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## Top Votes of 2010 Session

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Party control of the U.S. House and Senate next year is riding on the outcome of dozens of contests rated too close to call. And how those races turn out is likely to depend on the extent to which TV attack ads can win over tiny bands of undecided voters and get them to the polls Nov. 2.

Although widely debunked by independent watchdog groups for their falsehoods, these ads are so persuasive that congressional candidates and outside interests this year are spending hundreds of millions of dollars or more to parade them before viewers, with the bulk of the spending going to the benefit of Republican candidates.

The GOP needs a net gain of 39 seats to take control of the House and a net gain of 10 seats to become the Senate's majority party.

Experts say that in most hotly contested races, only a sliver of potential voters—probably fewer than one in ten or even one in 15—is still undecided this close to Election Day. So while the negative political spots now flooding TV screens are being presented to just about everybody, they are targeted at a small number of make-or-break holdouts.

These “undecideds” tend to be among the least informed members of any constituency, according to political professionals, which makes them inviting targets for appeals based more on emotion than fact.

“They’re the most impressionable because they’re the least sophisticated in terms of politics,” said St. Louis University political science professor Kenneth Warren. “They can be fooled by absurd negative ads.”

Warren, who has conducted polling for candidates and managed campaigns, added: “The advertisers, the people who are brought in to make these ads, they’re slick and they know what they’re doing. They know who to target” once they see the data.

Lynda Lee Kaid, a professor of telecommunication at the University of Florida, said recent studies show some late-deciders are “actually very knowledgeable... but they just have not finalized their choices.”

If undecideds do vote Nov. 2, that will be good news for challengers, she said, because “voters who are still undecided at this point are not likely going to go with the incumbent. The real question is, will they sit out?”

While attack ads of any description are a potent force, those targeting voting records are seen as particularly effective. “Ads that focus on issues rather than candidate characteristics are the most successful,” said Kaid. “Voting-record attacks take advantage of the credibility invested by most people in factual, statistical, numeric information.”

Widespread public ignorance of actual voting records in Congress gives ad makers a clean slate to work with. “Most people don’t know how candidates voted (in reality), and pollsters know that,” said Warren.

[PolitiFact.com](#), a news organization that monitors campaign advertising, has found major falsehoods in nearly every congressional-voting ad it has researched this year. [FactCheck.org](#), another independent watchdog, also has found a pattern of serious factual errors in ads that cite congressional voting records.

Candidates who launch untrue or absurd attacks risk backlash, said Kaid. “It’s one of the reasons that an attacked candidate should always respond... Current research shows that if the attacked candidate doesn’t reply and rebut the attack, many voters may decide (it) is true.”

In the real world of congressional voting, the House has conducted 565 roll-call votes so far this year and the Senate 248. This report boils that activity down to 24 key votes that show lawmakers’ stands on a cross-section of major issues, many of which figure prominently in current campaign debates and attack ads.

This report covers votes on both enacting and repealing President Obama’s health-care law; regulating Wall Street; establishing an agency to protect financial consumers; funding extra checks for the long-term jobless; tightening offshore-drilling rules; creating a deficit-reduction commission; retaining Environmental Protection Agency authority over global warming, and confirming Supreme Court Justice Elena Kagan.

Additionally, the report spotlights jobs votes on whether to redirect economic-stimulus funds, end tax incentives for outsourcing, spur bank credit for small businesses, and provide states with funds for retaining 100,000 teachers. The report also covers the 2010 military budget, a measure that drew overwhelming GOP opposition due to its repeal of the ban on gays serving openly in the armed forces.

Here are summaries of the 24 issues. Readers can find these and hundreds of other votes from the 2010 session at [www.researchyourreps.com](http://www.researchyourreps.com)

## In the House

**1. Health Care** The House on March 21, 2010, voted, 219-212, to send President Obama a Senate-passed health-care bill that would provide affordable insurance to about 31 million legal, uninsured U.S. residents. A yes vote was to pass the bill (HR 3590) over unanimous Republican opposition.

## In the Senate

**1. Deficit Reduction** Senators on Jan. 26, 2010, failed, 53-46, to get 60 votes needed to establish an 18-member panel that would draft a deficit-reduction plan. Congress then would accept or reject the plan in up-or-down votes with amendments barred. A yes vote was to establish the commission. (HJ Res 45)

## In the House

**2. Health-Insurance Mandate** Members on June 15, 2010, refused, 187-230, to repeal the new health law's mandate that those who can afford it obtain health insurance. A yes vote was to repeal as unconstitutional a mandate designed to cut health costs by establishing the largest possible insurance pool. (HR 5486)

**3. 2011 Military Budget** Members on May 28, 2010, passed, 229-186, a \$680 billion military budget for fiscal 2011, nearly 7 percent over the comparable 2010 figure. A yes vote was to budget \$159 billion for war in Afghanistan and Iraq while repealing the "Don't Ask, Don't Tell" law barring gays from serving openly in the military. (HR 5136)

**4. 'Don't Ask, Don't Tell'** Members on May 27, 2010, voted, 234-194, to make it legal for gay men and lesbians to serve openly in the U.S. military. A yes vote was to repeal the 17-year-old "Don't Ask, Don't Tell" law under which 13,500 troops have been discharged because of their homosexuality. (HR 5136)

**5. F-35 Fighter Engine** Members on May 27, 2010, refused, 193-231, to strip the 2011 defense budget (HR 5136) of its \$485 million for building a backup engine for the F-35 Joint Strike Fighter. This vote repudiated the argument of Defense Secretary Robert Gates that the spending is wasteful. A yes vote was to delete the \$485 million.

