

ARTICLE XV IMPEACHMENT

Editor's Note

The amendment ratified by 1971 Act No 65 (1971 (57) 48) revised and rewrote this article, substituting present Section Section 1 to 3 for former Section Section 1 to 4.

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. (1970 (56) 2680; 1971 (57) 48.)

Editor's Note

The present provisions of this section are somewhat similar to former Section 1 of Article XV as it existed prior to the 1971 revision. For similar provisions in Constitution of 1868, see Const 1868, Art VII, Section 1.

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. (1970 (56) 2680; 1971 (57) 48.)

Editor's Note

The present provisions of this section are somewhat similar to former Section Section 2 and 3 of Article XV as it existed prior to the 1971 revision. For similar provisions in Constitution of 1868, see Const 1868, Art VII, Section Section 2, 3.

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. (1970 (56) 2680; 1971 (57) 48.)

Editor's Note

The present provisions of this section are identical to former Section 4 of Article XV as it existed prior to the 1971 revision. For similar provisions in Constitution of 1868, see Const 1868, Art VII, Section 4.