

**RESOLUTION AMENDING LEGISLATIVE
RULES TO ALLOW ABSTAINING FROM
VOTING**

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This resolution:

- ▶ requires that the number of legislators abstaining on final passage of legislation be identified to certify passage;
- ▶ requires that House and Senate Journals record a vote to include the number absent and abstaining;
- ▶ 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 Joint Rules and Interim Rules to allow for an abstention from voting; and
- ▶ makes technical changes.

Special Clauses:

None



Legislative Rules Affected:

AMENDS:

IR3-2-102**IR3-3-103****JR1-3-102****JR3-2-302****JR3-2-401****JR4-6-101**

ENACTS:

JR6-1-201.5

*Be it resolved by the Legislature of the state of Utah:*Section 1. **IR3-2-102** is amended to read:**IR3-2-102. Voting Requirements.**

(1) For the purpose of voting in a meeting[;]:

(a) a majority is at least 50% in one house and more than 50% in the other[;]; and(b) a person who abstains from voting:(i) is not counted for the vote; and(ii) may not be counted as either a yea or a nay vote.

(2) After the committee votes, the chair shall:

(a) determine whether the motion passed or failed;

(b) verbally announce that the motion passed or that the motion failed; [~~and~~](c) verbally identify by name either the committee members who voted "yes" or the committee members who voted "no[;]"; and(d) verbally identify by name each committee member who abstained from voting.Section 2. **IR3-3-103** is amended to read:**IR3-3-103. Members Required to Vote.**Each committee member present at the committee meeting shall vote "yea" or "nay" on each question put to a vote by the chair, except in the case of an abstention as provided under JR6-1-201.5.Section 3. **JR1-3-102** is amended to read:

JR1-3-102. Senate and House Journals.

(1) Each house shall:

(a) keep a journal of its proceedings;

(b) publish the journal daily;

(c) ensure that its journal is continuous during the legislative session, with pages numbered in consecutive order;

(d) ensure that the vote on final passage of each bill is ~~[by yeas and nays and is]~~ entered upon the journal by yeas, nays, absents, and abstentions;

(e) ensure that the vote on any other question is ~~[by yeas and nays and is]~~ entered upon the journal and at the request of five members of that house recorded by yeas, nays, absents, and abstentions; and

(f) base the journal upon the record of the proceedings taken by the Reading or Docket Clerk and the electronic recording of those proceedings.

(2) The Secretary of the Senate and the Chief Clerk of the House of Representatives shall provide a final certification of the journal for their respective house.

Section 4. **JR3-2-302** is amended to read:

JR3-2-302. Appropriation Subcommittees -- Created -- Membership -- Quorum and Voting Requirements.

(1) The members of the Joint Appropriations Committee shall be divided into the following subcommittees:

(a) Capital Facilities and Government Operations;

(b) Commerce and Workforce Services;

(c) Economic Development and Revenue;

(d) Executive Offices and Criminal Justice;

(e) Health and Human Services;

(f) Higher Education;

(g) Natural Resources;

(h) Public Education;

(i) Retirement and Independent Entities; and

(j) Transportation, Environmental Quality, and National Guard.

(2) Subject to Subsection (3), the President of the Senate and Speaker of the House

shall appoint their respective members to each subcommittee.

(3) The Retirement and Independent Entities Subcommittee shall have the same members as the Retirement and Independent Entities Committee created in Section 63E-1-201.

(4) (a) A majority of any appropriations subcommittee is a quorum for the transaction of business.

(b) In determining a subcommittee quorum, a majority is at least 50% in one house and more than 50% in the other.

(5) (a) In all decisions of the subcommittees, a majority vote prevails.

(b) A majority vote is at least 50% of the members of one house and more than 50% in the other house in attendance.

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

(i) is not counted for the vote; and

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

Section 5. **JR3-2-401** is amended to read:

JR3-2-401. Executive Appropriations -- Creation -- Membership -- Quorum and Voting Requirements.

