

IMPEACHMENT UNDER A UNICAMERAL SYSTEM¹

Designing impeachment procedures for a unicameral governmental system should not be difficult. Many bicameral systems call for a two-thirds vote of both the impeaching (accusing) house and the dispositive (trying) house. The United States Constitution provides for impeachment by the House of Representatives, with no majority required, and trial by the Senate, where a two-thirds vote is necessary for conviction.

In the unicameral system, a two-thirds vote of the single body would be sufficient for impeachment; then, a similar two-thirds vote of the tribunal hearing the charge would yield conviction.

Today, Nebraska is the only state with a unicameral legislature. Its constitution provides as follows:²

"The Senate and House of representatives in joint convention shall have the sole power of impeachment, but a majority of the members elected must concur therein. Upon the entertainment of a resolution to impeach by either House the other House shall at once be notified thereof and the two Houses shall meet in joint convention for the purpose of acting upon such resolution within three days of such notification. A notice of an im-peachment of any officer, other than be forthwith served upon the Chief

Justice, by the Secretary of the Senate, who shall thereupon call a session of the Supreme Court to meet at the Capitol within ten days after such notice to try the impeachment. A notice of an impeachment of a Justice of the Supreme Court shall be served by the Secretary of the Senate, upon the Judge of the judicial district within which the Capitol is located, and he thereupon shall notify all the Judges of the District Court in the state to meet with him 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. No person shall be convicted without the concurrence of two-thirds of the members of the Court of impeachment, 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 official duties after he shall have been impeached and notified thereof, until he shall have been acquitted."

The Model State Constitution, which recommends a unicameral system, proposes the following impeachment procedure in Section 4.18:

"The legislature may impeach the governor, the heads of principal departments, judicial officers and such other officers of the state as may be made subject to impeachment by law, by a two-thirds vote of all the members, and shall provide by law procedures for the trial and removal from office, after conviction, of officers so

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² NEB. CONST. art. III, § 17. Since a 1934 amendment made the Nebraska legislature unicameral, the power of impeachment stated in Article III, § 17 has been a power of the one house legislature.