

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,<sup>(10)</sup> 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<sup>(11)</sup> the following question:

Mr. Chairman, I voted the green card in error thinking I was voting in

10. 117 CONG. REC. 27373, 27374, 92d Cong. 1st Sess.

11. Chet Holifield (Calif.).

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,<sup>(12)</sup> 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

12. 117 CONG. REC. 20723, 92d Cong. 1st Sess.

a recorded teller vote immediately after the Chair has announced the result, the Chair will not entertain such requests after further business has been transacted—unless the correction requested pertains to an error which could not have been made by the Member. Unanimous consent has been granted, for example, to correct the permanent Record to reflect a Member's vote which the temporary edition had recorded as not being cast.<sup>(13)</sup> Such requests would not be allowed, however, with regard to votes cast by electronic device in light of the assumption that the mechanism does not err and based upon the Member's ability and responsibility to verify his vote when cast.<sup>(14)</sup>

On Mar. 18, 1971,<sup>(15)</sup> tellers with clerks having been ordered on an amendment to a joint resolution (H.J. Res. 468) making further continuing appropriations for the fiscal year 1971, the vote was taken; and the Chair announced that the amendment was agreed to.

Immediately thereafter, the following requests were made:

MR. [FRANK] ANNUNZIO [of Illinois]:  
Mr. Chairman, I voted "aye" by mis-

13. See § 40.4, *infra*.

14. See § 32.2, *supra*.

15. 117 CONG. REC. 7023, 7024, 92d Cong. 1st Sess.

take in all the confusion. I want to be recorded as voting "no" and ask unanimous consent that my vote be corrected accordingly.

THE CHAIRMAN:<sup>(16)</sup> Without objection, the correction will be made. . . .

MR. [WRIGHT] PATMAN [of Texas]: Mr. Chairman, I ask unanimous consent to be recorded as voting for the amendment instead of against it. I voted against it, and I ask unanimous consent to correct my vote.

THE CHAIRMAN: Without objection, the correction will be made. . . .

No objections having been voiced to either of the Members' requests, the corrections were made.

### *Incorrectly Recorded Votes*

**§ 40.4 Four days after a Member was erroneously recorded as not voting on a nonelectronic recorded vote, unanimous consent was granted to permit the permanent Record and Journal to be corrected accordingly.**

On June 28, 1971,<sup>(17)</sup> Mrs. Charlotte T. Reid, of Illinois, made the following statement:

MRS. REID of Illinois: Mr. Speaker, on page H5871 of the Congressional Record of June 24, 1971, I am listed as not voting on recorded teller vote No. 163 when, in fact, I was present and

16. Charles M. Price (Ill.).

17. CONG. REC. (daily ed.), 92d Cong. 1st Sess.

voted "no." I ask unanimous consent that the permanent Record and Journal be corrected accordingly.

THE SPEAKER:<sup>(18)</sup> Is there objection to the request of the gentlewoman from Illinois?

There was no objection.

The final tally of recorded teller vote No. 163 was subsequently corrected in the permanent edition of the Record<sup>(19)</sup> and the Journal<sup>(20)</sup> to reflect the requested change.

**§ 40.5 Where the possibility of confusion existed in the reporting by tellers of the result of a recorded teller vote, the Chair indicated: (1) that the Chair could only announce the vote as reported to him by the clerks and that discrepancies between that announcement and the official tally would appear in the Record; and (2) there is no available procedure for a recapitulation of a vote taken by clerks.**

On Mar. 29, 1971,<sup>(1)</sup> a recorded teller vote having been ordered on an amendment to a joint resolution (S.J. Res. 55) to provide a

18. Carl Albert (Okla.).

19. 117 CONG. REC. 21891, 92d Cong. 1st Sess., June 24, 1971.

20. H. Jour. 783 (1971).

1. 117 CONG. REC. 8265, 8266, 92d Cong. 1st Sess.

temporary extension of a law relating to interest rates and cost-of-living stabilization, the Committee of the Whole divided; and the tellers reported that there were—ayes 143, noes 183, not voting 106. Accordingly, the Chairman<sup>(2)</sup> announced that the amendment has been rejected.

In the course of the voting procedure, the Member-tellers were apparently changed, and, there being some concern as to possible confusion which may have resulted, the following discussion ensued:

MR. [EDWARD J.] DERWINSKI [of Illinois]: Mr. Chairman, I rise to direct a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. DERWINSKI: Mr. Chairman, in the procedure that we just followed there is a possibility that a number of Members voting in the negative were not in effect counted since the tellers were switched at the onset of the vote. My question is not directed at this vote, but against any future complications of that type.

