID-19 pandemic. Republicans swiftly removed proxy voting from the House rules once they assumed control of the House in 2022 (Hall and Metzger 2023). Additionally, Luna was navigating the realities of being a freshman Republican congresswoman in what was likely the most polarized Congress in U.S. history (Lange 2023). She also had to balance conservatives' view of women politicians and stances on maternity leave policies. Further, as an elected public facing figure, she would have to carefully weigh her image, career, and values to bring the issue of proxy voting to the table.

### **Representative Anna Paulina Luna**

Luna had a difficult and winding path to becoming Florida's first Mexican American congresswoman (Congresswoman Anna Paulina Luna n.d.). She was raised by her mother in Southern California (Congresswoman Anna Paulina Luna; Alemany and Crites 2023). Her father struggled with drug addiction and was in and out of jail, largely absent from her life (Cortellessa 2023a). She lost her grandmother to HIV/AIDS contracted through heroin use, experienced an armed robbery, and was on campus during a gang shooting at her high school (Congresswoman Anna Paulina Luna). She saw the lack of opportunities in her low-income, inner-city neighborhood, and was eager to leave. This drive propelled Luna, at the age of 19, to leave home and join the Air Force (Congresswoman Anna Paulina Luna n.d.).

There, she met her husband, Andy Gamberzky (Congresswoman Anna Paulina Luna n.d.). While Gamberzky served in Afghanistan, Luna briefly worked as a swimsuit model and a cocktail waitress. She had her sights set on medical school, but her budding interest in politics, particularly around border control and government overreach, led her in an unexpected direction (Cortellessa 2023a).

Luna became interested in politics while researching human trafficking, when she discovered the story of Karla Jacinto, a sex-trafficking victim turned activist (Solomon 2020b). Luna joined Operation Underground Railroad, a far-right non-profit organization which works to expose child smuggling across the U.S.-Mexico border (Cortellessa 2023a). Simultaneously, she amassed a large Instagram presence, espousing conservative views on immigration and border control (Anna Paulina Luna for Congress n.d. c). She was a captivating speaker, described by *TIME Magazine* as a "ferocious Latina immigration hawk" (Cortellessa 2023a n.p.). One of her Instagram videos caught the attention of Charlie Kirk of Turning Point USA, a conservative youth organization that advocates for right-wing politics and campaigns on school campuses. Kirk recognized Luna's natural talent and magnetism. He successfully convinced her to leave behind her plans to attend medical school and work for Turning Point instead. As Turning Point's Director of Hispanic Engagement, Luna became a prominent character in conservative media (2023a). Kirk compared Luna's star power to Democratic Representative Alexandria Ocasio-Cortez (AOC), saying "APL, possibly against AOC. That'll be really fun" (Cramer 2022, n.p.).

In 2019, Luna noticed that the media refused to share her right-wing views on border security and other issues and knew that she needed to seek elected office. After all, the media could not ignore her perspectives if she shared them on the House floor (Anna Paulina Luna for Congress n.d. c). Motivated by her experience with the issues that plague low-income and minority communities, Luna decided to run for a seat in the U.S. House of Representatives. She wanted to

share her belief that far-left policies and big government harm the communities that they claim to help (Anna Paulina Luna for Congress n.d. c). In 2019, Luna moved from Washington State to St. Petersburg, Florida, where she began her first bid for office in Florida's 13th district (Solomon 2020a). She won the Republican primary to secure a spot in the general election and outtraced the Democratic incumbent, but ultimately, lost in the general election (2020a). Luna was not deterred, telling supporters that "this is not the end of the road" (2020a n.p.).

Luna wasted no time preparing for a second bid for Congress. In 2022, the political tide turned in her favor as the Florida legislature released a new congressional map which created four new Republican-leaning districts, including Florida's 13th District (Crawford 2022). Luna received endorsements from both President Donald Trump (following his first term) and Governor Ron DeSantis (Anna Paulina Luna for Congress n.d. b; "Ron DeSantis Endorses Anna Paulina Luna in CD 13"). President Trump's endorsement read "Anna is a warrior, she is a winner ... Anna has my complete and total endorsement" (Anna Paulina Luna for Congress n.d. b. n.p.). Governor De Santis praised Luna's service in the Air Force and proclaimed that she would be a "strong champion for our veterans" (Downey 2022, n.p.). Luna also highlighted her and her husband's military service in her campaign sharing, "we are not looking at this as just a 'job.' This is a continuation of our service" (Horvath 2022, n.p.). Luna's campaign platform was effective and she won her race in the 2022 midterm elections, becoming the first Mexican American woman to represent Florida in Congress (Congresswoman Anna Paulina Luna n.d.).

As a congresswoman, Luna combines her legislative efforts with social media savvy and success in going viral. While other congresspeople, such as Marjorie Taylor Greene or Alexandria Ocasio-Cortez (AOC), used their seats in Congress to build large social media presences, Luna used her extensive online following to catapult herself into office (Cortellessa 2023a). As of 2023, Luna had amassed 1.3 million social media followers across all platforms, more than any other first-term Republican Representative (2023a). In 2023, *TIME* recognized Luna in their *TIME*100 Next list of rising leaders, citing her use of "digital prowess to lead a new class of populists working to redefine the Republican Party" (Cortellessa 2023c, n.p.). Luna uses her platform to fight against illegal immigration, support veterans' services, and push to restore American energy independence (Anna Paulina Luna for Congress n.d.).

