

IMPEACHMENT: PROVISIONS OF STATE CONSTITUTIONS

MASSACHUSETTS:

"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 be respectively sworn, truly and impartially to try and determine the charge in question, according to evidence."¹⁶

MICHIGAN:

"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 shall be necessary to direct an impeachment."¹⁷

MISSOURI:

"All elective executive officials of the state and judges of the supreme courts, courts of appeals and circuit courts shall be liable to impeachment for crimes, misconduct, habitual drunkenness, wilful neglect of duty,

corruption in office.

"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. . . . No person shall be convicted without the concurrence of five-sevenths of the court of special commission.

"Except as provided in this Constitution, all officers not subject to impeachment shall be subject to removal from office in the manner and for the causes provided by law."¹⁸

Most of the states have a provision that is a variation on the following: 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.

CASE NOTES

"A councilor whose office is provided for in the Constitution for the administration of matters of general or state concern is an 'officer of the commonwealth' subject to impeachment on grounds stated in the Constitution, even though he is elected by the people of a district and not by the people at large. . . .

"The constitutional provisions that

any officer or officers of the commonwealth may be impeached for misconduct and maladministration in their offices . . . should be given a construction adapted to carry into effect the purpose to provide a method of removing persons whose misconduct and maladministration in their offices have demonstrated their unfitness to continue in office.

"The Constitution was written to be understood by the voters to whom it was submitted for approval, and its words and phrases should not be given a constricted meaning, but should be

¹⁶ MASS. CONST. ch. I, §II (adopted in 1795).

¹⁷ MICH. CONST. art. XI, §7 (adopted in 1963).

¹⁸ MO. CONST. art. VII, §§1 & 2 (adopted in 1945).