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SCR 1 UNIFORM RULES: ABSTAIN FROM VOTING
Senator Berta Gardner

SCR 1 Uniform Rules: Abstain from Voting

This bill would amend Uniform rule 34(b) to require that upon a member's request to be excused from voting, the clerk or secretary shall:

- 1) Record in the journal the member requesting to be excused
- 2) List the stated reason for the request
- 3) If there is objection, list who objected

Potential Issues:

I spoke with the Senate Secretary. In the Journal it is already recorded if a member is requesting to be excused and if there is a single person objecting they note who objected. However, floor procedure being what it is there are oftentimes multiple people objecting and they usually do not list them all and instead list that there was objection.

While this bill tries to bring transparency to the process, it also slows down the process. If we now need to have a procedure to list the reasons a member requests being excused from and formalize who makes the objection there would need to be time for formalize that process instead of continuing with business at hand. When members on the floor ask for excusal, they simply state for personal or state business, they don't enumerate all the different events they plan to attend.

QUESTIONS:

- In stating the reason for excusal do you envision a form being filed out before floor sessions or just verbally listing all the reasons why a member would request being excused?
- If a member is an attorney would they then have to list all the clientele that they serve that might be affected by the bill the member is voting on as part of the request to be excused?
- There was a House Bill with a similar title, would you happen to know where that bill is now?

- If someone objects, should they then list everyone who objects? Similar to when floor members ask to co-sponsor a bill and additional members raise their hands to also be included, should we then have the presiding officer then name off everyone who objects to the member requesting the excusal?
- When there are multiple people asking to be excused from voting, I assume we would need to go through a similar process for each and every single member. Wouldn't this in effect be another tool to slow down the business of the legislature?

- Majority leader
- Minority leader

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ALASKA SENATE DEMOCRATS

SENATOR BERTA GARDNER

SENATE DEMOCRATIC LEADER
Senate District 1

February 12, 2018

To: Senator Kevin Meyer
Chair, Senate State Affairs Committee

From: Senator Berta Gardner
SCR 1 Prime Sponsor

BG

Subject: Hearing request for SCR 1

I respectfully request a hearing for SCR 1: Proposing an amendment to the Uniform Rules of the Alaska State Legislature relating to voting procedure and abstention from voting.

This resolution would amend Uniform Rule 34(b) to require the recording in the journal of any member seeking to recuse themselves from a vote, their reason or conflict of interest, and the members opposing the motion. This proposal seeks to increase the transparency of conflict of interest voting in Alaska by requiring greater documentation of the motions made with regard to members seeking unanimous consent for voting abstention.

In the packet I have included:

1. SCR1 Sponsor Statement
2. SCR 1 ver. A
3. SCR 1 NCSL report on voting recusal provisions for all fifty states
4. SCR 1 Fiscal Note

Thank you for your consideration. I look forward to the discussion that can be had in your committee regarding this very important issue of government transparency and conflict of interest voting in our legislative body.

Sincerely,

A handwritten signature in blue ink that reads "Berta Gardner".

Senator Berta Gardner

ALASKA STATE LEGISLATURE



WORLD TRADE

RULES COMMITTEE

COMMUNITY & REGIONAL AFFAIRS

LABOR & COMMERCE

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SENATOR BERTA GARDNER
SENATE DEMOCRATIC LEADER
SENATE DISTRICT I

To: Senator Mike Dunleavy
Chair, Senate State Affairs Committee

From: Senator Berta Gardner *BG*
SCR 1 Prime Sponsor

Subject: Hearing request for SCR 1
Proposing an amendment to the Uniform Rules of the Alaska State Legislature
relating to voting procedure and abstention from voting.

Date: February 6, 2017

I am respectfully requesting a hearing in the Senate State Affairs Committee for Senate Concurrent Resolution 1, which proposes to amend Uniform Rule 34(b) to require the recording in the journal of any member seeking to recuse themselves from a vote, their reason or conflict of interest, and the members opposing the motion. This proposal seeks to increase the transparency of conflict of interest voting in Alaska by requiring greater documentation of the motions made with regard to members seeking unanimous consent for voting abstention.

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ALASKA SENATE DEMOCRATS

SENATOR BERTA GARDNER

SENATE DEMOCRATIC LEADER
Senate District 1

Sponsor Statement

SCR1 - Uniform Rules: Abstain From Voting

There is a growing public concern about conflict-of-interest voting and a lack of transparency in the process. When a legislator declares a conflict and asks to be excused from voting, our Uniform Rules require unanimous consent, a unique requirement among the states according to the National Conference of State Legislatures. While there have been many proposals to address the issue of conflict-of-interest and voting, with more currently under consideration, this legislation seeks only to address the issue of transparency, adding a requirement that there be a public record of the member's name and description of the conflict, and the name(s) of those who oppose an excusal from voting.

As a citizen legislature, members come from all walks of life. It is natural that members might have personal investments in our state that could be affected by the legislative body. For these circumstances, our ethics statutes seek to address these conflicts of interest by requiring members to announce any 'substantial interest' as it is defined under AS24.60.990(b).

This resolution does not change our ethics statutes or voting procedure, nor does it seek to change the requirement of unanimous consent. This resolution simply addresses the issue of documentation of members seeking to be excused from a vote, their reason for doing so, and the members who object. This information would be recorded in the journal so that interested members of the public have access to these sensitive voting issues.

I ask that you assist me in improving our visibility and transparency in Alaska by joining me in support of this resolution. For more information, please contact Senator Gardner's staff, Nathaniel Grabman, at 465-4068 or Nathaniel.Grabman@akleg.gov.

ALASKA STATE LEGISLATURE



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SENATOR BERTA GARDNER

SENATE DEMOCRATIC LEADER

SENATE DISTRICT I

Sponsor Statement

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I ask that you assist me in improving our visibility and transparency in Alaska by joining me in support of this resolution. For more information, please contact Senator Gardner's staff, Samantha Harris, at 465-6853 or Samantha.Harris@akleg.gov.

VOTING RECUSAL PROVISIONS

When legislators are faced with a potential conflict of interest, in most states they can turn to specific regulations and procedures on when and how to handle the conflict. These may differ from chamber to chamber within the same state.

The table below lists 50 state voting recusal provisions, or when legislators must recuse themselves from voting. Definitions of Conflict of Interest also guide legislators in determining whether or not a conflict exists.

State	Voting Recusal Provisions
Alabama	<p>Alabama Constitution, Section 82: A member of the legislature who has a personal or private interest in any measure or bill proposed or pending before the legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon.</p> <p>Senate Rule: none found.</p> <p>House Rule 32: Members can vote "in absentia."</p> <p>Alabama Code 36-25-5: A member of a legislative body may not vote for any legislation in which he or she knows or should have known that he or she has a conflict of interest. A conflict of interest involves any action, inaction, or decision by a public official in the discharge of his or her official duties which would materially affect his or her financial interest or those of his or her family members or any business with which the person is associated in a manner different from the manner it affects the other members of the class to which he or she belongs.</p> <p>A conflict of interest shall exist when a member of a legislative body has a substantial financial interest by reason of ownership of, control of, or the exercise of power over any interest greater than five percent of the value of any corporation, company, association or firm, partnership, proprietorship, or any other business entity of any kind or character which is uniquely affected by proposed or pending legislation; or who is an officer or director for any such corporation, company, association, or firm, partnership, proprietorship, or any other business entity of any kind or character which is uniquely affected by proposed or pending legislation.</p>
Alaska	<p>Alaska Statutes 24.60.030: (a) A legislator or legislative employee may not:</p> <p>(1) solicit, agree to accept, or accept a benefit other than official compensation for the performance of public duties; this paragraph may not be construed to prohibit lawful solicitation for and acceptance of campaign contributions, solicitation or acceptance of contributions for a charity event, as defined in AS 24.60.080(a)(2)(B), or the acceptance of a gift under AS 24.60.075 or 24.60.080;</p>

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State

Voting Recusal Provisions

(2) use public funds, facilities, equipment, services, or another government asset or resource for a nonlegislative purpose, for involvement in or support of or opposition to partisan political activity, or for the private benefit of the legislator, legislative employee, or another person;

(g) Unless required by the Uniform Rules of the Alaska State Legislature, a legislator may not vote on a question if the legislator has an equity or ownership interest in a business, investment, real property, lease, or other enterprise if the interest is substantial and the effect on that interest of the action to be voted on is greater than the effect on a substantial class of persons to which the legislator belongs as a member of a profession, occupation, industry, or region.

For a list of exceptions to subsection (2) above, and other prohibitions, please consult the full text of AS § 24.60.030.