Luna became pregnant with her son Henry midway through her first term in Congress. As her delivery date approached, she and her husband expressed their excitement in an interview with *TIME*, "Children are a blessing, and we could not have asked for a greater gift" (Cortellessa 2023b, n.p.). Luna gave birth to Henry in August 2023. She experienced a difficult delivery that left her unable to travel. As a result, Luna missed 137 votes, including the historic vote to oust Speaker Kevin McCarthy (Fontelo and Kelly 2024; Karni 2024). Luna expressed her frustration with her situation saying, "You plan for one thing, and it totally changes" (Karni, n.p.). Her experience appeared to open her eyes to the reality that life brings unexpected challenges and the fact that her constituents should not lack representation due to health issues beyond her control.

### **Setting the Scene: Parental Leave in Congress**

The House of Representatives has no allotted amount of time for members to take parental leave (Ferek 2024). Members of Congress have time away from the office when Congress is not in session, but lawmakers do not have pre-determined leave for childbirth or illness (Connley 2018). Yet, while lawmakers are supposed to be present for every vote, there is no penalty for missing votes. Though not required, members can request a "Leave of Absence" from the House to share the reason for their absence and receive approval ("Leave of Absence"). Therefore,

lawmakers can technically take time off for parental leave but cannot designate another lawmaker to vote on their behalf (Ferek 2024). If a lawmaker misses votes, they deny the hundreds of thousands of people in their district the right to have their interests represented in Congress (2024). To address this issue of representation, Luna was determined to vote while recovering from childbirth. As Luna said, “I did not ever expect to be told that I couldn’t represent my constituents. I think it was a slap in the face to all of them. And I think it’s time that we change that” (Kaplan and Tsirkin 2024, n.p.). Maternal proxy voting was an important enough issue for Luna that she began to consider going against her party’s anti-proxy voting stance to change the existing policy.

As the twelfth congresswoman to give birth as a member of the House, Luna was not the first legislator to recognize this issue (Shapero 2023). In 2009, Representative Linda Sanchez chose to give birth in D.C., away from the support she would have had in her home state of California, so that she could work until her due date (Ferek 2024). After abandoning her four-week recovery plan to participate in several key votes, Sanchez, still recovering from a cesarean section, powered through a labored walk up the Capitol steps (2024 n.p.). She explained, “To pull yourself out of bed and have to drag yourself in when physically you’re not well yet and to have this huge responsibility, I just think it’s ridiculous. I think it shows a real lack of understanding of what it is to give birth” (2024 n.p.). Similarly, Senator Kirsten Gillibrand, who gave birth while serving in the House of Representatives, brought attention to the importance of being able to vote and represent her constituents. She shared, “I rushed back as soon as I was physically able [after giving birth] ... I chose to do that because I knew how important my vote was to my state and to my district” (Ferek 2024, n.p.). Luna also returned to the House as soon as possible, delayed only by pregnancy complications. These congresswomen’s experiences demonstrate that even if members are technically allowed to take maternity leave, their commitment to their constituents and to their legislative duties can lead them to return to work sooner than medically advisable. Together, Luna, Sanchez, and Gillibrand’s stories reveal a troubling pattern of congresswomen stretching their physical limits to accommodate for their lack of leave.

Luna believed that proxy voting would help remove a barrier to public service for women and birthing people across the country (Adragna 2024). Her solution could also help meet the needs of the increasing number of young, female members of Congress, and make Congress a viable career path for people of birthing age (Cortellessa 2023b). Further, a large share of her constituents was women who have been or will be pregnant, and Luna would be representing their interests by fighting for maternal rights in her arena. As Luna said in *Forbes Newsroom*, “We shouldn’t be forced as women, especially lawmakers, to choose between having a career and a family” (Lewis 2024, n.p.).

### **Precedent of Congressional Proxy Voting**

If Luna chose to propose proxy voting and the policy passed, it would not be the first time that proxy voting occurred in the House. Before the 104th Congress (1995–1996), the House utilized proxy voting to let representatives assign a proxy to vote for them in committee (Davis 2020). Yet, while House policy permitted proxy voting in committees, proxy voting was not allowed for House floor votes until 2020 (2020). Unlike committee votes, which decide matters to bring to the House floor, votes on the House floor determine the passage of legislation. Therefore, proxy voting on the House floor introduced concerns of constitutionality (U.S. House of Representatives).

