

SJR

40

4/20/00

Vo

The Anchorage Times

Publisher: BILL J. ALLEN

"Believing in Alaskans, putting Alaska first"

Editors: PAUL JENKINS; WILLIAM J. TOBIN

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Yes to amendment

YOU HAVE TO marvel at the angry response to a proposed constitutional amendment that would mandate our governor be elected by a majority vote. Absent a majority, a runoff would be required between the top two vote-getters in the general election.

Simple. Straightforward. Logical. After all, shouldn't the elected leader of our great state be the man or woman a majority of voters want elected? Not in some quarters, apparently. The very notion of changing the state constitution to ensure majority rule has set off paroxysms of rhetorical gobbledygook from the left.

It's too expensive and it's not needed, they say. No other state does it that way, they say. It's inconvenient, they say. The system is not broken, it doesn't need fixing, they say. And on, and on, and on.

Will it be too costly? Hardly. The governor's office pegs the cost at \$750,000, but that figure may be suspect. The governor thinks the change is unnecessary. To pay the costs, state employees could return their frequent-flier miles, received on tickets paid for by the state, or perhaps we could survive without paving the Denali Highway. There is more than enough waste in state government that could be cut to underwrite a runoff.

Is it necessary? Only if you believe that the best government is one supported by a majority of those governed. Electing a governor by fewer than half the votes cast does nothing to increase the public's trust of whoever holds that office.

No other state does it that way? That is the lame mantra of born followers, those too afraid to be the first to try something new. No other state gives its citizens a fat dividend check annually, either, but there are few complaints about that.

Inconvenience? Who cares? When did doing the right thing — the very thing that would instill greater respect and trust in the state's top elected post — become a matter of mere convenience and the winter weather?

Is the system broken? Only three governors since statehood have entered office with a majority of the votes cast. Is that a good thing or a bad thing? For the majority, it was a bad thing.

What has not been said in all this hoo-hah is the reason those on the left — editors and politicians alike — oppose this very sensible legislation that now faces a vote in the House. That reason? Self-preservation.

They know that if a runoff is required in a very conservative state, liberals are put at a distinct disadvantage. In their view, a status quo favoring election to office by less than a majority is a status quo that works for Democrats, and against Republicans. That suits them just fine.

When those on the Left start whining that the proposed amendment is nothing more than crass political posturing, keep in mind they are trying to save themselves — from the majority of you.

JUNEAU EMPIRE

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Let a majority of voters pick the governor

Should the chief elected executive officer in the state of Alaska be chosen by at least half of the voters who cast ballots? We think so, and there's a bill moving through the Legislature that would require the governor and lieutenant governor to get at least 50 percent of the vote in order to win office.

Currently, candidates for both offices need merely win a plurality of the vote — not necessarily half. In other words, our chief executive could actually live in the governor's mansion by garnering only 30 or 40 percent of the vote.

That's happened in the past. Gov. Tony Knowles won 42 percent of the vote when he took office in 1994. Likewise, former Gov. Walter J. Hickel won with just 39 percent of the vote in 1990.

In fact, only twice have governors won with more than half the vote — Gov. Knowles in 1998 and Bill Egan in 1970. We don't think that's right. We see it as important that our chief executive be chosen by at least half the voters.

As with any legislation, there are some concerns that should be addressed. One sticking point is that under the current proposal, if there's a runoff the winner wouldn't take office until the third Monday in February — more than a month after the Legislature convenes. That won't work. It doesn't make sense to have the Legislature convene and not have the new governor sitting.

And there are some concerns about how the bill would impact smaller political parties. Third parties are well-known for taking votes away from the two major parties, and that in turn makes it difficult for candidates to gather 50 percent. But that's part of the political process and it would require the successful candidate to appeal to enough voters.

Despite this, we think it's in the best interest of the state that its chief representative be selected by at least half the voters. We support Senate Joint Resolution 40. If passed, a constitutional amendment would go before voters — and to pass, it needs 50 percent plus one vote. If it takes at least half to pass a bill or amendment, shouldn't our governor be chosen the same way?



Governor

By REP. JEANNET
 On April 10, Gov. Knowles dashed off a "Dear Mother" letter requesting support for Senate Bill 267, which would permit same-day-as-hunting.