Senate Rule 15, 29, 30: Legislators can declare a personal financial interest in a matter when they are called upon to vote. They can either abstain or vote. In either case, they must write a statement describing the matter and the nature of the potential interest as soon as they are aware of the conflict. They must give this public record to the Senate president, the chair of the ethics committee and the secretary of the Senate. If he abstains he must also state the reasons for abstaining before the body and it is recorded in the journal. If they become aware of the conflict during a committee, subcommittee, or caucus meeting, or on the floor, they can report the conflict as soon as possible after adjournment. A personal financial interest exists if it is reasonably foreseeable that an action in the discharge of his official duties will have a material financial benefit or detriment either directly or indirectly on the member, his spouse or any minor child of whom he has legal custody, except that no personal financial interest exists if the legislator or such member of his household is a member of a class of persons and it reasonably appears that a majority of the total membership of that class is to be affected by such action. A member who has a substantial interest as defined by section 38-502, Arizona Revised Statutes, shall comply with title 38, chapter 3, article 8, Arizona Revised Statutes.

Arizona

29. No member shall: 6. Participate in any action of the Senate if the member has a substantial interest as defined in section 38-502, Arizona Revised Statutes.

House Rules 14, 35: Legislators can declare a personal financial interest in a matter when they are called upon to vote. They can either abstain or vote. In either case, they must write a statement describing the matter and the nature of the potential interest as soon as they are aware of the conflict. When a member declines to vote, the member shall be required to specify the reason. If a member declares a personal financial interest in the question and the

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member has failed to file a statement pursuant or if the reason given is other than a personal financial interest in the question, a vote of the body can allow him to abstain. If he abstains he must also state the reasons for abstaining before the body and it is recorded in the journal. A member who anticipates taking an action in the discharge of his official duties in which he may have a personal financial interest must prepare a statement describing the matter to be acted upon and the nature of the conflict, and file the statement with the Speaker, chair of the ethics committee and the chief clerk. If they become aware of the conflict during a committee, subcommittee, or caucus meeting, or on the floor, they can report the conflict as soon as possible after adjournment. A personal financial interest exists if it is reasonably foreseeable that an action in the discharge of his official duties will have a material financial benefit or detriment either directly or indirectly on the member, his spouse or any minor child of whom he has legal custody, except that no personal financial interest exists if the legislator or such member of his household is a member of a class of persons and it reasonably appears that a majority of the total membership of that class is to be affected by such action. A member who has a substantial interest as defined by section 38-502, Arizona Revised Statutes, shall comply with title 38, chapter 3, article 8, Arizona Revised Statutes.

Arizona Revised Statutes 38-503: Any public officer (legislators are included) or employee who has, or whose relative has, a substantial interest in any decision of a public agency (legislature is included) shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.

Arkansas

Senate Rule 24.07: A Senator can't take part in the discussion of, or vote on, a question in committee or on the floor on any matter if he knows that: He or a family member or an associated business will benefit from the legislative action to a greater extent than other member of his occupation or business or The matter will specifically relate to a business which employs the senator or in which he receives compensation as an attorney or consultant, unless the benefit accrues generally to other similar businesses, professions, occupations or groups. None of the above rules apply if the Senator discloses any financial interests he may have on the issue. Disclosure entails a written statement in the Journal, or with the staff of the appropriate interim committee. Disclosure should detail the source of compensation or financial interests held.

House Rule 5: Each member is expected to vote unless he or she has an immediate personal interest.

Ark. Code Ann. § 21-8-803: A legislator who is required to take an action in the discharge of his or her official duties which may affect his or her financial interest or cause financial benefit or detriment to him or her, or a business in which he or she is an officer, director, stockholder

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owning more than 10% of the stock of the company, owner, trustee, partner, or employee, which is distinguishable from the effects of the action on the public generally or a broad segment of the public, shall prepare a written statement describing the matter requiring action and stating the potential conflict.

Joint Rule 44: Members can't participate, by voting or other action on the floor or in committee, on matters in which they have a personal interest, except they may participate in the final vote if they first file a statement that declares the interest and states that the legislator is able to cast a fair and objective vote regardless.

If a member wishes to abstain from voting on a matter in which he has a personal interest, he must tell the presiding officer before the vote starts. He shall be excused from voting without any entry in the Journal. If either house invokes the rule that everyone present must vote, the presiding officer shall order the member excused and order an entry in the Journal stating that the person was excused from voting pursuant to law.

A person has an interest that is in substantial conflict if he would derive a direct monetary gain or loss because of his action. He is not considered to have an interest in substantial conflict if any benefit or detriment accrues to him as a member of a business, profession, occupation or group to no greater extent than the rest of that group.

California

California Government Code 87102.5: If a member of the legislature has a financial interest in a matter, he cannot:

Introduce nongeneral legislation related to that matter as a lead author; Vote in a legislative committee or subcommittee on related nongeneral legislation; Participate in a rollcall vote on the Senate or Assembly floor on related nongeneral legislation.

If the member has received any earned income within the preceding 12 months from a lobbyist employer, the member cannot take action on a matter if the action will have a direct and significant financial impact on the lobbyist employer. The impact must be greater on this lobbyist employer than it would be on a significant segment of the public.

If the member has appeared before a local board or agency on behalf of someone for compensation, the member cannot vote on any legislation that would affect the person who paid him if the affect would be greater to that person than it would be to a significant segment of the public.

Colorado

Colorado Constitution Art 5, Sec. 43: A member of the General Assembly who has a "personal or private interest" in pending legislation must disclose the fact of such interest and may not vote on the legislation.

Senate Rule 17, 41: Senators shall not vote on bills in which they have personal or private interests. If this is the case, they must disclose those interests before being excused. A senators is considered to have personal or private interests in measures if he:

State

Voting Recusal Provisions

- Has substantial economic interests in the measure distinct from those held generally by members of the same occupation or business, or if a close relative has such an interest,
- Has an interest in an enterprise that would be affected by the proposed legislation differently from like enterprises,
- Has a close relative or a close economic association with someone who has a financial interest in an enterprise that would be affected differently from others,
- Has a close economic association with, or has a relative who is, a lobbyist or lobbyist employer who is influencing legislation on which the legislator would be expected to vote,
- Accepts a gift, loan, service or other economic opportunity from someone who would be affected by or has interest in an enterprise that would be affected by the legislation.

This provision applies when close relatives of a senator accept the same.

Senators are always allowed to vote for something that would adversely affect their personal or private interests.

House Rule 21: A request by a member to be excused from voting shall be made before the call for the ayes and noes has begun; any member desiring to be excused from voting on a question shall make a brief statement of the reasons therefor, and the question shall be put without further debate. A member who has an immediate personal or financial interest in any bill or measure proposed or pending before the General Assembly shall disclose the fact to the House, and shall not vote upon such bill or measure.

Colorado Revised Statutes 24-18-107. Ethical principles for members of the general assembly. ... In deciding whether or not he has a personal or private interest, a member shall consider, among other things, the following:

- (a) Whether the interest impedes his independence of judgment;
- (b) The effect of his participation on public confidence in the integrity of the general assembly; and
- (c) Whether his participation is likely to have any significant effect on the disposition of the matter.

An interest situation does not arise from legislation affecting the entire membership of a class. If a member of the general assembly elects to disclose the interest, he shall do so as provided in the rules of the house of representatives or the senate, but in no case shall failure to disclose constitute a breach of the public trust of legislative office.

Conn.

Senate Rule 15: No member who is interested in the decision of any question in such a manner that he cannot vote thereon may stay in the Senate when the question is discussed or

State

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decided.

House Rule 40: The speaker has authority to excuse someone from voting who is present in the chamber.

Connecticut General Statutes Sec. 1-85: A public official, (legislators are public officials) who has a substantial conflict may not take official action on the matter.

A substantial conflict occurs when a public official has reason to believe or expect that he, his spouse, a dependent child, or a business with which he is associated will derive a direct monetary gain or suffer a direct monetary loss, as the case may be, by reason of his official activity. It is not considered a substantial conflict if the benefit or detriment accrues to him, his spouse, a dependent child, or a business with which he, his spouse or such dependent child is associated as a member of a profession, occupation or group to no greater extent than any other member of such profession, occupation or group.

Delaware

Senate Rules: None found.

House Rule 16: Members with personal or private interests in measures can't vote on them or take part in related discussion, and must disclose their interests. Non-voting members may answer questions about the bill, though, and may correct wrong information. A member is considered to have a personal or private interest in a measure if:

- He or a close relative would receive benefit or harm to a greater extent than other members of the same class or group of people.
- He or a close relative has a financial interest (more than \$5000 interest) in an enterprise that would benefit or be hurt to a greater degree than similar enterprises.
- A lobbyist who is a close relative of the legislator is acting to influence passage of the bill.