U.S. courts have reviewed the constitutionality of proxy voting in cases that consider whether it is constitutional for Congress to pass legislation with votes from absent members. The

Framers of the Constitution intended for the House of Representatives to be an in-person body (The U.S. National Archives and Records Administration 2015)). Legal scholars who believe that the Framers' intentions must guide our interpretation of the Constitution also believe that voting must occur in-person with no exceptions. However, the Constitution specifically states that the House and the Senate have the authority to make their own rules (House Committee on the Rules, 2). Further, in *Field v. Clark* (1892), the U.S. Supreme Court ruled that courts do not have the jurisdiction to review challenges to congressional operations and rules (House Committee on the Rules, 2). While congressional operating policy is largely outside the domain of judicial review, there is ongoing debate on the constitutionality of the use of proxy voting to establish a quorum. The Quorum Clause of the Constitution (Art. 1, Sec. 5) details that a quorum (a majority) is required for House proceedings (The U.S. National Archives and Records Administration 2015). The Supreme Court case *United States v. Ballin* (1892) ruled that while the Constitution requires a majority for the House to conduct business, since the Constitution does not specify a method for Congress to determine a majority, the House has the authority to select its own method (Legal Information Institute n.d.). This clarification on the Quorum Clause has led to debate over whether the House is at liberty to establish rules that count absent members in quorum counts, or if this presents a violation of the Constitution. It remains an open legal question: can a member's proxy count towards a majority presence in the House, or does the Constitution require a quorum of in-person members? Luna would need to weight this ongoing question when determining whether to introduce legislation on proxy voting, and whether that legislation would allowed proxies to count for a quorum.

In May 2020, during the 116th Congress, the House passed a rule on proxy voting in response to COVID-19 and the consequent international public health emergency (U.S. Congress 2020). One member in Washington D.C. could vote on behalf of up to ten absent members (Dezenski 2020). Lawmakers simply had to submit a letter to the House Clerk stating that they were "unable to physically" vote in the Capitol due to the "ongoing public health emergency" and share who they were authorizing as their proxy and "how they would like that proxy to vote" (Fram 2022, n.p.; House Committee on Rules n.p.). The House Rules permitted proxy voting for two years during the pandemic (the 116th and 117th Congresses) before the Republican majority repealed the policy at the start of the 118th Congress (Hudiburg 2023). As of April 2022, more than two-thirds of the house had voted by proxy (Fram 2022). The representatives who used proxy voting most frequently had health challenges and did not feel safe being in-person in the House chamber where not all members were vaccinated (Grayer, Fortinsky, and Wilson 2021). During this time, lawmakers also utilized proxy voting for reasons other than health safety, including recovery from childbirth (Cohen and Wilkins 2022).

House members, mainly Republicans, highly contested proxy voting when it passed in 2020, primarily due to concerns regarding abuse of the rule and for its constitutionality. Luna presumably knew that if she chose to propose proxy voting, her solution must account for these critiques. As she drafted a bill, she needed to consider how members of her party would perceive the legislation she had in mind. Luna could look at how members of Congress, particularly Republican members, responded to proxy voting during COVID-19 to strengthen her bill's defense. These views would allow her to develop an amendment compelling enough to gain the support of her party.

### **Representative Views on Proxy Voting**

In a polarized political landscape, even internal House rules and congressional procedure are topics of contention. In general, the Democratic party supported proxy voting during 2020 and the Republican party opposed it (Dezenski 2020). The Democratic majority introduced proxy voting during the pandemic and believed it was necessary to ensure representatives' health and safety while maintaining vote participation levels (Fram 2022). The Democratic majority emphasized that constituents' representation should not hinge on the health of their representative (Federal Information & News Dispatch n.d.). All voting Republican representatives voted against the bill, and all but three Democrats voted in favor, demonstrating a clear partisan divide (U.S. House of Representatives Office of the Clerk 2020).

While the Democrats were near unanimous in their support for proxy voting during COVID-19, former Speaker Nancy Pelosi (D-CA), who introduced proxy voting in the 116th Congress, did not support proxy voting prior to the pandemic (French 2014). In a situation akin to Luna's, Representative Tammy Duckworth (D-IL) asked leadership to vote-by-proxy for ranking member elections after giving birth. Pelosi rejected her request, explaining that that she did not want to set a precedent of proxy voting as that would "establish a situation where you're going to determine who has a note from the doctor that's valid ... it's really a place we shouldn't go down" (2014 n.p.). Yet, Pelosi clarified that this was not preventing family and medical leave; representatives could take time off, they just could not vote remotely (2014). The public health risks posed by the pandemic shifted Pelosi's opinion regarding proxy voting. She viewed proxy voting as a necessary accommodation for the pandemic and worth the administrative hurdle of verifying members' requests to vote-by-proxy (2014).

When the Republican Party took control of the House in 2022 and overturned proxy voting, Democrats were concerned about the ramifications. Representative Bonnie Watson Coleman (D-NJ) explained that the Republican leadership's decision to eliminate proxy voting "puts people's representation at the whim of the health of their representative" (Federal Information & News Dispatch n.d., 2). Representative Coleman shared that while she was absent due to a family emergency, her "constituents were left without a voice because House rules had not kept up with the times" (2). The Democratic Party encouraged the "modernization" of Congress, stressing that rules were meant to evolve alongside shifting political and social dynamics.

Democrats have been engaging in efforts to bring proxy voting back since the Republican Majority eliminated the practice in 2022. A group of six Democratic lawmakers sponsored and introduced a bill in June 2023 for consideration by the House Committee on Rules to allow proxy voting in the case of serious illness or family illness, including pregnancy-related conditions (but excluding basic parental leave). If this legislation had made it out of committee, it would have allowed remotely participating legislators in committee proceedings to count for establishing a quorum (U.S. Congress 2023). One of the co-sponsors of the legislation, Representative Deborah K. Ross (D-NC), presumed that support from the opposing party was unlikely as the Republican leadership "remains hostile" towards proxy voting (Papp 2023, n.p.). In an interview, Luna reported that she would consider voting for an amendment like Representative Ross's if it did not allow proxy voting to establish a quorum—and therefore did not potentially violate the Constitution (Lewis 2024).

