

CHAPTER 1175

PROPOSED CONSTITUTIONAL AMENDMENT — GUBERNATORIAL SUCCESSION AND LIEUTENANT GOVERNOR VACANCY

S.J.R. 2006

First Time Passed

A JOINT RESOLUTION proposing an amendment to the Constitution of the State of Iowa relating to the gubernatorial line of succession.

Be It Resolved by the General Assembly of the State of Iowa:

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

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as amended by amendment number 1 of the Amendments of 1952 and by amendment number 1 of the Amendments of 1988, is repealed and the following adopted in lieu thereof:

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

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

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

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

Vacancies — lieutenant governor vacancy. SEC. 10. When any office, excluding the office of lieutenant governor, shall, from any cause, become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the governor shall have power to fill such vacancy, by granting a commission, which shall expire at the end of the next session of the general assembly, or at the next election by the people.

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

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

Lieutenant governor to become governor — filling of lieutenant governor vacancy. SEC. 17. In case of death, impeachment, resignation, removal from office, or other inability to serve of the governor, the lieutenant governor shall succeed and become the governor, to the exclusion of any other office. If the preceding governor thereafter becomes able to serve, the preceding governor shall become governor and the succeeding governor shall resume the office of lieutenant governor, to the exclusion of any other office, each for the residue of the term, respectively. If the succeeding governor has filled a vacancy in the office of lieutenant governor by granting a commission, that commission shall expire upon the resumption of the office of lieutenant governor by the preceding lieutenant governor.

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

Succession to office of governor and lieutenant governor — simultaneous inability to serve — qualification of successor governor to office. SEC. 19. If the governor and lieutenant governor are simultaneously unable to serve, the president of the senate shall become governor, followed by the speaker of the house of representatives if the president of the senate is unable or unwilling to serve, followed by the president pro tempore of the senate if the speaker of the house of representatives is unable or unwilling to serve, followed by the speaker pro tempore of the house of representatives if the president pro tempore of the senate is unable or unwilling to serve, each succeeding, to the exclusion of any other office. If none of the above are able or willing to serve as governor and the general assembly is not in session, 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 of the senate and a speaker of the house of representatives. The president-elect of the senate shall then become governor. If at that time the president-elect of the senate is unable or unwilling to serve, the speaker-elect of the house of representatives shall become governor.

If the governor so succeeded becomes able to serve, the governor so succeeded shall resume the office of governor. If the lieutenant governor so succeeded becomes able to serve while the governor so succeeded remains unable to serve, the lieutenant governor so succeeded shall assume the office of governor.

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