

## FISCAL IMPACT OF PROPOSED LEGISLATION

Measure: HJR 16 - 3

82nd Oregon Legislative Assembly – 2023 Regular Session

Legislative Fiscal Office

*Only Impacts on Original or Engrossed Versions are Considered Official*

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### Measure Description:

Proposes amendment to Oregon Constitution to vest power of impeachment of statewide elected Executive Branch officials in House of Representatives and power to try impeachments in Senate.

### Government Unit(s) Affected:

Department of Justice, Secretary of State, Legislative Assembly, Judicial Department

### Summary of Fiscal Impact:

Costs related to the measure are indeterminate at this time - See explanatory analysis.

### Analysis:

HJR 16 - 3 refers for voters' approval an amendment to the Oregon Constitution which gives the House of Representatives the power of impeachment of statewide elected officials of the Executive Branch for malfeasance or corrupt conduct in office, willful neglect of duty or other felony or high crime. The House of Representatives may deliver a resolution of impeachment to the Senate with the concurrence of at least two-thirds of all Representatives. The Senate can try any impeachment received from the House of Representatives. When sitting for the purpose of trying an impeachment, the Chief Justice of the Supreme Court is to preside. At least two-thirds of all Senators must concur for a conviction. A person who is convicted or acquitted may still be subject to criminal prosecution or civil liability.

Because the measure is referred to voters at the next regular general election, the fiscal impact to the Secretary of State's office is the state's portion of incremental costs incurred for an already-funded election. The Secretary of State prepares and distributes the voters' pamphlet and collects a filing fee for each argument submitted in support or opposition of a ballot measure. Typically, these filing fees cover slightly more than one-half of the cost of producing and mailing the voters' pamphlet. The remaining costs are paid by the General Fund. At this time, the fiscal impact to the Secretary of State's office is indeterminate because the cost of producing and distributing the voters' pamphlet is determined by the total number of initiatives and legislative referrals on the ballot, and by the number of arguments submitted in support or opposition of these ballot measures, and this information will not be known until after election filing deadlines. The Legislative Fiscal Office (LFO) assumes that the Secretary will seek General Fund support from the Emergency Board or Legislative Assembly if the actual voters' pamphlet costs exceed currently budgeted election expenditures.

Under procedures established in ORS 250.125 and 250.127, a financial impact committee is created for each state measure submitted to the ballot through the initiative and referendum processes. For this reason, LFO does not include an estimate of the fiscal impact that would result if this joint resolution were to be adopted by a vote of the people.

Appellate Division Attorneys in the Department of Justice also prepare and defend ballot measure titles.