Luna's party, the Republican Party, greatly opposed proxy voting. Republicans believed that voting and lawmaking must occur in-person; the Framers intended for Congress to be an in-person body, and that was the way it should stay (Fram 2022). Republican Representative Rodney

Davis (R-IL) argued that in-person collaboration was critical for the legislative process and bipartisan compromise, claiming that members were more likely to collaborate with colleagues across the aisle when they were able to socialize (Cioffi 2022). Republicans also feared that members would misuse proxy voting for reasons unrelated to the pandemic (Pandolfo 2023). In many ways, they were right. Legislators used proxy voting to attend campaign events, go to family functions, celebrate holidays, or for mere convenience; all while citing the “ongoing public health emergency” (Mixon and Torgler 2023, 3). In one example, Representative Cindy Axne (D-IA) used proxy voting to go on vacation to Europe with her family, receiving heavy pushback from Iowa Republicans (States News Service 2022). Yet, Republicans also participated in many abuses of proxy voting, including an occasion when a group of representatives traveled to the Southwest border for a rally for President Donald Trump (Fandos 2021).

Former Speaker Kevin McCarthy was one of the most outspoken opponents of proxy voting. McCarthy and 160 House Republicans filed a lawsuit to block Nancy Pelosi from allowing proxy voting (Ruger 2022). McCarthy alleged that it was “simply impossible” to ignore the Constitution’s requirement to vote in-person (Fram 2022, n.p.). He highlighted that voting did not stop for the War of 1812 or the Spanish Flu (2022, n.p.). McCarthy also feared the implications of changing the House rules, arguing that “if their changes are acceptable, what stops the majority from creating a ‘House Rule’ that stipulates the minority party’s votes only count for half of the majority party’s” (Hall and Metzger 2023, n.p.). Nancy Pelosi called the lawsuit “frivolous” and stated that “the Constitution and more than a century of legal precedent make clear that the House is empowered to determine its own rules—and remote voting-by-proxy falls squarely within this purview” (Ruger 2022, n.p.). Eventually, almost all of McCarthy’s fellow plaintiffs dropped off the case, as many of the Representatives voted by proxy themselves (Fram 2022). A U.S. appeals court ruled that federal courts do not have jurisdiction to hear cases on House rules (Hall and Metzger 2023). The Supreme Court refused to hear the case, representing the end of McCarthy’s constitutional challenge of proxy voting (Fram 2022). McCarthy remained determined to eliminate proxy voting but would have to wait for Republicans to flip the House. As Representative Williams Timmons (R-SC) said, “There’s no question in my mind that Speaker McCarthy will not allow proxy voting ... Never, ever, ever, ever. Period” (Cohen and Wilkins 2022, n.p.).

Despite the Republican Party’s persistent critiques of proxy voting, Republicans utilized proxy voting themselves. In 2020, the first year of proxy voting, only seven Republicans used it (Fram 2022). However, in 2021, 144 Republicans voted by proxy (Larson, Maehr, and Reynolds 2022). Republicans who rallied against proxy voting, including Representative Madison Cawthorn who said it was for “cowards,” used proxy voting to attend political events (Fram 2022, n.p.; Grayer, Fortinsky, and Wilson 2021). Notably, Representative Elise Stefanik (R-NY) used proxy voting to vote on over 100 issues while taking maternity leave, exactly what Luna wished she had been able to do. Yet, despite her use of the practice, Stefanik opposed the Democrats’ proxy voting policy and supported her party’s promise to eliminate the practice when the chamber flipped (Cohen and Wilkins 2022). Many Republicans expressed that while they wanted to see proxy voting overturned, it would be “stupid” of them to not participate in it (Grayer, Fortinsky, and Wilson 2021, n.p.). Representative Don Bacon (R-NE), who never voted by proxy, said that he opposed proxy voting but “when Democrats can do it and we ask our conference not to, it puts us at a disadvantage on close votes” (Grayer, Fortinsky, and Wilson 2021, n.p.). Therefore, Republicans who were resistant to proxy voting still chose to use it.

Beyond the support and opposition of proxy voting from the two parties, there were also general critiques of proxy voting from the media and the academy. One critique was that remote

proceedings did not allow for key parts of the legislative process such as debating on the House floor and negotiating elements of legislation (Larson, Maer, and Reynolds 2022). Additionally, a 2023 study found that proxy voting in the House during COVID-19 was connected to legislative shirking (neglecting legislative duties), as legislators who missed votes before the pandemic were more likely to vote by proxy in 2021 (Mixon and Torgler 2023). In support of proxy voting, think tanks such as *Brookings* identified valuable aspects of proxy voting to consider keeping beyond the pandemic, while ensuring representatives could not misuse it. They pointed to Representatives who benefited from proxy voting due to uncontrollable life circumstances, including members who used proxy voting after childbirth (Gode, Reynolds, and Teel 2021). Overall, the debate on proxy voting occurred within and outside of Congress, though largely on partisan lines.