**6. DISCLOSE Act** Members on June 24, 2010, passed, 219-206, the DISCLOSE Act, which requires companies, unions and interest groups to fully identify themselves when they fund campaign ads. For TV ads, the disclosures would be on screen. A yes vote was to pass HR 5175.

**7. Financial Regulation** Members on June 30, 2010, approved, 237-192, the conference report on a bill to regulate the financial industry in ways designed to reduce the chances of further U.S. economic meltdowns. A yes vote was to pass a bill (HR 4173) that Republicans criticized as regulatory excess.

## In the Senate

**2. Health-Law Repeal** Voting 58-39, senators on March 24, 2010, tabled (killed) a Republican amendment to HR 4872 that sought to repeal the new health-care law. This was one of nearly 50 losing attempts by Republicans to change the measure. A yes vote was to preserve the new law.

**3. Climate Change** Senators on June 10, 2010, defeated, 47-53, a GOP bid to block Environmental Protection Agency rules, due in January, to curb carbon and other emissions by industrial polluters. A yes vote opposed the rules on grounds they would infringe on congressional prerogatives. (SJ Res 26)

**4. Financial Regulation** Senators on July 15, 2010, approved, 60-39, the conference report on a bill to regulate the financial industry in ways designed to improve the odds against further U.S. economic meltdowns. A yes vote was to send the bill (S 3217) to President Obama.

**5. Consumer Protection Agency** Senators on May 6, 2010, defeated, 38-61, a GOP alternative to the Democrats' proposed Consumer Financial Protection Bureau in S 3217 (above). A yes vote backed a GOP bid for a weaker consumer unit whose actions could be vetoed in advance by bank regulators.

**6. Jobless Benefits** Voting 59-39, senators on July 21, 2010, sent the House a \$34 billion deficit-spending bill (HR 4213) to provide jobless checks through November for persons out of work six months or longer, with payments available retroactively to June 2 in a lump sum. A yes vote was to pass the bill.

**7. Aid to Schools, States** Senators on Aug. 5, 2010, approved, 61-39, a deficit-neutral, \$26 billion package of aid for school districts and state budgets. A yes vote was to send the House a bill (HR 1586) providing \$10 billion to save more than 100,000 teaching jobs and \$16 billion for paying Medicaid claims.

**8. Justice Elena Kagan** The Senate on Aug. 5, 2010, voted, 63-37, to confirm Solicitor General Elena Kagan, 50, as the

## In the House

**8. War, Teacher Funding** Members on July 1, 2010, sent the Senate, 239-182, a deficit-neutral \$80 billion appropriations bill that includes spending such as \$33.5 billion for war and \$10 billion to avert teacher layoffs. A yes vote was to pass HR 4899 over GOP arguments it should contain only war funding.

**9. Afghanistan Withdrawal** Members on July 1 defeated, 100-321, a bid to require military funding in a pending appropriations bill (HR 4899) to be spent on orderly U.S. troop withdrawals from Afghanistan instead of paying for President Obama's 30,000-troop surge there. A yes vote was to fund a pullout from Afghanistan.

**10. Jobless Checks** Members on July 22, 2010, voted, 272-152, to extend benefits for the long-term jobless until Nov. 30, 2010, at a cost of \$34 billion in deficit spending. A yes vote was to send HR 4213 to President Obama with arguments that Congress has always used deficit spending to fund extended unemployment benefits.

**11. Offshore Drilling** Members on July 30, 2010, voted, 209-193, to set new safety and environmental rules for offshore drilling, lift the \$75 million cap on a firm's liability following spills, and give whistleblower protections to workers who report violations on rigs. A yes vote was to send HR 3534 to the Senate.

**12. Small-Business Lending** Members on Sept. 23, 2010, authorized, 237-187, Treasury lending to community banks designed to leverage \$300 billion in loans to small businesses. The deficit-neutral bill also provides \$12 billion in business tax breaks. A yes vote was to send the bill (HR 5297) to President Obama.

## In the Senate

112th justice of the Supreme Court. All Democrats except Sen. Ben Nelson of Nebraska, both senators who are independents and five of the 41 GOP senators supported her. A yes vote was to confirm Kagan.

**9. Small-Business Credit** Senators on Sept. 16, 2010, approved, 61-38, \$30 billion in secured Treasury lending to community banks in order to leverage up to \$300 billion in private credit for small businesses. The deficit-neutral bill also provided \$12 billion in small-business tax breaks. A yes vote was to send HR 5297 to the House.

**10. GOP Military Filibuster** The Senate on Sept. 21, 2010, failed, 56-43, to reach 60 votes for advancing a \$725.7 billion military budget for 2011. The GOP filibuster was based mainly on the bill's repeal of the 'Don't Ask, Don't Tell' policy for dealing with gay soldiers. A yes vote was to start debating S 3454.

**11. DISCLOSE Act** Senators on Sept. 23, 2010, failed, 59-39, to reach 60 votes for ending GOP blockage of a bill requiring unions, corporations and interest groups to immediately disclose their funding of political ads, with chief executives personally appearing in the ads to take responsibility. A yes vote was to pass a bill (S 3628) known as the DISCLOSE Act.

**12. Repatriating U.S. Jobs** Senators on Sept. 28, 2010, failed, 53-45, to reach 60 votes needed to end GOP blockage of a bill (S 3816) awarding payroll-tax breaks to multinational firms that return jobs to the U.S. A yes vote backed a deficit-neutral bill that also would end tax policies that spur the outsourcing of U.S. jobs.

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