

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 darker shade of blue. The hourglass is centered on the page.

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Obtaining a Record Vote on the House Floor

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December 8, 2006

Abstract. The House of Representatives uses two kinds of votes in which the names and positions of individual Members are recorded: (1) the recorded vote, used chiefly in Committee of the Whole, though also in order in the House, and (2) the yea and nay vote, in order only in the House proper. Both kinds together are referred to as record votes or, more informally, as roll call votes, and both are normally taken by electronic device. This report illustrates forms commonly used for obtaining each kind of vote.

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Obtaining a Record Vote on the House Floor

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The House of Representatives uses two kinds of votes in which the names and positions of individual Members are recorded: (1) the *recorded vote*, used chiefly in Committee of the Whole, though also in order in the House, and (2) the *yea and nay vote*, in order only in the House proper. Both kinds together are referred to as *record votes* or, more informally, as “roll call votes,” and both are normally taken by electronic device. This report illustrates forms commonly used for obtaining each kind of vote. For more information on the legislative process, see <http://www.crs.gov/products/guides/guidehome.shtm>.

Conditions for Requesting a Record Vote

Except in the few cases when a yea and nay vote is required by the Constitution or House rules, the chair, under Rule I, clause 6, initially puts a question to a voice vote, in a form like the following:

SPEAKER or CHAIR: The question is on (*the motion, etc., identifying it*). As many as are in favor of the (*question*), say ‘Aye;’ as many as are opposed, say ‘No.’ In the opinion of the Chair, the Ayes [*Noes*] have it. The Ayes [*Noes*] have it, and the (*question*) is agreed to [*not agreed to (or, for a bill, passed or not passed)*].

On any question, the yeas and nays (in the House) or a recorded vote may each be requested only once (but a pending request may be withdrawn and later renewed). In the House, if a request for a recorded vote receives insufficient support, a yea and nay vote may be requested. Either request must be made after the chair puts the question to a voice vote, and a Member should seek recognition for the purpose before the chair announces the result (normally, when the gavel falls).

Yeas and Nays

A request for the yeas and nays, in the House proper, must be supported by one-fifth of Members present, whether or not a quorum is present. Under Rule XX, clause 6, however, if less than a quorum of the House (218 Members) is present, a Member may say:

MEMBER: Mr. Speaker, I object to the vote [*i.e., the voice vote*] on the ground that a quorum is not present and make the point of order that a quorum is not present.

SPEAKER [*after counting*]: A quorum is not present. Under the rule, the yeas and nays are automatic. As many as are in favor will vote Aye; as many as are opposed will vote No. The vote will be taken by electronic device.

If a quorum is present, or instead of seeking this automatic yea-and-nay vote, a Member may say:

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 the yeas and nays will rise and remain standing until counted.

[*After counting: EITHER:*] (*So many*) have risen, a sufficient number, and the yeas and nays are ordered. As many as are in favor will vote Aye ... [*etc.*].

[*OR:*] (*So many*) have risen, not a sufficient number, and the yeas and nays are refused. The (*question*) is agreed to [*not agreed to, etc.; i.e., the voice vote becomes final.*]

Recorded Vote

In Committee of the Whole, the required second for a recorded vote is 25 (Rule XVIII, clause 6(e)). A Member may request such a vote by saying:

MEMBER: Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

CHAIR [*If a sufficient second rises*]: Does the gentleman [*gentlewoman*] withdraw the point of order?

MEMBER: Yes, Mr. Chairman.

CHAIR: (*So many*) have risen, a sufficient number, and a recorded vote is ordered. As many as are in favor ... [*etc.*].

CHAIR [*If no sufficient second rises, and no quorum is present*]: A quorum is not present, and Members will record their presence by electronic device. [*In Committee of the Whole, by prior announcement, the chair may terminate the call when a quorum has responded (Rule XVIII, clause 6(c)).*]

[*After a quorum is established:*] Pending is the demand of (*Member*) 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.

[*If a sufficient number rise, the chair puts the question as above. Otherwise:*] (*So many*) have risen, not a sufficient number, and a recorded vote is refused. The (*question*) is agreed to [*not agreed to, etc.; i.e., the voice vote becomes final*].

A recorded vote in the House proper is obtained by similar proceedings addressed to the Speaker, but the required support is one-fifth of a quorum (or a minimum of 44. Rule XX, clause 1(b)). The point of order of no quorum generally would not be raised, because the Member would not likely request the recorded vote if no quorum was present.

Division Vote

After a voice vote, any Member may obtain a division vote by demanding one (Rule XX, clause 1(a)) before, or instead of, a record vote, or if insufficient support is obtained for any record vote. A division is a standing vote, in which the number on each side is counted, but names are not recorded. No second is required, and no minimum time is provided for Members to come to the floor and vote.

Postponing and Clustering Votes

A record vote usually begins immediately after it is ordered, at which point the voting machines open and the bells ring. On some questions, the Speaker (Rule XX, clause 8) or Chairman of the Committee of the Whole (Rule XVIII, clause 6(g)) is authorized to postpone and cluster record votes. In that case any pending point of no quorum is considered withdrawn. It may be renewed, if appropriate, when the vote occurs.

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