This divisive division will never have confrontation if the governor's job. Instead, he has his administration's position on the issue of predator control. While residents of other communities have their subsistence rights drastically diminished, the governor has refused to act.

In his letter, the Commissioner of Fish and Game states: "The Department of Fish and Game is ready to have the optimal land-and-shoot predator control programs by departmental approval. He's right. Trouble is, the department has refused to act — even in areas where life biologists emphasize predator control. The department has refused to implement predator control programs developed by his own department."

Editorial

The majority should rule

By a large majority along party lines except for one defecting Republican, the Alaska Senate has approved a proposed state constitutional amendment that would require that the governor of Alaska be elected by a majority of voters who show up at the polls.

A no-brainer, right? Isn't that the way a democracy is supposed to work? And what have we been doing until now when we have chosen a new governor?

In Alaska, as in numerous other states, a governor can be elected if he or she receives more votes than any other candidate. That means that a governor could be elected who was favored by only one in three voters, if two or more other candidates manage to split and dilute the elective power of the remaining votes.

That nearly happened in 1990, when Gov. Wally Hickel was elected by a mere 38 percent of those voting. The remaining 62 percent wanted someone else. Too bad. Under Alaska law, Hickel became governor.

Hickel isn't the only non-majority governor to take office. Since statehood, only William Egan (in 1958 and again in 1970) and Tony Knowles (in 1998) earned a majority of the vote. All other governors won with less than a majority.

That isn't to say that had there been a runoff, Jay Hammond, Bill Sheffield, Steve Cowper and others would have lost. But in Alaska, there is no such runoff. Whoever gets the most votes, majority or not, in the general election in November is the winner.

The Republican-sponsored constitutional amendment would require a runoff if the November election produces no majority. Democratic leaders in the Alaska Senate resist such a notion because they know their party is the one to likely suffer from this step toward better democracy. On Monday, they sent out a press release titled "Republicans attempt to benefit their political party in gubernatorial elections; Democrats object to Republican plan for longer and more expensive political campaigns." Johnny Eli (D-Anchorage) calls the Republican effort "a slap in the face" to members of Alaska's third parties. The real reason is that those third parties have tended to split the conservative vote and help Democrats like Tony Knowles win, as he did with 41 percent of the vote in 1994, his first term.

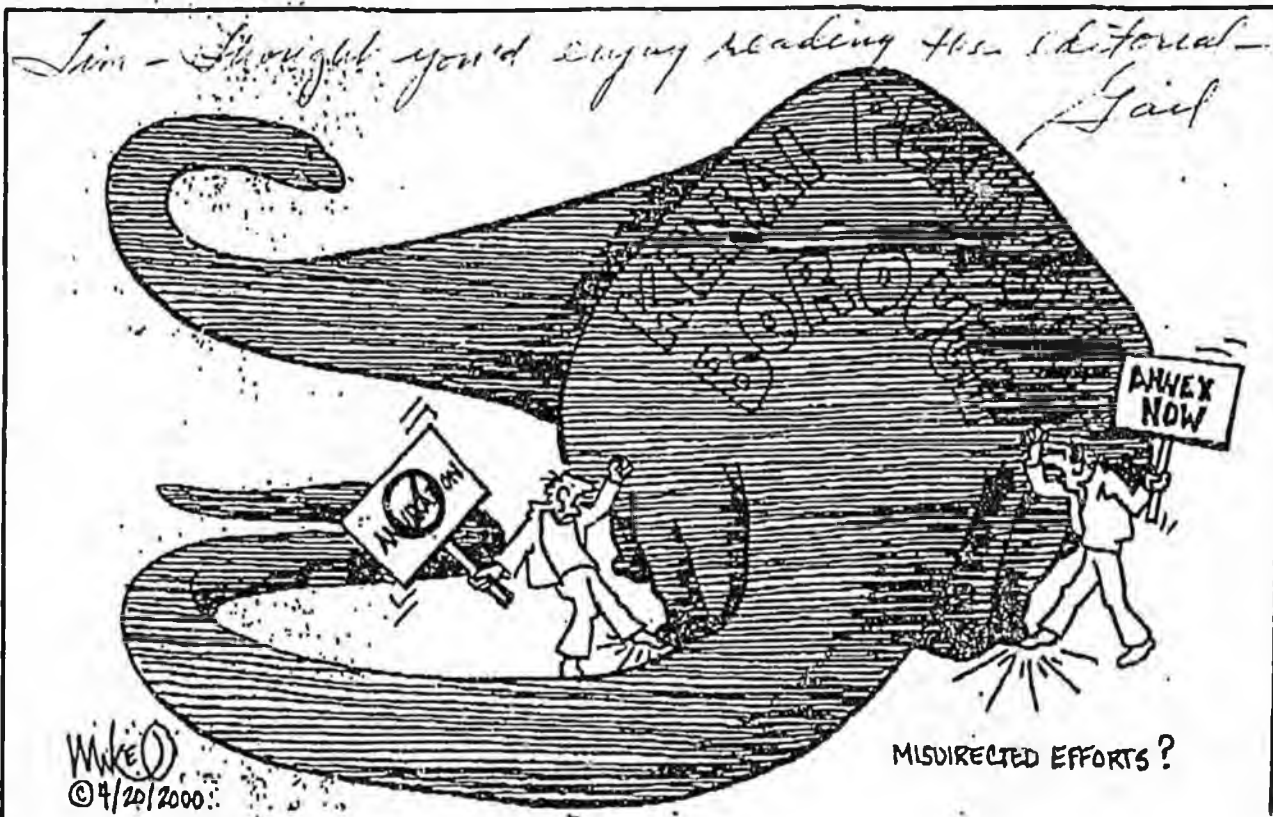
Sen. Kim Elton (D-Juneau) said such an amendment would cripple third-party candidates, and said that it's doubtful a runoff would represent the majority because voter turnout tends to drop in runoffs. Sen. Georgianna Lincoln (D-Rampart) wants to know where the Department of Justice is in clearing such a change in law per the Voting Rights Act of 1964.

