



NATIONAL CONFERENCE *of* STATE LEGISLATURES

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**Succession to Positions of Governor and Lieutenant Governor**

**Alabama**

*Article 5, Section 127*

In case of the governor's removal from office, death or resignation, the lieutenant governor shall become governor. If both the governor and lieutenant governor be removed from office, die or resign more than sixty days prior to the next general election, at which any state officers are to be elected, a governor and lieutenant governor shall be elected at such election for the unexpired term, and in the event of a vacancy in the office, caused by the removal from office, death or resignation of the governor and lieutenant governor, pending such vacancy and until their successors shall be elected and qualified, the office of governor shall be held and administered by either the president pro tem. of the senate, speaker of the house of representatives, attorney-general, state auditor, secretary of state, or state treasurer in the order herein named. In case of the impeachment of the governor, his absence from the state for more than twenty days, unsoundness of mind, or other disability, the power and authority of the office shall, until the governor is acquitted, returns to the state, or is restored to his mind, or relieved from other disability, devolve in the order herein named, upon the lieutenant governor, president pro tem. of the senate, speaker of the house of representatives, attorney-general, state auditor, secretary of state, and state treasurer. If any of these officers be under any of the disabilities herein specified, the office of the governor shall be administered in the order named by such of these officers as may be free from such disability. If the governor shall be absent from the state over twenty days, the secretary of state shall notify the lieutenant governor, who shall enter upon the duties of governor; if both the governor and lieutenant governor shall be absent from the state over twenty days, the secretary of state shall notify the president pro tem. of the senate, who shall enter upon the duties of governor, and so on, in case of such absence, he shall notify each of the other officers named in their order, who shall discharge the duties of the office until the governor or other officer entitled to administer the office in succession to the governor returns. If the governor-elect fail or refuse from any cause to qualify, the lieutenant governor-elect shall qualify and exercise the duties of governor until the governor-elect qualifies; and in the event both the governor-elect and the lieutenant governor-elect from any cause fail to qualify, the president pro tem. of the senate, the speaker of the house of representatives, the attorney-general, state auditor, secretary of state, and state treasurer, shall, in like manner, in the order named, administer the office until the governor-elect or lieutenant governor-elect qualifies.

**Alaska**

*Article 3, Sections 9-14*

SECTION 9. ACTING GOVERNOR. In case of the temporary absence of the governor from office, the lieutenant governor shall serve as acting governor.

SECTION 10. SUCCESSION; FAILURE TO QUALIFY. If the governor-elect dies, resigns, or is disqualified, the lieutenant governor elected with him shall succeed to the office of governor for the full term. If the governor-elect fails to assume office for any other reason, the lieutenant governor elected with him shall serve as acting governor, and shall succeed to the office if the governor-elect does not assume his office within six months of the beginning of the term.

SECTION 11. VACANCY. In case of a vacancy in the office of governor for any reason, the lieutenant governor shall succeed to the office for the remainder of the term.

SECTION 12. ABSENCE. Whenever for a period of six months, a governor has been continuously absent from office or has been unable to discharge the duties of his office by reason of mental or physical disability, the office shall be deemed vacant. The procedure for determining absence and disability shall be prescribed by law.

SECTION 13. FURTHER SUCCESSION. Provision shall be made by law for succession to the office of governor and for an acting governor in the event that the lieutenant governor is unable to succeed to the office or act as governor. No election of a lieutenant governor shall be held except at the time of electing a governor.

SECTION. 14. TITLE AND AUTHORITY. When the lieutenant governor succeeds to the office of governor, he shall have the title, powers, duties and emoluments of that office

### **Arizona**

#### *Article 5, Section 6*

In the event of the death of the governor, or his resignation, removal from office, or permanent disability to discharge the duties of the office, the secretary of state, if holding by election, shall succeed to the office of governor until his successor shall be elected and shall qualify. If the secretary of state be holding otherwise than by election, or shall fail to qualify as governor, the attorney general, the state treasurer, or the superintendent of public instruction, if holding by election, shall, in the order named, succeed to the office of governor. The taking of the oath of office as governor by any person specified in this section shall constitute resignation from the office by virtue of the holding of which he qualifies as governor. Any successor to the office shall become governor in fact and entitled to all of the emoluments, powers and duties of governor upon taking the oath of office.

In the event of the impeachment of the governor, his absence from the state, or other temporary disability to discharge the duties of the office, the powers and duties of the office of governor shall devolve upon the same person as in case of vacancy, but only until the disability ceases.

### **Arkansas**

#### *Article 6, Sections 12-13; Constitutional Amendment 6*

Section 12. In case of the death, conviction or impeachment, failure to qualify, resignation, absence from the State or other disability of the Governor, the powers, duties and emoluments of the office for the remainder of the term, or until the disability be removed, or a Governor elected and qualified, shall devolve upon and accrue to the President of the Senate. [Amended by Const. Amend. 6—shown below]

Section 13. If, during the vacancy of the office of Governor, the President of the Senate shall be impeached, removed from office, refuse to qualify, resign, die or be absent from the State, the Speaker of the House of Representatives shall, in like manner, administer the government.

#### Constitutional Amendment 6.

##### Sec. 4. Lieutenant Governor acting as Governor.

In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation or absence from the State, the powers and duties of the office, shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State, in time of war, at the head of a military force thereof, he shall continue commander-in-chief of all the military force of the State. [See Bryant v. English, 311 Ark. 187 (1992)]

##### Sec. 5. Qualifications and duties of Lieutenant Governor – Succession to the governorship.

The Lieutenant Governor shall possess the same qualifications of eligibility for the office as the Governor. He shall be President of the Senate, but shall have only a casting vote therein in case of a tie vote. If during a vacancy of the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office or be absent from the State, the President of the Senate shall act as Governor until the vacancy be filled or the disability shall cease; and if the President of the Senate for any of the above causes shall become incapable of performing the duties pertaining to the office of Governor, the Speaker of the Assembly shall act as Governor until the vacancy be filled or the disability shall cease.

### **California**

#### *Article 5, Sections 5 & 10*

SEC. 5. (a) Unless the law otherwise provides, the Governor may fill a vacancy in office by appointment until a successor qualifies. (b) Whenever there is a vacancy in the office of the Superintendent of Public Instruction, the Lieutenant Governor, Secretary of State, Controller, Treasurer, or Attorney General, or on the State Board of Equalization, the Governor shall nominate a person to fill the vacancy who shall take office upon confirmation by a

majority of the membership of the Senate and a majority of the membership of the Assembly and who shall hold office for the balance of the unexpired term. In the event the nominee is neither confirmed nor refused confirmation by both the Senate and the Assembly within 90 days of the submission of the nomination, the nominee shall take office as if he or she had been confirmed by a majority of the Senate and Assembly; provided, that if such 90-day period ends during a recess of the Legislature, the period shall be extended until the sixth day following the day on which the Legislature reconvenes.

SEC. 10. The Lieutenant Governor shall become Governor when a vacancy occurs in the office of Governor. The Lieutenant Governor shall act as Governor during the impeachment, absence from the State, or other temporary disability of the Governor or of a Governor-elect who fails to take office. The Legislature shall provide an order of precedence after the Lieutenant Governor for succession to the office of Governor and for the temporary exercise of the Governor's functions. The Supreme Court has exclusive jurisdiction to determine all questions arising under this section. Standing to raise questions of vacancy or temporary disability is vested exclusively in a body provided by statute.

## **Colorado**

### *Article 4, Section 13*

(1) In the case of the death, impeachment, conviction of a felony, or resignation of the governor, the office of governor shall be vacant and the lieutenant governor shall take the oath of office and shall become governor.

(2) Whenever there is a vacancy in the office of the lieutenant governor, because of death, impeachment, conviction of a felony, or resignation, the governor shall nominate a lieutenant governor who shall take office upon confirmation by a majority vote of both houses of the general assembly. If the person nominated is a member of the general assembly, he may take the oath of office of lieutenant governor, and the legislative seat to which he was elected shall be vacant and filled in the manner prescribed by law pursuant to section 2 of article V of this constitution.

(3) In the event that the governor-elect fails to assume the office of governor because of death, resignation, or conviction of a felony, or refuses to take the oath of office, the lieutenant governor-elect shall take the oath of office and shall become governor on the second Tuesday in January in accordance with the provisions of section 1 of article IV of this constitution. In the event the lieutenant governor-elect fails to assume the office of lieutenant governor because of death, resignation, or conviction of a felony, or refuses to take the oath of office, the governor-elect upon taking office shall nominate a lieutenant governor who shall take the oath of office upon confirmation by a majority vote of both houses of the general assembly. If the person nominated is a member of the general assembly, he may take the oath of office of lieutenant governor, and the legislative seat to which he was elected shall be vacant and filled in the manner prescribed by law pursuant to section 2 of article V of this constitution.

(4) In the event the lieutenant governor or lieutenant governor-elect accedes to the office of governor because of a vacancy in said office for any of the causes enumerated in subsections (1) and (3) of this section, the office of lieutenant governor shall be vacant. Upon taking office, the new governor shall nominate a lieutenant governor who shall take the oath of office upon confirmation by a majority vote of both houses of the general assembly. If the person nominated is a member of the general assembly, he may take the oath of office of lieutenant governor, and the legislative seat to which he was elected shall be vacant and filled in the manner prescribed by law pursuant to section 2 of article V of this constitution.

(5) In the event the governor or lieutenant governor, or governor-elect or lieutenant governor-elect, at the time either of the latter is to take the oath of office, is absent from the state or is suffering from a physical or mental disability, the powers and duties of the office of governor and the office of lieutenant governor shall, until the absence or disability ceases, temporarily devolve upon the lieutenant governor, in the case of the governor, and, in the case of the lieutenant governor, upon the first named member of the general assembly listed in subsection (7) of this section who is affiliated with the same political party as the lieutenant governor; except that if the lieutenant governor and none of said members of the general assembly are affiliated with the same political party, the temporary vacancy in the office of lieutenant governor shall be filled by the first named member in said subsection (7). In the event that the offices of both the governor and lieutenant governor are vacant at the same time for any of the reasons enumerated in this subsection (5), the successors to fill the vacancy in the office of governor and in the office of lieutenant governor shall be, respectively, the first and second named members of the general assembly listed in subsection (7) of this section who are affiliated with the same political party as the governor; except that if the governor and none of said members of the general assembly are affiliated with the same political party, the vacancy in the office of governor and the vacancy in the office of lieutenant governor, respectively, shall be filled by the first

and second named members in said subsection (7). The pro rata salary of the governor or lieutenant governor shall be paid to his successor for as long as he serves in such capacity, during which time he shall receive no other salary from the state.

(6) The governor or governor-elect, lieutenant governor or lieutenant governor-elect, or person acting as governor or lieutenant governor may transmit to the president of the senate and the speaker of the house of representatives his written declaration that he suffers from a physical or mental disability and he is unable to properly discharge the powers and duties of the office of governor or lieutenant governor. In the event no such written declaration has been made, his physical or mental disability shall be determined by a majority of the supreme court after a hearing held pursuant to a joint request submitted by joint resolution adopted by two-thirds of all members of each house of the general assembly. Such determination shall be final and conclusive. The supreme court, upon its own initiative, shall determine if and when such disability ceases.

(7) In the event that the offices of both the governor and lieutenant governor are vacant at the same time for any of the reasons enumerated in subsections (1), (2), and (3) of this section, the successor to fill the vacancy in the office of governor shall be the first named of the following members of the general assembly who is affiliated with the same political party as the governor: President of the senate, speaker of the house of representatives, minority leader of the senate, or minority leader of the house of representatives; except that if the governor and none of said members of the general assembly are affiliated with the same political party, the vacancy shall be filled by one such member in the order of precedence listed in this subsection (7). The member filling the vacancy pursuant to this subsection (7) shall take the oath of office of governor and shall become governor. The office of lieutenant governor shall be filled in the same manner as prescribed in subsection (3) of this section when the lieutenant governor-elect fails to assume the office of lieutenant governor.

## **Connecticut**

### *Article 4, Sections 18-21*

SEC. 18. In case of the death, resignation, refusal to serve or removal from office of the governor, the lieutenant-governor shall, upon taking the oath of office of governor, be governor of the state until another is chosen at the next regular election for governor and is duly qualified. In case of the inability of the governor to exercise the powers and perform the duties of his office, or in case of his impeachment or of his absence from the state, the lieutenant-governor shall exercise the powers and authority and perform the duties appertaining to the office of governor until the disability is removed or, if the governor has been impeached, he is acquitted or, if absent, he has returned. (Sec. 18 amended in 1984. See Art. XXII of Amendments to the Constitution of the State of Connecticut [shown below].)

SEC. 19. If the lieutenant-governor succeeds to the office of governor, or if the lieutenant-governor dies, resigns, refuses to serve or is removed from office, the president pro tempore of the senate shall, upon taking the oath of office of lieutenant-governor, be lieutenant-governor of the state until another is chosen at the next regular election for lieutenant-governor and is duly qualified. Within fifteen days of the administration of such oath the senate, if the general assembly is in session, shall elect one of its members president pro tempore. In case of the inability of the lieutenant-governor to exercise the powers and perform the duties of his office or in case of his impeachment or absence from the state, the president pro tempore of the senate shall exercise the powers and authority and perform the duties appertaining to the office of lieutenant-governor until the disability is removed or, if the lieutenant-governor has been impeached, he is acquitted or, if absent, he has returned.

