

# Electing the Speaker of the House of Representatives: Frequently Asked Questions

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## Summary

Current practice for electing a Speaker, either at the start of a Congress or in the event of a vacancy (e.g., death or resignation), is by roll call vote, during which Members state aloud the name of their preferred candidate. Members may vote for any individual. If no candidate receives a majority of votes cast, balloting continues. In subsequent ballots, Members may still vote for any individual.

For a more detailed treatment of these election procedures, as well as data on elections of the Speaker in each Congress since 1913, see CRS Report RL30857, *Speakers of the House: Elections, 1913-2023*, by Valerie Heitshusen. For additional discussion of selection procedures and a selected bibliography on the office, see CRS Report 97-780, *The Speaker of the House: House Officer, Party Leader, and Representative*.

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## Introduction

This report briefly poses and answers several frequently asked questions in relation to the floor proceedings used to elect a Speaker of the House.<sup>1</sup> For a more detailed treatment of these election procedures, as well as data on elections of the Speaker in each Congress since 1913, see CRS Report RL30857, *Speakers of the House: Elections, 1913-2023*, by Valerie Heitshusen. For additional discussion of selection procedures and a selected bibliography on the office, see CRS Report 97-780, *The Speaker of the House: House Officer, Party Leader, and Representative*.

## When Does an Election for Speaker Occur?

Upon convening a new Congress, the House elects a Speaker by roll call vote.<sup>2</sup> The election of the Speaker “has precedence over virtually any other business that could occur.”<sup>3</sup>

If a Speaker dies, resigns, or is removed during a Congress, the House elects a new Speaker at that time.<sup>4</sup> In the most recent cases of an election held during the middle of a Congress, the practice has been to elect a new Speaker using the same process as at the start of a Congress.<sup>5</sup>

## How Often Have Speaker Elections Occurred at a Time Other Than the Start of the Congress?

On three occasions, a Speaker has resigned the position (most recently Representative John Boehner in 2015). On four occasions (all in the 19<sup>th</sup> century), the Speaker resigned from the House. Five Speakers died while in office (most recently Representative Sam Rayburn in 1962).

No Speaker had been removed from the office until October 2023, when the House removed the Speaker from the position by agreeing to H.Res. 757 (118<sup>th</sup> Congress),<sup>6</sup> declaring the Speaker’s office vacant.<sup>7</sup> A vote on a resolution in 1910 declaring a vacancy in the Speaker’s office failed, and the sitting Speaker, Representative Joseph Cannon, remained in the position until the end of the Congress. It was during these 1910 proceedings that the House established the precedent that

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<sup>1</sup> For additional information on House processes and precedents related to the assembly of a new Congress and election of a Speaker, see Chapter 1 of *Precedents of the U.S. House of Representatives*, 115<sup>th</sup> Cong. 1<sup>st</sup> sess., H.Doc. No. 115-62 (Washington, GPO, 2019) (hereinafter *Precedents* (Wickham)).

<sup>2</sup> This occurs before Members are sworn in. The use of the term *Member* in this report refers, in these cases, to a Member-elect.

<sup>3</sup> *Precedents* (Wickham), ch. 1, §4, p. 38. For more information on the order of actions taken when a new Congress convenes, see CRS Report RL30725, *The First Day of a New Congress: A Guide to Proceedings on the House Floor*, by Christopher M. Davis.

<sup>4</sup> The House takes no action to accept the resignation of a Speaker. See John V. Sullivan, Thomas J. Wickham Jr., and Jason A. Smith, *House Practice: A Guide to the Rules, Precedents and Procedures of the House* (Washington, DC: GPO, 2024), ch. 34, §2.

<sup>5</sup> The House could choose to select a Speaker by another method. For example, Rep. William B. Bankhead was selected pursuant to adoption of H.Res. 543 (74<sup>th</sup> Congress) in 1936 after the death of Rep. Joseph W. Byrns, and Rep. Sam Rayburn was elected pursuant to adoption of H.Res. 602 (76<sup>th</sup> Congress) in 1940 upon the death of Rep. Bankhead. Each resolution was adopted by voice vote.

