So You Think It's Easy To Find Out How Legislators Vote, Eh?

by Paul T. O'Connor

This regular Insight *feature focuses on the makeup and process of the N.C. General Assembly and how they affect public policy. This column focuses on the difficulty of finding out how legislators voted on an issue, and the movement to use the legislature's new computer system for storage and retrieval of such votes.*

Stan Williams' boss gave him a research project last year that should have been fairly simple for the veteran lobbyist. Williams was told to find out how several potential candidates for lieutenant governor had voted on the series of environmental measures known as the Hardison amendments.[1]

Williams started with a number of research advantages that ordinary citizens wouldn't have: His boss, state Sen. Harold Hardison (D-Lenoir), then a Democratic candidate for lieutenant governor, was the sponsor of the amendments and could provide him with some details to get started. Also, in his years of lobbying, Williams had become familiar with the legislative library's filing system. Nonetheless, it took him nearly six hours to finish this seemingly simple project—and the process points up the need for better access to legislative votes.

"It was excruciatingly difficult," says Williams. "The legislative library did not have a complete system for collecting that information."

The simple truth is that the General Assembly does not make it easy to learn how its members voted on bills. In this day of advanced computers, increasing public acceptance of and familiarity with computer terminals, and the expenditure of hundreds of thousands of dollars by the legislature to equip itself with state-of-the-art computer equipment in 1986, you still have to look up a vote in a dusty notebook. The information is public, most of the time at least, but it is woven throughout a complicated system of notebooks and journals.

Experienced researchers, on someone's payroll, are merely delayed and inconvenienced by the system. But the public would be baffled and frustrated if they wished to find out, for instance, how then-state Sen. R. Gregg Cherry (D-Gaston) voted on the "Horn Tootin' Bill" establishing the North Carolina Symphony in 1943, two years before Cherry would become Governor.[2]

The simplest research project, says Vivian Halperen, legislative librarian, is one that involves a specific bill. For example, take the phosphate ban of 1987. A novice researcher looking for how legislators voted on that bill would have to go through this process:

First step: Go to a legislative bill status computer terminal, available in the two legislative libraries or in the printed bills office, and type "phosphate ban" on the screen. Note the ban's bill number when it appears on the screen.

Second step: Look for that bill number in the "vote book," which reposes in the stacks of the library. That loose-leaf binder holds the computer printout sheets of House and Senate votes, if they were recorded votes. Most are, but not all. Some are voice votes, which means there won't be a printout of individual votes. If it was a recorded vote, and if there was only one key vote on the bill, your job is

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finished. Just note how your legislator voted on the bill, and the job is done. Of course, what you've found so far won't explain what the vote was all about. It's not unusual to have a dozen or more recorded votes involving a bill, with motions to table or to reconsider or to amend. And each of *those* parliamentary maneuvers may require an explanation that won't be found even in the vote records. Understanding that requires knowledge of parliamentary procedure and legislative strategy. And there may be separate recorded votes on second and third readings for each bill.

Thus, there's usually much more to the job. For instance, for important amendments or motions, you'll need to do more research.