Delaware Code Annotated 1002: A legislator who has a personal or private interest in any measure or bill pending in the General Assembly shall disclose the fact to his chamber and shall not participate in the debate nor vote thereon; provided, that upon the request of any other member, a legislator who has such a personal or private interest may respond to questions concerning any such measure. A personal or private interest in a measure or bill is an interest which tends to impair a legislator's independence of judgment in the performance of his or her legislative duties with respect to that measure or bill. A member is considered to have a conflict that impairs his judgment in the same situations laid out in House Rules above.

(g) A code of ethics for all state employees and nonjudicial officers prohibiting conflict between public duty and private interests shall be prescribed by law.

Florida

Senate Rule 1.20, 1.39: A Senator is not disqualified from voting when, in the Senator's judgment, a conflict of interest is present. However, a Senator shall disclose any personal, private, or professional interest in a matter that would inure to that Senator's special private

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gain or the special gain of any principal to whom the Senator is obligated. Such disclosure concerning a vote during a session shall be filed with the Secretary for reporting in the Journal immediately following the record of the vote. Such disclosure may explain the logic of voting or of his or her disqualification. Disclosure concerning a vote that was not cast during a session should be filed pursuant to section 112.3143(2), Florida Statutes.

House Rule 3.1: Members cannot vote on measures that would inure to that members special private gain. The member must disclose the interest that is keeping him from voting. Members must also disclose interests in measures at hand of family members or principals by whom the legislator or his family members are retained or employed.

Florida Statutes 112.3143. A state public officer may not vote on any matter that the officer knows would inure to his or her special private gain or loss. Any state public officer who abstains from voting in an official capacity upon any measure that the officer knows would inure to the officer's special private gain or loss, or who votes in an official capacity on a measure that he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained other than an agency as defined in s. 112.312(2); or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer, shall make every reasonable effort to disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. If it is not possible for the state public officer to file a memorandum before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than 15 days after the vote.

A member of the Legislature may satisfy the disclosure requirements of this section by filing a disclosure form created pursuant to the rules of the member's respective house if the member discloses the information required by this subsection....If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Georgia

Senate Rule 5-1.8: Members can't vote on measures if they, or members of their immediate family, have a direct pecuniary interest that is distinct, unique or peculiar to them.

House Rule 134: "... every member within the chamber shall vote unless the member is immediately and particularly interested therein, or unless the member is excused by the house."

No additional provisions found in statutes that apply to legislators.

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Voting Recusal Provisions

Senate Rule 71: Members with conflicts of interest shall be excused from voting. Situations considered conflicts of interest include those involving monetary interests in the matter at hand; those involving the behavior of the member; and those in which the member's right to a seat in the Senate will be affected by the outcome. Members who believe they have conflicts shall rise and disclose their interests to the Senate president who will rule on whether there is a conflict.

Hawaii

House Rule 60.5: Members who believe they have a conflict of interest with the matter at hand shall disclose the interest prior to a vote. Situations considered to be conflicts are the same as those in the Senate. The speaker will rule on whether he thinks the member has a substantial enough conflict to be excused from voting.

A conflict of interest means that the legislation affects the member's direct personal familial or financial interest except if a member or relative is part of a class of affected people.

No additional provisions found in statute.

Idaho

Senate Rule 39: Senators must disclose any conflicts of interest, he must disclose this conflict to the presiding officer in writing, or to the body. The senator may vote on the issue, or may ask to abstain. A 2/3 vote is necessary to be excused from voting.

House Rule 38: If a Senator has a conflict of interest under applicable law, the conflict must be disclosed to the presiding officer in writing or to the body. Upon disclosure of any such conflict, the Senator may vote upon any question or issue to which the conflict relates, unless the Senator requests to be excused.

Idaho Code 74-404: A public official shall not take any official action or make a formal decision or formal recommendation concerning any matter where he has a conflict of interest and has failed to disclose such conflict as provided in this section. Disclosure of a conflict does not affect an elected public official's authority to be counted for purposes of determining a quorum and to debate and to vote on the matter, unless the public official requests to be excused from debate and voting at his or her discretion.

Legislative public officials who have real or potential conflicts shall disclose the nature of the conflict of interest and/or be subject to the rules of the body of which he/she is a member and shall take all action required under such rules prior to acting on the matter. If a member requests to be excused from voting on an issue which involves a conflict or a potential conflict, and the body of which he is a member does not excuse him, such failure to excuse shall exempt that member from any civil or criminal liability related to that particular issue.

No rules found.

Illinois

5 ILCS 420/Sec 3-202: When a legislator must take official action on a legislative matter as to which he has a conflict situation created by a personal, family, or client legislative interest, he should consider the possibility of eliminating the interest creating the conflict situation. If that is

not feasible, he should consider the possibility of abstaining from such official action. In making his decision as to abstention, the following factors should be considered;

- whether a substantial threat to his independence of judgment has been created by the conflict situation;
- the effect of his participation on public confidence in the integrity of the legislature; whether his participation is likely to have any significant effect on the disposition of the matter;
- the need for his particular contribution, such as special knowledge of the subject matter, to the effective functioning of the legislature.

He need not abstain if he decides to participate in a manner contrary to the economic interest which creates the conflict situation. If he does abstain, he should disclose that fact to his respective legislative body.

Sec 3-203: When, despite the existence of a conflict situation, a legislator chooses to take official action on a matter, he should serve the public interest, and not the interest of any person.

Senate Rule 4, 89, 90: Senators may request to be excused from voting if they have direct personal or pecuniary interests in the matter. A senator who has a direct personal or pecuniary interest in a piece of legislation which is so substantial as to affect the Senator's independent legislative judgment can participate in committee and floor debate on the legislation if the senator publicly proclaims that interest. Rules also provide guidelines senators should look to when deciding whether to request to be excused from voting: 1. Whether the Senator's interest in the legislation is so substantial as to affect the Senator's independence of judgment with respect to the legislation. 2. To what extent the Senator's interest in the legislation mirrors the interest of the citizenry to which the Senator is directly responsible. 3. The effect of the Senator's participation in the voting on the legislation on public confidence in the integrity of the legislature. 4. The need of the Senator's particular contribution, such as special knowledge of the subject matter, to the effective functioning of the legislature. 5. Whether the legislation would have a unique, direct, and material effect on the nonlegislative income of the Senator, a member of the Senator's immediate family or those of a partnership, corporation, or business in which the Senator holds a legal or equitable interest

Indiana

House Rule 47: Members who are immediately and particularly interested in a measure shall ask to be excused and shall not vote on it. Members requesting recusal may make a brief statement, but the question is to be considered without debate.

No additional provisions relating to legislators found in statutes.

House Code of Ethics: No member of the House of Representatives shall sponsor or case a vote on any legislative matter, except budget or general revenue bills, that might reasonable

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be expected to directly result in a substantial increase of his or her non-legislative income. Any member of the House of Representatives not voting for this reason shall be considered present for the purpose of determining a quorum. If a significant number of members are so affected, the House of Representatives or a committee thereof, as the case may be, may, by a vote of two-thirds of those voting, permit such members to vote.

Senate Rule 23: Senators may abstain from voting by disclosing a personal interest in the matter at hand when called upon to vote. The Senate code of ethics provides guidelines for senators in deciding whether to vote on an issue. The senator should consider, among other things, whether his participation would effect public confidence in the integrity of the legislature and the legislatures' need for the senator's particular special knowledge. A senator with a conflict may participate in floor discussion after he discloses his conflict.

House Rule 75, 76: House can excuse a member from voting for special reasons as long as the member asks to be excused before the question is put to a vote. No member shall vote on any question in which the member or the member's immediate family member, as defined in chapter 68B of the Code, has a direct financial interest different from other similarly situated persons or classes of persons of the general public.

Iowa

Iowa Code 68B.2A: If a public servant holds any outside employment or activity that is subject to the official control, inspection, review, audit, or enforcement authority of the person during the performance of the person's duties of office or employment, the public servant shall either cease the outside employment or activity or publicly disclose it and refrain from taking any official action or performing any official duty that would detrimentally affect or create a benefit for the outside employment or activity.

Senate Rule 19: Any senator who is directly interested in a question may be excused from voting even though there is a call of the Senate. The member has five minutes to explain why he requests to be excused. Request is granted with 2/3 vote.

Kansas

House Rule 2508: Any member who is directly interested in a question may be excused from voting when there is a call of the House. The member has five minutes to explain why he requests to be excused. Request is granted with 2/3 vote.

No additional provisions found in statute or constitution.

Kentucky

Kentucky Constitution, Section 57: A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly, shall disclose the fact to the House of which he is a member, and shall not vote thereon upon pain of expulsion.

Kentucky Revised Statutes 6.761: A legislator shall not intentionally participate in the discussion of a question in committee or on the floor, vote, or make a decision in his official capacity on any matter:

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- In which he, a family member, or the legislator's business associate will derive a direct monetary gain or suffer a direct monetary loss as a result of his vote or decision; or
- Which relates specifically to a business in which he owns or controls an interest of \$10,000 or more, or more than 5%.