<sup>6</sup> Pursuant to this action, the House removed Rep. Kevin McCarthy, who had been elected Speaker at the start of the 118<sup>th</sup> Congress. See *Congressional Record*, daily edition, vol. 169 (October 3, 2023), pp. H4969-4978.

<sup>7</sup> The process for scheduling floor consideration of such a resolution, as well as the process by which the House could debate and potentially vote on agreeing to it, are addressed in the section “Floor Actions on Questions of Privilege” in CRS Report 98-411, *Questions of Privilege in the House*, coordinated by Elizabeth Rybicki.

resolutions declaring the office of the Speaker vacant “constitute a matter of high constitutional privilege.”<sup>8</sup>

## Who Presides over the Proceedings to Elect a New Speaker?

When a Speaker is selected at the start of a new Congress, the Clerk of the House presides. The Clerk has also presided over an election to replace a Speaker who had died during a Congress.<sup>9</sup> A sitting Speaker could preside over the election of his or her successor.<sup>10</sup> However, under clause 8(b)(3) of House Rule I (adopted in the 108<sup>th</sup> Congress), the Speaker must provide the Clerk a list of Members designated to act as Speaker pro tempore in the case of a vacancy in the office. The first Member on this list could preside over an election in the case of a vacancy during a Congress.<sup>11</sup>

## How Are the Party Nominees Selected?

In current practice, each House party caucus selects, prior to the floor vote, a candidate whose name is placed in nomination immediately before the vote. Each party has its own internal processes for selecting its nominee.<sup>12</sup>

## Are Nominations Formally Made on the Floor?

Typically, the election commences with a Member from each party caucus placing in nomination the party’s candidate for Speaker. Other names may also be placed in nomination on the floor.<sup>13</sup>

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<sup>8</sup> A more detailed discussion of the 1910 proceedings can be found in William McKay and Charles W. Johnson, *Parliament and Congress: Representation and Scrutiny in the Twenty-First Century* (Oxford University Press, 2010), pp. 46-47. For a short period, due to a change in House Rule IX made in the 116<sup>th</sup> Congress (and retained in the 117<sup>th</sup> Congress), such resolution declaring the office of the Speaker vacant constituted a question of privileges of the House only if offered at the direction of a party conference or caucus. See U.S. Congress, House, *Constitution, Jefferson’s Manual, and Rules of the House of Representatives, One Hundred Eighteenth Congress* (hereinafter *House Manual*), H.Doc. 117-161, 117<sup>th</sup> Cong., 2<sup>nd</sup> sess., [compiled by] Jason A. Smith, Parliamentarian (Washington, DC: GPO, 2023), §28. At the start of the 118<sup>th</sup> Congress, pursuant to H.Res. 5, the House removed the Rule IX provision that conferred privilege on the motion only when offered at the direction of a party conference or caucus. Any Member may now take such action (subject to certain notice requirements) through a resolution raising a question of privileges of the House.

<sup>9</sup> For instance, the House Clerk presided over the election to replace Rep. Rayburn as Speaker in 1962.

<sup>10</sup> Rep. Jim Wright had announced his resignation “on the election of my successor.” He presided over the election of his successor, Rep. Thomas Foley. Rep. John Boehner also announced his resignation “effective upon the election of my successor” and presided during the proceedings to elect Rep. Paul Ryan. See *Precedents* (Wickham), ch 1. § 4.6.

<sup>11</sup> These lists are not made public. See *Congressional Record*, daily edition, vol. 169 (January 9, 2023), p. H74, for the Speaker’s notification at the start of the 118<sup>th</sup> Congress that such a list was provided to the Clerk, pursuant to the rule. In October 2023, after the House declared the Speaker position vacant, the first Member from this list was designated Speaker pro tempore and presided over the election for a new Speaker. See *Congressional Record*, daily edition, vol. 169 (October 3, 2023), p. H4978. For notification of the list’s submission by the Speaker elected in October, see *Congressional Record*, daily edition, vol. 169 (October 25, 2023), p. H5053.