And Ellis laments the extra cost of runoff elections and the longer campaigns, which are assured because, after all, only two governors thus far got into office with a majority of the vote.

Have you ever heard such sophistry? Fifty years from now, the populace will look back and wonder how our age allowed the top official in this state to be chosen by a minority and called that democratic. It will rank with poll-taxes, male-only voting, property-owner-only voting and white-only voting as one of the kinks that needed ironing out in perfecting the great American experiment.

I like the idea that the governor of this state is chosen by a majority of its voting citizens and not some quirk in the electoral process.

- Mark Turner, Editor and Publisher



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MEMORANDUM

April 20, 2000

SUBJECT: CSSJR 40 (Rules) am: determination of the governor's "term of office" (Work Order No. 1-L1579\X.a)

TO: Senator Tim Kelly

FROM: Jack Chenoweth
Assistant Revisor of Statutes

The resolution proposes amendments to require a majority vote for election of the governor (and lieutenant governor) and, in the resolution's bill section 2, makes a related change to the definition of the governor's term of office. You inquire as to whether there are inconsistencies in verbiage within section 2 that might cause a court to mistake the legislature's intent and give effect to a different outcome.

As drafted, the section's first sentence carries forward the first clause of the language of the current section, setting the duration of the governor's term as four years. The next two sentences provide for alternative start dates for that term depending on whether or not a runoff election becomes necessary. The last sentence sets the end of the incumbent's term to the start of term of the succeeding governor as determined under the section, when that individual's identity is known and the individual has qualified for the office.

While the current language of the section, geared without exception to the first Monday in December every fourth year, has the advantage of clarity, a court should not have trouble understanding and applying the provision as modified. First, the court would understand that the change made is collateral to the resolution's principal purpose--that of amending the election provisions to assure choice of a chief executive with a majority vote. Second, the first sentence, with its reference to "four years," should be understood as setting out general parameters of the governor's term of office, subject to adjustment as may be necessary based on application of one or the other of the alternative starting dates set out in the next two sentences and the ending date spelled out in the concluding sentence.

