



Date: October 15, 2024

To: Chairman Hughes and the Members of the Senate Committee on State Affairs
CC: Sen. Angela Paxton, Sen. Paul Bettencourt, Sen. Brian Birdwell, Sen. Morgan LaMantia,
Sen. José Menéndez, Sen. Mayes Middleton, Sen. Tan Parker, Sen. Charles Perry, Sen.
Charles Schwertner, Sen. Judith Zaffirini

Via hand delivery and by email.

From: Adrian Shelley, Public Citizen

Re: Impeachment Reform

Dear Chairman Hughes and Members of the Committee:

Public Citizen appreciates the opportunity to offer this testimony. If you wish to discuss our comments further, please contact Adrian Shelley at ashelley@citizen.org, 512-477-1155.

We have three recommendations for improving the conduct of impeachment hearings in the Texas Senate.

1. A moratorium on campaign contributions during impeachment proceedings.

Texas law prohibits members of the Legislature from soliciting or accepting political contributions during a regular legislative session. This prohibition should apply any time that either chamber is in session. This includes special sessions and impeachment proceedings.

Public Citizen suggests that a fundraising moratorium should begin when the House convenes to consider an impeachment and continue through the conclusion of the Senate trial.

2. Addressing conflicts of interest.

There should be a clear and enforceable law concerning recusal during an impeachment trial. Senator Angela Paxton did not vote during the trial of her husband, Attorney General Ken Paxton. But she was present at the trial and freely interacted with her fellow senators, who decided her husband's fate. We recommend a clear and enforceable recusal law that includes spouses.

3. A licensed lawyer in good standing should preside as judge.

Under current law, the Lieutenant Governor is the presiding judge of impeachment trials. We think that Attorney General Paxton's impeachment trial demonstrated that the Lieutenant Governor is not necessarily in the best position to preside, particularly if he or she is not an attorney licensed in the State of Texas. Public Citizen suggests that either the Chief Justice of the Texas Supreme Court preside, or a jurist appointed by the Senate. This would allow the Lieutenant Governor to focus on leading the Senate in its function as the jury of the trial.