

An hourglass-shaped graphic with a globe inside. The top bulb is dark blue, and the bottom bulb is light blue. The globe is a light blue color. The hourglass is centered on the page.

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*Pairing in Congressional Voting: The House*

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February 2, 2007

**Abstract.** Under Rule XX, clause 3, the practice of "pairing" involves - under certain procedural circumstances - a Member who is absent during a vote on the House floor arranging with a Member on the opposite side of a specific question who is present during a vote to announce that the Member who is present is forming a "pair" with the absent Member, thus allowing the absent Member to have recorded how he would have voted had he been present. This particular type of pair, where one Member is absent and the other present for the vote, is referred to as a "live pair," although the term no longer appears in the House Rules. Charles W. Johnson, the House Parliamentarian Emeritus, has stated, "Although rarely used, the announcement of live pairs, which involves 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." (See *House Practice: A Guide to the Rules, Precedents and Procedures of the House* [Washington: GPO, 2003], p. 926.)

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# Pairing in Congressional Voting: The House

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**CRS Report for Congress**

*Prepared for Members and Committees of Congress*

Under Rule XX, clause 3, the practice of “pairing” involves—under certain procedural circumstances—a Member who is absent during a vote on the House floor arranging with a Member on the opposite side of a specific question who is present during a vote to announce that the Member who is present is forming a “pair” with the absent Member, thus allowing the absent Member to have recorded how he would have voted had he been present. See <http://www.crs.gov/products/guidehome.shtml> for more information on legislative process.

This particular type of pair, where one Member is absent and the other present for the vote, is referred to as a “live pair,” although the term no longer appears in the House Rules. Charles W. Johnson, the House Parliamentarian Emeritus, has written, “Although rarely used, the announcement of live pairs, which involves 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.” (See *House Practice: A Guide to the Rules, Precedents and Procedures of the House* [Washington: GPO, 2003], p. 926.)

Prior to a rules change in 1999 at the start of the 106<sup>th</sup> Congress, the House recognized, in addition to a live pair, two other types of pairs. In a “specific pair,” also called a “special” or “dead” pair,” both Members were absent, but they made their positions on a vote known beforehand and their names were listed in the *Congressional Record* following the vote. The third type of pair, a “general pair,” was shown in the *Congressional Record* without an indication of the positions of the Members.

According to current House rules, a pair remains an option only under the specific circumstances stated in Rule XX, clause 3. This rule enables the Speaker to “direct the Clerk to conduct a record vote or quorum call by call of the roll .... Members appearing after the second call, but before the result is announced, may vote or announce a pair.” In practice, the Member who is present casts a vote, then withdraws it, announces that he or she has a pair, identifies the absent Member of the pair, and announces the opposing positions on the vote. The initial vote of the Member who is present is then withdrawn and the vote does not count in the vote total. Following the printed recording of the vote in the *Congressional Record*, the pair would be shown. A pair would need to comprise three Members on those votes requiring a two-thirds vote, such as a vote to suspend the rules and pass a bill.

As an example, a live pair occurred on June 27, 2003, (*Congressional Record* of June 26, 2003, p. H5256), during the final vote on H.R. 1, the Medicare prescription drug bill. At the conclusion of voting, but before the result of the vote was announced, the *Congressional Record* reported the following:

Live pair.

On this vote:

Mr. Istook with Mr. Young of Florida.

Mr. ISTOOK. Mr Speaker, on my vote just recorded I voted “no.” I have a pair with the gentleman from Florida, Mr. Young, who is at a funeral, and desire to change my vote and be recorded as “present.”

The Speaker pro tempore then announced the final vote, in accordance with Rule XX, clause 3.

Because two of the three previous forms of pairing are no longer allowed, and a third form is permitted only under the limited conditions stated in Rule XX, clause 3, an alternative to pairing was established. A Member who is absent or otherwise unable to vote may announce to the House

how he or she would have voted had they been present. Such announcements take the following form:

Member: Madame Speaker, on roll call 123, 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.<sup>1</sup>

A Member may also submit a signed statement through his or her party cloakroom for printing in the *Congressional Record* without announcing intent to do so on the floor. Such explanations appear immediately following the missed vote in the *Record* if it is received on the same day as the vote. If the explanation is submitted in this way rather than stated on the House floor, the explanation will appear in distinctive type when it is printed in the *Congressional Record*.<sup>2</sup>

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<sup>1</sup> William Holmes Brown, Charles W. Johnson, *House Practice, A Guide to the Rules, Precedents, and Procedures of the House*, 108<sup>th</sup> Cong., 1<sup>st</sup> sess. (Washington: GPO, 2003), p. 934.

<sup>2</sup> *Ibid.*, p. 935.