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Chapter 58
Voting

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A. Generally

§ 1. In General; Kinds of Votes

Generally

The rules of the House identify four methods of voting that are of regular use in the full House:

- Voice votes under rule I clause 6 in which Members express their voting preference simply by calling out ''aye'' or ''no'' in unison.
- Division votes under rule XX clause 1(a) in which Members stand to be counted as either for or against a proposition.
- Yea-and-nay votes, which require the support of one-fifth of the Members present under article I, section 5 of the Constitution or which are ordered automatically when a Member objects to a pending vote on the ground that a quorum is not present under rule XX clause 6. Yea-and-nay votes usually are taken by electronic device.
- Recorded votes under rule XX clause 1(b), which require the support of one-fifth of a quorum (44 when a quourm is 218). A recorded vote is considered to be a vote by the yeas and nays when taken in the House.

When the House is operating in the Committee of the Whole, all of these commonly used methods of voting are available except for the yeas and nays, which is a vote used only in the House. Under rule XVIII clause 6(e), a recorded vote may be ordered in the Committee of the Whole when

the demand is supported by at least 25 Members. The automatic vote by the yeas and nays, when a vote is objected to on the grounds that a quorum is not present, is not available in the Committee of the Whole.

Sometimes these voting methods are used in various combinations, one after the other, depending on the circumstances. In the usual case, the Chair first puts a question to a vote by voice under rule I clause 6. The Chair may initiate, or any Member may ask for, a division vote. A record vote may be demanded before or after a division vote.

Less frequently used, but still available on a stand-by basis under rule XX, are the following: (1) roll call votes, in which each Member's response is given orally as the Clerk calls the roll in alphabetical order (rule XX clause 3); and (2) votes by tellers with clerks, in which each Member fills out and signs a vote tally card and submits it to a designated clerk teller (rule XX clause 4).

Rule XX clause 10 requires that the question on final passage of general appropriation bills, budget resolutions, bills increasing Federal income tax rates, or conference reports thereon be taken by the yeas and nays. Article I, section 7 of the Constitution requires that the question of passing a bill over the veto of the President also must be by the yeas and nays. Under rule XXII clause 12, the vote to close a conference committee meeting also is required to be taken by the yeas and nays.

All votes are in order only when the Chair puts the question. Unauthorized votes, as where a Member asks for a ''straw'' vote or a ''show of hands'' are not in order. Deschler-Brown Ch 30 § 2.3.

For a discussion of voting in committees, see COMMITTEES.

Voting by Ballot

Voting on an election in the House by ballot, although authorized by rule XX clause 11, is largely obsolete. *Manual* § 1034. There has been no instance of voting by ballot under this rule since 1868, when the managers of an impeachment proceeding were elected by ballot. 3 Hinds § 2417.

§ 2. The Electronic Voting System

In General

The electronic voting system was installed in the House Chamber in 1972 pursuant to the Legislative Reorganization Act of 1970 and adopted as a voting method by amendments to rule XX. *Manual* § 1012. The new system replaced the lengthy call of the roll and votes by cards with the clerks. Instead, votes are conducted by a computerized device that simultaneously receives and records votes cast by Members during the voting pe-

riod. A master computer processes voting information for immediate and subsequent retrieval. Members may still vote by card with the clerks in the well.

Verification of Vote; Changing Votes

Some 44 electronic voting stations are available in the Chamber. After using one of them, a Member may verify that his vote has been properly recorded by reinserting his card in an alternate voting station. Illumination of the button corresponding to the last vote preference will indicate that the vote has been recorded by the system. In one instance, where the voting system failed for one minute, the Chair allowed Members additional time to check the electronic display panel to verify whether their votes were properly recorded. 103–1, Sept. 29, 1993, p 23030.

A Member may change his vote—if more than five minutes remain or on five-minute votes—by depressing one of the other pushbuttons. With less than five minutes remaining during a 15-minute vote, changes must be made in the well, as with votes cast after the voting stations have been closed but before the Chair's announcement of the result. *Manual* § 1014; vote changes generally, see § 25, infra.

Effect of Malfunction

Rule XX clause 2(b) authorizes the Chair to conduct record votes and quorum calls under the standby procedures prescribed in rule XX when the electronic voting system malfunctions. For example, the Chair may vacate the results of an electronic vote in progress when the system malfunctions and direct that the record vote be conducted by call of the roll under rule XX clause 3. *Manual* § 1014. He also may announce that Members who have been recorded before the malfunction of the electronic device will be included in the new tally of those voting. Deschler-Brown Ch 30 § 31.15. When the system again becomes operative, its use resumes at the Chair's discretion. Deschler-Brown Ch 30 § 31.11.

The question whether the electronic voting system is functioning reliably is in the discretion of the Chair, who may base a judgment on certification by the Clerk. For example, the Speaker continued to use the electronic system, even though the electronic display panel was temporarily inoperative, where the voting stations continued in operation and Members were able to verify their votes. On the other hand, the Chair vacated the results of an electronic vote and directed that the record vote be taken by call of the roll where the electronic display panel malfunctioned, and the Chair could not obtain verification from the Clerk that the vote would be recorded with 100 percent accuracy. *Manual* § 1014. A malfunction of the

monitor at the majority or minority table will not prevent use of the electronic system where an alternate monitor may be used. 93–2, Aug. 7, 1974, p 27219.

§ 3. Prohibitions Against Voting by Proxy or for Absent Members

Whether in the House or the Committee of the Whole, Members must vote in person. *Manual* § 674; 7 Cannon § 1014. No one other than a Member may cast a vote or record a Member's presence. A Member may not cast a vote on behalf of another Member, and an authorization to that end is forbidden by rule III clause 2.

The use of an electronic voting card belonging to a Member who is *in absentia*—sometimes referred to as ''ghost voting''—is considered a serious breach of ethics. A Member's participation in such activity, either by direction or by subsequent acquiescence or ratification, is a matter warranting sanction by the House. The House has reprimanded a Member for failing to prevent unauthorized use of his voting card. Deschler-Brown Ch 30 § 3.16.

B. Role of the Chair; Duties

§ 4. In General; Putting the Question

An essential step in bringing a pending proposition to a vote occurs when the Speaker or Chairman states and then puts the question as prescribed by rule I clause 6. *Manual* § 630. It is a breach of order for the Speaker to refuse to put a question that is in order. *Manual* § 304.

A question may be put to a vote only by the Chair. It is not in order for a Member having the floor to usurp the role of the Chair in this regard, as by asking for a demonstration of support, such as a ''straw vote'' before the question is put. *Manual* § 630; Deschler-Brown Ch 30 § 2.3. The proposition as stated by the Chair in putting the question, and not as stated by the sponsoring Member, is the proposition voted upon. 6 Cannon § 247.

