

# Impeachment in Missouri

## A Primer

Hallmarks of a Constitutional Republic include:

- *Divison of Power and*
- *Checks and Balances*

Impeachment is the *Legislative CHECK* on the *Executive* and the *Judiciary* in the American System.

### **MISSOURI IS PRACTICALLY ALONE**

The state of Missouri is in a rather exclusive class where the maintenance of *constitutional checks* among the three branches of government are concerned. It is one of only three states which do **not allow the legislature to try impeachment cases**. Only one other state, Nebraska, totally leaves the the courts to watch over themselves.

*Since Nebraska has only a single legislative body (unicameral), Missouri is the ONLY state with a bicameral legislature that allows the judicial system to totally police itself.*

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# Impeachment and Missouri Law - A Primer

(Prepared by Missouri First, Inc. February 2007)

## The most fundamental principle of an American Constitutional Republic.

The core principle of American governance is the understanding that the people are **endowed by their Creator with inalienable rights**, and that understanding is the basis for our constitution's very first section:

*"That all political power is vested in and derived from the people; that all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole."* (Art. I § 1, MO Const.)

The founders sought to jealously guard the people's liberty. There was, perhaps, no greater discussion among the founding fathers than the one about the basic structure of our governments, both state and federal, as they sought out a system that would best provide that security. They decided on a **Constitutional Republic**.

At the close of the constitutional convention in Philadelphia on September 18, 1787 Mrs. Powel asked the question on everyone's minds, "Well Doctor, what have we got, a republic or a monarchy?" Benjamin Franklin replied, "**A republic if you can keep it.**"

Missouri, like the United States, is a constitutional republic. In fact, we are required to be a constitutional republic in order to be a member of the United States. (U.S. Const. Art. VI § 4)

Members of the **General Assembly** have **no greater responsibility** than to guard these constitutional principles and have taken an oath to do so.

## Protecting the People's Power Through Division of Governmental Power -- Checks and Balances are the Hallmarks of a Republic

Montesquieu (1689-1755) was the political philosopher most often quoted by the founders. He explained the most important element of a republic:

*"Democratic and aristocratic states are not in their own nature free. Political **liberty** is to be found only in moderate governments; and even in these it is not always found. **It is there only when there is no abuse of power**. But constant experience shows us that **every man invested with power is apt to abuse it**, and to carry his authority as far as it will go. Is it not strange, though true, to say that virtue itself has need of limits?" ... "**To prevent this abuse, it is necessary from the very nature of things that power should be a check to power.**" (Spirit of Laws, bk. 6, CH. 2)*

Montesquieu popularized the concept of checks and balances, but the Founders perfected it with the unique American system.

## The Role of Impeachment in Maintaining Checks and Balances

Each branch of government is self-limiting to the extent that it is constrained by its enumerated authority. And each branch, including much of the judiciary in Missouri, has some direct accountability to the voters. But the wisdom of the Founders recognized the need for more protection for the people.

Each of the three branches has inherent "checks" against the other two - the impeachment process is the Legislature's ultimate check on the Administrative and Judicial branches. **Impeachment IS NOT about punishing officials who have committed crimes - it is about preserving the "political power" that is "vested in and derived from the people"**.

# IMPEACHMENT FAQ

## What is impeachment?

Impeachment is the constitutional process used by the legislature to ensure that the other two branches of government do not overstep their authority.

Impeachment is the first of two steps used to remove an official who has subverted his office in some way. **Impeachment is not a guilty verdict**; it is **not a trial** but a preliminary to a trial, **similar to a grand jury indictment**.

## Who can impeach in Missouri?

*Missouri Constitution Article VII Section 2. "The house of representatives shall have the sole power of impeachment."*

## Who can be impeached and for what reasons?

*Missouri Constitution, Article VII, Section 1: "All elective executive officials of the state, and judges of the supreme court, courts of appeals and circuit courts shall be liable to impeachment for crimes, misconduct, habitual drunkenness, willful neglect of duty, corruption in office, incompetency, or any offense involving moral turpitude or oppression in office."*

"Elected officials of the state" does not include the members of the General Assembly.

## Why does the power to impeach rest with the house of representatives alone?

The legislature's power is divided among a much larger number of individuals, so the likelihood of despotic rule from that branch is relatively small – it is also the body that is closest to the people. On the other hand, the power of the administrative and judicial branches resides with but a few men who are less accessible to the common man.

**Our representatives, like judges, have sworn to defend and uphold the constitution. Impeachment is a solemn responsibility neither to be shirked nor abused.**

## What happens once articles of impeachment have been approved by the house?

In Missouri, (unlike the Federal system and virtually all the other states) after the resolution passes the house, a **trial** ensues in one of two venues: 1) If a lower court judge is impeached, his trial is held before the state Supreme Court; 2) When the governor or a Supreme Court justice is impeached, the state senate selects a commission of seven jurists (judges) to hear the trial. The defendant can only be found guilty upon the concurrence of five-sevenths of either the court or commission. (MO Constitution, Article VII, Section 2)

A judge is disqualified from acting as a judicial officer while articles of impeachment are being considered against him, but still receives his salary. (MO Constitution, Article V, Section 24.4)

## What are the possible penalties if found guilty?

Missouri Constitution, Article VII, Section 3: “*Judgment of impeachment shall not extend beyond removal from office, but shall not prevent punishment of such officer by the courts on charges growing out of the same matter.*”

James Wilson, an original justice of the U.S. Supreme court and signer of both the Declaration of Independence and the U.S. Constitution said, “*impeachments are confined to **political** characters, to **political** crimes and misdemeanors, and to **political** punishments.*”

Impeachment is neither a criminal procedure nor intended primarily for criminal offenses, so penalties are limited to removal from office.

Judges removed from office also lose certain retirement benefits. ([RSMo 476.480](#)) ([RSMo 476.560](#)) ([Entire Chapter 476](#)) (Art. XII sec. 3)

## Other checks on judges.

In addition to impeachment, the Missouri constitution provides for disciplining judges by the **Commission on Retirement, Removal and Discipline of Judges** ([Article V, Section 24](#)). The commission's purpose is to maintain the integrity of the courts, but not to maintain checks and balances, so it is not the proper venue to deal with a judge who usurps the power of the legislature.

## Why are elections, and retention elections in the case of judges, not a sufficient "check" on officials usurping the people's power?

James Madison, the father of the U.S. Constitution may explained that best:

***"A dependence on the people is, no doubt, the primary control on the government; but experience has taught mankind the necessity of auxiliary precautions. This policy of supplying, by opposite and rival interests, the defect of better motives, might be traced through the whole system of human affairs, private as well as public. We see it particularly displayed in all the subordinate distributions of power, where the constant aim is to divide and arrange the several offices in such a manner as that each may be a check on the other that the private interest of every individual may be a sentinel over the public rights. These inventions of prudence cannot be less requisite in the distribution of the supreme powers of the State. But it is not possible to give to each department an equal power of self-defense. In republican government, the legislative authority necessarily predominates."*** (James Madison, Federalist 51)

## Impeachment Clauses - Missouri Constitution

### Impeachment--officers liable--grounds.

**Article VII Section 1.** All elective executive officials of the state, and judges of the supreme court, courts of appeals and circuit courts shall be liable to impeachment for crimes, misconduct, habitual drunkenness, willful neglect of duty, corruption in office, incompetency, or any offense involving moral turpitude or oppression in office.

Source: Const. of 1875, Art. VII, § 1 (as amended Feb. 26, 1924)

### Power of impeachment--trial of impeachments.

**Article VII Section 2.** The house of representatives shall have the sole power of impeachment. All impeachments shall be tried before the supreme court, except that the governor or a member of the supreme court shall be tried by a special commission of seven eminent jurists to be elected by the senate. The supreme court or special commission shall take an oath to try impartially the person impeached, and no person shall be convicted without the concurrence of five-sevenths of the court or special commission. Source: Const. of 1875, Art. VII, § 2 (as amended Feb. 26, 1924).

### Effect of judgment of impeachment.

**Article VII Section 3.** Judgment of impeachment shall not extend beyond removal from office, but shall not prevent punishment of such officer by the courts on charges growing out of the same matter.

Source: Const. of 1875, Art. VII § 2.

**Article XIII Section 3(12)** Beginning January 1, 2007, any public official subject to this provision who is convicted in any court of a felony which occurred while in office or who has been removed from office for misconduct or following impeachment shall be disqualified from receiving any pension from the state of Missouri.

