

1 HB336  
2 163387-1  
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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8 SYNOPSIS: Article VII of the Constitution of Alabama  
9 of 1901, provides for impeachments in Alabama.

10 This bill would propose an amendment to the  
11 Constitution of Alabama of 1901, to repeal the  
12 existing Article VII and to readopt Article VII to  
13 make nonsubstantive technical amendments, including  
14 renumbering sections, capitalization, and gender  
15 neutral references, throughout the article and to  
16 make all of the following substantive changes:

17 Section 173. The rewritten section would  
18 remove the State Superintendent of Education and  
19 include the members of the State Board of Education  
20 as officers who are subject to impeachment, would  
21 require a two-thirds vote of the Senate, sitting as  
22 a court of impeachment, for conviction, and would  
23 delete the requirement that members of the  
24 Legislature be summoned to the capitol for  
25 impeachment proceedings by publication in a  
26 newspaper.

1                   Section 174. The rewritten section would  
2                   delete the outdated reference to chancellors, would  
3                   include district court judges as officers subject  
4                   to impeachment, and would substitute the term  
5                   district attorney for the outdated term solicitor.

6                   Section 175. The rewritten section would  
7                   provide that all county and municipal officers are  
8                   subject to impeachment.

9  
10   A BILL

11   TO BE ENTITLED

12   AN ACT

13  
14                   To repeal existing Article VII of the Constitution  
15                   of Alabama of 1901, relating to impeachments, and to add a new  
16                   Article VII, relating to impeachments.

17                   BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

24   PROPOSED AMENDMENT

25                   I. Article VII of the Constitution of Alabama of  
26                   1901, is repealed.

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

3                   Article VII. Impeachments.

4                   Section 173.

5                   (a) The Governor, Lieutenant Governor, Attorney  
6 General, State Auditor, Secretary of State, State Treasurer,  
7 members of the State Board of Education, Commissioner of  
8 Agriculture and Industries, and justices of the supreme court  
9 may be removed from office for willful neglect of duty,  
10 corruption in office, incompetency, or intemperance in the use  
11 of intoxicating liquors or narcotics to such an extent, in  
12 view of the dignity of the office and importance of its  
13 duties, as unfits the officer for the discharge of such duties  
14 for any offense involving moral turpitude while in office, or  
15 committed under color thereof, or connected therewith.

16                   (b) The House of Representatives shall present  
17 articles or charges of impeachment against those persons  
18 identified in subsection (a), specifying the cause to the  
19 Senate.

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

23                   (d) The Lieutenant Governor shall preside over the  
24 Senate when sitting as a court of impeachment, provided,  
25 however, that if the Governor or Lieutenant Governor is  
26 impeached, the Chief Justice, or if the Chief Justice be  
27 absent or disqualified, then one of the associate justices of

1 the supreme court, to be selected by the court, shall preside  
2 over the Senate when sitting as a court of impeachment. No  
3 person may be convicted by the Senate sitting as a court of  
4 impeachment without the concurrence of two-thirds of the  
5 members present.

6 (e) If at any time when the Legislature is not in  
7 session, a majority of all the members elected to the House of  
8 Representatives shall certify in writing to the Secretary of  
9 State their desire to meet to consider the impeachment of the  
10 Governor, Lieutenant Governor, or other officer administering  
11 the office of Governor, it shall be the duty of the Secretary  
12 of State immediately to notify the Speaker of the House who,  
13 within 10 days after receipt of the notice, shall summon the  
14 members of the House to assemble at the capitol on a day to be  
15 fixed by the Speaker, but not later than 15 days after receipt  
16 of the notice by the Speaker from the Secretary of State, to  
17 consider the impeachment of the Governor, Lieutenant Governor,  
18 or other officer administering the office of Governor.

19 (f) If the House of Representatives prefers articles  
20 of impeachment, the Speaker of the House shall forthwith  
21 notify the Lieutenant Governor, unless he or she is the  
22 officer impeached, in which event the President Pro Tempore of  
23 the Senate shall be notified, who shall summon the members of  
24 the Senate to assemble at the capitol on a specified day not  
25 later than 10 days after receipt of the notice from the  
26 Speaker of the House, for the purpose of hearing and trying  
27 the articles of impeachment against the Governor, Lieutenant

1 Governor, or other officer administering the office of  
2 Governor, as may be preferred by the House of Representatives.

3 Section 174.

4 The judges of the district and circuit courts,  
5 judges of the probate courts, and judges of other courts from  
6 which an appeal may be taken directly to the supreme court,  
7 district attorneys, and sheriffs, may be removed from office  
8 for any of the causes specified in Section 173 or elsewhere in  
9 this constitution, by the supreme court, or under such  
10 regulations as may be prescribed by rule of the Supreme Court  
11 of Alabama or law. The Legislature may provide for the  
12 impeachment or removal of other officers than those named in  
13 this article.

14 Section 175.

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

23 Section 176.

24 The penalties in cases arising under this article  
25 does not extend beyond removal from office, and  
26 disqualifications from holding office, under the authority of  
27 this state, for the term for which the officer was elected or

1 appointed; but the accused shall be liable to indictment and  
2 punishment as prescribed by law.

3 III. This amendment shall become operative on  
4 January 1, 2017.

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

11 Section 3. The appropriate election official shall  
12 assign a ballot number for the proposed constitutional  
13 amendment on the election ballot and shall set forth the  
14 following description of the substance or subject matter of  
15 the proposed constitutional amendment:

16 "Proposing an amendment to the Constitution of  
17 Alabama of 1901, to become operative January 1, 2017, to  
18 repeal and replace Article VII, Impeachments.

19 "Proposed by Act \_\_\_\_\_."

20 This description shall be followed by the following  
21 language:

22 "Yes ( ) No ( )."