



Super-Majority Votes in the House

Walter J. Oleszek
Senior Specialist in American National Government

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The principle of majority rule dominates the work of the House of Representatives. This means, in brief, that most questions are decided by vote of a simple majority: one-half-plus-one of the Members voting, assuming the presence of a quorum. For instance, if all 435 lawmakers vote, the winning margin is at least 218—one more than half the membership of the House. In cases of a tie vote, House Rule XX, clause 1(c), states that “a question shall be lost.” Some super-majority votes, however, are explicitly specified in the Constitution; implicitly, they also inhere in authority granted in Article I, Section 5, which says, “Each chamber may determine the Rules of Its Proceedings.” Under this affirmative constitutional power, the House has imposed on itself a number of additional super-majority (sometimes called “extraordinary majority”) requirements. Worth review, then, are the constitutional and House rule-based exceptions to the general principle that Members decide issues by simple majority vote.

Constitutional Super-Majority Requirements

In the judgment of several of our Founding Fathers, among the infirmities of the Articles of Confederation was a super-majority requirement for deciding such questions as coining money, appropriating funds, and determining the size of the army and navy. As Alexander Hamilton declaimed in *Federalist* No. 22, “To give a minority a negative upon the majority (which is always the case where more than a majority is requisite to a decision), is, in its tendency, to subject the sense of the greater number to that of the lesser.” Overall, the Framers generally favored decision-making by simple majority vote.

On the other hand, the Framers also recognized the virtue of super-majority votes in certain circumstances. In *Federalist* No. 58, James Madison (like Hamilton a proponent of majority voting for most things) noted that super-majority votes could serve as a “shield to some particular interests, and another obstacle generally to hasty and partial measures.” Hamilton, too, in *Federalist* No. 73 highlighted the benefits of requiring an extraordinary majority of each chamber to overturn a president’s veto. “It establishes a salutary check upon the legislative body,” he said, “calculated to guard the community against the effects of faction, precipitancy, or of any impulse unfriendly to the public good, which may happen to influence a majority of that body.”

The original Constitution requires a two-thirds vote of either the House, the Senate, or both in five situations. They include (1) overriding presidential vetoes, Article I, Section 7, clause 2; (2) removing federal officers through impeachment proceedings with conviction by two-thirds vote of the Senate, Article I, Section 3, clause 6; (3) ratifying treaties by two-thirds vote of the Senate, Article II, Section 2, clause 2; (4) expelling members from the House or Senate, Article I, Section 5, clause 2; and (5) proposing constitutional amendments, Article V.

In addition, the Fourteenth Amendment to the Constitution, ratified in 1868, disallowed anyone who engaged in “insurrection or rebellion” from holding any civil or military office unless each house removed this disability by a two-thirds vote. The 25th Amendment, ratified in 1967, addresses the issues of presidential succession and inability. In the case of an Acting President, the House and Senate, by a two-thirds vote of each chamber, may determine that “the President is unable to discharge the powers and duties of his office.”

Super-Majority Requirements in the House Rule-Book

The House has a number of rules that require either a two-thirds or three-fifths vote of the Members to pass legislation. These super-majority requirements include:

- Rule XV, clause 1, requires a two-thirds vote to suspend the rules of the House.
- Rule XV, clause 5, requires a two-thirds vote to dispense with the call of the Private Calendar on the first or third Tuesday of a month.
- Rule XIII, clause 6(a), requires a two-thirds vote to consider a special rule on the same day that the Rules Committee reports it, except during the last three days of the session.
- Rule XV, clause 7(a), requires a two-thirds vote to dispense with Calendar Wednesday proceedings; Rule XIII, clause 6(c), also requires a two-thirds vote to agree to a special rule dispensing with Calendar Wednesday.
- Rule XV, clause 7(c)(2), requires a two-thirds vote to continue considering a measure on a succeeding Calendar Wednesday.
- Rule XXI, clause 5(b), requires a three-fifths vote to approve a measure, amendment, or conference report carrying a federal income tax rate increase.

A fundamental distinction exists between super-majority requirements in the Constitution and in the rules of the House. Any rule of the House can be amended at any time by a simple majority, including House rules that mandate super-majority votes. In addition, the rules of the House may be waived through means such as adopting a special rule from the Rules Committee. By contrast, to amend the Constitution (see Article V) requires super-majority votes.

Author Contact Information

(name redacted)
Senior Specialist in American National Government
-redacted-@crs.loc.gov, 7-....

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