

On Feb. 28, 1947,⁽⁸⁾ the Senate resumed consideration of a concurrent resolution (S. Con. Res. 7) establishing a ceiling for expenditures for the fiscal year 1948 and for appropriations for the fiscal year 1948 to be expended in that fiscal year. In the course of the resolution's consideration, the President Pro Tempore put the question on an amendment to an amendment. The yeas and nays having been ordered on this particular proposal, the vote was taken and a recapitulation was had.

Immediately thereafter, the following proceedings occurred:

THE PRESIDENT PRO TEMPORE:⁽⁹⁾ On this vote the yeas are 38, the nays—

MR. [MILLARD E.] TYDINGS [of Maryland]: Mr. President, I ask for a recapitulation.

THE PRESIDENT PRO TEMPORE: The Clerk will recapitulate the vote.

The vote was again recapitulated.

THE PRESIDENT PRO TEMPORE: On this vote the yeas are 38—

MR. [GLEN H.] TAYLOR [of Idaho]: Mr. President—

MR. [ROBERT A.] TAFT [of Ohio]: It is too late, Mr. President.

MR. TYDINGS: Oh, no; it is not. The result has not been announced.

THE PRESIDENT PRO TEMPORE: The Senator from Idaho is recognized.

MR. TAYLOR: I vote "yea."

8. 93 CONG. REC. 1547, 1552, 80th Cong. 1st Sess.

9. Arthur H. Vandenberg (Mich.).

Senator Taylor's vote having been permitted, the final tally was—yeas 39, nays 38, not voting 18. Thus, the result of the vote was altered by the Chair's recognition of the Senator from Idaho prior to the announcement.

§ 29. Voting by the Speaker

Rule I clause 6 provides:

He [the Speaker] shall not be required to vote in ordinary legislative proceedings, except where his vote would be decisive, or where the House is engaged in voting by ballot; and in cases of a tie vote the question shall be lost.

The Speaker's name is not on the roll from which the yeas and nays are called⁽¹⁰⁾ and is not called unless on his request.⁽¹¹⁾ It is then called at the end of the roll,⁽¹²⁾ the Clerk calling him by name. On an electronic vote, the Chair directs the Clerk to record him and verifies that instruction by submitting a vote card.⁽¹³⁾ The Chair may vote to make a tie and so decide a question in the negative, as he may vote to break a tie and so decide a question in the af-

10. 5 Hinds' Precedents § 5970.

11. 5 Hinds' Precedents § 5965.

12. 5 Hinds' Precedents § 5965; 8 Cannon's Precedents § 3075.

13. See § 29.2, *infra*.

firmative.⁽¹⁴⁾ The duty of giving a decisive vote may be exercised after the intervention of other business, or after the announcement of the result or on another day, if a correction of the roll shows a condition wherein his vote would be decisive;⁽¹⁵⁾ and he also exercises the right to withdraw his vote in case a correction shows it to have been unnecessary.⁽¹⁶⁾ The Speakers have the same right as other Members to vote⁽¹⁷⁾ but rarely exercise it,⁽¹⁸⁾ and the Chair may not vote twice.⁽¹⁹⁾ The Chair may be counted on a vote by tellers.⁽²⁰⁾

Method of Taking Vote

§ 29.1 The Clerk does not call the Speaker's name when the roll is called on a yea and nay vote; if the Speaker wishes to be recorded, he asks the Clerk to call his name at the conclusion of the call.

14. 8 Cannon's Precedents §3100; see also §29.3, *infra*.

15. 5 Hinds' Precedents §§5969, 6061–6063; 8 Cannon's Precedents §3075.

16. 5 Hinds' Precedents §5971.

17. 5 Hinds' Precedents §§5966, 5967.

18. 5 Hinds' Precedents §5964 (footnote).

19. 5 Hinds' Precedents §5964.

20. 5 Hinds' Precedents §§5996, 5997; 8 Cannon's Precedents §§3100, 3101.

On Nov. 6, 1967,⁽¹⁾ the House having discussed a motion to suspend the rules and pass a joint resolution (S.J. Res. 33) to establish a National Commission on Product Safety, the Speaker⁽²⁾ put the question; it was taken, and an objection was heard on the ground that a quorum was not present. The Chair sustaining that point of order, the Clerk was instructed to call the roll.

At the conclusion of the call, but prior to announcing the numerical totals, the Speaker stated, "The Clerk will call my name." Immediately thereafter, the Record reveals, "The Clerk called the name of Mr. McCormack and he answered 'yea.'"