SEC. 20. If, while the general assembly is not in session, there is a vacancy in the office of president pro tempore of the senate, the secretary of the state shall within fifteen days convene the senate for the purpose of electing one of its members president pro tempore.

SEC. 21. If, at the time fixed for the beginning of the term of the governor, the governor-elect shall have died or shall have failed to qualify, the lieutenant-governor-elect, after taking the oath of office of lieutenant-governor, may qualify as governor, and, upon so qualifying, shall become governor. The general assembly may by law provide for the case in which neither the governor-elect nor the lieutenant-governor-elect shall have qualified, by declaring who shall, in such event, act as governor or the manner in which the person who is so to act shall be selected, and such person shall act accordingly until a governor or a lieutenant-governor shall have qualified.

### *Article 22*

Section 18 of article fourth of the constitution is amended to read as follows:

a. In case of the death, resignation, refusal to serve or removal from office of the governor, the lieutenant-governor shall, upon taking the oath of office of governor, be governor of the State until another is chosen at the next regular election for governor and is duly qualified.

b. In case of the impeachment of the governor or of his absence from the State, the lieutenant-governor shall exercise the powers and authority and perform the duties appertaining to the office of governor until, if the governor has been impeached, he is acquitted or, if absent, he has returned.

c. Whenever the governor transmits to the lieutenant-governor his written declaration that he is unable to exercise the powers and perform the duties of his office, and until the governor transmits to the lieutenant-governor a written declaration to the contrary, the lieutenant-governor shall exercise the powers and authority and perform the duties appertaining to the office of governor as acting governor.

d. In the absence of a written declaration of incapacity by the governor, whenever the lieutenant-governor or a majority of the members of the Council on Gubernatorial Incapacity transmits to the Council on Gubernatorial Incapacity a written declaration that the governor is unable to exercise the powers and perform the duties of his office, the Council shall convene within forty-eight hours after the receipt of such written declaration to determine if the governor is unable to exercise the powers and perform the duties of his office. If the Council, within fourteen days after it is required to convene, determines by two-thirds vote that the governor is unable to exercise the powers and perform the duties of his office, it shall transmit a written declaration to that effect to the president pro tempore of the Senate and the speaker of the House of Representatives and to the lieutenant-governor and the lieutenant-governor, upon receipt of such declaration, shall exercise the powers and authority and discharge the duties appertaining to the office of the governor as acting governor; otherwise, the governor shall continue to exercise the powers and discharge the duties of his office. Upon receipt by the president pro tempore of the Senate and the speaker of the House of Representatives of such a written declaration from the Council, the General Assembly shall, in accordance with its rules, decide the issue, assembling within forty-eight hours for that purpose if not in session. If the General Assembly, within twenty-one days after receipt of the written declaration or, if the General Assembly is not in session, within twenty-one days after the General Assembly is required to assemble, determines by two-thirds vote of each house that the governor is unable to exercise the powers and discharge the duties of his office, the lieutenant-governor shall continue to exercise the powers and authority and perform the duties appertaining to the office of governor; otherwise, the governor shall resume the powers and duties of his office.

e. In the absence of a written declaration of incapacity by the governor and in an emergency, when the governor is unable to exercise the powers and perform the duties of his office and the business of the State requires the immediate exercise of those powers and performance of those duties, the lieutenant-governor shall transmit to the Council on Gubernatorial Incapacity a written declaration to that effect and thereupon shall exercise the powers and authority and discharge the duties appertaining to the office of governor as acting governor. The Council shall convene or the members of the Council shall otherwise communicate with each other collectively within twenty-four hours after the receipt of such written declaration to determine if the governor is unable to exercise the powers and perform the duties of his office. If the Council, within fourteen days after it is required to convene, determines by two-thirds vote that the governor is unable to exercise the powers and perform the duties of his office, it shall transmit a written declaration to that effect to the president pro tempore of the Senate and the speaker of the House of Representatives and to the lieutenant-governor and the lieutenant-governor shall continue to exercise the powers and authority and perform the duties appertaining to the office of governor as acting governor; otherwise, the governor shall resume the powers and duties of his office. Upon receipt by the president pro tempore of the Senate and the speaker of the House of Representatives of such a written declaration from the Council, the General Assembly shall, in accordance with its rules, decide the issue, assembling within forty-eight hours for that purpose if not in session. If the General Assembly, within twenty-one days after receipt of the written declaration or, if the General Assembly is not in session, within twenty-one days after the General Assembly is required to assemble, determines by two-thirds vote of each house that the governor is unable to exercise the powers and discharge the duties of his office, the lieutenant-governor shall continue to exercise the powers and authority and perform the duties appertaining to the office of governor; otherwise, the governor shall resume the powers and duties of his office.

f. Whenever the governor transmits to the president pro tempore of the Senate and the speaker of the House of Representatives his written declaration that no inability exists he shall resume the powers and duties of his office upon the determination by a majority vote of each house of the General Assembly, in accordance with its rules, that he is able to exercise the powers and perform the duties of his office.

g. There shall be a Council on Gubernatorial Incapacity, the membership, procedures and terms of office of the members of which the General Assembly shall establish by law.

h. The Supreme Court shall have original and exclusive jurisdiction to adjudicate disputes or questions arising under this section.

Adopted November 28, 1984.

## **Delaware**

### *Article 3, Section 20*

(a) In case the person elected Governor shall die or become disqualified before the commencement of his term of office, or shall refuse to take the same, or in case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Lieutenant-Governor; and in case of removal, death, resignation, or inability of both the Governor and Lieutenant-Governor, the Secretary of State, or if there be none, or in case of his removal, death, resignation, or inability, then the Attorney General, or if there be none, or in case of his removal, death, resignation, or inability, then the President pro tempore of the Senate or if there be none, or in case of his removal, death, resignation, or inability, then the Speaker of the House of Representatives shall act as Governor until the disability of the Governor or Lieutenant-Governor is removed, or a Governor shall be duly elected and qualified.

The foregoing provisions of this section shall apply only to such persons as are eligible to the office of Governor under this Constitution at the time the powers and duties of the office of Governor shall devolve upon them respectively.

Whenever the powers and duties of the office of Governor shall devolve upon the Lieutenant-Governor, Secretary of State, or Attorney General, his office shall become vacant; and whenever the powers and duties of the office of Governor shall devolve upon the President pro tempore of the Senate, or the Speaker of the House of Representatives, his seat as a member of the General Assembly shall become vacant; and any such vacancy shall be filled as directed by this Constitution; provided, however, that such vacancy shall not be created in case either of the said persons shall be acting as Governor during a temporary disability of the Governor.

(b) Whenever the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant-Governor as Acting Governor.

Whenever the Chief Justice of the Delaware Supreme Court, the President of the Medical Society of Delaware and the Commissioner of the Department of Mental Health, acting unanimously, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives, their written declaration that the Governor is unable to discharge the powers and duties of his office because of mental or physical disability, the Lieutenant-Governor shall immediately assume the powers and duties of the office as Acting Governor.

Thereafter, when the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no disability exists, he shall resume the powers and duties of his office unless the Chief Justice of the Supreme Court of Delaware, the President of the Medical Society of Delaware and the Commissioner of the Department of Mental Health, acting unanimously, transmit within five days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the Governor is unable to discharge the powers and duties of his office because of mental or physical disability. Thereupon the General Assembly shall decide the issue, assembling within seventy-two hours for that purpose if not then in session. If the General Assembly within ten days after receipt of the latter written declaration determines by two-thirds vote of all the members elected to each house that the Governor is unable to discharge the powers and duties of his office because of mental or physical disability, the Lieutenant-Governor shall continue to discharge same as Acting Governor; otherwise, the Governor shall resume the powers and duties of his office.

## **Florida**

### *Article 4, Section 3*

(a) Upon vacancy in the office of governor, the lieutenant governor shall become governor. Further succession to the office of governor shall be prescribed by law. A successor shall serve for the remainder of the term.

(b) Upon impeachment of the governor and until completion of trial thereof, or during the governor's physical or mental incapacity, the lieutenant governor shall act as governor. Further succession as acting governor shall be prescribed by law. Incapacity to serve as governor may be determined by the supreme court upon due notice after docketing of a written suggestion thereof by three cabinet members, and in such case restoration of capacity shall be similarly determined after docketing of written suggestion thereof by the governor, the legislature or three cabinet members. Incapacity to serve as governor may also be established by certificate filed with the custodian of state records by the governor declaring incapacity for physical reasons to serve as governor, and in such case restoration of capacity shall be similarly established.

*Statute 14.055*

Succession to office of Governor.--Upon vacancy in the office of Governor, the Lieutenant Governor shall become Governor. Upon vacancy in the office of Lieutenant Governor, the Governor shall appoint a successor who shall serve for the remainder of the term, provided that if after the appointment a vacancy occurs in the office of Governor with more than 28 months remaining in the term, at the next statewide general election the electors shall choose a Governor and Lieutenant Governor to fill the remainder of the term in the manner provided in s. 5, Art. IV of the State Constitution. Upon vacancy in the office of Governor and in the office of Lieutenant Governor, the Attorney General shall become Governor; if the office of Attorney General is vacant, the Chief Financial Officer shall become Governor; or if the office of Chief Financial Officer is vacant, the Commissioner of Agriculture shall become Governor. Except as otherwise provided in this section with respect to an appointed successor to the office of Lieutenant Governor, a successor under this section shall serve for the remainder of the term and shall receive all the rights, privileges, and emoluments of the Governor. In case a vacancy occurs in the office of Governor and provision is not made in this section for filling the vacancy, the Speaker of the House of Representatives and the President of the Senate shall convene the Legislature by joint proclamation within 15 days for the purpose of choosing a person to serve as Governor for the remainder of the term. A successor shall be elected by a majority vote in a joint session of both houses.

*Statute 14.056*

Succession as Acting Governor.--Upon impeachment of the Governor and until completion of trial thereof, or during the Governor's physical or mental incapacity, the Lieutenant Governor shall become Acting Governor. Upon impeachment or physical or mental incapacity of an Acting Governor, or upon vacancy in the office of the person serving as Acting Governor, the powers and duties of Acting Governor shall devolve upon the same officer as in the case of vacancy in the office of Governor. A successor shall serve until the disability of either the Lieutenant Governor or Governor ceases. Incapacity and restoration of capacity to serve as Acting Governor shall be determined in the same manner as in making such determinations for Governor. In any case in which succession as Acting Governor is not provided herein, the Speaker of the House and the President of the Senate shall convene the Legislature by joint proclamation within 15 days for the purpose of choosing a person to serve as Acting Governor. Such person shall be elected by a majority vote in a joint session of both houses.

**Georgia**

*Article 5, Section 1, Paragraph 5*

(a) In case of the temporary disability of the Governor as determined in the manner provided in Section IV of this article, the Lieutenant Governor shall exercise the powers and duties of the Governor and receive the same compensation as the Governor until such time as the temporary disability of the Governor ends.

(b) In case of the death, resignation, or permanent disability of the Governor or the Governor-elect, the Lieutenant Governor or the Lieutenant Governor- elect, upon becoming the Lieutenant Governor, shall become the Governor until a successor shall be elected and qualified as hereinafter provided. A successor to serve for the unexpired term shall be elected at the next general election; but, if such death, resignation, or permanent disability shall occur within 30 days of the next general election or if the term will expire within 90 days after the next general election, the Lieutenant Governor shall become Governor for the unexpired term. No person shall be elected or appointed to the office of Lieutenant Governor for the unexpired term in the event the Lieutenant Governor shall become Governor as herein provided.

(c) In case of the death, resignation, or permanent disability of both the Governor or the Governor-elect and the Lieutenant Governor or the Lieutenant Governor-elect or in case of the death, resignation, or permanent disability of the Governor and there shall be no Lieutenant Governor, the Speaker of the House of Representatives shall exercise the powers and duties of the Governor until the election and qualification of a Governor at a special election, which shall be held within 90 days from the date on which the Speaker of the House of Representatives shall have assumed the powers and duties of the Governor, and the person elected shall serve out the unexpired term.

*Article 5, Section 4.*

**DISABILITY OF EXECUTIVE OFFICERS**

Paragraph I. "Elected constitutional executive officer," how defined. As used in this section, the term "elected constitutional executive officer" means the Governor, the Lieutenant Governor, the Secretary of State, the Attorney

General, the State School Superintendent, the Commissioner of Insurance, the Commissioner of Agriculture, and the Commissioner of Labor.

Paragraph II. Procedure for determining disability. Upon a petition of any four of the elected constitutional executive officers to the Supreme Court of Georgia that another elected constitutional executive officer is unable to perform the duties of office because of a physical or mental disability, the Supreme Court shall by appropriate rule provide for a speedy and public hearing on such matter, including notice of the nature and cause of the accusation, process for obtaining witnesses, and the assistance of counsel. Evidence at such hearing shall include testimony from not fewer than three qualified physicians in private practice, one of whom must be a psychiatrist.

