

## Can a Public Official Vote on a Matter That He Has a Financial Interest In?

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**Question:** Is a government official allowed to make decisions on matters which he has a personal financial interest in, or does he have to recuse himself from all such decisions?

**Answer:** The Nodah B'Yehuda writes a comment about the *Zayin Tuvei Ha'ir* - a communal governing body - that if they have a personal interest in a matter, they certainly cannot issue a ruling about it.

We actually have an old tradition that goes back to a *teshuva* of the Maharam of Rotenberg, where he discusses a city that is holding a vote regarding a local infrastructure project and says that every voter has to vote *l'sheim shomayim*. This standard of *l'sheim shomayim* is a lofty one, which we do not find as commonly being accepted in general elections, but the Chasam Sofer does use this standard in a story where there were allegations of vote-buying and he says that such a thing would nullify an election because the voters were not *l'sheim shomayim*.

Rav Eliezer Gordon discusses a story where a city is voting on a new Rabbi, and some residents are relatives of the candidate. Are they allowed to vote or do we say that they are biased and their vote is not *l'sheim shomayim*?

Rav Gordon says that the relatives are allowed to vote, because we all understand that residents will not completely set aside their own interests when voting on any issue; however, for the good of the community as a whole we ask everyone to do their best to put aside their interests and to try to be as *l'sheim shomayim* as possible. We can only ask them to do this to a certain extent, and we understand that people may be biased in some way. This does not disqualify them from voting.

That discussion is about local citizens voting about a local cause of interest. There is, however, no clear source about officials on a local council and when they are not allowed to vote. The Teshuros Shai speaks about a case where the *Zayin Tuvei Ha'ir* are voting about implementing a wine tax and one member is a wine merchant, which makes him partial to not implementing the tax. In his discussion, he does not raise the question of this person being barred from voting because of his personal bias.

So, it does not appear that there is any clear standard about what personal interests would force a public official to recuse himself from voting.