### **Representative Luna's Proposed Solution**

Considering her colleagues' positions on proxy voting during COVID-19, Luna devised a solution that would account for the critiques levied on proxy voting. Luna recalled that when she asked her party's leadership how she could vote after giving birth, she was told that "[she] wouldn't be able to vote and that it wasn't constitutional" (Lewis 2024, n.p.). She lamented, "How is it constitutional to not allow me to vote when I represent over 700,000 people" (2024, n.p.). Luna wanted to defend her right to represent her district, but she also knew that she would need to be certain that her proposed legislation did not violate the Constitution. Luna poured over the 1500-page House rulebook during her doctor-ordered recovery time away from Capitol Hill, trying to develop a viable solution (Kaplan and Tsirkin 2024). Finally, she determined a way to make proxy voting constitutionally-sound: limit the scope of proxy voting and establish what types of votes legislators could use it for.

Luna drafted a bill, an amendment to the House rules titled "Amending the Rules of the House of Representatives to permit members to vote by proxy in certain cases, and for other purposes" (U.S. Congress 2024). The bill amended the House rules to say that a member may not vote by proxy, except as provided in paragraph c (2024). Paragraph c read,

In the case of a Member who has given birth, the Member may, during the period that begins on the date of such birth and ends 6 weeks after such date, designate another Member as a proxy who may cast the vote of such Member, but in no case may another Member record the presence of such Member for the purposes of establishing a quorum in the House or the Committee of the Whole House on the state of the Union (U.S. Congress 2024).

The solution Luna developed applied solely to postpartum congresspeople, allowing them to vote-by-proxy up to six weeks after giving birth, half the length of the leave that federal employees receive (Karni 2024; U.S. Department of Commerce). Her solution did not include adoptive mothers, mothers who have a child via surrogate, or fathers. With such a narrow definition of motherhood, the policy would serve primarily as a mechanism for mothers to recover from the physical trial of birth rather than to provide time for them to care for their newborns. The solution would also not allow proxy voting for any other reason such as illness or a family emergency. Additionally, to ensure constitutionality, Luna's bill would not allow the use of a proxy vote "for the purposes of establishing a quorum," eliminating any arguments around the Quorum Clause (U.S. Congress 2024, n.p.). Luna likely authored the bill in this narrow fashion to persuade critics of proxy voting, largely members of her own party, that her solution prevented members from



abusing proxy voting by limiting its use to a specific circumstance, and that it was constitutionally sound.

### **Representative Luna's Previous Views on Proxy Voting**

When Luna originally entered the House in 2022, she opposed proxy voting along with the rest of her party (Karni 2024). She voted with her party to pass the House rules eliminating proxy voting (U.S. House of Representatives Office of the Clerk 2023). Luna ascribed her old views to inexperience:

I think as a first-time freshman, there's a lot that you don't fully understand of how the institution works. And so a lot of it, you're just kind of expected to learn on your own ... I will admit that I think that that is a mistake because what you're essentially doing is you're preventing female members from one, not just having children, but also two, you're basically saying you have to choose between your career and your family. (Kaplan and Tsirkin 2024)

Luna would need to carefully consider whether she was willing to serve as a spokesperson for maternal proxy voting, particularly if it would go against her conservative persona and point to an inconsistency in her stances on congressional procedure.

### **Seeking Re-Election: The Legislative Decisions of a First-Term Representative**

Luna was not merely a Republican woman in Congress deciding what legislation to introduce. She was also a first-term representative (U.S. House of Representatives Office of the Clerk 2024). When members are up for re-election, they carefully weigh the popularity of their political actions, considering how their legislative decisions may impact their campaign (Gross 2019). In the House, since representatives serve two-year terms, they are constantly up for re-election. Therefore, Luna needed to intentionally decide what legislation to support if she wanted to ensure the continuation of her political career.

While Luna's proposed legislation would benefit future pregnant members of Congress, it would not have any impact on members of her district or the state of Florida as a whole. She would have to consider if the best use of her legislative capacity was an issue that would primarily affect members of Congress. While proxy voting would allow members, including Luna, to continue representing their constituents, the policy itself would not provide a tangible service for Luna's state. Further, if the bill received significant news coverage (a likely possibility, given the substantial press coverage of proxy voting in 2020), the legislation could shape Luna's constituents' view of her policy priorities. Rather than focusing on proxy voting, she could introduce legislation that would benefit her district specifically, aiding her re-election. Luna would have to consider how introducing proxy voting could impact the future of her political career.

### **Women Legislators, Women's Issues, and Motherhood**

Luna had to consider how her intersecting identities as a Republican, a woman, and a mother would influence her public perception as she introduced women-focused legislation. All legislators must decide what policies to prioritize due to their limited capacity to bring items to the agenda. Women legislators specifically must consider whether introducing women-centered issues defines them as focused on their gender rather than partisan identity, or risks the public viewing them as focusing on their own self-interest rather than the interests of their district. Congress is a

male-dominated institution: women only make up 28.5% of Congress despite making up 50.5% of the US population (Leppert and Desilver 2023; Marckres 2023). Legislatures, such as the House of Representatives, present an environment that attempts to erase any influences of gender and enforce political party as the most important identity for a legislator to hold (Mahoney 2018). Therefore, if women call attention to their gender instead of their party's ideals, they are going against expected legislator behavior (2018). An exception to this rule lies within the Democratic Party, where social feminist values have become an integral part of the party's platform since the 1970s and the passage of the Equal Rights Amendment (Rosenfeld 2018). Social conservatives, on the other hand, maintain traditional expectations for women's careers, forming unique pressures for conservative women in elected office (Schreiber 2016).

