Current SENATE Rules	Draft Proposed SENATE Rules Redlined	Draft Proposed SENATE Rules Clean
Conflicts of Interest	Against Current	
SENATE Rule 85(1) No member shall	SENATE Rule 85(1) No member shall vote	SENATE Rule 85(1) No member shall vote on,
vote on any legislation if the member	on- <u>, support or oppose, make</u>	support or oppose, make recommendations on,
has a direct financial interest in the	recommendations on, discuss or debate, or	discuss or debate, or take other official action
legislation, unless the member is part	take other official action on any question	on any question or legislation if the member has
of the class of people affected by the	or legislation if the member has a conflict	a conflict of interest in the question or
official action based upon the	of direct financial interest in the question	legislation.
member's profession, trade or	or legislation, unless the member is part of	
business; provided that this rule shall	the class of people affected by the official	For the purposes of this rule, a "conflict of
not apply to votes on the	action based upon the member's	interest" means that the legislative matter
recommendations of a committee	profession, trade or business; provided	affects the member's personal, familial,
when a member has disclosed a	that this rule shall not apply to votes on the	business, property, or financial interest in favor
potential conflict. For the purposes of	recommendations of a committee when a	of the member, unless the conflict is general
this rule, a "direct financial interest"	member has disclosed a potential conflict.	and applies to a broad class of people affected
means that the legislation affects the		by the legislation.
legislator's personal business,	For the purposes of this rule, a <u>"conflict of</u>	
property, or financial interest.	"direct financial interest" means that the	"Conflict of interest" is defined broadly to
	legislation affects the legislator's member's	to encompass a variety of situations in which
	personal <u>, familial,</u> business, property, or	any private interest of a member, or of the
	financial interest in favor of the member,	member's business associate or immediate
	unless the conflict is general and applies to	family member, is or could reasonably be in
	a broad class of people affected by the	direct conflict with the member's duty to act in
	legislation.	the public interest, including the following:
	"Conflict of interest" is defined broadly to	1. Any situation in which a familial,
	to encompass a variety of situations in	business, property, or financial interest would
	which any private interest of a member, or	be affected by the member's official legislative
	of the member's business associate or	

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immediate family member,	
reasonably be in direct conf	flict with the detriment;
member's duty to act in the	public interest,
including the following:	2. Any situation involving personal,
	political, legal, reputational, or other issues
1. Any situation in which	ch a familial, which would cause a reasonable person with
business, property, or finance	cial interest knowledge of relevant facts to question either
would be affected by the mo	
legislative action, excluding	
nominal gain or detriment;	action in a fair, unbiased, and objective manner
2. Any situation involvi	ing personal, 3. Any situation in which a member's
political, legal, reputational,	<u> </u>
which would cause a reason	
knowledge of relevant facts	
either the member's impart	
matter, or the member's ab	
official legislative action in a	
and objective manner;	4. Any situation in which a member's
	official legislative action would affect a business
3. Any situation in whic	Ū
official legislative action wo	
lobbying organization or lob	
the member was employed	
personal compensation from	
previous five years.	agency capacity.
4. Any situation in which	
official legislative action wo	
business or undertaking in v	which the or agency that has investigated any issue

