

H

B

3

4

To: Representative Mitch Abood, Chairman  
House Committee on State Affairs

Through: Walt Furnace, Representative (S)

From: Steven C. Levi, Staff

Date: January 20, 1983

RE: HB 34

At the present time, the line of succession to the Governor's chair is limited to two (2) individuals: the elected Lt. Governor and the Governor's hand-picked, legislatively confirmed successor. Should the Governor's chair fall empty when there is no Lt. Governor, for whatever reason, the hand-picked, legislatively confirmed successor is only an acting governor and will hold this position only until a special election may be held to fill the office with an elected governor.

There is, however, a gap in the succession process. Should the Governor and the Lt. Governor be unable to fill the chair and there is no hand-picked, legislatively confirmed successor, there is no procedure for succession.

Representative Furnace recommends, through HB 34, that in the hopefully unlikely case that the Governor's chair is vacant and there is no Lt. Governor or hand-picked, legislatively confirmed successor, that the President of the Senate and thereafter the Speaker of the House shall succeed to the chair of governor.

Legislative Counsel has assured Representative Furnace that the succession to the chair of Governor by the President of the Senate or the Speaker of the House is only in the capacity of Acting-Governor and only until such time as a special election may be held. Legislative intent is that the President or the Speaker shall be Acting-Governor only.

---

ES  
Manned with own  
for confirmation  
special election for  
90 days -

Furnace

1/27



ALASKA STATE LEGISLATURE  
HOUSE OF REPRESENTATIVES  
RESEARCH AGENCY

Pouch Y, State Capitol  
Juneau, Alaska 99811  
(907) 455-3991

April 12, 1983

MEMORANDUM

TO: Representative Walt Furnace

FROM: Deb Pomeroy, Research Aide *Deb*

RE: Succession to the Offices of Governor and Lt. Governor  
Research Request 83-119

Steve Levi of your office called requesting the following information regarding succession to the offices of Governor and Lt. Governor in other states:

- 1) What is the line of succession in other states?
- 2) Is succession decided constitutionally or by statute?
- 3) What is the term of the successor?
- 4) Is the successor appointed Acting Governor or Governor?
- 5) Does the Acting Governor have the same powers as the Governor?
- 6) Are there any states where Supreme Court Justices succeed to Governor?

As you are aware, Alaska does not have a constitutional line of succession after the Lt. Governor. AS 44.19 states that after the start of the initial term of office, the Governor appoints, and the Legislature confirms in a joint session, a person from a principal department of state government as the successor to the Lt. Governor. If the Lt. Governor succeeds to the Governor's office, the appointee becomes Lt. Governor and serves for the remainder of the term. If, however, the appointed successor succeeds to the Governor's office, (s)he serves only until a special election is held.

Thirty-six states decide the succession to the Governor's office by constitution; thirteen states either decide the succession or add to the line of succession by statute. In all of the states, the successor has the duties and powers of the Governor. In all states except Hawaii,

Representative Furnace  
April 12, 1983  
Page 2

the successor is appointed Governor; in Hawaii, only the Governor and Lt. Governor may have the title of Governor, with other successors known as "Acting" Governor.

The majority of the states have direct succession to Governor. That is, if the Lt. Governor becomes Governor, his office remains vacant until the next election. Connecticut, Hawaii, Minnesota and Pennsylvania are the only states which have a successor to the office of Lt. Governor.

In 31 states, either the Senate President or House Speaker is next in line after the Lt. Governor to become Governor. Of the remaining 18 states, all but Delaware have an elected administrative official next in line for succession. Delaware has an appointed secretary of state in line after the Lt. Governor, although the next official for succession is elected. Nebraska is the only state in which the entire line of succession consists of legislative committee chairmen.

In reference to the term of the successor, most of the states have the successor serving for the remainder of the Governor's term, or until the next general election at which time a successor is elected for the unexpired portion of the term. A few states' constitutions or statutes vaguely state that the successor will serve "until the vacancy is filled."

I have prepared the attached chart listing the following information for each state:

- 1) the order of succession to either the Governor's or Lt. Governor's office and whether or not it is decided by statute or constitutionally;
- 2) whether the person in the line of succession is elected, appointed, or a legislative official; and
- 3) the length of the term the successor holds and any conditions which apply.

I hope this information is useful. If you have any questions, please call.