### Statutes Dealing with Impeachment

Removal and Impeachment of Public Officials (RSMo 106)

About impeached judges (RSMo 476.480)

About removed judges (RSMo 476.480)

### History of Impeachments in Missouri

Missouri Impeachment History	
1. <b>1825</b> Circuit Judge Richard S. Thomas, Jackson, MO Accused of bribery in order to secure a clerk position for his son. Removed	6. <b>1872</b> Circuit Judge Philander Lucus, Platte County Charged with "allowing indictments to create costs" by granting mileage allowances to jurors. Charge dropped
2. <b>1843</b> Judge John Leland, 2nd Judicial Circuit Accused of deficiency in legal knowledge, negligence, tardiness, inattentiveness Outcome unknown	7. <b>1931</b> State Treasurer Larry Brunk Accused of mishandling state money Acquitted (Note: The 1945 constitution transferred impeachment trials from the senate to the Supreme Court, except when a SC judge or Governor is impeached.)
3. <b>1859</b> Circuit Judge Albert Jackson, Butler County Accused of oppression in office, (28 articles) Acquitted	8. <b>1962</b> Circuit Judge Virgil A Poelker, St. Louis County Accused of mishandling money Resigned before trial
4. <b>1867</b> Circuit Judge Walter King, Platte County Accused of finding no bills of indictment against Confederate soldiers, refusing to give or take the loyalty oath required by the constitution, etc. Removed	9. <b>1968</b> Circuit Judge John D. Hasler, St. Louis County Accused of personal involvement with a woman seeking a divorce in his court and improperly advising her. Resigned before trial
5. <b>1867</b> Circuit Judge James C Moody, St. Louis Circuit Accused of uttering false erroneous, and dangerous decisions and opinions, subversive of the valid and binding provisions of the constitution, and for intentionally neglecting to require loyalty oaths by jurors. Outcome unknown	10. <b>1994</b> Secretary of State Judith Moriarty Accused of back dating her son's filing for an election Removed

# Impeachment and the Constitutions of the Several States

Compiled 02/14/2005 by Missouri First, Inc.

## MISSOURI IS PRACTICALLY ALONE

The state of Missouri is in a rather exclusive class where the maintenance of *constitutional checks* among the three branches of government are concerned. It is one of only three states which do **not allow the legislature to try impeachment cases**. Only one other state, Nebraska, totally leaves the the courts to watch over themselves.

*Since Nebraska has only a single legislative body, Missouri is the ONLY state with a bicameral legislature that allows the judicial system to totally police itself.*

Forty five state constitutions follow the federal model by charging the house of representatives with the responsibility to draft articles of impeachment and the state senate with the task of holding the impeachment trial. Alaska's constitution reverses that role and New York adds the court of appeals judges to the senate as jurists, so only three state constitutions do not understand what the founding fathers understood - ***the people's closest official advocates must have the power to keep the courts in check***. One of those states, Oregon, empowers the people themselves with a powerful recall process, **leaving only Missouri and Nebraska at the mercy of the judiciary**.

The following pages are excerpts of each state constitution. Click on the state name to jump to the notes for that state. The "TOP" link next to the state notes return you to this page.

## STATES ALLOWING THE JUDICIARY TO WATCH OVER ITSELF

- [Missouri](#) – Supreme Court holds trial or, in the case of an impeachment of a supreme court judge or governor, seven judges selected by the senate hold trial;
- [Nebraska](#) - Supreme Court holds trial or, in the case of an impeachment of a supreme court judge, seven judges are selected at random by a judicial district clerk.
  - "A notice of an impeachment of the Chief Justice or any Judge of the Supreme Court shall be served by the Clerk of the Legislature, upon the clerk of the judicial district within which the Capitol is located, and he or she thereupon shall choose, at random, seven Judges of the District Court in the State..."

## STATES WHICH OTHERWISE DEPART FROM THE FEDERAL MODEL

- [Alaska](#) – Senate impeaches and house holds trial;
- [Montana](#) - "legislature... may select the senate as tribunal";
- [New York](#) – A combined panel including the senate and judges
  - "The court for the trial of impeachments shall be composed of the president of the senate, the senators, or the major part of them, and the judges of the court of appeals, or the major part of them."
- [Oregon](#) – Does not impeach public officials, but has a recall process; lower court judges can be removed by the Supreme Court

## Excerpts From Each State Constitution

(Click on a state name to jump to it's details.)

(Click on TOP to return here.)

[Alabama](#) [Alaska](#) [Arizona](#) [Arkansas](#)

[California](#) [Colorado](#) [Connecticut](#)

[Delaware](#)

[Florida](#)

[Georgia](#)

[Hawaii](#)

[Idaho](#) [Illinois](#) [Indiana](#) [Iowa](#)

[Kansas](#) [Kentucky](#)

[Louisiana](#)

[Maine](#) [Maryland](#) [Massachusetts](#) [Michigan](#) [Minnesota](#) [Mississippi](#) [Missouri](#) [Montana](#)

[Nebraska](#) [Nevada](#) [New Hampshire](#) [New Jersey](#) [New Mexico](#) [New York](#) [North Carolina](#) [North  
Dakota](#)

[Ohio](#) [Oklahoma](#) [Oregon](#)

[Pennsylvania](#)

[Rhode Island](#)

[South Carolina](#) [South Dakota](#) [Tennessee](#)

[Texas](#)

[Utah](#)

[Vermont](#) [Virginia](#)

[Washington](#) [West Virginia](#) [Wisconsin](#) [Wyoming](#)

## Alabama [\(TOP\)](#)

### SECTION 173

**Governor, lieutenant-governor, attorney-general, state auditor, secretary of state, state treasurer, superintendent of education, commissioner of agriculture and industries and justices of supreme court.**

The governor, lieutenant-governor, attorney-general, state auditor, secretary of state, state treasurer, superintendent of education, commissioner of agriculture and industries, and justices of the supreme court may be removed from office for willful neglect of duty, corruption in office, incompetency, or intemperance in the use of intoxicating liquors or narcotics to such an extent, in view of the dignity of the office and importance of its duties, as unfits the officer for the discharge of such duties, or for any offense involving moral turpitude while in office, or committed under color thereof, or connected therewith, by the senate sitting as a court of impeachment, under oath or affirmation, on articles or charges preferred by the house of representatives. When the governor or lieutenant-governor is impeached, the chief justice, or if he be absent or disqualified, then one of the associate justices of the supreme court, to be selected by it, shall preside over the senate when sitting as a court of impeachment. If at any time when the legislature is not in session, a majority of all the members elected to the house of representatives shall certify in writing to the secretary of state their desire to meet to consider the impeachment of the governor, lieutenant-governor, or other officer administering the office of governor, it shall be the duty of the secretary of state immediately to notify the speaker of the house, who shall, within ten days after receipt of such notice, summon the members of the house, by publication in some newspaper published at the capitol, to assemble at the capitol on a day to be fixed by the speaker, not later than fifteen days after the receipt of the notice to him from the secretary of state, to consider the impeachment of the governor, lieutenant-governor, or other officer administering the office of governor. If the **house of representatives prefer articles of impeachment**, the speaker of the house shall forthwith notify the lieutenant-governor, unless he be the officer impeached, in which event he shall notify the secretary of state, who shall summon, in the manner herein above provided for, the members of the senate to assemble at the capitol on a day to be named in said summons, not later than ten days after receipt of the notice from the speaker of the house, for the purpose of organizing as a court of impeachment. **The senate, when thus organized, shall hear and try** such articles of impeachment against the governor, lieutenant-governor, or other officer administering the office of governor, as may be preferred by the house of representatives.

## Alaska [\(TOP\)](#)

### 20. Impeachment

All civil officers of the State are subject to impeachment by the legislature. Impeachment shall **originate in the senate** and must be approved by a two-thirds vote of its members. The motion for impeachment shall list fully the basis for the proceeding. **Trial on impeachment shall be conducted by the house of representatives.** A supreme court justice designated by the court shall preside at the trial. Concurrence of two-thirds of the members of the house is required for a judgment of impeachment. The judgment may not extend beyond removal from office, but shall not prevent proceedings in the courts on the same or related charges.

## Arizona [\(TOP\)](#)

1. Power of impeachment in house of representatives; trial by senate Section 1. The house of representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment. All impeachments shall be **tried by the senate**,

and, when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence, and shall be presided over by the chief justice of the supreme court. Should the chief justice be on trial, or otherwise disqualified, the senate shall elect a judge of the supreme court to preside.

2. Conviction; grounds for impeachment; judgment; liability to trial Section 2. No person shall be convicted without a concurrence of two-thirds of the senators elected. The governor and other state and judicial officers, except justices of courts not of record, shall be liable to impeachment for high crimes, misdemeanors, or malfeasance in office, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit in the state. The party, whether convicted or acquitted, shall, nevertheless, be liable to trial and punishment according to law.

## **Arkansas** [\(TOP\)](#)

### ARTICLE 13

Sec. 2. Impeachment by house - Trial by senate - Presiding officer.

The House of Representatives shall have the sole power of impeachment. All impeachments shall be **tried by the Senate**. When sitting for that purpose, the Senators shall be upon oath or affirmation; no person shall be convicted without the concurrence of two-thirds of the members thereof. The Chief Justice shall preside unless he is impeached or otherwise disqualified, when the Senate shall select a presiding officer.

## **California** [\(TOP\)](#)

### ARTICLE 4 LEGISLATIVE

SEC. 18. (a) The Assembly has the sole power of impeachment. Impeachments shall be **tried by the Senate**. A person may not be convicted unless, by rollcall vote entered in the journal, two thirds of the membership of the Senate concurs.