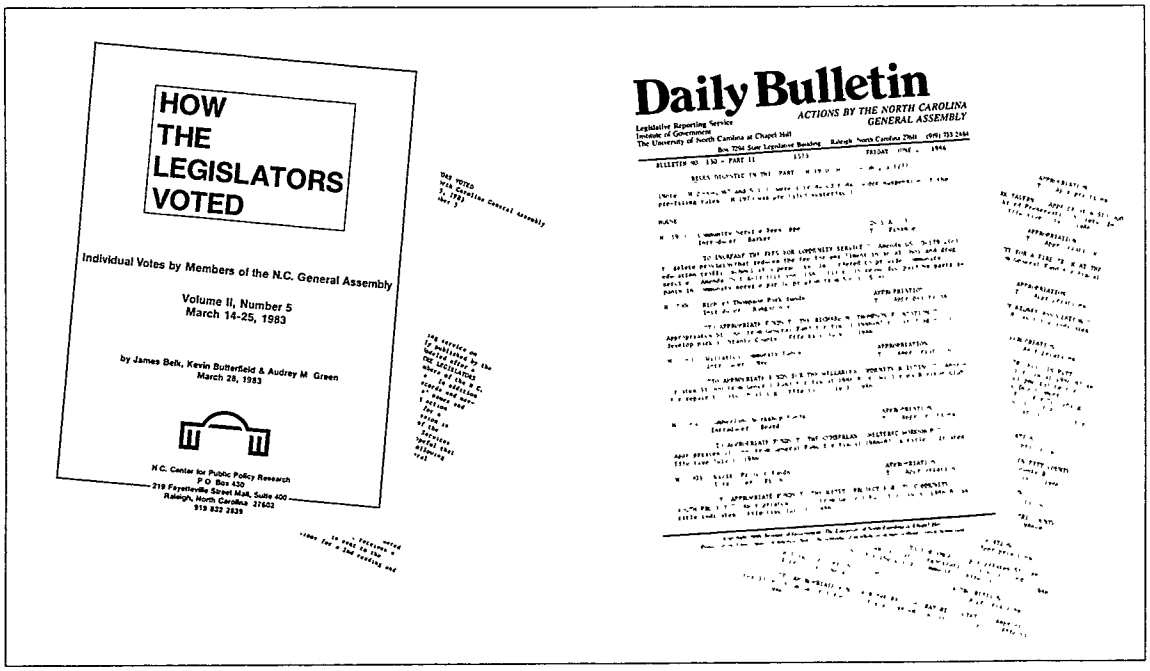
Third step: Go to the "bill book," another loose-leaf book in the stacks, turn to the phosphate ban bill, read all the offered amendments (listed separately, of course, but all affecting different parts of the original bill), and select those which are pertinent to the research project. Jot down the amendment number, because you'll need it for each vote.

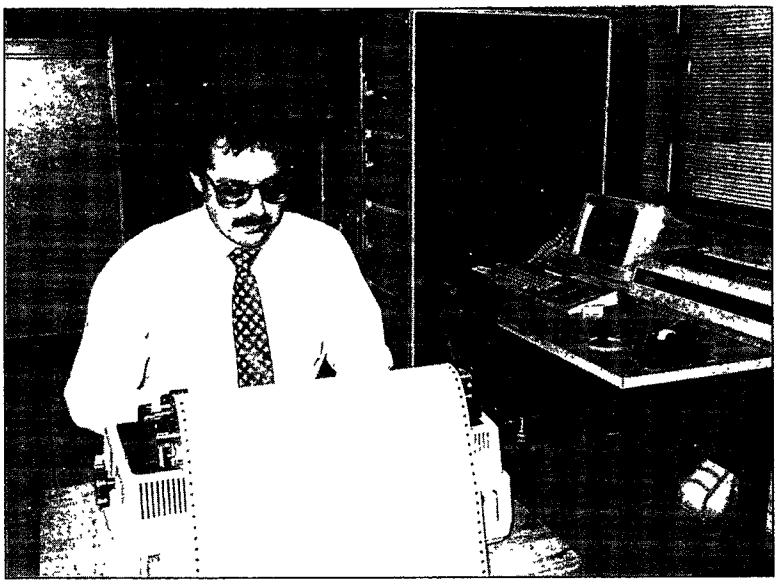
Fourth step: For each amendment, return to the "vote book" and note how the legislator voted on each. You might also check to see if the votes on amendments remain consistent with the vote on final passage. And for each motion, there is a key letter and number atop each voting sheet in the "vote book." Take that number to the rule book of the appropriate chamber (House and Senate rules differ) for an explanation of the kind of motion and what impact it would have.

That's what Mrs. Halperen calls an easy research project. "If you came in with that request, it would be so straightforward that we would be stunned," she says. The legislative librarians are not often stunned.