A legislator may participate and vote on a matter if any benefit or detriment which accrues to him as a member of a business, profession, occupation, or other group, or to a member of his family or a business interest specified above is of no greater extent than the benefit or detriment which accrues generally to other members of the business, profession, occupation, or other group. A member shall disclose his interest by filing a disclosure statement with the clerk or by a verbal announcement to the body. The right of legislators to represent their constituencies, however, is of such major importance that legislators should be barred from voting on matters of direct personal interest only in clear cases and if the matter is particularly personal.

Senate Rule 12.1, 13.60, 13.87: Any member may recuse himself from all committee and floor proceedings related to a measure in which he believes he has a conflict of interest. The Senate can excuse members for "reasons assigned," both on the floor and in committee.

House Rule 10.1, 14.9: Any member may recuse himself from all committee and floor proceedings related to a measure in which he believes he has a conflict of interest. Members who recuse themselves are allowed to give a written explanation.

Louisiana Revised Statutes §1120 and §1112: If any elected official would be required to vote on a matter which vote would be a violation of R.S. 42:1112, he shall recuse himself from voting. Recusing members can participate in discussion and debate if they disclose the conflict or potential conflict prior to doing so. No public servant, except as provided in R.S. 42:1120, shall participate in a transaction involving the governmental entity in which to his actual knowledge, any of the following persons has a substantial economic interest: members of his immediate family; persons with whom the public servant has a close economic association; prospective employers; persons with whom he is an officer, director, trustee, partner, or employee; persons who are a party to an existing contract with such public servant; or legal entities with whom the member controls or owns interest.

A "substantial economic interest" is one that is of greater benefit to the public servant or other person than to a general class or group of persons.

Joint Rule 104: A member may not vote on any question in committee when that question immediately involves that member's private right, as distinct from the public interest.

Senate Rule 401: Every Senator who is present shall vote unless excused by the Senate, or excluded by interest.

House Rule 401: A member may not vote on any question before the House when that

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question immediately involves that member's private right as distinct from the public interest. A member who is in the House when a question is put shall vote, unless the presiding officer for reasons excuses that member...A member may not vote on any question before the House when that question immediately involves that member's private right as distinct from the public interest.

Maine Revised Statutes Annotated, Title 1, 1014: A Legislator engages in a violation of legislative ethics if that Legislator votes on a question in connection with a conflict of interest in committee or in either body of the Legislature or attempts to influence the outcome of that question unless a presiding officer in accordance with the Joint Rules of the Legislature requires a Legislator to vote or advises the Legislator that there is no conflict in accordance with section 1013, subsection 2, paragraph K. Many situations fall under the state's definition of conflict of interest in section 1014, including, when a legislator or a member of his immediate family has a direct substantial personal financial interest, distinct from that of the general public, in an enterprise which would be financially benefited by proposed legislation, or derives a direct substantial personal financial benefit from close economic association with a person known by the Legislator to have a direct financial interest in an enterprise affected by proposed legislation.

Senate Rule 93: A member may not vote on a measure in which he has an immediate personal of financial interest. Members who recuse themselves are noted in the Journal as excused.

House Rule 93: A member may not vote on a measure in which he has an immediate personal of financial interest. Members who recuse themselves are noted in the Journal as excused.

Maryland

Maryland Code 15-501: An official may not participate in a matter if he or a qualifying relative has an interest in the matter and knows of that interest. This statute contains a long list of other situations that constitute a conflict serious enough to warrant recusal. Officials must disclose the nature and circumstances of the conflict and may participate or act if: the disqualification would leave a body with less than a quorum capable of acting; the disqualified official or employee is required by law to act; or the disqualified official or employee is the only individual authorized to act.

Senate Rules 10A: No member of the Senate shall act on a matter before a committee or vote on any question in which his private right is immediately concerned, distinct from the public interest.

Mass.

House Rule 16A: No member shall serve on any committee or vote on any question in which his/her private right is immediately concerned, distinct from the public interest.

General Laws of Massachusetts Chapter 268A, Section 6A: Any public official who in the

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discharge of his official duties would be required knowingly to take an action which would substantially affect such official's financial interests, unless the effect on such an official is no greater than the effect on the general public, shall file a written description of the required action and the potential conflict of interest with the state ethics commission.

Michigan

Senate Rule 1.306: A senator having a personal, private or professional interest in a bill, of which he or she has knowledge, shall not vote on the bill and shall disclose in writing to the Secretary of State his or her interest in the bill. Such an interest is defined as one that would particularly benefit the senator or an individual or entity to whom the senator is financially or legally obligated, or personally related. If a senator votes on a bill in which it may appear that he has a conflict of interest, he may submit a statement explaining his reasons for voting.

House Rule 13, 31: A member may abstain from voting because of a potential conflict of interest by rising, announcing his intent not to vote and reserving the right to explain the abstention. The member has the right to have an explanatory statement of at most 100 words printed in the Journal.

No additional provisions found in statute or constitution.

Senate Rule 41.1., 41.2, 56.4: Every member shall vote on a roll call vote unless excused by the Senate. A member wishing to be excused from voting may make a brief statement of the reason for making the request. The question on the motion to excuse must be taken without further debate. Members of the Senate shall disclose potential conflicts of interest in the discharge of senatorial duties as provided in Minnesota Statutes, section 10A.07.

Minn.

House Rule 2.05: A member who has an immediate interest in a question must not vote on it. Every other member present before the result of a vote is declared by the presiding officer must vote for or against the matter before the House, unless the House excuses the member from voting. But a member is not required to vote on any matter concerning a memorial resolution. A member who does not vote when the member's name is called must state reasons for not voting. After the vote has been taken but before the presiding officer has announced the result of the vote, the presiding officer must submit to the House the question: "Shall the member, for the reasons stated, be excused from voting?" The question must be decided without debate. After the question is decided, the presiding officer must announce the result of the vote, after which other proceedings about the nonvoting member may take place.

Minnesota Statutes 10A.07: A public official who would be required to take an action that would substantially affect the official's financial interests or those of an associated business, unless the effect is no greater than on other members of the official's business classification, profession, or occupation, must prepare a written statement describing the matter requiring action and the nature of the potential conflict of interest and deliver a copy to the presiding

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officer. If there is insufficient time to comply with this, the public official must orally inform the official body or committee.

Senate Rule 124: No senator shall act in committee or vote on a question in which his private interest, distinct from the public interest, is immediately concerned.

Miss.

House Rule 26: No member shall vote on any question, the result of which he is pecuniarily interested.

No additional provisions found in statute.

Senate Rules: None found

House Rule 89: Every member shall vote on each question put unless he has a direct personal or pecuniary interest in such question.

Missouri Revised Statutes 105.461: Any member of the general assembly who has a substantial personal or private interest in any measure before the general assembly, shall, before such official passes on the measure, bill, order or ordinance, file a written report of the nature of the interest with the chief clerk of the house of representatives or the secretary of the senate and such statement shall be recorded in the appropriate journal. If the legislator has filed his annual financial disclosure statement, which discloses the basis for the official's substantial personal or private interest or interests that the official may have therein, and that statement is current, this statement is not necessary. Statements may be amended to disclose any subsequently acquired substantial interest at any time before the person passes on any measure, bill, order or ordinance.

Missouri

Missouri Revised Statutes § 105.452: No elected or appointed official or employee of the state or any political subdivision thereof shall: (4) Favorably act on any matter that is so specifically designed so as to provide a special monetary benefit to such official or his spouse or dependent children, including but not limited to increases in retirement benefits, whether received from the state of Missouri or any third party by reason of such act. For the purposes of this subdivision, "special monetary benefit" means being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected. In all such matters such officials must recuse themselves from acting and shall not be relieved by reason of the provisions of section 105.460, except that such official may act on increases in compensation subject to the restrictions of section 13 of article VII of the Missouri Constitution...

Montana

Joint Rule 10-60: A member who has a personal or private interest in any measure or bill proposed or pending before the Legislature shall disclose the fact to the house to which the

member belongs.

No Senate Rule found.

House Rule H50-200: (4) A member who is present shall vote unless the member has disclosed a conflict of interest to the House.

Montana Code Ann 2-2-112: A legislator concerned with the possibility of a conflict may briefly present the facts to the committee of that house that is assigned the determination of ethical issues. The committee shall advise the legislator as to whether the legislator should disclose the interest prior to voting on the issue pursuant to the provisions of subsection.

A legislator may, subject to legislative rule, vote on an issue on which the legislator has a conflict, after disclosing the interest. When a legislator must take official action on a matter as to which he has a conflict created by a personal or private interest that would directly give rise to an appearance of impropriety as to the legislator's influence, benefit, or detriment in regard to the legislative matter, the legislator shall disclose the interest prior to participating in the official action.