(1) There is created an Executive Appropriations Committee consisting of 20 members composed of:

(a) three members of the majority leadership of the Senate and four members of the majority leadership of the House;

(b) two members of the minority leadership of the Senate and three members of the minority leadership of the House;

(c) the chair and vice chair of the Senate Appropriations Committee and the chair and vice chair of the House Appropriations Committee; and

(d) (i) one member from the majority party of the Senate as appointed by the President of the Senate or as chosen by the Senate majority caucus;

(ii) two members from the minority party of the Senate as appointed by the Senate minority leader or as chosen by the Senate minority caucus; and

(iii) one member from the minority party of the House as appointed by the House minority leader or as chosen by the House minority caucus.

(2) A member of the Executive Appropriations Committee, whose membership is

determined under Subsection (1)(a) or (b), may appoint a designee to permanently serve in that individual's place if:

(a) the person is a member of the majority party and the designee is approved by the Speaker or the President; or

(b) the person is a member of the minority party and the designee is approved by the House or Senate minority party leader.

(3) (a) A majority of the Executive Appropriations Committee is a quorum for the transaction of business.

(b) In determining a committee quorum, a majority is at least 50% in one house and more than 50% in the other.

(4) (a) In all decisions of the Executive Appropriations Committee, a majority vote prevails.

(b) A majority vote is at least 50% of the members of one house and more than 50% of the members of the other house in attendance.

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

(i) is not counted for the vote; and

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

(5) The Office of Legislative Fiscal Analyst shall staff the Executive Appropriations Committee and its subcommittees.

Section 6. **JR4-6-101** is amended to read:

JR4-6-101. Certification and Signature.

(1) (a) When a piece of Senate legislation has passed both houses, the Secretary of the Senate shall certify its final passage by identifying:

(i) the date that the legislation passed the Senate;

(ii) the number of Senators voting for and against the legislation;

(iii) the number of Senators absent and abstaining for the vote;

(iv) the date that the legislation passed the House;

(v) the number of Representatives voting for and against the legislation; and

(vi) the number of Representatives absent and abstaining for the vote.

(b) When a piece of House legislation has passed both houses, the Chief Clerk of the House shall certify its final passage by identifying:

- 152 (i) the date that the legislation passed the House;
153 (ii) the number of Representatives voting for and against the legislation;
154 (iii) the number of Representatives absent and abstaining for the vote;
155 (iv) the date that the legislation passed the Senate;
156 (v) the number of Senators voting for and against the legislation; and
157 (vi) the number of Senators absent and abstaining for the vote.

158 (2) (a) Except as provided in Subsection (2)(b), within one legislative day of final
159 passage, each piece of legislation shall be signed:

- 160 (i) first by the presiding officer of the house in which it was last voted upon; and
161 (ii) second, by the presiding officer of the other house.

162 (b) Within five days following the adjournment sine die of a legislative session, each
163 piece of legislation passed on the final day of that legislative session shall be signed:

- 164 (i) first by the presiding officer of the house in which it was last voted upon; and
165 (ii) second, by the presiding officer of the other house.

166 (c) Unless the session has adjourned sine die, the Secretary of the Senate or Chief
167 Clerk of the House shall note in the journal that the legislation was signed by the presiding
168 officer.

169 Section 7. **JR6-1-201.5** is enacted to read:

170 **JR6-1-201.5. Abstaining from Voting.**

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

174 (2) A legislator who abstains from voting under Subsection (1):

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

176 (i) body in an oral statement; or

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

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

180 (3) If voting has not commenced on the legislation or legislative matter, a legislator
181 may withdraw a notice of abstention by giving notice and the reason for the withdrawal of the
182 abstention to the:

- 183 (a) body in an oral statement; or
184 (b) person conducting the meeting or session who, if necessary, may announce the
185 withdrawal of the abstention and the reasons given.
186 (4) For the purpose of determining a quorum, a person who is present but abstains from
187 voting is counted as part of the quorum.
188 (5) For the purpose of voting, a person who abstains from voting:
189 (a) is not counted for the vote; and
190 (b) may not be counted as either a yea or a nay vote.

Legislative Review Note
as of 2-5-09 10:14 AM

Office of Legislative Research and General Counsel

Fiscal Note**S.J.R. 13 - Resolution Amending Legislative Rules to Allow Abstaining from
Voting**

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.
