

1 **SENATE RULES RESOLUTION ALLOWING**
2 **ABSTAINING FROM VOTING**

3 2010 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Curtis S. Bramble**

7 **LONG TITLE**

8 **General Description:**

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

10 **Highlighted Provisions:**

11 This resolution:

12 ▶ allows a legislator to abstain from voting if the legislator believes that the legislator
13 has a conflict of interest or another circumstance making it inappropriate to vote on
14 the matter;

15 ▶ provides that a person who abstains from a vote is counted for a quorum but not for
16 a vote;

17 ▶ provides procedures for abstaining;

18 ▶ amends Senate Rules to allow for an abstention from voting; and

19 ▶ makes technical changes.

20 **Special Clauses:**

21 None

22 **Legislative Rules Affected:**

23 AMENDS:

24 **SR-24.16**

25 **SR-24.26**

26 **SR-30.01**

27 **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) if a committee member has abstained from voting, verbally identify by name each
41 committee member who abstained from voting.

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

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

45 **SR-24.26. Votes.**

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

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

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

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

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

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

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

56 (i) body in an oral statement; or

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

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

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

63 (a) body in an oral statement; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

86 (5) A person who abstains from voting:

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

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

Legislative Review Note
as of 2-1-10 9:57 AM

Office of Legislative Research and General Counsel

S.R. 1 - Senate 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.
