The Impeachment Process: What You Need to Know

On September 24, 2019, Speaker Nancy Pelosi (D-CA) announced that the US House of Representatives was launching an official impeachment inquiry into President Donald Trump. The announcement came after news broke that an anonymous whistleblower had filed a complaint with the Inspector General for the intelligence community alleging that President Trump had pressured the president of Ukraine to investigate former Vice President Joe Biden, currently the frontrunner for the 2020 Democratic presidential nomination.

This represents only the fourth time in history that a president has been subject to an impeachment inquiry. Andrew Johnson and Bill Clinton were both impeached by the House and ultimately acquitted by the Senate. Richard Nixon narrowly escaped impeachment by resigning. Since impeachment is such a rare occurrence, it is not surprising that many people have questions about how the process works.

Here is what you need to know.

The Constitution grants the House of Representatives the sole power to impeach executive branch officials, up to and including the president of the United States. Presidents may be impeached for committing “treason, bribery, or other high crimes and misdemeanors,” although the Constitution does not explicitly describe what those “high crimes” might be. Over the years, legal scholars have come to understand the “high crimes” term as referring to various abuses of power by government officials. An impeachable offense does not have to be a criminal act. Impeachment is by nature a political process, and removing the president from office does not mean she is convicted of a crime.

Impeachment in the House is akin to an indictment in a criminal case: it lays out the charges against the president. Once a president is impeached by the House, the process moves to the Senate. The Senate is responsible for holding a trial and ultimately determining whether to remove the president from office or clear him of the charges.

Many questions remain about the impeachment of President Trump. While all signs indicate that the Democratic-controlled House will vote in favor of impeachment, it remains unlikely that the Republican-controlled Senate will vote to remove him from office.

Below is a timeline of how impeachment could play out, followed by a more detailed explanation of this complicated and consequential process.
How the Impeachment Process Could Play Out:

The House Votes on a Resolution to Begin an Impeachment Inquiry

House Committees Investigate the President and Draft Articles of Impeachment

The House Holds a Floor Vote on One or More Articles of Impeachment

You Are Here

- Less than a Majority of the House Votes to Impeach
  - President Trump Remains in Office

- A Majority of the House Votes to Impeach
  - The Articles of Impeachment Move to the Senate, Which Holds a Trial
    - Less than Two-Thirds of the Senate Vote to Convict
      - President Trump Remains in Office
    - Two-Thirds of the Senate Vote to Convict
      - President Trump is Removed from Office

The House votes on a resolution to begin an impeachment inquiry
impeachment inquiry has been a matter of dispute. During the Nixon and Clinton impeachment inquiries, the House voted to initiate proceedings, but impeachment inquiries have begun at the committee level in other cases.

The House can begin the impeachment process in one of three ways:

- A member may introduce a resolution (the same way that all simple House resolutions are introduced) calling for either impeachment or the initiation of an impeachment investigation.
- A member may offer a resolution on the floor calling for impeachment as a question of the privileges of the House, in which case the speaker must schedule a time to consider the resolution within two legislative days.
- A House committee may receive information or investigate possible wrongdoing before the approval of a resolution to formally authorize an impeachment inquiry.

On September 24, 2019, Speaker Pelosi announced that six House committees were beginning impeachment investigations into President Trump. Following the first method described above, the House voted on November 4, 2019, to authorize the Intelligence, Financial Services, Foreign Affairs, Judiciary, Oversight and Reform, and Ways and Means Committees to continue their impeachment investigations.

The standing rules of the House as well as individual committee rules apply during impeachment investigations. Committees may subpoena witnesses and documents and hold public or private hearings.

House Intelligence Committee Chairman Adam Schiff (D-CA) is leading the investigation into President Trump. Committee members have already heard from several witnesses in closed-door sessions, and public hearings began on November 13, 2019. It is unclear how many hearings will take place or how long the investigation will last.

If the investigations find cause for impeachment, the House Judiciary Committee will draft articles of impeachment. Articles of impeachment are offered and considered like pieces of legislation. The Judiciary Committee will hold a markup, during which members may offer amendments, and then vote to refer the measure to the full House.
The House holds a floor vote on one or more articles of impeachment

Floor consideration of articles of impeachment proceeds the same way as consideration of legislation, with one difference: members are permitted to allege that the president committed crimes or other misconduct during floor debate (which is prohibited during normal floor proceedings).

Articles of impeachment that pass out of the Judiciary Committee are given immediate consideration on the floor. A member may call up the resolution, and the House will consider it under the hour rule, which gives the majority in the House the power to control the length of the debate and prevent any amendments. The House may also consider the resolution under a special rule agreed to by the Rules Committee, which sets the terms of the debate. Members would first debate and agree to the rule before proceeding to the articles of impeachment. Finally, the House could proceed by unanimous consent agreement, which would set the terms of the debate similar to a special rule, but would not be voted on.

Members debate the impeachment resolution under the set conditions, and then the House votes on whether to agree to the articles of impeachment.

A majority of the House votes to impeach

A simple majority (218) of House members must agree to the impeachment resolution for it to pass. If it does, the president has been impeached.

The articles of impeachment move to the Senate, which holds a trial

Once the House passes articles of impeachment, it votes on appointing members to serve as managers in the Senate trial. There is no requirement for the number of managers, nor that members be selected from both parties. During Clinton’s impeachment trial, 13 Republicans served as managers. The managers formally present the articles of impeachment to the Senate and argue the case against the president during the trial.

The Constitution offers very little guidance on how a Senate trial is to proceed or even if it is required after the House votes for impeachment. Some constitutional scholars believe that Senate Majority Leader Mitch McConnell (R-KY) could simply refuse to hold a trial. However, McConnell has said publicly that if the House votes to impeach President Trump, the Senate will take it up.
A few options exist for the Senate to cut the trial short without engaging in actual deliberations. First, a member may file a motion to dismiss. It would take a simple majority of senators to vote in favor of the motion and end the trial. The Senate could also vote on a motion to adjourn, which would also end the proceedings.

Assuming that the Senate does not vote on a motion to dismiss or adjourn and moves forward with a trial, it is largely up to Senate leadership to determine how to proceed. The only constitutional requirements are that the chief justice of the Supreme Court of the United States preside over the trial, and that a vote of two-thirds of the senators is necessary to remove the president from office.

A set of standing rules, first adopted in 1935, governs impeachment trial procedures and lays out the following steps:

- The House managers present the articles of impeachment to the Senate.
- The president responds to the charges through her counsel.
- Witnesses are called to testify and are cross-examined by the House managers and president’s counsel.

The timeline of each step is determined by a resolution that needs a simple majority to pass. As with most activities in the Senate, the rules governing the impeachment trial can also be adopted or changed by unanimous consent.

All senators are sworn in as a Court of Impeachment to hear the case and act as jurors throughout the trial. This means that they do not speak publicly or to each other during the proceedings, and they may only communicate with the House managers and president’s counsel through questions submitted in writing. The Senate may also appoint an Impeachment Trial Committee to receive evidence and testimony on behalf of the entire Senate. The committee is typically formed by passage of a resolution.

Once all the evidence has been presented, the senators adjourn to deliberate. If an Impeachment Trial Committee received evidence, the committee submits a summary report to the full Senate to consider.

Following the deliberation, the full Senate votes on each article of impeachment individually. A rollcall vote is taken in open session, with each senator stating “guilty” or “not guilty” with regard to each article of impeachment. If two-thirds (67) of the senators pronounce the president guilty on at least one article of impeachment, he is removed from office.