## **Colorado** [\(TOP\)](#)

### ARTICLE XIII

#### Impeachments

Section 1. House impeach - senate try - conviction - when chief justice presides. The house of representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment. All impeachments shall be **tried by the senate**, and when sitting for that purpose, the senators shall be upon oath or affirmation to do justice according to law and evidence. When the governor or lieutenant-governor is on trial, the chief justice of the supreme court shall preside. No person shall be convicted without a concurrence of two-thirds of the senators elected.

Section 2. Who liable to impeachment - judgment - no bar to prosecution. The governor and other state and judicial officers, shall be liable to impeachment for high crimes or misdemeanors or

malfeasance in office, but judgment in such cases shall only extend to removal from office and disqualification to hold any office of honor, trust or profit in the state. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law. As amended November 6, 1990 -- Effective upon proclamation of the Governor, January 3, 1991. (For the text of this amendment and the votes cast thereon, see L. 90, p. 1861, and L. 91, p. 2033.)

## **Connecticut** [\(TOP\)](#)

### ARTICLE NINTH. OF IMPEACHMENTS.

SEC. 1. The house of representatives shall have the sole power of impeaching.

SEC. 2. All impeachments shall be **tried by the senate**. When sitting for that purpose, they shall be on oath or affirmation. No person shall be convicted without the concurrence of at least two-thirds of the members present. When the governor is impeached, the chief justice shall preside.

## **Deleware** [\(TOP\)](#)

### ARTICLE VI.

#### IMPEACHMENT AND TREASON

§1. Impeachment power of House; trial by Senate; oath of Senators; vote; presiding Officers.

Section 1. The House of Representatives shall have the sole power of impeaching; but two-thirds of all the members must concur in an impeachment. All impeachments **shall be tried by the Senate**, and when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to the evidence. No person shall be convicted without the concurrence of two-thirds of all the Senators.

On the trial of an impeachment against the Governor or Lieutenant Governor, the Chief Justice, or, in case of his absence or disability, the Chancellor shall preside; and on the trial of all other impeachments the President of the Senate shall preside.

§2. Grounds for impeachment.

Section 2. The Governor and all other civil officers under this State shall be liable to impeachment for treason, bribery, or any high crime or misdemeanor in office. Judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit, under this State; but the party convicted shall, nevertheless, be subject to indictment, trial, judgement and punishment according to law.

## **Florida** [\(TOP\)](#)

### SECTION 17. Impeachment.--

(a) The governor, lieutenant governor, members of the cabinet, justices of the supreme court, judges of district courts of appeal, judges of circuit courts, and judges of county courts shall be liable to impeachment for misdemeanor in office. The house of representatives by two-thirds vote shall have the power to impeach an officer. The speaker of the house of representatives shall have

power at any time to appoint a committee to investigate charges against any officer subject to impeachment.

(b) An officer impeached by the house of representatives shall be disqualified from performing any official duties until acquitted by the senate, and, unless impeached, the governor may by appointment fill the office until completion of the trial.

(c) All impeachments by the house of representatives shall be **tried by the senate**. The chief justice of the supreme court, or another justice designated by the chief justice, shall preside at the trial, except in a trial of the chief justice, in which case the governor shall preside. The senate shall determine the time for the trial of any impeachment and may sit for the trial whether the house of representatives be in session or not. The time fixed for trial shall not be more than six months after the impeachment. During an impeachment trial senators shall be upon their oath or affirmation. No officer shall be convicted without the concurrence of two-thirds of the members of the senate present. Judgment of conviction in cases of impeachment shall remove the offender from office and, in the discretion of the senate, may include disqualification to hold any office of honor, trust or profit. Conviction or acquittal shall not affect the civil or criminal responsibility of the officer.

History.--Am. S.J.R. 459, 1987; adopted 1988; Am. proposed by Constitution Revision Commission, Revision No. 13, 1998, filed with the Secretary of State May 5, 1998; adopted 1998.

## **Georgia** [\(TOP\)](#)

### SECTION VII.

#### IMPEACHMENTS

Paragraph I. Power to impeach. The House of Representatives shall have the sole power to vote impeachment charges against any executive or judicial officer of this state or any member of the General Assembly.

Paragraph II. Trial of impeachments. The **Senate shall have the sole power to try impeachments**. When sitting for that purpose, the Senators shall be on oath, or affirmation, and shall be presided over by the Chief Justice of the Supreme Court. Should the Chief Justice be disqualified, then the Presiding Justice shall preside. Should the Presiding Justice be disqualified, then the Senate shall select a Justice of the Supreme Court to preside. No person shall be convicted without concurrence of two-thirds of the members to which the Senate is entitled.

Paragraph III. Judgments in impeachment. In cases of impeachment, judgments shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, trust, or profit within this state or to receive a pension therefrom, but no such judgment shall relieve any party from any criminal or civil liability.

## **Hawaii** [\(TOP\)](#)

### ARTICLE III

#### THE LEGISLATURE

##### IMPEACHMENT

Section 19. The governor and lieutenant governor, and any appointive officer for whose removal the consent of the senate is required, may be removed from office upon conviction of impeachment

for such causes as may be provided by law.

The house of representatives shall have the sole power of impeachment of the governor and lieutenant governor and the senate the sole power to try such impeachments, and no such officer shall be convicted without the concurrence of two-thirds of the members of the senate. When sitting for that purpose, the members of the senate shall be on oath or affirmation and the chief justice shall preside. Subject to the provisions of this paragraph, the legislature may provide for the manner and procedure of removal by impeachment of such officers.

The legislature shall by law provide for the manner and procedure of removal by impeachment of the appointive officers.

Judgments in cases of impeachment shall not extend beyond removal from office and disqualification to hold and enjoy any office of honor, trust or profit under the State; but the person convicted may nevertheless be liable and subject to indictment, trial, judgment and punishment as provided by law. [Ren and am Const Con 1978 and election Nov 7, 1978]

## Idaho [\(TOP\)](#)

### ARTICLE V

#### JUDICIAL DEPARTMENT

SECTION 2. JUDICIAL POWER WHERE VESTED. The judicial power of the state shall be vested in a court for the trial of impeachments, a Supreme Court, district courts, and such other courts inferior to the Supreme Court as established by the legislature. The courts shall constitute a unified and integrated judicial system for administration and supervision by the Supreme Court. The jurisdiction of such inferior courts shall be as prescribed by the legislature. Until provided by law, no changes shall be made in the jurisdiction or in the manner of the selection of judges of existing inferior courts.

SECTION 3. IMPEACHMENTS WHERE AND HOW TRIED. The court for the trial of impeachments shall be the senate. A majority of the members elected shall be necessary to a quorum, and the judgment shall not extend beyond removal from, and disqualification to hold office in this state; but the party shall be liable to indictment and punishment according to law.

SECTION 4. IMPEACHMENTS - WHERE AND HOW TRIED - CONVICTION - IMPEACHMENT OF GOVERNOR. The house of representatives solely shall have the power of impeachment. No person shall be convicted without the concurrence of two-thirds (2/3) of the senators elected. When the governor is impeached, the chief justice shall preside.

## Illinois [\(TOP\)](#)

### ARTICLE IV THE LEGISLATURE

#### SECTION 14. IMPEACHMENT

The House of Representatives has the sole power to conduct legislative investigations to determine the existence of cause for impeachment and, by the vote of a majority of the members elected, to impeach Executive and Judicial officers. Impeachments shall be tried by the Senate. When sitting for that purpose, Senators shall be upon oath, or affirmation, to do justice according to law. If the Governor is tried, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the Senators elected. Judgment shall not

extend beyond removal from office and disqualification to hold any public office of this State. An impeached officer, whether convicted or acquitted, shall be liable to prosecution, trial, judgment and punishment according to law. (Source: Illinois Constitution.)

## Indiana [\(TOP\)](#)

### ARTICLE 6. Administrative

#### Section 7. Impeachment of state officers

Section 7. All State officers shall, for crime, incapacity, or negligence, be liable to be removed from office, either by impeachment by the House of Representatives, to be **tried by the Senate**, or by a joint resolution of the General Assembly; two-thirds of the members elected to each branch voting, in either case, therefor.

## Iowa [\(TOP\)](#)

### ARTICLE III.

#### OF THE DISTRIBUTION OF POWERS.

Impeachment. SEC. 19. The house of representatives shall have the sole power of impeachment, and all impeachments shall be **tried by the senate**. When sitting for that purpose, the senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two thirds of the members present.

## Kansas [\(TOP\)](#)

§ 27: Impeachment. The house of representatives shall have the sole power to impeach. All impeachments shall be **tried by the senate**; and when sitting for that purpose, the senators shall take an oath to do justice according to the law and the evidence. No person shall be convicted without the concurrence of two-thirds of the senators then elected (or appointed) and qualified.

§ 28: Officers impeachable; grounds; punishment. The governor and all other officers under this constitution, shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

## Kentucky [\(TOP\)](#)

### Section 66

Power of impeachment vested in House.

The House of Representatives shall have the sole power of impeachment

Text as Ratified on: August 3, 1891, and revised September 28, 1891.

History: Not yet amended.

### Section 67

Trial of impeachments by Senate.

All impeachments shall be **tried by the Senate**. When sitting for that purpose, the Senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the Senators present.

