

Measure Number: 2024-401 HJR 16

Subject: Impeachment of Elected Officials by Legislature

Government Unit Affected: State of Oregon

Prepared by: Hari Vellaipandian, Department of Administrative Services

Reviewed by: Kate Nass, Department of Administrative Services

Date: Updated July 11, 2024

This memo is updated after initial discussion at the June 18, 2024 Financial Estimate Committee Meeting. Updates are noted as underlined.

Comments

Oregon is one of the only states to not include an impeachment doctrine in its Constitution. This referral would amend Oregon’s Constitution, Article IV, to allow the House of Representatives to impeach statewide elected officials for specific offenses of malfeasance or corrupt conduct in office, willful neglect of statutory or constitutional duty or other felony or high crime. The measure allows the Senate to try any impeachment received from the House. The House requires a two-thirds majority to deliver the resolution of impeachment. The Senate requires a two-thirds majority to convict. The Chief Justice shall preside over the senate trial.

The judgment extended may only remove the impeached individual from office and disqualify them from holding any other public office in Oregon. The impeached individual can still be criminally prosecuted and remains subject to civil liability, whether convicted or acquitted.

Fiscal Impact Summary

Executive Branch Assumptions:

- The salary saved from an executive branch official being impeached is indeterminate.

Legislative Branch Assumptions:

- Impeachment resolutions from the House and impeachment trials in the Senate are fiscally no different than any other issue that may be discussed during session.
- Special session days for the legislature cost approximately \$27,011 for the first day and then \$16,173 for each additional day.
- The number of session days an impeachment trial could take is indeterminate.

Judicial Branch Assumptions:

- Presiding over an impeachment trial in the Senate is a responsibility that will be included the Chief Justice’s stated duties and be covered by their salary.

This measure would have a minimal fiscal impact if the impeachment trial happened during a regularly scheduled session. The cost of the trial would be absorbable and considered financially

no different than any of the other issues heard during session. However, if the Legislature needs a special session, then the financial estimate becomes indeterminable. If the trial lasts longer than 4 days, then the cost would surpass the \$100,000 limit to be considered a minimal impact. There have been too few recent State impeachment trials to accurately estimate the number of days a trial would take.

The scope of the Supreme Court Justice’s authority comes from ORS 1.260, where it states judges of the Supreme Court have the power to “exercise any other power and perform any other duty conferred or imposed upon them by statute”. If this measure is passed, then the Supreme Court Justice would need to absorb the responsibility of presiding over an impeachment trial.

Estimate of Financial Impact

Initial Draft Statement

There is no financial effect on either state or local government expenditures or revenues.

Updated Indeterminate Instead of Minimal Fiscal – 10th Grade Reading Level

This measure amends the constitution to allow the House of Representatives to impeach statewide elected officials. The measure allows the Senate to try any impeachment received from the House. The Chief Justice presides over the trial. The financial impact on state government is indeterminate because impeachment trials do not have a set length and could happen outside of regularly scheduled sessions. There is no fiscal impact on local governments.

November 5, 2024 General Election

House Joint Resolution #16

“Amends Constitution: Authorizes impeachment of statewide elected officials by Oregon Legislature with two-thirds vote by each House; establishes process.”

Draft Estimate of Financial Impact:

This measure amends the constitution to allow the House of Representatives to impeach statewide elected officials. The measure allows the Senate to try any impeachment received from the House. The Chief Justice presides over the trial. The financial impact on state government is indeterminate because impeachment trials do not have a set length and could happen outside of regularly scheduled sessions. There is no fiscal impact on local governments.

Certification:

We, the undersigned, hereby certify that, pursuant to ORS 250.127(3), we have prepared the statement described under “Estimate of Financial Impact.”

LaVonne Griffin-Valade, Secretary of State

Date

Tobias Read, State Treasurer

Date

Berri Leslie, Director,
Department of Administrative Services

Date

Betsy Imholt, Director, Department of Revenue

Date

Ernest Stephens, Local Government representative

Date