Applying usual rules of construction, the court should start from the presumption that, as with a statute, unless one provision is clearly more specific and, therefore, controlling, every part of a constitutional provision should be given effect, reconciling any conflicting provisions, if possible. Would the court apply the first sentence literally and determine that a governor who had been elected by majority vote at a general election and inaugurated on the first Monday in December should forfeit the office on a date that is precisely four years later even though the governor's successor had yet to be elected at a runoff election (and

Senator Tim Kelly
April 20, 2000
Page 2

especially if that governor were seeking re-election)? Not likely. The court would well understand that the last three sentences set out the specific parameters on the dates of the beginning and end of the governor's term, and that the first sentence sets out the general description of the period in which a new governor is subject to election and the start of the governor's term. Viewed a little differently, the court would be reluctant to elevate the effect of the first sentence (four years and not a day longer) so as to undercut the effect of the last (retain power until your successor has been elected and qualified).

Please appreciate that the question of the relationship between the statement of a "term of four years" and the variation in the start date is with us, even today, under the existing constitutional provision. Expressing the first day of the governor's term as a "day" rather than a "date" does not ensure that the term of office will begin and end on precisely the same date at four year intervals. In the first four decades of this state's history, this inconsistency has not been a problem. I cannot see that it should be under the changes proposed in CS SJR 40 (Rules) am.

In the short time available, I hope this is sufficient for your purposes.

JBC:lmb
00-034.lmb

ALASKA FEDERATION OF NATIVES, INC.

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907-274-3611 Fax 907-276-7989

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ALBERT KOOKESH

**TO: MEMBERS OF THE ALASKA HOUSE
OF REPRESENTATIVES**
FROM: ^{File} JULIE KITKA, AFN PRESIDENT ^{CK}
SUBJECT: CS FOR SENATE JOINT RESOLUTION 40
DATE: APRIL 20, 2000

On behalf of the Board of Directors of the Alaska Federation of Natives, I am writing to you to urge the prompt defeat of CSSJR 40, which was passed by the Alaska Senate and is now up for consideration by the House.

We find this to be an uninformed and frightening attack on sound constitutional practices that have served the State of Alaska very well for more than 40 years. It is an attempt by irresponsible office-holders to entrench themselves and to upset the balance of powers. If adopted, it will create governmental nightmares, as well as a host of court cases. Our Constitution and the electoral system it contains work, and they should be left alone. The last thing this Legislature should be doing to tinkering with the most precious right of all: the vote.

As you consider this legislation today, I am requesting that you ask yourself some very important questions:

1. Why is CSSJR 40 strictly limited to the offices of Governor and Lt. Governor? If the requirement of a majority vote is a good idea for those positions, why have the sponsors not applied that principle to their own offices? Could it be that this is not really an attempt to improve government, but to grab permanent partisan control of it? Could it also be an attempt by the legislative branch to weaken the executive, if only as a reflection of the current political differences between them?
2. Why should a new Governor be sworn in a full month after the Legislature convenes? Isn't it already hard enough for an incoming administration to gear up in only one month before the legislative session? Why bring it to office even later, requiring that the executive it play "catch-up" during its entire first year? Isn't it true that having legislative and executive terms "out of sync" with one another was so disruptive to the federal government before 1833 - a time when the Congress convened in January and the new President was inaugurated on March 3 - that the start of executive

term had to be changed to January 20? Why create a similar operational nightmare in Alaska?

3. Isn't it true that depending on a lame-duck administration for the budget, for executive orders and for board appointments at the outset of a new legislature is just another way of ensuring the supremacy of the legislative branch, rather than maintaining a healthy balance with the executive? Is that a good idea?
4. What will happen when there is a runoff election for Governor sometime in the near future (in a state with a history of close elections by pluralities)? Will the person finally elected even be able to take office by the third Monday in February - given vote counts, re-counts, the runoff and possible litigation? Are you sure this would not plunge the state into some degree of constitutional crisis every four to eight years?
5. If Alaska sets up a system of runoff elections for Governor, what will happen to voter turnout, especially in places like bush villages? Or is one of the real motives behind this resolution to limit turnout, as far as possible, to the urban "super-voters" who always go to the polls and tend to vote conservative? Can we agree that turnout is already low enough in America, and that the last thing we need to do is depress it further, alienating the people even more from their own system?
6. Why burden the already limited state budget with the expense of more elections? And why make additional, expensive campaigning a requirement of executive offices? Shouldn't both such resources be used for better purposes than a nonsensical effort to engineer electoral majorities in just one branch of government?

