

linois, addressed the Chair and stated that he was incorrectly recorded and “would like to be recorded as having voted ‘aye.’” The result of the vote was announced a few moments later.

Shortly thereafter, the following exchange took place:

MR. MACK: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:⁽⁴⁾ The gentleman will state it.

MR. MACK: Mr. Speaker, I was incorrectly recorded on the last rollcall. I am wondering if the Record will show that I was incorrectly recorded or whether it will show that I changed my vote.

THE SPEAKER PRO TEMPORE: All the Chair can state is that the Record will show what actually transpired.

MR. MACK: Mr. Speaker, I ask unanimous consent that I be recorded as having voted “aye” on the last rollcall.

THE SPEAKER PRO TEMPORE: The Chair will state that according to the information given the Chair the gentleman is recorded as voting “aye.”

The Chair’s information was correct, and Mr. Mack’s change of vote was noted and corrected in the permanent Record.

4. John W. McCormack (Mass.).

§ 38. Correction of Incorrectly Recorded Votes After Announcement of Result

Permissibility

§ 38.1 The Chair does not pass upon the explanation a Member sets forth as to how he was improperly recorded or how, though present and having voted, he was not recorded. The Chair impugns the motive of no Member. The Chair observed that while it is not permissible to change a vote [after the announcement of the result] it is permissible for a Member to correct the Record.

On May 28, 1959,⁽⁵⁾ the House granted a unanimous-consent request that the permanent edition of the Record be corrected to show that Mr. James G. Fulton, of Pennsylvania, was present on a roll call vote taken the previous day and had voted “aye.”⁽⁶⁾

Mr. James G. Fulton, of Pennsylvania, rose to address the Chair as follows:

Mr. Speaker, on rollcall No. 59 I am recorded as not voting. I was present

5. CONG. REC. (daily ed.), 86th Cong. 1st Sess.

6. See 105 CONG. REC. 9184, 86th Cong. 1st Sess., May 27, 1959.

and voted "aye." I ask unanimous consent that the Record and Journal be corrected accordingly.⁽⁷⁾

Roll Call No. 59 was a yea and nay vote on the passage of a bill (H.R. 7086) to extend the Renegotiation Act of 1951.⁽⁸⁾ Following Mr. Fulton's request, the Speaker Pro Tempore⁽⁹⁾ asked if there was any objection, and none being heard, the request was granted.⁽¹⁰⁾ Accordingly, the permanent Record was so corrected.⁽¹¹⁾

Shortly thereafter, the following exchange took place between Mr. Clare E. Hoffman, of Michigan, and the Speaker Pro Tempore:⁽¹²⁾

MR. HOFFMAN of Michigan: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER PRO TEMPORE:⁽¹³⁾ The gentleman will state it.

MR. HOFFMAN of Michigan: I did not hear how the gentleman stated he had voted. It is permissible to change a vote, on a rollcall, a yea-and-nay vote? May a Member change from one to the other the next day?

7. Mr. Fulton's statement will not be found in the permanent edition since his unanimous-consent request was granted.
8. 105 CONG. REC. 9184, 86th Cong. 1st Sess., May 27, 1959.
9. John W. McCormack (Mass.).
10. CONG. REC. (daily ed.), 86th Cong. 1st Sess.
11. 105 CONG. REC. 9184, 86th Cong. 1st Sess., May 27, 1959.
12. 105 CONG. REC. 9335, 86th Cong. 1st Sess., May 28, 1959.
13. John W. McCormack (Mass.).

THE SPEAKER PRO TEMPORE: Of course it is not permissible to change a vote, but it is permissible for a Member to correct the Record.

MR. HOFFMAN of Michigan: On the theory that the Clerk has recorded it inaccurately?

THE SPEAKER PRO TEMPORE: The Chair does not pass upon what theory the gentleman says he was not recorded when he was present and voted. The Chair impugns the motive of no Member.

Parliamentarian's Note: On electronically recorded votes, the Chair will not entertain a unanimous-consent request to have the permanent Record corrected. See § 32.2, *supra*.

Responsibility of Member To Be Present

§ 38.2 Where a Member who has been incorrectly recorded nevertheless leaves the Chamber after voting, and is not present to correct his vote at the time of a recapitulation, he undertakes sole responsibility for such action.

On Aug. 7, 1941,⁽¹⁴⁾ the Clerk was directed to read a message from the President in which he explained his veto of a bill (S. 1580) to supplement the Federal Aid Road Act, approved July 11,

14. 87 CONG. REC. 6886, 6895, 6896, 77th Cong. 1st Sess.

1916, as amended and supplemented, to authorize appropriations during the national emergency declared by the President on May 27, 1941, for the immediate construction of roads urgently needed for the national defense.

Following debate on whether or not to override the President's veto, the Speaker⁽¹⁵⁾ put the question; and, pursuant to constitutional mandate,⁽¹⁶⁾ it was taken by the yeas and nays. The vote being close in the Chair's estimation, a recapitulation was undertaken.

MR. [LEO E.] ALLEN of Illinois: Mr. Speaker, a parliamentary inquiry.

THE SPEAKER: The gentleman will state it.

MR. ALLEN of Illinois: How could you have a correct analysis of the vote if a Member were out of the Chamber now who had voted "nay" and he is recorded as voting "yea" and he is not here to correct it?

THE SPEAKER: That is not the business of anybody in the House except the particular Member involved.

§ 38.3 A Member, temporarily unable to use his voice because of an operation on his throat, submitted a roll call correction in writing, without making the request in the well, pursuant to ar-

15. Sam Rayburn (Tex.).

16. U.S. Const. art. I, §7, clause 2.

rangements with the Speaker; the Record carried the correction as a unanimous-consent request.