Text as Ratified on: August 3, 1891, and revised September 28, 1891.  
History: Not yet amended.

## **Louisiana** [\(TOP\)](#)

### ARTICLE X. PUBLIC OFFICIALS AND EMPLOYEES

#### §24. Impeachment

Section 24.(A) Persons Liable. A state or district official, whether elected or appointed, shall be liable to impeachment for commission or conviction, during his term of office of a felony or for malfeasance or gross misconduct while in such office.

(B) Procedure. Impeachment shall be by the House of Representatives and **trial by the Senate**, with senators under oath or affirmation for the trial. The concurrence of two-thirds of the elected senators shall be necessary to convict. The Senate may try an impeachment whether or not the House is in session and may adjourn when it deems proper. Conviction upon impeachment shall result in immediate removal from office. Nothing herein shall prevent other action, prosecution, or punishment authorized by law.

## **Maine** [\(TOP\)](#)

### Article IV. Part First. House of Representatives

Section 8. Power of impeachment. The House of Representatives shall have the sole power of impeachment.

### Article IV. Part Second. Senate.

Section 7. To try impeachments; limitation of judgment of impeachment; party liable to be tried and punished in court. The **Senate shall have the sole power to try all impeachments**, and when sitting for that purpose shall be on oath or affirmation, and no person shall be convicted without the concurrence of 2/3 of the members present. Their judgment, however, shall not extend farther than to removal from office, and disqualification to hold or enjoy any office of honor, trust or profit under this State. But the party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

## **Maryland** [\(TOP\)](#)

### ARTICLE III

#### LEGISLATIVE DEPARTMENT.

SEC. 26. The House of Delegates shall have the sole power of impeachment in all cases; but a majority of all the members elected must concur in the impeachment. All impeachments shall be **tried by the Senate**, and when sitting for that purpose, the Senators shall be on oath, or affirmation, to do justice according to the law and evidence; but no person shall be convicted without the concurrence of two-thirds of all the Senators elected.

## **Massachusetts** [\(TOP\)](#)

Chapter I, Section II.  
The Senate.

Article VIII. The **senate shall be a court** with full authority to hear and determine all impeachments made by the house of representatives, against any officer or officers of the commonwealth, for misconduct and mal-administration in their offices. But previous to the trial of every impeachment the members of the senate shall respectively be sworn, truly and impartially to try and determine the charge in question, according to evidence. Their judgment, however shall not extend further than to removal from office and disqualification to hold or enjoy any place of honor, trust, or profit, under this commonwealth: but the party so convicted, shall be, nevertheless, liable to indictment, trial, judgment, and punishment, according to the laws of the land.

Chapter I, Section III.  
House of Representatives.

Article VI. The house of representatives shall be the grand inquest of this commonwealth; and all impeachments made by them, shall be heard and **tried by the senate.**

## Michigan [\(TOP\)](#)

§ 25 Removal of judges from office.

Sec. 25. For reasonable cause, which is not sufficient ground for impeachment, the governor shall remove any judge on a concurrent resolution of two-thirds of the members elected to and serving in each house of the legislature. The cause for removal shall be stated at length in the resolution.

§ 7 Impeachment of civil officers.

Sec. 7. The house of representatives shall have the sole power of impeaching civil officers for corrupt conduct in office or for crimes or misdemeanors, but a majority of the members elected thereto and serving therein shall be necessary to direct an impeachment.

Prosecution by 3 members of house of representatives. When an impeachment is directed, the house of representatives shall elect three of its members to prosecute the impeachment. Trial by senate; oath, presiding officer. Every impeachment **shall be tried by the senate** immediately after the final adjournment of the legislature. The senators shall take an oath or affirmation truly and impartially to try and determine the impeachment according to the evidence. When the governor or lieutenant governor is tried, the chief justice of the supreme court shall preside.

Conviction; vote, penalty.

No person shall be convicted without the concurrence of two-thirds of the senators elected and serving. Judgment in case of conviction shall not extend further than removal from office, but the person convicted shall be liable to punishment according to law. Judicial officers, functions after impeachment. No judicial officer shall exercise any of the functions of his office after an impeachment is directed until he is acquitted.

History: Const. 1963, Art. XI, § 7, Eff. Jan. 1, 1964.  
Former constitution: See Const. 1908, Art. IX, §§ 1-4.

## Minnesota [\(TOP\)](#)

ARTICLE VIII  
IMPEACHMENT AND REMOVAL FROM OFFICE

Section 1. IMPEACHMENT POWERS. The house of representatives has the sole power of

impeachment through a concurrence of a majority of all its members. All impeachments shall be **tried by the senate**. When sitting for that purpose, senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the senators present.

Sec. 2. OFFICERS SUBJECT TO IMPEACHMENT; GROUNDS; JUDGMENT. The governor, secretary of state, auditor, attorney general and the judges of the supreme court, court of appeals and district courts may be impeached for corrupt conduct in office or for crimes and misdemeanors; but judgment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit in this state. The party convicted shall also be subject to indictment, trial, judgment and punishment according to law. [Amended, November 2, 1982; November 3, 1998]

NOTE: The office of the state treasurer will be abolished on the first Monday in January 2003. Laws 1998, chapter 387, article 1, section 2.

Sec. 3. SUSPENSION. No officer shall exercise the duties of his office after he has been impeached and before his acquittal.

## **Mississippi** [\(TOP\)](#)

Section 49. Power of impeachment.

The house of representatives shall have the sole power of impeachment; but two-thirds of all the members present must concur therein. All impeachments shall be **tried by the senate**, and, when sitting for that purpose, the senators shall be sworn to do justice according to law and the evidence.

Section 50. Impeachment grounds.

The governor and all other civil officers of this state, shall be liable to impeachment for treason, bribery, or any high crime or misdemeanor in office.

Section 51. Removal from office.

Judgment in such cases shall not extend further than removal from office and disqualification to hold any office of honor, trust, or profit in this state; but the party convicted shall, nevertheless, be subject to indictment, trial, judgment, and punishment according to law.

SECTION 53.

For reasonable cause, which shall not be sufficient ground of impeachment, the governor shall, on the joint address of two-thirds of each branch of the legislature, remove from office the judges of the Supreme and inferior courts; but the cause or causes of removal shall be spread on the journal, and the party charged be notified of the same, and have an opportunity to be heard by himself or counsel, or both, before the vote is finally taken and decided.

## **Missouri** [\(TOP\)](#)

Article VII  
PUBLIC OFFICERS  
Section 2

August 28, 2004

Power of impeachment--trial of impeachments.

Section 2. The house of representatives shall have the sole power of impeachment. All

impeachments shall be **tried before the supreme court**, except that the governor or a member of the supreme court shall be tried by a special commission of seven eminent jurists to be elected by the senate. The supreme court or special commission shall take an oath to try impartially the person impeached, and no person shall be convicted without the concurrence of five-sevenths of the court or special commission.

## **Montana** [\(TOP\)](#)

### ARTICLE V THE LEGISLATURE

Section 13. Impeachment. (1) The governor, executive officers, heads of state departments, judicial officers, and such other officers as may be provided by law are subject to impeachment, and upon conviction shall be removed from office. Other proceedings for removal from public office for cause may be provided by law.

(2) The legislature shall provide for the manner, procedure, and causes for impeachment and **may select the senate as tribunal.**

(3) Impeachment shall be brought only by a two-thirds vote of the house. The tribunal hearing the charges shall convict only by a vote of two-thirds or more of its members.

(4) Conviction shall extend only to removal from office, but the party, whether convicted or acquitted, shall also be liable to prosecution according to law.

## **Nebraska** [\(TOP\)](#)

### CIII-17 Impeachment; procedure.

The Legislature shall have the sole power of impeachment, but a majority of the members elected must concur therein. Proceedings may be initiated in either a regular session or a special session of the Legislature. Upon the adoption of a resolution of impeachment, which resolution shall give reasonable notice of the acts or omissions alleged to constitute impeachable offenses but need not conform to any particular style, a notice of an impeachment of any officer, other than a Judge of the Supreme Court, shall be forthwith **served upon the Chief Justice**, by the Clerk of the Legislature, who shall thereupon call a session of the **Supreme Court** to meet at the Capitol in an expeditious fashion after such notice to **try the impeachment.** A notice of an impeachment of the Chief Justice or any Judge of the Supreme Court shall be served by the Clerk of the Legislature, upon the clerk of the judicial district within which the Capitol is located, and he or she thereupon shall **choose, at random, seven Judges of the District Court** in the State to meet within thirty days at the Capitol, to sit as a Court to try such impeachment, which Court shall organize by electing one of its number to preside. The case against the impeached civil officer shall be brought in the name of the Legislature and shall be **managed by two senators**, appointed by the Legislature, who may make technical or procedural amendments to the articles of impeachment as they deem necessary. The trial shall be conducted in the manner of a civil proceeding and the impeached civil officer shall not be allowed to invoke a privilege against self-incrimination, except as otherwise applicable in a general civil case. No person shall be convicted without the concurrence of two-thirds of the members of the Court of impeachment that clear and convincing evidence exists indicating that such person is guilty of one or more impeachable offenses, but judgment in cases of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, profit, or trust, in this State, but the party impeached, whether

convicted or acquitted, shall nevertheless be liable to prosecution and punishment according to law. **No officer shall exercise his or her official duties** after he or she shall have been impeached and notified thereof, **until he or she shall have been acquitted.**

## **Nevada** [\(TOP\)](#)

### ARTICLE. 7.

#### Impeachment and Removal from Office.

Section. 1. Impeachment: Trial; conviction. The Assembly shall have the sole power of impeaching. The concurrence of a majority of all the members elected, shall be necessary to an impeachment. All impeachments shall be **tried by the Senate**, and when sitting for that purpose, the Senators shall be upon Oath or Affirmation, to do justice according to Law and Evidence. The Chief Justice of the Supreme court, shall preside over the Senate while sitting to try the Governor or Lieutenant Governor upon impeachment. No person shall be convicted without the concurrence of two thirds of the Senators elected.

