



Arizona House of Representatives
Phoenix, Arizona 85007

ARIZONA HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE ON ETHICS – JUNE 4, 2024

MR. SPEAKER,

Your Committee on Ethics (“Committee”) has considered the Ethics Complaint (“Complaint”) filed on April 24, 2024, by Representatives Barbara Parker, David Marshall, and Rachel Jones against Representative Analise Ortiz. The Complaint alleges that on April 10, 2024, Representative Ortiz engaged in disorderly behavior by yelling at members of the House with “inappropriate and insulting language to impugn [their] character” and by loudly disrupting another member’s press conference on the Floor. *Complaint* at 3.

Upon consideration, this Committee unanimously concludes that Representative Ortiz engaged in disorderly behavior, thereby violating Rule 1 of the Arizona House of Representatives and damaging the institutional integrity of the House.

Consistent with the text of the Arizona Constitution, *see* Ariz. Const. art. 4, part 2, § 11 (empowering the House to “punish its members for disorderly behavior”), the Committee refers this Report to the House to determine what disciplinary measures, if any, should be taken.

I. ETHICS COMPLAINT AND RESPONSE

On April 24, 2024, Representatives Barbara Parker, David Marshall, and Rachel Jones presented an Ethics Complaint against Representative Analise Ortiz. The Complaint alleged that Representative Ortiz engaged in disorderly behavior in violation of House Rule 1 on April 10, 2024, when she loudly chanted phrases including “Shame!,” “Blood on your hands!,” and “Hold the vote!” on the House Floor after a substitute motion to recess—which she did not support—was offered and ultimately adopted. The complainants also alleged that Representative Ortiz had engaged in disorderly behavior by subsequently disrupting another member’s press conference on the House Floor during that recess by continuing to shout and “charging” across the chamber to “attack” the member’s character in front of the gathered press. *Complaint* at 1, 2. In the Complaint, the complainants submitted that Representative Ortiz’s actions undermined the dignity and integrity of the House of Representatives and “embarrass[ed]” the institution on a national level. *Id.* at 1, 3.

Pursuant to House Ethics Committee Rule of Procedure 13, the Committee provided Representative Ortiz, who elected to exercise her right under Rule 15 to engage legal counsel, with an opportunity to respond to the Complaint in writing. She did so, submitting the Response on May 1, 2024. In it, Representative Ortiz did not dispute any of the underlying factual allegations;

in fact, she appeared to concede that her exclamations were “formally out of order,” that she was “loud,” and that she had intentionally “sought to disrupt the press conference that was being held.” *Response* at 1, 2. However, she contested the way that the Complaint characterized her actions. *Id.* Representative Ortiz also asserted that her actions were fueled by a passionate opposition to what she believes was a tactic to “delay the People’s business.” *Id.*

The Committee held an evidentiary hearing on May 15, 2024. Pursuant to the Committee rules that were in effect at the time, Representative Ortiz elected to not appear at this hearing to personally answer any of the Committee’s questions. Her legal counsel appeared on her behalf and agreed that Representative Ortiz’s behavior was not “normal” or “typical.” *See Ethics Hearing Video* at 35:40. He relayed, however, that she would not apologize for it. *Id.* at 57:45.

II. COMMITTEE’S FINDING

As the Chairman emphasized at the evidentiary hearing, the sole issue for the Committee’s consideration is whether Representative Ortiz violated House Rule 1, which prohibits members from engaging in disorderly behavior. In undertaking that inquiry, the Committee makes the following factual finding, accompanied by its reasoning.