On May 21, 1968,⁽¹⁷⁾ Mr. Glenn Cunningham, of Nebraska, sought a correction in the permanent Record of a roll call vote as to which he was improperly recorded as absent. Mr. Cunningham, however, was temporarily unable to use his voice because of an operation on his throat. By prior arrangement with the Speaker and because of the unusual circumstances, Mr. Cunningham was permitted to submit the desired correction in writing in lieu of making a unanimous-consent request from the well.

The Record⁽¹⁸⁾ carried the correction as a unanimous-consent request as the following excerpt indicates:

MR. CUNNINGHAM: Mr. Speaker, on rollcall No. 140, on May 15, a quorum call, I am recorded as absent. I was present and answered to my name.

I ask unanimous consent that the permanent Record and Journal be corrected accordingly.

THE SPEAKER:⁽¹⁹⁾ Is there objection to the request of the gentleman from Nebraska?

There was no objection.

17. CONG. REC. (daily ed.), 90th Cong. 2d Sess.

18. *Id.*

19. John W. McCormack (Mass.).

The permanent Record⁽²⁰⁾ was then revised accordingly.

§ 38.4 The Government Printing Office having erroneously printed on a roll call the name of a deceased Member of the House, the permanent Record was corrected, by unanimous consent, to delete the name.

On June 26, 1969,⁽¹⁾ Mr. H. R. Gross, of Iowa, initiated the following exchange with the Speaker:

MR. GROSS: Mr. Speaker, on rollcall 91 there is a printing error. The Government Printing Office has unfortunately listed the name of our late colleague, the gentleman from Massachusetts, Mr. Bates, among those Members responding on the rollcall.

I therefore ask unanimous consent that the permanent Record be corrected to delete his name.

Agreement to this request would in no way change the result of the vote as announced.

THE SPEAKER:⁽²⁾ Is there objection to the request of the gentleman from Iowa?

There was no objection.

The roll call vote to which Mr. Gross referred (roll call No. 91), was on the passage of a resolution

20. See 114 CONG. REC. 13454, 90th Cong. 2d Sess., May 15, 1968.

1. CONG. REC. (daily ed.), 91st Cong. 1st Sess.
2. John W. McCormack (Mass.).

(H. Res. 357) to increase the number of clerks and the clerk-hire allowance for each Member. The vote had been taken the day before [June 25, 1969]⁽³⁾ and the error was eventually traced to the Government Printing Office.⁽⁴⁾ The permanent Record was corrected accordingly.⁽⁵⁾

Correcting Administrative Errors

§ 38.5 Where tally clerks have found an error in a previously announced roll call count on the passage of a bill, the Speaker has announced the corrected yeas and nays vote later in the day.

On Oct. 22, 1941,⁽⁶⁾ the House voted on the passage of a bill (H.R. 146) to provide for trials of and judgments upon the issue of good behavior in the case of certain federal judges. A division having been demanded on the question, there were—ayes 62, noes 40. Mr. Clarence E. Hancock,

3. CONG. REC. 17290, 91st Cong. 1st Sess.

4. See 115 CONG. REC. 17643, 17644, 91st Cong. 1st Sess., June 27, 1969, for an explanation as to how the error originated.

5. See 115 CONG. REC. 17290, 91st Cong. 1st Sess., June 25, 1969.

6. 87 CONG. REC. 8168, 77th Cong. 1st Sess.

of New York, then objected to the vote on the ground that a quorum was not present. The Speaker⁽⁷⁾ sustained the point of order and directed the Clerk to call the roll. Following the roll call, the Chair announced that there were yeas 124, nays 123;⁽⁸⁾ so the bill was passed.

Shortly thereafter, the Speaker made the following statement:⁽⁹⁾

The Chair announces the corrected vote on the bill (H.R. 146) to provide for trials of and judgments upon the issue of good behavior in the case of certain Federal judges. After the tally clerks have rechecked the responses, the vote stands: Yeas, 124; nays, 121.

The bill is passed.

§ 38.6 The Speaker has requested and received unanimous consent to correct the Journal and the Record where a copy of a roll call vote sent to the Printing Office was found to be incorrect.

On Feb. 12, 1942,⁽¹⁰⁾ the Speaker⁽¹¹⁾ made the following statement in reference to a roll call

7. Sam Rayburn (Tex.).
8. CONG. REC. (daily ed.), 77th Cong. 1st Sess.
9. 87 CONG. REC. 8169, 77th Cong. 1st Sess.
10. CONG. REC. (daily ed.), 77th Cong. 2d Sess.
11. Sam Rayburn (Tex.).

vote on a bill (H.R. 6483) authorizing a \$50 million appropriation to relieve an acute shortage of housing, public works, and equipment therefor in the District of Columbia area:

It seems that in connection with roll call 22 yesterday, the copy of the roll call that went to the Printing Office did not contain the names of Mr. Allen of Illinois, Mr. Allen of Louisiana, Mr. H. Carl Andersen, Mr. Anderson of California, Mr. Anderson of New Mexico, Mr. Cooley, or Mr. Collins.

Without objection, the Journal and permanent Record will be corrected to record these gentlemen as having been present and voting "yea."

There was no objection.

§ 39. Changing Correctly Recorded Votes; Inquiries

The precedents carried in this section all predate the use of the electronic voting system. In the modern House, Members have no need to ask "how they are recorded" since their votes are on the electronic displays and in the visible computer monitors on the floor. The current procedure for changing votes is discussed in §§ 32, supra and 40, infra.