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 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.

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.).

Inquiry as to How Member Recorded

§ 39.1 Members may inquire how they are recorded before the announcement of a yea and nay vote.

On Apr. 8, 1938,[12] the House entertained a motion to recommit a bill (S. 3331) to provide for reorganizing agencies of the government, extending the classified civil service, establishing a General Auditing Office and a Department of Welfare. The yeas and nays having been ordered, the Speaker[13] put the question.

At the end of the roll call but prior to announcement of the result, the following exchange took place:[14]

> MR. [STEPHEN] PACE [of Georgia]: Mr. Speaker, may I inquire how I am recorded?
>
> THE SPEAKER: The gentleman voted "nay."
>
> MR. [JOHN J.] O'CONNOR [of New York]: Mr. Speaker, I demand the announcement of the result.
>
> THE SPEAKER: The Chair will announce the result as soon as it is handed to the Chair by the Clerk.
>
> MR. [JAMES M.] MEAD [of New York]: Mr. Speaker, how was my vote recorded?
>
> MR. O'CONNOR: That is just an attempt to delay the decision, Mr. Speaker.
>
> MR. [BERTRAND H.] SNELL [of New York]: Mr. Speaker, I demand the announcement of the vote.
>
> THE SPEAKER: The Chair does not desire one side or the other to have any advantage. We are merely following the usual routine.
>
> MR. MEAD: Mr. Speaker, how am I recorded?
>
> THE SPEAKER: The gentleman voted "nay".
>
> MR. MEAD: That is correct.

Thereafter, a brief discussion about the possibility of a recapitulation occurred, after which the result of the vote was announced.

Effect of Announcement of the Result

§ 39.2 A Member may change his vote on a roll call at any time before the result of the roll call vote is announced.

On July 28, 1937,[15] following a roll call vote on a bill (S. 2416) relating to the citizenship of certain classes of persons born in the Canal Zone or the Republic of Panama, the Speaker[16] decided to order a recapitulation. The result of the initial vote not having been announced, Mr. Andrew Edmiston, of West Virginia,

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12. 83 CONG. REC. 5123, 75th Cong. 3d Sess.

13. William B. Bankhead (Ala.).

14. 83 CONG. REC. 5124, 75th Cong. 3d Sess.

15. 81 CONG. REC. 7772, 75th Cong. 1st Sess.

16. William B. Bankhead (Ala.).

changed his vote in the course of the recapitulation from "no" to "aye." This prompted a point of order raised by Mr. Cassius C. Dowell, of Iowa, who contended that such a change was not permissible.

The Chair ruled on the point of order, as follows:

> There has been no announcement on the part of the Chair of the result of the vote.
>
> A Member may change his vote at any time before it is announced.
>
> That was held by Mr. Speaker Gillette. The Chair, therefore, overrules the point of order. The vote of the gentleman from West Virginia will be changed from "no" to "aye."

§ 39.3 Prior to announcing the result of a yea and nay vote, the Speaker clarified a statement he had made in reply to a parliamentary inquiry preceding such vote, so that Members would understand the exact parliamentary situation and change their votes if so desired, before his announcement of the result.

On Mar. 4, 1952,[17] the Chairman[18] of the Committee of the Whole reported back to the House a bill (H.R. 5904) providing for the administration and discipline of the National Security Training Corps with an amendment in the nature of a substitute adopted in the Committee of the Whole.[19] As the rule dictated that the previous question be ordered, the Speaker[20] put the question on the amendment, and it was rejected. Accordingly, the original bill remained before the House.

Shortly thereafter, Mr. Dewey Short, of Missouri, offered a motion to recommit the bill to the Committee on Armed Services. The question was put, and the yeas and nays were ordered.

Before the vote was taken, the following proceedings occurred:

> MR. [JAMES C.] DAVIS of Georgia: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. DAVIS of Georgia: If this motion to recommit is voted down will the bill then be sent back to the Committee of the Whole for further consideration?
>
> THE SPEAKER: No; the question then will be on the passage of the bill.
>
> MR. [THOMAS G.] ABERNETHY [of Mississippi]: Mr. Speaker, a parliamentary inquiry.

17. 98 CONG. REC. 1863, 1864, 1865, 82d Cong. 2d Sess.

18. Jere Cooper (Tenn.).

19. It should be noted that when the Committee of the Whole perfects a bill by amendment and then adopts an amendment in the nature of a substitute for the entire bill, only the substitute is reported to the House. Moreover, should the House reject the substitute, the original bill without amendment is then before the House.

