

PURPOSE: To change the system of impeaching senators

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BE IT RESOLVED BY THE MISSISSIPPI SCHOOL FOR MATHEMATICS AND SCIENCE SENATE:

SECTION ONE (REASONING):

The current process for impeaching senators is unfunctional and unjust. Right now, senators must introduce a motion to impeach a senator in the Senate, leading to a period of debate on the motion. Once the subject has been debated, the Senate moves to the previous question and votes on the motion to impeach. If the motion receives a 2/3 supermajority, the Honor Court holds an impeachment trial with the senator who introduced the motion as the plaintiff and the senator being impeached as the defendant.

The first issue with this system is the introduction of the motion to impeach. By Robert's Rules of Order, the presiding officer of the Senate must ask for seconds and objections to any motions. Naturally, the senator being impeached will object to the motion to impeach. This would send the Senate into a period of debate on the motion, which is good. However, once the issue has been adequately debated, a senator would motion to move to the previous question to vote on the motion. The presiding officer would again ask for seconds and objections, and the senator being impeached would again object. Under the current system, there is no way to stop the senator being impeached from continuously objecting to motions to move to the previous question to prevent their impeachment. So, the motion to impeach should be a direct motion, meaning it cannot be objected to and would not be debated on. Instead, it would be voted on immediately following receiving a second.

The next issue is the Honor Court. The Honor Court has been an inactive branch of the SGA for a while, and the current Director for Student Affairs, the Honor Court advisor, has shown no interest in restarting it. The Honor Court's absence from the SGA effectively eliminates the process of impeachment promised by the SGA Constitution. With the Honor Court gone, the SGA is missing a major component in its system of checks and balances. Even if the Honor Court was active, the current system for impeaching a senator should still be changed. The Honor Court has no idea of the Senate's proceedings. They have no clue what havoc someone could wreak just by not obeying proper Rules of Order. To educate the Honor Court members on the Senate's system and make a strong case for impeachment of a senator based on this system they know little about would be an arduous task. The Senate and the SGA Officers are the most educated on the senators and the Senate's proceedings and are best equipped to evaluate the

arguments for and against impeachment. So, the SGA Officers and the Senate should be the ones deciding impeachment, not the Honor Court.

To avoid personal politics in impeachment matters, the unbiased SGA Officers should review the arguments for and against impeachment before letting the Senate debate and vote on the matter. If the officers decide the motion has merit, the Senate will then debate on the issue. To avoid a senator repeatedly objecting to the motion to move to the previous question on the matter of impeachment, the senator who is being impeached should not be allowed to object to the motion to move to the previous question, and a motion to overrule an objection should be introduced.

SECTION TWO (SPECIFIC CHANGE):

On pages 18-19 of the SGA Constitution, under the section “Article IV - Impeachment,” the following would be changed to:

Section 1 Motion to Impeach

1. The Senate shall have the power to impeach any member of the SGA for the following reasons:
 - A. Failure to execute the duties assigned to the member by this Constitution
 - B. Improper conduct by the member
 - C. Violations of the Honor Code by the member
 - D. A Level III Violation accrued by the member
2. Impeachment charges shall be brought by a motion raised by any member of the Senate. This motion is a direct motion, meaning it shall not be debated on or objected to, only requiring a second to move to vote on it. ~~Senator shall present his/her arguments for impeachment, and the Senate shall summarily debate the issue of approving the motion to impeach.~~ To approve the motion to impeach, a two-thirds majority vote by secret ballot is required.

Section 2 Impeachment of Senators

If the member charged is a member of the Senate, the SGA Officers and other members of the Senate shall be the deciding bodies. Impeachment processes for senators shall follow this general procedure:

1. The impeachment process begins with a motion to impeach. The motion to impeach a senator is a direct motion, meaning it shall not be debated on or objected to. The motion to impeach requires a second to be voted on and a 2/3 supermajority to pass.

2. Immediately following the passing of the motion to impeachment, the Senator who introduced the motion and the Senator who is being impeached must submit written arguments to the SGA Secretary by Sunday Study Hours before the next Senate session.
3. The SGA Officers shall review the written arguments as unbiased judges. After reviewing each argument, the SGA Officers will decide if the motion to impeach has merit. If an officer is romantically involved with, related to, or living with the impeached senator, they must excuse themselves from evaluating the written arguments. An officer may excuse themselves if they do not meet these requirements but still believe they will be biased. In such a case, the remaining two officers consider the written arguments. If more than one officer must excuse themselves or if the remaining two officers tie, the President Pro Tempore shall be called in to be the deciding vote. If they have a conflict of interest, they shall be excused and the next elected officer in the line of succession shall be called in until an unbiased voter is found.
4. If the SGA Officers decide the motion has merit, it will be the first order of business at the next Senate session. Senators shall debate the issue, then motion to move to the previous question to vote on impeaching the senator. Impeachment requires a 3/4 supermajority.
5. The senator being impeached is not allowed to object to the motion to move to the previous question on the matter of their impeachment. If another senator objects to the motion to move to the previous question, a senator may respond with a motion to overrule the objection. The motion to overrule the objection is a direct motion as well. It requires a second to be voted on and a 3/4 supermajority to pass. If the motion to overrule the objection passes, the Senate will immediately move to the previous question and vote on the matter of impeachment.
6. Impeached senators cannot run for reelection to the Senate.

Section 2 3 Impeachment of Honor Court Members

If the member charged is a member of the Honor Court, the MSMS Administration shall hold the trial. Impeachment trials held by the MSMS Administration shall follow this general procedure:

1. Within twenty-four hours of the approval of the motion to impeach, the SGA President must inform the Honor Court Justice that they have been charged.
2. The SGA President shall call a special session of the Honor Court to order no less than one week after the motion to impeach has been approved. The trial will follow the procedures of the Honor Court. The Senator who moved to impeach shall be declared the plaintiff, and the Honor Court Justice who has been charged shall be declared the defendant. A two-thirds majority vote is required to impeach the Honor Court Justice.

Section 3 4 Impeachment of the SGA President

If the member charged is the SGA President, a special session of the Senate shall be called to hold the trial. Impeachment trials held by the Senate shall follow this general procedure:

1. Within twenty-four hours of the approval of the motion to impeach, the SGA Vice-President must inform the SGA President that they have been charged.
2. The SGA Vice-President shall call a special session of the Senate to order no less than one week after the motion to impeach has been approved in order to begin the trial.
3. The trial will follow the procedures of the Honor Court, except that the Senate as a whole shall be able to vote. The Senator who moved to impeach shall be declared the plaintiff, and the SGA President shall be declared the defendant. A two-thirds majority vote by secret ballot of the Senate is required to impeach the SGA President.

Section 4 5 Impeachment of all other SGA Officers

The Honor Court shall hold all impeachment trials of SGA members, unless the member who has been charged is the SGA President, a senator, or a member of the Honor Court. Impeachment trials held by the Honor Court shall follow this general procedure:

- a. Within twenty-four hours of the approval of the motion to impeach, the SGA President must inform the member that they have been charged.
- b. The SGA President shall call a special session of the Honor Court to order no less than one week after the motion to impeach has been approved.
- c. The trial will follow Honor Court procedures. The Senator who moved to impeach shall be declared the plaintiff, and the SGA member who has been charged shall be declared the defendant. A two-thirds majority vote is required to impeach the defendant