The Hardison amendments research was only slightly more complicated. A researcher would first have to know when they were adopted and when they were amended. To find out, a researcher would turn to the N.C. General Statutes involved. This assumes that the researcher already knows the specific statutory citations of the Hardison amendments, since they were adopted and amended in several sessions during the period from 1973 to 1979. At the end of each statute, dates and numbers of ratified chapters in the Session Laws are listed in parentheses for each legislative session in which the statute was changed. The researcher then would go to other volumes, called the Session Laws, printed following each long and short session of the General Assembly. An index will lead the researcher to the chapter(s) of the Session Laws on the Hardison amendment from that session. That chapter would contain the appropriate bill, and its original bill

From 1981 to 1984, the N.C. Center for Public Policy Research published How the Legislators Voted, *pictured at left. The* Daily Bulletin, *from the UNC-CH Institute of Government, does not report individual votes.*





Jack Betts

Peter Capriglione, Systems Network Manager at the General Assembly, works in computer room where mainframes operate.

number. The researcher would note that bill number and—BINGO—return to the first step, noted above, to begin researching the vote.

Confused? If you're not, you've done this before. If you are, you're like almost everyone else, and that's the point. It's extremely difficult to find out how legislators voted, even though all votes are on public record.

And it would get even worse if you were trying to research a category of votes, such as environmental or business issues, for example, or if you were trying to research votes on a bill that was defeated. Those, of course, don't show up in the General Statutes or in the Session Laws, since they weren't passed.

Some people, like Speaker of the House Liston Ramsey (D-Madison), contend that it's not all that difficult. "All the votes are in the library," he maintains.

That's another problem. Records of legislative votes are in the library and in the principal clerk's office of both the House and the Senate. But that's it. They're nowhere else. Those who want to research legislative voting in North Carolina either must come to Raleigh, or call the library on the telephone and ask the librarians to do some of the research. The library has a small but extremely helpful research staff that tries to help all callers with a research question, but during legislative sessions, other business comes first.

There is one much easier way to research *some* votes—by referring to the journals of the House and Senate. For *some* bills, these journals report how each legislator voted, but not for all bills. For bills to be recorded in the House or Senate journal, a call for the "ayes and the noes" must be sustained by one-fifth of the members of that chamber. Sen. Laurence Cobb (R-Mecklenburg), the Senate minority leader, has for years led efforts to get more votes printed in the Senate Journal. But with fewer than 10 Republican senators to back him, he's had only limited success.

Why does the General Assembly make it so difficult for the public to learn how it votes? Says Cobb, "I guess a lot of people don't want their votes recorded." Adds Democratic Rep. Dennis Wicker of Lee County, "I'm sure there are a lot of members who don't want the public to know how they voted."

If the General Assembly wanted its votes to be readily accessible, it would be a relatively easy task to accomplish. It might take some money, however. The Legislative Services Commission is looking into possible replacements for the 13-year-old electronic voting systems used in the House and Senate—which themselves were a great improvement in making votes public and available. Glenn Newkirk, director of the assembly's computer operations, says the computer hardware exists to tie a new electronic voting system into the assembly's computers. With such a system, it would be possible not only to quickly look up an individual legislator's votes, but also to make sophisticated computer analyses of voting trends.

That's where Newkirk speaks cautiously. The legislature has six computers—two which can handle up to 32 million bytes each (a byte is a unit of computer information) and four which can handle up to 5 million bytes each (see box, p. 49, for more). That's ample memory capacity for current demands, Newkirk says. But considering the retrieval demands that would be put on a system that also stores individual legislative votes, Newkirk hedges.

"It's probably true" that the system is large enough, Newkirk says in an interview. "The reason I wouldn't say yes is because that's a lot of information and I can't answer the question until someone tells me how they are going to retrieve it. If all I had

to do was store it, I'd say yes." The software to drive such a system would be expensive, he says. "We're talking multi-hundreds of thousands. It has to be really good software; it can't be simple," says Newkirk. But he adds, "It could be done. It would be purely a matter of cost."

