

Measure 113 Exclusion from Re-election for Legislative Absenteeism

OFFICIAL TITLE: Amends Constitution: Legislators with ten unexcused absences from floor sessions disqualified from holding next term of office

INITIATIVE: This measure is a constitutional amendment placed on the ballot by initiative petition with an estimated 155,343 valid signatures. Andrea Kennedy-Smith and Reed Scott-Schwalbach were the chief petitioners.

FINANCIAL IMPACT: This measure will have no financial effect on state or local government expenditures or revenues.

PROBABLE RESULTS OF “YES” VOTE: If this measure passes, it would disqualify legislators with ten unexcused absences from legislative floor sessions from holding office as a legislator for the term following their current term of office. Absences from committee meetings would not count toward the ten unexcused absences.

PROBABLE RESULTS OF “NO” VOTE: If this measure fails, the existing law would be retained. Legislators' attendance can be compelled by current legislative rules. Absent legislators may be punished by the legislative chamber (and potentially expelled by a two-thirds majority vote).

BACKGROUND: In the past two decades, Oregon has seen a number of legislative walkouts by members of the minority party. Most recently, in 2021, 2020 and 2019, Republicans walked out over bills dealing with COVID issues, redistricting, and climate.

In 2001, the Democratic house members were in the minority, and they walked out in a protest about redistricting.

Currently, the state constitution authorizes legislative chambers to punish disorderly conduct, including legislative absenteeism, with a two-thirds supermajority vote. Punishment may include the expulsion of a member.

The legislative rules governing absences are voted on by both chambers at the beginning of each session. Those rules may cover unexcused absences and specify the process for determining excused and unexcused absences. Currently there is no formal definition in Oregon legislative rules concerning what constitutes an “unexcused” absence or how many a legislator can accumulate. To receive approval of an absence, a legislator begins by filing a request explaining the absence. A determination is made by the Senate President or House Speaker. Currently there is no right of appeal against excuse determinations and no requirement for the Senate President or House Speaker to formally explain their decision to declare an absence to be unexcused.

PROPOSAL: Ballot measure 113 amends the Oregon constitution to ban a legislator with 10 or more unexcused absences from holding state legislative office for one term. The intent of the measure is to define the consequences for unexcused absences from floor sessions in either regular or special sessions. A “floor session” is the term used when the Senate or House meets to conduct legislative business and doesn't include committee meetings or hearings. If less than two-thirds of the members are present during floor sessions, legislative business cannot be conducted.

SUPPORTERS SAY:

- There have been 6 walkouts since 2019. The problem can't be solved legislatively because opponents can simply walk out before anything can be accomplished.

- Walkouts in the recent past affecting all Oregonians have prevented action on affordable housing, COVID relief, gun safety, school funding, and wildfire mitigation.
- Politicians should be held to the same standards as the rest of us. And that means real consequences when they don't show up to do the job we elected them to do.

OPPONENTS SAY:

- The minority party may feel that walkouts may be their only recourse when constituents feel strongly that their point of view is not being heard.
- The measure puts too much power in the hands of the President of the Senate and the Speaker of the House to decide what constitutes an excused absence.
- Walkouts are a legislative tool in the procedural toolkit that legislators should be able to use.