Putting the question on engrossment and third reading before passage of a bill or joint resolution is required by rule XVI clause 8. However, where a statute requires the vote to occur on final passage immediately following the conclusion of general debate, the Speaker puts the question on final passage without putting the question on ordering the previous question or on engrossment and third reading. 99–1, Apr. 23, 1985, p 9085.

§ 5. Voting by the Chair

Right to Vote

The Speaker has the same right to vote as other Members, and he has exercised this right even in contravention of early House rules attempting to limit his voting authority. *Manual* § 631; 5 Hinds §§ 5964, 5966. He may vote ''aye'' or ''no'' at any time before the final announcement of the vote. Deschler-Brown Ch 30 § 21.2. On an electronic vote, the Speaker may direct the Clerk to record his vote and verifies that instruction by submitting a vote card. *Manual* § 631. On roll call votes, the Speaker's name is not called except at his request, and then at the end of the roll. *Manual* § 631. Members, other than the Speaker, who are occupying the Chair vote by submitting a voting card to the Clerk, who then enters the vote.

In the early history of the House, Speakers exercised the right to vote sparingly. 5 Hinds § 5964 (note). In more recent Congresses, it has become more common for Speakers to vote, especially on important legislation.

Duty to Vote

Under rule I clause 7, the Speaker is not required to vote ''except when his vote would be decisive . . . .'' *Manual* § 631. The Speaker may vote to make a tie and thus defeat a measure or to break a tie and thus pass or adopt a measure. 8 Cannon § 3100; Deschler Ch 6 § 5.

§ 6. Chair's Responsibility as to the Count

One of the responsibilities of the Speaker is to count the number of Members rising in support of, or against, a pending proposition, as where a vote is taken by division. One of the suppositions on which parliamentary law is founded is that the Speaker will not betray his duty to make an honest count of the vote. 5 Hinds § 6002. The integrity of the Chair in counting a vote is not subject to a direct challenge. *Manual* § 629; 8 Cannon § 3115. Appeals may not be taken from the Chair's count of the number rising to demand a vote. 8 Cannon § 3105; Deschler-Brown Ch 30 § 33.5. An appeal also will not lie from a count of those supporting the demand for the yeas and nays (Deschler-Brown Ch 30 § 26.8) or from a decision refusing recapitulation of a vote (8 Cannon § 3128). The remedy of a Member dissatisfied with the Speaker's count of Members rising, as on a division vote, is to demand a record vote. 8 Cannon §§ 3115–3118.

C. Rights and Duties of Members

§ 7. In General; Duty to Vote

The casting of a vote (or the refusal to cast a vote) is the responsibility of the individual Member. Although rule III clause 1 states that Members ''shall vote on each question put . . . '', in practice the House does not enforce this provision. *Manual* § 671. The Speaker has no power to compel a Member to vote. 5 Hinds § 5942. House actions to compel a Member to cast a vote have been uniformly unsuccessful. 5 Hinds §§ 5943–5948. By the same token, the House does not excuse a Member from voting other than by granting ''leaves of absence'' under rule III clause 1. A unanimous-consent request in the Committee of the Whole to excuse a Member from voting is out of order. Deschler-Brown Ch 30 § 3.3.

§ 8. Disqualification to Vote

Generally; Conviction of Crime

The precedents suggest that the House has no authority to deprive a Member of his inherent right to vote. *Manual* § 672; 5 Hinds §§ 5952, 5966, 5967; 8 Cannon § 3072.

Rule XXIII clause 10, part of the Code of Official Conduct, provides that a Member who is convicted of a crime for which a prison sentence of two or more years could be imposed ''should'' refrain from voting in the House or the Committee of the Whole until reinstatement of the presumption of his innocence or until he is reelected to the House. *Manual* § 1095. The term ''conviction'' in clause 10 is construed to include a plea of guilty or a certified finding of guilt even though sentencing may occur later. H. Rept. 94–76.

Personal or Pecuniary Interest

Rule III clause 1 provides that a Member is not required to vote where he has a ''direct personal or pecuniary'' interest in the question. *Manual* § 671. In rare instances the Speaker has ruled that a Member, because of his personal interest in the outcome, should not vote. 5 Hinds §§ 5955, 5958. However, ordinarily the Member himself—and not the Chair—determines this question. 5 Hinds §§ 5950, 5951; 8 Cannon § 3071; Deschler-Brown Ch 30 § 3.1. The Speaker will not sustain a point of order challenging the personal or pecuniary interest of Members in a pending question, and will defer to the judgment of each Member as to the directness of his interest. *Manual* § 672.

A Member may disqualify himself from voting on a measure because of a personal or pecuniary interest in the measure being considered and thus announce an intention to vote ''present'' on the issue. Deschler-Brown Ch 30 §§ 3.5, 3.7.

Where the subject of a vote before the House affects an entire class, the personal interest of Members who belong to the class is not such as to disqualify them from voting. 5 Hinds § 5952. In one instance, for example, during consideration of a bill providing financial assistance to States and political subdivisions, the Speaker indicated that the bill was sufficiently general in scope that Members holding municipal bonds or who had other financial interests dependent on the fiscal affairs of a particular city would merely be within a class of similarly situated individuals whose pecuniary interest would not be so direct as to preclude them from voting on the bill. Deschler-Brown Ch 30 § 3.10.

D. Nonrecord Votes

§ 9. In General; Voice Votes

Votes not of record are those in which no official public record is required of the names or votes of the participating Members. There are two types of nonrecord votes. The first is a voice vote under rule I clause 6. The second is a vote by division under rule XX clause 1(a). Authority for demanding a vote by tellers was eliminated from the rules in the 103d Congress. § 11, infra.

Voice votes are the simplest and most commonly used of all voting procedures. Such votes are based on the volume and diversity of sound produced by Members as they respond either ''aye'' or ''no'' to the question put by the Chair. *Manual* § 630; 5 Hinds § 5926. If the Chair is in doubt about the result, or if any Member requests it, a division vote is in order. *Manual* § 1012. In a division vote, those in favor and then those opposed are asked to stand and be counted. § 10, infra.

In most situations, the Speaker must put the pending question to a voice vote under rule I clause 6 before entertaining a demand for a recorded vote or the yeas and nays. Deschler-Brown Ch 30 § 7.1.

§ 10. Voting by Division

Generally; Form

A demand for a division (standing) vote is in order following the taking of a voice vote. Deschler-Brown Ch 30 § 17.1. Under rule XX clause 1,

after a voice vote, if the Speaker is in doubt or a division is called for, ''[T]he House shall divide . . . . Those in favor of the question shall first rise from their seats to be counted, and then those opposed.'' *Manual* § 1012. Only one demand for a vote by division on a pending question is in order. Deschler-Brown Ch 30 § 11.9.

