

**SENATE RULES RESOLUTION ALLOWING
ABSTAINING FROM VOTING**

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This resolution allows a legislator to abstain from voting in certain circumstances.

Highlighted Provisions:

This resolution:

- ▶ allows a legislator to abstain from voting if the legislator believes that the legislator has a conflict of interest or another circumstance making it inappropriate to vote on the matter;
- ▶ provides that a person who abstains from a vote is counted for a quorum but not for a vote;
- ▶ provides procedures for abstaining;
- ▶ amends Senate Rules to allow for an abstention from voting; and
- ▶ makes technical changes.

Special Clauses:

None

Legislative Rules Affected:

AMENDS:

SR-24.16

SR-24.26

SR-30.01

SR-30.06



28 ENACTS:

29 **SR-26.03**



31 *Be it resolved by the Senate of the state of Utah:*

32 Section 1. **SR-24.16** is amended to read:

33 **SR-24.16. Voting; Chair to Verbally Announce the Vote; Dissenting Members to**
34 **be Reported.**

35 (1) After the committee votes, the chair shall:

36 (a) determine whether the motion passed or failed;

37 (b) verbally announce that the motion passed or that the motion failed; [~~and~~]

38 (c) verbally identify by name either the committee members who voted "yes" or the
39 committee members who voted "no[-]"; and

40 (d) verbally identify by name each committee member who abstained from voting.

41 (2) Members dissenting from a committee report may file a minority report or may be
42 listed on the majority report as dissenting.

43 Section 2. **SR-24.26** is amended to read:

44 **SR-24.26. Votes.**

45 (1) Each committee member present shall vote on every question [~~and the~~], except in
46 the case of an abstention as provided under SR-26.03.

47 (2) Each vote and abstention shall be recorded in the minutes.

48 Section 3. **SR-26.03** is enacted to read:

49 **SR-26.03. Abstaining from Voting.**

50 (1) A Senator may abstain from voting, if the Senator believes that the Senator has a
51 conflict of interest or another circumstance that would make it inappropriate for the Senator to
52 cast a vote on the legislation or legislative matter.

53 (2) A Senator who abstains from voting under Subsection (1):

54 (a) shall give notice of and the reason for the recusal to the:

55 (i) body in an oral statement; or

56 (ii) person conducting the meeting or session who shall announce the abstention and
57 the reason given; and

58 (b) shall give the notice under Subsection (2)(a) before voting commences.

59 (3) If voting has not commenced on the legislation or legislative matter, a Senator may
60 withdraw a notice of abstention by giving notice and the reason for the withdrawal of the
61 abstention to the:

62 (a) body in an oral statement; or

63 (b) person conducting the meeting or session who, if necessary, may announce the
64 withdrawal of the abstention and the reasons given.

65 (4) For the purpose of determining a quorum, a person who is present but abstains from
66 voting is counted as part of the quorum.

67 (5) For the purpose of voting, a person who abstains from voting:

68 (a) is not counted for the vote; and

69 (b) may not be counted as either a yea or a nay vote.

70 Section 4. **SR-30.01** is amended to read:

71 **SR-30.01. Senators Required to Vote.**

72 ~~[All Senators]~~ (1) Each Senator who is within the Senate chamber when a vote is being
73 taken shall vote, except in the case of an abstention as provided under SR-26.03.

74 (2) Immediately preceding the roll call, a Senator may make a brief statement
75 explaining any conflict of interest.

76 (3) Any Senator may briefly explain a vote.

77 Section 5. **SR-30.06** is amended to read:

78 **SR-30.06. Number of Votes Required for Passage.**

79 (1) A majority vote is a majority of those present, except for passage of a bill, which
80 requires 15 votes.

81 (2) All matters requiring a constitutional majority require 15 votes.

82 (3) All matters requiring a constitutional two-thirds require 20 votes.

83 (4) All motions which require a two-thirds vote may only be suspended by that same
84 two-thirds vote.

85 (5) A person who abstains from voting:

86 (a) is not counted for the vote; and

87 (b) may not be counted as either a yea or a nay vote.

Legislative Review Note
as of 2-5-09 10:06 AM

Office of Legislative Research and General Counsel

S.R. 5 - Senate Rules Resolution Allowing Abstaining from Voting

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