Sec: 2. Officers subject to impeachment. The Governor and other State and Judicial Officers, except Justices of the Peace shall be liable to impeachment for Misdemeanor or Malfeasance in Office; but judgment in such case shall not extend further than removal from Office and disqualification to hold any Office of honor, profit, or trust under this State. The party whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment and punishment according to law.

Sec: 3. Removal of Supreme Court Justice or District Judge. [Effective through November 28, 2006, and after that date unless the proposed amendment is agreed to and passed by the 2005 Legislature and approved and ratified by the voters at the 2006 general election.] For any reasonable cause to be entered on the journals of each House, which may, or may not be sufficient grounds for impeachment, the Chief Justice and Associate Justices of the **Supreme Court** and Judges of the District Courts **shall be removed from Office on the vote of two thirds of the Members elected to each branch of the Legislature**, and the Justice or Judge complained of, shall be served with a copy of the complaint against him, and shall have an opportunity of being heard in person or by counsel in his defense, Provided, that no member of either branch of the Legislature shall be eligible to fill the vacancy occasioned by such removal.

Sec. 3. Removal of Justices of Supreme Court, Judges of Court of Appeals and Judges of District Courts. [Effective November 29, 2006, if the proposed amendment is agreed to and passed by the 2005 Legislature and approved and ratified by the voters at the 2006 general election.] For any reasonable cause to be entered on the journals of each House which may or may not be sufficient grounds for impeachment, the Justices of the Supreme Court, the Judges of the Court of Appeals, if established by the Legislature, and the Judges of the District Courts must be removed from Office on the vote of two thirds of the Members elected to each branch of the Legislature. The Justice or Judge complained of must be served with a copy of the complaint against him and have an opportunity of being heard in person or by counsel in his defense. No Member of either branch of the Legislature is eligible to fill the vacancy occasioned by such removal.

(Proposed amendment passed by the 2003 Legislature; effective November 29, 2006, if agreed to and passed by the 2005 Legislature and approved and ratified by the voters at the 2006 general election. See Statutes of Nevada 2003, p. 3678.)

## **New Hampshire** [\(TOP\)](#)

### PART SECOND --- FORM OF GOVERNMENT

#### House of Representatives

[Art.] 17. [House to Impeach Before the Senate.] The house of representatives shall be the grand inquest of the state; and all impeachments made by them, shall be heard and **tried by the senate**.

#### Senate

[Art.] 38. [Senate to Try Impeachments; Mode of Proceeding.] The **senate shall be a court**, with full power and authority to hear, try, and determine, all impeachments made by the house of representatives against any officer or officers of the state, for bribery, corruption, malpractice or maladministration, in office; with full power to issue summons, or compulsory process, for convening witnesses before them: But previous to the trial of any such impeachment, the members of the senate shall respectively be sworn truly and impartially to try and determine the charge in question, according to evidence. And every officer, impeached for bribery, corruption, malpractice or maladministration in office, shall be served with an attested copy of the impeachment, and order of the senate thereon with such citation as the senate may direct, setting forth the time and place of their sitting to try the impeachment; which service shall be made by the sheriff, or such other sworn officer as the senate may appoint, at least fourteen days previous to the time of trial; and such citation being duly served and returned, the senate may proceed in the hearing of the impeachment, giving the person impeached, if he shall appear, full liberty of producing witnesses and proofs, and of making his defense, by himself and counsel, and may also, upon his refusing or neglecting to appear hear the proofs in support of the impeachment, and render judgment thereon, his nonappearance notwithstanding; and such judgment shall have the same force and effect as if the person impeached had appeared and pleaded in the trial.

June 2, 1784

Amended 1792 adding mode of proceeding.

[Art.] 39. [Judgment on Impeachment Limited.] Their judgment, however, shall not extend further than removal from office, disqualification to hold or enjoy any place of honor, trust, or profit, under this state, but the party so convicted, shall nevertheless be liable to indictment, trial, judgment, and punishment, according to the laws of the land.

## **New Jersey** [\(TOP\)](#)

### ARTICLE VI

#### JUDICIAL

##### SECTION I

4. The Justices of the Supreme Court and the Judges of the Superior Court shall be subject to impeachment, and any judicial officer impeached **shall not exercise his office until acquitted**. The Judges of the Superior Court shall also be subject to removal from office by the Supreme Court for such causes and in such manner as shall be provided by law.

### ARTICLE VII

#### PUBLIC OFFICERS AND EMPLOYEES

##### SECTION III

1. The Governor and all other State officers, while in office and for two years thereafter, shall be

liable to impeachment for misdemeanor committed during their respective continuance in office.

2. The General Assembly shall have the sole power of impeachment by vote of a majority of all the members. All impeachments shall be tried by the Senate, and members, when sitting for that purpose, shall be on oath or affirmation "truly and impartially to try and determine the charge in question according to the evidence". No person shall be convicted without the concurrence of two-thirds of all the members of the Senate. When the Governor is tried, the Chief Justice of the Supreme Court shall preside and the President of the Senate shall not participate in the trial.

3. Judgment in cases of impeachment shall not extend further than to removal from office, and to disqualification to hold and enjoy any public office of honor, profit or trust in this State; but the person convicted shall nevertheless be liable to indictment, trial and punishment according to law.

## **New Mexico** [\(TOP\)](#)

### ARTICLE IV

Sec. 35. [Power and procedure for impeachment and trial.]

The sole power of impeachment shall be vested in the house of representatives, and a concurrence of a majority of all the members elected shall be necessary to the proper exercise thereof. All impeachments shall be tried by the senate. When sitting for that purpose the senators shall be under oath or affirmation to do justice according to the law and the evidence. When the governor or lieutenant governor is on trial, the chief justice of the supreme court shall preside. No person shall be convicted without the concurrence of two-thirds of the senators elected.

Sec. 36. [Officers subject to impeachment.]

All state officers and judges of the district court shall be liable to impeachment for crimes, misdemeanors and malfeasance in office, but judgment in such cases shall not extend further than removal from office and disqualification to hold any office of honor, trust or profit, or to vote under the laws of this state; but such officer or judge, whether convicted or acquitted shall, nevertheless, be liable to prosecution, trial, judgment, punishment or civil action, according to law. No officer shall exercise any powers or duties of his office after notice of his impeachment is served upon him until he is acquitted.

## **New York** [\(TOP\)](#)

S 24. The assembly shall have the power of impeachment by a vote of a majority of all the members elected thereto. The court for the trial of impeachments shall be composed of the president of the senate, the senators, or the major part of them, and the judges of the court of appeals, or the major part of them. On the trial of an impeachment against the governor or lieutenant-governor, neither the lieutenant-governor nor the temporary president of the senate shall act as a member of the court. No judicial officer shall exercise his or her office after articles of impeachment against him or her shall have been preferred to the senate, until he or she shall have been acquitted. Before the trial of an impeachment, the members of the court shall take an oath or affirmation truly and impartially to try the impeachment according to the evidence, and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold and enjoy any public office of honor, trust, or profit under this state; but the party impeached shall be liable to indictment and punishment according to law.

## North Carolina [\(TOP\)](#)

### ARTICLE IV.

#### JUDICIAL

##### Sec. 4. Court for the Trial of Impeachments.

The House of Representatives solely shall have the power of impeaching. **The Court for the Trial of Impeachments shall be the Senate.** When the Governor or Lieutenant Governor is impeached, the Chief Justice shall preside over the Court. A majority of the members shall be necessary to a quorum, and no person shall be convicted without the concurrence of two-thirds of the Senators present. Judgment upon conviction shall not extend beyond removal from and disqualification to hold office in this State, but the party shall be liable to indictment and punishment according to law.

##### Sec. 17. Removal of Judges, Magistrates and Clerks.

(1) Removal of Judges by the General Assembly. Any Justice or Judge of the General Court of Justice may be removed from office for mental or physical incapacity by **joint resolution of two-thirds of all the members of each house of the General Assembly.** Any Justice or Judge against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least 20 days before the day on which either house of the General Assembly shall act thereon. Removal from office by the General Assembly for any other cause shall be by impeachment.