Some other states already have begun making legislative votes available via computers. According to the National Conference of State Legislatures, Alabama provides legislative votes in a data base that is open to the public. And Iowa has the journals of its House and Senate on line. The public in Iowa thus can gain computer access to many of the state's legislative votes.

In 1984, the Kansas legislature opened up public access to its computerized information system to keep tabs on bills. Anyone with a personal computer and a $100 access fee could hook up with the information system, which offered data mostly on the status of pending legislation. But the N.C. General Assembly has been reluctant to allow such access at any price. For instance, the Capital Press Corps has asked that a bill status information terminal be added to the Press Room on the first floor of the Legislative Building, but so far the Legislative Services Commission has not acted on that request. On Feb. 19, 1988, however, the commission's Subcommittee on Legislative Information Systems authorized another bill status terminal to be located on the first floor of the Legislative Office Building for the use of members, the public, and the press.

Such bill status information is helpful. And reporters, legislators, lobbyists and others have relied upon the *Daily Bulletin*, published each legislative day by the UNC-Chapel Hill Institute of Government, as a way to help keep track of the status of bills. But the *Daily Bulletin* does not offer any information on voting records.

Cost is the factor Speaker Ramsey mentions when the subject of legislative vote records comes up. "What's it going to cost?" he asks when questioned whether he'd support such a system. "I'm told it would cost a considerable amount of money." Besides, says the Speaker, it's not the legislature's job to report votes. That responsibility belongs to the press. "It would be worth it for you people in the press to get in there [the library] and do your jobs," says Ramsey. "All they have to do is go into the library and publish."

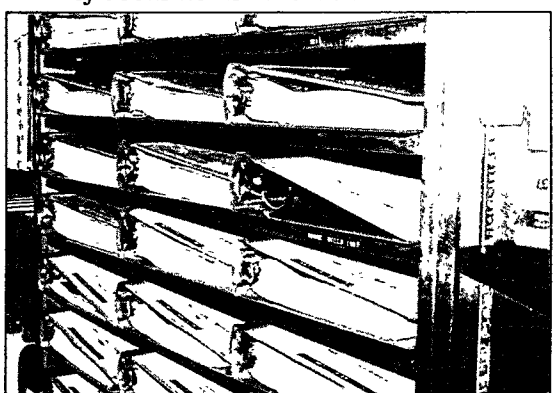
But it is much more involved than that. A mere listing of votes, such as Ramsey suggested, is virtually meaningless. Those votes must be accompanied by an explanation of what the votes on motions and amendments mean. That kind of information can only be gathered by someone covering every moment of every legislative session—at least one reporter in each chamber, and even that may not be enough to keep track of the intent and meaning of each motion, amendment, or parliamentary maneuver with a vote.

Ramsey notes that the N.C. Center for Public Policy Research once reported all legislative votes. For part of 1981 and all of 1982, 1983, and 1984, the Center recorded and published the votes of all 170 legislators, but the project was halted after the 1984 session because of its expense and the lack of paying subscribers to the service.[3]

Center Executive Director Ran Coble says the cost of staffing the Center's vote project in 1983 alone ran to $45,932, far more than the non-profit Center was able to raise in subscription fees. The service, which published the results of more than 4,000 recorded votes from 1981-1984, met with widespread editorial praise around the state. Since the service was discontinued after the 1984 session, many newspapers have joined the Center in encouraging the assembly to pick up the program as a legislative service. "The N.C. Center venture in publishing voting records proved to the state that such a record is feasible to compile and to issue in understandable form," said *The Raleigh Times*. "The records were usable enough that news media, lobbyists, corporations, associations, parties, candidates, and individual citizens all made substantial use of them."[4]

Said *The Durham Sun*, "The Legislature can, and should, rectify the situation. With a minimum of additional effort, details of votes can be included in the legislative computer tallies already available."[5] And *The Fayetteville Observer* said, "If the [legislative] leadership is interested in the free flow of

Bill books in legislative library hold data on ratified legislation. Another set of books holds recorded vote data.