Republican women must align with conservative's traditional views of women's careers. The Republican Party includes social conservatives who believe in traditional gender values of women as caretakers (Schreiber 2016). Conservative women's organizations have critiqued the notion of a "supermom" who can care for children and work, claiming that this decreases the quality of their parenting (2016, 3). Occasionally, conservatives make exceptions to this critique for *conservative* supermoms who manage to "do it all" while promoting conservative values (2016, 3).

Republican women face additional pressures to demonstrate that they are sufficiently conservative and that their gender does not push them further to the left than their male counterparts (Marckres 2023). Yet, overall, scholars have demonstrated that Republican voters are less likely to vote for Republican women as they "perceive them as being too liberal" (2016, 3). With women's issues associated with the Democratic Party—due to the Democratic Party's feminist platform—Luna would be taking a political risk if she chose to promote her policy of postpartum proxy voting. Her policy would benefit congressional mothers of both parties, meaning she would be channeling her legislative energy towards a women's issue rather than a conservative one. As Luna debated whether to introduce her legislation on proxy voting, she would have to weigh the risks of putting her gender identity above her Republican identity, compounded by the fact that her policy would go against the reigning Republican stance on proxy voting.

In addition to deciding whether to highlight their gender identity, women legislators who are mothers must decide whether to publicize their parental status. Female legislators face a double bind. If they have children, the media questions their capacity to balance motherhood and their political responsibilities, and if they do not, the media claims that they are unable to care for policy areas that impact families (Thomas and Bittner 2017). Male politicians who are fathers, on the other hand, are not questioned about their paternal status or their ability to balance fatherhood and a career (2017).

Motherhood is not a universally damning trait for a politician; it can be positive if the legislator presents herself as a traditional mother and avoids subverting societal norms (Thomas and Bittner 2017). Even within conservative spaces, which historically would have called for mothers to stay home with their children, many leaders express support for mothers pursuing political careers (2017). These leaders do, however, emphasize the sacrifice that women make when they choose to enter a political career with young children, highlighting the struggle of balancing family life with a political schedule. Recognizing the difficulties of balancing responsibilities, conservatives believe that it is the mother's decision to work and believe the government should not be involved in that decision. Conservatives oppose government policies mandating maternity leave or providing public childcare (2017). Given this logic, conservatives might not challenge Luna's choice to raise her infant while working in the House. Yet, introducing

a bill to allow proxy voting during recovery from childbirth would present her as someone interested in government support for pregnant women and mothers. In this way, she could risk putting her gender and motherhood status above her party and the dominant conservative ideology.

Scholarship on maternal politics asserts that mothers in politics need to pass family responsibilities to someone else to successfully complete their legislative duties (Thomas and Bittner 2017). Luna, for her part, had no childcare, so she brought Henry to the House floor most days for votes (Karni 2024). Luna would take interviews from her office with Henry napping in a rocker by her side, or members would see him perched on her desk during meetings (Karni 2024). While Luna received support and admiration from her colleagues, the public perception of parenting congresswomen invites questions on how the public could have perceived Henry's presence (Karni 2024; Thomas and Bittner 2017). The first woman to give birth while serving in the House, Yvonne Brathwaite Burke (D-CA), was told by a constituent that they "sent her to Washington work, not have a baby" (Haberkorn 2018, n.p.). Along these lines, voters and the media could have concluded that Luna was too distracted caring for her baby to focus on the people she was elected to care about: her constituents.

Politicians who are mothers choose the strength of the "maternal identity" they wish to develop based on how frequently they invoke their maternal status in policy discussions (Schreiber 2016, 2). For instance, Sarah Palin, former Alaska governor and John McCain's running mate, was the subject of heated discussion during McCain's campaign: she was a mother of five seeking to balance those responsibilities with those of elected office (2016). Palin chose to play into this discussion, invoking her motherhood to frame herself as a "mama grizzly," applying her fierce protection of her children to her capacity for tenacious political advocacy (2016, 2). Palin successfully garnered conservative support by careful balancing femininity and adherence to "conservative gender role norms" (the belief that women's roles are caretaking and homemaking) while simultaneously eschewing them to seek "a highly masculinized elected position" (2016, 16). Arguably, Luna achieved the same, with the caveat that choosing to introduce maternal-focused legislation challenged the highly specific expectations for conservative mothers in politics.