20. Sam Rayburn (Tex.).

THE SPEAKER: The gentleman will state it.

MR. ABERNETHY: Do I understand that this vote occurs on the bill as it was introduced without committee amendments?

THE SPEAKER: Not as introduced, but as reported to the House from the Committee of the Whole.

MR. ABERNETHY: Do I understand, then, that the vote to follow will occur on the bill as reported to the House, including the committee amendment?

THE SPEAKER: It does not have any committee amendments.

The question is on the motion to recommit.

The question was then taken; and the votes were tallied. Prior to announcing the result, however, the Speaker made the following statement:

The Chair desires to make a statement.

In answering a parliamentary inquiry of the gentleman from Mississippi [Mr. Abernethy], the Chair was mistaken as to the import of the inquiry. The Chair thought the gentleman was asking whether, if the motion to recommit was voted down, we would then vote on the bill as amended by the Committee of the Whole. Of course, the Chair's answer was correct on that understanding, because the Burleson amendment took out all the amendments that were adopted by the Committee of the Whole.

However, the Chair should have gone one step further, if he had understood the gentleman entirely, and said that the bill that would be voted on at that time was the bill as originally introduced and referred to the Committee on Armed Services without the amendments adopted by the Committee on Armed Services or the Committee of the Whole, because those amendments of the committee to the bill as originally introduced were not reported to the House.

The Chair wanted to make that statement before the final vote was announced so that all Members could understand the exact situation and be allowed to change their votes if they so desired. The bill is now before the House as originally introduced.

The Record indicates that two Members changed their votes thereafter.

§ 39.4 Members desiring to change their votes from "yea" or "nay" in order to answer "present" because of a pair must do so before the announcement of the result.

On May 27, 1947,[1] the House voted on a resolution (H. Res. 218) waiving points of order against a bill (H.R. 3601) making appropriations for the Department of Agriculture for the fiscal year 1948. The Speaker[2] announced the result of the vote, and a motion to reconsider was laid on the table. The resolution having been agreed to, a motion was then offered to resolve into the Committee of the

1. 93 CONG. REC. 5878, 5879, 80th Cong. 1st Sess.
2. Joseph W. Martin, Jr. (Mass.).

Whole for the consideration of the bill, itself.

Immediately thereafter, the following exchange took place:

> MR. [WILLIAM S.] HILL [of Colorado]: Mr. Speaker, a parliamentary inquiry.
>
> THE SPEAKER: The gentleman will state it.
>
> MR. HILL: Mr. Speaker, may I inquire how I was recorded? I had a pair with the gentleman from Michigan, Mr. Jonkman. I voted "no." I wish to withdraw my vote and vote "present."
>
> THE SPEAKER: The vote has been announced and the time when the gentleman could have announced how he would have voted has passed. . . .
>
> . . . He should have addressed the Chair and requested that he be recorded as "present."[3]

§ 39.5 While a Member may announce that his recorded vote was cast under misapprehension and misinformation, he may not change his vote following the announcement of the result.

On Apr. 26, 1949,[4] the House voted on a resolution (H. Res. 191) which provided, in part, that upon its adoption, the Committee of the Whole would consider a bill (H.R. 2032)—against which all points of order were to be waived—to provide for the repeal of the Labor-Management Relations Act of 1947, and the reenactment of the National Labor Relations Act of 1935. The yeas and nays having been ordered, there were—yeas 369, nays 6, not voting 56.

Following debate on the bill and the rising of the Committee, the Speaker[5] recognized Mr. Roy W. Wier, of Minnesota, and the following exchange took place:

> MR. WIER: Mr. Speaker, on the roll-call vote today on the rule, under misapprehension and misinformation, I voted "nay." I ask unanimous consent that the Record show I intended to vote "aye."
>
> THE SPEAKER: The gentleman's statement will stand. The vote itself cannot be changed at this time.

Effect of Timely Change

§ 39.6 Where a Member changes his vote following a roll call, before its announcement by the Chair, the change appears in the Record.

3. For a comparable instance, see 118 CONG. REC. 34166, 92d Cong. 2d Sess., Oct. 5, 1972, where Mr. Philip M. Crane (Ill.), who had formed a live pair with Mr. Roman C. Pucinski (Ill.), appeared to be cognizant of the fact that he had waited too long to withdraw his "nay" vote and chose not to ask the Chair for permission to do so. Instead, he merely stated that he was "unable to exercise" the live pair and announced how Mr. Pucinski would have voted.

