

**HOUSE RULES RESOLUTION ALLOWING
ABSTAINING FROM VOTING**

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John Dougall

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 House Rules to allow for an abstention from voting; and
- ▶ makes technical changes.

Special Clauses:

None

Legislative Rules Affected:

AMENDS:

HR3-2-402

HR4-7-102

HR4-7-103

ENACTS:



28 **HR2-3-102**
29

30 *Be it resolved by the House of Representatives of the state of Utah:*

31 Section 1. **HR2-3-102** is enacted to read:

32 **HR2-3-102. Abstaining from Voting.**

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

36 (2) A Representative who abstains from voting under Subsection (1):

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

38 (i) body in an oral statement; or

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

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

42 (3) If voting has not commenced on the legislation or legislative matter, a
43 Representative may withdraw a notice of abstention by giving notice and the reason for the
44 withdrawal of the abstention to the:

45 (a) body in an oral statement; or

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

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

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

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

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

53 Section 2. **HR3-2-402** is amended to read:

54 **HR3-2-402. Voting -- Chair to Verbally Announce the Vote -- Dissenting**
55 **Members to Be Reported -- Division of the Question.**

56 (1) A committee member present shall vote on every question, except in the case of an
57 abstention as provided under HR2-3-102.

58 (2) (a) If requested by a committee member or at the discretion of the chair, the

59 standing committee chair may direct a roll call vote.

60 (b) During a vote, the standing committee chair may not take any motions or conduct
61 any other business.

62 (3) (a) If a question contains several points, a committee member may, except as
63 provided in Subsection (3)(d), request to have the question divided for purposes of voting.

64 (b) The committee member requesting division of the question shall clearly state how
65 the question is to be divided.

66 (c) (i) The standing committee chair shall determine how many divisions may be made
67 to any question.

68 (ii) The committee may seek to overrule the standing committee chair's decision only
69 once.

70 (d) A committee member may not request, and the standing committee chair may not
71 grant, division of the question when the motion directs that language be stricken and new
72 language be inserted.

73 (4) After the committee votes on a question, the standing committee chair shall:

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

75 (b) verbally announce that the motion passed or that the motion failed;

76 (c) verbally identify by name either the committee members who voted "yes" or the
77 committee members who voted "no"; [~~and~~]

78 (d) if a committee member has abstained from voting, verbally identify by name each
79 committee member who abstained from voting; and

80 [~~(d)~~] (e) ensure that the vote is recorded in the minutes.

81 (5) Members dissenting from a committee report may file a minority report or may be
82 listed on the committee report as dissenting.

83 Section 3. **HR4-7-102** is amended to read:

84 **HR4-7-102. Number of Votes Required for Passage.**

85 (1) Unless otherwise specified in these rules:

86 (a) each piece of legislation requires a constitutional majority vote -- 38 votes -- to
87 pass;

88 (b) amendments to the Utah Constitution, (b) legislation that is intended to take effect
89 earlier than 60 days after adjournment of the session in which it passes, amendments to court

90 rules, and certain motions specified in these rules require a constitutional two-thirds vote -- 50
91 votes -- to pass;

92 (c) certain motions require a two-thirds vote -- two-thirds of those present -- to pass;
93 and

94 (d) other motions require a majority vote -- a majority of those present -- to pass.

95 (2) The House may only suspend a rule requiring that a motion must receive a
96 two-thirds vote or a constitutional two-thirds vote to pass by a two-thirds vote.

97 (3) A person who abstains from voting:

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

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

100 Section 4. **HR4-7-103** is amended to read:

101 **HR4-7-103. Representatives Required to Vote -- Representatives Must Be Present**
102 **to Vote.**

103 (1) (a) A Representative present within the House chamber when a vote is being taken
104 shall vote, except in the case of an abstention as provided under HR2-3-102.

105 (b) (i) The Chief Clerk may record the vote of any Representative who is present in the
106 House Chamber who requests assistance of the Chief Clerk.

107 (ii) The Representative shall ensure that the electronic vote is recorded accurately.

108 (c) Each Representative shall vote within the time limit fixed by the presiding officer.

109 (d) Immediately before an electronic vote or a roll call vote, a Representative may,
110 upon recognition by the presiding officer, make a brief statement explaining any conflict of
111 interest.

112 (2) (a) A Representative may not vote on a piece of legislation or motion unless the
113 Representative is present in the House chamber.

114 (b) If the vote is by electronic vote or roll call vote, a Representative entering the
115 chamber after the question is posed, and before the presiding officer closes the vote or
116 announces the result, may have the question stated and vote.

Legislative Review Note
as of 2-9-10 5:28 PM

Office of Legislative Research and General Counsel

H.R. 7 - House Rules Resolution Allowing Abstaining from Voting

Fiscal Note

2010 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.