Luna developed her maternal identity after the birth of her son. She emphasized her parental status as a new mother to credential herself in policy discussions on issues such as immigration. Luna explained that she had focused her political career on protecting children, but that her commitment to protecting children would only "grow stronger by welcoming [her] son into the world" (Mondoro 2023, n.p.). She also used her newfound status as a mother to credential herself in speeches on the House floor. While Luna engaged in an argument with an immigration expert over family separation at the U.S.-Mexico border, the expert began to defend his point starting, "as a father..." Luna immediately cut him off, saying "I'm a mother, we can go back and forth" (Bedigan 2024, n.p.). Luna's emphasis of her role as caretaker for her child (adhering to conservative gender roles), whilst expressing her strong protective instinct (in a tactic similar to Palin's) allows her to fit into the mold Palin set to walk the line between conservatism, motherhood, and leadership. However, as Luna was already building a reputation for speaking on behalf of mothers, introducing legislation on proxy voting could drastically increase the perception of her as a legislator focused on maternal, women's, and even self-interested issues. Luna's proposed legislation would also go against conservative values on limited government intervention in maternity leave and childcare. Therefore, Luna would need to evaluate whether she wanted voters and her colleagues to view her as a champion for maternal rights, rather than a champion for Republican priorities.

### **The Ramification of Luna's Proposed Legislation**

If Luna introduced and passed her legislation in the House, she would establish a precedent of postpartum proxy voting in Congress. Luna's policy would demonstrate that Congress was not prepared to let proxy voting fade into the historical record, dubbed solely a response to a global pandemic. Instead, it would indicate that Congress was ready to advance its insufficient workers' rights for members of Congress and ensure that constituents receive the consistent representation from their elected officials that they deserve. Luna's legislation could pave the way for the Democratic Party to pass their amendment on proxy voting for illness and family emergencies (Federal Information & News Dispatch n.d.). Yet, in re-introducing proxy voting to the House, the policy could also re-open avenues for abuse of proxy voting and legislative shirking.

In late 2023, when Luna was considering introducing her legislation, if a handful of Republicans missed a given vote, they would not have been able to pass legislation (Karni 2024). Proxy voting, however, (if eventually expanded to allow proxies to count for quorums) would allow very slim majorities in the House of Representatives (such as what the Republican Party currently holds) to maintain their majority more easily. Democrats used proxy voting to maintain a consistent majority during the pandemic, a benefit that the Republican Party gave up by eliminating proxy voting. Therefore, even though Luna's party opposed proxy voting in the past, some members might consider the benefits of proxy voting in a House where the Republican Party risks being outnumbered by Democrats on any given day (2024).

Notably, Luna's proposed legislation would have little immediate effect in Congress. Luna was only the twelfth congressperson to give birth while serving in the House in the history of the United States (Shapero 2023). In the present moment, other than Luna, there has only been one pregnant member of Congress during the current session. Yet, Luna presumably knew that her proposed legislation would benefit members in the long run. It could even potentially encourage women who might have refrained from running for Congress due to their interest in having children to consider elected office.

Luna was determined to provide future congresspeople with the ability to vote while recovering from childbirth. Yet, she also had to consider the ramifications of introducing legislation on proxy voting. Her party staunchly opposed proxy voting during the pandemic and were set on returning to a House with no option for remote voting. She was also a new member of Congress, whose early legislative decisions (particularly those that went against her party) could set the tone of the rest of her political career and her future with the Republican party. In addition, Luna would have to consider the implications of centering her role as a mother in her legislative decisions. Her decision could lead others to perceive her as a mother first, legislator second, whose priorities rested in advocating for maternal rights and women's issues. Perhaps it would not be terrible to have a reputed focus on maternal issues, but would Luna be content with the public solely associating her with maternity leave, and not about the immigration and border issues that brought her to Congress in the first place? With these considerations in mind, it was time for Luna to decide: should she introduce her maternal proxy voting legislation?

### **Conclusion**

This case presents Representative Anna Paulina Luna's decision whether to introduce legislation on proxy voting for postpartum members of Congress. Her dilemma invites questions on the importance of pushing against barriers to pursuing careers for people of reproductive age, as well as the specific challenges for lawmakers choosing to introduce controversial legislation. Legislators must balance key facets of their identity, such as gender, partisanship, parental status,

with their commitment to represent their constituents and the scrutiny they face as public figures. The case of Representative Luna and proxy voting allows for speculation into ways to modernize workforces, while recognizing the roadblocks women can face when attempting to both juggle intersecting identities and create the infrastructure to balance motherhood and a career.

### **Epilogue**

On January 16, 2024, Representative Luna introduced the bill H.Res.967: “Amending the Rules of the House of Representatives to permit Members to vote by proxy in certain cases, and for other purposes” (U.S. Congress 2024). This bill would allow Members of the House of Representatives who had given birth the ability to vote-by-proxy for up to six weeks postpartum, except for the purpose of establishing a quorum. The House has not yet brought Luna’s bill to the floor for a vote.

Democratic Congresswoman Sara Jacobs of California signed onto the bill with Luna and together, the pair of thirty-four-year-old congresswomen defended their legislation that would allow pregnant congresspeople to represent their districts effectively. Jacobs and Luna had little in common in terms of policy but bonded over their age and the fact that they were both new to Congress. In addition to Jacobs, 33 Representatives, including 27 Democrats and seven Republicans joined the legislation as cosponsors. The cosponsors ranged in ideology from far-right Representative Matt Gaetz to far-left Representative Rashida Tlaib. Media coverage of the bill highlighted its bipartisan nature due to the rarity of bipartisan compromise in the current political climate. Jacobs expressed hope that the legislation would be successful, “Anna and I’ve already done the hard work of finding an area where there’s bipartisan agreement, so I’m hopeful that we can have resolution” (Adragna 2024, n.p.).