(2) Additional method of removal of Judges. The General Assembly shall prescribe a procedure, in addition to impeachment and address set forth in this Section, for the removal of a Justice or Judge of the General Court of Justice for mental or physical incapacity interfering with the performance of his duties which is, or is likely to become, permanent, and for the censure and removal of a Justice or Judge of the General Court of Justice for wilful misconduct in office, wilful and persistent failure to perform his duties, habitual intemperance, conviction of a crime involving moral turpitude, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute.

## North Dakota [\(TOP\)](#)

### ARTICLE XI

#### GENERAL PROVISIONS

Section 8. The house of representatives shall have the sole power of impeachment. The concurrence of a majority of all members elected shall be necessary to an impeachment.

Section 9. All impeachments shall be **tried by the senate.** When sitting for that purpose the senators shall be upon oath or affirmation to do justice according to the law and evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. When the governor or lieutenant governor is on trial, the presiding judge of the supreme court shall preside.

Section 10. The governor and other state and judicial officers, except county judges, justices of the peace and police magistrates, shall be liable to impeachment for habitual drunkenness, crimes, corrupt conduct, or malfeasance or misdemeanor in office, but judgment in such cases shall not extend further than removal from office and disqualification to hold any office of trust or profit under the state. The person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

Section 11. All officers not liable to impeachment shall be subject to removal for misconduct,

malfesance, crime or misdemeanor in office, or for habitual drunkenness or gross incompetency in such manner as may be provided by law.

Section 12. No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal. Section 13. On trial of impeachment against the governor, the lieutenant governor shall not act as a member of the court.

Section 14. No person shall be tried on impeachment before he shall have been served with a copy thereof, at least twenty days previous to the day set for trial.

Section 15. No person shall be liable to impeachment twice for the same offense.

## Ohio [\(TOP\)](#)

### 2.23 - Impeachments; how instituted and conducted

The house of Representatives shall have the sole power of impeachment, but a majority of the members elected must concur therein. Impeachments shall be **tried by the senate**; and the senators, when sitting for that purpose, shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the senators.

### 2.24 - Who liable to impeachment, and punishment

The governor, judges, and all state officers, may be impeached for any misdemeanor in office; but judgment shall not extend further than removal from office, and disqualification to hold any office under the authority of this state. The party impeached, whether convicted or not, shall be liable to indictment, trial, and judgment, according to law. Who liable to impeachment, and punishment

### 2.38 - Removal of officials

Laws shall be passed providing for the prompt removal from office, upon complaint and hearing, of all officers, including state officers, judges and members of the general assembly, for any misconduct involving moral turpitude or for other cause provided by law; and this method of removal shall be in addition to impeachment or other method of removal authorized by the constitution.

(Adopted September 3, 1912.) Removal of officials

## Oklahoma [\(TOP\)](#)

### **Section VIII-1: Officers subject to impeachment - Grounds - Suspension from office upon felony conviction - Reinstatement - Temporary judges.**

The Governor and other elective state officers, including the Justices of the Supreme Court, shall be liable and subject to impeachment for wilful neglect of duty, corruption in office, habitual drunkenness, incompetency, or any offense involving moral turpitude committed while in office. All elected state officers, including Justices of the Supreme Court and Judges of the Court of Criminal Appeals, shall be automatically suspended from office upon their being declared guilty of a felony by a court of competent jurisdiction and their pay and allowances, otherwise payable to such official, shall be withheld during the period of such suspension. In the event such verdict of guilty is reversed by a court of competent jurisdiction on appeal, such accumulated pay and allowances which have been withheld shall be paid to such official and he shall be automatically reinstated in office to serve the remaining part of the term for which he was elected. Such official shall not be

entitled to any pay or allowances for a period of time after the term of office would otherwise have expired and he shall not be entitled to reinstatement in office after the expiration of the term for which he was elected. Whenever any Justice of the Supreme Court or Judge of the Court of Criminal Appeals is suspended by reasons of this section, the Governor shall be authorized to appoint a temporary Justice or Judge to serve during the period of such suspension and such temporary Justice or Judge shall be paid for his services the compensation allowed for such regular Justice or Judge.

**Section VIII-3: Presiding officer in case of impeachment - Presentation of impeachment.**

When sitting as a **Court of Impeachment, the Senate** shall be presided over by the Chief Justice, or if he is absent or disqualified, then one of the Associate Justices of the Supreme Court, to be selected by it, except in cases where all the members of said court are absent or disqualified, or in cases of impeachment of any Justice of the Supreme Court, then the Senate shall elect one of its own members as a presiding officer for such purpose. The House of Representatives shall present all impeachments.

**Section VIII-4: Oath or affirmation - Number concurring.**

When the Senate is sitting as a Court of Impeachment, the Senators shall be on oath, or affirmation, impartially to try the party impeached, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

**Oregon** ([TOP](#))

ARTICLE VII (Amended)

JUDICIAL DEPARTMENT

Section 6. Incompetency or malfeasance of public officer. **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 prescribed by law.

[Created through initiative petition filed July 7, 1910, and adopted by the people Nov. 8, 1910]

Section 8. Removal, suspension or censure of judges. (1) In the manner provided by law, and notwithstanding section 1 of this Article, a judge of any court may be removed or suspended from his judicial office by the Supreme Court, or censured by the Supreme Court, for:

- (a) Conviction in a court of this or any other state, or of the United States, of a crime punishable as a felony or a crime involving moral turpitude; or
- (b) Willful misconduct in a judicial office where such misconduct bears a demonstrable relationship to the effective performance of judicial duties; or
- (c) Willful or persistent failure to perform judicial duties; or
- (d) Generally incompetent performance of judicial duties; or
- (e) Willful violation of any rule of judicial conduct as shall be established by the Supreme Court; or
- (f) Habitual drunkenness or illegal use of narcotic or dangerous drugs.

(2) Notwithstanding section 6 of this Article, the methods provided in this section, section 1a of this

Article and in **section 18, Article II** of this Constitution, are the exclusive methods of the removal, suspension, or censure of a judge.

[Created through S.J.R. 9, 1967, and adopted by the people Nov. 5, 1968; Amendment proposed by S.J.R. 48, 1975, and adopted by the people May 25, 1976]

## ARTICLE II (Amended)

**Section 18.** Recall; meaning of words "the legislative assembly shall provide." (1) Every public officer in Oregon is subject, as herein provided, to recall by the electors of the state or of the electoral district from which the public officer is elected.

(2) Fifteen per cent, but not more, of the number of electors who voted for Governor in the officer's electoral district at the most recent election at which a candidate for Governor was elected to a full term, may be required to file their petition demanding the officer's recall by the people.

(3) They shall set forth in the petition the reasons for the demand.

(4) If the public officer offers to resign, the resignation shall be accepted and take effect on the day it is offered, and the vacancy shall be filled as may be provided by law. If the public officer does not resign within five days after the petition is filed, a special election shall be ordered to be held within 35 days in the electoral district to determine whether the people will recall the officer.

(5) On the ballot at the election shall be printed in not more than 200 words the reasons for demanding the recall of the officer as set forth in the recall petition, and, in not more than 200 words, the officer's justification of the officer's course in office. The officer shall continue to perform the duties of office until the result of the special election is officially declared. If an officer is recalled from any public office the vacancy shall be filled immediately in the manner provided by law for filling a vacancy in that office arising from any other cause.

(6) The recall petition shall be filed with the officer with whom a petition for nomination to such office should be filed, and the same officer shall order the special election when it is required. No such petition shall be circulated against any officer until the officer has actually held the office six months, save and except that it may be filed against a senator or representative in the legislative assembly at any time after five days from the beginning of the first session after the election of the senator or representative.

(7) After one such petition and special election, no further recall petition shall be filed against the same officer during the term for which the officer was elected unless such further petitioners first pay into the public treasury which has paid such special election expenses, the whole amount of its expenses for the preceding special election.

(8) Such additional legislation as may aid the operation of this section shall be provided by the legislative assembly, including provision for payment by the public treasury of the reasonable special election campaign expenses of such officer. But the words, "the legislative assembly shall provide," or any similar or equivalent words in this constitution or any amendment thereto, shall not be construed to grant to the legislative assembly any exclusive power of lawmaking nor in any way to limit the initiative and referendum powers reserved by the people.

[Created through initiative petition filed Jan. 29, 1908, and adopted by the people June 1, 1908; Amendment proposed by S.J.R. 16, 1925, and adopted by the people Nov. 2, 1926; Amendment proposed by H.J.R. 1, 1983, and adopted by the people Nov. 6, 1984]

Note: The word "Recall" constituted the headline to section 18 and was a part of the measure

submitted to the people by S.J.R. 16, 1925.

Note: An initiative petition (Measure No. 3, 1992) proposed adding new sections relating to term limits to the Oregon Constitution. Those sections, appearing as sections 19, 20 and 21 of Article II in previous editions of this Constitution, were declared void for not being enacted in compliance with section 1, Article XVII of this Constitution. See *Lehman v. Bradbury*, 333 Or. 231, 37 P.3d 989 (2002).

## **Pennsylvania** [\(TOP\)](#)

### Article VI PUBLIC OFFICERS

#### Power of Impeachment Section 4.

The House of Representatives shall have the sole power of impeachment.