> MEMBER: Mr. Speaker, I demand a division.
> CHAIR: A division is demanded. As many as are in favor will rise and stand until counted. . . .
> The ayes will be seated and the noes will stand.

Timeliness

A demand for a division comes too late when the Member making it is not on his feet seeking recognition at the time the Chair announces the result of the voice vote. Deschler-Brown Ch 30 § 9.9. However, the announcement of a voice vote does not preclude a subsequent demand for a division providing no intervening business has transpired and the proponent of a division was on his feet seeking recognition at the time of the announcement. Deschler-Brown Ch 30 § 9.5.

Precedence of Demand for Recorded Vote or Yea-and-Nay Vote

A demand for the yeas and nays in the House under article I, section 5 of the Constitution takes precedence over a demand for a division. Deschler-Brown Ch 30 § 14.1.

A demand for the yeas and nays may be made before or after a division vote, or even while a division vote is being announced. 5 Hinds § 6039. However, the demand may not interrupt a division while the Chair is counting. *Manual* § 1012; Deschler-Brown Ch 30 § 10.3. A demand for a division vote is not precluded by the fact that the yeas and nays have been refused. 8 Cannon § 3103.

When the Chair has put the question and is in doubt as to the result, the Chair may, on his own initiative under rule XX clause 1(a) conduct a vote by division before entertaining a demand for a record vote. Deschler-Brown Ch 30 § 9.2. He also may entertain a demand for a record vote without first conducting a division. Deschler-Brown Ch 30 § 9.3. However, his count cannot be interrupted by a demand for a record vote. Deschler-Brown Ch 30 § 10.4.

Interruptions During the Count

The Chair generally declines to recognize Members while he is counting those standing on a division vote. Parliamentary inquiries are entertained before (not after) the Chair asks those in favor of the proposition to rise. Deschler-Brown Ch 30 § 10.2. Under rule XXII clause 7, a conference re-

port may not be presented while the House is dividing. *Manual* § 1077. Messages are not received during a division. *Manual* § 562.

Because a vote by division takes no cognizance of Members present but not voting, the number of votes counted by division does not necessarily establish a lack of a quorum. *Manual* § 1012. Accordingly, the Chair may interrupt the count of Members standing in favor of a proposition in order to count for a quorum pursuant to a point of order that a quorum is not present. *Manual* § 1012.

§ 11. Teller Votes

Under the earlier practice of the House, a Member could demand a teller vote if supported by sufficient Members. 5 Hinds § 5986. The rule authorizing a demanded teller vote was abolished in 1993. *Manual* § 1013. Under rule XX clause 4, only the Speaker may direct a vote by tellers. For an explanation of the method of taking teller votes, see Deschler-Brown Ch 30 § 16. For a discussion of teller votes and the Speaker's discretion, see § 18, infra.

E. Votes of Record

§ 12. Yea-and-Nay Votes; Recorded Votes

Yea-and-Nay Votes Distinguished

There are two primary methods of taking a vote of record in the House of Representatives. Voting by the yeas and nays under article I, section 5 of the Constitution is the preeminent method of voting and its initiation is to be distinguished from the recorded vote available under separate House rules. Rule XX clause 6 also orders the yeas and nays in the absence of quorum whenever a vote is objected to for lack of a quorum. *Manual* § 1025. Yea-and-nay votes are not in order in the Committee of the Whole. 4 Hinds § 4722. Recorded votes, on the other hand, are available in both the House (rule XX clause 1(b)) and the Committee of the Whole (rule XVIII clause 6(e)).

Yea-and-nay votes require the support of only one-fifth *of those present*. § 14, infra. On the other hand, a recorded vote in the House requires the support of one-fifth *of a quorum* (44 when a quorum is 218). Deschler-Brown Ch 30 § 34.1. A request for a recorded vote in the Committee of the Whole must be supported by 25 Members under rule XVIII clause 6(e). It is the Chair's statement of the demand, and not the Member's request,

that controls whether one-fifth of those present or one-fifth of a quorum is required to support the demand. Deschler-Brown Ch 30 § 2.2.

Demanding a Recorded Vote

Under the rules, a recorded vote is in order in the House or in the Committee of the Whole after the question has been put to a voice vote:

> CHAIR: The question is on the amendment offered by the gentleman from _____. [voice vote]
>
> MEMBER: Mr. Speaker [or Mr. Chairman], I demand a recorded vote.
>
> CHAIR: The gentleman asks for a recorded vote. As many as are in favor of taking this vote by a recorded vote will stand and remain standing until counted.

A demand for a recorded vote in the House under rule XX clause 1 must be supported by one-fifth of a quorum (usually 44 Members). Deschler-Brown Ch 30 § 34.1. The demand must be supported by 25 Members in the Committee of the Whole under rule XVIII clause 6(e). The count of Members standing to support a demand for a recorded vote is not subject to challenge by appeal. Deschler-Brown Ch 30 § 33.5.

In the House, a request for a recorded vote must yield to the constitutional prerogative of a Member to demand the yeas and nays. § 14, infra. However, a request for a recorded vote may be made following a demand for the yeas and nays, if that demand is withdrawn or does not receive the required support. Deschler-Brown Ch 30 §§ 33.2, 33.3. Even the Member who has withdrawn a demand for the yeas and nays may request a recorded vote under rule XX clause 1(b). Deschler-Brown Ch 30 § 33.4. Where one-fifth of the Members present have refused to order the yeas and nays on a motion, and that motion later becomes the unfinished business of the House, a Member may still demand a recorded vote on the motion but may not renew his demand for the yeas and nays. Deschler-Brown Ch 30 § 55.5.

Timeliness of Demand for Recorded Vote; Interruptions

A request for a recorded vote is in order only after the Chair has put the question to a voice vote. Deschler-Brown Ch 30 § 7.1. It cannot interrupt a voice vote or a vote by division that is in progress. *Manual* § 1012; Deschler-Brown Ch 30 § 7.1. The demand is not timely if the Member making it is not on his feet seeking recognition at the time that the result of the vote is announced by the Chair. Deschler-Brown Ch 30 § 33.18. However, a Member's demand for a recorded vote may be made after the Chair announces the result of a division vote if no other business has intervened. Deschler-Brown Ch 30 § 9.5.

A demand for a recorded vote on an amendment comes too late after the amendment has been voted on and disposed of and the Chair has inquired as to the purpose of another Member rising. Deschler-Brown Ch 30 §§ 24.6, 33.17. However, a mere inquiry relating to a pending motion, raised after the Chair has announced the result of a voice vote, does not constitute such intervening business as to preclude the right of a Member to demand a recorded vote on the pending motion. *Manual* § 1012. If the demand comes too late, it is certainly within the province of the Chair to recognize for a unanimous-consent request to vacate proceedings and thereby set the stage for putting the question a second time so a recorded vote can be demanded. Deschler-Brown Ch 30 § 33.18.