member holds or held an interest during the previous three years, including a private engaged as legal counsel, advisor, consultant, representative or other agency capacity.relating to the member, unless the member's action would be favorable to the investigating person or agency that has investigated any issue relating to the member in the prior two years[, fthe investigation found improper conduct on the part of the member, unless the member's official legislative action or inaction, and the member, unless the member's action would be favorable to the investigating person or agency].6. Any situation in which a member's business associate or close relative accepts a lsignificant] gift from any person or entity whose financial interest would be affected by pending legislative action or inaction, and the member, unless the member's action would be favorable to the investigating person or agency].6. Any situation in which a member's of the member's official legislative duties or is intended as a reward for action or inaction taken by the member's official legislative action affecting by pending legislative action or inaction, and the member so official legislative action affecting a person or entity's intent in making the gift is to influence the member7. Any situation in which public confidence in government would be substantially eroded by the member's official legislative action affecting a person or entity's intent in making the gift is to influence the member in the performance of the member's official legislative duties or is intended as a reward for action or inaction taken by the member.7. Any situation in which public confidence in government would be substantially eroded by the member so official legislative action affecting a person or entity's intent in making the gift is to influence the mem		10.26.202
 undertaking in which the member is or was engaged as legal counsel, advisor, consultant, representative or other agency capacity. Any situation in which a member's official legislative action would affect a person or agency that has investigated any issue relating to the member in the prior two years[, if the investigation found improper conduct on the part of the member's action would be favorable to the investigating person or agency]. Any situation in which a member's business associate or close relative accepts a [significant] gift from any person or entity whose financial interest would be affected by pending legislative action or inaction, and the member, unless the member's action would a favorable to the investigating person or agency]. Any situation in which a member's business associate or close relative accepts a [significant] gift from any person or eactivy sintent in making the gift is to influence the member's official legislative action or inaction, and the member's official legislative duties or is intended as a reward for action or inaction taken by the member's official legislative action affecting a personal interest, including action designed to intimidate or retaliate. "Immediate family member" means a parent, child, grandparent, grandchild, sibling, spouse, partner, or household member. 	member holds or held an interest during the	
 engaged as legal counsel, advisor, consultant, representative or other agency capacity. S. Any situation in which a member's official legislative action would affect a person or agency that has investigated any issue relating to the member in the prior two years[, if the investigation found improper conduct on the part of the member, unless the member's action would be favorable to the investigating person or agency]. Any situation in which a member's business associate or close relative accepts a [significant] gift from any person or entity's_intent in making the gift from any person or entity's_intent in two years[, if the investigating person or agency]. Any situation in which a member's business associate or close relative accepts a [significant] gift from any person or entity's_intent in making the gift is intended as a reward for action or inaction taken by the member; Any situation in which a member's business associate or close relative accepts a [significant] gift from any person or entity' whose financial interest would be affected by pending legislative action or inaction, and the member knows or reasonably should know that the person or entity's intent in making the gift is to influence the member' in the performance of the member's official legislative action ariaction the member, or household member. "Immediate family member" means a parent, child, grandparent, grandchild, sibling, spouse, partner, or household member. 	previous three years, including a private	if the investigation found improper conduct on
consultant, representative or other agency capacity.person or agency].5. Any situation in which a member's official legislative action would affect a person or agency that has investigated any issue relating to the member in the prior two years], if the investigation found improper conduct on the part of the member, unless the member's action would be favorable to the investigating person or agency].6. Any situation in which a member's business associate or close relative accepts a lsignificant] gift from any person or entity's_intent in making the gift is to influence the member'6. Any situation in which a member's business associate or close relative accepts a lsignificant] gift from any person or entity whose financial interest would be affected by pending legislative action or inaction, and the member knows or reasonably should know that the person or entity's intent in making the gift is to influence the member' sofficial legislative action or inaction taken by the member's official legislative action affecting a personal interest, including action designed to intimidate or retaliate.7. Any situation in which a person or entity's intended as a reward for action or inaction, and the member knows or reasonably should know that the person or entity's intent in making the gift is to influence the member's official legislative duties or is intended as a reward for action or inaction taken by the member; member, or household member.	undertaking in which the member is or was	the part of the member, unless the member's
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official legislative action would affect a person or agency that has investigated any issue relating to the member in the prior two years[, if the investigation found 		6. Any situation in which a member's
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be favorable to the investigating person or agency].of the member's official legislative duties or is intended as a reward for action or inaction taken by the member;6.Any situation in which a member's business associate or close relative accepts a [significant] gift from any person or entity whose financial interest would be affected by pending legislative action or inaction, and the member knows or reasonably should know that the person or entity's intent in making the gift is to influence the member in the performance of the member's official legislative duties or is intended as a reward for action or inaction taken by the member;of the member's official legislative duties or is intended as a reward for action or inaction a personal interest, including action designed to intimidate or retaliate.7.Any situation in which public confidence in government would be substantially eroded by the member's official legislative action affecting a personal interest, including action designed to intimidate or retaliate.8."Immediate family member" means a parent, child, grandparent, grandchild, sibling, spouse, partner, or household member.9."Business associate" means an owner,	improper conduct on the part of the	the person or entity's_intent in making the gift
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business associate or close relative accepts a [significant] gift from any person or entity whose financial interest would be affected by pending legislative action or inaction, and the member knows or reasonably should know that the person or entity's intent in making the gift is to influence the member in the performance of the member's official legislative duties or is intended as a reward for action or inaction taken by the member;7. Any situation in which public confidence in government would be substantially eroded by the member's official legislative action affecting a personal interest, including action designed to intimidate or retaliate."Immediate family member" means a parent, child, grandparent, grandchild, sibling, spouse, partner, or household member.		taken by the member;
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in the performance of the member's official legislative duties or is intended as a reward for action or inaction taken by the member;child, grandparent, grandchild, sibling, spouse, partner, or household member."Business associate" means an owner,	know that the person or entity's intent in	
legislative duties or is intended as a reward for action or inaction taken by the member;partner, or household member."Business associate" means an owner,	making the gift is to influence the member	"Immediate family member" means a parent,
for action or inaction taken by the member; "Business associate" means an owner,	in the performance of the member's official	child, grandparent, grandchild, sibling, spouse,
"Business associate" means an owner,	legislative duties or is intended as a reward	partner, or household member.
	for action or inaction taken by the member;	
		"Business associate" means an owner,
employee, contractor, or other agent of a		employee, contractor, or other agent of a