DP

Attachment

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Alabama	Governor	Cons. Art.V	Lt. Governor Sen. Pres. pro tem House Speaker Attorney General State Auditor Secretary of State State Treasurer	Elected Sen. Elected Hse. Elected Elected Elected Elected Elected	If the Gov. & Lt. Gov. seats become vacant more than 60 days before a General Election, these seats are filled at that election for the unexpired term; otherwise successor serves for the remainder of the term.
Alaska	Governor Lt. Governor	Cons. Art. III AS 44.10	Lt. Governor Gov. appointee	Elected Appointed	Elected Lt. Gov. serves for remainder of term. Legislature confirms Gov. appointee as successor to Lt. Gov. If (s)he succeeds to Gov., (s)he serves only until a special election is held.
Arizona	Governor	Cons. Art.V	Sec. of State Attorney General State Treasurer Supt. of Pub. Instr.	Elected Elected Elected Elected	Successor holds office until a Governor is duly elected and qualified. Only elected officials may succeed, not those who have been appointed to fill a vacancy
Arkansas	Governor	Cons. Art. 6	Lt. Governor Senate President Assembly Speaker	Elected Sen. Elected Assm. Elected	The Governor's term is two years. Successor holds office until the vacancy has been filled.
California	Governor	Cons. Art. VI Govt 12058	Lt. Governor Sen. Pres. pro tem Assembly Speaker Sec. of State Attorney General Controller	Elected Sen. Elected Assm. Elected Elected Elected Elected	Successor serves full term.
Colorado	Governor	Cons. Art. IV	Lt. Governor Sen. Pres. pro tem House Speaker	Elected Sen. Elected Hse. Elected	Successor holds office until the vacancy has been filled.

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Connecticut	Governor	Cons. Art. IV	Lt. Governor Sen. Pres. pro tem	Sen. Elected	Office is held until the next gen. election. When the Lt. Gov. succeeds to Gov., the Senate Pres. becomes Lt. Gov. Within 15 days of the Lt. Gov. taking his oath, the Sen. must select a new Pres. pro tem. If during an interim, a successor is required & there is no Pres. pro tem, the Sec. of State will convene Senate to elect one.
Delaware	Governor	Con. Art. III	Lt. Governor Sec. of State Attorney General Sen. Pres. pro tem House Speaker	Elected Appointed Elected Sen. Elected Hse. Elected	Successor holds office until a Governor is duly elected and qualified.
Florida	Governor	Cons. Art. IV FS 14.55	Lt. Governor Sec. of State Attorney General State Comptroller State Treasurer Comm. of Education Comm. of Agriculture	Elected Elected Elected Elected Elected Elected Elected	Successor serves for the remainder of the term.
Georgia	Governor	Cons. Art. V	Lt. Governor House Speaker	Elected Hse. Elected	Lt. Governor serves until next general election, at which time a Governor is elected for the unexpired term. If the House Speaker succeeds to Gov., a special election must be held to elect a Gov. within 60 days of the Speaker taking office.
Hawaii	Governor	Cons. Art. V HS 26-2	Lt. Governor Senate President House Speaker Attorney General Director of Finance Comptroller Dir. of Taxation Dir. of Pers. Svces	Elected Sen. Elected Hse. Elected Appointed Appointed Appointed Appointed Appointed	Successor serves for the remainder of the term. When the Lt. Gov. succeeds to Gov., the Sen. Pres. becomes Lt. Gov. After that, succession leaves the Lt. Gov. office vacant. Only the Governor and Lt. Governor can hold the title of Governor; the others are known as Acting Governor. Although known as "Acting" Governor, the successor has all powers given to the Gov.

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Idaho	Governor	Cons. Art. IV	Lt. Governor Sen. Pres. pro tem House Speaker	Elected Sen. Elected Hse. Elected	Lt. Gov. holds office for the remainder of the term; Sen. Pres. pro tem and House Speaker serve "until the vacancy is filled."
Illinois	Governor	Cons. Art. V IS127163b122	Lt. Governor. Attorney General Secretary of State Comptroller Treasurer Senate President House Speaker	Elected Elected Elected Elected Elected Sen. Elected Hse. Elected	Holds office for the remainder of the term. Elected officials only are eligible to succeed.
Indiana	Governor	Cons. Art. V	Lt. Governor	Elected	Serves until Governor is elected. Constitution states that further succession will be determined by law; however, no statutes were found.
Iowa	Governor	Cons. Art. IV	Lt. Governor Sen. Pres. pro tem House Speaker	Elected Sen. Elected Hse. Elected	Lt. Gov. serves remainder of term; Sen. Pres. and House Speaker serve "until the vacancy is filled."
Kansas	Governor	Cons. Art. 1 KS 48-12-4	Lt. Governor Senate President House Speaker Secretary of State Attorney General Chancellor, U. of K. Pres, Kansas State Univ. of Ag. and Applied Science	Elected Sen. Elected Hse. Elected Elected Elected	Serves until next election.
Kentucky	Governor	Cons. Art. 84	Lt. Governor Sen. Pres. pro tem	Elected Sen. Elected	Lt. Governor serves until a Gov. is duly elected and qualified; if the Sen. Pres. pro tem succeeds, and vacates office before the first two years are over, a new election is held. If there is no Pres. pro tem, the Secretary of State, then Attorney General hold office until a President pro tem has been elected.