Paragraph III. Effect of determination of disability. If, after hearing the evidence on disability, the Supreme Court determines that there is a disability and that such disability is permanent, the office shall be declared vacant and the successor to that office shall be chosen as provided in this Constitution or the laws enacted in pursuance thereof. If it is determined that the disability is not permanent, the Supreme Court shall determine when the disability has ended and when the officer shall resume the exercise of the powers of office. During the period of temporary disability, the powers of such office shall be exercised as provided by law.

## **Hawaii**

### *Article 5, Section 4*

When the office of governor is vacant, the lieutenant governor shall become governor. In the event of the absence of the governor from the State, or the governor's inability to exercise and discharge the powers and duties of the governor's office, such powers and duties shall devolve upon the lieutenant governor during such absence or disability.

When the office of lieutenant governor is vacant, or in the event of the absence of the lieutenant governor from the State, or the lieutenant governor's inability to exercise and discharge the powers and duties of the lieutenant governor's office, such powers and duties shall devolve upon such officers in such order of succession as may be provided by law.

In the event of the impeachment of the governor or of the lieutenant governor, the governor or the lieutenant governor shall not exercise the powers of the applicable office until acquitted.

### *Statute §26-2*

Order of succession to offices of governor and lieutenant governor. (a) When the office of lieutenant governor is vacant by reason of the lieutenant governor's becoming governor, or the lieutenant governor's failure to qualify, or the lieutenant governor's removal from office, death, resignation, or otherwise, the powers and duties of the office of lieutenant governor shall devolve upon the president of the senate; or, if there is none or upon the president's failure to resign promptly from all legislative offices held by the president, then upon the speaker of the house of representatives; or if there is none or upon the speaker's failure to resign promptly from all legislative offices held by the speaker, then upon the attorney general, the director of finance, the comptroller, the director of taxation, and the director of human resources development in the order named; provided that any officer upon whom the powers and duties of the office of lieutenant governor devolve may decline the powers and duties without the officer's resignation from the office by virtue of the holding of which the officer qualifies to act as lieutenant governor, in which event the powers and duties will devolve upon the next officer listed in the order of succession.

(b) When the lieutenant governor is temporarily absent from the State or is temporarily disabled, the powers and duties of the office of the lieutenant governor shall devolve upon the foregoing officers, other than the president of the senate and the speaker of the house, in the order named.

(c) The powers and duties of any officer acting as lieutenant governor under this section shall include the powers and duties of the office of governor when that office is vacant, or when the governor is absent from the State or is unable to exercise and discharge the powers and duties of the governor's office, in addition to the other powers and duties of the lieutenant governor.

No person other than the elected governor or lieutenant governor shall become governor, provision being made by this section only for an acting governor.

(d) An officer succeeding to the powers and duties of the lieutenant governor, under subsection (b) of this section, may designate an officer in the office of the lieutenant governor to perform any or all functions other than those pertaining to the office of governor.

(e) During the period that any officer, under this section is exercising the powers and performing the duties of the office of governor or lieutenant governor by reason of a permanent vacancy therein, and not otherwise, the officer shall receive the compensation and perquisites of the governor or lieutenant governor, as the case may be.

(f) In a case covered by subsection (a), the taking of the oath of office by an officer, other than a legislative officer required to resign under subsection (a), shall be held to constitute the officer's resignation from the office by virtue of the holding of which the officer qualifies to act as lieutenant governor.

(g) No officer shall act as governor or lieutenant governor under subsection (a) or (b) of this section, unless the officer is eligible to the office of governor under the constitution. No officer other than a legislative officer shall act as governor or lieutenant governor under this section unless the officer has been appointed and confirmed prior to the time the powers and duties of the office of governor or of lieutenant governor devolve upon the officer. No officer shall act as governor or lieutenant governor under this section if the officer is under impeachment at the time the powers and duties of the office of governor or lieutenant governor devolve upon the officer.

## **Idaho**

### *Article 4, Sections 12-14*

**SECTION 12. LIEUTENANT GOVERNOR TO ACT AS GOVERNOR.** In case of the failure to qualify, the impeachment, or conviction of treason, felony, or other infamous crime of the governor, or his death, removal from office, resignation, absence from the state, or inability to discharge the powers and duties of his office, the powers, duties and emoluments of the office for the residue of the term, or until the disability shall cease, shall devolve upon the lieutenant governor.

**SECTION 13. LIEUTENANT GOVERNOR IS PRESIDENT OF SENATE.** The lieutenant governor shall be president of the senate, but shall vote only when the senate is equally divided. In case of the absence or disqualification of the lieutenant governor from any cause which applies to the governor, or when he shall hold the office of governor, then the president pro tempore of the senate shall perform the duties of the lieutenant governor until the vacancy is filled or the disability removed.

**SECTION 14. PRESIDENT PRO TEMPORE TO ACT AS GOVERNOR.** In case of the failure to qualify in his office, death, resignation, absence from the state, impeachment, conviction of treason, felony or other infamous crime, or disqualification from any cause, of both governor and lieutenant governor, the duties of the governor shall devolve upon the president of the senate pro tempore, until such disqualification of either the governor or lieutenant governor be removed, or the vacancy filled; and if the president of the senate, for any of the above named causes, shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the house.

### *Statute 67-805A.*

**SUCCESSION TO OFFICE OF GOVERNOR.** (1) In case of the death, resignation, or permanent removal from office for any cause of the governor, the lieutenant governor shall succeed to all of the powers, duties and emoluments of the office of governor for the residue of the term, and shall be, in all respects, the governor of the state. Upon such succession, the office of lieutenant governor is vacant, and shall be filled as provided by law.

(2) In case of temporary inability to perform his duties, or in the case of his temporary absence from the state, the lieutenant governor shall perform such duties as acting governor until the disability is removed, or until the governor returns to the state.

(3) In any case in which the lieutenant governor succeeds to the office of governor, the president pro tempore of the senate shall serve as acting lieutenant governor until the office of lieutenant governor is filled.

## **Illinois**

### *Article 5, Section 6-7*

#### **SECTION 6. GUBERNATORIAL SUCCESSION**

(a) In the event of a vacancy, the order of succession to the office of Governor or to the position of Acting Governor shall be the Lieutenant Governor, the elected Attorney General, the elected Secretary of State, and then as provided by law. (b) If the Governor is unable to serve because of death, conviction on impeachment, failure to qualify, resignation or other disability, the office of Governor shall be filled by the officer next in line of succession for the remainder of the term or until the disability is removed. (c) Whenever the Governor determines that he may be seriously impeded in the exercise of his powers, he shall so notify the Secretary of State and the officer next in line of succession. The latter shall thereafter become Acting Governor with the duties and powers of Governor. When the Governor is prepared to resume office, he shall do so by notifying the Secretary of State and the Acting Governor. (d) The General Assembly by law shall specify by whom and by what procedures the ability of the

Governor to serve or to resume office may be questioned and determined. The Supreme Court shall have original and exclusive jurisdiction to review such a law and any such determination and, in the absence of such a law, shall make the determination under such rules as it may adopt.

**SECTION 7. VACANCIES IN OTHER ELECTIVE OFFICES** If the Attorney General, Secretary of State, Comptroller or Treasurer fails to qualify or if his office becomes vacant, the Governor shall fill the office by appointment. The appointee shall hold office until the elected officer qualifies or until a successor is elected and qualified as may be provided by law and shall not be subject to removal by the Governor. If the Lieutenant Governor fails to qualify or if his office becomes vacant, it shall remain vacant until the end of the term.

## **Indiana**

### *Article 5, Sections 10-11*

Section 10. (a) In case the Governor-elect fails to assume office, or in case of the death or resignation of the Governor or his removal from office, the Lieutenant Governor shall become Governor and hold office for the unexpired term of the person whom he succeeds. In case the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall discharge the powers and duties of the office as Acting Governor.

(b) Whenever there is a vacancy in the office of Lieutenant Governor, the Governor shall nominate a Lieutenant Governor who shall take office upon confirmation by a majority vote in each house of the general assembly and hold office for the unexpired term of the person whom he succeeds. If the general assembly is not in session, the Governor shall call it into special session to receive and act upon the Governor's nomination. In the event of the inability of the Lieutenant Governor to discharge the powers and duties of his office, the General Assembly may provide by law for the manner in which a person shall be selected to act in his place and declare which powers and duties of the office such person shall discharge.

(c) Whenever the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as Acting Governor. Thereafter, when the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office.

(d) Whenever the President pro tempore of the Senate and the Speaker of the House of Representatives file with the Supreme Court a written statement suggesting that the Governor is unable to discharge the powers and duties of his office, the Supreme Court shall meet within forty-eight hours to decide the question and such decision shall be final. Thereafter, whenever the Governor files with the Supreme Court his written declaration that no inability exists, the Supreme Court shall meet within forty-eight hours to decide whether such be the case and such decision shall be final. Upon a decision that no inability exists, the Governor shall resume the powers and duties of his office.

(e) Whenever there is a vacancy in both the office of Governor and Lieutenant Governor, the general assembly shall convene in joint session forty-eight hours after such occurrence and elect a Governor from and of the same political party as the immediately past Governor by a majority vote of each house.

(f) An individual holding one (1) of the following offices shall discharge the powers and duties of the governor if the office of governor and the office of lieutenant governor are both vacant, in the order listed:

- (1) The speaker of the house of representatives.
- (2) The president pro tempore of the senate, if the office described in subdivision (1) is vacant.
- (3) The treasurer of state, if the offices described in subdivisions (1) and (2) are vacant.
- (4) The auditor of state, if the offices described in subdivisions (1) through (3) are vacant.
- (5) The secretary of state, if the offices described in subdivisions (1) through (4) are vacant.
- (6) The state superintendent of public instruction, if the offices described in subdivisions (1) through (5) are vacant.

(g) An individual's authority to discharge the governor's powers and duties under subsection (f) ends when the general assembly fills the office of governor under this section.

Section 11. Whenever the Lieutenant Governor shall act as Governor, or shall be unable to attend as President of the Senate, the Senate shall elect one of its own members as President for the occasion.

## **Iowa**

### *Article 4, Sections 17-19*

SEC. 17. In case of the death, impeachment, resignation, removal from office, or other disability of the governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the lieutenant governor.

SEC. 18. The lieutenant governor shall have the duties provided by law and those duties of the governor assigned to the lieutenant governor by the governor.

SEC. 19. If there be a vacancy in the office of the governor and the lieutenant governor shall by reason of death, impeachment, resignation, removal from office, or other disability become incapable of performing the duties pertaining to the office of governor, the president of the senate shall act as governor until the vacancy is filled or the disability removed; and if the president of the senate, for any of the above causes, shall be incapable of performing the duties pertaining to the office of governor the same shall devolve upon the speaker of the house of representatives; and if the speaker of the house of representatives, for any of the above causes, shall be incapable of performing the duties of the office of governor, the justices of the supreme court shall convene the general assembly by proclamation and the general assembly shall organize by the election of a president by the senate and a speaker by the house of representatives. The general assembly shall thereupon immediately proceed to the election of a governor and lieutenant governor in joint convention.

## **Kansas**

### *Article 1, Section 11*

When the office of governor is vacant, the lieutenant governor shall become governor. In the event of the disability of the governor, the lieutenant governor shall assume the powers and duties of governor until the disability is removed. The legislature shall provide by law for the succession to the office of governor should the offices of governor and lieutenant governor be vacant, and for the assumption of the powers and duties of governor during the disability of the governor, should the office of lieutenant governor be vacant or the lieutenant governor be disabled. When the office of secretary of state or attorney general is vacant, the governor shall fill the vacancy by appointment for the remainder of the term. If the secretary of state or attorney general is disabled, the governor shall name a person to assume the powers and duties of the office until the disability is removed. The procedure for determining disability and the removal thereof shall be provided by law.

## **Kentucky**

### *Sections 84, 85, 86, 87*

#### *Section 84*

Should the Governor be impeached and removed from office, die, refuse to qualify, resign, certify by entry on his Journal that he is unable to discharge the duties of his office, or be, from any cause, unable to discharge the duties of his office, the Lieutenant Governor shall exercise all the power and authority appertaining to the office of Governor until another be duly elected and qualified, or the Governor shall be able to discharge the duties of his office. On the trial of the Governor, the President of the Senate shall not preside over the proceedings, but the Chief Justice of the Supreme Court shall preside during the trial.

If the Governor, due to physical or mental incapacitation, is unable to discharge the duties of his office, the Attorney General may petition the Supreme Court to have the Governor declared disabled. If the Supreme Court determines in a unanimous decision that the Governor is unable to discharge the duties of his office, the Chief Justice shall certify such disability to the Secretary of State who shall enter same on the Journal of the Acts of the Governor, and the Lieutenant Governor shall assume the duties of the Governor, and shall act as Governor until the Supreme Court determines that the disability of the Governor has ceased to exist. Before the Governor resumes his duties, the finding of the Court that the disability has ceased shall be certified by the Chief Justice to the Secretary of State who shall enter such finding on the Journal of the Acts of the Governor.

