

Measure 115 Impeachment of Elected State Executives Amendment

OFFICIAL TITLE: Amends Constitution: Authorizes impeachment of statewide elected officials by Oregon Legislature with two-thirds vote of each house; establishes process.

REFERRAL: This measure was referred to voters by the 2023 state legislature in House Joint Resolution 16.

FINANCIAL IMPACT: There is no financial impact on local government expenditures or revenues. The measure would have a minimal financial impact on state legislative expenditures if the impeachment trial happened during a regularly scheduled session. However, if it were to require a special legislative session and the trial lasted longer than four days, the cost would surpass \$100,000. Special session days for the legislature cost approximately \$27,011 for the first day and then \$16,173 for each additional day.

PROBABLE RESULTS OF “YES” VOTE: If this measure passes, the Oregon Legislature will have the power to impeach and remove elected state executives, including the Governor, the Secretary of State, the Attorney General, the Treasurer, and the State Labor Commissioner. The measure encodes a procedure for impeachment in the Oregon State Constitution: the Oregon House of Representatives votes to charge the official with an impeachable offense, and the Oregon Senate, presided over by the Chief Justice of the Oregon Supreme Court, hears the case and votes on whether to convict. Both votes require a two-thirds majority.

PROBABLE RESULTS OF “NO” VOTE: If this measure fails, the Oregon Legislature will not have the power to impeach the governor or other state executive officials.

BACKGROUND: Oregon is the only state in the nation that does not allow the Legislature to impeach the Governor. This measure would amend Article IV of Oregon’s Constitution to allow the Legislature to impeach the Governor and other statewide elected officials for malfeasance or corrupt conduct in office, willful neglect of duty, or any other felony or high crime.

Broad support for the measure has grown since 2015. In 2015 and 2017, the Oregon House of Representatives passed language for a constitutional amendment by wide margins, but the measure never came up for a vote in the Oregon Senate. The 2015 bill was passed in response to allegations of conflicts of interest and ethics complaints by then-Governor John Kitzhaber, which caused him to step down from office in February 2015. Then-Senate President Peter Courtney said the measure was unnecessary because Oregon voters could initiate recalls.

In 2023, lawmakers felt the urgency of an impeachment procedure in response to an investigation of Oregon Secretary of State Shemia Fagan. Willamette Week reported on April 27, 2023, that Fagan had accepted a consulting contract with Veriede Holdings, an affiliate of cannabis dispensary chain La Mota, at the same time that her office was conducting an audit of the cannabis industry. After Governor Tina Kotek called for

investigations by the Oregon Government Ethics Commission and the Oregon Department of Justice, Fagan stepped down effective May 8, 2023.

Although Oregon voters have the power to organize a recall election provided the official has held the office for a minimum of six months, proponents of Measure 115 argue that the recall process is onerous and, as happened with both Kitzhaber and Fagan, often relies on the goodwill of the public servant to step down.

In 2023, the impeachment amendment language passed by wide margins in both legislative houses.

PROPOSAL: Ballot measure 115 amends the Oregon Constitution to allow the Legislature to impeach and remove elected state executives, including the Governor, the Secretary of State, the Attorney General, the Treasurer, and the State Labor Commissioner. The measure intends to give the Oregon Legislature a right enjoyed by the legislative bodies of most of the other states. If the Oregon House votes--with a two-thirds majority--in favor of charging an official with an impeachable offense or offenses, the Oregon Senate would function as a court of impeachment, hearing the case and voting on whether to convict. The Chief Justice of the Oregon Supreme Court would preside over the Senate trial. A two-thirds majority vote is required to convict.

SUPPORTERS SAY:

- It is necessary to have an impeachment process available to legislators. Without it, elected officials may resist leaving office after committing an offense.
- Although Oregon voters enjoy the power of recall, the recall process is onerous. It also requires that the official has served in office for at least six months. In both recent cases, Governor Kitzhaber in 2015 (in office for his fourth term) and Secretary of State Fagan in 2023, the official had not been in office for six months, and therefore, could not be recalled.
- No one hopes that the impeachment process will be used, but it is seen as the ultimate just-in-case resolution.

OPPONENTS SAY:

- There is no organized opposition to this measure at this time. When the measure failed to be voted on by the Oregon Senate in the past, senators stated that the measure was unnecessary and that the recall process was adequate to protect the citizenry from the malfeasance or criminal behavior of elected officials.
- Political science professor Jim Moore, of Pacific University, noted in 2017 that a legitimate argument against instituting an impeachment process is that the process to impeach any member of the executive would turn into “a partisan fistfight.”