

EXECUTIVE BRANCH

TABLE 4.8

Impeachment Provisions in the States

| State or other jurisdiction | Governor and other state executive and judicial officers subject to impeachment | Legislative body which holds power of impeachment | Vote required for impeachment | Legislative body which conducts impeachment trial | Chief justice presides at impeachment trial (a) | Vote required for conviction | Official who serves as acting governor if governor impeached (b) | Legislature may call special session for impeachment |
|-----------------------------|---------------------------------------------------------------------------------|---------------------------------------------------|-------------------------------|---------------------------------------------------|-------------------------------------------------|------------------------------|------------------------------------------------------------------|------------------------------------------------------|
| Alabama | ★ | H | maj. mbrs. (bb) | S | ★ | majority of elected mbrs. | LG | ★ |
| Alaska | ★ | S | 2/3 mbrs. | H | (c) | 2/3 mbrs. | LG | ★ |
| Arizona | ★(d) | H | maj. mbrs. | S | ★(e) | 2/3 mbrs. | SS | ★ |
| Arkansas | ★ | H | maj. mbrs. | S | ★ | 2/3 mbrs. | LG | ... |
| California | ★ | H | ... | S | ... | 2/3 mbrs. | LG | ... |
| Colorado | ★ | H | maj. mbrs. | S | ★ | 2/3 mbrs. | LG | ... |
| Connecticut | ★ | H | maj. mbrs. | S | ★(f) | 2/3 mbrs. must be present | LG | ★ |
| Delaware | ★ | H | 2/3 mbrs. | S | ★ | 2/3 mbrs. | LG | ... |
| Florida | ★ | H | 2/3 mbrs. | S | ★(g) | 2/3 mbrs. present (h) | LG (i) | ★ |
| Georgia | ★ | H | ... | S | ★(e) | 2/3 mbrs. | ... | ★(j) |
| Hawaii | ★ | H | 2/3 mbrs. | S | ... | 2/3 mbrs. | LG | ★ |
| Idaho | ★ | H | 2/3 mbrs.(k) | S | ★ | 2/3 mbrs. | LG | ... |
| Illinois | ★ | H | 2/3 mbrs. | S | ★ | 2/3 mbrs. | LG | ★ |
| Indiana | ★(l) | H | 2/3 mbrs. | S | ... | 2/3 mbrs. | LG | ... |
| Iowa | ★ | H | maj. mbrs. | S | ... | majority of elected mbrs. | LG | ★ |
| Kansas | ★ | H | (m) | S | ... | 2/3 mbrs. | LG | ... |
| Kentucky | ★ | H | ... | S | ★ | 2/3 mbrs. present | LG | ... |
| Louisiana | ★ | H | (n) | S | ... | (n) | LG | ★ |
| Maine | ★ | H | maj. mbrs. | S | ... | 2/3 mbrs. present | PS | ★ |
| Maryland | ★ | H | maj. mbrs. | S | ... | 2/3 mbrs. | LG | ... |
| Massachusetts | ★ | H | maj. mbrs. | S | ... | ... | LG | ★ |
| Michigan | ★ | H | maj. mbrs. | S | ★ | 2/3 mbrs. | LG | ... |
| Minnesota | ★ | H | maj. mbrs. | S | ... | 2/3 mbrs. present | LG | ... |
| Mississippi | ★ | H | maj. mbrs. | S | ★(r) | 2/3 mbrs. present(s) | LG | (u) |
| Missouri | ★ | H | ... | (t) | (t) | (t) | LG | ... |
| Montana | ★ | H | 2/3 mbrs. | S | ★ | 2/3 mbrs. | LG | ★ |
| Nebraska | ★ | S (v) | maj. mbrs. | (w) | (w) | (w) | LG | ... |
| Nevada | ★(d) | H | maj. mbrs. | S | ★ | 2/3 mbrs. | LG | ... |
| New Hampshire | ★ | H | ... | S | ★ | ... | PS | ★ |
| New Jersey | ★ | H | maj. mbrs. | S | ★ | 2/3 mbrs. | LG | ★(aa) |
| New Mexico | ★ | H | maj. mbrs. | S | ★(p) | 2/3 mbrs. | LG | ★ |
| New York | ★ | H | maj. mbrs. | S | ★ | 2/3 mbrs. present | LG | ★ |
| North Carolina | ★ | H | 2/3 mbrs. | S | ★(x) | 2/3 mbrs. present | LG | ★ |
| North Dakota | ★(d) | H | maj. mbrs. | S | ★ | 2/3 mbrs. | LG | ... |
| Ohio | ★ | H | maj. mbrs. | S | ... | 2/3 mbrs. present | LG | ... |
| Oklahoma | ★ | S | maj. mbrs. | H & S | ★ | 2/3 mbrs. present | LG | ★ |
| Oregon | ..... | ..... | ..... | ..... | (y) | ..... | ..... | ..... |
| Pennsylvania | ★ | H | ... | S | ... | 2/3 maj. mbrs. | LG | ★ |
| Rhode Island | ★ | H | 2/3 maj. mbrs. | S | ★ | 2/3 maj. mbrs. | LG | ★ |
| South Carolina | ★ | H | 2/3 mbrs. | S | ★ | 2/3 mbrs. | LG | ... |
| South Dakota | ★ | H | maj. mbrs. | S | ★ | 2/3 mbrs. | LG | ★ |
| Tennessee | ★ | H | maj. mbrs. | S | ★ | 2/3 mbrs. (z) | PS | ★ |
| Texas | ★ | H (o) | maj. mbrs. | S | ... | 2/3 mbrs. present | LG | ... |
| Utah | ★ | H | 2/3 mbrs. | S | ★(f) | 2/3 mbrs. | LG | ★ |
| Vermont | ★ | H | 2/3 mbrs. | S | ... | 2/3 mbrs. | LG | ... |
| Virginia | ★ | H | maj. mbrs. present | S | ... | 2/3 mbrs. present | LG | ★(cc) |
| Washington | ★(d) | H | maj. mbrs. | S | ★ | 2/3 mbrs. | LG | ... |
| West Virginia | ★ | H | maj. mbrs. | S | ★ | 2/3 mbrs. | PS | ★ |
| Wisconsin | ★ | H | maj. mbrs. | S | ... | 2/3 mbrs. | LG | ... |
| Wyoming | ★ | H | maj. mbrs. | S | ★ | 2/3 mbrs. | SS | ★ |
| Dist. of Columbia | ..... | ..... | ..... | ..... | (p) | ..... | ..... | ..... |
| American Samoa | (q) | H | 2/3 mbrs. | S | ★ | 2/3 mbrs. | ... | ... |
| Guam | ..... | ..... | ..... | ..... | (p) | ..... | ..... | ..... |
| CNMI* | ★ | H | 2/3 mbrs. | S | ... | 2/3 mbrs. | LG | ... |
| Puerto Rico | ★ | H | 2/3 mbrs. | S | ★ | 3/4 mbrs. | SS | ★ |
| U.S. Virgin Islands | ..... | ..... | ..... | ..... | (p) | ..... | ..... | ..... |

