

1 **HOUSE RULES RESOLUTION ON VOTING PROCEDURES**

2 2014 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jim Nielson**

6 **LONG TITLE**

7 **General Description:**

8 This rules resolution modifies House rules relating to voting procedures.

9 **Highlighted Provisions:**

10 This resolution:

11 ▶ makes an exception to the requirement that a representative be present within the
12 House chamber when a vote is taken;

13 ▶ allows a representative who is present within the House chamber when a vote is
14 taken to abstain from voting;

15 ▶ authorizes the speaker to recognize, upon request, a representative who abstained
16 from voting for the purpose of allowing the representative to explain why the
17 representative abstained; and

18 ▶ makes conforming changes to applicable definitions.

19 **Special Clauses:**

20 This rules resolution takes effect on January 1, 2015.

21 **Legislative Rules Affected:**

22 AMENDS:

23 **HR4-7-101**

24 **HR4-7-103**

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

27 Section 1. **HR4-7-101** is amended to read:



28 **HR4-7-101. Definitions.**

29 (1) "Electronic vote" means that those representatives present vote using an electronic
30 system that records and tallies their votes and any abstentions from voting.

31 (2) "Roll call vote" means a verbal voting process where:

32 (a) the chief clerk or the chief clerk's designee verbally calls the name of each
33 representative alphabetically, except the speaker, who is called last;

34 (b) each representative present votes "aye," ~~or "no"~~ "nay," or "abstain" when the
35 representative's name is called;

36 (c) the chief clerk or the chief clerk's designee:

37 (i) tallies the vote;

38 (ii) records those representatives who are absent or ~~[not]~~ abstain from voting; and

39 (iii) gives a copy of the tally to the presiding officer; and

40 (d) the presiding officer announces the result of the vote.

41 (3) "Voice vote" means a verbal voting process where the presiding officer:

42 (a) poses the question to be voted upon in this form: "Those in favor (of the question)
43 say aye." and "Those opposed, say no."; and

44 (b) based upon the representative's responses, announces that the question either passed
45 or failed.

46 Section 2. **HR4-7-103** is amended to read:

47 **HR4-7-103. Representatives required to vote -- Representatives must be present**
48 **to vote.**

49 (1) (a) ~~[A]~~ (i) Except as provided in Subsection (1)(a)(ii), a representative present
50 within the House chamber when a vote is being taken shall vote.

51 (ii) (A) A representative who is present within the House chamber when a vote is being
52 taken may abstain from voting.

53 (B) Following a vote and before any other business is transacted, the speaker may,
54 upon the request of a representative who abstained from voting, recognize the representative
55 for the purpose of allowing the representative to explain why the representative abstained from
56 voting.

57 (iii) Abstaining or failing to abstain from a vote does not modify or create an additional
58 duty to disclose a conflict of interest. Disclosures of conflicts of interest by members of the

59 House of Representatives are governed by HR2-3-101, JR6-1-201, Section 36-11-306, Section
60 76-8-109, and any other applicable legislative rule or statute.

61 (b) (i) The chief clerk may record the vote of any representative who is present in the
62 House Chamber who requests assistance of the chief clerk.

63 (ii) The representative shall ensure that the electronic vote is recorded accurately.

64 (c) Each representative shall vote within the time limit fixed by the presiding officer.

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

67 (2) (a) A representative may not vote on a piece of legislation or motion unless the
68 representative is present in the House chamber.

69 (b) If the vote is by electronic vote or roll call vote, a representative entering the
70 chamber after the question is posed, and before the presiding officer closes the vote or
71 announces the result, may have the question stated and vote.

72 Section 3. **Effective date.**

73 This rules resolution takes effect on January 1, 2015.

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Office of Legislative Research and General Counsel