

Office of the Vermont Secretary of State
Vermont State Archives

1991: Proposal 20

Subject: Vacancy in Office of Governor

PROPOSAL 20

Sec. 1. PURPOSES

This proposal would amend the Vermont Constitution by clarifying the succession of Lieutenant-Governor to Governor, providing for election by the freemen of the and the Lieutenant-Governor running as a team, and providing that the Secretary of State Treasurer and Auditor of Accounts be chosen in a manner to be determined by the General Assembly.

Sec. 2. Section 24 of Chapter II of the Vermont Constitution is amended to read:

§ 24. [VACANCY IN OFFICE OF GOVERNOR *[,]* AND
LIEUTENANT GOVERNOR *[AND TREASURER]*

In case of the death or resignation, of the Governor or the permanent inability of the Governor to perform the duties of that office, the Lieutenant-Governor shall become Governor. The * [Legislature]* General Assembly shall provide by general law what officer shall act as Governor whenever there shall be a vacancy in both the offices of Governor and Lieutenant-Governor, occasioned by a failure to elect, or by the removal from office by the death or resignation of both Governor and Lieutenant-Governor, or by the inability of both Governor and Lieutenant-Governor to exercise the powers and discharge the duties of the office of Governor; and such officer so designated, shall exercise the powers and discharge the duties appertaining to the office of Governor accordingly until the disability shall be removed, or a Governor shall be elected. And in case there shall be a vacancy in the office of Treasurer, by reason of any of the causes enumerated, the Governor shall appoint a Treasurer for the time being, who shall

act as Treasurer until the disability shall be removed, or a new election shall be made by the General Assembly.

Sec. 3. Section 43 of Chapter II of the Vermont Constitution is amended to read:

§ 43. [BIENNIAL ELECTIONS]

The Governor, Lieutenant-Governor, *[Treasurer, Secretary of State, Auditor of Accounts,]* Senator, *[Town]* Representatives, *[Assistant Judges of the County Court, Sheriffs, High Bailiffs, State's Attorneys, Judges of Probate]* and Justices of the Peace, shall be elected biennially on the first Tuesday next after the first Monday of November, beginning in A.D. 1914.

Sec. 4. Section 47 of Chapter II of the Vermont Constitution is amended to read:

§ 47. *[ELECTION OF GOVERNOR, LIEUTENANT GOVERNOR AND TREASURER]* ELECTION OF GOVERNOR AND LIEUTENANT GOVERNOR)

*[The freemen of each town shall, on the day of election for choosing Representatives to attend the General Assembly, bring in their votes for Governor, with his name fairly written, to the Constable, who shall seal them up, and write on them, Votes for Governor, and deliver them to the Representatives chosen to attend the General Assembly; and at the opening of the General Assembly, there shall be a committee appointed out of the Senate and House of Representatives, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count the votes for Governor, and declare the person who has the major part of the votes, to be Governor for the two years ensuing. The Lieutenant-Governor and the Treasurer shall be chosen in the manner above directed.

The votes for Governor, Lieutenant-Governor, and Treasurer, of the State, shall be sorted and counted, and the result declared, by a committee appointed by the Senate and House of Representatives.

If, at any time, there shall be no election, by the freemen, of Governor, Lieutenant-Governor, or Treasurer, of the State, the Senate and House of Representatives shall by a joint ballot, elect to fill the office, not filled by the freemen as aforesaid, one of the three candidates for such office (if there be so many) for whom the greatest number of votes shall have been returned.]*

The freemen shall, on the day of election for choosing Representatives to attend the General Assembly, jointly elect a Governor and Lieutenant -Governor. Each vote cast for a candidate for Governor shall also be counted for the candidate for Lieutenant-Governor nominated to run with that candidate for Governor.

The method of nominating candidates for Governor and Lieutenant- Governor by the General Assembly.

The Secretary of State shall report the tally of the votes for the office of Governor to the General Assembly, which shall declare the candidate who has the major part of the votes to be Governor, and his or her running mate to be Lieutenant-Governor, for the ensuing term .

If there shall be no election by the freemen of Governor and Lieutenant-Governor the Senate and House of Representatives shall by a joint ballot elect one of the candidates for Governor to be Governor, and his or her running mate to be Lieutenant-Governor.

Sec. 5. Section 48 of Chapter II of the Vermont Constitution is amended to read:

§ 48. [ELECTION OF SECRETARY OF STATE, TREASURER AND AUDITOR OF ACCOUNTS]

[The Secretary of State and the Auditor of Accounts shall be elected by the freemen of the State upon the same ticket with the Governor, Lieutenant-Governor and Treasurer; and the Legislature shall carry this provision into effect by appropriate legislation.]

The Treasurer, Secretary of State, and Auditor of Accounts shall be chosen in such manner and for such terms as the General Assembly may by statute provide.

Sec. 6. Section 49 of Chapter II of the Vermont Constitution is amended to read:

§ 49. [TERM OF GOVERNOR *[,]* AND LIEUTENANT GOVERNOR * [AND TREASURER]*]

The term of office of the Governor *[,]* and Lieutenant-Governor * [and Treasurer of the State, respectively,]* shall commence when they shall be chosen and qualified, and shall continue for the term of two years, or until their successors shall be chosen and qualified, or to the adjournment of the session of the Legislature at which, by the Constitution and laws, their successors are required to be chosen, and not after such adjournment.