

1 **RESOLUTION AUTHORIZING CALLING**
2 **IMPEACHMENT SESSION**

3 2003 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: David Ure**

6 **This joint resolution of the Legislature proposes to amend the Utah Constitution to**
7 **authorize the House of Representatives to convene for the purpose of impeachment and**
8 **to require the Senate to convene if the House impeaches. The joint resolution directs the**
9 **lieutenant governor to submit this proposal to voters, makes technical changes, and**
10 **provides an effective date.**

11 This resolution proposes to change the Utah Constitution as follows:

12 AMENDS:

13 **ARTICLE VI, SECTION 17**

14 **ARTICLE VI, SECTION 18**

15 *Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each*
16 *of the two houses voting in favor thereof:*

17 Section 1. It is proposed to amend Utah Constitution Article VI, Section 17, to read:

18 **Article VI, Section 17. [Impeachment by House.]**

19 (1) The House of Representatives shall have the sole power of impeachment, but in
20 order to impeach, two-thirds of all the members elected must vote therefor.

21 (2) If not already convened in an annual general session, the House of Representatives
22 may convene for the purpose of impeachment if a poll of members conducted by the Speaker of
23 the House indicates that two-thirds of the members of the House of Representatives are in
24 favor of convening.

25 Section 2. It is proposed to amend Utah Constitution Article VI, Section 18, to read:

26 **Article VI, Section 18. [Trial of impeachment by Senate.]**

27 (1) All impeachments shall be tried by the Senate, and senators, when sitting for that



28 purpose, shall take oath or make affirmation to do justice according to the law and the
29 evidence.

30 (2) Upon an impeachment by the House of Representatives, the Senate shall, if not
31 already convened in an annual general session, convene for the purpose of trying the
32 impeachment.

33 (3) When the Governor is on trial, the Chief Justice of the Supreme Court shall preside.

34 (4) No person shall be convicted without the concurrence of two-thirds of the senators
35 elected.

36 Section 3. **Submittal to voters.**

37 The lieutenant governor is directed to submit this proposed amendment to the voters of
38 the state at the next regular general election in the manner provided by law.

39 Section 4. **Effective date.**

40 If the amendment proposed by this joint resolution is approved by a majority of those
41 voting on it at the next regular general election, the amendment shall take effect on January 1,
42 2005.

Legislative Review Note

as of 2-4-03 7:08 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel