

# CRS Report for Congress

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## Voting in the Senate: Forms and Requirements

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Voting is among the most important public acts of individual Senators. For example, Senators recognize that their decisions often need to be explained to constituents who are interested in knowing why lawmakers voted as they did on various measures or matters. Party leaders, too, understand the importance of voting, for they often try to schedule votes during a time when they believe they can win senatorial support for their objectives. That Senators try never to miss votes is reflected in the high percentage of rollcall votes that they cast. On all recorded votes taken in the chamber, Senators, on average, cast votes over 95% of the time.

There are three ways of voting in the Senate: voice, division, and yea and nay (also called rollcall or recorded) votes. Neither voice nor division votes are recognized in the rules of the Senate. Instead, they are permitted by precedent. Senate Rule XII outlines voting procedure in the chamber and explicitly identifies “the yeas and nays.”

**Voice Vote.** On a voice vote, the presiding officer will first ask those in favor to shout “aye” and then those opposed to say “no.” The chair may then say, “The ayes [noes] seem to have it.” This announcement by the chair is not conclusive until the chair declares that “The ayes [noes] have it.” Senators may ask for a division or rollcall vote before the result is announced by the presiding officer.

Commonly, the presiding officer will state, “Without objection the amendment [bill, resolution, motion, etc.] is agreed to [or not agreed to].” This is simply another variation of a voice vote. It does not imply that a single objection will defeat the proposition. Any Senator may object, and the vote on the proposition will occur by one or more of the three methods permitted by the Senate.

**Division Vote.** A division (or standing) vote is seldom used in the Senate. However, any Senator, including the chair, may request a division if a Senator is in doubt about a voice vote. A division vote does not provide a record of how each Senator voted; it simply demonstrates whether a proposition, on which a division is requested, has been approved or disapproved. As in the case of a voice vote, before the chair announces the result of a division vote, a Senator may ask for the yeas and nays.

The results of either voice or division votes are considered valid no matter how many or how few Senators actually participated in the vote. To be sure, the Constitution requires a majority quorum — 51 of 100 Senators, if there are no vacancies — to be present for the Senate to conduct business. As official precedents state, the Senate “operates on the presumption that a quorum is present at all times, under all circumstances, unless the question to the contrary is raised, or the absence of a quorum is officially shown, or until a point of no quorum is made even though a voice [or division] vote is taken and announced in the meantime.”

**Yea and Nay Vote.** Article I, Section 5, of the Constitution states that the “Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal,” which is the official record of the proceedings of the Senate. Thus, any Senator who obtains the floor may ask for the yeas and nays (“I ask for the yeas and nays.”) on the question then pending before the Senate. Immediately, the presiding officer will say, “Is there a sufficient second?” A sufficient second consists of a minimum of 11 Senators who raise their hands, or one-fifth — the constitutional standard — of the presumptive quorum of 51.

Sometimes a Senator will suggest the absence of a quorum to get sufficient Senators to the floor to “second” his or her rollcall request. (“Mr. or Madam President, I suggest the absence of a quorum.”) Once enough Senators reach the floor, the quorum call will be dispensed with by unanimous consent and the request for a yea and nay vote will be renewed. In practice, Senators who want a roll call vote on a proposition will almost always receive sufficient support from their colleagues.

Quite often Senators will request and receive support for the yeas and nays on a proposition in advance of the time that the vote actually occurs. A Senator, for example, may offer an amendment and immediately ask for the yeas and nays. What this means is that if the Senator’s amendment is subject to a vote — and not rejected on a procedural motion, for instance — the vote will be by roll call. Ordering the yeas and nays on a proposition does not imply that a vote on it is imminent. Debate on it may continue for hours or days or weeks before the proposition is subject to a rollcall vote. Under Senate precedents, ordering the yeas and nays may be rescinded by unanimous consent.

**Conducting Rollcall Votes.** When it is time to conduct a rollcall vote, the presiding officer will direct the clerk to call the names of all Senators in alphabetical order and each member, as specified in Rule XII, “shall, without debate, declare his assent or dissent to the question.” Following the call of Senators, the clerk will then recapitulate the vote by first identifying those who voted in the affirmative and then those who voted in the negative. Other Senators, who may wish to vote, go to the rostrum and respond “yea” or “nay” when the clerk calls their names. A 15-minute period, which is established by unanimous consent at the start of a Congress, is the time limitation for rollcall votes. For instance, when the 109<sup>th</sup> Congress began, the Senate agreed by unanimous consent that “for the duration of the 109<sup>th</sup> Congress, there be a limitation of 15 minutes each upon any rollcall vote.” Sometimes votes are kept open beyond this period to accommodate Senators who are hurrying to the chamber to cast their vote. If there are no Senators waiting on the floor to vote, the presiding officer announces the result of the vote. Worth noting is that the Senate, unlike the House, does not permit electronic voting.