

**House Committee On Rules**

**Fiscal:** Fiscal impact issued

**Revenue:** No Revenue Impact

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**Action Date:** 05/11/15

**Action:** Be Adopted.

**Meeting Dates:** 04/13, 05/11

**Vote:**

Yeas: 6 - Barnhart, Hoyle, Kennemer, Nosse, Rayfield, Wilson

Nays: 2 - Gilliam, Smith Warner

Exc: 1 - McLane

**Prepared By:** Erin Seiler, Committee Administrator

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**WHAT THE MEASURE DOES:**

Proposes amendment to Oregon Constitution to vest power of impeachment of statewide elected Executive Branch officials in House of Representatives and power to try impeachments in Senate. Requires three-fifths majority vote of House of Representatives to deliver impeachment resolution to Senate and two-thirds majority vote of Senate for conviction. Limits judgment to removal from office and disqualification from holding other public office. Refers proposed amendment to people for approval or rejection at next regular general election held throughout this state.

**ISSUES DISCUSSED:**

- Reasons for impeachment to be tool for Legislatures
- Reasons that Oregon does not have impeachment provisions
- Types of actions or events that may lead to impeachment proceedings
- Infrequency of utilization
- Requirement for Senate to conduct trial on articles of impeachment
- Standard for conviction
- Political nature of impeachment proceedings or actions
- Two different voting standards
- Modernization of language including “high crimes” and “malfeasance”

**EFFECT OF COMMITTEE AMENDMENT:**

No amendment.

**BACKGROUND:**

Impeachment is a process that provides Legislatures with oversight of official government conduct and to remove executive or judicial public officers from their positions. The impeachment process has two stages, and the responsibility for each stage usually is separated. The first stage is the impeachment—that is, the development of a formal accusation or statement of charges. Most often, the responsibility for this stage is given to the House or Assembly legislative chamber. During this stage, accusations are heard and investigated. If the body believes that misconduct occurred, the charges—articles of impeachment—are developed and voted upon. If the requisite affirmative vote is reached, the articles of impeachment are forwarded to the body responsible for the second stage of the process. The second stage is the formal consideration of the charges laid out in the articles of impeachment, and the responsibility usually is assigned to the Senate legislative body. This stage often resembles a trial; both sides may call witnesses and present evidence. When the presentation of arguments is completed, the body must vote whether to find the person guilty of the charges, and a supermajority vote typically is required to convict the accused. Impeachment is relatively rare and regarded as a power to be used only in extreme cases.

Impeachment and removal of governors has happened occasionally throughout the history of the United States, usually for corruption charges. A total of at least eleven U.S. state governors have faced an impeachment trial, but in many cases individuals will resign before the impeachment proceedings begin or are completed. Currently, the Oregon Constitution does not provide for impeachment but does provide in Article II, section 18, for the recall of public officers.

House Joint Resolution 31 vests the power of impeachment of statewide elected officials of the Executive Branch for malfeasance in office, corruption, neglect of duty or other high crime or misdemeanor in the House of Representatives and provides the Senate the power to try any impeachment received from the House of Representatives.