

takes office as the first Wednesday in January (or the first Thursday in January if the first Wednesday is New Year's Day). The Committee arrived at this date by attempting to approximate the amount of time a governor-elect would need following a November election to prepare to assume office. The Committee also feels that the General Assembly should take office at approximately the same time as the governor so that it might organize, but that there should be at least a month between the time the governor takes office and when the General Assembly meets in plenary session. This period would allow the governor to review the budget and to prepare a legislative program. The Committee recognizes that this goal can only be met through coordination of the executive article with the legislative article, and the article on state finance and taxation.

This section also gives the General Assembly power to select the governor from among the candidates having received a tie vote in the event no candidate has received a plurality in the general election. The Committee feels that it is desirable to provide some technique to handle this remote contingency, but does not think it necessary to provide for a run-off election because of the great unlikelihood of the situation ever developing.

This section also provides that candidates for governor and lieutenant governor shall run as a team in the general election, that each voter shall cast but a single vote for the team, and that such vote shall be a vote for both candidates on the team. This would adopt the same practice followed in six other states and the system traditionally employed for the election of President and Vice President of the United States.

The Committee feels that since, under section 4.03 of the draft, the lieutenant governor is to be the governor's assistant, it is desirable to assure that both candidates will be of the same political party. Consideration was also given as to whether a similar requirement should be constitutionally mandated for the party primaries, but it was felt that such a requirement would render the parties' nominating procedures too inflexible.

For example, the General Assembly may wish to have only the candidates for governor nominated in the party primaries, but have candidates for lieutenant governor nominated in conventions following the party primaries.

Sections 4.06 through 4.11 deal with the related problems of gubernatorial disability and succession. Section 4.06 deals with the narrow problem of what happens when a governor-elect fails to assume office. When the governor-elect is disqualified, resigns or dies following his election, the lieutenant governor-elect succeeds to the office for the full term. When the governor-elect fails to take office for some other reason, for example, illness, the lieutenant governor-elect serves as acting governor until the governor-elect takes office or until the office shall become vacant.

The distinction between succession to the office of governor and service as acting governor is developed in section 4.10. A procedure through which the office of governor may be declared vacant is established in section 4.08. The provisions dealing with the order of succession when there is no lieutenant governor to fulfill the role assigned to him are set forth in section 4.10.

Section 4.07: Lieutenant Governor as Acting Governor: This section establishes two situations in which the lieutenant governor shall serve as acting governor. First, the governor can temporarily transfer his powers to the lieutenant governor by notifying him in writing that he will be temporarily unable to carry out the duties of the office. For example, this technique might be used when the governor was about to be hospitalized for an operation. Second, the lieutenant governor is directed to serve as acting governor when the governor is disabled and thereby unable to communicate his inability to carry out the duties of office to the lieutenant governor. For example, this would occur if the governor were in a coma.

In either situation the lieutenant governor continues to serve as acting governor until the governor notifies him in writing that he is able to carry out his duties or until the office becomes vacant. Vacancy can occur in several ways. For example, a vacancy would occur if the governor died, resigned, was convicted on impeachment, or was removed from office pursuant to the terms of section 4.08 of this article.

It should be noted that this section does not automatically transfer the powers of the office of governor to the lieutenant governor when the governor leaves the State but that the governor is free to make such a transfer by written notification if he should so choose.

Section 4.08: Removal of Governor from Office: