

House Joint Resolution 7

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of Representative-elect John Lim)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Proposes amendment to Oregon Constitution to create elective office of Lieutenant Governor. Specifies duties of new office. Places Lieutenant Governor first in line of succession to become Governor. Specifies procedures for filling vacancy in office. Requires that first Lieutenant Governor be nominated and elected for four-year term commencing January 2007.

Refers proposed amendment to people for their approval or rejection at special election held on date specified in chapter _____, Oregon Laws 2005 (Enrolled House Bill 2347).

JOINT RESOLUTION

1
2 **Be It Resolved by the Legislative Assembly of the State of Oregon:**

3 **PARAGRAPH 1.** The Constitution of the State of Oregon is amended by creating new sections
4 1a, 5a and 19 to be added to and made a part of Article V, and by amending sections 1, 2, 3, 4, 5,
5 6, 7, 8a, 10, 11, 12, 13, 14, 17 and 18, Article V, section 14, Article II, section 31, Article IV, and
6 section 5, Article VI, such sections to read:

7 **Sec. 1. (1)** The *[chief]* executive power of the State~~, shall be~~ **is** vested in a Governor **and a**
8 **Lieutenant Governor**, *[who shall hold his]* **each of whom may hold** office for *[the]* **a** term of four
9 years~~;~~ *and no*. **The Governor is the chief executive of the State.**

10 **(2)(a)** A person *[shall be eligible to such office]* **may not serve as Governor for** more than
11 *[Eight,]* **eight years** in any period of twelve years.~~[-]~~

12 **(b)** A person **may not serve as Lieutenant Governor for more than eight years in any**
13 **period of twelve years.**

14 **SECTION 1a. (1)** **The first Lieutenant Governor shall be elected in the manner specified**
15 **in section 4 of this Article for the four-year term commencing January 2007.**

16 **(2)** **This section is repealed on January 2, 2008.**

17 **Sec. 2.** No person except a citizen of the United States~~,~~ shall be eligible to the Office of Gov-
18 ernor **or Lieutenant Governor**, nor shall any person be eligible to *[that]* **either** office who shall
19 not have attained the age of thirty years, and who shall not have been three years next preceding
20 *[his]* **the election for that office**, a resident within this State. The minimum age requirement of this
21 section does not apply to a person **other than the Lieutenant Governor** who succeeds to the office
22 of Governor under section 8a of this Article.

23 **Sec. 3.** No member of Congress, or person holding any office under the United States, or under
24 this State, or under any other power, shall fill the Office of Governor **or Lieutenant Governor**,
25 except as may be otherwise provided in this Constitution.~~[-]~~

26 **Sec. 4. (1)** The Governor **and Lieutenant Governor** shall be elected by the qualified Electors
27 of the State at the times~~,~~ and places of choosing members of the Legislative Assembly.~~;~~ *and the]*

28 **(2)** **The** returns of every Election for Governor~~,~~ **and Lieutenant Governor** shall be sealed

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 up[,] and transmitted to the Secretary of State. [*;* *directed*] **The Secretary of State shall direct the**
 2 **returns** to the Speaker of the House of Representatives, who shall open[,] and publish them in the
 3 presence of both houses of the Legislative Assembly.[-]

4 **Sec. 5.** The person having the highest number of votes for Governor[,] shall be elected.[: *but*
 5 *in*] **In** case two or more persons shall have an equal and the highest number of votes for Governor,
 6 the two houses of the Legislative Assembly at the next regular session [*thereof,*] shall forthwith by
 7 joint vote[, *proceed to*] elect one of [*the said*] **those** persons Governor.[-]

8 **SECTION 5a.** **The person having the highest number of votes for Lieutenant Governor**
 9 **shall be elected. In case two or more persons shall have an equal and the highest number**
 10 **of votes for Lieutenant Governor, the two houses of the Legislative Assembly at the next**
 11 **regular session shall forthwith by joint vote elect one of those persons Lieutenant Governor.**

12 **Sec. 6.** Contested [*Elections*] **elections** for Governor **and Lieutenant Governor** shall be deter-
 13 mined by the Legislative Assembly in [*such*] a manner [*as may be*] prescribed by law.[-]

14 **Sec. 7.** The official term of the Governor **and Lieutenant Governor** shall [*be four years; and*
 15 *shall*] commence at [*such*] **the** times [*as may be*] prescribed by this constitution, or prescribed by
 16 law.[-]

17 **Sec. 8a. (1)** In case of the removal from office of the Governor, or of [*his*] **the Governor's**
 18 death, resignation[,] or disability to discharge the duties of [*his*] **the** office as prescribed by law, the
 19 [*Secretary of State; or if there be none, or in case of his removal from office, death, resignation, or*
 20 *disability to discharge the duties of his office as prescribed by law, then the State Treasurer; or if there*
 21 *be none, or in case of his removal from office, death, resignation, or disability to discharge the duties*
 22 *of his office as prescribed by law, then the President of the Senate; or if there be none, or in case of*
 23 *his removal from office, death, resignation, or disability to discharge the duties of his office as pre-*
 24 *scribed by law, then the Speaker of the House of Representatives,]* **state officer next in line of suc-**
 25 **cession** shall become Governor until the disability [*be*] **is** removed[,] or a Governor [*be*] **is** elected
 26 at the next general biennial election. The Governor elected to fill [*the*] a vacancy shall hold office
 27 for the unexpired term of the outgoing Governor. **For purposes of this subsection, the line of**
 28 **succession to become Governor is: first, the Lieutenant Governor; second, the Secretary of**
 29 **State; third, the State Treasurer; fourth, the President of the Senate; and fifth, the Speaker**
 30 **of the House of Representatives.**