To bring the bill to the House floor for a vote, Luna must gain Speaker of the House Mike Johnson’s interest and approval. Luna spoke to Speaker Johnson to gauge his support but received no affirmation that he would back the legislation. A spokesperson for Johnson refused requests to comment on the issue from multiple news outlets. To explain why the leadership is hesitant to adopt the resolution, Representative Gaetz stated that both parties “sometimes want to have members here to have their thumb over them” (Adragna 2024, n.p.). If Luna does not get Speaker Johnson’s approval, she will attempt to force a vote by starting a discharge petition, a way for lawmakers to bring issues to the floor without party leadership’s approval (Karni 2024). If 218 representatives (around 50 percent) sign on to the discharge petition, the issue can come to a vote (2024). Yet, utilizing a discharge petition would be a risky political move for Luna as it would require circumventing her party leadership (Ferek 2024). Despite this risk, Luna appears determined to pass her resolution saying, “We’re not going to let this go. So, we will be eventually passing this, we just don’t know when” (2024, n.p.). Luna has expressed that she expects her colleagues in the House from both sides of the aisle to support the resolution and has argued that it would be hypocritical for them to oppose it, since you have “Republicans championing family and motherhood” and “Democrats championing women’s rights” (Karni 2024, n.p.).

Representatives in the House have conflicting views on Luna’s legislation. Republican Representative Greb Steube, who missed a month of votes in 2023 for a punctured lung, does not support Luna’s legislation as he believes the Constitution requires members to be physically present when voting (Ferek 2024). Another Republican, Representative Tim Burchett, originally opposed proxy voting in 2020 but supports Luna’s legislation. He recalls that during the pandemic, members used proxy voting “to go to fundraisers, they used it to go on vacations. I mean, they’d just fake things,” but, as he explains, “you can’t fake a pregnancy” (Kaplan and Tsirkin 2024, n.p.).

Luna's bill has received significant media attention, with reporters interviewing Luna about her motivation for the legislation and whether she plans to expand her focus to maternal rights for women around the country. In one interview, Luna expressed her support for additional women in Congress to have babies while in-office, saying, "Let's have more members bring their families ... it would make this place so much more palatable to have kids here" (Karni 2024, n.p.). When reporters asked whether she was open to looking into maternity leave and affordable childcare next, Luna expressed that she felt that companies should be providing maternity leave to their workers, lamenting that "In our society, and really our culture, it seems like women have been forced to either choose between having a job or having a child—that you are being told that you can't have both. And I simply disagree with that narrative" (Lewis 2024, n.p.). Yet, when the interviewer followed up, asking if she would support legislation to mandate maternity leave, Luna answered with uncertainty, saying that she is generally skeptical of big government (excess government intervention) and would have to investigate it and discuss with her team (2024). While Luna did not assert that she plans to champion future maternity rights policy, many of her recent interviewers asked about her views on maternity leave, suggesting that the proxy voting bill has caused her to develop a reputation as an advocate for mothers. The legislation has also influenced the media's perception of her political ideology, with the *New York Times* reporting that motherhood has "brought out a slightly more bipartisan perspective" in Luna, who they describe as a "proud MAGA warrior" (Karni 2024, n.p.).

In addition to fielding questions about maternal politics, media outlets have called Luna out for the hypocrisy of her border control beliefs given her support for mothers in Congress and their children. Luna has pushed for separating families at the U.S.-Mexico border due to concerns of human trafficking, believing that it is necessary to confirm that the children's parents are their biological parents (Nicholson 2024). When asked if she saw any contradiction in her stances, Luna avoided the question and said, "I think we need to focus on the maternity vote-by-proxy" (2024, n.p.).

Luna also faced backlash for comparing her lack of maternity leave to Secretary of Transportation Pete Buttigieg's paternity leave. In January 2024, Luna posted on X (formerly Twitter), writing "Pete Buttigieg got maternity leave and I didn't. And he's a dude. It's time Congress gets with the times" (Wiggins 2024, n.p.). Buttigieg took paternity leave in 2021 after he and his husband's adopted twins became sick shortly after birth (Condon 2024). Luna's tweet implied that merely because Buttigieg was a man, he was not entitled to the same parental rights as her. Buttigieg's husband Chasten Buttigieg responded to Luna on X amid a wave of negative responses, writing, "Every parent deserves parental leave ... What a shame to see Representative Luna tarnish this bipartisan effort with unnecessary homophobia. 'Getting with the times' would serve you well, Congresswoman" (Wiggins 2024, n.p.). Chasten Buttigieg directly called out the "bipartisan effort" of Luna's legislation, implying that the legislation was a positive step forward for parental leave that Luna soured with bias and a narrow view of parenthood. This criticism indicates that the narrow nature of Luna's legislation could have had deeper reasons than the policy's likelihood of success in Congress.

As the 2024 election approaches, additional information on how Luna's proxy voting legislation continues to influence her perception by her party, her constituents, and the media is forthcoming. Further, if Speaker Johnson brings the bill to the House floor or Luna starts a discharge petition, she could cement post-partum proxy voting in House operational policy. Luna's narrow application of proxy voting could open doors for Congress to take advantage of the

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increasingly remote world for the sake of its members and their constituents and demonstrate the U.S. government's prioritization of family and medical leave.

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