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	7. Any situation in which public	professional firm, partnership, or other business
	confidence in government would be	from which the member or the member's
	substantially eroded by the member's	immediate family member receives
	official legislative action affecting a personal	compensation or owns.
	interest, including action designed to	
	intimidate or retaliate.	
	"Immediate family member" means a	
	parent, child, grandparent, grandchild,	
	sibling, spouse, partner, or household	
	<u>member.</u>	
	"Business associate" means an owner,	
	employee, contractor, or other agent of a	
	professional firm, partnership, or other	
	business from which the member or the	
	member's immediate family member	
	receives compensation or owns.	
	Tecewes compensation of owns.	
SENATE Rule 85(2) If a member is	SENATE Rule 85(2) If a member is uncertain	SENATE Rule 85(2) If a member is uncertain as
uncertain as to whether a conflict of	as to whether a conflict of interest exists,	to whether a conflict of interest exists, the
interest exists, the member may	the member shall preliminarily recuse	member shall preliminarily recuse themself
request a ruling from the President by	themself from voting, but may request a	from voting, but may request a ruling from the
giving notice and disclosing the direct	ruling from the presiding officer (the	presiding officer (the President or committee
financial interest to the President prior	President or committee chair, as the case	chair, as the case may be) by giving notice and
to voting. When making a	may be) by giving notice and disclosing the	disclosing the conflict of interest to the
determination in cases where a	conflict of direct financial interest to the	presiding officer in sufficient detail for the
portion of a measure may place a	presiding officer in sufficient detail for the	presiding officer to make an informed ruling
member in a conflict of interest, the	presiding officer to make an informed ruling	prior to voting.
President shall give due consideration	prior to voting.	

