

**MEASURE NO. \_\_\_\_\_**

**AMENDS CONSTITUTION: LEGISLATORS WITH TEN UNEXCUSED ABSENCES FROM FLOOR SESSIONS DISQUALIFIED FROM HOLDING NEXT TERM OF OFFICE**

Submitted to the Electorate of Oregon by Initiative Petition to be voted on at the General Election, November 8, 2022.

1 **Explanation**

2 Ballot Measure 113 amends the Oregon Constitution to create a constitutional ban  
3 on holding state legislative office, for one term, if a state Senator or Representative is absent  
4 without excuse ten or more times from floor sessions during any one legislative session.  
5 The measure deems the failure to attend without excuse to be disorderly behavior and  
6 disqualifies the legislator from holding office after the legislator's current term ends. A  
7 candidate may run for office in the next primary and general elections and win, but cannot  
8 hold office under this measure due to ten or more unexcused absences.

9 The Oregon Constitution currently requires two-thirds of all members of the Senate  
10 or of the House of Representatives to be present for the Senate or the House of  
11 Representatives to conduct legislative business during a floor session. A "floor session" is  
12 the term used when the full Senate or the full House meets to conduct legislative business,  
13 including to debate and vote on bills. A "floor session" does not include committee meetings  
14 or hearings. If less than two-thirds of the members of the Senate or the House are present,  
15 the Senate or the House cannot conduct legislative business. Elected members from both  
16 major political parties have sometimes been absent without excuse for various reasons,  
17 including to deny this two-thirds requirement known as the quorum.

18 The Constitution currently does not establish automatic consequences for a  
19 legislator being unexcused and absent from floor session but does authorize members of  
20 the Senate or the House who are present for a scheduled floor session to compel the  
21 attendance of absent members. The Constitution also authorizes the Senate or the House

1 to discipline a member of their respective legislative chamber for disorderly behavior,  
2 including the authority to expel a member by a two-thirds vote in favor of expulsion. The  
3 Constitution currently leaves it up to each chamber to determine whether particular conduct  
4 of a member of that chamber amounts to disorderly behavior. This measure defines  
5 disorderly behavior to include failure to attend ten or more floor sessions without excuse.

6 Legislative rules governing absences are determined through a vote at least once a  
7 year by both chambers, and those rules may define an “unexcused” absence and specify  
8 the process for determining an excused or unexcused absence. Currently there is no formal  
9 definition or limit in Oregon legislative rules concerning what constitutes an “unexcused”  
10 absence. The process to have an absence excused begins by filing paperwork explaining  
11 the absence with chamber staff, with a determination made by the Senate President or  
12 House Speaker who are elected by a vote of the chamber. Through the years, there have  
13 been wide variations in making this determination.

14 Currently there is no right of appeal against those determinations and no  
15 requirement for the Senate President or House Speaker to formally explain their decision  
16 to declare a legislator’s absence as unexcused.

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Certification:

We, the undersigned, hereby certify that, pursuant to ORS 251.215(4), we have prepared the statement described under “Explanatory Statement.”

DocuSigned by:  
*Joe Baessler*  
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Joe Baessler

8/5/2022  
Date

DocuSigned by:  
*Bruce Gifley*  
B98480EC4BEE4E6...  
Bruce Gifley

8/5/2022  
Date

DocuSigned by:  
*Tan Perkins*  
17211DF81115492...  
Tan Perkins

8/8/2022  
Date

DocuSigned by:  
*Sen. Dennis Linthicum*  
92E8C8D8E28C4C3...  
Sen. Dennis Linthicum

8/5/2022  
Date

DocuSigned by:  
*Lynn Nakamoto*  
8E5AC14F0D5948C...  
Lynn Nakamoto

8/6/2022  
Date