§ 29.2 Before announcing the result of a vote by electronic device, the Speaker may cast a decisive vote pursuant to clause 6, Rule I by advising the Clerk directly of his vote to break a tie (and then verifying that vote by handing the Clerk a ballot card).

During the amendment process involving consideration of H.R. 5422, the Intelligence Authorization Act of 1991, in the House on Oct. 17, 1990,⁽³⁾ Speaker Thomas

1. 113 CONG. REC. 31287, 90th Cong. 1st Sess.

2. John W. McCormack (Mass.).

3. 136 CONG. REC. 30229–31, 101st Cong. 2d Sess.

S. Foley, of Washington, announced that the vote on the so-called Solarz amendment was 206 to 206. The Speaker then cast his vote in the affirmative. The proceedings were as follows:

Accordingly, the Committee rose, and the Speaker pro tempore [Mr. Gephardt] having assumed the chair, Mr. Nelson of Florida, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee having had under consideration the bill (H.R. 5422) to authorize appropriations for fiscal year 1991 for intelligence and intelligence-related activities of the U.S. Government, the intelligence community staff, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, pursuant to House Resolution 487, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

THE SPEAKER PRO TEMPORE: Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

MR. [HENRY J.] HYDE [of Illinois]: Mr. Speaker, I demand a separate vote on the so-called Solarz amendment, as amended. . . .

THE SPEAKER PRO TEMPORE: The Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment: Page 25, after line 18, add the following:

TITLE VI—INCENTIVES FOR PEACE IN
ANGOLA . . .

THE SPEAKER PRO TEMPORE: The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

MR. [HAROLD L.] VOLKMER [of Missouri]: Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 207, nays 206, not voting 21, as follows: . . .

THE SPEAKER: On this vote the yeas are 206, and the nays are 206.

The Chair votes “aye.”

The yeas are 207.

So the amendment was agreed to.

THE SPEAKER: The question is on the engrossment and third reading of the bill.

MR. HYDE: Mr. Speaker, I have a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. HYDE: Mr. Speaker, as I understood it, the vote was by electronic device. I did not see you vote by electronic device. You had announced the vote, Mr. Speaker. You passed the vote.

THE SPEAKER: The gentleman will suspend while the Chair explains the result of the vote.

The Chair's vote is entered into the electronic system upon the announcement of the Chair of his vote and prior to the announcement of the final result.

The Chair's vote is entered into the system at the time of the Chair's announced vote, the Chair will advise the gentleman.

Speaker's Vote as Decisive

§ 29.3 The Speaker voted in the negative on a ye and

nay vote—thereby creating a tie and causing the rejection of two amendments considered en bloc.

On May 3, 1946,⁽⁴⁾ the House had under consideration a bill (H.R. 6056) making appropriations for the Departments of State, Justice, Commerce, and the Judiciary, for the fiscal year ending June 30, 1947. In the course of the bill's consideration, Mr. Louis C. Rabaut, of Michigan, sought unanimous consent that two amendments pertaining to the Bureau of Foreign and Domestic Commerce be considered en bloc. There was no objection.

Shortly thereafter, the Speaker⁽⁵⁾ put the question on the en bloc amendments, and Mr. Rabaut demanded the yeas and nays. A sufficient number of Members having supported the demand, the yeas and nays were ordered.

After the Members voted but before announcing the result, the Chair noted:

On this roll call the yeas are 127, the nays 126, and 2 answered present. The Chair votes "nay."

While a recapitulation followed, the vote totals remained the same. Accordingly, the amend-

4. 92 CONG. REC. 4433, 4434, 4435, 79th Cong. 2d Sess.

5. Sam Rayburn (Tex.).

ments were rejected—the Speaker's vote having proven decisive.

§ 29.4 The Speaker voted in the affirmative at the conclusion of an automatic roll call, thereby breaking a tie and effecting the passage of a bill.

On Aug. 14, 1957,⁽⁶⁾ an automatic roll call was had on the passage of a bill (S. 1383) amending section 410 of the Interstate Commerce Act, to change the requirements for obtaining a freight forwarder permit. The question was taken; and the Members commenced to vote.

After the Members cast their votes but before announcing the result, the Speaker made the following statement:

THE SPEAKER:⁽⁷⁾ There is a tie vote. If any Member asks for a recapitulation of the vote, the Chair will order a recapitulation. If there is no request for a recapitulation, the Clerk will call my name.

The Clerk called the name of Mr. Rayburn and he answered "yea."

After the Speaker voted, the final tally on the passage of the bill was—yeas 177, nays 176. Accordingly, the bill was passed.