Jack Betts

Legislative Computers—Tracking Takeoffs and Landings

The North Carolina General Assembly is a latecomer to the age of computers. Only recently did it take a quantum leap forward in the ability to store, process, and analyze information when a state-of-the-art system was installed in the legislative buildings in November 1984. That system comprises two Digital Equipment Corp. mainframe computers with 32 million characters of main memory each, as well as four smaller units packing five million characters of memory apiece.

Computer central is a 16-foot-by-40-foot, climate-controlled room—which houses the two mainframes—in the Legislative Office Building. The four auxiliary units are situated in strategic spots throughout the legislative complex.

"It's a whole lot bigger and a whole lot more complicated than a personal computer sitting on somebody's desk," says Glenn Newkirk, director of Legislative Automated Systems, an eight-employee division that operates the legislature's $4.5 million computer system. "We're like an airline system. Bills are taking off and landing and we're tracking them as they go."

Newkirk said the system offers lawmakers and staff a host of capabilities, including: bill typing and printing; legal document storage and retrieval; bill status reporting; office automation; fiscal analysis and data base management; and general ledger accounting.

The computer system is particularly helpful to the legislature's Fiscal Research analysts, who in previous years were forced to ferret out data from an unrelated series of sources and often had to paste the results together. But with the new system, analysts have nearly instant access to spreadsheets, allowing them to extract data and print it in memo form electronically without hours of cutting and pasting. The system makes it far easier to extract data such as cost trends, or how much an executive department is spending on utilities, or what rental costs are. And the system means that the legislature has become much more expert in developing a state budget.

"It's actually a network of computers with several computers located in several areas throughout the two buildings," says Newkirk. "They all have specific functions that they perform. Some have a dedicated use. The large ones are more general purpose. Some others serve as back-up computers in the event one of the other computers is lost."

For example, Newkirk says, if the computer handling bill status goes down, the system automatically switches to a second computer. Should the second computer fail, the bill-status function can be manually switched to a third computer. "The computer system was available last session about 99.9 percent of the time," says Newkirk.

The system contrasts sharply with what was available less than four years ago. Until then, there were 10 terminals tied in to the massive computer at the State Computer Center, with 10 part-time employees hired during the legislative sessions to type bills. Now, Newkirk says, there are more than 100 terminals available to staff and some legislators.

"There was no full legislative computer system," says Newkirk. "There is much, much more of the system now, and there is much wider access to and use of the system in the legislature itself."

—Mike McLaughlin

information that permits North Carolina citizens to make informed judgments at the voting booth, it should seriously consider providing this information [on voting records] from now on."[6]

The Center and its Board of Directors asked state Sen. Robert B. Jordan, then a candidate for lieutenant governor, in 1984 to consider pushing for a recorded vote service beginning in the 1985 session. "Without the Center's vote reporting service, there is no way the average citizen can find out how a legislator voted on a particular bill," pointed out N.C. Center Chairman Thad L. Beyle and Coble.[7] Jordan responded that his staff would discuss the subject with legislative staff members and added, "I intend to give the proposal my full consideration."[8]

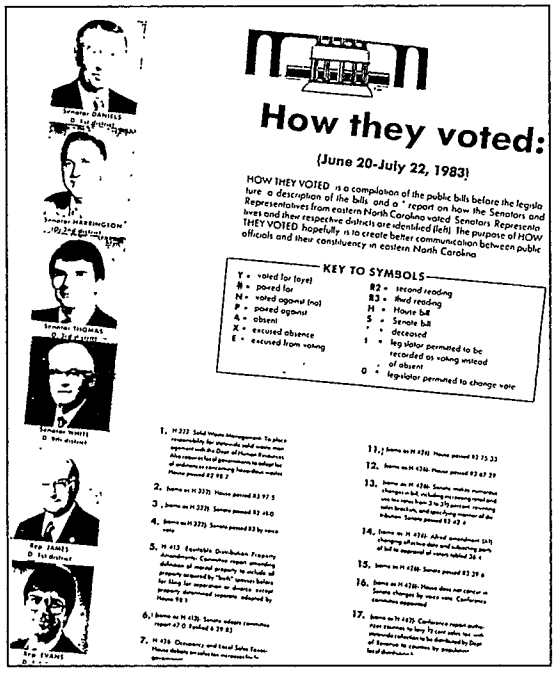
Following another exchange of letters urging adoption of a vote reporting service, Jordan in 1985 said a decision on the legislature's publishing its own votes "needs to be deferred until computer capabilities in the General Assembly are fully operational. Once our computer system is in place, I will talk further with Speaker Ramsey."[9]