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Louisiana	Governor	Cons. Art. IV	Lt. Governor Secretary of State Attorney General Treasurer Presiding Sen. Off. House Speaker	Elected Elected Elected Elected Sen. Elected Hse. Elected	Successor serves for the remainder of the term. The governor appoints and the legislature confirms a new Lt. Governor. He is not eligible to succeed however, to the Governor's position. The constitution states further succession may be determined by law; however no statute was found.
Maine	Governor	Cons. Art. V	Senate President	Sen. Elected	If the office becomes vacant more than 90 days before primary election for a biennial election, a Governor is elected at that biennial election and serves for the remainder of the term.
Maryland	Governor	Cons. Art. II	Lt. Governor	Elected	A Lt. Governor is appointed by the Governor and confirmed by the majority of a joint session. If both seats become empty, the assembly elects a new Governor. The Senate President serves as Acting Governor until that time.
Massachusetts	Governor	Cons. Ch. 2	Lt. Governor	Elected	Serves for remainder of the term.
Michigan	Governor	Cons. Art. V	Lt. Governor Sec. of State Attorney General	Elected Elected Elected	Successor serves for remainder of the term. Order of succession pertains to elected officials only, not those appointed to fill a vacancy. The constitution states that further succession may be determined by law; however, no statute was found.
Minnesota	Governor	Cons. Art. V MS 4.06	Lt. Governor Senate President House Speaker Secretary of State State Auditor State Treasurer Attorney General	Election Sen. Elected Hse. Elected Elected Elected Elected Elected	Successor serves for remainder of term. The Senate President succeeds to the Lt. Gov. office. After the Senate President, all successors are for the governor's office. If the Senate President succeeds to governor, the Lt. Governor office remains vacant.
Mississippi	Governor	Cons. Art. V	Lt. Governor Sen. Pres pro tem House Speaker	Elected Sen. Elected Hse. Elected	Successor serves for the remainder of the term. If all three mentioned seats are vacant, the Sec. of State convenes Senate to elect a Pres. pro tem.

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Missouri	Governor	Cons. Art. IV	Lt. Governor Sen. Pres. pro tem House Speaker Sec. of State State Auditor State Treasurer Attorney General	Elected Sen. Elected Hse. Elected Elected Elected Elected Elected	Successor serves for the remainder of the term.
Montana	Governor	Cons. Art. VI MS 2-16-514	Lt. Governor Senate President House Speaker	Elected Sen. Elected Hse. Elected	Successor serves for the remainder of the term. If the Lt. Gov. or Sen. President succeeds to Gov., they appoint a Lt. Gov.; if the House Speaker succeeds, the legislature elects a Lt. Governor in joint session.
Nebraska	Governor	Cons. Art. IV NS 84-120	Lt. Governor Speaker of the Leg. Chair, Exec. Board of Leg. Council, Chair, Comm. on Comm. Chair, Judiciary Chair, Government Chair, Military & Veterans Affairs Chair, Approp. Chair, Revenue Chair, Education Chair, Banking, Com- merce & Insurance Chair, Public Work Chair, Ag. & Envir. Chair, Health & Welfare Chair, Misc. Subjects Chair, Urban Affairs Chair, Labor Chair, Const. Rev.	Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected Leg. Elected	Successor serves until vacancy is filled.

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Nevada	Governor	Cons. Art. V	Lt. Governor	Elected	Serves for the remainder of the term.
New Hampshire	Governor	Cons. Art. 49	Senate President House Speaker Secretary of State State Treasurer	Elected Elected Leg. Elected Leg. Elected	Successor serves for the remainder of the term. The Secretary of State and State Auditor are entitled to serve only until the Senate or House elects a President or Speaker.
New Jersey	Governor	Cons. Art. V	Senate President Assembly Speaker	Sen. Elected Assem. Elected	Successor serves until the next general election at which time a Governor is elected for the unexpired portion of the term. The constitution states further succession may be determined by statute; however, no statute was found.
New Mexico	Governor	Cons. Art. V	Lt. Governor Secretary of State Sen. Pres. pro tem House Speaker	Elected Elected Sen. Elected Use. Elected	Serves for the remainder of the term.
New York	Governor	Cons. Art. IV	Lt. Governor Sen. Pres. pro tem Assembly Speaker	Elected Sen. Elected Assem. Elected	Lt. Governor serves for remainder of the term. Sen. Pres. and Assembly Speaker serve until next general election to be held not more than 3 mo. after both Gov. & Lt. Gov. seats become vacant.
S. Carolina	Governor	NCS 174.11	Lt. Governor Sen. President House Speaker Secretary of State State Auditor State Treasurer Supt. of Pub. Inst. Attorney General Agriculture Comm. Labor Comm. Insurance Comm.	Elected Sen. Elected Use. Elected Elected Elected Elected Elected Elected Elected Elected Elected	Holds office for remainder of term.