#### Trial of Impeachments Section 5.

All impeachments shall be **tried by the Senate**. When sitting for that purpose the Senators shall be upon oath or affirmation. No person shall be convicted without the concurrence of two-thirds of the members present.

#### Officers Liable to Impeachment Section 6.

The Governor and all other civil officers shall be liable to impeachment for any misbehavior in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth. The person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

### Article V THE JUDICIARY

#### Suspension, Removal, Discipline and Compulsory Retirement Section 18.

(a) There shall be a **Judicial Inquiry and Review Board** having nine members as follows: three judges of the courts of common pleas from different judicial districts and two judges of the Superior Court, all of whom shall be selected by the Supreme Court; and two non-judge members of the bar of the Supreme Court and two non-lawyer electors, all of whom shall be selected by the Governor.

(b) The members shall serve for terms of four years, provided that a member, rather than his successor, shall continue to participate in any hearing in progress at the end of his term. A vacancy on the board shall be filled by the respective appointing authority for the balance of the term. The respective appointing authority may remove a member only for cause. No member shall serve more than four consecutive years; he may be reappointed after a lapse of one year. Annually the members of the board shall elect a chairman. The board shall act only with the concurrence of a majority of its members.

(c) A member shall not hold office in a political party or political organization. Members, other than judges, shall be compensated for their services as the Supreme Court shall prescribe. All members shall be reimbursed for expenses necessarily incurred in the discharge of their official duties.

(d) Under the procedure prescribed herein, any justice or judge may be suspended, removed from office or otherwise disciplined for violation of section seventeen of this article, misconduct in office, neglect of duty, failure to perform his duties, or conduct which prejudices the proper administration of justice or brings the judicial office into disrepute, and may be retired for disability seriously interfering with the performance of his duties.

(e) The board shall keep informed as to matters relating to grounds for suspension, removal, discipline, or compulsory retirement of justices or judges. It shall receive complaints or reports, formal or informal, from any source pertaining to such matters, and shall make such preliminary investigations as it deems necessary.

(f) The board, after such investigation, may order a hearing concerning the suspension, removal, discipline or compulsory retirement of a justice or judge. The board's orders for attendance of or testimony by witnesses or for the production of documents at any hearing or investigation shall be enforceable by contempt proceedings.

(g) If, after hearing, the board finds good cause therefor, it shall recommend to the Supreme Court the suspension, removal, discipline or compulsory retirement of the justice or judge.

(h) The Supreme Court shall review the record of the board's proceedings on the law and facts and may permit the introduction of additional evidence. It shall order suspension, removal, discipline or compulsory retirement, or wholly reject the recommendation, as it finds just and proper. Upon an order for compulsory retirement, the justice or judge shall be retired with the same rights and privileges were he retired under section sixteen of this article. Upon an order for suspension or removal, the justice or judge shall be suspended or removed from office, and his salary shall cease from the date of such order. All papers filed with and proceedings before the board shall be confidential but upon being filed by the board in the Supreme Court, the record shall lose its confidential character. The filing of papers with and the giving of testimony before the board shall be privileged.

(i) No justice or judge shall participate as a member of the board or of the Supreme Court in any proceeding involving his suspension, removal, discipline or compulsory retirement.

(j) The Supreme Court shall prescribe rules of procedure under this section.

(k) The Supreme Court shall prescribe rules of procedure for the suspension, removal, discipline and compulsory retirement of justices of the peace.

(l) A justice, judge or justice of the peace convicted of misbehavior in office by a court, disbarred as a member of the bar of the Supreme Court or removed under this section eighteen shall forfeit automatically his judicial office and thereafter be ineligible for judicial office.

(m) A justice or judge who shall file for nomination for or election to any public office other than a judicial office shall forfeit automatically his judicial office.

(n) This section is in addition to and not in substitution for the provisions for impeachment for misbehavior in office contained in Article VI. No justice, judge or justice of the peace against whom impeachment proceedings are pending in the Senate shall exercise any of the duties of his office until he has been acquitted.

## Rhode Island [\(TOP\)](#)

### ARTICLE XI

#### OF IMPEACHMENTS

Section 1. Power to impeach Procedure Suspension from office impeachment. The house of representatives shall have the sole power of impeachment. A resolution of impeachment shall not be considered unless it is signed by one-quarter (1/4) of the members. For the purpose of impeachment, the general assembly and the committees thereof shall have the power to compel the attendance of witnesses and production of documents. A vote of two-thirds (2/3) of the members shall be required for an impeachment of the governor. Any officer impeached shall thereby be suspended from office until judgment in the case shall have been pronounced.

Section 2. Trial of impeachments. All impeachments shall be **tried by the senate**; and when sitting for that purpose, they shall be under oath or affirmation. No person shall be convicted except by vote of two-thirds of the members elected. When the governor is impeached, the chief or presiding justice of the supreme court, for the time being, shall preside, with a casting vote in all preliminary questions.

Section 3. Officers subject to impeachment Grounds and effect of conviction. The governor and all other executive and judicial officers shall be liable to impeachment. The governor or any other executive officer shall be removed from office if, upon impeachment, such officer shall be found incapacitated or guilty of the commission of a felony or crime of moral turpitude, misfeasance or malfeasance in office. Judges shall be removed if, upon impeachment, they shall be found incapacitated or guilty of the commission of a felony or crime of moral turpitude, misfeasance or malfeasance in office or violation of the canons of judicial ethics. Judgment of incapacity or guilt in a case of impeachment shall not extend further than to removal from office. The person convicted shall, nevertheless, be liable to indictment, trial and punishment, according to laws.

## South Carolina [\(TOP\)](#)

### ARTICLE XV.

#### IMPEACHMENT

SECTION 1. Power of impeachment; vote required; suspension of officer impeached.

The House of Representatives alone shall have the power of impeachment in cases of serious crimes or serious misconduct in office by officials elected on a statewide basis, state judges, and such other state officers as may be designated by law. The affirmative vote of two-thirds of all members elected shall be required for an impeachment. Any officer impeached shall thereby be suspended from office until judgment in the case shall have been pronounced, and the office shall be filled during the trial in such manner as may be provided by law.

SECTION 2. Trial of impeachments; judgment; proceedings no bar to criminal prosecution; impeachment of Governor.

All impeachments shall be **tried by the Senate**, and when sitting for that purpose Senators shall be under oath or affirmation. No person shall be convicted except by a vote of two-thirds of all members elected. Judgment in such case shall be limited to removal from office. Impeachment proceedings, whether or not resulting in conviction, shall not be a bar to criminal prosecution and punishment according to law.

When the Governor is impeached, the Chief Justice of the Supreme Court, or, if he be disqualified, the Senior Justice, shall preside, with a casting vote in all preliminary questions.

SECTION 3. Removal of officers by Governor on address of General Assembly.

For any willful neglect of duty, or other reasonable cause, which shall not be sufficient ground of impeachment, the Governor shall remove any executive or judicial officer on the address of two thirds of each house of the General Assembly: Provided, that the cause or causes for which said removal may be required shall be stated at length in such address, and entered on the Journals of each house: And, provided, further, that the officer intended to be removed shall be notified of such cause or causes, and shall be admitted to a hearing in his own defense, or by his counsel, or by both, before any vote for such address; and in all cases the vote shall be taken by yeas and nays, and be entered on the Journal of each house respectively.

## South Dakota [\(TOP\)](#)

### ARTICLE XVI

#### IMPEACHMENT AND REMOVAL FROM OFFICE

§ 1. Power of impeachment in house--Majority required. The house of representatives shall have the sole power of impeachment.

The concurrence of a majority of all members elected shall be necessary to an impeachment.

§ 2. Trial of impeachments--Presiding officer. All impeachments shall be **tried by the senate**. When sitting for that purpose the senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the members elected. When the Governor or lieutenant governor is on trial the presiding judge of the Supreme Court shall preside.

§ 3. Officers subject to impeachment--Grounds--Removal from office--Criminal prosecution. The Governor and other state and judicial officers, except county judges, justices of the peace and police magistrates, shall be liable to impeachment for drunkenness, crimes, corrupt conduct, or malfeasance or misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under the state. The person accused whether convicted or acquitted shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

History: Repeal proposed by SL 1974, ch 1, rejected Nov. 5, 1974; repeal proposed by SL 1975, ch 2, as amended by SL 1976, ch 1, rejected Nov. 2, 1976.

## Tennessee [\(TOP\)](#)

### ARTICLE V. Impeachments.

Section 1. The House of Representatives shall have the sole power of impeachment

Section 2. All impeachments shall be **tried by the Senate**. When sitting for that purpose the senators shall be upon oath or affirmation, and the chief justice of the Supreme Court, or if he be on trial, the senior associate judge, shall preside over them. No person shall be convicted without the concurrence of two-thirds of the senators sworn to try the officer impeached.

Section 3. The House of Representatives shall elect from their own body three members, whose duty it shall be to prosecute impeachments. No impeachment shall be tried until the Legislature shall have adjourned sine die, when the Senate shall proceed to try such impeachment.

