

Memorandum

PREPARED FOR: Rep. Julie Fahey and Scott Moore

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RE: Voting Recusal in Other States



LPRO
LEGISLATIVE POLICY
AND RESEARCH OFFICE

This memorandum responds to your request for how other states allow or restrict voting by legislators when they have a potential or actual conflict of interest. Most states prohibit a legislator from voting or require a legislator to abstain if the member has a “personal” or financial interest on any measure, bill, or question. Oregon is joined by only seven other states in allowing legislators to vote after disclosing a conflict of interest or for other certain situations.

This memorandum relies on the National Conference of State Legislatures (NCSL) summary of [Voting Recusal Provisions](#) by state, last updated in August 2021. This resource lists the statutory and chamber rule provisions relating to state legislators’ recusal from participating in matters that relate to a personal, private, or financial interest. LPRO did not conduct additional research into state statutes or chamber rules or determine how other states define a conflict of interest.

Oregon

In Oregon, legislators 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.¹ [House Bill 2034](#) (2023) would make legislators like other elected officials and unable to participate in debate or action when met with an actual conflict of interest unless the legislator’s vote was necessary to meet minimum vote requirements.

Other States

From a review of the NCSL summary of state statutory and chamber rule provisions, LPRO identified a continuum of voting recusal provisions, ranging from the requirement to disclose a conflict of interest before voting to outright prohibitions on voting by legislators with a personal or financial interest. From this continuum, LPRO organized states into three categories, which are described in the following subsections. Some states are listed twice because their House and Senate chambers have different requirements.

¹ [ORS 244.120](#) (2021)

May Vote After Disclosure or in Certain Situations

States in this category, shown in Table 1, are like Oregon and allow legislators to participate in debate and vote in committee or on the floor after disclosing an interest.

Table 1: States Where Legislator May Vote After Disclosure of Interest

State	Requirements
Arkansas	Senators may participate and vote if they publicly disclose any compensation or financial interest in writing or verbally, otherwise they may not participate in discussion or vote and may not lobby or influence action.
California	Legislators may vote if they file a statement to be entered into the journal that they have personal interest but are able to cast a fair and objective vote. Otherwise, legislators must advise presiding officer of interest and may be excused.
Idaho	House members may vote if member discloses conflict to presiding officer or body or may request to be excused from voting. Senators must disclose conflict verbally or in writing to all present members of Senate and then may vote unless member requests to be excused.
Montana	By Joint Rule, legislators must disclose conflicts before official action is taken.
Nebraska	Legislators must prepare written statement describing the potential conflict and why they intend to participate despite the conflict. Members may abstain.
Tennessee	Senators may not vote if they have a personal interest unless they declare that conflict of interest will not influence the vote.
Utah	Legislators must disclose any conflict of interest, which does not prohibit member from voting. Senate rules require present Senators to vote.

Source: Legislative Policy and Research Office
Data: National Conference of State Legislatures

May Abstain or Be Excused from Voting

These states, shown in Table 2, have statutes or chamber rules that require all legislators to vote in committee or on the floor and that prohibit a legislator from voting if they have a personal or financial interest in a measure. This typically occurs by allowing the legislator to abstain or be excused from voting by the presiding officer or through a vote of the chamber. It is not clear, however, how the two conflicting requirements work, how often legislators abstain or get excused from voting, or whether there is any enforcement of the abstention requirements.

Table 2: States Where Legislator May Abstain or Be Excused for Interest

State	Requirements
Alaska	Statute prohibits legislator from voting in committee after declaring a conflict of interest and requires legislator to request and be excused from voting on floor if member or immediate family has a substantial financial interest.
Arizona	Legislator must submit written statement on personal financial interest and may abstain from taking action. If House member hasn't filed statement in advance, they must be excused by chamber vote.