Parliamentarian's Note: While the Clerk calls the Speaker by

6. 103 CONG. REC. 14783, 85th Cong. 1st Sess.

7. Sam Rayburn (Tex.).

name after he so requests, when the roll call vote is printed in the *Congressional Record* and in the Journal, the Chair is designated as "The Speaker."

Speaker's Vote as Nondecisive

§ 29.5 The Speaker has voted on a yea and nay roll call where his vote did not prove decisive.

On June 30, 1939,⁽⁸⁾ the Committee of the Whole had under consideration a joint resolution (H.J. Res. 306) popularly known as the Neutrality Act of 1939. Following debate, the Committee rose and reported the resolution with sundry amendments back to the House. Shortly thereafter, the Speaker⁽⁹⁾ put the question on the joint resolution.

At this point, a motion to recommit was offered. When the question was taken on the motion to recommit, a division was demanded and there were—ayes 179, noes 185. Mr. Hamilton Fish, Jr., of New York, then requested the yeas and nays which were subsequently ordered.

The question was taken, and the Record reveals the following:

THE SPEAKER: The Clerk will call my name.

8. 84 CONG. REC. 8502, 8511, 8512, 8513, 76th Cong. 1st Sess.

9. William B. Bankhead (Ala.).

The Clerk called the name of Mr. Bankhead, and he answered "nay."

When the tally had been completed, there were—yeas 194, nays 196, answered "present" 1, and not voting 40. Thus, the motion was rejected, and the Speaker's vote was not decisive.

Speaker's Vote in Establishing Quorum

§ 29.6 The Speaker has voted on an automatic roll call where his vote was necessary to establish a quorum.

On Nov. 24, 1942,⁽¹⁰⁾ the House resolved itself into the Committee of the Whole for the purpose of considering a bill (H.R. 7096) to provide for the settlement of claims of the government of the United States on behalf of American nationals against the government of Mexico. After the Committee rose and reported the bill back to the House with an amendment, a motion to recommit was offered.

Shortly thereafter, the Speaker⁽¹¹⁾ put the question on the motion to recommit. The question was taken; and, a division having been demanded, there were—ayes 15, noes 70. Mr. Robert F. Rich, of

10. 88 CONG. REC. 9104, 9116, 9117, 77th Cong. 2d Sess.

11. Sam Rayburn (Tex.).

Pennsylvania, then objected to the vote on the ground that a quorum was not present. The Speaker concurring, an automatic roll call was commenced.

Two hundred fourteen Members voted on the call. The Record then reveals the following:

THE SPEAKER: The Clerk will call my name.

The Clerk called the name of Mr. Rayburn and he answered "no."

So the motion to recommit was rejected.

Parliamentarian's Note: Normally, of course, it takes 218 Members to comprise a quorum in the House. However, on this particular day [Nov. 14, 1942], there were six vacancies in the membership—thus, the quorum figure had been lowered to 215 Members.

§ 30. Recorded Votes; In General

Until Jan. 22, 1971,⁽¹²⁾ clause 5 of House Rule I stated the method by which the Speaker was to put questions before the House, specified the procedure by which a division vote was to be cast, and provided for the taking of teller votes if the Chair was in doubt or if a count was "required by at

12. See Rule I clause 5, *House Rules and Manual* § 630 (1971).

least one fifth of a quorum. . . ." ⁽¹³⁾

On that date, however, by virtue of the Legislative Reorganization Act of 1970,⁽¹⁴⁾ a provision was added to the clause which specified that before tellers were named, Members could request "tellers with clerks." And, if such requests were supported by at least one-fifth of a quorum, the names of those voting on each side of the question and the names of those not voting . . . [would] be recorded by clerks or by electronic device, and . . . [would] be entered in the Journal.⁽¹⁵⁾

Thus the 92d Congress marked the first instance in which the House rules made provisions for the recording of votes in the Committee of the Whole.⁽¹⁶⁾

In the 93d Congress, the House further altered this clause by eliminating the phrase, "tellers with clerks," and substituting therefor the more simple language of "a recorded vote."⁽¹⁷⁾ In addi-

13. Rule I clause 5, *House Rules and Manual* § 630 (1969.).

14. 84 Stat. 1140.

15. Rule I clause 5, *House Rules and Manual* § 630 (1971).

16. See adoption of H. Res. 5, 92d Cong. 1st Sess., Jan. 22, 1971.

17. When not taken by electronic device, recorded votes are taken by a process similar to that previously utilized