In making a decision as to whether to take official action, the legislator shall consider:

- whether the conflict impedes the legislator's independence of judgment;
- the effect of the legislator's participation on public confidence in the integrity of the legislature;
- whether the legislator's participation is likely to have any significant effect on the disposition of the matter; and
- whether a pecuniary interest is involved or whether a potential occupational, personal, or family benefit could arise from the legislator's participation.

A conflict situation does not arise from legislation or legislative duties affecting the membership of a profession, occupation, or class. A legislator who is a member of a profession, occupation, or class affected by legislation is not required to disclose an interest unless the class contained in the legislation is so narrow that the vote will have a direct and distinctive personal impact on the legislator.

No rules found.

Nebraska Revised Statutes 49-1499: A member of the Legislature who would be required to take any action that may cause financial benefit or detriment to him or her, a member of his or her immediate family, or a business with which he or she is associated, which is distinguishable from the effects of such action on the public generally or a broad segment of the public, shall disclose information about the conflict in this manner. He shall prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict, and if he or she will not abstain from voting, deliberating, or taking other action on the matter, the statement shall state why, despite the potential conflict, he or she

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intends to vote or otherwise participate. The statement should be delivered to the ethics commission and the speaker of the legislature.

The member of the Legislature may abstain from voting, deliberating, or taking other action on the matter on which the potential conflict exists, in which case he or she may have the reasons for the abstention recorded in the journal or minutes of the Legislature.

Senate Rule 23 and Assembly Rule 23: 8. In determining whether a Legislator has a conflict of interest, the Legislator should consider whether the independence of judgment of a reasonable person in his or her situation upon the matter in question would be materially affected by the Legislator's: (a) Acceptance of a gift or loan; (b) Private economic interest; or (c) Commitment to a member of his or her household or immediate family.

In interpreting and applying the provisions of this subsection, it must be presumed that the independence of judgment of a reasonable person in the Legislator's situation would not be materially affected by the Legislator's private economic interest or the Legislator's commitment to a member of his or her household or immediate family where the resulting benefit or detriment accruing to the Legislator, or if the Legislator has a commitment to a member of his or her household or immediate family, accruing to those other persons, is not greater than that accruing to any other member of the general business, profession, occupation or group that is affected by the matter.

Nevada

9. Except as otherwise provided in subsection 10, if a Legislator knows he or she has a conflict of interest pursuant to subsection 8, the Legislator shall make a disclosure of the conflict of interest on the record in a meeting of a committee or on the floor of the Senate, as applicable. Such a disclosure must be entered: (a) If the Legislator makes the disclosure in a meeting of a committee, in the minutes for that meeting. (b) If the Legislator makes the disclosure on the floor of the Senate, in the Journal.

10. If, on one or more prior occasions during the current session of the Legislature, a Legislator has made a general disclosure of a conflict of interest on the record in a meeting of a committee or on the floor of the Senate, the Legislator is not required to make that general disclosure at length again regarding the same conflict of interest if, when the matter in question arises on subsequent occasions, the Legislator makes a reference on the record to the previous disclosure.

11. In determining whether to abstain from voting upon, advocating or opposing a matter concerning which a Legislator has a conflict of interest pursuant to subsection 8, the Legislator should consider whether: (a) The conflict impedes his or her independence of judgment; and (b) His or her interest is greater than the interests of an entire class of persons similarly situated.

12. The provisions of this Rule do not under any circumstances and regardless of any conflict of interest: (a) Prohibit a Legislator from requesting or introducing a legislative measure; or (b) Require a Legislator to take any particular action before or while requesting or introducing a legislative measure.

13. If a Legislator who is a member of a committee declares on the record when a vote is to be taken by the committee that he or she will abstain from voting because of the requirements of this Rule, the necessary quorum to act upon and the number of votes necessary to act upon the matter is reduced as though the Legislator abstaining were not a member of the committee.

14. Except as otherwise provided in the Joint Standing Rules, the standards and procedures set forth in this Rule which govern whether and to what extent a Senator has a conflict of interest, should disclose a conflict of interest or should abstain from voting upon, advocating or opposing a matter concerning which the Senator has a conflict of interest pursuant to subsection 8:

- (a) Are exclusive and are the only standards and procedures that apply to Senators with regard to such matters; and
- (b) Supersede and preempt all other standards and procedures with regard to such matters.

15. For purposes of this Rule, "immediate family" means a person who is related to the Legislator by blood, adoption or marriage within the first degree of consanguinity or affinity.

Nevada Revised Statutes 281A.420: Concerns voting recusal or the ability to vote, but does not apply to state legislators, per part 7. A public officer may vote upon a matter if the benefit or detriment accruing to him as a result of the decision either individually or in a representative capacity as a member of a general business, profession, occupation or group is not greater than that accruing to any other member of the general business, profession, occupation or group.

However, in addition to the requirements of the code of ethical standards, a public officer shall not vote upon or advocate the passage or failure of, but may otherwise participate in the consideration of, a matter with respect to which the independence of judgment of a reasonable person in his situation would be materially affected by: (a) His acceptance of a gift or loan; (b) His significant pecuniary interest; or (c) His commitment in a private capacity to the interests of others.

Senate Rule 2-21, 6-25: No member who was present when the question was put shall abstain from voting unless by reason of a conflict pursuant to Rule 6-25 or unless excused by the Senate for a special reason. In all instances every member shall act in conformance with the duly adopted Ethical Guidelines and Opinions of the New Hampshire General Court.

House Rule 107: At each legislative committee meeting, final action on any bill or resolution shall be by roll call. All roll call votes shall appear in the records of the committee as otherwise provided in these rules. In all roll call votes the names of the members voting for the motion, the names of the members voting against the motion, and the names of members not participating because of a conflict of interest, or absent shall be recorded. If a member is present when the question is put, he or she must vote when called unless the member is not participating pursuant to the New Hampshire General Court Ethics Guidelines.

General Court's Ethics Guidelines and Procedural Rules, Sections 4 and 5: Legislators shall not become involved in any official activity without complying with the conflict of interest procedure set forth in this document.

New Hamp. A conflict of interest declaration is not required if no benefit or detriment could be reasonably expected to accrue to the member or a family member, to a greater than any other member of his or her business, profession, occupation or group, and provided that a disclosure is made via the requirements of the financial disclosure form. A "group" is limited to one that is generally recognized and of a substantial size. When a legislator becomes aware that a conflict of interest exists or may exist and the conditions set forth in paragraph I are not met, the legislator shall declare that the legislator will not participate in any official activity associated with the issue or that the legislator intends to participate in the official activity and will provide a description of the conflict of interest including: names of all entities, both public and private, which might be affected; the nature of any benefit which may accrue to the legislator or legislator's family member; the nature of any financial interest in the issue; the nature of any relationship which existed, exists or may exist between the legislator and any person or entity which might be affected. Additional information may be required. The declaration shall be publicly announced prior to the legislator's initial participation in the official activity. The information required shall be filed with the clerk of the member's respective body within 24 hours of the time of the official activity and be made available for public inspection during normal business hours.

Principle Of Independent Objective Judgment. Legislators should employ independent objective judgment in performing their duties, deciding all matters on the merits free from conflicts of interest and both real and apparent improper influences.

New Hampshire Revised Statutes, Title 1, 15A: Legislators must disclose areas of potential conflicts on their financial disclosure forms. If their participation in an official activity creates a conflict of interest not disclosed by the information on the form, they must complete and file a

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Declaration of Intent Form in accordance with section 5 of the Ethics Guidelines. See section 5 of the Ethics Guidelines for information regarding particular conflicts of interest you may have. Even if they disclose a financial interest on this form, they may still have to file a separate Declaration of Intent Form on a particular bill.

No provisions found in rules.

New Jersey Statutes Annotated 52:13D-18: No member of the Legislature shall participate by voting or any other action, on the floor of the General Assembly or the Senate, or in committee or elsewhere, in the enactment or defeat of legislation in which he has a personal interest.

New Jersey

A member is considered to have a personal interest in legislation if, by reason of his participation in the enactment or defeat of any legislation, he or a member of his immediate family, will derive a direct monetary gain or suffer a direct monetary loss. It is not considered a personal interest if no benefit or detriment could reasonably be expected to accrue to him, or a member of his immediate family, as a member of a business, profession, occupation or group, to any greater extent than any such benefit or detriment could reasonably be expected to accrue to any other member of such business, profession, occupation or group.

Senate Rule 7-5, 7-6: Every senator shall vote on each question unless he has a direct personal or pecuniary interest in the event of such a question. A senator desiring to be excused from voting may, when his name is called, make a brief statement for no more than five minutes explaining his reasons. The senate must vote on whether to excuse him.

