

1 HB336
2 163387-4
3 By Representatives Givan, Davis and Shedd (Constitutional
4 Amendment)
5 RFD: Constitution, Campaigns and Elections
6 First Read: 19-MAR-15

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ENROLLED, An Act,

To repeal existing Article VII of the Constitution of Alabama of 1901, relating to impeachments, and to add a new Article VII, relating to impeachments.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. The following amendment to the Constitution of Alabama of 1901, as amended, is proposed and shall become valid as a part thereof when approved by a majority of the qualified electors voting thereon and in accordance with Sections 284, 285, and 287 of the Constitution of Alabama of 1901, as amended:

PROPOSED AMENDMENT

I. Article VII of the Constitution of Alabama of 1901, is repealed.

II. Article VII is added to the Constitution of Alabama of 1901, to read as follows:

Article VII. Impeachments.

Section 173.

(a) The Governor, Lieutenant Governor, Attorney General, State Auditor, Secretary of State, State Treasurer, members of the State Board 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

1 of intoxicating liquors or narcotics to such an extent, in
2 view of the dignity of the office and importance of its
3 duties, as unfits the officer for the discharge of such duties
4 for any offense involving moral turpitude while in office, or
5 committed under color thereof, or connected therewith.

6 (b) The House of Representatives shall present
7 articles or charges of impeachment against those persons
8 identified in subsection (a), specifying the cause to the
9 Senate.

10 (c) The Senate, sitting as a court of impeachment,
11 shall take testimony under oath on articles or charges
12 preferred by the House of Representatives.

13 (d) The Lieutenant Governor shall preside over the
14 Senate when sitting as a court of impeachment, provided,
15 however, that if the Governor or Lieutenant Governor is
16 impeached, the Chief Justice, or if the Chief Justice be
17 absent or disqualified, then one of the associate justices of
18 the supreme court, to be selected by the court, shall preside
19 over the Senate when sitting as a court of impeachment. No
20 person may be convicted by the Senate sitting as a court of
21 impeachment without the concurrence of two-thirds of the
22 members present.

23 (e) If at any time when the Legislature is not in
24 session, a majority of all the members elected to the House of
25 Representatives shall certify in writing to the Secretary of

1 State their desire to meet to consider the impeachment of the
2 Governor, Lieutenant Governor, or other officer administering
3 the office of Governor, it shall be the duty of the Secretary
4 of State immediately to notify the Speaker of the House who,
5 within 10 days after receipt of the notice, shall summon the
6 members of the House to assemble at the capitol on a day to be
7 fixed by the Speaker, but not later than 15 days after receipt
8 of the notice by the Speaker from the Secretary of State, to
9 consider the impeachment of the Governor, Lieutenant Governor,
10 or other officer administering the office of Governor.

11 (f) If the House of Representatives prefers articles
12 of impeachment, the Speaker of the House shall forthwith
13 notify the Lieutenant Governor, unless he or she is the
14 officer impeached, in which event the President Pro Tempore of
15 the Senate shall be notified, who shall summon the members of
16 the Senate to assemble at the capitol on a specified day not
17 later than 10 days after receipt of the notice from the
18 Speaker of the House, for the purpose of hearing and trying
19 the articles of impeachment against the Governor, Lieutenant
20 Governor, or other officer administering the office of
21 Governor, as may be preferred by the House of Representatives.

22 Section 174.

23 The judges of the district and circuit courts,
24 judges of the probate courts, and judges of other courts from
25 which an appeal may be taken directly to the supreme court,

1 district attorneys, and sheriffs, may be removed from office
2 for any of the causes specified in Section 173 or elsewhere in
3 this constitution, by the supreme court, or under such
4 regulations as may be prescribed by rule of the Supreme Court
5 of Alabama or law. The Legislature may provide for the
6 impeachment or removal of other officers than those named in
7 this article.

8 Section 175.

9 A county officer and officer of an incorporated city
10 or town may be tried for impeachment for any of the causes
11 specified in Section 173 and upon conviction be removed from
12 office by a court having jurisdiction to try felony cases in
13 the county or circuit in which the officer holds his or her
14 office. The Legislature shall provide by law the method of
15 proceeding under this section, provided the right to trial by
16 jury and appeal in such cases shall be secured.

17 Section 176.

18 The penalties in cases arising under this article
19 does not extend beyond removal from office, and
20 disqualifications from holding office, under the authority of
21 this state, for the term for which the officer was elected or
22 appointed; but the accused shall be liable to indictment and
23 punishment as prescribed by law.

24 III. This amendment shall become operative on
25 January 1, 2017.

1 Section 2. An election upon the proposed amendment
2 shall be held in accordance with Sections 284 and 285 of the
3 Constitution of Alabama of 1901, now appearing as Sections 284
4 and 285 of the Official Recompilation of the Constitution of
5 Alabama of 1901, as amended, and the election laws of this
6 state.

7 Section 3. The appropriate election official shall
8 assign a ballot number for the proposed constitutional
9 amendment on the election ballot and shall set forth the
10 following description of the substance or subject matter of
11 the proposed constitutional amendment:

12 "Proposing an amendment to the Constitution of
13 Alabama of 1901, to become operative January 1, 2017, to
14 repeal and replace Article VII, Impeachments.

15 "Proposed by Act _____."

16 This description shall be followed by the following
17 language:

18 "Yes () No ()."

