

Representative Grenn,

Request that this email be included in documented testimony for HB44.

The Alaska Policy Forum researched the policy on recusal from voting for legislative bodies in the available materials for the fifty US states and the US Virgin Islands.

All states and USVI require disclosure of financial interest before voting.

Disclosure varied state by state as expected. Written disclosure to the Senate President, committee chair, or House Speaker is required in the majority of states, and becomes part of record and minutes.

The threshold for conflict of interest varies from state to state. Wyoming has the lowest, set at \$20 and it includes food or property from lobbyists as a conflict to be reported. Unreported conflicts have no sunset and former legislators can be prosecuted after leaving office.

Nineteen states preclude voting; some preclude any participation in discussion including public opinion to influence votes. Of those nineteen states, eleven have constitutional language prohibiting voting by legislators when they gain financially.

Tennessee allows members to vote after a declaration of conflict but they must swear an oath on the floor declaring that they are not using personal gain as the reason for their vote.

The states that allow members to vote after declaration of conflict usually require the Senate President or Speaker to decide within 5 minutes if the member is recused or a 2/3 majority of members on floor.

**Alaska is the only state that mandates a member to vote with no decision by chair or majority vote.**

Our conclusion: in order to improve HB44, it must be more uniform with other states and it can be achieved by including these measures from other states:

- a. Lower the financial threshold to a much smaller amount;
- b. Require written declaration to be included in both the record or journal;
- c. Recusal, should require a majority vote, or judgement by speaker, Senate President or committee chair;
- d. Members should not participate in discussion if recused; and
- e. Committee chairs requiring a quorum should have ability to require recused members to vote in order to have quorum.

We believe incorporating these recommendations into HB44 closes some potential loopholes and makes the bill more complete. I can be reached at either 907-244-9103 or [dnees@alaskapolicyforum.org](mailto:dnees@alaskapolicyforum.org).

Thank you for your service to Alaska.

Very Respectfully,

David Nees  
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