

THE DAILY REVIELLE

Shame on vote-changing legislators

by [Jason Dore](#)

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Today, at the behest of Gov. Kathleen Blanco, the state Legislature will convene for a 10-day, \$1.6 billion spending spree. Those constituents who wish to monitor how their elected representatives in the Louisiana House decide to allocate that pot of money will have to watch closely, as in being present at the Capitol during the time of the vote. Otherwise, they will never know if their elected representative truly voted the way the record reflects.

During the 2006 regular legislative session, members of the Louisiana House of Representatives submitted more than 500 vote change requests, according to House Clerk Alfred Speer. None of the requests were turned down by the House. However, if you take the time to delve through the daily House journals-the official minutes of the session-and compile a list of the vote changes for the 2006 regular session, you will only be able to find 207. This is because the majority of the vote changes take place after the vote has closed and is final but before they are submitted to the record. This allows representatives to change their vote without it ever being shown in any official House record.

Even those vote changes which are traceable in the House journals are difficult to discover. The change may be included right after the vote is listed in the journal, or it could pop up in the journal weeks later. Furthermore, none of these motions to change the vote show the representative's original vote. The only way to track down the original results of a vote is to make a public records request of the vote from the House Clerk's Office. But these records are destroyed at the beginning of the next legislative session.

"When you vote, you ought to live with how you voted," said Rep. Billy Wayne Montgomery, R-Haughton.

Unfortunately, many of Montgomery's colleagues don't agree with him. In October, Speer floated the idea of formalizing the vote system. A system which would make it easier for his office to deal with the increasing load of requested changes. But this system would also make it easier to track the vote-changers, much to the chagrin of members of the House Governmental Affairs committee. After being berated by the complaints of committee members, Speer decided not to push for any changes to the system. He does serve at the pleasure of the House, after all. Undoubtedly if he pushed for such a system, it would severely threaten his job security.

Rep. M.J. "Mert" Smiley, R-St. Amant, took a beating in the press for the comments he

made at the committee meeting. His comments at the meeting included, "you're making it easier for [the press] and having a printed record" and "[the proposed change] makes it a lot easier to use [vote changes] against you."

"I know I've made thousands of votes," Smiley said at the same meeting. "I've probably only asked to change my vote three or maybe four times."

Unfortunately, Smiley's claim doesn't match up with the official record presented in the House journals. According to research conducted by The Daily Reveille, Smiley has changed his vote at least eight times since his term began in 2004. As noted earlier, there is no way to detect how many times he had his vote changed before it became part of the House record.

"I'm on the side of open government," Smiley told The Daily Reveille. "I'm on the side of the press so they can know things. I'm not on the side of irresponsible government."

Smiley's numerical calculation was likely an honest mistake. Nevertheless, the House's practice of retroactively changing votes is anything but responsible, and it is certainly not conducive to an open government.

"Trying to deceive or not fully informing the public is not in the spirit of open and transparent government," Jim Brandt, president of the Public Affairs Research Council of Louisiana, told The Daily Reveille. "We would strongly urge the House members to reconsider their stance on this issue in the next regular session."

Even some members who I generally consider the "good guys" of the Louisiana Legislature have been active participants in the vote-changing efforts. In fact, Rep. Steve Scalise, R-Metairie, who has never shied away from controversy and has always passionately championed the causes that are close to my heart, led the Legislature in the nefarious vote-switching category for the 2006 regular session with 32 vote changes. Rep. Gary Beard, R-Baton Rouge, has changed his vote at least 25 times since 2004.

He received much praise for being one of the few original opponents of HB 1028 last session. That is the bill that would have given many legislators health insurance for the rest of their lives. However, according to the record, Beard changed his vote after the fact to oppose House passage of the bill. Later, four representatives changed their votes to nay on concurrence of the bill when it showed back up in the House, including Smiley and Rep. William Daniel, R-Baton Rouge, who is now seeking to evade term limits by becoming a state senator.

Regardless of the legitimacy of their explanations for doing so, retroactive vote changes are simply wrong. The only reason for such a change is to deceive the public. If a representative misses a vote or mistakenly votes the wrong way, he should have to explain the reason to those in his district. Let the voters be the judge of the validity of the representative's explanation. The "good guys" in the Louisiana House of Representatives must stop contributing to the perception that they've been corrupted by the system.

It's time for them to stand up and object when members seek to suspend the rules, change their vote and rewrite history.

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