

House Study Bill 55 - Introduced

HOUSE JOINT RESOLUTION _____
BY (PROPOSED COMMITTEE ON
STATE GOVERNMENT RESOLUTION
BY CHAIRPERSON KAUFMANN)

HOUSE JOINT RESOLUTION

1 A Joint Resolution proposing an amendment to the Constitution
2 of the State of Iowa relating to the gubernatorial line of
3 succession.
4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. The following amendment to the Constitution of
2 the State of Iowa is proposed:

3 Section 4 of Article IV of the Constitution of the State of
4 Iowa, as amended by amendment number 1 of the Amendments of
5 1952 and by amendment number 1 of the Amendments of 1988, is
6 repealed and the following adopted in lieu thereof:

7 **Sec. 4. Election by general assembly in case of tie**
8 **— inability of governor-elect to qualify — succession by**
9 **lieutenant governor — inauguration of governor and lieutenant**
10 **governor upon removal of inability of governor-elect to**
11 **qualify.** The nominees for governor and lieutenant governor
12 jointly having the highest number of votes cast for them shall
13 be declared duly elected. If two or more sets of nominees for
14 governor and lieutenant governor have an equal and the highest
15 number of votes for the offices jointly, the general assembly
16 shall by joint vote proceed, as soon as is possible, to elect
17 one set of nominees for governor and lieutenant governor.

18 If after the final canvass of votes but before inauguration
19 the governor-elect has since died, does not qualify, or
20 is permanently unable to become governor, the lieutenant
21 governor-elect shall become the governor upon inauguration, to
22 the exclusion of any other office, for the residue of the term.

23 In the event of a temporary inability of the governor-elect
24 to assume office, the lieutenant governor-elect shall become
25 governor upon inauguration, until the inability is removed, at
26 which time, the governor-elect and lieutenant governor-elect
27 shall become governor and lieutenant governor, respectively,
28 upon inauguration.

29 Section 10 of Article IV of the Constitution of the State of
30 Iowa is amended to read as follows:

31 **Sec. 10. Vacancies — lieutenant governor vacancy.** When
32 any office, excluding the office of lieutenant governor,
33 shall, from any cause, become vacant, and no mode is provided
34 by the constitution and laws for filling such vacancy, the
35 governor shall have power to fill such vacancy, by granting a

1 commission, which shall expire at the end of the next session
2 of the general assembly, or at the next election by the people.

3 When the office of lieutenant governor shall, from any
4 cause, become vacant, and no mode is otherwise provided by the
5 constitution for filling such vacancy, the governor shall have
6 power to fill such vacancy for the residue of the term, by
7 granting a commission, which shall expire as provided in the
8 constitution.

9 Section 17 of Article IV of the Constitution of the State of
10 Iowa is repealed and the following adopted in lieu thereof:

11 **Sec. 17. Lieutenant governor to become governor — filling**
12 **of lieutenant governor vacancy.** In case of death, impeachment,
13 resignation, removal from office, or other inability to serve
14 of the governor, the lieutenant governor shall succeed and
15 become the governor, to the exclusion of any other office. If
16 the preceding governor thereafter becomes able to serve, the
17 preceding governor shall become governor and the succeeding
18 governor shall resume the office of lieutenant governor, to
19 the exclusion of any other office, each for the residue of the
20 term, respectively. If the succeeding governor has filled a
21 vacancy in the office of lieutenant governor by granting a
22 commission, that commission shall expire upon the resumption of
23 the office of lieutenant governor by the preceding lieutenant
24 governor.

25 Section 19 of Article IV of the Constitution of the State
26 of Iowa, as amended by amendment number 2 of the Amendments of
27 1952 and by amendment number 2 of the Amendments of 1988, is
28 repealed and the following adopted in lieu thereof:

29 **Sec. 19. Succession to office of governor and lieutenant**
30 **governor — simultaneous inability to serve — qualification of**
31 **successor governor to office.** If the governor and lieutenant
32 governor are simultaneously unable to serve, the president of
33 the senate shall become governor, followed by the speaker of
34 the house of representatives if the president of the senate
35 is unable or unwilling to serve, followed by the president

1 pro tempore of the senate if the speaker of the house of
2 representatives is unable or unwilling to serve, followed
3 by the speaker pro tempore of the house of representatives
4 if the president pro tempore of the senate is unable or
5 unwilling to serve, each succeeding, to the exclusion of any
6 other office. If none of the above are able or willing to
7 serve as governor and the general assembly is not in session,
8 the justices of the supreme court shall convene the general
9 assembly by proclamation and the general assembly shall
10 organize by the election of a president of the senate and a
11 speaker of the house of representatives. The president-elect
12 of the senate shall then become governor. If at that time the
13 president-elect of the senate is unable or unwilling to serve,
14 the speaker-elect of the house of representatives shall become
15 governor.

16 If the governor so succeeded becomes able to serve, the
17 governor so succeeded shall resume the office of governor. If
18 the lieutenant governor so succeeded becomes able to serve
19 while the governor so succeeded remains unable to serve, the
20 lieutenant governor so succeeded shall assume the office of
21 governor.

22 Sec. 2. REFERRAL AND PUBLICATION. The foregoing proposed
23 amendment to the Constitution of the State of Iowa is referred
24 to the general assembly to be chosen at the next general
25 election for members of the general assembly, and the secretary
26 of state is directed to cause the proposed amendment to be
27 published for three consecutive months previous to the date of
28 that election as provided by law.

29

EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 This joint resolution proposes an amendment to the
33 Constitution of the State of Iowa relating to the consequences
34 of a governor becoming temporarily or permanently unable to
35 perform the duties of the governor. In the case of a temporary

1 disability or an impeachment with the possibility of acquittal,
2 the lieutenant governor shall have the powers of the governor
3 until the governor is able to resume the office. In the case
4 of a permanent disability, death, resignation, or removal
5 from office of the governor including by impeachment, the
6 lieutenant governor shall assume the office of the governor.
7 In this case, the former lieutenant governor shall appoint a
8 new lieutenant governor, who will have the same powers and
9 duties as one who was elected, including the duty to act as
10 governor, or to assume the office of the governor and appoint a
11 new lieutenant governor.

12 The resolution, if adopted, would be published and then
13 referred to the next general assembly (89th) for adoption,
14 before being submitted to the electorate for ratification.