State	Requirements
Arkansas	House member is expected to vote unless they have immediate personal interest.
Florida	Legislators required to vote on all matters, but abstention is required if vote would “inure to his or her special private gain or loss.” Disclosure is also required.
Georgia	Senators must vote unless they have a direct pecuniary interest; unanimous consent to be excused is required. House members must vote unless “immediately and particularly interested” or excused by House.
Illinois	Legislators should try to eliminate interest-causing conflict and, if not feasible, consider abstaining unless member decides to participate “in a manner contrary to the economic interest” that creates the conflict.
Indiana	House and Senate members must vote unless excused from voting for direct personal or pecuniary interest. House members must ask to be excused by vote of chamber and not vote, unless for a budget or general revenue bill. Senators may participate in debate if they publicly proclaim an interest.
Kansas	Legislator with direct interest may be excused by chamber after stating reasons for request.
Louisiana	Legislators are required to vote but recusal is allowed for conflicts of interest. Members may participate in discussion or debate if conflict is disclosed first.
Massachusetts	Senators must vote unless excused before vote is taken.
Michigan	House members to abstain must rise and announce intent not to vote.
Minnesota	Legislators must file written statement describing conflict with presiding officer. Members must vote unless excused.
Missouri	Members must file written report about nature of conflict to parliamentarian before action occurs and may abstain from voting.
Nevada	Assembly members must vote unless excused or discloses conflict. Senators should disclose and abstain for conflicts.
New Hampshire	Legislators may abstain for conflicts of interest.
New Mexico	Senators must vote unless they have a direct personal or pecuniary interest. House members must vote unless excused by a majority vote of members.
New York	Senators must vote unless they have a direct personal or pecuniary interest. House members may abstain from voting only for conflicts of interest.
North Carolina	Legislators must vote and also not participate if potential conflict of interest exists. House members must be excused in advance. Senators must be excused by the Senate.
Ohio	Legislators must not vote on any legislation advocated by entity with “qualifying relationship” to legislator, but they must vote unless excused by chamber.
Rhode Island	Legislators must file disclosure form and request to be excused by presiding officer from voting and deliberations where potential conflict exists.
South Dakota	Legislators must vote unless excused by body.
Vermont	Legislators present must vote unless excused by chamber, but they must not vote on any question in which they are immediately or directly interested.



State	Requirements
Virginia	Legislators must vote, but cannot vote if they have a personal interest in the question or transaction. Participation in discussion or debate is allowed if the interest is disclosed.
West Virginia	Legislators may request to be excused from voting. The presiding officer may require a legislator to vote, and the legislator is not guilty of an ethics violation.
Wisconsin	Legislators are required to vote but may not take action involving a conflict of interest. Legislators may be excused by chamber.
Wyoming	Legislators must vote unless excused, but they also must disclose personal interests and not vote.

Source: Legislative Policy and Research Office
Data: National Conference of State Legislatures

Not Allowed to Vote

The states, shown in Table 3, primarily have provisions in their state constitutions or statutes prohibiting legislators from voting if they have a conflict of interest. Iowa, Maryland, Massachusetts (House), Michigan (Senate), Mississippi, North Dakota, and Tennessee (House) have chamber rules explicitly prohibiting legislators from voting if they have a conflict.

Table 3: States Prohibiting Legislators from Voting

State	Requirements
Alabama	Constitution requires disclosure of personal or private interest and legislators are not allowed to vote.
Colorado	Constitution and statute require disclosure for personal or private interest and no voting.
Connecticut	Legislators may not take official action if substantial conflict.
Delaware	Legislators with personal or private interest must disclose to chamber and not participate in debate or vote.
Iowa	Legislators shall not vote if conflict exists. Senators must state a personal interest.
Kentucky	Constitution and statute require legislators to disclose personal or private interest and then not participate in discussion or vote “upon pain of expulsion.”
Maine	Legislators may not vote in committee or either body with conflict of interest unless presiding officer requires member to vote or advises member that there is no conflict.
Maryland	Legislators may not vote on measure with immediate personal or financial interest.
Massachusetts	House members may not vote on any question in which private right is immediately concerned, distinct from public.
Michigan	Senators must disclose in writing the interest and then not vote.
Mississippi	Legislators are not permitted to vote if private interest exists.
New Jersey	Legislators may not vote if they have a personal interest.



State	Requirements
North Dakota	Legislators with personal or private interests must disclose and may not vote without consent of the chamber.
Oklahoma	Constitution prohibits voting on legislation with a personal or private interest. Must disclose interest and not vote.
Pennsylvania	Constitution requires legislator to disclose personal or private interest and not vote.
South Carolina	Legislators required to disclose potential conflict of interest to presiding officer and prohibited from voting.
Tennessee	House members must disclose personal interest and may not vote.
Texas	Constitution requires disclosure and prohibits voting with business entity exemption.
Washington	Constitution requires disclosure and prohibits voting.

*Source: Legislative Policy and Research Office
Data: National Conference of State Legislatures*

