immediately demanded a teller vote.

Tellers having been ordered, the Committee again divided, and the tellers reported that there were-ayes 118, noes 110. Accordingly, the amendment was agreed to, and the Chairman's division vote did not prove to be dispositive of the issue.

§ 16. Voting by Tellers; In General

Counting votes by the use of tellers was a more precise system than voice or division votes for determining the sentiment of the House. Teller votes served as an essential voting procedure in the House until the 103d Congress.[10] Teller votes could be taken by direction of the Chair if he remained uncertain as to the outcome of a division or at the behest of the Members if one-fifth of a quorum[11] so desired. The procedure entailed the appointment by the Chair of "one or more Members from each side of the question" who proceeded to station themselves along the center aisle of the Chamber. Members voting in the affirmative then passed through the center aisle where their votes were tallied, though not recorded, by the Member-teller or tellers. Immediately thereafter, Members voting in the negative proceeded up the center aisle, their votes being similarly tallied by the designated Member-teller or tellers. Where the Chair chose to vote, he did not need to pass through the tellers, but merely announced his position. When the tellers completed their respective counts, the tallies were reported to the Chair who then announced the result.

Historically, teller votes never revealed the position particular Members took on a given issue. In 1971,[12] however, the "recorded teller vote" came into being as the result of a rules change[13] promulgated by the Legislative Reorganization Act of 1970.[14] The re-

in the negative, its practical effect on the amendment's adoption, of course, was no different from a decision to abstain.

10. See Rule I clause 5, *House Rules and Manual* § 630 (1991). The rule permitting teller votes was deleted from the rules at the beginning of the 103d Congress. See H. Res. 5, 139 CONG. REC. 49, 99, 100, 103d Cong. 1st Sess., Jan. 5, 1993.

11. Assuming there were no vacancies in the full House, this would require 44 Members; in the Committee of the Whole the requisite number would be 20.

12. 117 CONG. REC. 144, 92d Cong. 1st Sess., Jan. 22, 1971.

13. Rule I clause 5, *House Rules and Manual* § 631 (1971).

14. 84 Stat. 1140.

corded teller vote was itself supplanted by the "recorded vote" in 1973.[15] Both procedures are considered in later sections of this chapter.[16]

The following precedents remain illustrative of general principles governing voting in the House and remain useful when researching older precedents where a result may have been determined by a vote conducted with tellers.

Teller Votes Used To Decide Both Procedural and Substantive Motions

§ 16.1 The House has adjourned by teller vote.

On Jan. 23, 1950,[17] following an unsuccessful request for the yeas and nays on a motion to adjourn, the Speaker[18] put the question on the motion. Immediately thereafter, Mr. Vito Marcantonio, of New York, demanded tellers and tellers were ordered. The House divided; and the tellers reported that there were—ayes 167, noes 109. So the motion was agreed to.

§ 16.2 Following a voice vote and division vote to the same effect, the Committee of the Whole rejected a motion that it rise, by teller vote—although the Member moving that the Committee rise was in charge of the bill.

On June 16, 1948,[19] the House resolved itself into the Committee of the Whole for the further consideration of a bill (H.R. 6401) which was eventually to become the Selective Service Act of 1948.

Following debate, the Member in charge of the bill, Mr. Walter G. Andrews, of New York, moved that the Committee rise inasmuch as several Members who had been afforded time to speak were not then present. The Chairman[20] put the question, and, on a division demanded by Mr. Andrews, there were—ayes 79, noes 94. Thereafter, the following occurred:

> MR. ANDREWS of New York: Mr. Chairman, I ask for tellers.
>
> Tellers were ordered, and the Chairman appointed as tellers Mr. Andrews of New York and Mr. Smathers.
>
> The Committee again divided; and the tellers reported there were—ayes 76, noes 139.
>
> So the motion was rejected.

Effect of Tie

§ 16.3 Where a teller vote in the Committee of the Whole

15. 119 CONG. REC. 27, 93d Cong. 1st Sess., Jan. 3, 1973.
16. See §§ 30, 33–35, 40, infra.
17. 96 CONG. REC. 785, 81st Cong. 2d Sess.
18. Sam Rayburn (Tex.).
19. 94 CONG. REC. 8502, 8521, 80th Cong. 2d Sess.
20. Francis H. Case (S.D.).

resulted in a tie, the question was lost, as on other tie votes.

On Aug. 16, 1967,[1] the House resolved itself into the Committee of the Whole for the further consideration of a bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation which interfered with citizens' civil rights.

In the course of the bill's consideration, Mr. Albert W. Watson, of South Carolina, offered an amendment. Following debate on the amendment, the Chairman[2] put the question and, on a division demanded by Mr. Watson, there were—ayes 55, noes 69.

The following proceedings then occurred:

> MR. WATSON: Mr. Chairman, I demand tellers.
>
> Tellers were ordered, and the Chairman appointed as tellers Mr. Watson and Mr. Rogers of Colorado.
>
> The Committee again divided, and the tellers reported that there were—ayes 90, noes 90.
>
> So the amendment was rejected.[3]

Effect of Limitation of Debate

§ 16.4 Where time for debate was limited to a certain hour rather than a certain number of minutes, that portion of time taken by teller votes came out of the time remaining for debate.

On Feb. 22, 1950,[4] the House resolved itself into the Committee of the Whole for the consideration of a bill (H.R. 4453) to prohibit discrimination in employment because of race, color, religion, or national origin. During consideration of the bill, Mr. John W. McCormack, of Massachusetts, offered a motion that all debate on the pending amendment and all amendments thereto close at 2:30 a.m. The motion was agreed to by teller vote.

