



2001 SENATE JOINT RESOLUTION 35

May 16, 2001 - Introduced by Senator WIRCH, cosponsored by Representative WASSERMAN. Referred to Committee on Universities, Housing, and Government Operations.

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 2001 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 senate, the assembly concurring, That:***

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

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

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

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

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

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

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

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

1 (2) If the governor is absent from this state, impeached, or from mental or
2 physical disease, becomes incapable of performing the duties of the office, the
3 ~~lieutenant governor~~ speaker of the assembly shall serve as acting governor for the
4 balance of the unexpired term or until the governor returns, the disability ceases or
5 the impeachment is vacated. But when the governor, with the consent of the
6 legislature, shall be out of this state in time of war at the head of the state's military
7 force, the governor shall continue as commander in chief of the military force.

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

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

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

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

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

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

5 (3) Judgment in cases of impeachment shall not extend further than to removal
6 from office, or removal from office and disqualification to hold any office of honor,
7 profit or trust under the state; but the party impeached shall be liable to indictment,
8 trial and punishment according to law.

9 **SECTION 7.** Section 10 (1) of article XIII of the constitution is renumbered
10 section 10 of article XIII.

11 **SECTION 8.** Section 10 (2) of article XIII of the constitution is amended so as in
12 effect to repeal said subsection:

13 [~~Article XIII] Section 10 (2) — Whenever there is a vacancy in the office of~~
14 ~~lieutenant governor, the governor shall nominate a successor to serve for the balance~~
15 ~~of the unexpired term, who shall take office after confirmation by the senate and by~~
16 ~~the assembly.~~

17 ***Be it further resolved, That*** this proposed amendment be referred to the
18 legislature to be chosen at the next general election and that it be published for 3
19 months previous to the time of holding such election.

20 **(END)**