Repetition or Renewal of Demand

Only one request for a recorded vote on a pending question is in order. *Manual* § 1012. Thus, a request for a recorded vote on a pending question having been refused, a second request is not in order following a division vote on that question. Deschler-Brown Ch 30 § 33.7.

A similar rule is followed in the Committee of the Whole. Where the Committee has refused a request for a recorded vote, the request may be renewed only by unanimous consent. Deschler-Brown Ch 30 § 33.9. This is so, even where the absence of a quorum is disclosed immediately following the Chair's announcement of his refusal or where a quorum call has intervened. Deschler-Brown Ch 30 §§ 33.10, 33.11. However, the request remains pending where the Chair had interrupted his count of Members standing in support of the demand in order to count for a quorum. 97–2, Aug. 5, 1982, p 19658. For a request to be once denied, the Chair must have finalized his count. In one instance, the Chairman of the Committee of the Whole, having announced that an insufficient number of Members had arisen in support of a request for a recorded vote on an amendment (but having hedged that announcement with the word ''apparently'' and having refrained from stating the conclusion that the recorded vote was refused), nevertheless entertained a point of no quorum, tacitly treating the request for a recorded vote as not yet finalized. 107–1, Oct. 11, 2001, p ____

Withdrawal of Demand

A demand for a recorded vote may be withdrawn without unanimous consent before the Chair finalizes his count. Deschler-Brown Ch 30 §§ 33.20, 33.21.

Postponement of Vote

For a discussion of the Chair's authority to postpone votes in the House and in the Committee of the Whole, see §§ 22, 23, infra.

§ 13. Ordering the Yeas and Nays

In General; When Required

The yeas and nays usually are in order only after they are demanded by a Member and the demand is supported by a sufficient number of Members. § 14, infra. However, in some cases the yeas and nays are required by law or by House rule. Under article I, section 7 of the Constitution, a vote by the yeas and nays is required to pass a bill over the President's veto. 4 Hinds § 3520; 7 Cannon § 1110; see also VETO OF BILLS.

The yeas and nays are to be ''considered as ordered'' when the question is put on certain measures such as a bill providing general appropriations or income tax rate increases or a concurrent resolution on the budget. Rule XX clause 10. The yeas and nays are automatically ordered under the House rules when a vote has been objected to for lack of a quorum, thereby precipitating a simultaneous quorum call. § 16, infra. A vote by the yeas and nays is required to close a conference committee meeting under rule XXII clause 12. *Manual* § 1093. Such a vote also may be required by statute. See, *e.g.*, 50 USC § 1545 (War Powers Resolution); 50 USC § 1622 (termination of national emergency).

Effect of Ordering

The ordering of the yeas and nays ordinarily brings the pending proposition to a vote but does not necessarily preclude all other business. A motion to adjourn may be admitted after the yeas and nays are ordered and before the vote has begun. 5 Hinds § 5366. Consideration of a conference report or a motion to reconsider the vote by which the yeas and nays have been ordered also has been permitted to intervene. *Manual* § 80; 5 Hinds § 6029; 8 Cannon § 2790.

Effect of Adjournment

An order for the yeas and nays remains in effect during an adjournment and is taken up whenever the bill again comes before the House. 8 Cannon § 3108. However, should a quorum fail to vote and the House adjourn, the question recurs *de novo* when the bill again comes before the House. Deschler Ch 20 §§ 8.2, 10.17.

§ 14. Demanding the Yeas and Nays

In General

A demand for the yeas and nays is in order after the question has been put to a voice vote. Deschler-Brown Ch 30 § 7.1. However, a vote by the yeas and nays is taken only if a sufficient number of Members rise in support of the demand. Under article I, section 5 of the Constitution, the demand must be supported by one-fifth of the Members present. *Manual* §§ 75, 77.

> MEMBER: Mr. Speaker, I demand the yeas and nays.
>
> SPEAKER: The yeas and nays are demanded. As many as are in favor of taking this vote by yeas and nays will rise and remain standing until counted.
>
> (*So many*) have risen, not a sufficient number, and the yeas and nays are refused. [*Or*] (*So many*) have risen, a sufficient number, and the yeas and nays are ordered.

It is well established that a quorum is not necessary to the ordering of the yeas and nays. *Manual* § 76; 5 Hinds §§ 6016–6028. In ascertaining whether one-fifth of those present support a demand for the yeas and nays, the Speaker counts the entire number present as well as those who rise in favor of the demand. 8 Cannon §§ 3111, 3120. A request for a rising of those opposed to the demand is not in order. 8 Cannon §§ 3112–3114. The Chair ordinarily first counts those supporting the demand and then counts the House. Latecomers in support of the demand are included in the count until it is closed by the Chair. *Manual* § 78. The Speaker's count of the House on this question is not subject to appeal. *Manual* § 78.

When in Order

The Speaker must put the question before a demand for the yeas and nays is in order. *Manual* § 76. The demand is in order after the Speaker has put the question to a voice vote, is announcing the result of a division, and even after the announcement of such a vote if the House has not passed on to other business. 5 Hinds §§ 6039–6041. However, a demand for the yeas and nays comes too late after the Speaker has put the question on a motion and announced the result and the House has proceeded to other business. Deschler-Brown Ch 30 § 24.6. It is likewise untimely where the Chair has put a question to a voice vote, announced the result, and by unanimous consent laid the motion to reconsider on the table. Deschler-Brown Ch 29 § 8.25.

Precedence of Demand

Being of constitutional origin, a demand for the yeas and nays in the House takes precedence over a demand for a recorded vote. Deschler-Brown Ch 30 § 33.2. A demand for the yeas and nays likewise takes precedence over a demand for a division vote. Deschler-Brown Ch 30 § 14.1.

Demands as Dilatory; Repetition of Demand

The constitutional provision authorizing a demand for the yeas and nays is liberally construed. 8 Cannon § 3110. The demand may be made by any Member and cannot be denied merely on the ground that it is dilatory. 5 Hinds § 5737; 8 Cannon § 3107. However, the yeas and nays having been refused once may not be demanded again on the same question. 5 Hinds § 6029. It is not in order during the various processes of a division vote to repeat a demand for the yeas and nays that has been rejected. 5 Hinds § 6030.

Withdrawal

When the demand for the yeas and nays has been supported by one-fifth of the Members present, it is too late for the Member making the demand to withdraw it except by unanimous consent. Deschler-Brown Ch 30 § 24.8.