1. THE COMMITTEE FINDS that Representative Ortiz’s actions breached the House’s standards of order and decorum.

The facts here are not disputed. Indeed, the incident was recorded from many angles, including Representative Ortiz’s own. *See* Exhs. A, E–M. As the House went into a recess, Representative Ortiz faced the members on the opposite side of the House Floor with whom she had disagreed on the procedural motion that had just taken place, filming them on her cell phone, and shouting chants directed to those members, including “Shame!,” “Blood on your hands!,” and “Hold the vote!” Exh. E. She left her assigned desk on the Floor to get closer to those members, at one point pointing her finger at them as she continued to shout loudly. *See id.* at 00:23. Later, after the press initiated a conversation with a member on the other side of the House Floor, Representative Ortiz made the intentional decision to “disrupt” that conversation and crossed the House Floor to insert herself in their discussion by loudly making personal attacks against the member’s character and repeatedly interrupting both the member and the press. *Id.* at 03:05; Exh. I. This behavior was disorderly.

Representative Ortiz’s *Response* contends that this Committee should “protect the spirit of debate and the marketplace of ideas on the floor of the Arizona Legislature” by not interpreting “the rules of decorum and civility as barring passionate debate.” *Response* at 1. But the conduct here cannot be described as “passionate debate.” The Committee emphasizes that the rules of decorum, order, and civility exist precisely to enable that spirit and a free marketplace of ideas. Disregarding those House rules presents a real and legitimate chilling effect on the dialogue between elected officials on important matters of statewide policy and denigrates the House as an institution of government. The rules allow members to express their ideas knowing that doing so would be met, at worst, with orderly opposition. The rules allow members to vocally agree or disagree without fear of whether others will respond with disorder. The rules allow members to state their positions and to be heard in a way that invites discourse

and not disruption.

For these reasons, the Committee cannot allow violations of the rules of decorum and order to be characterized as anything other than disorderly behavior. Doing so would not only render the rules meaningless; it would set an improper and damaging precedent for this body as an institution.

The House Rules provided Representative Ortiz avenues by which to voice her opposition to the substitute motion to recess, including a call for division on the voice vote for the substitute motion pursuant to Rule 14(H) and for which she could have volunteered to be the member from her side of the vote to explain her rationale pursuant to Rule 14(G), or she could have entered a formal protest into the House Journal pursuant to Rule 20. She also could have initiated a separate conversation with the press to provide them with her stance without disrupting their conversation with the other member. But she did not pursue any of these options.

III. CONCLUSION

The Arizona Constitution empowers the House to establish its own rules of procedure. *See* Ariz. Const. art. 4, part 2, § 8. The House Rules, which the House adopted at the beginning of the first regular session of the 56th Legislature, expressly confirm that House Rules are subject only to constitutional rules and take precedence over statutory rules or provisions, customs and usages, or other parliamentary authority. *See* House Rule 29. Accordingly, it is incumbent on the Ethics Committee to thoroughly review any Complaint by any member to determine whether a member has violated a House Rule.

The Committee's investigation required time and legislative resources. The Committee does not lightly issue this Report, but the findings herein are necessary to protect the integrity of the House, the House Rules, and the legislative process. This Report should not be construed as any comment on individuals' constitutional rights, including the rights to freely speak, dissent, or peacefully protest. House Rules have long required members, the public, and the press to maintain proper decorum.

Pursuant to its investigation and its factual findings above, the Committee finds that the evidence sufficiently supports a conclusion that Representative Ortiz's disruptive actions constitute disorderly behavior in violation of Rule 1 of the Arizona House of Representatives.

The Committee notes that its findings require a subjective assessment of Representative Ortiz's conduct. Accordingly, the Committee recommends that all members of the House fully examine this Report and the material cited herein. The Committee agrees, unanimously, that Representative Ortiz violated Rule 1. Based on this finding, and because Representative Ortiz's violation of Rule 1 involves House order and procedure, the Committee deems it appropriate for the House as a whole to decide what disciplinary measures, if any, should be taken.

Respectfully submitted this 4th day of June, 2024.



Rep. Joseph Chaplik, Chairman



Rep. Gail Griffin



Rep. Patricia Contreras



Rep. Travis Grantham, Vice Chair



Rep. Christopher Mathis