What is the official vote? Is it the vote announced by the tellers, or will it be the vote from the box and when the ballots are, in fact, counted, and the record of the voting is indicated?

THE CHAIRMAN: The Chair can only report the vote as reported by the tellers.

MR. DERWINSKI: If the Record the following day would indicate a contrary

2. George W. Andrews (Ala.).

vote, what recourse, if any, would we have?

THE CHAIRMAN: The recorded teller vote will appear in the Record. However, the Chair can only announce the vote as reported by the tellers.

MR. DERWINSKI: Another parliamentary inquiry, Mr. Chairman.

THE CHAIRMAN: The gentleman will state it.

MR. DERWINSKI: Mr. Chairman, to protect both parties at any time or any majority or minority Member at any time, it is obvious that there must be enough precautions taken to avoid what just occurred where tellers were, in fact, switched, and the vote was not properly presented to the tellers.

THE CHAIRMAN: The Chair will say that the tellers took their places at the proper boxes as designated by the Chair. The Chairman would caution all Members to be very careful about how they proceed through the lines. Do not be too hasty, and certainly be on time.

MR. GERALD R. FORD [of Michigan]: Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. GERALD R. FORD: Mr. Chairman, we have a procedure for a recapitulation in a rollcall vote in the House of Representatives. Is there any comparable parliamentary procedure in this new device we are using for teller votes with clerks?

THE CHAIRMAN: Not for a recapitulation of a recorded teller vote. According to the vote announced by the Chair, as reported by the tellers, the yeas were 143, and the noes were 183, and the amendment was not agreed to.

### ***Properly Cast, Recorded Votes***

#### **§ 40.6 Members who wish to change their votes on a re-**

#### **corded vote conducted by clerks may announce their vote change in the well prior to the announcement of the result.**

On July 11, 1973,<sup>(3)</sup> a recorded vote having been ordered on an amendment to a bill (H.R. 8860) to amend and extend the Agricultural Act of 1970, the vote was taken by clerks as the electronic system was temporarily inoperative. Following the clerk's tally, Mr. Carlos J. Moorhead, of California, and Mr. C. W. Young, of Florida, stood in the well and announced that they desired to change their votes from "no" to "aye" and filled out new ballot cards. The result of the vote not yet having been announced by the Chair,<sup>(4)</sup> the gentlemen's requests were honored, and their votes duly recorded.

#### **§ 40.7 Following the announcement of the result of a recorded vote taken by tellers, a Member may change his vote only by unanimous consent and only if no further business has been transacted.**

On Nov. 9, 1971,<sup>(5)</sup> a recorded teller vote having been ordered on

3. 119 CONG. REC. 23161, 23162, 93d Cong. 1st Sess.

4. William H. Natcher (Ky.).

5. 117 CONG. REC. 40062, 40063, 92d Cong. 1st Sess.

an amendment to a substitute amendment to a bill (H.R. 10729) to amend the Federal Insecticide, Fungicide, and Rodenticide Act, the Committee divided; the tellers tallied the vote, and the Chairman<sup>(6)</sup> announced that the amendment to the substitute amendment was rejected.

Immediately thereafter, Mr. Robert N. C. Nix, of Pennsylvania, requested that he be permitted to change his vote from “no” to “aye.” The Chairman stated that it would be ordered if there were no objections. There being no objection, Mr. Nix’ vote was recorded as requested.

A similar result was obtained on the very next recorded teller vote when Mr. John L. McMillan, of South Carolina, sought unanimous consent to change his vote from “yea” to “nay,” following the Chair’s announcement that the particular amendment had been rejected. Again, the Chair inquired as to whether any Member objected, and none being heard, the change was recorded.

6. William L. Hungate (Mo.).

### **§ 41. Announcement of Member Pertaining to His Own Vote; Announcing How Absent Colleague Would Have Voted**

The practice in the House regarding a Member’s announcement of how he would have voted had he been present on a record vote, where he was in fact absent, has changed during the last half-century. Such announcements are now routinely accepted by unanimous consent. Announcements on behalf of absent colleagues, on the other hand, are not entertained under current procedures used in the House. The precedents in this section illustrate this evolution.

---

#### **§ 41.1 Under current practice, a Member may announce how he would have voted when the roll was called had he been present to vote.**

On May 20, 1959,<sup>(7)</sup> having missed a roll call vote on a motion to suspend the rules and pass a bill (H.R. 7007) making appropriations for the National Aeronautics and Space Administration, Mr.

7. 105 CONG. REC. 8634, 8690, 86th Cong. 1st Sess.