§ 15. Voting by the Yeas and Nays

In General

Under the earlier practice, yea-and-nay votes were cast in response to the Clerk's call of the roll of Members in alphabetical order. *Manual* § 1012. Today, yea-and-nay votes almost invariably are cast by use of the electronic voting system. However, the Speaker has the discretion under rule XX clause 3 to have the Clerk call the roll for the yeas and nays. *Manual* § 1015. The Speaker may direct the Clerk to call the roll, in lieu of taking the vote by electronic device, when the voting system is temporarily inoperative. Deschler-Brown Ch 30 §§ 31.8–31.10.

Reconsideration

A motion to reconsider a vote ordering the yeas and nays or refusing the yeas and nays is in order. *Manual* § 79; 5 Hinds §§ 5692, 6029; 8 Cannon § 2790. A yea-and-nay vote itself is likewise subject to reconsideration. If the House (by a majority vote) agrees to reconsider, the yeas and nays again may be ordered (by one-fifth of those present). 5 Hinds §§ 5689–5691. However, if the House, having reconsidered, again orders the yeas and nays, a second motion to reconsider is not in order. 5 Hinds § 6037.

Disclosure of Member's Vote

A Member's vote, whether ''yea,'' ''nay,'' or ''present,'' appears in the *Congressional Record* and, as required by article I, section 5 of the Constitution, in the House Journal. *Manual* § 75. However, there is no requirement that a Member's vote be announced publicly during the vote. *Manual* § 76.

§ 16. Automatic Yea-and-Nay Votes

Any nonrecord vote in the House may be objected to for lack of a quorum under rule XX clause 6, thereby precipitating, in the absence of a quourm, a quorum call and a simultaneous automatic ordering of the yeas and nays. 6 Cannon § 697; Deschler-Brown Ch 30 § 23. Clause 6 provides that ''[w]hen a quorum fails to vote on a question, a quorum is not present, and objection is made for that cause . . . . there shall be a call of the House . . . . and the yeas and nays . . . . shall at the same time be considered as ordered.'' *Manual* § 1025. An automatic call under this rule is not in order in Committee of the Whole. *Manual* § 1026.

The Speaker may direct that an automatic vote in the House be taken by electronic device, or may, in his discretion, direct the Clerk to call the roll. Deschler-Brown Ch 30 § 31.9.

The automatic call and vote that ensues under rule XX clause 6 when a quorum fails to vote is applicable whether the House is voting *viva voce*, by division, by tellers, or by the yeas and nays, but does not apply when the House is voting on some question that does not require a quorum, such as a motion incidental to a call of the House. 4 Hinds §§ 2994, 3053; 6 Cannon §§ 681, 691, 697, 703. Although a quorum is not required to adjourn, a point of no quorum on a negative vote on adjournment, if sustained, precipitates a call of the House under the rule. 6 Cannon § 700; Deschler-Brown Ch 30 § 11.4.

For a further discussion of quorums and voting, see QUORUMS.

§ 17. Roll Call Votes

In General

Because of the availability of the electronic voting system, roll call votes are rarely taken under the modern practice. Today roll call votes ordinarily are taken only during the process of electing a Speaker—where the Members respond by surname—or in the event of a malfunction of the electronic voting system. *Manual* § 27; Deschler-Brown Ch 30 § 31.15. Nevertheless, the Speaker has broad discretionary power to invoke a roll call vote,

in lieu of taking the vote by electronic device, even where a quorum fails to vote on any question and objection is made for that reason. *Manual* § 1014; Deschler Ch 20 § 4.2.

The Clerk calls the roll of Members in alphabetical order by surname. 5 Hinds § 6046. The Speaker's name may be called at the close of the roll. 5 Hinds § 5965. The roll is called twice—the second roll call being limited to those Members who failed to respond to the first call. 4 Hinds § 3052. A Member may cast his vote even after his name has been called provided the result of the vote has not been announced. *Manual* § 1015.

Interruptions

A motion to adjourn may be offered before the roll call begins. 4 Hinds § 3050. Under rule XX clause 6(c), after Members have had the requisite opportunity to respond by the yeas and nays but before a result has been announced, a motion that the House adjourn is in order if seconded by a majority of those present (to be ascertained by actual count by the Speaker). If the House adjourns on such a motion, the yeas and nays are vacated.

A roll call may be interrupted for the reception of messages and by the arrival of the hour fixed for adjournment *sine die*. *Manual* § 1018; 5 Hinds §§ 6715–6718. However, a roll call, once under way, may not be interrupted by:

- A motion to adjourn (except as provided in rule XX clause 6(c)). 5 Hinds § 6053.
- A parliamentary inquiry, unless related to the vote. 5 Hinds §§ 6054, 6058; 8 Cannon § 3132.
- A question of personal privilege. 5 Hinds § 6058; 6 Cannon §§ 554, 564.
- The arrival of the hour fixed for another order of business. 5 Hinds § 6056.
- The arrival of the hour fixed for a recess. 5 Hinds §§ 6054, 6055; 8 Cannon § 3133.
- A conference report. 5 Hinds § 6443.

§ 18. Teller Votes With Clerks

''Tellers with clerks'' refers to a voting method adopted in 1971 to make it possible to record the votes of individual Members in the Committee of the Whole. Rule XX clause 4; *Manual* § 1019. Under this rarely used voting practice, the Chair has the discretion to order the Clerk to ''tell the names of those voting on each side of the question . . . . '' Each Member is given a tally card on which he enters his voting preference and his signature. The Members then deposit these cards in ballot boxes located in the Chamber, with the ''aye'' boxes located up the aisle at the rear of

the Chamber at the Chair's left and the ''no'' boxes located up the aisle at the Chair's right.

Tellers with clerks as a voting method fell into disuse in 1972 with the adoption of the more efficient electronic voting system. See § 2, supra. Tellers with clerks remains as a stand-by procedure to be used in the event of malfunction of the electronic system or in the event the Clerk is unable to call the roll. *Manual* § 1019.

§ 19. Pairing

General Pairs; Specific Pairs

The practice of announcing general pairs was deleted from the rules in the 106th Congress. For a history of the former rule, see *Manual* § 1031.

''Live'' Pairs

Although rarely used, the announcement of live pairs, which involve an agreement between one Member who is present and voting and another on the opposite side of the question, who is absent, is still permitted under rule XX clause 3. *Manual* § 1015. By agreement, the voting Member withdraws his vote and records himself as ''present'' by submitting an amber ''present'' card. Deschler-Brown Ch 30 § 4.

> MEMBER: Mr. Speaker, on the vote just recorded I voted ''aye'' (or ''no''). I have a pair with the gentleman from _____ and desire to change my vote and be recorded as ''Present.''
>
> CHAIR: The Clerk will call the gentleman's name.

Such announcements must be made before the vote is finally declared. Deschler-Brown Ch 30 § 4.11.

