

## PAIRS

"Pairing" is merely a voluntary arrangement between individual Senators on any particular roll call vote of the Senate. The rules of the Senate make no mention of pairs; the usage is based on the practices and precedents.

Pairs are not tabulated in calculating the results of roll call votes; the use of pairs merely gives absent Senators an opportunity to express their attitudes or positions on an issue upon which the Senate is called upon to vote. The use of a "live" pair occurs when a Senator who is present announces that he or she has a live pair with a Senator who is absent, and that if the Senator in attendance were free to vote, he or she would vote in the affirmative (or negative), but the absent Senator would vote on the opposite side of the question, and that the Senator in attendance therefore withholds his or her vote.

Information on how Senators would have voted had they not been paired is listed at the bottom of the roll call vote, but the Senators paired on a roll call vote are in no way accounted for in the calculation of the results. As a matter of fact, neither the Clerk calling the roll nor the Presiding Officer makes any mention of the "pairs." Any mention or statement thereon in the Senate during the vote is made by the particular Senators who are present and paired.

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### Definition of:

The Senate has no rule regarding the arrangement or governing the matter of pairs between Senators.<sup>1</sup>

Pairing is a voluntary arrangement among Senators,<sup>2</sup> or under the practice of the Senate, pairing is a matter between individual Senators.<sup>3</sup>

Since the rules have no provision thereon, a Senator announcing a pair is not thereby excused from the requirement of the rule as to assigning reasons for not voting, but the fact that he is paired, however, under the practice of the Senate, excuses him from voting whenever the question is raised.<sup>4</sup>

No official notice is taken of pairs at the desk,<sup>5</sup> and the Presiding Officer has no jurisdiction over them, it being a

<sup>1</sup> Feb. 15, 1911, 61-3, *Record*, p. 2571; see also Feb. 2, 1933, 72-2, *Record*, p. 3177; May 21, 1934, 73-2, *Record*, p. 9126; Feb. 16, 1920, 66-2, *Record*, p. 2957.

<sup>2</sup> See debate of Feb. 15, 1911, 61-3, *Record*, p. 2571.

<sup>3</sup> See Feb. 16, 1920, 66-2, *Record*, p. 2957.

<sup>4</sup> May 11, 1911, 62-1, *Record*, pp. 1184-85.

<sup>5</sup> July 25, 1939, 76-1, *Record*, p. 9907.

personal matter of determination between Senators,<sup>6</sup> without interference by the Chair.<sup>7</sup> A Senator, under the custom, may transfer his pair to another on the theory the transferee would vote the same way he would vote.<sup>8</sup>

### **Quorum—Pairs Counted To Constitute a Quorum:**

See "Pairs Counted To Constitute a Quorum," p. 1056.

### **Ratio of Pairs in Cases Requiring Two-Thirds Vote:**

On matters requiring a two-thirds vote, the practice is to pair on a basis of two in the affirmative to one in the negative,<sup>9</sup> for example: (1) passage of a bill over the President's veto;<sup>10</sup> (2) on the question of advising and consenting to the ratification of a convention or treaty;<sup>11</sup> and (3) passage of a joint resolution proposing an amendment to the Constitution;<sup>12</sup> and (4) invoking cloture under the old rule.<sup>13</sup>

### **Reconsideration—Senators Paired May Move To Reconsider:**

See "Senators Eligible To Enter Motion To Reconsider," pp. 1143-1144.

### **Votes Withdrawn To Comply With Pair:**

Senators have asked and obtained unanimous consent to withdraw their votes, after announcement of the roll-call vote, on the ground that they had inadvertently overlooked the fact that they had pairs with other Senators, respectively.<sup>14</sup>

<sup>6</sup> Apr. 23, 1894, 53-2, *Record*, p. 3961; July 31, 1912, 62-2, *Record*, pp. 9937-38.

<sup>7</sup> See May 27, 1909, 61-1, *Record*, p. 2442; July 5, 1909, 61-1, *Record*, p. 4120.

<sup>8</sup> May 14, 1940, 76-3, *Record*, pp. 6068-69; see also July 31, 1912, 62-2, *Record*, p. 9937-38.

<sup>9</sup> Aug. 26, 1980, 96-2, *Record*, p. 23237; Aug. 4, 1939, 76-1, *Record*, pp. 11015, 11027; see also Feb. 15, 1911, 61-3, *Record*, p. 2571.

<sup>10</sup> Aug. 26, 1980, 96-2, *Record*, p. 23237; See July 3, 1884, 48-1, *Record*, p. 5935.

<sup>11</sup> See Feb. 23, 1904, 58-2, *Record*, p. 2261; decisions on a one to one basis: Aug. 21, 1888, 50-1, *Journal*, p. 1607.

<sup>12</sup> Mar. 12, 1947, 80-1, *Record*, pp. 1977-78.

<sup>13</sup> Oct. 10, 1972, 92-2, *Record*, pp. 34503-04.

<sup>14</sup> Aug. 11, 1911, 62-1, *Journal*, p. 166; Oct. 28, 1893, 53-1, *Record*, p. 2920; Apr. 30, 1900, 56-1, *Record*, p. 4832; Feb. 7, 1905, 58-3, *Record*, p. 2003.

**Yea and Nay—Senator Excused When Paired:**

The Chair as early as 1860 held that a Senator may refrain from answering to his name when the yeas and nays are taken if he has a pair with another Senator.<sup>15</sup>

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<sup>15</sup> June 20, 1860, 36-1, *Journal*, p. 720.