See footnotes at end of table

TABLE 4.8

Impeachment Provisions in the States (continued)

Sources: The Council of State Governments survey of governors' offices, September 2017.

* Commonwealth of the Northern Mariana Islands

Key:

★—Yes; provision for.

...—Not specified, or no provision for.

H—House or Assembly (lower chamber).

S—Senate.

LG—Lieutenant Governor

PS—President or Speaker of the Senate

SS—Secretary of state.

- (a) Presiding justice of state court of last resort. In many states, provision indicates that chief justice presides only on occasion of impeachment of governor.
- (b) For provisions on official next in line of succession if governor is convicted and removed from office, refer to Chapter 4, "The Governors."
- (c) An appointed Supreme Court justice presides.
- (d) With exception of certain judicial officers. In Arizona and Washington—justices of courts not of record. In Nevada—justices of the peace. In North Dakota—county judges, justices of the peace, and police magistrates.
- (e) Should the Chief Justice be on trial, or otherwise disqualified, the Senate shall elect a judge of the Supreme Court to preside.
- (f) Only if Governor is on trial.
- (g) Except in a trial of the chief justice, in which case the governor shall preside.
- (h) An officer impeached by the house of representatives shall be disqualified from performing any official duties until acquitted by the senate, and, unless impeached, the governor may by appointment fill the office until completion of the trial.
- (i) Governor may appoint someone to serve until the impeachment procedures are final.
- (j) Special sessions of the General Assembly shall be limited to a period of 40 days unless extended by 3/5 vote of each house and approved by the Governor or unless at the expiration of such period an impeachment trial of some officer of state government is pending, in which event the House shall adjourn and the Senate shall remain in session until such trial is completed.
- (k) No person shall be convicted without the concurrence of two-thirds of there senators elected. When the governor is impeached, the chief justice shall preside.

(l) Judges not included.

(m) No statute, simple majority is the assumption.

(n) Concurrence of 2/3 of the elected senators.

(o) House votes on articles of impeachment; Senate presides over impeachment trial to remove official.

(p) Removal of elected officials by recall procedure only.

(q) Governor, lieutenant governor.

(r) When the governor is tried; if Chief Justice is unable to preside, the next longest serving justice shall preside.

(s) No person shall be convicted without concurrence of 2/3 of all senators present. Miss Const. 1890 Art. IV § 52.

(t) All impeachments are tried before the state Supreme Court, except that the governor or a member of the Supreme Court is tried by a special commission of seven eminent jurists to be elected by the Senate. A vote of 5/7 of the court of special commission is necessary to convict.

(u) It is implied but not addressed directly in Miss Const. 1890 Art. IV §§ 49-53.

(v) Unicameral legislature; members use the title "senator."

(w) Court of impeachment is composed of chief justice and supreme court. A vote of 2/3 present of the court is necessary to convict.

(x) Chief Justice presides if it is the Governor or Lieutenant Governor; otherwise, the President of the Senate presides.

(y) No provision for impeachment. Public officers may be tried for incompetence, corruption, malfeasance, or delinquency in office in same manner as criminal offenses.

(z) Vote of 2/3 of members sworn to try the officer impeached.

(aa) In the event of simultaneous vacancies in both the offices of Governor and Lieutenant Governor resulting from any cause, the President of the Senate shall become Governor until a new Governor or Lieutenant Governor is elected and qualifies.

(bb) Upon majority vote of impeachment, the governor must step down until the conclusion of the trial in the Senate, if Senate votes to reinstate the governor.

(cc) Two-thirds of both houses may call a special session for any purpose. The Senate may try impeachments in recess; the House may not impeach unless in session.