#### *Section 85*

A President of the Senate shall be elected by each Senate as soon after its organization as possible and as often as there is a vacancy in the office of President, another President of the Senate shall be elected by the Senate, if in session. And if, during the vacancy of the office of Governor, the Lieutenant Governor shall be impeached and

removed from office, refuse to qualify, resign, or die, the President of the Senate shall in like manner administer the government.

*Section 86*

The President of the Senate shall receive for his services the same compensation which shall, for the same period, be allowed to the Speaker of the House of Representatives, and during the time he administers the government as Governor, he shall receive the same compensation which the Governor would have received had he been employed in the duties of his office.

*Section 87*

If the Lieutenant Governor shall be called upon to administer the government in place of the Governor, and shall, while in such administration, resign, or die during the recess of the General Assembly, if there be no President of the Senate, it shall be the duty of the Attorney General, for the time being, to convene the Senate for the purpose of choosing a President; and until a President is chosen, the Attorney General shall administer the government. If there be no Attorney General to perform the duties devolved upon him by this section, then the Auditor, for the time being, shall convene the Senate for the purpose of choosing a President, and shall administer the government until a President is chosen.

**Louisiana**

*Article 4, Sections 14-15; 17-19*

Section 14. When a vacancy occurs in the office of governor, the order of succession shall be (1) the elected lieutenant governor, (2) the elected secretary of state, (3) the elected attorney general, (4) the elected treasurer, (5) the presiding officer of the Senate, (6) the presiding officer of the House of Representatives, and then (7) as provided by law. The successor shall serve the remainder of the term for which the governor was elected.

Section 15. Should a vacancy occur in the office of lieutenant governor, the governor shall nominate a lieutenant governor, who shall take office upon confirmation by a majority vote of the elected members of each house of the legislature.

Section 17. When a statewide elected official transmits to the presiding officers of the Senate and House of Representatives a written declaration of his inability to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, the person who would succeed to the office when a vacancy occurs shall assume the powers and duties of the office as acting official.

Section 18. (A) Declaration and Counter-Declaration. When a majority of the statewide elected officials determine that any other such official is unable to discharge the powers and duties of his office, they shall transmit a written declaration to this effect to the presiding officer of each house and to the official, and shall file a copy of the declaration in the office of the secretary of state. Thereafter, the constitutional successor shall assume the office as acting official unless, within forty-eight hours after the declaration is filed in the office of the secretary of state, the elected official files in that office and transmits to the presiding officer of each house his written counter-declaration of his ability to exercise the powers and perform the duties of his office.

(B) Determination by the Legislature. The legislature shall convene at noon on the third calendar day after the filing of any counter-declaration, which may be filed by the official at any time. Should two-thirds of the elected members of each house fail to adopt a resolution within seventy-two hours declaring probable justification for the determination that inability exists, the official shall continue in or resume office.

(C) Assumption of Office by Constitutional Successor. If two-thirds of the elected members of each house adopt a resolution declaring that probable justification exists for the declaration of inability, the constitutional successor shall assume the powers and duties of the office and a copy of the resolution shall be transmitted forthwith to the supreme court.

(D) Determination by Supreme Court. By preference and with priority over all other matters, the supreme court shall determine the issue of inability after due notice and hearing, by a majority vote of members elected to the court, under such rules as it may adopt.

(E) Reconsideration by Supreme Court. A judgment of the supreme court affirming inability may be reconsidered by the court, after due notice and hearing, either upon its own motion or upon the application of the official. Upon proper showing and by majority vote of its elected members, the court may determine that no inability then exists, whereupon the official shall immediately resume the powers and duties of his office.

Section 19. When the governor is temporarily absent from the state, the lieutenant governor shall act as governor. When any other statewide elected official is temporarily absent from the state, the appointed first assistant shall act in his absence.

## **Maine**

### *Article 5, Part 1, Sections 14-15*

Section 14. Whenever the office of Governor shall become vacant because of the death, resignation or removal of a Governor in office, or any other cause, the President of the Senate shall assume the office of Governor until another Governor shall be duly qualified. When the vacancy occurs more than 90 days preceding the date of the primary election for nominating candidates to be voted for at the biennial election next succeeding, the President of the Senate shall assume the office of Governor until the first Wednesday after the first Tuesday of January following the biennial election. At the biennial election, a Governor shall be elected to fill the unexpired term created by the vacancy. When the vacancy occurs less than 90 days preceding the date of a primary election the President of the Senate shall fill the unexpired term.

Whenever the offices of Governor and President of the Senate are vacant at the same time, the Speaker of the House of Representatives shall assume the office of Governor for the same term and under the same conditions as the President of the Senate.

Whenever the offices of Governor, President of the Senate and Speaker of the House of Representatives are vacant at the same time, the person acting as Secretary of State for the time being shall exercise the office of Governor and shall forthwith by proclamation convene the Senate and the House of Representatives which shall fill respectively the vacancies in the offices of the President of the Senate and the Speaker of the House, and by joint ballot of the Senators and Representatives in convention choose a person who shall assume the office of Governor for the same term and under the same conditions as the President of the Senate.

Mental or physical disability of the Governor continuously for more than 6 months. Whenever for 6 months a Governor in office shall have been continuously unable to discharge the powers and duties of that office because of mental or physical disability such office shall be deemed vacant. Such vacancy shall be declared by the Supreme Judicial Court upon presentment to it of a joint resolution declaring the ground of the vacancy, adopted by a vote of 2/3 of the Senators and Representatives in convention, and upon notice, hearing before the court and a decision by a majority of the court that ground exists for declaring the office to be vacant.

Section 15. Whenever the Governor is unable to discharge the powers and duties of that office because of mental or physical disability, the President of the Senate, or if that office is vacant, the Speaker of the House of Representatives, shall exercise the powers and duties of the office of Governor until the Governor is again able to discharge the powers and duties of that office, or until the office of Governor is declared to be vacant or until another Governor shall be duly qualified.

Whenever the Governor is unable to discharge the powers and duties of that office, the Governor may so certify to the Chief Justice of the Supreme Judicial Court, in which case and upon notice from the Chief Justice, the President of the Senate, or if that office is vacant, the Speaker of the House of Representatives, shall exercise the powers and duties of the office of Governor until such time as the Governor shall certify to the Chief Justice that the Governor is able to discharge such powers and duties and the Chief Justice shall so notify the officer who is exercising the powers and duties of the office of Governor.

When the Secretary of State shall have reason to believe that the Governor is unable to discharge the duties of that office, the Secretary of State may so certify to the Supreme Judicial Court, declaring the reason for such belief. After notice to the Governor, a hearing before the court and a decision by a majority of the court that the Governor is unable to discharge the duties of the office of Governor, the court shall notify the President of the Senate, or if that office is vacant the Speaker of the House of Representatives, of such inability and that officer shall exercise the functions, powers and duties of the office of Governor until such time as the Secretary of State or the Governor shall certify to the court that the Governor is able to discharge the duties of the office of Governor and the court, after

notice to the Governor and a hearing before the court, decides that the Governor is able to discharge the duties of that office and so notifies the officer who is exercising the powers and duties of the office of Governor.

Whenever either the President of the Senate or Speaker of the House of Representatives shall exercise the office of Governor, the officer shall receive only the compensation of Governor, but the officer's duties as President or Speaker shall be suspended; and the Senate or House shall fill the vacancy resulting from such suspension, until the officer shall cease to exercise the office of Governor.

## **Maryland**

### *Article 2, Section 6*

(a) If the Governor-elect is disqualified, resigns, or dies, the Lieutenant Governor-elect shall become Governor for the full term. If the Governor-elect fails to assume office for any other reason, the newly elected Lieutenant Governor shall become Lieutenant Governor and shall serve as acting Governor until the Governor-elect assumes office or until the office becomes vacant.

(b) The Lieutenant Governor shall serve as acting Governor when notified in writing by the Governor that the Governor will be temporarily unable to perform the duties of his office. The Lieutenant Governor also shall serve as acting Governor when the Governor is disabled but is unable to communicate to the Lieutenant Governor the fact of his inability to perform the duties of his office. In either event the Lieutenant Governor shall serve as acting Governor until notified in writing by the Governor that he is able to resume the duties of his office or until the office becomes vacant.

(c) The General Assembly, by the affirmative vote of three-fifths of all its members in joint session, may adopt a resolution declaring that the Governor or Lieutenant Governor is unable by reason of physical or mental disability to perform the duties of his office. When action is undertaken pursuant to this subsection of the Constitution, the officer who concludes that the other officer is unable, by reason of disability to perform the duties of his office shall have the power to call the General Assembly into Joint Session. The resolution, if adopted, shall be delivered to the Court of Appeals, which then shall have exclusive jurisdiction to determine whether that officer is unable by reason of the disability to perform the duties of his office. If the Court of Appeals determines that such officer is unable to discharge the duties of his office by reason of a permanent disability, the office shall be vacant. If the Court of Appeals determines that such officer is unable to discharge the duties of his office by reason of a temporary disability, it shall declare the office to be vacant during the time of the disability and the Court shall have continuing jurisdiction to determine when the disability has terminated. If the General Assembly and the Court of Appeals, acting in the same manner as described above, determine that the Governor-elect or Lieutenant Governor-elect is unable by reason of physical or mental disability to perform the duties of the office to which he has been elected, he shall be disqualified to assume office.

(d) When a vacancy occurs in the office of Governor, the Lieutenant Governor shall succeed to that office for the remainder of the term. When a vacancy occurs in the office of Lieutenant Governor, the Governor shall nominate a person who shall succeed to that office upon confirmation by the affirmative vote of a majority of all members of the General Assembly in joint session.

(e) If vacancies in the offices of Governor and Lieutenant Governor exist at the same time, the General Assembly shall convene forthwith, and the office of Governor shall be filled for the remainder of the term by the affirmative vote of a majority of all members of the General Assembly in joint session. The person so chosen as Governor by the General Assembly shall then nominate a person to succeed to the office of Lieutenant Governor, upon confirmation by the affirmative vote of a majority of all members of the General Assembly in the same joint session. The President of the Senate shall serve as acting Governor until the newly elected Governor has qualified. If a vacancy exists in the office of Lieutenant Governor, at a time when the Lieutenant Governor is authorized to serve as acting Governor, the President of the Senate shall serve as acting Governor. If there is a vacancy in the office of the President of the Senate at a time when he is authorized to serve as acting Governor, the Senate shall forthwith convene and fill the vacancy.

(f) When the Lieutenant Governor or a person elected by the General Assembly succeeds to the office of Governor, he shall have the title, powers, duties, and emoluments of that office; but when the Lieutenant Governor or the president of the Senate serves as acting Governor, he shall have only the powers and duties of that office. When the President of the Senate serves as acting Governor, he shall continue to be President of the Senate, but his duties as president shall be performed by such other person as the Senate shall select.

(g) The Court of Appeals shall have original and exclusive jurisdiction to adjudicate disputes or questions arising from the failure of the Governor-elect to take office, or the service of the Lieutenant Governor or President of the Senate as acting Governor, or the creation of a vacancy in the office of Governor or Lieutenant Governor by reason

of disability, or the succession to the office of Governor or Lieutenant Governor, or the exercise of the powers and duties of a successor to the office of Governor .

### **Massachusetts**

*Part 2, Chapter 2, Section 2, Article 3.*

Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the commonwealth, or otherwise, the lieutenant governor, for the time being, shall, during such vacancy, perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which by this constitution the governor is vested with, when personally present. [See Amendments, Arts LV.]

*Amendments, Article LV.*

Article VI of Section III of Chapter II is hereby annulled and the following is adopted in place thereof:

Whenever the offices of governor and lieutenant-governor shall both be vacant, by reason of death, absence from the commonwealth, or otherwise, then one of the following officers, in the order of succession herein named, namely, the secretary, attorney-general, treasurer and receiver-general, and auditor, shall, during such vacancy, have full power and authority to do and execute all and every such acts, matters and things as the governor or the lieutenant-governor might or could lawfully do or execute, if they, or either of them, were personally present.

### **Michigan**

*Article 5, Sections 26-27*

Section 26. In case of the conviction of the governor on impeachment, his removal from office, his resignation or his death, the lieutenant governor, the elected secretary of state, the elected attorney general and such other persons designated by law shall in that order be governor for the remainder of the governor's term.

In case of the death of the governor-elect, the lieutenant governor-elect, the secretary of state-elect, the attorney general-elect and such other persons designated by law shall become governor in that order at the commencement of the governor-elect's term.

If the governor or the person in line of succession to serve as governor is absent from the state, or suffering under an inability, the powers and duties of the office of the governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases.

The inability of the governor or person acting as governor shall be determined by a majority of the supreme court on joint request of the president pro tempore of the senate and the speaker of the house of representatives. Such determination shall be final and conclusive. The supreme court shall upon its own initiative determine if and when the inability ceases.

Section 27. The legislature shall provide that the salary of any state officer while acting as governor shall be equal to that of the governor.

### **Minnesota**

*Article 5, Section 5*

In case a vacancy occurs from any cause whatever in the office of governor, the lieutenant governor shall be governor during such vacancy. The compensation of the lieutenant governor shall be prescribed by law. The last elected presiding officer of the senate shall become lieutenant governor in case a vacancy occurs in that office. In case the governor is unable to discharge the powers and duties of his office, the same devolves on the lieutenant governor. The legislature may provide by law for the case of the removal, death, resignation, or inability both of the governor and lieutenant governor to discharge the duties of governor and may provide by law for continuity of government in periods of emergency resulting from disasters caused by enemy attack in this state, including but not limited to, succession to the powers and duties of public office and change of the seat of government.

### **Mississippi**

*Article 5, Section 131*

When the office of Governor shall become vacant, by death or otherwise, the Lieutenant Governor shall possess the powers and discharge the duties of the office. When the Governor shall be absent from the state, or unable, from protracted illness, to perform the duties of the office, the Lieutenant Governor shall discharge the duties of said

office until the Governor be able to resume his duties; but if, from disability or otherwise, the Lieutenant Governor shall be incapable of performing said duties, or if he be absent from the state, the President of the Senate Pro Tempore shall act in his stead; but if there be no such president, or if he be disqualified by like disability, or be absent from the state, then the Speaker of the House of Representatives shall assume the office of Governor and perform the duties; and in case of the inability of the foregoing officers to discharge the duties of Governor, the Secretary of State shall convene the Senate to elect a President Pro Tempore. The officer discharging the duties of Governor shall receive as compensation while performing such duties, the compensation to which he is regularly entitled by law for service in the position to which he was elected and, in addition thereto, an amount equal to the difference between such regular compensation and the compensation of the Governor. Should a doubt arise as to whether a vacancy has occurred in the office of Governor or as to whether any one of the disabilities mentioned in this section exists or shall have ended, then the Secretary of State shall submit the question in doubt to the judges of the Supreme Court, who, or a majority of whom, shall investigate and determine the question and shall furnish to the Secretary of State an opinion, in writing, determining the question submitted to them, which opinion, when rendered as aforesaid, shall be final and conclusive.

## **Missouri**

### *Article 4, Sections 11(a)-11(c)*

Section 11(a). If the governor-elect dies before taking office, the lieutenant governor-elect shall take the term of the governor-elect. On the death, conviction or impeachment, or resignation of the governor, the lieutenant governor shall become governor for the remainder of the term. If there be no lieutenant governor the president pro tempore of the senate, the speaker of the house, the secretary of state, the state auditor, the state treasurer or the attorney general in succession shall become governor. On the failure to qualify, absence from the state or other disability of the governor, the powers, duties and emoluments of the governor shall devolve upon the lieutenant governor for the remainder of the term or until the disability is removed. If there be no lieutenant governor, or for any of said causes the lieutenant governor is incapable of acting, the president pro tempore of the senate, the speaker of the house, the secretary of state, the state auditor, the state treasurer, and the attorney general in succession shall act as governor until the disability is removed.

Section 11(b). Whenever the governor transmits to the president pro tempore of the senate and the speaker of the house of representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the lieutenant governor, or if there be no lieutenant governor, by the president pro tempore of the senate, the speaker of the house, secretary of state, the state auditor, the state treasurer, or the attorney general in succession, as acting governor. Whenever a majority of a disability board comprised of the lieutenant governor, the secretary of state, the state auditor, the state treasurer, the attorney general, president pro tempore of the senate, the speaker of the house of representatives, the majority floor leader of the senate, and majority floor leader of the house, transmits to the president pro tempore of the senate and the speaker of the house of representatives their written declaration that the governor is unable to discharge the powers and duties of his office, the lieutenant governor, or if there be no lieutenant governor, the president pro tempore of the senate, the speaker of the house, the secretary of state, the state auditor, the state treasurer or the attorney general in succession, shall immediately assume the powers and duties of the office as acting governor. Thereafter when the governor transmits to the disability board his written declaration that no inability exists, he shall resume the powers and duties of his office on the fourth day after he transmits such declaration unless a majority of the disability board transmits their written declaration that the governor is unable to discharge the powers and duties of his office to the supreme court within that four day period, and the supreme court shall then convene to decide the issue. If the supreme court within twenty-one days after receipt of such declaration, determines by a majority vote of all members thereof that the governor is unable to discharge the powers and duties of his office, the acting governor shall continue to discharge the same as acting governor; otherwise, the governor shall resume the powers and duties of his office.

Section 11(c). If any state officer other than the lieutenant governor is acting as governor, his regular elective office shall not be deemed vacant and all duties of that office shall be performed by his chief administrative assistant.

## **Montana**

### *Article 6, Sections 6 & 14*

Section 6. (1) If the office of lieutenant governor becomes vacant by his succession to the office of governor, or by his death, resignation, or disability as determined by law, the governor shall appoint a qualified person to serve in that office for the remainder of the term. If both the elected governor and the elected lieutenant governor become unable to serve in the office of governor, succession to the respective offices shall be as provided by law for the period until the next general election. Then, a governor and lieutenant governor shall be elected to fill the remainder of the original term.

(2) If the office of secretary of state, attorney general, auditor, or superintendent of public instruction becomes vacant by death, resignation, or disability as determined by law, the governor shall appoint a qualified person to serve in that office until the next general election and until a successor is elected and qualified. The person elected to fill a vacancy shall hold the office until the expiration of the term for which his predecessor was elected.

Section 14. (1) If the governor-elect is disqualified or dies, the lieutenant governor-elect upon qualifying for the office shall become governor for the full term. If the governor-elect fails to assume office for any other reason, the lieutenant governor-elect upon qualifying as such shall serve as acting governor until the governor-elect is able to assume office, or until the office becomes vacant.

(2) The lieutenant governor shall serve as acting governor when so requested in writing by the governor. After the governor has been absent from the state for more than 45 consecutive days, the lieutenant governor shall serve as acting governor.

(3) He shall serve as acting governor when the governor is so disabled as to be unable to communicate to the lieutenant governor the fact of his inability to perform the duties of his office. The lieutenant governor shall continue to serve as acting governor until the governor is able to resume the duties of his office.

(4) Whenever, at any other time, the lieutenant governor and attorney general transmit to the legislature their written declaration that the governor is unable to discharge the powers and duties of his office, the legislature shall convene to determine whether he is able to do so.

(5) If the legislature, within 21 days after convening, determines by two-thirds vote of its members that the governor is unable to discharge the powers and duties of his office, the lieutenant governor shall serve as acting governor. Thereafter, when the governor transmits to the legislature his written declaration that no inability exists, he shall resume the powers and duties of his office within 15 days, unless the legislature determines otherwise by two-thirds vote of its members. If the legislature so determines, the lieutenant governor shall continue to serve as acting governor.

(6) If the office of governor becomes vacant by reason of death, resignation, or disqualification, the lieutenant governor shall become governor for the remainder of the term, except as provided in this constitution.

(7) Additional succession to fill vacancies shall be provided by law.

(8) When there is a vacancy in the office of governor, the successor shall be the governor. The acting governor shall have the powers and duties of the office of governor only for the period during which he serves.

## **Nebraska**

### *Article 4, Section 16*

In case of the conviction of the Governor on impeachment, his removal from office, his resignation or his death, the Lieutenant Governor, the Speaker of the Legislature and such other persons designated by law shall in that order be Governor for the remainder of the Governor's term. In case of the death of the Governor-elect, the Lieutenant Governor-elect, the Speaker of the Legislature and such other persons designated by law shall become Governor in that order at the commencement of the Governor-elect's term. If the Governor or the person in line of succession to serve as Governor is absent from the state, or suffering under an inability, the powers and duties of the office of Governor shall devolve in order of precedence until the absence or inability giving rise to the devolution of powers ceases as provided bylaw. After January 1, 1975, the Lieutenant Governor shall serve on all boards and commissions in lieu of the Governor whenever so designated by the Governor, shall perform such duties as may be delegated him by the Governor, and shall devote his full time to the duties of his office.

## **Nevada**

### *Article 5, Sections 17-18*

Sec. 17. Election, term, qualifications and duties of Lieutenant Governor; President of Senate; President Pro-tempore of Senate to act as Governor in certain circumstances. A Lieutenant Governor shall be elected at the same time and places and in the same manner as the Governor and his term of Office, and his eligibility, shall also be the same. He shall be President of the Senate, but shall only have a casting vote therein. If during a Vacancy of the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of the office, or be absent from the State, the President *pro-tempore* of the Senate shall act as Governor until the vacancy be filled or the disability cease.

Sec. 18. Vacancy in office of governor; duties to devolve upon lieutenant governor. In case of the impeachment of the Governor, or his removal from Office, death, inability to discharge the duties of the said Office, resignation or absence from the State, the powers and duties of the Office shall devolve upon the Lieutenant Governor for the residue of the term, or until the disability shall cease. But when the Governor shall with the consent of the Legislature be out of the State, in time of War, and at the head of any military force thereof, he shall continue Commander in Chief of the military forces of the State.

## **New Hampshire**

### *Part 2, Articles 49-49a*

Art. 49. [President of Senate, etc., To Act as Governor When Office Vacant; Speaker of House to Act When Office of President of Senate Is also Vacant.] In the event of the death, resignation, removal from office, failure to qualify, physical or mental incapacity, absence from the state, or other incapacity of the governor, the president of the senate, for the time being, shall act as governor until the vacancy is filled or the incapacity is removed; and if the president of the senate, for any of the above-named causes, shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the house of representatives, for the time being, or in the case of the like incapacity of the speaker, upon the secretary of state, or in case of his like incapacity, upon the state treasurer, each of whom, in that order, shall act as governor, as hereinabove provided, until the vacancy is filled or the incapacity removed. Whenever a vacancy for the duration or remainder of the governor's term of office occurs before the commencement of the last year of such term, a special election for governor shall take place to fill the vacancy, as provided by law. Whenever the speaker of the house acts as governor, he shall act as such only until such time as the vacancy is filled or the incapacity removed in either the office of governor or of president of the senate, whichever occurs first. Whenever either the secretary of state or the treasurer acts as governor, he shall act as such only until such time as the vacancy is filled or the incapacity removed in the offices of governor, of president of the senate or of speaker of the house, whichever occurs first. While acting as governor under this article, the president of the senate, speaker of the house, secretary of state or state treasurer, as the case may be, shall be styled Acting Governor, shall not be required to take an additional oath of office, shall have and exercise all the powers, duties and authorities of, and receive compensation equal to that of the office of governor; and the capacity of each such officer to serve as president of the senate as well as senator, speaker of the house of representatives as well as representative, secretary of state, or state treasurer, as the case may be, or to receive the compensation of such office, shall be suspended only. While the governor or an acting governor is absent from the state on official business, he shall have the power and authority to transact such business.

Art. 49-a. [Prolonged Failure to Qualify; Vacancy in Office of Governor Due to Physical or Mental Incapacity, etc.] Whenever the governor transmits to the secretary of state and president of the senate his written declaration that he is unable to discharge the powers and duties of his office by reason of physical or mental incapacity and until he transmits to them a written declaration to the contrary, the president of the senate, for the time being, shall act as governor as provided in article 49, subject to the succession provisions therein set forth. Whenever it reasonably appears to the attorney general and a majority of the council that the governor is unable to discharge the powers and duties of his office by reason of physical or mental incapacity, but the governor is unwilling or unable to transmit his written declaration to such effect as above provided, the attorney general shall file a petition for declaratory judgment in the supreme court requesting a judicial determination of the ability of the governor to discharge the powers and duties of his office. After notice and hearing, the justices of the supreme court shall render such judgment as they find warranted by a preponderance of the evidence; and, if the court holds that the governor is unable to discharge the powers and duties of his office, the president of the senate, for the time being, shall act as

governor as provided in article 49, subject to the succession provisions therein set forth, until such time as the disability of the governor is removed or a newly elected governor is inaugurated. Such disability, once determined by the supreme court, may be removed upon petition for declaratory judgment to the supreme court by the governor if the court finds, after notice and hearing, by a preponderance of the evidence that the governor is able to discharge the powers and duties of his office. Whenever such disability of the governor, as determined by his written declaration or by judgment of the supreme court, has continued for a period of 6 months, the general court may, by concurrent resolution adopted by both houses, declare the office of governor vacant. Whenever the governor-elect fails to qualify by reason of physical or mental incapacity or any cause other than death or resignation, for a period of 6 months following the inauguration date established by this constitution, the general court may, by concurrent resolution adopted by both houses, declare the office of governor vacant. The provisions of article 49 shall govern the filling of such vacancy, either by special election or continued service of an acting governor. If the general court is not in session when any such 6-month period expires, the acting governor, upon written request of at least 1/4 of the members of each house, shall convene the general court in special session for the sole purpose of considering and acting on the question whether to declare a vacancy in the office of governor under this article.

### **New Jersey**

#### *Article 5, Section 1, Paragraphs 6-9*

6. In the event of a vacancy in the office of Governor resulting from the death, resignation or removal of a Governor in office, or the death of a Governor-elect, or from any other cause, the Lieutenant Governor shall become Governor, until a new Governor is elected and qualifies.

