



Fact Sheet

South Carolina Policy Council

1323 Pendleton St., Columbia, SC 29201 • 803-779-5022 • scpolicycouncil.com

5 (Poor) Excuses for Opposing Roll Call Voting Reform

Every lawmaker in South Carolina seems to support roll call voting. And for good reason. Citizens have a fundamental right to know how their representatives are voting. Still, legislators continue to voice objections to roll call voting and the Senate has yet to pass a statutory roll call voting requirement.

Of course, the Policy Council fully supports roll call voting and has written extensively – [here](#) and [here](#) – on why roll call voting is essential to legislative and economic reform. But in the interest of fostering a full and open debate on this issue, we are taking our think tank hats off for a moment and looking at some of the excuses lawmakers continue to give for opposing roll call voting.

First, a bit of background. In 2010, the House unanimously passed a bill ([H 3047](#)) that would have required roll call votes on all bills and resolutions having the force of law, including each section of the budget; the second reading of every bill and joint resolution; the third reading of amended bills and joint resolutions; concurrence with an amended measure from the other chamber; and conference committee reports. Last week, the House passed a similar bill ([H 3004](#)) – again by unanimous vote.

For detailed analysis of this bill, as well as other roll call voting legislation, see [our new report](#).

At its planning session in mid-November 2010, the House also reauthorized a rules change ([H 3001](#)) requiring more on-the-record voting. The Senate followed suit this week, passing a rules change ([S 9](#)) of its own. These rules changes do not have the force of law and remain in effect only until the end of the 2012 session.

Poor Excuse #1: Roll Call Voting Is Unconstitutional

Last year the Senate failed to pass roll call voting legislation over objections that roll call voting procedures should be governed by Senate rules, instead of substantive law. A statute requiring roll call voting, however, is not a mere procedural change, but a fundamental policy reform. In fact, it is a basic right, as demonstrated by our [previous analysis](#) of this issue. Notes Charleston School of Law Professor John Simpkins:

While the Legislature may craft procedural rules for its daily operations, those rules may not infringe upon fundamental rights. [Roll call voting] is arguably a law that would have an impact on the direct relationship between citizens and their elected representatives, not simply a rule governing how the Legislature is organized or conducts its daily business.

Indeed, nothing prohibited the Senate from passing a rules change, statutory change and constitutional amendment, and all three proposals are up before the Senate this year. More telling is that the primary sponsor of each of these measures (S 7, 8, 9) is [chair of the Senate Rules Committee](#). At the very least, this indicates that when complemented by a rules change (such as has

already passed), a statutory roll call voting requirement is not considered unconstitutional by the Senate Rules chair. Again, though, even without a rules change, a statutory roll call voting requirement is a fundamental right that should be codified and protected by state law.

Poor Excuse #2: The Current System Works Just Fine

This excuse was recently voiced by several senators who voted for the rules change to record more votes. They argued, though, that the Senate already provides for a mechanism to record votes. “If it’s a voice vote, then you can and should say, ‘I’m voting with the prevailing side unless I list in the journal my opposition to the prevailing side,’” [commented one senator](#). The assumption here is that a recorded vote is only necessary for controversial pieces of legislation. Otherwise, an apparently unanimous voice vote should be sufficient.

But who decides what bills are controversial or important? The Senate has [repeatedly neglected](#) to record votes on vital pieces of legislation, including:

- A multimillion dollar economic incentives package for a large company
- The creation of a new state agency, the Department of Workforce
- Numerous new fines/fees and regulations on South Carolina businesses

Moreover, arguments that roll call voting reform is not necessary underestimate the power of the legislative leadership to take advantage of a voice vote system that encourages a go-along, get-along mentality. (And some senators acknowledge they have been denied a roll call vote even when they have asked for one.) A better solution is to require roll call voting for all bills and joint resolutions so that political gamesmanship does not determine whether a vote is recorded or not.

Poor Excuse #3: Roll Call Voting Costs Too Much

It has been said that roll call voting will cost between \$30 and \$35 a vote. More precisely, a fiscal impact statement on H 3004 found that “at a minimum, there would be additional printing cost for daily and permanent Journals. The House estimates additional cost per roll call vote at between \$30 and \$35.”

It is important, though, to distinguish between the actual cost of taking a roll call vote and the cost of publishing the results. The costs of taking a roll call vote are miniscule and don’t require much more than the purchase of an electronic roll call voting board for the Senate. (The House already has such a board.)

Making the results of each vote accessible to the public is another matter – and arguably, [just as vital as taking a recorded vote itself](#). These costs, however, can be managed in a variety of ways. For instance, printing costs can be reduced by looking to private vendors or by publishing journals online and charging a fee to obtain a print-on-demand hard copy (cf. [H 3428](#)).

For the sake of argumentation, however, let’s take the Office of State Budget fiscal impact statement at face value. Last year, the General Assembly introduced 1,052 bills and joint resolutions, passing 219 of these. Let’s assume another 10 percent of bills came up for a vote (the number is likely much less), but didn’t pass. That would equal 324 bills x \$35, or a total of \$11,340. Legislators spend just about that much on [flags each year](#) for their offices. Moreover, \$11,000 a year to safeguard a basic

right is a pretty sound investment – especially when recording votes could prevent hundreds of millions of dollars in wasteful spending.

Poor Excuse #4: Roll Call Voting Is a Waste of Time

Just as recording votes will cost pennies a vote, electronically recording each vote will only take seconds. Moreover, *The Nerve* has demonstrated that the claim that roll call voting is a waste of time is undercut by the hours upon [hours lawmakers waste](#) in proposing and passing frivolous resolutions and debating ideas of questionable merit. Of course, if the Legislature were serious about not wasting time, it would also [shorten session](#). Currently, South Carolina has the longest session in the Southeast (tied for 1st with Tennessee) and the 6th longest (tied with 7 other states) in the country. Time spent furthering accountability and transparency is not wasted time and may well change the culture of the Legislature for the better.

Poor Excuse #5: A Rules Change Is Enough

While we welcome that fact that the House and Senate have passed rules that require more on-the-record voting, these rules are not permanent. They can be changed at any time, apply only to each chamber and expire at the end of the 119th session in 2012. It bears repeating that roll call voting is not a mere procedural issue, but a basic right that has “an impact on the direct relationship between citizens and their elected representatives.” As such, it is a fundamental right that should not remain at the mercy of legislative whim, but should be codified and protected by law.

The time for excuses has passed. At least 45 states require a roll call vote be taken on every bill that becomes law. Thirty-seven states guarantee roll call voting in their state constitutions. South Carolinians deserve full transparency and accountability. They deserve roll call voting reform.

*Nothing in the foregoing should be construed as an attempt to aid or hinder passage of any legislation.
Copyright © 2011 South Carolina Policy Council*



South Carolina Policy Council

1323 Pendleton St., Columbia, SC 29201 • 803-779-5022 • scpolicycouncil.com