

# CRS Report for Congress

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## Pairing in Congressional Voting: The House

Richard C. Sachs  
Specialist in American National Government  
Government and Finance Division

Under Rule XX, clause 3, the practice of “pairing” involves—under certain procedural circumstances—a Member who is absent during a vote on the House floor arranging with a Member on the opposite side of a specific question who is present during a vote to announce that the Member who is present is forming a “pair” with the absent Member, thus allowing the absent Member to have recorded how he would have voted had he been present.

This particular type of pair, where one Member is absent and the other present for the vote, is referred to as a “live pair,” although the term no longer appears in the House Rules. Charles W. Johnson, the House Parliamentarian, has stated, “Although rarely used, the announcement of live pairs, which involves an agreement between one Member who is present and voting and another on the opposite side of the question who is absent, is still permitted under Rule XX, clause 3.” (See *House Practice: A Guide to the Rules, Precedents and Procedures of the House* [Washington: GPO, 2003], p. 926.)

For more information on legislative process, see [<http://www.crs.gov/products/guidehome.shtml>].

Prior to a rules change in 1999 at the start of the 106<sup>th</sup> Congress, the House recognized, in addition to a live pair, two other types of pairs. In a “specific pair,” also called a “special” or “dead” pair,” both Members were absent, but they made their positions on a vote known beforehand and their names were listed in the *Congressional Record* following the vote. The third type of pair, a “general pair,” was shown in the *Congressional Record* without an indication of the positions of the Members.

According to current House rules, a pair remains an option only under the specific circumstances stated in Rule XX, clause 3. This rule enables the Speaker to “direct the Clerk to conduct a record vote or quorum call by call of the roll .... Members appearing after the second call, but before the result is announced, may vote or announce a pair.” In practice, the Member who is present casts a vote, then withdraws it, announces that he or she has a pair, identifies the absent Member of the pair, and announces the opposing positions on the vote. The initial vote of the Member who is present is then withdrawn and the vote does not count in the vote total. Following the printed recording of the vote in the *Congressional Record*, the pair would be shown. A pair would need to comprise three Members on those votes requiring a two-thirds vote.

As an example, a live pair occurred on June 27, 2003, (*Congressional Record* of June 26, 2003, p. H5256), during the final vote on H.R. 1, the medicare prescription drug bill. At the conclusion of voting, but before the result of the vote was announced, the *Congressional Record* reported the following:

Live pair.

On this vote:

Mr. Istook with Mr. Young of Florida.

Mr. ISTOOK. Mr Speaker, on my vote just recorded I voted “no.” I have a pair with the gentleman from Florida, Mr. Young, who is at a funeral, and desire to change my vote and be recorded as “present.”

The Speaker pro tempore then announced the final vote, in accordance with Rule XX, clause 3.

Because two of the three previous forms of pairing are no longer allowed, and a third form is permitted only under the limited conditions stated in Rule XX, clause 3, an alternative to pairing was established at the start of the 106<sup>th</sup> Congress. A Member who is absent or otherwise unable to vote may now place a statement in the *Congressional Record* as to how he or she would have voted. The statement appears immediately after the vote. The headings for these statements read “stated ‘yea’”; or “stated ‘nay’.” These statements do not have to be read from the floor if they are submitted in a timely fashion to the clerks, generally one to two hours after the vote.