In the event of simultaneous vacancies in both the offices of Governor and Lieutenant Governor resulting from any cause, the President of the Senate shall become Governor until a new Governor or Lieutenant Governor is elected and qualifies. In the event that there is a vacancy in the office of Senate President, or the Senate President declines to become Governor, then the Speaker of the General Assembly shall become Governor until a new Governor or Lieutenant Governor is elected and qualifies. In the event that there is a vacancy in the office of Speaker of the General Assembly, or if the Speaker declines to become Governor, then the functions, powers, duties and emoluments of the office shall devolve for the time being upon such officers and in the order of succession as may be provided by law, until a new Governor or Lieutenant Governor is elected and qualifies.

7. In the event of the failure of the Governor-elect to qualify, or of the absence from the State of a Governor in office, or the Governor's inability to discharge the duties of the office, or the Governor's impeachment, the functions, powers, duties and emoluments of the office shall devolve upon the Lieutenant Governor, until the Governor-elect qualifies, or the Governor in office returns to the State, or is no longer unable to discharge the duties of the office, or is acquitted, as the case may be, or until a new Governor is elected and qualifies. In the event that the Lieutenant Governor in office is absent from the State, or is unable to discharge the duties of the office, or is impeached, or if the Lieutenant Governor-elect fails to qualify, or if there is a vacancy in the office of Lieutenant Governor, the functions, powers, duties, and emoluments of the office of Governor shall devolve upon the President of the Senate. In the event there is a vacancy in the office of the President of the Senate, or of the Senate President's absence from the State, inability to discharge the duties of the office, or impeachment, then such functions, powers, duties, and emoluments shall devolve upon the Speaker of the General Assembly. In the event there is a vacancy in the office of Speaker of the General Assembly, or of the Speaker's absence from the State, inability to discharge the duties of the office, or impeachment, then such functions, powers, duties, and emoluments shall devolve upon such officers and in the order of succession as may be provided by law. The functions, powers, duties, and emoluments of the office of Governor shall devolve upon the President of the Senate, the Speaker of the General Assembly or another officer, as the case may be, until the Governor-elect or Lieutenant Governor-elect qualifies, or the Governor or Lieutenant Governor in office returns to the State, or is no longer unable to discharge the duties of the office, or is acquitted, or until a new Lieutenant Governor is appointed, as the case may be, or a new Governor or Lieutenant Governor is elected and qualifies.

8. Whenever a Governor-elect or Lieutenant Governor-elect shall have failed to qualify within six months after the beginning of the term of office, or whenever for a period of six months a Governor or Lieutenant Governor in office, or person administering the office, shall have remained continuously absent from the State, or shall have been continuously unable to discharge the duties of the office by reason of mental or physical disability, the office shall be deemed vacant. Such vacancy shall be determined by the Supreme Court upon presentment to it of a concurrent

resolution declaring the ground of the vacancy, adopted by a vote of two-thirds of all the members of each house of the Legislature, and upon notice, hearing before the Court and proof of the existence of the vacancy.

9. In the event of a vacancy in the office of Lieutenant Governor resulting from the death, resignation or removal of a Lieutenant Governor in office or the death of a Lieutenant Governor-elect or from any other cause, the Governor shall appoint a Lieutenant Governor within forty-five days of the occurrence of the vacancy to fill the unexpired term.

If a Lieutenant Governor becomes Governor, or in the event of simultaneous vacancies in the offices of Governor and Lieutenant Governor, a Governor and a Lieutenant Governor shall be elected to fill the unexpired terms of both offices at the next general election, unless the assumption of the office of Governor by the Lieutenant Governor, or the vacancies, as the case may be, occur within sixty days immediately preceding a general election, in which case they shall be elected at the second succeeding general election. No election to fill the unexpired terms shall be held in any year in which a Governor and Lieutenant Governor are to be elected for full terms. A Governor and Lieutenant Governor elected for unexpired terms shall assume their offices immediately upon their election.

### **New Mexico**

#### *Article 5, Section 7*

If at the time fixed for the beginning of the term of the governor, the governor-elect shall have died, the lieutenant governor-elect shall become governor. If a governor shall not have been chosen before the time fixed for the beginning of his term, or if the governor-elect shall have failed to qualify, then the lieutenant governor-elect shall act as governor until a governor shall have qualified; and the legislature may by law provide for the case wherein neither a governor-elect nor a lieutenant governor-elect shall have qualified, declaring who shall then act as governor, or the manner in which one who is to act shall be selected, and such person shall act accordingly until a governor or lieutenant governor shall have qualified.

If after the governor-elect has qualified a vacancy occurs in the office of governor, the lieutenant governor shall succeed to that office, and to all the powers, duties and emoluments thereof, provided he has by that time qualified for the office of lieutenant governor. In case the governor is absent from the state, or is for any reason unable to perform his duties, the lieutenant governor shall act as governor, with all the powers, duties and emoluments of that office until such disability be removed. In case there is no lieutenant governor, or in case he is for any reason unable to perform the duties of governor, then the secretary of state shall perform the duties of governor, and, in case there is no secretary of state, then the president pro tempore of the senate, or in case there is no president pro tempore of the senate, or he is for any reason unable to perform the duties of governor, then the speaker of the house shall succeed to the office of governor, or act as governor as hereinbefore provided. (As amended November 2, 1948.)

### **New York**

#### *Article 4, Sections 5-6*

Sec. 5. In case of the removal of the governor from office or of his death or resignation, the lieutenant-governor shall become governor for the remainder of the term. In case the governor-elect shall decline to serve or shall die, the lieutenant-governor-elect shall become governor for the full term. In case the governor is impeached, is absent from the state or is otherwise unable to discharge the powers and duties of his office, the lieutenant-governor shall act as governor until the inability shall cease or until the term of the governor shall expire. In case of the failure of the governor-elect to take the oath of office at the commencement of his term, the lieutenant-governor-elect shall act as governor until the governor shall take the oath.

Sec. 6. The lieutenant-governor shall possess the same qualifications of eligibility for office as the governor. He shall be the president of the senate but shall have only a casting vote therein. The lieutenant-governor shall receive for his services an annual salary to be fixed by joint resolution of the senate and assembly. In case of vacancy in the offices of both governor and lieutenant-governor, a governor and lieutenant-governor shall be elected for the remainder of the term at the next general election happening not less than three months after both offices shall have become vacant. No election of a lieutenant-governor shall be had in any event except at the time of electing a governor. In case of vacancy in the offices of both governor and lieutenant-governor or if both of them shall be impeached, absent from the state or otherwise unable to discharge the powers and duties of the office of governor, the temporary president of the senate shall act as governor until the inability shall cease or until a governor shall be elected. In case of vacancy in the office of lieutenant-governor alone, or if the lieutenant-governor shall be

impeached, absent from the state or otherwise unable to discharge the duties of his office, the temporary president of the senate shall perform all the duties of lieutenant-governor during such vacancy or inability. If, when the duty of acting as governor devolves upon the temporary president of the senate, there be a vacancy in such office or the temporary president of the senate shall be absent from the state or otherwise unable to discharge the duties of governor, the speaker of the assembly shall act as governor during such vacancy or inability. The legislature may provide for the devolution of the duty of acting as governor in any case not provided for in this article.

### **North Carolina**

#### *Article 3, Section 3*

(1) Succession as Governor. The Lieutenant Governor-elect shall become Governor upon the failure of the Governor-elect to qualify. The Lieutenant Governor shall become Governor upon the death, resignation, or removal from office of the Governor. The further order of succession to the office of Governor shall be prescribed by law. A successor shall serve for the remainder of the term of the Governor whom he succeeds and until a new Governor is elected and qualified.

(2) Succession as Acting Governor. During the absence of the Governor from the State, or during the physical or mental incapacity of the Governor to perform the duties of his office, the Lieutenant Governor shall be Acting Governor. The further order of succession as Acting Governor shall be prescribed by law.

(3) Physical incapacity. The Governor may, by a written statement filed with the Attorney General, declare that he is physically incapable of performing the duties of his office, and may thereafter in the same manner declare that he is physically capable of performing the duties of his office.

(4) Mental incapacity. The mental incapacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of two-thirds of all the members of each house of the General Assembly. Thereafter, the mental capacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of a majority of all the members of each house of the General Assembly. In all cases, the General Assembly shall give the Governor such notice as it may deem proper and shall allow him an opportunity to be heard before a joint session of the General Assembly before it takes final action. When the General Assembly is not in session, the Council of State, a majority of its members concurring, may convene it in extra session for the purpose of proceeding under this paragraph.

(5) Impeachment. Removal of the Governor from office for any other cause shall be by impeachment.

### **North Dakota**

#### *Article 5, Section 11*

The lieutenant governor shall succeed to the office of governor when a vacancy occurs in the office of governor. If, during a vacancy in the office of governor, the lieutenant governor is unable to serve because of death, impeachment, resignation, failure to qualify, removal from office, or disability, the secretary of state shall act as governor until the vacancy is filled or the disability is removed.

### **Ohio**

#### *Article 3, Sections 15, 17 & 17a*

Sec. 15. (A) In the case of the death, conviction on impeachment, resignation, or removal, of the Governor, the Lieutenant Governor shall succeed to the office of Governor.

(B) When the Governor is unable to discharge the duties of office by reason of disability, the Lieutenant Governor shall serve as governor until the Governor's disability terminates.

(C) In the event of a vacancy in the office of governor or when the Governor is unable to discharge the duties of office, the line of succession to the office of governor or to the position of serving as governor for the duration of the Governor's disability shall proceed from the Lieutenant Governor to the President of the senate and then to the Speaker of the House of Representatives.

(D) Any person serving as governor for the duration of the Governor's disability shall have the powers, duties, and compensation of the office of governor. Any person who succeeds to the office of governor shall have the powers, duties, title, and compensation of the office of governor.

(E) No person shall simultaneously serve as Governor and Lieutenant Governor, President of the senate, or Speaker of the House of Representatives, nor shall any person simultaneously receive the compensation of the office of governor and that of lieutenant governor, president of the Senate, or speaker of the House of Representatives.

Sec. 17. When a vacancy occurs in both the office of governor and lieutenant governor because of the death,

conviction on impeachment, resignation, or removal of the persons elected to those offices prior to the expiration of the first twenty months of a term, a governor and lieutenant governor shall be elected at the next general election occurring in an even-numbered year after the vacancy occurs, for the unexpired portion of the term. The officer next in line of succession to the office of governor shall serve as governor from the occurrence of the vacancy until the newly elected governor has qualified.

If by reason of death, resignation, or disqualification, the governor-elect is unable to assume the office of governor at the commencement of the gubernatorial term, the lieutenant governor-elect shall assume the office of governor for the full term. If at the commencement of such term, the governor-elect fails to assume the office by reason of disability, the lieutenant governor-elect shall serve as governor until the disability of the governor-elect terminates.

Sec. 17a. Whenever there is a vacancy in the office of the lieutenant governor, the governor shall nominate a lieutenant governor, who shall take office upon confirmation by vote of a majority of the members elected to each house of the General Assembly.

### **Oklahoma**

*Article 6, Sections 15-16.*

Sec. 15. The Lieutenant Governor shall possess the same qualifications of eligibility for office as the Governor. He shall be president of the Senate, but shall have only a casting vote therein, and also in joint vote of both houses. If, during a vacancy of the office of Governor, the Lieutenant Governor shall be impeached, displaced, resign, die or be absent from the State, or become incapable of performing the duties of the office, the president, pro tempore, of the Senate, shall act as Governor until the vacancy be filled or the disability shall cease; and if the president, pro tempore, of the Senate, for any of the above enumerated causes, shall become incapable of performing the duties pertaining to the office of Governor, the Speaker of the House of Representatives shall act as Governor until the vacancy be filled or the disability shall cease. Further provisions for succession to the office of Governor shall be prescribed by law.

Sec. 16. In case of impeachment of the Governor, or of his death, failure to qualify, resignation, removal from the State, or inability to discharge the powers and duties of the office, the said office, with its compensation, shall devolve upon the Lieutenant Governor for the residue of the term or until the disability shall be removed.

### **Oregon**

*Article 5, Section 8a.*

In case of the removal from office of the Governor, or of his death, resignation, or disability to discharge the duties of his office as prescribed by law, the Secretary of State; or if there be none, or in case of his removal from office, death, resignation, or disability to discharge the duties of his office as prescribed by law, then the State Treasurer; or if there be none, or in case of his removal from office, death, resignation, or disability to discharge the duties of his office as prescribed by law, then the President of the Senate; or if there be none, or in case of his removal from office, death, resignation, or disability to discharge the duties of his office as prescribed by law, then the Speaker of the House of Representatives, shall become Governor until the disability be removed, or a Governor be elected at the next general biennial election. The Governor elected to fill the vacancy shall hold office for the unexpired term of the outgoing Governor. The Secretary of State or the State Treasurer shall appoint a person to fill his office until the election of a Governor, at which time the office so filled by appointment shall be filled by election; or, in the event of a disability of the Governor, to be Acting Secretary of State or Acting State Treasurer until the disability be removed. The person so appointed shall not be eligible to succeed to the office of Governor by automatic succession under this section during the term of his appointment.

