



1997 ASSEMBLY JOINT RESOLUTION 47

April 9, 1997 - Introduced by Representatives WASSERMAN, REYNOLDS, BAUMGART and SPRINGER, cosponsored by Senators WIRCH and PLACHE. Referred to Committee on Elections and Constitutional Law.

1 **To amend** so as in effect **to repeal** section 10 (2) of article XIII; **to renumber** section
2 10 (1) of article XIII; and **to amend** sections 1, 2, 3, 7 and 8 of article V and
3 section 1 of article VII of the constitution; **relating to:** abolishing the office of
4 lieutenant governor (first consideration).

Analysis by the Legislative Reference Bureau

This proposed constitutional amendment, proposed to the 1997 legislature on first consideration, abolishes the office of lieutenant governor.

Presently, the constitution provides that, upon the governor's death, resignation or removal from office, the lieutenant governor becomes governor. It also provides that, if the governor is absent from the state, impeached, or, from mental or physical disease, becomes incapable of performing the duties of the office, the lieutenant governor serves as acting governor. This joint resolution provides that the speaker of the assembly, instead, shall become governor or acting governor under those circumstances.

A proposed constitutional amendment requires adoption by 2 successive legislatures, and ratification by the people, before it can become effective.

5 **Resolved by the assembly, the senate concurring, That:**

6 **SECTION 1.** Section 1 of article V of the constitution is amended to read:

7 [Article V] Section 1. The executive power shall be vested in a governor who
8 shall hold office for 4 years; ~~a lieutenant governor shall be elected at the same time~~
9 ~~and for the same term.~~

1 **SECTION 2.** Section 2 of article V of the constitution is amended to read:

2 [Article V] Section 2. No person except a citizen of the United States and a
3 qualified elector of the state shall be eligible to the office of governor ~~or lieutenant~~
4 ~~governor.~~

5 **SECTION 3.** Section 3 of article V of the constitution is amended to read:

6 [Article V] Section 3. The governor ~~and lieutenant governor~~ shall be elected
7 by the qualified electors of the state at the times and places of choosing members of
8 the legislature. ~~They shall be chosen jointly, by the casting by each voter of a single~~
9 ~~vote applicable to both offices beginning with the general election in 1970.~~ The
10 ~~persons respectively having~~ person for whom the highest number of votes are cast
11 ~~jointly for them~~ for governor ~~and lieutenant governor~~ shall be elected; but in case two
12 or more slates persons shall have an equal and the highest number of votes for
13 governor ~~and lieutenant governor~~, the two houses of the legislature, at its next
14 annual session shall forthwith, by joint ballot, choose one of the slates persons so
15 having an equal and the highest number of votes for governor ~~and lieutenant~~
16 ~~governor.~~ The returns of election for governor ~~and lieutenant governor~~ shall be made
17 in such manner as shall be provided by law.

18 **SECTION 4.** Section 7 of article V of the constitution is amended to read:

19 [Article V] Section 7 (1) Upon the governor's death, resignation or removal
20 from office, the ~~lieutenant governor~~ speaker of the assembly shall become governor
21 for the balance of the unexpired term.

22 (2) If the governor is absent from this state, impeached, or from mental or
23 physical disease, becomes incapable of performing the duties of the office, the
24 ~~lieutenant governor~~ speaker of the assembly shall serve as acting governor for the
25 balance of the unexpired term or until the governor returns, the disability ceases or

1 the impeachment is vacated. But when the governor, with the consent of the
2 legislature, shall be out of this state in time of war at the head of the state's military
3 force, the governor shall continue as commander in chief of the military force.

4 **SECTION 5.** Section 8 of article V of the constitution is amended to read:

5 [Article V] Section 8 (1) If there is a vacancy in the office of ~~lieutenant governor~~
6 speaker of the assembly and the governor dies, resigns or is removed from office, the
7 secretary of state shall become governor for the balance of the unexpired term.

8 (2) If there is a vacancy in the office of ~~lieutenant governor~~ speaker of the
9 assembly and the governor is absent from this state, impeached, or from mental or
10 physical disease becomes incapable of performing the duties of the office, the
11 secretary of state shall serve as acting governor for the balance of the unexpired term
12 or until the governor returns, the disability ceases or the impeachment is vacated.

13 **SECTION 6.** Section 1 of article VII of the constitution is amended to read:

14 [Article VII] Section 1. (1) The court for the trial of impeachments shall be
15 composed of the senate. The assembly shall have the power of impeaching all civil
16 officers of this state for corrupt conduct in office, or for crimes and misdemeanors; but
17 a majority of all the members elected shall concur in an impeachment. ~~On the trial~~
18 ~~of an impeachment against the governor, the lieutenant governor shall not act as a~~
19 ~~member of the court.~~ No judicial officer shall exercise his that office, after he shall
20 have the judicial officer has been impeached, until his acquittal acquitted.

21 (2) Before the trial of an impeachment the members of the court shall take an
22 oath or affirmation truly and impartially to try the impeachment according to
23 evidence; and no person shall be convicted without the concurrence of two-thirds of
24 the members present.

