

HOUSE PRECEDENTS

RULE 9 - CHAMBER PROTOCOL

9.6 - 1. (2007) CORRECTION OF VOTE MISTAKENLY CAST ON BEHALF OF MEMBER

Rule – Section 9.6, subsection (e) of the House Rules states, “The Presiding Officer shall then lock the machine and instruct the Clerk to record the vote. The Clerk shall immediately activate the recording equipment and when the vote is completely recorded, shall advise the Presiding Officer of the result, and the Presiding Officer shall announce the result to the House. No vote may be changed after it has been recorded.”

History – On March 8, 2007, House Bill 2019 upon final passage failed adoption. At that time Representative Shelton lodged a motion to reconsider the vote whereby House Bill 2019 failed. On March 13, 2007, Representative Shelton moved to reconsider the final vote on House Bill 2019. The motion to reconsider prevailed. As such, House Bill 2019 underwent a second vote on final passage.

During the second vote on final passage, a member who was excused was mistakenly recorded as casting an ‘Aye’ vote. After realizing that an excused member had been mistakenly recorded as casting a vote, the House did not change the vote after the vote was closed and recorded.

Instead, the House voted to suspend Section 9.10, subsection (a) of the House Rules. Section 9.10, subsection (a) permits only one motion to reconsider the final vote on a bill. Once House Rules were suspended for the purpose of allowing a second motion to reconsider, Representative Shelton offered a second motion to reconsider the final vote on House Bill 2019 which was adopted. On final passage, House Bill 2019 was passed without the excused member’s vote.

H. Jour., 766, 861-864, 867-869, 51st Leg., 1st Reg. Sess. (March 8, 2007; March 13, 2007); *Daily H. Sess. Dig. Rec.*, 51st Leg., 1st Reg. Sess. Track 10:49; Track 10:50 (March 13, 2007).

9.10 - 1. (2007) - ELECTRONIC AVAILABILITY UPON MOTION TO RECONSIDER

Rule – Section 9.10, subsections (a) through (f) of the House Rules provide the guidelines governing the motion to reconsider the final vote on bills, emergencies and resolutions.

History – Subsequent to a motion to reconsider the vote whereby House Bill 2019 failed adoption, Representative Sullivan raised a point of order regarding whether or not reconsideration of House Bill 2019 was in order under House Rules due to the fact that the bill under reconsideration was not electronically available on the House Floor Calendar.

The Presiding Officer ruled the Sullivan point of order ‘not well taken’ on the basis that the bill under reconsideration was available to the members of the House on the Legislature’s electronic bill tracking system, *BTOonline*. As such, the members had access to the bill even if the bill no longer was available on the House Floor Calendar.

Daily H. Sess. Dig. Rec., 51st Leg., 1st Reg. Sess. Track 10:44, 9:12-11:43 (March 13, 2007).

Ruling – It shall be the decision of the Chair that Section 9.10 of the House Rules shall be interpreted to mean that a bill may be taken up on the House floor for reconsideration whether or not it is available on the House Floor Calendar if it is available from some other source such as *BTOonline*.