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
N. Dakota	Governor	NDS 44.2.3 NDS 54.47.3	Lt. Governor Secretary of State House Speaker Sen. Pres. pro tem Attorney General	Elected Elected Hse. Elected Sen. Elected Elected	Successor serves for remainder of term. Only elected officials are eligible for succession, not those appointed to fill a vacancy. If none of the listed officials may serve, line of succession moves to the ex-Governors, the most recent one serving first.
Ohio	Governor	Cons. Art. III	Lt. Governor Senate President House Speaker	Elected Sen. Elected Hse. Elected	Serves for the remainder of the term. When both Gov. & Lt. Gov. seats are vacant prior to the expiration of the the first 20 months of the term, the Gov. and Lt. Gov. are elected at the next gen. election held in an even numbered year.
Oklahoma	Governor	Cons. Art. VI	Lt. Governor Sen. Pres. pro tem House Speaker	Elected Sen. Elected Hse. Elected	Lt. Governor serves for the remainder of the term. Sen. Pres. and House Speaker serves "until the vacancy is filled."
Oregon	Governor	Cons. Art. V	Secretary of State Treasurer Sen. Pres. pro tem House Speaker	Elected Elected Sen. Elected Sen. Elected	Serves until the next election. An appointed official may not succeed to office.
Pennsylvania	Governor	Cons. Art. IV	Lt. Governor Sen. Pres. pro tem	Elected Sen. Elected	Serves for the remainder of the term. The Sen. Pres. succeeds to Lt. Gov. office when the Lt. Gov. succeeds to Gov.
Rhode Island	Governor	Cons. Art. 7	Lt. Governor Presiding Sen. Off.	Elected Sen. Elected	Holds office until the next annual election.
S. Carolina	Governor	Cons. Art. IV	Lt. Governor Sen. Pres. Pro tem	Elected Sen. Elected	Holds office until the next general election. Constitution states that further succession may be determined by law; no statute was found.
S. Dakota	Governor	Cons. Art. 10 SDS 1-7-4.1	Lt. Governor Hse. Speaker Sen. Pres. pro tem Hse. Spkr. pro tem Secretary of State	Elected Hse. Elected Sen. Elected Hse. Elected Sen. Elected	Successor serves for remainder of term. Governor appoints new Lt. Governor who is confirmed by the legislature, and is not eligible for succession.

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Tennessee	Governor	Cons. Art. III	Senate Speaker House Speaker	Sen. Elected Hse. Elected	The Senate Speaker is by statute Lt. Governor. If succession occurs within the first 18 months, successor holds office until the next general election; after the 1st 18 mo. of the term, the successor serves for the remainder of the term.
Texas	Governor	Cons. Art. IV	Lt. Governor Senate President	Elected Sen. Elected	Holds office for the remainder of the term.
Utah	Governor	Cons. Art. VII	Secretary of State Sen. Pres. pro tem	Appointed Sen. Elected	Holds office until the next general election.
Vermont	Governor	VS 3.4	Lt. Governor House Speaker	Elected Hse. Elected	Holds office for the remainder of the term.
Virginia	Governor	Cons. Art. V	Lt. Governor Attorney General House Speaker	Elected Elected Hse. Elected	Holds office for the remainder of the term.
Washington	Governor	Cons. Ch. III	Lt. Governor Secretary of State State Treasurer State Auditor Attorney General Supt. of Pub. Inst. Comm. of Pub. Lands	Elected Elected Elected Elected Elected Elected Elected	If the vacancy occurs more than 30 days before a general election, then a new Governor is elected at that election.
W. Virginia	Governor	Cons. Art. VII	Senate President House Speaker	Sen. Elected Hse. Elected	If vacancy occurs before the first 3 years of term a new election must be held.
Wisconsin	Governor	Cons. Art. V	Lt. Governor Secretary of State	Elected Elected	Holds office for the remainder of the term.

STATE	SUCCESSION TO	CONSTITUTION OR STATUTE	ORDER OF SUCCESSION	APPOINTED OR ELECTED	CONDITIONS
Wyoming	Governor	WS 9-1-211 9-1-212	Secretary of State Senate President House Speaker State Auditor State Treasurer Supt. of Pub. Inst. Senate Vice-Pres H. Speaker pro tem	Elected Sen. Elected Hse. Elected Elected Elected Elected Sen. Elected Hse. Elected	Serves until the end of the term if vacancy occurs less than 60 days before a general election. If it occurs more than 60 days before a general election, a Governor is elected for the unexpired term at that election.