House Rule 7-5, 7-6: Every member of the house shall vote on each question or motion coming up before the house, unless excused by a majority vote. A member who wishes to be excused from voting may make a brief explaining his reasons. Full disclosure of real or potential conflicts of interest shall be a guiding principle for determining appropriate conduct of the members. The code of conduct is in House Rule 26-1.

New Mexico

10-16-6: Confidential information. No legislator or public officer or employee shall use or disclose confidential information acquired by virtue of the legislator's or public officer's or employee's position with a state agency or local government agency for the legislator's public officer's or employee's or another's private gain.

NMSA 10-16-4 prohibits official acts for personal financial interest for public officers and employees, but the definition of these terms excludes legislators.

New York

Senate Rules IX: Every senator shall vote on each question unless he has a direct personal or pecuniary interest in the event of such a question. Senators wishing to be excused may make a brief statement as to their reasons when they are called upon to vote. The excuse must be approved by 2/3 of the body.

Assembly Rule V, Part 2: A member may abstain from a vote only on the grounds that it would constitute a conflict of interest.

No additional provisions in statute pertain to legislators voting in conflict of interest situation, but **New York Consolidated Laws Chapter 32, Article 4, Section 74** says no member of the legislature should have any interest, financial or otherwise, direct or indirect, or engage in any business or transaction or professional activity or incur any obligation which is in substantial conflict with the proper discharge of his duties in the public interest. Substantial conflict is not defined.

Senate Rule 29: Any senator may move to be excused from voting at any time on any matter. If the senator is excused, he may not debate the bill or any amendments. The senator may make a brief oral or written statement as to his reasons. Rules are silent regarding conflicts of interest.

House Rule 24.1A: Any member shall, upon request, be excused from the deliberations and voting on a particular bill. The member may make a brief oral or written statement of the reasons for making the request. The member may make a brief oral statement of the reasons for making the request and shall do so if required by the State Government Ethics Act. The member may provide to the Principal Clerk, on a form provided by the Clerk, a concise written statement of the reason for the request, and the Clerk shall include this statement in the Journal. The member excused shall not debate the bill or any amendment that is related to his conflict, though the House can allow the member to debate unrelated amendments.

North Carolina General Statutes 138A-37: Except as permitted under G.S. 138A-38, no legislator shall participate in a legislative action if the legislator knows the legislator or a person with which the legislator is associated may incur a reasonably foreseeable financial benefit from the action, and if after considering whether the legislator's judgment would be substantially influenced by the financial benefit and considering the need for the legislator's particular contribution, including special knowledge of the subject matter to the effective functioning of the legislature, the legislator concludes that an actual financial benefit does exist which would impair the legislator's independence of judgment. Legislator must submit in writing to the principal clerk of the house of which the legislator is a member the reasons for the abstention from participation in the legislative matter. If the legislator has a material doubt as to whether the legislator should act, the legislator may submit the question for an advisory opinion to the State Ethics Commission in accordance with G.S. 138A-13 or the Legislative Ethics Committee in accordance with G.S. 120-104.

North Carolina General Statutes 138A-38: A covered person may participate in an official action or legislative action under any of the following circumstances except as specifically limited: (1) The only interest or reasonably foreseeable benefit or detriment that accrues to the

covered person, the covered person's extended family, business with which the covered person is associated, or nonprofit corporation or organization with which the covered person is associated as a member of a profession, occupation, or general class is no greater than that which could reasonably be foreseen to accrue to all members of that profession, occupation, or general class. (2) When an official or legislative action affects or would affect the covered person's compensation. (3) Before participating in the legislative action, the covered person requested and received from the Commission or Committee a written advisory opinion that authorized the participation. (4) Before participating in an official action, a public servant made full written disclosure to the public servant's employing entity which then made a written determination that the interest or benefit would neither impair the public servant's independence of judgment nor influence the public servant's participation in the official action. The employing entity shall file a copy of that written determination with the Commission. (5) When action is ministerial only and does not require the exercise of discretion. (6) When needed for a quorum, the legislator may be only be counted for quorum purposes. If a legislator is employed or retained by, or is an independent contractor of, a governmental unit, and the legislator is the only member of the house elected from the district where that governmental unit is located, then the legislator may take legislative action on behalf of that governmental unit provided the legislator discloses in writing to the principal clerk the nature of the relationship with the governmental unit prior to, or at the time of, taking the legislative action. (7) When a public servant notifies the Commission in writing that the public servant, or someone whom the public servant appoints to act in the public servant's stead, or both, are the only individuals having legal authority to take an official action, and the public servant discloses in writing the circumstances and nature of the conflict of interest.

This section shall not allow participation in an official action prohibited by (benefiting from public contracts).

Notwithstanding G.S. 138A-37, if a legislator is employed or retained by, or is an independent contractor of, a governmental unit, and the legislator is the only member of the house elected from the district where that governmental unit is located, then the legislator may take legislative action on behalf of that governmental unit provided the legislator discloses in writing to the principal clerk the nature of the relationship with the governmental unit prior to, or at the time of, taking the legislative action.

Notwithstanding G.S. 138A-36, service by the president, chief financial officer, chief administrative officer, or voting member of the board of trustees of a community college as an officer, employee, or member of the board of directors of a nonprofit corporation established under G.S. 115D-20(9) to support the community college shall not constitute a conflict of interest under G.S. 138A-36, provided that the majority of the nonprofit corporation's board of directors is not comprised of the president, chief financial officer, and chief administrative

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officer, or voting members of the board of trustees of the community college which the nonprofit corporation was created to support.

Joint Rule 1002: In striving to maintain ethical standards, each member should recognize the importance of complying with all other rules relating to ethics, including Senate and House Rules 321 regarding disclosure of personal or private interest when voting.

North
Dakota

Senate and House Rule 321: Any member who has a personal or private interest in a bill shall disclose that fact to the Senate and may not vote thereon without the consent of the Senate. A personal or private interest is one that affects the member directly, individually, uniquely and substantially.

No additional provisions found in statute.

Senate Rule 58, 61: No senator shall vote upon any question in contravention of the Legislative Code of Ethics or in violation of section 102.031 of the Revised Code. Any senator requesting to be excused from voting may briefly explain the reason for such request, and the Senate shall pass upon the request without debate.

House Rule 57: A request to be excused from voting shall be accompanied by a brief written statement of the reasons for making such request, which shall be acted upon by the House without debate. Rules are silent regarding conflicts of interest.

Ohio

Legislative Code of Ethics, Section 4: A member who has a substantial personal interest in legislation may request permission of the chair to abstain from voting on the legislation and may state the member's reason for the request. The request shall be granted by the chair or the member's respective chamber of the General Assembly pursuant to the rules of that chamber. The request and permission to abstain shall be entered in the Journal.

Legislative Code of Ethics/Ohio Revised Code 102.031: No member of the General Assembly shall vote on any legislation that is then being actively advocated by a lobbyist who is (1) an employee, (2) a business associate, or (3) a person, other than an employer who is hired under contract to perform certain services and such position involves a substantial and material exercise of administrative discretion in the formulation of public policy.

Oklahoma Constitution, Article V, Section 24: A member of the Legislature, who has a personal or private interest in any measure shall disclose the fact to the House of which he is a member, and shall not vote thereon.

Oklahoma

Senate Rule: none found.

House Rule 4.2: A member who has a personal or private interest in any bill or resolution, proposed or pending before the House, shall disclose that fact to the House, and shall not vote on that bill or resolution, as required by Article V, Section 24 of the Oklahoma Constitution.

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Oklahoma statutes, 257:20-1-7: Votes, deliberations, and discussions by legislators or statewide elective officers. (a) A legislator or statewide elective officer shall not introduce or cause to have introduced, request the introduction of, promote, or vote on any legislation if the statewide elective officer or legislator or a child adopted child, step-child or spouse of the officer or legislator or a business or entity with which the legislator or officer or a member of the immediate family of the legislator or officer is associated has: (1) a pecuniary interest in; or (2) a reasonably foreseeable benefit from; the legislation.

Senate Rule 3.33: When involved in a potential conflict of interest as defined by ORS 244.020, a member shall announce, on the Senate floor or in the committee meeting, the nature of the potential conflict prior to voting on the issue giving rise to the potential conflict. The member's announcement shall be recorded in the Journal or in the committee minutes. In addition, the member may file a statement with his chamber. If a member suspects that another member is not disclosing a conflict, he may file a complaint and an investigation will ensue.

House Rule 3.21: When involved in an actual or potential conflict of interest, as defined by ORS 244.020, a member shall announce, on the floor or in the committee meeting, the nature of the potential conflict prior to voting on the issue giving rise to the potential conflict. The member's announcement of an actual or potential conflict of interest shall be recorded in the Journal or in the committee minutes. In addition, the member may file in writing a statement of the nature of the potential conflict with the Chief Clerk or the committee assistant by 5 pm the next business day following the vote.