en making a determination in cases ere a portion of a measure may place a mber in a conflict of interest, the	When making a determination in cases where a
siding officer and voting members sident shall give due consideration to the text of that portion as it relates to the orall purpose of the measure. The President presiding officer determines t a conflict exists, the President presiding cer shall excuse the member from cussion, debate, and voting. The presiding officer determines that no flict exists, the matter will be presented he floor (or committee), and if two-thirds he voting members agree, the member II be allowed to participate in discussion, pate, and voting. Members who have a flict or possible conflict with respect to ing on the status of another member's flict shall recuse themselves from that e without further recourse.	portion of a measure may place a member in a conflict of interest, the presiding officer and voting members shall give due consideration to the context of that portion as it relates to the overall purpose of the measure. If the presiding officer determines that a conflict exists, the presiding officer shall excuse the member from discussion, debate, and voting. If the presiding officer determines that no conflict exists, the matter will be presented to the floor (or committee), and if two-thirds of the voting members agree, the member shall be allowed to participate in discussion, debate, and voting. Members who have a conflict or possible conflict with respect to voting on the status of another member's conflict shall recuse themselves from that vote without further recourse.
ft Proposed SENATE Rule Redlined	Draft Proposed SENATE Rule Clean
NATE Rule 83: Each member shall file	SENATE Rule 83. Each member shall file with the
th the Ethics Commission of the State of	Ethics Commission of the State of Hawai'i, a
awai'i, a disclosure of the member's	disclosure of the member's private financial
ivate financial interests, as prescribed	interests, as prescribed by law. Each member
siter net <u>con neffhhhll paffinfle</u> ftin Nthw	ext of that portion as it relates to the all purpose of the measure. President presiding officer determines a conflict exists, the President presiding er shall excuse the member from ussion, debate, and voting. Presiding officer determines that no lict exists, the matter will be presented be floor (or committee), and if two-thirds re voting members agree, the member be allowed to participate in discussion, ate, and voting. Members who have a lict or possible conflict with respect to ag on the status of another member's lict shall recuse themselves from that without further recourse. t Proposed SENATE Rule Redlined nst Current UATE Rule 83: Each member shall file h the Ethics Commission of the State of wai'i, a disclosure of the member's

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as prescribed by law. Each member	by law. Each member shall file with the	shall file with the Ethics Commission any change
shall file with the Ethics Commission	Ethics Commission any change in such	in such financial interests.
any change in such financial	financial interests.	
interests.		If a legislative matter which affects a member's
	If a legislative matter which affects a	interests arises before the member has made a
If a legislative matter which affects a	member's interests arises before the	disclosure to the Ethics Commission, the
member's interests arises before the	member has made a disclosure to the	member shall disclose orally such interest to the
member has made a disclosure to the	Ethics Commission, the member shall	Senate prior to voting and recuse themself from
Ethics Commission, the member shall	disclose orally such interest to the Senate	voting, with the option to request a ruling in
disclose orally such interest to the	prior to before-voting and recuse themself	accordance with Rule 71. The member then
Senate before voting. The member	from voting, with the option to request a	shall immediately make the written disclosure
then shall immediately make the	ruling in accordance with Rule 71. The	required by law and the Rules of the Senate.
written disclosure required by law	member then shall immediately make the	
and the Rules of the Senate.	written disclosure required by law and the	Any member who has filed a disclosure as
	Rules of the Senate.	required by this Rule need not make a further
Any member who has filed a		oral disclosure on the Senate floor of any
disclosure as required by this Rule	Any member who has filed a disclosure as	interest so filed, unless the disclosed financial
need not make a further oral	required by this Rule need not make a	interest presents a conflict as defined in Rule
disclosure on the Senate floor of any	further oral disclosure on the Senate floor	85.
interest so filed.	of any interest so filed <u>, unless the</u>	
	disclosed financial interest presents a	
	conflict as defined in Rule 85.	
Current SENATE Rule	Draft Proposed SENATE Rule Redlined	Draft Proposed SENATE Rule Clean
Voting: Rights of Members	Against Current	
SENATE Rule 71	SENATE Rule 71	SENATE Rule 71
(1) No member, on any	(1) No member, on any account,	(1) No member, on any account,
account, shall refrain from voting	shall refrain from voting unless excused by	shall refrain from voting unless excused by the
unless excused by the President. A	the presiding officer (the President or a	presiding officer (the President or a committee
member voting "with reservations"	committee chair, as the case may be). A	chair, as the case may be). A member voting
shall be counted as a favorable vote.	member voting "with reservations" shall be	"with reservations" shall be counted as a

A member may vote "Kanalua" the first time the member's name is called by the Clerk on any vote, but if the member votes "Kanalua" on the next call of the member's name, the member's vote shall be recorded as "Aye."

(2) The President may excuse a member who has a monetary interest in the question, or whose right to a seat in the Senate will be affected by the question, or whose official conduct is involved in the question. If a member thinks there may be a personal interest in the question, the member shall rise and disclose the interest to the President. The President then shall rule whether the member has a conflict of interest. If so, the member shall be excused from voting.