CSSJR 40 may be the worst idea to surface in the Alaska Legislature in recent years. It is not simply a bad statute. It is a fundamental change in the rules of the game; and it is being pressed by its sponsors, not to improve the process of voting, but to influence the substantive decisions of our state government.

For all of the questions listed above, AFN and the statewide Native community urge you to vote against CSSJR 40.

Thank you for your consideration.

ALASKA STATE LEGISLATURE

Sen. Robin Taylor, Chair
Sen. Rick Halford, Vice-Chair
Sen. Dave Donley
Sen. John Torgerson
Sen. Johnny Ellis



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Senate Judiciary Committee

Sponsor Statement

SJR # 40

Proposing amendments to the Constitution of the State of Alaska providing that the governor and lieutenant governor be elected by a majority vote; and changing the term of office of the governor and lieutenant governor.

Alaskans are looking for leadership from their elected representatives and are demanding accountability. However many people in the state feel betrayed because the men or women elected at the statewide level are not necessarily selected by a majority. This is most apparent by the continued decline in the voter turnout, 50.11 percent in 1998.

There are at least five political parties on the ballot in the Governor/Lieutenant Governor race. While these parties and their candidates represent the true diversity of Alaska they could also leave the winner of the race without that clear majority vote. In the last Gubernatorial General Election 48.73 percent of the vote was split between four candidates. Prior to that, the last Governor to be elected by a majority was Bill Egan in 1970.

SJR 40 will correct that by allowing the people of Alaska to decide if they want the opportunity to elect statewide candidates with a majority vote. The resolution does not mandate what will happen if a majority vote is not reached other than some form of a run-off. Currently there are different ideas on how that should be done. If passed by the public it gives the next Legislature a clear mandate that a plan must be put in place prior to the 2002 general election.

This resolution will establish the future of statewide elections and create a sense of representation to all Alaskans, as the individual holding the seat will be there with a clear majority of the voters.

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. SJR 40

Revision Date/Time (Note if correction) _____ Dept. Affected Office of the Governor
 Title Constitutional Amendment: Relating to a BRU Elective Operations
majority vote for statewide offices Component Elections
 Sponsor Senate Judiciary Committee
 Requester Senate Finance Committee Component No. 21

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual	1.5					
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	1.5	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	1.5					
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	1.5	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This figure includes the cost of providing information about this issue in the Official Election Pamphlet, as required by AS 15.58. However, only six measures can be printed on an 8-1/2 by 14 inch ballot. If this measure requires printing an 8-1/2 by 18 inch ballot, the cost will increase by \$22.0.

Prepared by: Gail Fenumiai Phone 465-3935
 Division Division of Elections Date/Time 3/31/00 2:48 PM
 Approved by: Lt. Governor Fran Ulmer Date 03/31/2000
 Agency Office of the Lieutenant Governor

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CS FOR SENATE JOINT RESOLUTION NO. 40(RLS) am
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE

Amended: 4/18/00
Offered: 4/16/00

Sponsor(s): SENATE JUDICIARY COMMITTEE

A RESOLUTION

1 Proposing amendments to the Constitution of the State of Alaska providing that
2 the governor and lieutenant governor be elected by a majority vote; and changing
3 the term of office of the governor and lieutenant governor.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

5 * Section 1. Article III, sec. 3, Constitution of the State of Alaska, is amended to read:

6 Section 3. Election. The governor shall be chosen by the qualified voters of
7 the State at a general election. The candidate receiving at least 50 percent plus one
8 of the votes cast for the office [THE GREATEST NUMBER OF VOTES] shall be
9 governor. If no candidate receives at least 50 percent plus one of the votes cast
10 at the general election, a runoff election between the two candidates receiving the
11 greatest number of votes shall be held, as prescribed by law.

12 * Sec. 2. Article III, sec. 4, Constitution of the State of Alaska, is amended to read:

13 Section 4. Term of Office. The term of office of the governor is four years.
14 If the governor is elected at the general election, the term begins [, BEGINNING]
15 at noon on the first Monday in December following the [HIS] election. If the
16 governor is elected at the runoff election, the term begins [AND ENDING] at noon

might want to see committee

1 on the third [FIRST] Monday in February following the election, unless otherwise
2 provided by law. It ends at noon on the day when the term of office of the
3 governor's successor begins under this section [DECEMBER FOUR YEARS
4 LATER].