31 **(2)** The **Lieutenant Governor**, Secretary of State or [*the*] State Treasurer **succeeding to the**
 32 **office of Governor under subsection (1) of this section** shall appoint a person to fill [*his*] **the**
 33 **office vacated by the succession** until the election of a Governor, at which time the office so filled
 34 by appointment shall be filled by election; or, in the event of a disability of the Governor, to be
 35 **Acting Lieutenant Governor**, Acting Secretary of State or Acting State Treasurer until the disa-
 36 bility [*be*] **is** removed. The person so appointed shall not be eligible to succeed to the office of
 37 Governor [*by automatic succession*] under **subsection (1) of this section** during the term of [*his*] **the**
 38 **person's** appointment.

39 **(3)** **Except as provided in subsection (2) of this section, a vacancy in the office of Lieu-**
 40 **tenant Governor shall be filled by appointment by the Governor until a Lieutenant Governor**
 41 **is elected at the next general biennial election at which a Governor is elected. The person**
 42 **so appointed shall not be eligible to succeed to the office of Governor under subsection (1)**
 43 **of this section during the term of the person's appointment.**

44 **Sec. 10.** [*He*] **The Governor** shall take care that the Laws be faithfully executed.[-]

45 **Sec. 11.** [*He*] **The Governor** shall from time to time give to the Legislative Assembly informa-

tion touching the condition of the State, and [*reccommend*] **recommend** such measures as [*he*] **the Governor** shall judge to be expedient.

Sec. 12. [*He*] **The Governor** may on extraordinary occasions convene the Legislative Assembly by proclamation[,] and shall state to both houses, when assembled, the purpose for which they shall have been convened.[-]

Sec. 13. [*He*] **Except when duties are delegated to the Lieutenant Governor under section 19 of this Article, the Governor** shall transact all necessary business with the officers of government[,] and may require information in writing from the offices of the Administrative[,] and Military Departments upon any subject relating to the duties of their respective offices.[-]

Sec. 14. [*He*] **The Governor** shall have power to grant reprieves, commutations[,] and pardons, after conviction, for all [*offences*] **offenses** except treason, subject to such regulations as may be provided by law. Upon a conviction for treason [*he*] **the Governor** shall have power to suspend the execution of the sentence until the case shall be reported to the Legislative Assembly, at its next meeting, when the Legislative Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a [*farther*] **further** reprieve.[-]

[*He*] **The Governor** shall have power to remit fines, and forfeitures, under such regulations as may be prescribed by law; and shall report to the Legislative Assembly at its next meeting each case of reprieve, commutation, or pardon granted, and the reasons for granting the same; and also the names of all persons in whose favor remission of fines, and forfeitures shall have been made, and the several amounts remitted.

Sec. 17. [*He*] **The Governor** shall issue writs of Election to fill such vacancies as may have [*occured*] **occurred** in the Legislative Assembly.

Sec. 18. All commissions shall issue in the name of the State[:]; **and** shall be signed by the [*Govenor*] **Governor**, sealed with the seal of the State[,] and attested by the Secretary of State.[-]

SECTION 19. The Lieutenant Governor shall:

(1) **Serve as the executive director of the unit of state government that is principally responsible for implementing the international trade policies of the state; and**

(2) **Perform any ceremonial duties that the Governor assigns.**

Sec. 14. The regular general biennial election in Oregon [*for the year A. D. 1910 and thereafter*] shall be held on the first Tuesday after the first Monday in November. All officers [*except the Governor, elected for a six year term in 1904 or for a four year term in 1906 or for a two year term in 1908 shall continue to hold their respective offices until the first Monday in January, 1911; and all officers,*] except the Governor **and Lieutenant Governor** elected at any regular general biennial election [*after the adoption of this amendment*] shall assume the duties of their respective offices on the first Monday in January following such election. [*All laws pertaining to the nomination of candidates, registration of voters and all other things incident to the holding of the regular biennial election shall be enforced and be effected the same number of days before the first Tuesday after the first Monday in November that they have heretofore been before the first Monday in June biennially, except as may hereafter be provided by law.*]

Sec. 31. The members of the Legislative Assembly shall before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation[:;-I]: **“I do solemnly swear (or affirm as the case may be) that I will support the Constitution of the United States, and the Constitution of the State of Oregon, and that I will faithfully discharge the duties of Senator (or Representative as the case may be) according to the best of my [*Ability, And such*] **ability.”** **The** oath**

1 may be administered by the [*Govenor*] **Governor, Lieutenant Governor**, Secretary of State, or a
2 judge of the Supreme Court.[-]

3 **Sec. 5.** The Governor, **Lieutenant Governor**, Secretary of State[,] and Treasurer of State shall
4 severally keep the public records, books and papers at the seat of government in any manner re-
5 lating to their respective offices.

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7 **PARAGRAPH 2.** **The amendment proposed by this resolution shall be submitted to the**
8 **people for their approval or rejection at a special election held throughout this state as**
9 **provided in chapter _____, Oregon Laws 2005 (Enrolled House Bill 2347).**

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