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

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Curtis S. Bramble**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This resolution amends legislative rules to allow 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:**



28 None

29 **Legislative Rules Affected:**

30 AMENDS:

31 **IR3-2-102**

32 **IR3-3-103**

33 **JR1-3-102**

34 **JR3-2-302**

35 **JR3-2-401**

36 **JR4-6-101**

37 ENACTS:

38 **JR6-1-201.5**



40 *Be it resolved by the Legislature of the state of Utah:*

41 Section 1. **IR3-2-102** is amended to read:

42 **IR3-2-102. Voting Requirements.**

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

44 (a) a majority is at least 50% in one house and more than 50% in the other[-]; and

45 (b) a person who abstains from voting:

46 (i) is not counted for the vote; and

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

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

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

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

51 (c) verbally identify by name either the committee members who voted "yes" or the

52 committee members who voted "no[-]"; and

53 (d) if a committee member has abstained from voting, verbally identify by name each

54 committee member who abstained from voting.

55 Section 2. **IR3-3-103** is amended to read:

56 **IR3-3-103. Members Required to Vote.**

57 Each committee member present at the committee meeting shall vote "yea" or "nay" on

58 each question put to a vote by the chair, except in the case of an abstention as provided under

59 JR6-1-201.5.

60 Section 3. **JR1-3-102** is amended to read:

61 **JR1-3-102. Senate and House Journals.**

62 (1) Each house shall:

63 (a) keep a journal of its proceedings;

64 (b) publish the journal daily;

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

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

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

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

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

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

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

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

81 (a) Capital Facilities and Government Operations;

82 (b) Commerce and Workforce Services;

83 (c) Economic Development and Revenue;

84 (d) Executive Offices and Criminal Justice;

85 (e) Health and Human Services;

86 (f) Higher Education;

87 (g) Natural Resources;

88 (h) Public Education;

89 (i) Retirement and Independent Entities; and

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

91 (2) Subject to Subsection (3), the President of the Senate and Speaker of the House  
92 shall appoint their respective members to each subcommittee.

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

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

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

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

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

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

103 (i) is not counted for the vote; and

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

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

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

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

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

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

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

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

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

120 (iii) one member from the minority party of the House as appointed by the House

121 minority leader or as chosen by the House minority caucus.

122 (2) A member of the Executive Appropriations Committee, whose membership is  
123 determined under Subsection (1)(a) or (b), may appoint a designee to permanently serve in that  
124 individual's place if:

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

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

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

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

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

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

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

138 (i) is not counted for the vote; and

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

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

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

143 **JR4-6-101. Certification and Signature.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

178 (i) body in an oral statement; or

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

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

182 (3) If voting has not commenced on the legislation or legislative matter, a legislator

183 may withdraw a notice of abstention by giving notice and the reason for the withdrawal of the  
184 abstention to the:

185 (a) body in an oral statement; or

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

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

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

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

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

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**Legislative Review Note**  
**as of 2-1-10 9:58 AM**

**Office of Legislative Research and General Counsel**

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**Fiscal Note**

**S.J.R. 8 - Resolution Amending Legislative Rules to Allow Abstaining from  
Voting**

2010 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**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.

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