Now that the computer system is in place, Jordan says the legislature should begin publishing the votes. "I would support every vote being published," Jordan says. "I think it would be worth the $45,000." Other legislative leaders are warming up to the idea as well. Sen. Henson Barnes (D-Wayne), the leading candidate for President Pro Tempore in the Senate in 1989, puts it blithely. "[I] Don't mind a bit in the world," he says when asked if the legislature should upgrade its computer system to record and publish all votes.

But not all legislative leaders are willing to go with the service. Some have been concerned in the past that the legislature's computer system's security might be breached, despite the existence of devices that protect computers. And there are real concerns about cost.

"If someone wants to do it [record and publish the votes], they can do it. The Department of Administration, or whoever is in the publishing business, can do it if they're interested," Ramsey says—but only if that agency "took the money out of their own budget."

Sometimes the legislature is willing to spend money in the name of getting more information to the public, and sometimes it's not. For instance, in 1987, the legislative leadership decided to create a legislative press office to promote the legislature's actions. The office has an annual payroll of $52,986 and is responsible primarily for releasing statements about the assembly's accomplishments. Margaret Webb, the legislative press officer, says she has no



How they voted:

(June 20-July 22, 1983)

HOW THEY VOTED is a compilation of the public bills before the legislature a description of the bills and a report on how the Senators and Representatives from eastern North Carolina voted. Senators, Representatives and their respective districts are identified (left). The purpose of HOW THEY VOTED hopefully is to create better communication between public officials and their constituency in eastern North Carolina.

KEY TO SYMBOLS

Y - voted for (aye)
N - voted against (no)
P - paired against
A - absent
X - excused absence
E - excused from voting

#2 - second reading
#3 - third reading
H - House bill
S - Senate bill
* - deceased
1 - legislator permitted to be recorded as voting instead of absent
0 - legislator permitted to change vote

The Washington Daily News *regularly reprinted portions of* How The Legislators Voted *on local legislators' votes.*

plans to publish legislative votes.

Traditionally, North Carolina has been a model for other states in its commitment to open records and open meetings. Yet now that the N.C. General Assembly has entered the Computer Age, it has not taken full advantage of using these sophisticated electronic devices to make the state's legislative branch even more accessible to its citizens—and making its recorded votes available for the asking.

FOOTNOTES

[1] "The Hardison Amendments: Time for a Reappraisal?" by Jack Betts, *North Carolina Insight*, Vol. 10, No. 2-3, March 1988, p. 107.

[2] G.S. 140-6 (Chapter 755 of the 1943 Session Laws). Senator Cherry's vote is unknown because the Senate vote on final passage of the bill was not recorded.

[3] *How the Legislators Voted*, N.C. Center for Public Policy Research, (three volumes, 1981-1984).

[4] "Keep tabs on votes," *The Raleigh Times*, May 11, 1985, Editorial Page.

[5] "Voting records helpful," *The Durham Sun*, May 3, 1985, Editorial Page.

[6] "How Did They Vote?," *The Fayetteville Observer*, May 3, 1985, Editorial Page.

[7] Letter from Thad Beyle and Ran Coble to Sen. Robert B. Jordan III, Oct. 29, 1984, p. 2.

[8] Letter from Robert B. Jordan III, Lieutenant Governor-Elect, to the N.C. Center for Public Policy Research Board of Directors, Dec. 18, 1984.

[9] Letter from Robert B. Jordan III, Lieutenant Governor, to Ran Coble, Executive Director, N.C. Center for Public Policy Research, Feb. 22, 1985.