

HB 2034 STAFF MEASURE SUMMARY

House Committee On Rules

Prepared By: Melissa Leoni, LPRO Analyst

Meeting Dates: 4/25

WHAT THE MEASURE DOES:

Requires member of Legislative Assembly, when met with actual conflict of interest, to publicly announce nature of conflict and refrain from participating in any discussion or debate or from voting on issue. Allows member to vote, if vote is necessary to meet minimum vote requirements, when actual conflict of interest exist, but prohibits participation in any discussion or debate on issue. Applies to conflicts of interest arising on or after January 1, 2024.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

No amendment.

BACKGROUND:

By statute, members of the Legislative Assembly are allowed to take action on a measure after announcing publicly the nature of their potential or actual conflict of interest. Other elected public officials may announce a potential conflict of interest and take action but are prohibited from taking any action or participating in any discussion or debate if they have an actual conflict of interest, except where the official's vote is necessary to meet minimum vote requirements (ORS 244.120 (2021)).

Rules of the Oregon Senate and House of Representatives also specify voting and conflict of interest requirements. In the Senate, Rule 3.20 establishes that every member who is in attendance when the question is stated shall vote. Rule 3.33 specifies the procedures for announcing conflicts of interest and the process for the Senate Committee on Conduct to review conflict of interest complaints. House Rule 3.20 also requires each member "within the bar" to vote and states that "no member shall be allowed to abstain from voting." House Rule 3.21 specifies the House procedures for members to announce conflicts of interest and file in writing a statement of the nature of the actual or potential conflict.

Based on a review of the National Conference of State Legislatures' [Voting Recusal Provisions](#) by state, last updated in August 2021 and containing state constitutional, statutory, and chamber recusal provisions, it appears that only seven other states allow legislative members to vote after disclosing a conflict of interest. Most states prohibit a member from voting if they have a personal or financial interest in a measure, although they have different procedures or requirements for recusal or abstention.

House Bill 2034 make members of the Legislative Assembly like other Oregon elected officials. Members would be able to vote after announcing a potential conflict of interest but would be prohibited from participating in debate or taking any action when met with an actual conflict of interest unless the member's vote was necessary to meet minimum vote requirements.