### **Pennsylvania**

*Article 4, Sections 13-14*

Sec. 13. In the case of the death, conviction on impeachment, failure to qualify or resignation of the Governor, the Lieutenant Governor shall become Governor for the remainder of the term and in the case of the disability of the Governor, the powers, duties and emoluments of the office shall devolve upon the Lieutenant Governor until the disability is removed.

Sec. 14. In case of the death, conviction on impeachment, failure to qualify or resignation of the Lieutenant Governor, or in case he should become Governor under section 13 of this article, the President pro tempore of the Senate shall become Lieutenant Governor for the remainder of the term. In case of the disability of the Lieutenant Governor, the powers, duties and emoluments of the office shall devolve upon the President pro tempore of the Senate until the disability is removed. Should there be no Lieutenant Governor, the President pro tempore of the Senate shall become Governor if a vacancy shall occur in the office of Governor and in case of the disability of the Governor, the powers, duties and emoluments of the office shall devolve upon the President pro tempore of the Senate until the disability is removed. His seat as Senator shall become vacant whenever he shall become Governor and shall be filled by election as any other vacancy in Senate.

### **Rhode Island**

#### *Article 9, Sections 9-10*

Sec. 9. If the office of the governor shall be vacant by reason of death, resignation, impeachment or inability to serve, the lieutenant governor shall fill the office of governor, and exercise the powers and authority appertaining thereto, until a governor is qualified to act, or until the office is filled at the next election.

Sec. 10. Vacancies in both offices of governor and lieutenant governor. -- If the offices of governor and lieutenant governor be both vacant by reason of death, resignation, impeachment, or inability to serve, the speaker of the house of representatives shall in like manner fill the office of governor during such vacancy.

### **South Carolina**

#### *Article 4, Sections 6, 7, 9, 11-12*

Sec. 6. If the Governor-elect dies or declines to serve, the Lieutenant Governor-elect shall become Governor for a full term. If the Governor-elect fails to take the oath of office at the commencement of his term, the Lieutenant Governor shall act as Governor until the oath is administered.

Sec. 7. In the event that neither the Governor-elect nor the Lieutenant Governor-elect shall qualify, or if after taking the oath of office neither shall be able to serve for any reason whatsoever, the office of Governor for the time being shall devolve upon such officers and in such order of succession as may be provided by law. Any such officers while exercising the powers of the Governor for the time being under this provision shall not be subject to the dual office-holding provision of this Constitution.

Sec. 9. The Senate shall as soon as practicable after the convening of the General Assembly choose a President Pro Tempore to act in the absence of the Lieutenant Governor. A member of the Senate acting as Lieutenant Governor shall thereupon vacate his seat and another person shall be elected in his stead.

Sec. 11. In the case of the removal of the Governor from office by impeachment, death, resignation, disqualification, disability, or removal from the State, the Lieutenant Governor shall be Governor. In case the Governor be impeached, the Lieutenant Governor shall act in his stead and have his powers until judgment in the case shall have been pronounced. In the case of the temporary disability of the Governor and in the event of the temporary absence of the Governor from the State, the Lieutenant Governor shall have full authority to act in an emergency.

Sec. 12. (1) Whenever the Governor transmits to the President Pro Tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as acting Governor.

(2) Whenever a majority of the Attorney General, the Secretary of State, the Comptroller General and the State Treasurer, or of such other body as the General Assembly may provide, transmits to the President Pro Tempore of the Senate and the Speaker of the House of Representatives a written declaration that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall forthwith assume the powers and duties of the office as acting Governor.

Thereafter, if the Governor transmits to the President Pro Tempore of the Senate and the Speaker of the House of Representatives his written declaration that no such inability exists he shall forthwith resume the powers and duties

of his office unless a majority of the above members or of such other body, whichever the case may be, transmits within four days to the President Pro Tempore of the Senate and the Speaker of the House of Representatives their written declaration that the Governor is unable to discharge the powers and duties of his office. Thereupon, the General Assembly shall forthwith consider and decide the issue, and if not in session it shall assemble within forty-eight hours for the sole purpose of deciding such issue. If the General Assembly, within twenty-one days, excluding Sundays, after the first day it meets to decide the issue, determines by two-thirds vote of each House that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall continue to discharge the same as acting Governor; otherwise, the Governor shall resume the powers and duties of his office.

### **South Dakota**

#### *Article 4, Section 6*

When the office of Governor shall become vacant through death, resignation, failure to qualify, conviction after impeachment, or permanent disability of the Governor, the lieutenant governor shall succeed to the office and powers of the Governor. When the Governor is unable to serve by reason of continuous absence from the state, or other temporary disability, the executive power shall devolve upon the lieutenant governor for the residue of the term or until the disability is removed.

Whenever there is a permanent vacancy in the office of the lieutenant governor, the Governor shall nominate a lieutenant governor who shall take office upon confirmation by a majority vote of all the members of each house of the Legislature. Whenever there is a concurrent vacancy in the office of Governor and lieutenant governor, the order of succession for the office of Governor shall be as provided by law.

The Supreme Court shall have original and exclusive jurisdiction to determine when a continuous absence from the state or disability has occurred in the office of the Governor or a permanent vacancy exists in the office of lieutenant governor.

### **Tennessee**

#### *Article 3, Section 12.*

In case of the removal of the governor from office, or of his death, or resignation, the powers and duties of the office shall devolve on the speaker of the Senate; and in case of the death, removal from office, or resignation of the speaker of the Senate, the powers and duties of the office shall devolve on the speaker of the House of Representatives.

### **Texas**

#### *Article 3, Section 9; Article 4, Sections 3a, 16-18*

#### *Article 3, Section 9*

(a) The Senate shall, at the beginning and close of each session, and at such other times as may be necessary, elect one of its members President pro tempore, who shall perform the duties of the Lieutenant Governor in any case of absence or temporary disability of that officer. If the office of Lieutenant Governor becomes vacant, the President pro tempore of the Senate shall convene the Committee of the Whole Senate within 30 days after the vacancy occurs. The Committee of the Whole shall elect one of its members to perform the duties of the Lieutenant Governor in addition to the member's duties as Senator until the next general election. If the Senator so elected ceases to be a Senator before the election of a new Lieutenant Governor, another Senator shall be elected in the same manner to perform the duties of the Lieutenant Governor until the next general election. Until the Committee of the Whole elects one of its members for this purpose, the President pro tempore shall perform the duties of the Lieutenant Governor as provided by this subsection. (b) The House of Representatives shall, when it first assembles, organize temporarily, and thereupon proceed to the election of a Speaker from its own members. (c) Each House shall choose its other officers.

Article, Section 3a. DEATH, DISABILITY, OR FAILURE TO QUALIFY OF PERSON RECEIVING HIGHEST VOTE. If, at the time the Legislature shall canvass the election returns for the offices of Governor and Lieutenant Governor, the person receiving the highest number of votes for the office of Governor, as declared by the Speaker, has died, fails to qualify, or for any other reason is unable to assume the office of Governor, then the person having the highest number of votes for the office of Lieutenant Governor shall become Governor for the full term to which the person was elected as Governor. By becoming the Governor, the person forfeits the office of Lieutenant Governor, and the resulting vacancy in the office of Lieutenant Governor shall be filled as provided by Section 9, Article III, of this Constitution. If the person with the highest number of votes for the office of Governor, as declared

by the Speaker, becomes temporarily unable to take office, then the Lieutenant Governor shall act as Governor until the person with the highest number of votes for the office of Governor becomes able to assume the office of Governor. Any succession to the Governorship not otherwise provided for in this Constitution, may be provided for by law; provided, however, that any person succeeding to the office of Governor shall be qualified as otherwise provided in this Constitution, and shall, during the entire term to which he may succeed, be under all the restrictions and inhibitions imposed in this Constitution on the Governor.

Article 4, Section 16. LIEUTENANT GOVERNOR. (a) There shall also be a Lieutenant Governor, who shall be chosen at every election for Governor by the same voters, in the same manner, continue in office for the same time, and possess the same qualifications. The voters shall distinguish for whom they vote as Governor and for whom as Lieutenant Governor.

(b) The Lieutenant Governor shall by virtue of his office be President of the Senate, and shall have, when in Committee of the Whole, a right to debate and vote on all questions; and when the Senate is equally divided to give the casting vote.

(c) In the case of the temporary inability or temporary disqualification of the Governor to serve, the impeachment of the Governor, or the absence of the Governor from the State, the Lieutenant Governor shall exercise the powers and authority appertaining to the office of Governor until the Governor becomes able or qualified to resume serving, is acquitted, or returns to the State.

(d) If the Governor refuses to serve or becomes permanently unable to serve, or if the office of Governor becomes vacant, the Lieutenant Governor becomes Governor for the remainder of the term being served by the Governor who refused or became unable to serve or vacated the office. On becoming Governor, the person vacates the office of Lieutenant Governor, and the resulting vacancy in the office of Lieutenant Governor shall be filled in the manner provided by Section 9, Article III, of this Constitution.

Article 4, Sec. 17. DEATH, RESIGNATION, REFUSAL TO SERVE, REMOVAL, INABILITY TO SERVE, IMPEACHMENT, OR ABSENCE; COMPENSATION. (a) If, while exercising the powers and authority appertaining to the office of Governor under Section 16(c) of this article, the Lieutenant Governor becomes temporarily unable or disqualified to serve, is impeached, or is absent from the State, the President pro tempore of the Senate, for the time being, shall exercise the powers and authority appertaining to the office of Governor until the Governor or Lieutenant Governor reassumes those powers and duties.

(b) The Lieutenant Governor shall, while acting as President of the Senate, receive for his or her services the same compensation and mileage which shall be allowed to the members of the Senate, and no more unless the Texas Ethics Commission recommends and the voters approve a higher salary, in which case the salary is that amount; and during the time the Lieutenant Governor exercises the powers and authority appertaining to the office of Governor, the Lieutenant Governor shall receive in like manner the same compensation which the Governor would have received had the Governor been employed in the duties of that office, and no more. An increase in the emoluments of the office of Lieutenant Governor does not make a member of the Legislature ineligible to serve in the office of Lieutenant Governor.

(c) The President pro tempore of the Senate shall, during the time that officer exercises the powers and authority appertaining to the office of Governor, receive in like manner the same compensation which the Governor would have received had the Governor been employed in the duties of that office.

Article 4, Sec. 18. RESTRICTIONS AND INHIBITIONS. The Lieutenant Governor or President pro tempore of the Senate shall, during the time the Lieutenant Governor or President pro tempore exercises the powers and authority appertaining to the office of Governor, be under all the restrictions and inhibitions imposed in this Constitution on the Governor.

## **Utah**

### *Article 7, Section 10-11*

Sec. 10. (1) (a) The Governor shall nominate, and by and with consent of the Senate, appoint all State and district officers whose offices are established by this Constitution, or which may be created by law, and whose appointment or election is not otherwise provided for.

(b) If, during the recess of the Senate, a vacancy occurs in any State or district office, the Governor shall appoint some qualified person to discharge the duties thereof until the next meeting of the Senate, when the Governor shall nominate some person to fill such office.

(2) If the office of State Auditor, State Treasurer, or Attorney General be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to fill the same by appointment, from the same political party as the removed person; and the appointee shall hold office until a successor shall be elected and qualified, as provided by law.

(3) (a) A vacancy in the office of Lieutenant Governor occurs when:

(i) the Lieutenant Governor dies, resigns, is removed from office following impeachment, becomes Governor under Article VII, Section 11, ceases to reside within the State, or is determined, as provided in Subsection (3)(b), to have a disability that renders the Lieutenant Governor unable to discharge the duties of office for the remainder of the Lieutenant Governor's term of office; or

(ii) the Lieutenant Governor-elect fails to take office because of the Lieutenant Governor-elect's death, failure to qualify for office, or disability, determined as provided in Subsection (3)(b), that renders the Lieutenant Governor-elect unable to discharge the duties of office for the Lieutenant Governor-elect's full term of office.

(b) (i) Except when the disability of a Lieutenant Governor is determined under Article VII, Section 11, Subsection (6) because the Lieutenant Governor is acting as Governor under Article VII, Section 11, Subsection (5), the disability of a Lieutenant Governor or Lieutenant Governor-elect shall be determined by a written declaration stating that the Lieutenant Governor or Lieutenant Governor-elect is unable to discharge the powers and duties of the office.

(ii) The written declaration under Subsection (3)(b)(i) shall be transmitted to the Supreme Court and shall be signed by:

(A) the Governor; or

(B) (I) the Lieutenant Governor, if the Lieutenant Governor is the subject of the declaration; or

(II) the Lieutenant Governor-elect, if the Lieutenant Governor-elect is the subject of the declaration.

(iii) If the Lieutenant Governor or Lieutenant Governor-elect, as the case may be, disputes a declaration transmitted by the Governor under Subsection (3)(b)(i), the Lieutenant Governor or Lieutenant Governor-elect may, within ten days after the declaration is transmitted to the Supreme Court, file a petition requesting the Supreme Court to determine whether a disability exists as stated in the Governor's declaration.