<sup>12</sup> See *Rules of the House Republican Conference for the 118<sup>th</sup> Congress* (specifically conference Rules 2(e), 3, and 4), available at <https://www.gop.gov/conference-rules-of-the-118th-congress/>; and *Rules of the Democratic Caucus* (specifically, caucus Rules 2 and 3), available at [https://www.dems.gov/imo/media/doc/democratic\\_caucus\\_rules\\_118th.pdf](https://www.dems.gov/imo/media/doc/democratic_caucus_rules_118th.pdf).

<sup>13</sup> Prior to 1945, sometimes the names of other Members were put in nomination and received votes. Starting in 1939, however, no floor nominations (other than one from each major party) were made until the 2015 election at the start of the 114<sup>th</sup> Congress, when the names of three other majority House Members were placed in nomination.

## **In What Form Do Members Vote?**

Since 1839, the election has been by roll call vote, a quorum being present. Votes are cast *viva voce*, meaning that Members state aloud the surname of the candidate they favor for Speaker.<sup>14</sup> The presiding officer appoints several Members as tellers, who tally the votes.

## **For Whom May a Member Vote?**

Members are not required to vote for one of the candidates nominated by each major party (or even for some other candidate formally nominated on the floor). They may vote for any individual.<sup>15</sup> Although the U.S. Constitution does not require the Speaker to be a Member of the House, all Speakers have been Members. However, some individuals not serving in the House have received votes.<sup>16</sup>

## **How Many Votes Must a Candidate Receive to Be Elected Speaker?**

The long-standing practice of the House is that electing a Speaker requires a numerical majority of the votes cast by Members “for a person by name.”<sup>17</sup> This does not mean that an individual must necessarily receive a majority (currently 218) of the full membership of the House.<sup>18</sup> This is because some Members may choose not to vote, and others may answer “present.”<sup>19</sup>

## **What Happens If No Member Receives Sufficient Votes?**

If no candidate receives the requisite majority of votes cast, the roll call is repeated. No restrictions are imposed on who may receive votes in the subsequent ballots. (For instance, no candidate is eliminated based on receiving the fewest votes in the floor election, and a Member’s vote is not limited to individuals who received votes in previous ballots.<sup>20</sup>)

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<sup>14</sup> Prior to 1839, Speakers were regularly elected by ballot. *House Manual*, §27.

<sup>15</sup> Even throughout the period until 1945 when floor nominations were more commonly made for individuals other than the major party nominees, some Members received votes even without their names being placed in nomination. Notably, in 2001, one Member voted for the nominee of the other major party rather than for the nominee of his own party. It appears that such a vote had not previously occurred in over half a century.

<sup>16</sup> Individuals not serving in the House received votes in 1997, 2013, the two 2015 elections, 2019, 2021, and the two 2023 elections.

<sup>17</sup> The Clerk, remarks from the chair (and parliamentary inquiry immediately following), *Congressional Record*, vol. 143, January 7, 1997, p. 117. See also *House Practice*, ch. 34, §3, and *House Manual*, §27, for explanations that the “Speaker is elected by a majority of Members-elect voting by surname.”

<sup>18</sup> In the period since the House first reached its current size of 435 Members (in 1913), seven Speakers have been elected with fewer than 218 votes.

<sup>19</sup> Because a response of “present” is not a vote for a person by name, it is not counted in the total number of cast votes, of which a majority are required to elect a Speaker.

<sup>20</sup> In the modern era marked by the rise and eventual predominance of the two established national parties, only in 1923 and twice in 2023 did the House require multiple ballots to elect a Speaker. In the 1923 case (68<sup>th</sup> Congress), a Speaker was elected on the ninth ballot. In the initial election in 2023 (118<sup>th</sup> Congress), a Speaker was elected on the 15<sup>th</sup> ballot. In the October 2023 election caused by a declared vacancy in the position, a Speaker was elected on the fourth ballot.

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