(3) Whenever the Ayes and Noes are called, no one, without unanimous consent, shall be permitted to explain a vote.

(4) After the announcement by the President of the result, no one shall be allowed to vote or to change counted as a favorable vote. A member may vote "Kanalua" the first time the member's name is called by the Clerk on any vote, but if the member votes "Kanalua" on the next call of the member's name, the member's vote shall be recorded as "Aye."

The presiding officer (2) President shall may excuse a member who has a conflict of monetary interest in the question, or whose right to a seat in the Senate will be affected by the question, or whose official conduct is involved in the question. If a member thinks there may be a personal interest in the question, then prior to voting, the member shall rise and disclose the interest to the presiding officer President. Alternatively, any member may state their reasonable belief that another member may have such an interest and provide information supporting this belief. The President presiding officer then shall rule whether the member has a conflict of interest. If so, the member shall be excused from voting.

For the purposes of this rule, a "conflict of interest" has the same meaning as defined in Rule 85.

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favorable vote. A member may vote "Kanalua" the first time the member's name is called by the Clerk on any vote, but if the member votes "Kanalua" on the next call of the member's name, the member's vote shall be recorded as "Aye."

(2) The presiding officer shall excuse a member who has a conflict of interest in the question, or whose right to a seat in the Senate will be affected by the question, or whose official conduct is involved in the guestion. If a member thinks he or she may have a such an interest in the question, then prior to voting, the member shall rise and disclose the interest to the presiding officer. Alternatively, any member may state their reasonable belief that another member may have such an interest and provide information supporting this belief. The presiding officer then shall rule whether the member has a conflict of interest. If so, the member shall be excused from voting.

For the purposes of this rule, a "conflict of interest" has the same meaning as defined in Rule 85.

If the presiding officer finds no conflict of interest, or it is uncertain whether a member has a conflict of interest in the question, there

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a vote.	If the presiding officer finds no conflict of	shall be a determination in accordance with
	interest, or it is uncertain whether a	Rule 85(2).
	member has a conflict of interest in the	
	question, there shall be a determination in	If quorum required for any vote cannot be
	accordance with Rule 85(2).	achieved due to members recusing themselves
		based on a conflict of interest, each recused
	If quorum required for any vote cannot be	member shall nonetheless be required to vote;
	achieved due to members recusing	provided that prior to, or within one week of,
	themselves based on a conflict of interest,	the vote, the member shall present to the
	each recused member shall nonetheless be	voting body a detailed written explanation of
	required to vote; provided that prior to, or	the specific facts describing the member's
	within one week of, the vote, the member	conflict of interest, which shall be recorded in
	shall present to the voting body a detailed	the Journal of the Senate and posted on the
	written explanation of the specific facts	Senate website until the next biennium.
	describing the member's conflict of interest,	
	which shall be recorded in the Journal of the	(3) Whenever the Ayes and Noes
	Senate and posted on the Senate website	are called, no one, without unanimous
	until the next biennium.	consent, shall be permitted to explain a vote.
		(4) After the announcement by the
	(3) Whenever the Ayes and Noes	President of the result, no one shall be allowed
	are called, no one, without unanimous	to vote or to change a vote.
	consent, shall be permitted to explain a	
	vote.	
	(4) After the announcement by	
	the President of the result, no one shall be	
	allowed to vote or to change a vote.	
Current SENATE Rule	Draft Proposed SENATE Rule Redlined	Draft Proposed SENATE Rule Clean
Standards of Conduct	Against Current	