(iv) In determining whether a disability exists, the Supreme Court shall follow procedures that the Court establishes, unless the Legislature by statute establishes procedures for the Supreme Court to follow in determining whether a disability exists.

(v) A determination of disability under this Subsection (3)(b) is final and conclusive.

(c) (i) If a vacancy in the office of Lieutenant Governor occurs, the Governor shall, with the consent of the Senate, appoint a person as Lieutenant Governor, to serve:

(A) except as provided in Subsection (3)(c)(i)(B), the remainder of the unexpired term; or

(B) until the first Monday in January of the year following the next regular general election after the vacancy occurs, if the vacancy occurs because the Lieutenant Governor becomes Governor under Article VII, Section 11, Subsection (2).

(ii) The person appointed as Lieutenant Governor under Subsection (3)(c)(i) shall be from the same political party as the Governor.

(iii) Neither the President of the Senate nor the Speaker of the House of Representatives may, while acting as Governor under Article VII, Section 11, Subsection (4), appoint a person as Lieutenant Governor to fill a vacancy in that office.

Sec. 11. (1) A vacancy in the office of Governor occurs when:

(a) the Governor dies, resigns, is removed from office following impeachment, ceases to reside within the state, or is determined, as provided in Subsection (6), to have a disability that renders the Governor unable to discharge the duties of office for the remainder of the Governor's term of office; or

(b) the Governor-elect fails to take office because of the Governor-elect's death, failure to qualify for office, or disability, determined as provided in Subsection (6), that renders the Governor-elect unable to discharge the duties of office for the Governor-elect's full term of office.

(2) If a vacancy in the office of Governor occurs, the Lieutenant Governor shall become Governor, to serve:

(a) until the first Monday in January of the year following the next regular general election after the vacancy occurs, if the vacancy occurs during the first year of the term of office; or

(b) for the remainder of the unexpired term, if the vacancy occurs after the first year of the term of office.

(3) (a) In the event of simultaneous vacancies in the offices of Governor and Lieutenant Governor, the President of the Senate shall become Governor, to serve:

(i) until the first Monday in January of the year following the next regular general election after the vacancy

occurs, if the vacancy occurs during the first year of the term of office; or

(ii) for the remainder of the unexpired term, if the vacancy occurs after the first year of the term of office.

(b) In the event of simultaneous vacancies in the offices of Governor, Lieutenant Governor, and President of the Senate, the Speaker of the House of Representatives shall become Governor, to serve:

(i) until the first Monday in January of the year following the next regular general election after the vacancy occurs, if the vacancy occurs during the first year of the term of office; or

(ii) for the remainder of the unexpired term, if the vacancy occurs after the first year of the term of office.

(4) If a vacancy in the office of Governor occurs during the first year of the term of office, an election shall be held at the next regular general election after the vacancy occurs to elect a Governor and Lieutenant Governor, as provided in Article VII, Section 2, to serve the remainder of the unexpired term.

(5) (a) If the Governor is temporarily unable to discharge the duties of the office because of the Governor's temporary disability, as determined under Subsection (6), or if the Governor-elect is temporarily unable to assume the office of Governor because of the Governor-elect's temporary disability, as determined under Subsection (6), the powers and duties of the Governor shall be discharged by the Lieutenant Governor who, in addition to discharging the duties of the office of Lieutenant Governor, shall, without additional compensation, act as Governor until the disability ceases.

(b) (i) If, during a temporary disability of the Governor or Governor-elect, as determined under Subsection (6), a vacancy in the office of Lieutenant Governor occurs or the Lieutenant Governor is temporarily unable to discharge the duties of the office of Governor because of the Lieutenant Governor's temporary disability, as determined under Subsection (6), the powers and duties of the Governor shall be discharged by the President of the Senate who shall act as Governor until the Governor or Governor-elect's disability ceases or, in the case of the Lieutenant Governor's temporary disability, the Lieutenant Governor's disability ceases, whichever occurs first.

(ii) If, during a temporary disability of the Governor or Governor-elect, as determined under Subsection (6), neither the Lieutenant Governor nor the President of the Senate is able to discharge the duties of the office of Governor because of a vacancy in the office of Lieutenant Governor or President of the Senate, or both, or because of a temporary disability of either or both officers, as determined under Subsection (6), or a combination of vacancy and temporary disability, the powers and duties of the Governor shall be discharged by the Speaker of the House of Representatives who shall act as Governor until the Governor's disability ceases or until the vacancy, if applicable, in the office of President of the Senate is filled or the temporary disability, if applicable, of the Lieutenant Governor or President of the Senate ceases, whichever occurs first.

(c) (i) During the time that the President of the Senate acts as Governor under this Subsection (5), the President may not exercise the powers and duties of President of the Senate or Senator. The powers and duties of President of the Senate may be exercised during that time by an acting President, chosen by the Senate.

(ii) During the time that the Speaker of the House of Representatives acts as Governor under this Subsection (5), the Speaker may not exercise the powers and duties of Speaker of the House of Representatives or Representative. The powers and duties of Speaker of the House of Representatives may be exercised during that time by an acting Speaker, chosen by the House of Representatives.

(d) When acting as Governor under this Subsection (5), the President of the Senate or Speaker of the House of Representatives, as the case may be, shall be entitled to receive the salary and emoluments of the office of Governor.

(6) (a) A disability of the Governor, Governor-elect, or person acting as Governor shall be determined by:

(i) the written declaration of the Governor, Governor-elect, or person acting as Governor, transmitted to the Supreme Court, stating an inability to discharge the powers and duties of the office; or

(ii) a majority of the Supreme Court upon the joint request of the President or, if applicable, acting President of the Senate and the Speaker or, if applicable, acting Speaker of the House of Representatives.

(b) The Governor or person acting as Governor shall resume or, in the case of a Governor-elect, shall assume the powers and duties of the office following a temporary disability upon the written declaration of the Governor, Governor-elect, or person acting as Governor, transmitted to the Supreme Court, that no disability exists, unless the Supreme Court, upon the joint request of the President or, if applicable, acting President of the Senate and the Speaker or, if applicable, acting Speaker of the House of Representatives, or upon its own initiative, determines that the temporary disability continues and that the Governor, Governor-elect, or person acting as Governor is unable to discharge the powers and duties of the office.

(c) Each determination of a disability under Subsection (6)(a) shall be final and conclusive.

(7) The Supreme Court has exclusive jurisdiction to determine all questions arising under this section.

## **Vermont**

### *Part 2, Sections 3 & 24*

Sec. 3. The Supreme Executive power shall be exercised by a Governor, or in the Governor's absence, a Lieutenant-Governor.

Sec. 24. The Legislature shall provide by general law what officer shall act as Governor whenever there shall be a vacancy in both the offices of Governor and Lieutenant-Governor, occasioned by a failure to elect, or by the removal from office, or by the death or resignation of both Governor and Lieutenant-Governor, or by the inability of both Governor and Lieutenant-Governor to exercise the powers and discharge the duties of the office of Governor; and such officer so designated, shall exercise the powers and discharge the duties appertaining to the office of Governor accordingly until the disability shall be removed, or a Governor shall be elected. And in case there shall be a vacancy in the office of Treasurer, by reason of any of the causes enumerated, the Governor shall appoint a Treasurer for the time being, who shall act as Treasurer until the disability shall be removed, or a new election shall be made.

## **Virginia**

### *Article 5, Section 16*

When the Governor-elect is disqualified, resigns, or dies following his election but prior to taking office, the Lieutenant Governor-elect shall succeed to the office of Governor for the full term. When the Governor-elect fails to assume office for any other reason, the Lieutenant Governor-elect shall serve as Acting Governor.

Whenever the Governor transmits to the President pro tempore of the Senate and the Speaker of the House of Delegates his written declaration that he is unable to discharge the powers and duties of his office and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as Acting Governor.

Whenever the Attorney General, the President pro tempore of the Senate, and the Speaker of the House of Delegates, or a majority of the total membership of the General Assembly, transmit to the Clerk of the Senate and the Clerk of the House of Delegates their written declaration that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall immediately assume the powers and duties of the office as Acting Governor.

Thereafter, when the Governor transmits to the Clerk of the Senate and the Clerk of the House of Delegates his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Attorney General, the President pro tempore of the Senate, and the Speaker of the House of Delegates, or a majority of the total membership of the General Assembly, transmit within four days to the Clerk of the Senate and the Clerk of the House of Delegates their written declaration that the Governor is unable to discharge the powers and duties of his office. Thereupon the General Assembly shall decide the issue, convening within forty-eight hours for that purpose if not already in session. If within twenty-one days after receipt of the latter declaration or, if the General Assembly is not in session, within twenty-one days after the General Assembly is required to convene, the General Assembly determines by three-fourths vote of the elected membership of each house of the General Assembly that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall become Governor; otherwise, the Governor shall resume the powers and duties of his office.

In the case of the removal of the Governor from office or in the case of his disqualification, death, or resignation, the Lieutenant Governor shall become Governor.

If a vacancy exists in the office of Lieutenant Governor when the Lieutenant Governor is to succeed to the office of Governor or to serve as Acting Governor, the Attorney General, if he is eligible to serve as Governor, shall succeed to the office of Governor for the unexpired term or serve as Acting Governor. If the Attorney General is ineligible to serve as Governor, the Speaker of the House of Delegates, if he is eligible to serve as Governor, shall succeed to the office of Governor for the unexpired term or serve as Acting Governor. If a vacancy exists in the office of the Speaker of the House of Delegates or if the Speaker of the House of Delegates is ineligible to serve as Governor, the House of Delegates shall convene and fill the vacancy.

In the event of an emergency or enemy attack upon the soil of Virginia and a resulting inability of the House of Delegates to convene to fill the vacancy, the Speaker of the House, the person designated to act in his stead as prescribed in the Rules of the House of Delegates, the President pro tempore of the Senate, or the majority leader of the Senate, in that designated order, shall serve as Acting Governor until such time as the House of Delegates convenes to elect a Governor.

The General Assembly may provide by law for the waiver of the eligibility requirements for the Attorney General, Speaker of the House, or acting Speaker to serve as Governor or Acting Governor in the event of an emergency or enemy attack upon the soil of Virginia as evidenced by a proclamation of the Governor or alternative authority prescribed by law.

### **Washington**

#### *Article 3, Section 10*

In case of the removal, resignation, death or disability of the governor, the duties of the office shall devolve upon the lieutenant governor; and in case of a vacancy in both the offices of governor and lieutenant governor, the duties of the governor shall devolve upon the secretary of state. In addition to the line of succession to the office and duties of governor as hereinabove indicated, if the necessity shall arise, in order to fill the vacancy in the office of governor, the following state officers shall succeed to the duties of governor and in the order named, viz.: Treasurer, auditor, attorney general, superintendent of public instruction and commissioner of public lands. In case of the death, disability, failure or refusal of the person regularly elected to the office of governor to qualify at the time provided by law, the duties of the office shall devolve upon the person regularly elected to and qualified for the office of lieutenant governor, who shall act as governor until the disability be removed, or a governor be elected; and in case of the death, disability, failure or refusal of both the governor and the lieutenant governor elect to qualify, the duties of the governor shall devolve upon the secretary of state; and in addition to the line of succession to the office and duties of governor as hereinabove indicated, if there shall be the failure or refusal of any officer named above to qualify, and if the necessity shall arise by reason thereof, then in that event in order to fill the vacancy in the office of governor, the following state officers shall succeed to the duties of governor in the order named, viz: Treasurer, auditor, attorney general, superintendent of public instruction and commissioner of public lands. Any person succeeding to the office of governor as in this section provided, shall perform the duties of such office only until the disability be removed, or a governor be elected and qualified; and if a vacancy occur more than thirty days before the next general election occurring within two years after the commencement of the term, a person shall be elected at such election to fill the office of governor for the remainder of the unexpired term.

### **West Virginia**

#### *Article 7, Section 16*

In case of the death, conviction or impeachment, failure to qualify, resignation, or other disability of the governor, the president of the Senate shall act as governor until the vacancy is filled, or the disability removed; and if the president of the Senate, for any of the above named causes, shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the House of Delegates; and in all other cases where there is no one to act as governor, one shall be chosen by joint vote of the Legislature. Whenever a vacancy shall occur in the office of governor before the first three years of the term shall have expired, a new election for governor shall take place to fill the vacancy.

### **Wisconsin**

#### *Article 5, Section 7-8*

Sec. 7 (1) Upon the governor's death, resignation or removal from office, the lieutenant governor shall become governor for the balance of the unexpired term.

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

Sec.8 (1) If there is a vacancy in the office of lieutenant governor and the governor dies, resigns or is removed from office, the secretary of state shall become governor for the balance of the unexpired term.

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

**Wyoming**

*Article 4, Section 6*

If the governor be impeached, displaced, resign or die, or from mental or physical disease or otherwise become incapable of performing the duties of his office or be absent from the state, the secretary of state shall act as governor until the vacancy is filled or the disability removed.

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