Oregon

Oregon Revised Statutes 244.120: When met with an actual or potential conflict of interest, a member of the Legislative Assembly shall announce publicly, pursuant to rules of the house of which the public official is a member, the nature of the conflict before taking any action thereon in the capacity of a public official.

Oregon Revised Statutes 244.020: "Actual conflict of interest" means any action, decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (11) of this section. Subsection (11) "Potential conflict of interest" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated, unless the pecuniary benefit or detriment arises out of an interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the

State

Voting Recusal Provisions

office or position; any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged; or membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

Pa. Constitution, Article 3, Section 13: A member who has a personal or private interest in any measure or bill proposed or pending before the General Assembly shall disclose the fact to the House of which he is a member, and shall not vote thereon.

Senate Rule 16, 20: ...no member of a committee shall be required or permitted to vote on any questions immediately concerning that member's direct personal, private or pecuniary interest. A Senator desiring to be excused from voting due to a direct, personal, private or pecuniary interest in any question or bill proposed or pending before the Senate, shall seek a ruling from the presiding officer. Senators who seek a ruling on whether they have a direct, personal, private or pecuniary interest in any question or bill proposed or pending before the Senate shall, after the Senator is recognized by the presiding officer, make a brief statement of the reasons for making the request and ask the presiding officer to decide whether or not the Senator must vote. The question shall be decided by the presiding officer without debate.

Penn.

House Rule 65: A member who has a personal or private interest in any measure or bill proposed or pending before the House shall disclose the fact to the House and shall not vote thereon.

Pennsylvania Consolidated Statutes, Title 65, Part II, Chapter 11, 1103: Where voting conflicts are not otherwise addressed by the constitution of Pennsylvania or by any law, rule, regulation, order or ordinance, the following procedure shall be employed. Any public official who in the discharge of his official duties would be required to vote on a matter that would result in a conflict of interest shall abstain from voting and, prior to the vote being taken, publicly announce and disclose the nature of his interest as a public record in a written memorandum filed with the person responsible for recording the minutes of the meeting at which the vote is taken, except that if a quorum is not present once the person with the conflict recuses himself, he is permitted to vote as long as the conflict is properly disclosed.

Senate Rules: None found.

Rhode
Island

House Rule 32, 33: No member shall vote on any question of private property in the event of which he or she is immediately and particularly interested. No member shall speak or vote, unless within the bar of the House and at his or her seat, except as hereinafter provided. Every member who shall be in his or her seat in the House Chamber when the question is put, shall give his or her vote, unless prior thereto the Speaker shall have excused him or her in

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accordance with the provisions of the Code of Ethics statute (RIGL 36-14- Members must file a written request for recusal and the journal shall reflect such recusal with the letter "R."

Rhode Island General Laws 36-14-6: Legislators who are required to take an action, make a decision, or refrain therefrom that will or can reasonably be expected to directly result in an economic benefit to the person, or spouse (if not estranged), or any dependent child, business associate or any business by which the person is employed or which the person represents, shall file a sworn statement describing the conflict and file it with the ethics commission and the presiding officer. If the legislator does not request to be excused from voting, he shall state why he can participate fairly and in the public interest despite the conflict.

Senate Rules: None found.

House Rules 3.1: No member shall be permitted to vote on any question immediately concerning his private rights as distinct from the public interest.

South
Carolina

South Carolina Code 8-13-700: A public official who, in the discharge of his official responsibilities, is required to take an action or make a decision which affects an economic interest of himself, a member of his immediate family, an individual with whom he is associated, or a business with which he is associated shall file with the presiding officer a statement describing the matter and the nature of the conflict of interest. The presiding officer shall excuse the member from participating in the matter.

South
Dakota

Joint Rule 12-1: Either body may excuse a member from voting.

No additional provisions found in statute or constitution.

Senate Rule 13: When a member of this body arises to address himself to a bill, section thereof, or amendment in which he has a personal interest, he shall state to the Speaker and members of the body "that it may be considered that I have a degree of personal interest in the subject matter of this bill, but I declare that my argument and my ultimate vote answer only to my conscience and to my obligation to my constituents and the citizens of the State of Tennessee."

Tenn.

Senate Code of Ethics: Article 2, Section 2: (a) No Senator shall vote on or influence any legislation before a committee or on the floor of either House, if the Senator has a personal interest that conflicts with the proper discharge of his or her duties (as defined by Section 1) unless the Senator declares, either orally or in writing filed with the Chief Clerk, "It may be considered that I have a degree of personal interest in the subject matter of this legislation, but I declare that my argument and my ultimate vote answer only to my conscience and my obligation to my constituents and the citizens of the State of Tennessee."

(b) No Senator shall violate the provisions of T.C.A. Sections 2-10-123, 3-6-304, 3-6-305, or

State

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39-16-102, nor shall any Senator otherwise misuse the Senator's office for personal financial gain.

(i) No Senator shall use the Senator's office either to grant or to obtain special privilege, exemption, or preferential treatment to or for him or herself.

House Rules: None found.

No additional provisions found in statute.

Texas Constitution Article 3, Section 22: A member who has a personal or private interest in any measure or bill, proposed, or pending before the Legislature, shall disclose the fact to the House, of which he is a member, and shall not vote thereon.

Senate Rules: None found

House Rule 5, Part E, Section 42: Any member who has a personal or private interest in any measure or bill shall disclose the fact and not vote thereon.

Texas Government Code 572.0531: Before introducing, sponsoring or voting on a bill on a subject area in which a lobbyist who is the legislator's spouse or first degree relative, the legislator must file a disclosure statement.

Texas Government Code 572.053: A member of the legislature may not vote on a measure or a bill, other than a measure that will affect an entire class of business entities, that will directly benefit a specific business transaction of a business entity in which the member has a controlling interest. "Controlling interest" includes: an ownership interest or participating interest by virtue of shares, stock, or otherwise that exceeds 10 percent; membership on the board of directors or other governing body of the business entity; or service as an officer of the business entity.

Joint Rule 6-1-102 and -201: While in session, members of the Senate and House shall disclose any conflict of interest on any legislation or legislative matter. If a legislator reasonably believes he may have a conflict of interest, that legislator should, before the vote, orally declare to the committee or body before which the matter is pending that the legislator may have a conflict of interest and what that conflict is. This declaration of conflict of interest shall be noted in the minutes of any committee meeting or in the Journal. A legislator shall file a Declaration of Conflict of Interest form with the Secretary of the Senate if the legislator is a Senator or with the Chief Clerk of the House of Representatives if the legislator is a Representative. This form shall include the general legislative areas in which the legislator may have a conflict of interest. A "conflict of interest" is defined below. This form satisfies that legislator's disclosure of any conflicts of interest as required by the first paragraph and Utah Code Annotated Section 76-8-109. The legislator may then vote on the matter. The rule specifies that any such disclosure shall not prevent legislators from voting on any legislation or legislative matter.

Texas

Utah

State

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Senate Rule 2-3-10, 4-7-103: Immediately preceding or during the roll call or when casting a roll call vote, a senator may, upon recognition of the presiding officer, make a brief statement explaining any conflict of interest.

House Rule 2-3-101: See Joint Rule above. House rules specify that if a legislator does not speak on legislation or a legislative matter, and has already disclosed conflicts on his financial disclosure form, he does not need to orally disclose the conflict.

Joint Rule 6-1-201 and Utah Code 76-8-109: If a legislator must vote on a matter in which he has actual knowledge of a conflict of interest which is not stated on his conflict of interest form, he shall declare this conflict to the body. The declaration shall be noted in the minutes or the Journal. Legislators must also file a declaration of conflict of interest form with the secretary of the senate or chief clerk of the house.

"Conflict of interest" means legislation or action by a legislator that the legislator reasonably believes may cause direct financial benefit or detriment to him, a member of the legislator's immediate family, or a business in which the legislator is associated, and that benefit or detriment is distinguishable from the effects of that action on the public or on the legislator's profession, occupation, or association generally.

Senate Rule 71: No senator shall be permitted to vote upon any question in which he or she is directly or immediately interested.

Vermont

House Rule 75: Members shall not be permitted to vote upon any question in which they are immediately or directly interested.

No additional provisions found in statutes or constitution.

Senate Rule 20, 36: A Senator who has a personal interest in a transaction, as defined in § 30-101 of the Code of Virginia, before the entire Senate or a committee, shall neither vote nor be counted upon it, and he shall withdraw, or invoke this rule not to be counted, prior to the division and the fact shall be recorded on the voting machine. If a Senator invokes this rule, the Senator shall not participate, directly or indirectly, in the matter wherein the rule is invoked.

