

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, was in the past referred to as a “live pair,” although the term no longer appears in House Rules.

Prior to a rules change in 1999 at the start of the 106th 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.

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 The initial vote of the Member who is present is then withdrawn and the vote does not count in the vote total.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 be comprised of three Members on those votes requiring a two-thirds vote.

Since 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 106th 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 1 to 2 hours after the vote

Neither the Speaker nor the House exercises jurisdiction over pair agreements. Former House Parliamentarian Wm. Holmes Brown has stated: “The interpretation of the terms, provisions, and conditions of a pair rests exclusively with the contracting Members. The House does not construe them or consider questions or complaints arising out of their violation...Such questions must be determined by the interested Members themselves....” (See *House Practice: A Guide to the Rules, Precedents and Procedures of the House* [Washington, DC: GPO, 1996], p. 900.)