F. Voting Periods; Time Limitations

§ 20. In General; 15-minute Votes

15-minute Votes

Under rule XX clause 2(a) and rule XVIII clause 6(g), Members have a minimum of 15 minutes from the time of the ordering of a record vote in the House or in the Committee of the Whole. Members who are in the well at the expiration of that time will be permitted to vote before the announcement of the result by the Chair. The Chair has the discretion to close the vote and to announce the result at any time after 15 minutes have elapsed or to allow additional time for Members to record their votes before announcing the result. *Manual* § 1014. Thus, no point of order lies against

the decision of the Chair in his discretion to close a vote taken by electronic device after 15 minutes have elapsed. *Manual* § 1014.

At the beginning of a new Congress, the Speaker has inserted in the *Congressional Record* his announcement that, in order to expedite the conduct of votes by electronic device, the cloakrooms were directed not to forward to the Chair individual requests to hold a vote open. The Speaker has also announced that each occupant of the Chair would have his full support in striving to close each electronic vote at the earliest opportunity and that Members should not rely on signals relayed from outside the Chamber to assume that votes will be held open until they arrive. At the same time, the Chair will not close a vote while a Member is in the well attempting to vote. At the beginning of the 108th Congress, the Speaker repeatedly reminded Members of this policy and instituted a new practice of reminding Members when two minutes remain on the clock for each vote. *Manual* § 1014.

It is not in order, even by unanimous consent, to permit a Member to have his vote recorded after the announcement of the result, even though the Member states that he was in the Chamber before the announcement. Deschler-Brown Ch 30 §§ 36.2, 36.4. However, the Member may, by unanimous consent, announce how he would have voted if permitted. See §§ 25–27, infra.

Voting Alerts; Bell and Light System

A legislative call system alerts Members to the taking of a vote as well as to the kind of vote and to the duration of the voting period. This system uses bells and lights that are activated through clocks located throughout the House and its adjacent office buildings. *Manual* § 1016. Members should not rely on signals relayed from outside the Chamber to assume that votes will be held open until they arrive. *Manual* § 1014. A mechanical malfunction of this call system does not result in the retaking of a vote except by unanimous consent. 8 Cannon §§ 3153, 3154. Such failure does not permit a Member to be recorded following the conclusion of the call. *Manual* § 1016. In one instance, the Committee of the Whole agreed by unanimous consent to vacate a recorded vote on an amendment, permitting a new recorded vote to be taken, where it was alleged that erroneous clocks outside the Chamber and on the televised proceedings had misled Members as to the amount of time available. 98–1, May 3, 1983, p 10773.

The system, comprising bells and lights, is used as follows:

- Tellers—one ring and one light on left. Because the demand for teller votes was discontinued at the beginning of the 103d Congress, this signal is no longer used.
- Recorded vote, yeas and nays, or automatic record vote taken either by electronic system or by use of tellers with ballot cards—two bells and two lights on left indicate a vote by which Members are recorded by name. Bells are repeated five minutes after the first ring.
- Recorded vote, yeas and nays, or automatic record electronic vote to be followed immediately by possible five-minute vote under rule XX clause 8(c) or 9 or rule XVIII clause 6(f) or 6(g)—two bells rung at beginning of first vote, followed by five bells, indicate that Chair will order five-minute votes if record vote is ordered immediately thereafter. Two bells repeated five minutes after first ring. Five bells on each subsequent electronic vote.
- Record vote—two bells, followed by a brief pause, then two bells, indicate such a vote taken by a call of the roll in the House. The bells are repeated when the Clerk reaches the ''R's'' in the first call of the roll.
- Regular quorum call—three bells and three lights on left indicate a quorum call either in the House or in Committee of the Whole by electronic system or by clerks. The bells are repeated five minutes after the first ring. Where quorum call is by call of the roll, three bells followed by a brief pause, then three more bells, with the process repeated when the Clerk reaches the ''R's'' in the first call of the roll, are used.
- Regular quorum call in Committee of the Whole, which may be followed immediately by five-minute electronic recorded vote—three bells rung at beginning of quorum call, followed by five bells, indicate that the Chair will order five-minute vote if record vote is ordered on pending question. Three bells repeated five minutes after first ring. Five bells for record vote on pending question if ordered.
- Notice or short quorum call in Committee of the Whole—one long bell followed by three regular bells, and three lights on left, indicate that the Chair has exercised his discretion under rule XVIII clause 6 and will vacate proceedings when a quorum of the Committee appears. Bells are repeated every five minutes unless the call is vacated by the ringing of one long bell and the extinguishing of three lights or the call is converted into a regular quorum call and three regular bells are rung.
- Adjournment—four bells and four lights on left.
- A five-minute vote—five bells and five lights on left.
- Recess of the House—six bells and six lights on left.
- Civil Defense Warning—twelve bells, sounded at two-second intervals, with six lights illuminated.
- The light on the far right—seven—indicates that the House is in session.

When by unanimous consent waiving the five-minute minimum set by rule XX clause 9, the House authorized the Speaker to put remaining post-

poned questions to two-minute electronic votes, two bells were rung. *Manual* § 1016.

§ 21. Five-Minute Votes in the House; ''15-and-5'' Votes

Generally

Under rule XX clause 9, the Speaker may reduce to five minutes the time for electronic voting on any question arising without intervening business after an electronic vote on another question if notice of possible five-minute voting was issued before the first electronic vote.

These votes, often referred to as ''15-and-5'' votes, are in order before other business intervenes. For example, rule XX clause 9 does not give the Chair the authority to reduce to five minutes the vote on a motion to recommit occurring immediately after a recorded vote on an amendment reported from the Committee of the Whole, and the Chair will not entertain a unanimous-consent request to reduce that vote to five minutes after Members have already left the Chamber with the expectation that the next vote will be a 15-minute vote. *Manual* § 1032.

By Unanimous Consent

The House may by unanimous consent authorize the Speaker to reduce the time to respond to a recorded vote. By unanimous consent, the House reduced to five minutes the minimum time for a required record vote on a motion to close a conference meeting, to be taken immediately following another record vote previously postponed. 98–1, Aug. 1, 1983, p 22029. The Chair has declined to recognize for a unanimous-consent request to reduce to five minutes the first vote in a series because the bell and light system would not give adequate notice of an initial five-minute vote. Under extraordinary circumstances, when many consecutive votes are taken, the House may set the response time at two minutes by unanimous consent. *Manual* § 1016.

§ 22. Postponed and Clustered Votes in Committee of the Whole

Five-Minute Votes

Although 15 minutes is the usual minimum time for Members to respond on recorded vote in the Committee of the Whole, the Chair has the discretion, under some circumstances, to reduce such time to five minutes. The Chairman has the discretion under rule XVIII clause 6 to reduce to five minutes the period for a recorded vote following a regular 15-minute quorum call. *Manual* § 982. An announcement of a possible five-minute vote is normally made by the Chair in advance. 98–1, May 4, 1983, p 11063.

