

# **Legislative Ethics Committee**

## **INTERPRETIVE RULING 2025-2**

### **Voting on the Consent Calendar (March 10, 2025)**

Senate Legal Counsel Richard J. Lehmann asked for guidance regarding the effect of the new recusal law (2025 HB 1388) when a conflict exists with a bill included on the Consent Calendar. Specifically, he asked if a member determines that they are required to recuse themselves from voting on a bill listed on the Consent Calendar, but wants to vote on all the other bills, does the bill have to be removed from the Consent Calendar and voted on separately.

While the current statutes provide an exception for the budget and general revenue bills, no exception is made for consent calendars. While it may not have been clear in the past, absent an exception, a strict application of the new recusal law would preclude a member from voting on the Consent Calendar if it contains a bill for which the member is required to recuse. The Committee recognizes that currently the Senate and the House have different requirements in their procedural rules for removing a bill from the Consent Calendar. In the Senate, a single member may request the removal, whereas in the House 10 members are required to make the request. In either case, if the bill is removed from the Consent Calendar, the member may file a Declaration of Intent, recuse from voting on the bill, and then vote on the balance of the calendar. But if the bill is not removed from the Consent Calendar, the member is required to file a Declaration of Intent and recuse from voting on the entire Consent Calendar.

For the Committee,  
Edward M. Gordon  
Chairman

*[Vote: 7-0]*