Following debate and the ordering of tellers on an amendment to the pending amendment, the Chairman[5] recognized Mr. Francis H. Case, of South Dakota, for a parliamentary inquiry:

> MR. CASE of South Dakota: The limitation on time fixed the time at a precise hour rather than so many minutes. The effect of teller votes, then, is simply to take time out of the time allowed for debate?
>
> THE CHAIRMAN: Of course, it comes out of the time.

Disclosure of Members' Names and Positions

§ 16.5 A Member could announce, in debate, the party

1. 113 CONG. REC. 22743, 22768, 22769, 90th Cong. 1st Sess.
2. Richard Bolling (Mo.).
3. For similar instances, see 110 CONG. REC. 16859, 88th Cong. 2d Sess., July 23, 1964; and 109 CONG. REC. 24752, 88th Cong. 1st Sess., Dec. 16, 1963.
4. 96 CONG. REC. 2240, 2246, 81st Cong. 2d Sess.
5. Francis E. Walter (Pa.).

division on a simple teller vote, but a disclosure of the names of Members voting in the affirmative or negative was not in order.

On Aug. 6, 1963,[6] the House resolved itself into the Committee of the Whole for the consideration of a bill (H.R. 4995) to strengthen and improve the quality of vocational education and to expand the vocational education opportunities in the nation.

In the course of the bill's consideration, Mr. Alphonzo Bell, of California, offered an amendment and following debate thereon, the Chair put the question. Mr. Bell demanded tellers and, tellers having been ordered, the Committee divided; and there were—ayes 146, noes 194. Accordingly, the amendment was rejected.

Shortly thereafter, the following proceedings occurred:

MR. [CHARLES S.] GUBSER [of California]: Mr. Chairman, for obvious reasons the Nation's press is not able to report the partisan lineups which occur on teller votes. I observed the number of Democrats going through the "yea" line for the Bell amendment and the number of Republicans going through the "nay" line and would like to report the results of that observation for the record.

My count shows that 143 Republicans——

MR. [ADAM C.] POWELL [of New York]: Mr. Chairman, a point of order.

THE CHAIRMAN:[7] The gentleman will state the point of order.

MR. POWELL: Mr. Chairman, I do not believe that that can be done under the rules of the House.

THE CHAIRMAN: The gentleman may not mention the names of the Members who voted. . . .

The Chair recognizes the gentleman from California [Mr. Gubser].

MR. GUBSER: Mr. Chairman, my count shows that 142 Republicans voted against discrimination and 185 Democrats voted for discrimination.

§ 16.6 There was no rule of the House prohibiting members of the press from publishing the names of Members passing through the aisle on a teller vote, and if such a publication recorded a Member improperly, his only recourse was to reply to it.

On Mar. 6, 1946,[8] shortly after the House convened, Mr. Walter K. Granger, of Utah, was recognized by the Speaker[9] and granted unanimous consent to address the House for one minute:

MR. GRANGER: Mr. Speaker, I take this time for the purpose of propounding a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

---

6. 109 CONG. REC. 14258, 14285, 14294, 14295, 88th Cong. 1st Sess.

7. Richard Bolling (Mo.).

8. 92 CONG. REC. 1971, 79th Cong. 2d Sess.

9. Sam Rayburn (Tex.).

MR. GRANGER: On yesterday or the day before there appeared in the Washington Post what was purported to be a poll of certain Members who passed through the aisle on a teller vote. Included was the name of the gentleman from Arizona [Mr. Murdock], who only a few moments before had vigorously supported the premium payments in the housing bill, the very matter which was stricken out as a result of the teller vote. The printing of his name in this account in the newspaper made him appear to speak one way and vote another.

The query is: What is the rule of the House in respect to that matter, and what protection has a Member other than having it denied in the press, which would mean that the gentleman from Arizona might have to explain that inconsistency for the next 10 years?

THE SPEAKER: There is no rule of the House with reference to it.

The only remedy a Member has when something is published in the newspaper that affects him improperly, is to reply to it.

§ 17. Demand for Tellers

Generally

§ 17.1 A demand for tellers was in order following the announcement of a division vote.

On Sept. 20, 1967,[10] the House having resolved itself into the Committee of the Whole in order to further consider a bill (H.R. 6418) to amend the Public Health Service Act, a perfecting amendment was proposed by Mr. John Jarman, of Oklahoma, and, following debate, the question was taken on a division vote. Mr. Richard L. Ottinger, of New York, who was seeking recognition at the time the division was announced, demanded tellers following the announcement of the vote and the Chair's[11] response to his parliamentary inquiry. The point of order having been raised that the demand for tellers was untimely, the Chairman overruled the point of order.

§ 17.2 Tellers could be demanded and ordered following a refusal to order the yeas and nays, a division vote, an objection to the vote on the ground of no quorum, and the Chair's announcement that the bill had passed—providing the Member demanding tellers was on his feet seeking recognition prior to the announcement.

On June 5, 1940,[12] Mr. Samuel Dickstein, of New York, called up a bill (H.R. 6381) for the admis-

10. 113 CONG. REC. 26119, 26120, 26130, 90th Cong. 1st Sess.

11. Jack Brooks (Tex.).

12. 86 CONG. REC. 7623, 7626, 76th Cong. 3d Sess.