The Chair also has the discretion to order five-minute votes where an electronic vote is pending on two or more amendments, the vote has been taken on the first pending amendment, and there is no intervening business between the first and subsequent amendments. In that case, the Chair may in his discretion reduce the time for voting on the remaining amendments to five minutes. Rule XVIII clause 6(f). A vote by division is not such intervening business as would preclude a five-minute vote under rule XVIII. *Manual* § 984.

Postponed Votes on Amendments

Under rule XVIII clause 6(g), the Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment. Proceedings on that amendment may be resumed at the Chair's discretion. Clause 6(g) further permits the Chair to reduce to five minutes the time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided the first vote in any series is a 15-minute vote. *Manual* § 984.

Before the adoption of rule XVIII clause 6(g), the Chairman of the Committee of the Whole could not entertain a unanimous-consent request to reduce below 15 minutes the minimum time for recorded votes or to postpone and cluster votes on amendments. *Manual* § 984. Special rules of the House before adoption of clause 6(g) routinely provided the Chairman of the Committee of the Whole authority to postpone and cluster requests for recorded votes. When a special rule provided such authority, the Chair held the following (also applicable to the Chair's authority under the standing rule):

- The use of postponement authority, and the order of resuming proceedings on postponed questions, is entirely within the discretion of the Chair.
- An amendment pending as unfinished business, where proceedings on a request for a recorded vote have been postponed, may be modified by unanimous consent on the initiative of its proponent.
- A request for a recorded vote on an amendment on which proceedings have been postponed may be withdrawn by unanimous consent before proceedings resume on the request as unfinished business, in which case the amendment stands disposed of by the voice vote thereon.
- Authority to postpone a request for a recorded vote does not permit the Chair to postpone a vote on an appeal of a ruling of the Chair, even by unanimous consent.
- The Committee of the Whole by unanimous consent may vacate postponed proceedings, thereby permitting the Chair to put the question *de novo*.
- The Chair may resume proceedings on unfinished business consisting of a ''stack'' of amendments even while another amendment is pending.

- The offering of a pro forma amendment to discuss the legislative program, or an extended one-minute speech by a Member to express gratitude to the Members on a personal matter, may be considered intervening business such as to preclude a five-minute vote under this authority.

Manual § 984.

§ 23. Postponed and Clustered Votes in the House

The Speaker has discretionary authority under rule XX clause 8 to postpone certain questions and to ''cluster'' them for voting at a designated time or place in the legislative schedule, and, after the vote on the first such question, to reduce to five minutes the vote on all of the additional questions so postponed. *Manual* § 1030. The rule specifically permits the Speaker to postpone the following questions:

- Approval of the Journal.
- Passing a bill or joint resolution or adopting a concurrent resolution or a resolution (or agreeing to the previous question thereon).
- Agreeing to a motion to suspend the rules.
- Agreeing to a conference report or to a motion to instruct conferees (or agreeing to the previous question thereon).
- Agreeing to a motion to recommit (or the previous question thereon) a bill considered under the Corrections Calendar.
- Agreeing to an amendment to a bill considered under the Corrections Calendar.

These categories are not mutually exclusive. For example, the Speaker may ''cluster'' a vote on the approval of the Journal with motions to suspend the rules. 107–2, Oct. 16, 2002, p ____. Where the proposition does not fall within one of the categories listed in rule XX clause 8, the Chair does not have discretionary authority to postpone a vote but may do so by unanimous consent. *Manual* § 1030.

For all such categories, the postponement authority under rule XX clause 8 must be to a place designated within two legislative days, with the exception of the question of agreeing to the Speaker's approval of the Journal. That question may be postponed only to a time on the same legislative day. *Manual* § 1030. The Speaker may simultaneously designate separate times for the resumption of proceedings on separate postponed questions. Once the Speaker has postponed votes to a designated place in the legislative schedule, the Speaker may redesignate the time when the votes will be taken within the appropriate period. *Manual* § 1030.

The discretionary authority of the Speaker to postpone votes under rule XX clause 8 arises after a vote of record is ordered or when a vote is objected to for lack of a quorum. *Manual* § 1030. The authority of the Speaker

to postpone such a vote does not continue once a record vote has commenced or once the Speaker has announced the absence of a quorum. Deschler-Brown Ch 30 § 56.1.

In exercising his authority under this rule, the Speaker may announce that the consideration of certain postponed questions may be interrupted by other privileged business. 97–1, Dec. 15, 1981, p 31506. The ''clustering'' of record votes on postponed matters does not prevent the Chair from entertaining a unanimous-consent request between postponed votes. However, if constituting intervening business, the first vote after the request would have to be a 15-minute vote unless reduced to five minutes by unanimous consent. *Manual* § 1030.

G. Vote Changes, Corrections, and Announcements

§ 24. In General; Vote Changes

A Member who has voted may change his vote at any time before the final announcement of the result. *Manual* § 1014; 5 Hinds §§ 5931, 5934, 6093, 6094. During that time a ''present'' vote may be changed as well as an ''aye'' or ''no'' vote. 5 Hinds § 6060. However, a Member may not withdraw his vote entirely without leave of the House. 5 Hinds § 5930.

Changes in votes cast are barred following the announcement of the result of the vote, even by unanimous consent. Deschler-Brown Ch 30 § 6.1. However, the Speaker may announce a change in the result of a vote taken by electronic device when required to correct an error in identifying a voting card submitted in the well. *Manual* § 1014.

When a vote is being taken by electronic device, a Member is permitted to change his vote by reinserting the voting card in a voting station during the first 10 minutes of a 15-minute vote or by the Clerk's announcement in the well after the Chair has asked for changes. During five-minute votes, a Member is permitted to change his vote at the voting stations at any time. Following the expiration of the minimum time for voting by electronic device and the closing of electronic voting stations, but before the Speaker's announcement of the result, any Member may either change his vote or cast an initial vote from the well by use of a ballot card. *Manual* § 1014; see also § 2, supra.

A Member who wishes to change his vote on a recorded vote conducted by tellers with clerks may announce his vote change in the well before the announcement of the result. Deschler-Brown Ch 30 § 40.6. If the correction is made before the announcement of the result by the Chair, unanimous consent is not required. Deschler-Brown Ch 30 § 40.1.

When a Member changes his vote following a record vote and before the announcement of the result by the Chair, the change appears in the *Congressional Record*. This occurs even where the Member changes his vote twice, thereby reverting to his original voting stance. Deschler-Brown Ch 30 § 39.6.