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SENATE Rule 81	SENATE Rule 81_[Change only by inserting	SENATE Rule 81 [Change only by inserting new
	new section G in section (4) and relettering	section G in section (4) and relettering following
(1) Members should conduct	following sections:]	sections:]
themselves in a respectful manner	(G) Manage their personal interests	
befitting the office with which they	and obligations so as to minimize	(G) Manage their personal interests and
as elected officials have been	the number of votes in which they	obligations so as to minimize the
entrusted, respecting and complying	are in, or may reasonably be	number of votes in which they are in,
with the law and acting at all times in	perceived to be in, potential	or may reasonably be perceived to be
a manner that promotes public	conflict; Refrain from using, or	in, potential conflict.
confidence in the integrity of the	permitting the use of, the privileges	(G)(H)_Refrain from using, or permitting the
Senate.	and prestige of their public office to	use of, the privileges and prestige of
	derive undue personal,	their public office to derive undue
(2) Members should not lend the	professional, or financial benefits	personal, professional, or financial
prestige of public office to advance	for themselves, members of their	benefits for themselves, members of
the private interests of themselves or	families, or others with whom they	their families, or others with whom
others; nor should members convey	maintain personal, business, or	they maintain personal, business, or
or permit others to convey the	professional relationships.	professional relationships.
impression that they are in a special	(G)(H) Refrain from using, or permitting	(H)(I) Refrain from engaging in financial and
position to unduly influence pending	the use of, the privileges and	business dealings that involve them in
public business before them.	prestige of their public office to	frequent transactions, or continuing
	derive undue personal,	business or professional relationships,
(3) Members should treat their	professional, or financial benefits	with those persons likely to derive
fellow Senate members, staff, and	for themselves, members of their	benefits from public financial matters
the general public with respect and	families, or others with whom they	either pending or already deliberated
courtesy, regardless of political or	maintain personal, business, or	and voted upon by the Senate, to the
religious beliefs, race, ethnicity, sex,	professional relationships.	extent that such conduct may
sexual orientation, or physical	(H)(I) Refrain from engaging in financial	reasonably be perceived as personal
disability.	and business dealings that involve	exploitation of their public office.
	them in frequent transactions, or	
(4) The legislative duties of members	continuing business or professional	

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as pre	scribed by law and these Rules	relationships, with those persons	
should	I take precedence over all of	likely to derive benefits from public	
their o	other business or professional	financial matters either pending or	
activit	ies. Members should freely and	already deliberated and voted upon	
willing	ly accept certain restrictions	by the Senate, to the extent that	
on the	ir business activities and	such conduct may reasonably be	
profes	sional conduct that might be	perceived as personal exploitation	
consic	ered burdensome by an	of their public office.	
ordina	ry private citizen, and should		
perfor	m the duties of elected office		
impar	tially and diligently. To the		
greate	st extent reasonably possible,		
memb	ers should:		
(A)	Refrain from allowing family,		
	social, business, or other		
	relationships to unduly		
	influence the member's		
	legislative conduct or		
	judgment.		
(B)	Refrain from showing bias or		
	prejudice, including but not		
	limited to bias or prejudice		
	based on political or religious		
	beliefs, race, ethnicity, sex,		
	sexual orientation, or physical		
	disability, in the performance		
	of their official duties.		
(C)	Exercise patience, tolerance		
	and courtesy to all those with		

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	whom they deal with in an	
	official capacity, and require	
	staff and others subject to	
	their direction and control to	
	maintain similar standards of	
	conduct, fidelity, and	
	diligence inherent in public	
	service.	
(D)	Exercise the power of	
	appointment impartially and	
	on the basis of merit,	
	refraining from making	
	unnecessary appointments	
	and approving compensation	
	of appointees beyond the fair	
	value of services rendered.	
(E)	Afford to every person who	
	wishes to participate in the	
	legislative process the	
	opportunity to be heard	
	according to established	
	procedures.	
(F)	Consider at all times whether	
	their conduct would create in	
	reasonable minds the	
	perception that their ability	
	to carry out legislative	
	responsibilities with integrity	
	and independence is either	
	questionable or impaired.	

(G)	Refrain from using, or	
	permitting the use of, the	
	privileges and prestige of	
	their public office to derive	
	undue personal, professional,	
	or financial benefits for	
	themselves, members of their	
	families, or others with whom	
	they maintain personal,	
	business, or professional	
	relationships.	
(H)	Refrain from engaging in	
	financial and business	
	dealings that involve them in	
	frequent transactions, or	
	continuing business or	
	professional relationships,	
	with those persons likely to	
	derive benefits from public	
	financial matters either	
	pending or already	
	deliberated and voted upon	
	by the Senate, to the extent	
	that such conduct may	
	reasonably be perceived as	
	personal exploitation of their	
	public office.	