Virginia

House Rules 69: No member who has an immediate and personal interest in the result of the question shall either vote or be counted upon it.

Code of Virginia 30-108: A legislator who has a personal interest in a transaction shall disqualify himself from participating in the transaction. Unless otherwise prohibited by the rules of his house, the disqualification requirement of this section shall not prevent any legislator from participating in discussions and debates, provided (i) he verbally discloses his personal interest at the outset of the discussion and (ii) he does not vote on the transaction.

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Washington Constitution Article II, Section 30: A member who has a private interest in any bill or measure proposed or pending before the legislature, shall disclose the fact to the house of which he is a member, and shall not vote thereon.

Wash.

Senate Rule 22: No senator shall be allowed to vote upon any question upon which he or she is in any way personally or directly interested (See also Art. 2, Secs. 27 and 30, State Constitution.). A member not voting by reason of personal or direct interest may explain the reason for not voting by a brief statement not to exceed fifty words in the journal.

House Rule 19: No member shall vote on any question which affects that member privately and particularly. A member who has a private interest in any bill or measure proposed or pending before the legislature shall disclose the fact to the house of which he is a member, and shall not vote thereon. (Art. II § 30)

Senate Rule 43: Every member within the Senate Chamber, when a question is put, shall vote unless he or she is immediately and particularly interested therein, meaning an interest that affects the member directly and not as one of a class, or the Senate excuses him or her. All motions to excuse a member from voting must be made by the member requesting to be excused before the Senate divides, or before the call of the yeas and nays is commenced, and it shall be decided without debate, except that the member making the motion to be excused from voting may briefly state the reason why it ought to be adopted.

House Rule 49: When a question is put, any member having a direct personal or pecuniary interest therein should announce this fact and request to be excused from voting. The disqualifying interest must be such as affects the member directly and not as one of a class.

West
Virginia

West Virginia Statutes 6B-2-5: (i) Members of the Legislature required to vote. -- Members of the Legislature who have asked to be excused from voting or who have made inquiry as to whether they should be excused from voting on a particular matter and who are required by the presiding officer of the House of Delegates or Senate of West Virginia to vote under the rules of the particular house shall not be guilty of any violation of ethics under the provisions of this section for a vote so cast.

(j) Public officials, excluding members of the Legislature who are governed by subsection (i) of this section, may not vote on the following:

- If a public official is employed by a financial institution and his or her primary responsibilities include consumer and commercial lending, the public official may not vote on a matter which directly affects the financial interests of a customer of the financial institution if the public official is directly involved in approving a loan request from the person or business appearing before the governmental body or if the public official has been directly involved in approving a loan for that person or business within

State

Voting Recusal Provisions

the past 12 months. This limitation only applies if the total amount of the loan or loans exceeds fifteen thousand dollars;

- A personnel matter involving the public official's spouse or relative;
- The appropriations of public moneys or the awarding of a contract to a nonprofit corporation if the public official or an immediate family member is employed by the nonprofit.

A public official may vote if the public official, his or her spouse, immediate family members or relatives or business with which they are associated are affected as a member of, and to no greater extent than any other member of a profession, occupation, class of persons or class of businesses. A class shall consist of not fewer than five similarly situated persons or businesses.

If the matter affects a publicly traded company when:

- (i) The public official, or dependent family members individually or jointly own less than five percent of the issued stock in the publicly traded company and the value of the stocks individually or jointly owned is less than ten thousand dollars; and
- (ii) Prior to casting a vote the public official discloses his or her interest in the publicly traded company.

For a public official's recusal to be effective, it is necessary to excuse him or herself from participating in the discussion and decision-making process by physically removing him or herself from the room during the period, fully disclosing his or her interests, and recusing him or herself from voting on the issue.

Senate Rule 73, Assembly Rule 77: Either body may excuse a member from voting by "special cause."

Wisconsin

Wisconsin Statutes 19.46: No state public official may take any official action substantially affecting a matter in which the official, a member of his or her immediate family, or an organization with which the official is associated has a substantial financial interest.

Senate Rule 12-2: A member who has a personal or private interest in any bill shall disclose the fact to the Senate members at the time of initial consideration during the committee of the whole or at the time of introduction during the budget session. If the status of the conflict changes during the legislative process, the member shall disclose the change in the status of the conflict. Disclosures of a conflict of interest shall be entered in the Daily Journal. If a member is uncertain about a conflict, he can request a ruling from the rules committee and the rules committee shall rule by majority vote if the member should or should not vote on the bill in question.

Wyoming

House Rule 12-3: A member who has a personal or private interest in any bill shall disclose the fact to the house members at the time of initial consideration during committee of the

whole or at the first time the conflict becomes apparent to the declarer, or at the time of introduction during the budget session and shall not vote thereon. On general appropriation and recodification bills a member who has declared a conflict of interest on a section or an amendment to a section shall not vote on that section, but may vote on the entire bill. Such disclosures will be entered into the journal.

"Personal or private interest" means the member shall receive or incur a direct financial gain or loss if the measure or bill is enacted. "Personal or private interest" does not include a financial gain or loss which shall be received or incurred by a member if the gain or loss shall also be received or incurred by a substantial class of persons. If a member is uncertain about a conflict, he can request a ruling from the rules committee and the rules committee shall rule by majority vote if the member should or should not vote on the bill in question.

Wyoming Statutes 9-13-106: A public official shall not make an official decision or vote on an official decision if he has a personal or private interest in the matter. In determining whether he has a personal or private interest in a matter, the public official shall recognize the importance of his right to represent his constituency and shall abstain from voting only in clear cases of a personal or private interest as defined in this subsection. A public official or public member shall not vote to give money or any direct financial benefit to himself except for tax reductions affecting the general public. For the purposes of this section, a personal or private interest must (i) be direct and immediate as opposed to speculative and remote; and (ii) provide the public official, public employee or public member a greater benefit or a lesser detriment than it does for a large or substantial group or class of persons who are similarly situated. A public official shall abstain from voting on the decision and from making any official decision in the matter. The public official's abstention from voting must be recorded in the governmental entity's official records.

Wyoming Statutes 16-6-118: Unlawful interest of officeholders in public contracts or works; exception. It is unlawful for any person, now or hereafter holding any office, either by election or appointment, under the constitution or laws of this state, to become in any manner interested, either directly or indirectly, in his own name or in the name of any other person or corporation, in any contract, or the performance of any work in the making or letting of which the officer may be called upon to act or vote. It is unlawful for any officer to represent, either as agent or otherwise, any person, company or corporation, in respect of any application or bid for any contract or work in regard to which the officer may be called upon to vote or to take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value, as a gift or bribe, or means of influencing his vote or action in his official character. Any contracts made and procured in violation of this subsection are null and void and the person violating this subsection may be removed from office. If any person is interested in any public contract or shall represent any person, company or corporation, but shall disclose the nature

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and extent thereof to all the contracting parties concerned therewith and shall absent himself during the considerations and vote thereon and not attempt to influence any of the contracting parties and not act directly or indirectly for the governing body in inspection, operation, administration or performance of any contract, then the acts are not unlawful under this section. This section does not apply as to the operation, administration, inspection or performance of banking and deposit contracts and relationships after the selection of a depository.

Fiscal Note

State of Alaska
2018 Legislative Session

Bill Version: SCR 1
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SCR1-LEG-SESS-02-16-18
Title: UNIFORM RULES: ABSTAIN FROM VOTING
Sponsor: GARDNER
Requester: Senate State Affairs

Department:
Appropriation:
Allocation:
OMB Component Number: 0

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2019	Included in	Out-Year Cost Estimates					
	Appropriation Requested	Governor's FY2019 Request	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	FY 2024
OPERATING EXPENDITURES	FY 2019	FY 2019						
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time								
Part-time								
Temporary								

Change in Revenues

None								
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2018) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2019) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version/comments:

UPDATED FOR 2018. ONE PAGE. ZERO NOTE.

Prepared By:	SANTE LESH, BUDGET ANALYST	Phone:	(907)465-4824
Division:	LEGISLATIVE AFFAIRS AGENCY	Date:	02/16/2018 03:30 PM
Approved By:	JESSICA GEARY, EXECUTIVE DIRECTOR	Date:	02/16/2018
Agency:	LEGISLATIVE AFFAIRS AGENCY		

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version: SCR 1
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SCR1-LEG-SESS-03-07-17
Title: UNIFORM RULES: ABSTAIN FROM VOTING
Sponsor: GARDNER
Requester: Senate State Affairs

Department:
Appropriation:
Allocation:
OMB Component Number: 0

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018 Appropriation Requested	Included in Governor's FY2018 Request	Out-Year Cost Estimates				
			FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES							
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency?
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Not Applicable. Initial Version. One Page, Zero Note.

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Date: 03/07/2017 09:53 AM
Date: 03/07/2017