§ 25. Correcting the Congressional Record and the Journal

Electronic Votes

The Chair presumes the technical accuracy of the electronic system if properly used and relies on the responsibility of each Member to correctly cast and verify his vote. Deschler-Brown Ch 30 § 31.3. The Speaker declines to entertain requests to correct the Journal or the *Congressional Record* on votes taken by electronic device. *Manual* § 1014. Recognition for such a request may be denied despite assurances by a Member that he had verified his vote by reinserting his card. Deschler-Brown Ch 30 § 6.2. However, the incorrect transcription by the official reporters of a change announced by the Clerk may be corrected in the *Record* by unanimous consent. Deschler-Brown Ch 30 § 31.16. Also, by unanimous consent the House may permit the correction of the *Record* and the Journal to delete a vote that was not actually cast. *Manual* § 1014.

The Speaker has declined to entertain a unanimous-consent request to correct a vote taken by electronic device although the Member was recorded as voting on a day when he was on leave from the House, no explanation having been offered for the discrepancy. Deschler-Brown Ch 30 § 32.4 However, the Speaker may announce a change in the result of a vote taken by electronic device when required to correct an error in identifying a voting card submitted in the well. Deschler-Brown Ch 30 § 32.5. For a report of the Committee on Standards of Official Conduct on voting anomalies, see H. Rept. 96–991.

After the announcement of the result of such a vote, although it is not permissible to change a vote, a Member may seek unanimous consent to explain in the *Congressional Record* where his vote was incorrectly recorded or, though cast, was not recorded. § 27, infra. In entertaining such requests, the Chair does not pass judgment on the Member's explanation as to how he was improperly recorded or how, though present and having voted, he was not recorded, nor does he challenge the Member's word on how he voted. Deschler-Brown Ch 30 § 38.1.

Nonelectronic Votes

When the electronic voting system is not in use, and a Member is incorrectly recorded on a roll call, he may correct his vote before the announcement of the result, with the corrected vote being properly recorded and the change duly noted in the *Congressional Record*. *Manual* § 1015. When a vote actually given fails to be recorded during a call of the roll, the Member may, before the approval of the Journal, demand as a matter of right that correction be made. 5 Hinds §§ 5969, 6061, 6062; 8 Cannon § 3143.

Members who have been incorrectly recorded on a vote taken by clerks pursuant to rule XX clause 4 have, by unanimous consent, had their votes corrected following the announcement of the result. The Chair will not entertain such requests after further business has been transacted. Deschler-Brown Ch 30 § 40.3.

A Member ascertaining that an absent colleague has been inadvertently recorded on a nonelectronic roll call vote may have the vote deleted by unanimous consent, before the announcement of the result. Deschler-Brown Ch 30 § 37.1.

§ 26. Recapitulations

A Member may not demand a recapitulation of a vote taken by electronic device. Deschler-Brown Ch 30 § 31.6. The recapitulation of such votes is refused because all Members may determine whether they were correctly recorded by examining the electronic display panel over the Speaker's rostrum and because, even if the display panel is inoperative, individual votes and vote totals may be verified through the voting and monitoring stations. Deschler-Brown Ch 30 § 31.7.

Record votes that do not involve the use of the electronic voting system are subject to recapitulation at the discretion of the Speaker, either before or after the announcement of the result. *Manual* § 1015; 5 Hinds §§ 6049, 6050; 8 Cannon §§ 3125, 3128; Deschler-Brown Ch 30 §§ 28.2, 28.4.

§ 27. Personal Explanations

A Member, having been absent for a record vote, may announce how he would have voted had he been present. Deschler-Brown Ch 30 § 41.1.

> MEMBER: Mr. Speaker, on roll call 125, I was unavoidably detained as a result of _____. Had I been present I would have voted ''aye.'' I ask unanimous consent that this statement appear in the *Congressional Record* following the announcement of the vote.

Alternatively, a Member may submit a signed statement through the cloakroom for printing in the *Congressional Record* without personally announcing his intent. The explanation will appear in the *Record* immediately following the missed vote if the explanation is received the day of the vote. If the explanation is submitted through the cloakroom rather than announced on the floor, the explanation will appear in distinctive type.

Neither the rules nor the practice of the House permit a Member to announce after a record vote how absent colleagues would have voted if present. 6 Cannon § 200.

If the Member's explanation alleges that he was present but not recorded, the Chair does not pass judgment on the Member's explanation by entertaining the request. Deschler-Brown Ch 30 § 38.1.

H. Majority Votes; Super-majority Votes

§ 28. In General; Tie Votes

''The voice of the majority decides . . . where not otherwise expressly provided,'' wrote Jefferson, expressing a fundamental precept of parliamentary law. *Manual* § 508. Most business that comes before the House is decided by a majority vote, and, under rule XIV clause 6, all questions relating to the priority of business are decided by a majority. *Manual* § 884. Under rule XX clause 1(c), a rule in effect since the First Congress, if the vote on a proposition is a tie, the proposition is defeated. *Manual* § 1013; 5 Hinds §§ 5926, 5964.

Two-thirds Votes

Under the Constitution or by House rule, a two-thirds vote is expressly required in the House on:

- Amendment to the Constitution. U.S. Const. art. V; *Manual* § 190.
- Passage of a bill over a veto. U.S. Const. art. I § 7; *Manual* § 104.
- Dispensing with Calendar Wednesday. Rule XV clause 7; *Manual* § 900.
- Dispensing with the call of the Private Calendar. Rule XV clause 5; *Manual* § 895.
- Same-day consideration of reports from the Committee on Rules. Rule XIII clause 6; *Manual* § 857.
- Suspension of the rules. Rule XV clause 1; *Manual* § 885.
- Expulsion of a Member. U.S. Const. art. I § 5; *Manual* § 62.
- Removal of political disabilities. U.S. Const. Amendment XIV § 3; *Manual* § 230.

A two-thirds vote means two-thirds of those voting, a quorum being present, and not two-thirds of the entire membership. Deschler-Brown Ch

30 § 5. Such a vote requires an affirmative vote by two-thirds of those Members actually voting; Members who indicate only that they are ''present'' are not counted in determining the two-thirds figure. Deschler-Brown Ch 30 § 5.2. This method of computing a two-thirds vote has been applied to votes on passage of a constitutional amendment (5 Hinds § 7027; 8 Cannon § 3503), to votes on the passage of a bill over the President's veto (7 Cannon § 1111), and to votes on a motion to suspend the rules (Deschler-Brown Ch 30 § 5.2).

Three-fifths Votes

Under rule XXI clause 5(b), an income tax rate increase can be passed or adopted only by a vote of not less than three-fifths of the Members voting.

Under rule XV clause 6(c), a bill called up from the Corrections Calendar also requires a three-fifths vote for passage.