



603.687.1206

www.indparty.com

info@indparty.com

Attn: House Committee on Rules
Office of Rep., Jodi Hack

Date: 2/21/2017

Honorable Chair Williamson, Representative Hack & distinguished members of the committee,

My name is Sal Peralta. I am a resident of McMinnville, OR. I offer this testimony on behalf of the Independent Party of Oregon and its 119,000 member statewide. IPO favors the underlying concept of House Joint Resolution 10, which would amend the Oregon Constitution to allow the Oregon legislature to impeach any statewide elected official.

Our party sees this type of reform as necessary to ensuring greater accountability of statewide officeholders. Although Oregon was among the first states to adopt provisions allowing for public recall of officeholders in 1908, that process has never been used to recall a statewide official. We believe the recall is essentially unusable today without a massive amount of funding due to the sheer number of signatures needed and the many restrictions that have been placed on the Initiative Referendum and Recall by the legislature in recent years.

However, although the party supports granting the legislature additional authority to hold statewide officeholders accountable, we also note that such powers are often abused by state and federal legislatures. We therefore recommend that any impeachment authority granted to the legislature come with a clear legal framework for what constitutes an impeachable offense that is narrower than what is provided in this bill. Perhaps by enumerating specific categories of offense similar to what we see in other states.

For example, we note that Georgia has a relatively high bar to trigger recall that might be worth considering.

'Act of malfeasance or misconduct while in office; violation of oath of office; failure to perform duties prescribed by law; willfully misused, converted, or misappropriated, without authority, public property or public funds entrusted to or associated with the elective office to which the official has been elected or appointed. Discretionary performance of a lawful act or a prescribed duty shall not constitute a ground for recall of an elected public official. (Ga. Code §21-4-3(7) and 21-4-4(c))
(<http://www.ncsl.org/research/elections-and-campaigns/recall-of-state-officials.aspx>)

We encourage the carrier to amend the legislation and the committee consider moving the bill to the floor once the scope of the bill is narrowed to minimize the risk of partisan abuse.

Sincerely,

Sal Peralta
Secretary, Independent Party of Oregon