4. 95 CONG. REC. 5062, 5063, 5086, 81st Cong. 1st Sess.

5. Sam Rayburn (Tex.).

On Dec. 20, 1969,[6] the House, by roll call vote, agreed to the conference report on a bill (H.R. 15149) making appropriations for foreign assistance and related programs for the fiscal year ending June 30, 1970. Immediately following that vote and before the announcement of the result, Mr. James H. Scheuer, of New York, changed his vote from "yea" to "nay." Moments later—and still within the interim between the actual vote-casting and the Speaker's[7] announcement of the result—the Congressman changed his vote again, from "nay" to "yea." As the permanent Record indicates, he was so recorded.

Confusion as to Question Under Consideration as Basis for Vote Change

§ 39.7 Confusion existing as to the precise question under consideration, 40 Members changed their roll call votes from "yea" to "nay," and 93 Members changed their votes from "nay" to "yea."

On Aug. 21, 1957,[8] Mr. Clarence Cannon, of Missouri, called up the conference report on the supplemental appropriation bill of 1958 (H.R. 9131). The report having been agreed to, discussion followed with respect to the amendments remaining in disagreement.

Thereafter, Mr. Cannon moved that the House recede and concur in a Senate amendment numbered 54 with an amendment. Mr. Karl M. LeCompte, of Iowa, offered a preferential motion that the House recede and concur with Senate amendment No. 54, and Mr. John Taber, of New York, then requested a division of that question.

The vote was taken on the question, as divided (i.e., on the motion to recede from disagreement to the Senate amendment), and a division having been demanded by Mr. Cannon, there were—ayes 76, noes 22. Mr. Taber then objected to the vote on the ground that a quorum was not present whereupon the Speaker[9] directed the Clerk to call the roll.

Before the result of the vote was announced, the Record reveals that 40 Members changed their votes from "yea" to "nay," and 93 Members changed their votes from "nay" to "yea." This unusual occurrence was explained in a statement by Mr. Cannon, as follows:

> Mr. Speaker, may I say that this misapprehension was due to the fail-

6. 115 Cong. Rec. 40456, 40457, 91st Cong. 1st Sess.
7. John W. McCormack (Mass.).
8. 103 Cong. Rec. 15508, 15510, 15518, 15519, 85th Cong. 1st Sess.
9. Sam Rayburn (Tex.).

ure here at the desk to understand that the question had been divided. We took for granted we were voting on receding and concurring when, as a matter of fact, the vote was on the question to recede.

May I add, Mr. Speaker, that we expect to go back to conference tomorrow and will have an opportunity to again take up the matter in conference.

§ 40. Instances Where Vote Changes and Corrections Have Been Made

Incorrectly Cast Votes

§ 40.1 A Member may change his vote on a recorded teller vote by stating his correction prior to the announcement of the result by the Chair, and unanimous consent is not required.

On July 27, 1971,[10] a recorded teller vote having been taken on an amendment to a bill (H.R. 10061) making appropriations for the Department of Labor and the Department of Health, Education, and Welfare, Mr. Phillip M. Landrum, of Georgia, rose to ask the Chair[11] the following question:

Mr. Chairman, I voted the green card in error thinking I was voting in the negative. I intended to vote in the negative. Is it permissible for me to change my vote?

The Chair responded that the gentleman would be allowed to correct his vote, and following a parliamentary inquiry thereafter, the Chairman announced that the amendment had been rejected.

§ 40.2 Unable to effect a correction because of untimeliness, a Member announced that he had miscast his vote on a recorded teller vote taken the preceding day.

On June 18, 1971,[12] after a roll call vote on a resolution (H. Res. 434) authorizing investigative authority to the Committee on Education and Labor, Mr. James W. Symington, of Missouri, made the following statement:

Mr. Speaker, I wish to state for the Record that on recorded teller vote 143 yesterday I voted "aye" but had intended to vote "no."

§ 40.3 On a recorded vote, not conducted electronically, vote corrections are sometimes permitted after the Chair has announced the result.

While a Member may, by unanimous consent, correct his vote on

10. 117 Cong. Rec. 27373, 27374, 92d Cong. 1st Sess.
11. Chet Holifield (Calif.).
12. 117 Cong. Rec. 20723, 92d Cong. 1st Sess.