

Chapter 7 Voting

Part 1 General Requirements

HR4-7-101 Definitions.

- (1) "Electronic vote" means that those representatives present vote using an electronic system that records and tallies their votes.
- (2) "Roll call vote" means a verbal voting process where:
 - (a) the chief clerk or the chief clerk's designee verbally calls the name of each representative alphabetically, except the speaker, who is called last;
 - (b) each representative present votes "aye" or "no" when the representative's name is called;
 - (c) the chief clerk or the chief clerk's designee:
 - (i) tallies the vote;
 - (ii) records those representatives who are absent or not voting; and
 - (iii) gives a copy of the tally to the presiding officer; and
 - (d) the presiding officer announces the result of the vote.
- (3) "Voice vote" means a verbal voting process where the presiding officer:
 - (a) poses the question to be voted upon in this form: "Those in favor (of the question) say aye." and "Those opposed, say no."; and
 - (b) based upon the representative's responses, announces that the question either passed or failed.

HR4-7-102 Number of votes required for passage.

- (1) Unless otherwise specified in these rules:
 - (a) each piece of legislation requires a constitutional majority vote -- 38 votes -- to pass;
 - (b) amendments to the Utah Constitution, legislation that is intended to take effect earlier than 60 days after adjournment of the session in which it passes, amendments to court rules, and certain motions specified in these rules require a constitutional two-thirds vote -- 50 votes -- to pass;
 - (c) certain motions require a two-thirds vote -- two-thirds of those present -- to pass; and
 - (d) other motions require a majority vote -- a majority of those present -- to pass.
- (2) The House may only suspend a rule requiring that a motion must receive a two-thirds vote or a constitutional two-thirds vote to pass by a two-thirds vote.

HR4-7-103 Representatives required to vote -- Representatives must be present to vote.

- (1)
 - (a) A representative present within the House chamber when a vote is being taken shall vote.
 - (b)
 - (i) The chief clerk may record the vote of any representative who is present in the House Chamber who requests assistance of the chief clerk.
 - (ii) The representative shall ensure that the electronic vote is recorded accurately.
 - (c) Each representative shall vote within the time limit fixed by the presiding officer.

- (d) Immediately before an electronic vote or a roll call vote, a representative may, upon recognition by the presiding officer, make a brief statement explaining any conflict of interest.
- (2)
- (a) A representative may not vote on a piece of legislation or motion unless the representative is present in the House chamber.
 - (b) If the vote is by electronic vote or roll call vote, a representative entering the chamber after the question is posed, and before the presiding officer closes the vote or announces the result, may have the question stated and vote.

HR4-7-104 Disturbing House staff during voting prohibited.

While an electronic vote or roll call vote is being taken, a person may not disturb or remain by the desks of the chief clerk of the House, the docket clerk, the minute clerk, the voting machine operator, or the public address system operator.

HR4-7-105 Changing vote before vote is closed.

A representative may change the representative's vote before the presiding officer closes the vote or announces the result.

HR4-7-106 Voting or changing vote after the vote is closed.

- (1) After the vote is announced or an electronic vote is closed, a representative may not vote or change the representative's vote unless:
 - (a) there is unanimous consent of the representatives present; and
 - (b) the result of the vote is not changed.
- (2) A representative wishing to vote or change the representative's vote after the vote has been taken on legislation or on a question shall, before the House begins the next order of business:
 - (a) seek and obtain recognition from the presiding officer; and
 - (b) make a motion for leave of the body to vote or to change the representative's vote.

**Part 2
Voting Process**

HR4-7-201 Means of voting -- Requirements.

- (1) The presiding officer shall ensure that the vote on final passage of a piece of legislation is taken by electronic vote or roll call vote.
- (2) The presiding officer may place other questions to the House using a voice vote, an electronic vote, or a roll call vote.

HR4-7-202 Placing the question -- Voice vote -- Division of the House.

- (1) After taking a voice vote, if the presiding officer is in doubt about which side prevailed, the presiding officer may require the House to vote by electronic vote or roll call vote.
- (2)

- (a) After taking a voice vote and announcing the results of the voice vote, a representative may call for division of the House without being recognized.
- (b) If five or more members request a division of the House, the presiding officer shall require the House to vote by electronic vote or roll call vote.

HR4-7-203 Placing the question -- Electronic vote -- Process.

- (1) When conducting an electronic vote, the presiding officer shall announce that voting is open on the measure or question that is to be voted upon.
- (2)
 - (a) Except as provided in Subsection (2)(b), the chief clerk or the chief clerk's designee shall ensure that the electronic board identifies:
 - (i) the number of the piece of legislation being voted upon, if the vote is on a bill or resolution; or
 - (ii) by brief description, the nature of the matter being voted upon, if the vote is on a motion or question.
 - (b) If the legislation or matter cannot be electronically displayed, the presiding officer shall announce the measure at the time the presiding officer announces that voting is open.
- (3) The presiding officer may establish a specific time limit for voting.
- (4) The presiding officer shall announce that voting is closed and close the vote.
- (5) When an electronic vote is taken, the printed tally sheets are the official record of the vote.