Section 4. The governor, judges of the Supreme Court, judges of the inferior courts, chancellors, attorneys for the state, treasurer, comptroller, and secretary of state, shall be liable to impeachment, whenever they may, in the opinion of the House of Representatives, commit any crime in their official capacity which may require disqualification but judgment shall only extend to removal from office, and disqualification to fill any office thereafter. The party shall, nevertheless, be liable to indictment, trial, judgment and punishment according to law. The Legislature now has, and shall continue to have, power to relieve from the penalties imposed, any person disqualified from holding office by the judgment of a Court of Impeachment.

Section 5. Justices of the peace, and other civil officers not herein before mentioned, for crimes or misdemeanors in office, shall be liable to indictment in such courts as the Legislature may direct; and upon conviction, shall be removed from office by said court, as if found guilty on impeachment; and shall be subject to such other punishment as may be prescribed by law.

## Texas [\(TOP\)](#)

### Article 15 – IMPEACHMENT

#### Section 1 - POWER OF IMPEACHMENT

The power of impeachment shall be vested in the House of Representatives.

#### Section 2 - TRIAL OF IMPEACHMENT OF CERTAIN OFFICERS BY SENATE

Impeachment of the Governor, Lieutenant Governor, Attorney General, Commissioner of the General Land Office, Comptroller and the Judges of the Supreme Court, Court of Appeals and District Court shall be **tried by the Senate**. (Amended Nov. 7, 1995.)

### Section 3 - OATH OR AFFIRMATION OF SENATORS; CONCURRENCE OF TWO-THIRDS REQUIRED

When the Senate is sitting as a Court of Impeachment, the Senators shall be on oath, or affirmation impartially to try the party impeached, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

### Section 4 - JUDGMENT; INDICTMENT, TRIAL, AND PUNISHMENT

Judgment in cases of impeachment shall extend only to removal from office, and disqualification from holding any office of honor, trust or profit under this State. A party convicted on impeachment shall also be subject to indictment, trial and punishment according to law.

### Section 5 - SUSPENSION PENDING IMPEACHMENT; PROVISIONAL APPOINTMENTS

All officers against whom articles of impeachment may be preferred shall be suspended from the exercise of the duties of their office, during the pendency of such impeachment. The Governor may make a provisional appointment to fill the vacancy occasioned by the suspension of an officer until the decision on the impeachment.

### Section 6 - JUDGES OF DISTRICT COURT; REMOVAL BY SUPREME COURT

Any judge of the District Courts of the State who is incompetent to discharge the duties of his office, or who shall be guilty of partiality, or oppression, or other official misconduct, or whose habits and conduct are such as to render him unfit to hold such office, or who shall negligently fail to perform his duties as judge; or who shall fail to execute in a reasonable measure the business in his courts, may be removed by the Supreme Court. The Supreme Court shall have original jurisdiction to hear and determine the causes aforesaid when presented in writing upon the oaths taken before some judge of a court of record of not less than ten lawyers, practicing in the courts held by such judge, and licensed to practice in the Supreme Court; said presentment to be founded either upon the knowledge of the persons making it or upon the written oaths as to the facts of creditable witnesses. The Supreme Court may issue all needful process and prescribe all needful rules to give effect to this section. Causes of this kind shall have precedence and be tried as soon as practicable.

## Utah [\(TOP\)](#)

### ARTICLE VI

#### LEGISLATIVE DEPARTMENT

Sec. 17. [Impeachment by house.] The House of Representatives shall have the sole power of impeachment, but in order to impeach, two-thirds of all the members elected must vote therefor.

Sec. 18. [Id. Trial by Senate.] All impeachments shall be **tried by the Senate**, and senators, when sitting for that purpose, shall take oath or make affirmation to do justice according to the law and the evidence. When the Governor is on trial, the Chief Justice of the Supreme Court shall preside. No person shall be convicted without the concurrence of two-thirds of the senators elected.

Sec. 19. [Id. Judgment. Prosecution by law.] The Governor and other State and Judicial officers, except justices of the peace, shall be liable to impeachment for high crimes, misdemeanors, or malfeasance in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit in the State. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial and punishment according to law.

Sec. 20. [Id. Service of articles.] No person shall be tried on impeachment, unless he shall have been served with a copy of the articles thereof, at least ten days before the trial, and after such

service he shall not exercise the duties of his office until he shall have been acquitted.

## Vermont [\(TOP\)](#)

### IMPEACHMENT

§ 57. [Impeachments, house may order]

The House of Representatives shall have the power to order impeachments, which shall in all cases be by a vote of two-thirds of its members.

§ 58. [Liability to; senate to try; judgment]

Every officer of State, whether judicial or executive, shall be liable to be impeached by the House of Representatives, either when in office or after resignation or removal for maladministration.

**The Senate shall have the sole power of trying and deciding upon all impeachments.** When sitting for that purpose, they shall be on oath, or affirmation, and no person shall be convicted, without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold or enjoy any office of honor, or profit, or trust, under this State. But the person convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

## Virginia [\(TOP\)](#)

### ARTICLE IV

Legislature

Section 17. Impeachment.

The Governor, Lieutenant Governor, Attorney General, judges, members of the State Corporation Commission, and all officers appointed by the Governor or elected by the General Assembly, offending against the Commonwealth by malfeasance in office, corruption, neglect of duty, or other high crime or misdemeanor may be impeached by the House of Delegates and prosecuted before **the Senate, which shall have the sole power to try impeachments.** When sitting for that purpose, the senators shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the senators present. Judgment in case of impeachment shall not extend further than removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the Commonwealth; but the person convicted shall nevertheless be subject to indictment, trial, judgment, and punishment according to law. The Senate may sit during the recess of the General Assembly for the trial of impeachments.

## Washington [\(TOP\)](#)

ARTICLE V

### IMPEACHMENT

SECTION 1 IMPEACHMENT - POWER OF AND PROCEDURE.

The house of representatives shall have the sole power of impeachment. The concurrence of a majority of all the members shall be necessary to an impeachment. All impeachments shall be **tried by the senate,** and, when sitting for that purpose, the senators shall be upon oath or affirmation to

do justice according to law and evidence. When the governor or lieutenant governor is on trial, the chief justice of the supreme court shall preside. No person shall be convicted without a concurrence of two-thirds of the senators elected.

#### SECTION 2 OFFICERS LIABLE TO.

The governor and other state and judicial officers, except judges and justices of courts not of record, shall be liable to impeachment for high crimes or misdemeanors, or malfeasance in office, but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust or profit, in the state. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

#### SECTION 3 REMOVAL FROM OFFICE.

All officers not liable to impeachment shall be subject to removal for misconduct or malfeasance in office, in such manner as may be provided by law.

## West Virginia [\(TOP\)](#)

### ARTICLE IV

#### 4-9. Impeachment of officials.

Any officer of the state may be impeached for maladministration, corruption, incompetency, gross immorality, neglect of duty, or any high crime or misdemeanor. The House of Delegates shall have the sole power of impeachment. **The Senate shall have the sole power to try impeachments** and no person shall be convicted without the concurrence of two thirds of the members elected thereto. When sitting as a court of impeachment, the president of the supreme court of appeals, or, if from any cause it be improper for him to act, then any other judge of that court, to be designated by it, shall preside; and the senators shall be on oath or affirmation, to do justice according to law and evidence. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold any office of honor, trust or profit, under the state; but the party convicted shall be liable to indictment, trial, judgment, and punishment according to law. The Senate may sit during the recess of the Legislature for the trial of impeachments.

## Wisconsin [\(TOP\)](#)

### ARTICLE VII. JUDICIARY

Impeachment; trial. SECTION 1. [As amended Nov. 1932] **The court for the trial of impeachments shall be composed of the senate.** The assembly shall have the power of impeaching all civil officers of this state for corrupt conduct in office, or for crimes and misdemeanors; but a majority of all the members elected shall concur in an impeachment. On the trial of an impeachment against the governor, the lieutenant governor shall not act as a member of the court. No judicial officer shall exercise his office, after he shall have been impeached, until his acquittal. Before the trial of an impeachment the members of the court shall take an oath or affirmation truly and impartially to try the impeachment according to evidence; and no person shall be convicted without the concurrence of two-thirds of the members present. Judgment in cases of impeachment shall not extend further than to removal from office, or removal from office and disqualification to hold any office of honor, profit or trust under the state; but the party impeached shall be liable to indictment, trial and punishment according to law. [1929 J.R. 72, 1931 J.R. 58, vote Nov. 1932]

## Wyoming [\(TOP\)](#)

97-3-017. Power of impeachment; proceedings.

The sole power of impeachment shall vest in the house of representatives; the concurrence of a majority of all the members being necessary to the exercise thereof. Impeachment shall be **tried by the senate** sitting for that purpose, and the senators shall be upon oath or affirmation to do justice according to law and evidence. When the governor is on trial, the chief justice of the supreme court shall preside. No person shall be convicted without a concurrence of two-thirds of the senators elected.

97-3-018. Who may be impeached.

The governor and other state and judicial officers except justices of the peace, shall be liable to impeachment for high crimes and misdemeanors, or malfeasance in office, but judgment in such cases shall only extend to removal from office and disqualification to hold any office of honor, trust or profit under the laws of the state. The party, whether convicted or acquitted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.