5 * Sec. 3. Article III, sec. 8, Constitution of the State of Alaska, is amended to read:

6 Section 8. Same - Election. The lieutenant governor shall be nominated in
7 the manner provided by law for nominating candidates for other elective offices. In
8 the general election and any runoff election, the votes cast for a candidate for
9 governor shall be considered as cast also for the candidate for lieutenant governor
10 running jointly with the candidate for governor [HIM]. The candidate whose name
11 appears on the ballot jointly with that of the successful candidate for governor shall
12 be elected lieutenant governor.

13 * Sec. 4. The amendments proposed by this resolution shall be placed before the voters of
14 the state at the next general election in conformity with art. XIII, sec. 1, Constitution of the
15 State of Alaska, and the election laws of the state.

Governor/Lieutenant Governor Election Results

Year	Winners	Percent
1998:	Knowles/Ulmer	51.27%
1994:	Knowles/Ulmer	41.1%
1990:	Hickel/Coghill	38.8%
1986:	Cowper/McAlpine	47.3%
1982:	Sheffield/McAlpine	45.10%
1978:	Hammond/Miller	38.22%
1974:	Hammond/Thomas	46.51%
1970:	Egan/Boucher	51.34%

This information was supplied courtesy of the Division of Elections.

Shannon Morgan, Elections Clerk
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Alaska Division of Elections

RECOGNIZED POLITICAL PARTIES IN ALASKA Updated 2/17/00

A Recognized Political Party is an organized group of voters that represents a political program and either nominated a candidate for Governor who received at least 3% of the total votes cast for Governor at the preceding General Election or has registered voters equal to 3% of the votes cast for Governor in the last election. Candidates of a recognized political party file a Declaration of Candidacy. Until it qualifies as a recognized political party under this definition, an independent Political Group may field candidates for statewide and district-wide offices only by filing nominating petitions as required by AS 15.25.140 - 15.25.205. Reference: AS 15.60.010(20)

The following parties are currently recognized political parties in Alaska:

ALASKAN INDEPENDENCE PARTY

Mark Chryson, Chair
(907) 376-8285

DEMOCRATIC PARTY OF ALASKA

Christopher Cooke, Chair
(907) 258-3050

GREEN PARTY OF ALASKA

Soren Wuerth, Chair
(907) 344-9888

LIBERTARIAN PARTY

Len Karpinski
(907) 248-4367

REPUBLICAN MODERATE PARTY, INC.

Ray Metcalfe, Chair
(907) 344-4514

REPUBLICAN PARTY OF ALASKA

Tom McKay, Chair
(907) 276-4467

LIMITED POLITICAL PARTIES IN ALASKA

A Limited Political Party is a political group that organizes for the purpose of selecting candidates for electors for President and Vice President of the United States. A Limited Political Party ceases to be recognized in the State of Alaska if its presidential candidate fails to receive at least 3% of the votes cast for President. Reference: AS 15.60.010(12) and 15.30.025

The following party is a Limited Political Party in Alaska, holding that status for the 2000 General Election:

NATURAL LAW PARTY

Barbara Morgan, Alaska Chair
(907) 258-6261

REFORM PARTY

Edward Wassell, Alaska Chair
(907) 245-5113



Alaska Division of Elections Home Page

*To comment on this page, contact [Barbara Whiting](#)
at the Alaska Division of Elections.*

of attainder, ex post facto law or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No state shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

§ 1. **President and Vice President.** The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice President, chosen for the same term, be elected, as follows

Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and representatives to which the state may be entitled in the Congress; but no Senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the states, and a majority of all the states shall be necessary to a choice. In every case after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice President.]⁶

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person except a natural born citizen, or a citizen of the United States, at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office the same shall devolve on the Vice President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice President, declaring what officer

shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased or diminished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation:—"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

§ 2. Powers of the President. The President shall be commander-in-chief of the Army and Navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have the power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

§ 3. Messages to Congress; additional powers and duties. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

§ 4. Impeachment. The President, Vice President and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

ARTICLE III.

§ 1. Judicial power; tenure of office. The judicial power of the United States, shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services, a compensation, which shall not be diminished during their continuance in

§ 2. Jurisdiction. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or