

## Learning about Legislation #9 - Super-majorities, part one

At the start of the month we had [a section about the types of votes](#) that the two Houses of Congress can take. But there are also interesting rules about the types of votes that require more than a majority of the legislators present. When a two-thirds vote is required, it is called a “super-majority.”

The Congressional Research Service maintains a number of research papers on the Senate’s website. In [their article on super-majorities](#), they describe the historical rationale for having some issues require more than just 50% in the following manner:

The Framers also recognized the virtue of super-majority votes in certain circumstances. In Federalist No. 58, James Madison (like [Alexander] 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.”

Because of this sense from our Founders, they put into the Constitution a number of vote-types that would require a supermajority. And additional amendments to the Constitution also followed this precedent:

1. Overriding a presidential veto
2. The removal of federal officers via impeachment proceedings (part two of which requires a  $\frac{2}{3}$  vote in the Senate)
3. Ratifying treaties
4. Expelling members from the House of Representatives or the Senate
5. Proposing Constitutional amendments
6. Permitting anyone who has participated in an “insurrection or rebellion” from holding government office (entered into the Constitution via the 14th amendment)
7. Determining if the President is unable to fulfill his responsibilities via incapacity (introduced into the Constitution via the 25th amendment)

In the House of Representatives, a two-thirds vote is required to “suspend the rules and pass a bill.” Sometimes, particularly for non-controversial bills, a House member will ask for the rules to be suspended. That means that they cut off debate and bring the bill to a vote. It requires the two-thirds to take that action, but only a majority to then pass the bill in question.

There are also times when a 60% supermajority is needed to get things moving in the Senate... but that has to do with cloture votes and filibusters. And that topic is complicated enough to warrant its own brief! Visit this space next week and we’ll pick up with more about when our legislators need more than a majority to get things passed.

Are there questions that you have about how Congress works, about elections, about voting... or anything to do with government processes? I am looking for topics for future “Learning about Legislation” topics, so please - email me your questions at [KierstynPZ@gmail.com](mailto:KierstynPZ@gmail.com) - I can’t promise that I already know the answer, but I will research the issue and share my findings with our readers in a future segment.