

HJR 16 -2, -3 STAFF MEASURE SUMMARY

House Committee On Rules

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Meeting Dates: 5/18, 6/20

WHAT THE MEASURE DOES:

Proposes amendment to Oregon Constitution to give the House of Representatives (House) the power of impeachment for statewide elected officials of Executive Branch for malfeasance in office, corruption, neglect of duty, or other high crime or misdemeanor, and the Senate the power to try any impeachment received from House. Requires three-fifths majority vote of House 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 any other public office in state. Refers proposed amendment to people for approval or rejection at next regular general election held throughout this state.

ISSUES DISCUSSED:

- Policy elements of impeachment process
- Other state impeachment processes, including presiding officer for impeachment trial and who is subject to impeachment
- Whether Secretary of State or Bureau of Labor and Industries Commissioner fit under Executive Branch
- Implementation procedures for the Legislative Assembly

EFFECT OF AMENDMENT:

-2 Changes grounds for impeachment to malfeasance or corrupt conduct in office, willful neglect of duty, or other felony or high crime. Changes threshold for House vote to two-thirds of all Representatives. Adds Chief Justice as presiding in the Senate impeachment trial. Allows Legislative Assembly to convene to exercise its impeachment powers.

-3 Changes grounds for impeachment to malfeasance or corrupt conduct in office, willful neglect of statutory or constitutional duty, or other felony or high crime. Changes threshold for House vote to two-thirds of all Representatives. Adds Chief Justice as presiding in the Senate impeachment trial. Allows Legislative Assembly to convene to exercise its impeachment powers.

BACKGROUND:

According to the National Conference of State Legislatures, “the U.S. Constitution and all state constitutions except Oregon’s include an impeachment doctrine.” In all other states, the governor and other state executive and judicial officers are subject to impeachment, with the exception of certain judicial officers in Arizona, Indiana, Nevada, North Dakota, and Washington. The most common impeachment arrangements in other states include:

- providing the House or Assembly (lower chamber) the power to decide on impeachment charges with a simple majority vote;
- giving the Senate (upper chamber) the responsibility for holding the impeachment trial with a two-thirds vote of members required for conviction;
- having the Chief Justice preside unless he or she is the official on trial; and
- allowing the Legislative Assembly to call themselves into special session for the purpose of impeachment.

Section 6, Article VII of the Oregon Constitution states that "public officers shall not be impeached; but incompetency, corruption, malfeasance or delinquency in office may be tried in the same manner as criminal offenses, and judgment may be given of dismissal from office, and such further punishment as may have been

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prescribed by law." Section 8, Article VII of the Oregon Constitution also specifies the removal, suspension, or censure of judges by the Supreme Court for crime, willful misconduct, willful or persistent failure to perform duties, general incompetence, willful violation of any rule of judicial conduct established by the Supreme Court, or habitual drunkenness or illegal use of narcotic or dangerous drugs.

House Joint Resolution 16 proposes an amendment to the Oregon Constitution providing a process for the impeachment of statewide elected officials of the Executive Branch by the House of Representatives and Senate for malfeasance in office, corruption, neglect of duty, or other high crime or misdemeanor.