

House Joint Resolution 3

Ordered printed by the Speaker pursuant to House Rule 12.00A (5). Pre-session filed (at the request of House Interim Committee on Economic Development)

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 Governor. Specifies procedures for filling vacancy in office of Lieutenant Governor. Directs Secretary of State to specify by rule manner in which persons may be nominated for Lieutenant Governor for purposes of regular general election held in 2008.

Refers proposed amendment to people for their approval or rejection at special election held on same date as next primary election.

JOINT RESOLUTION

Be It Resolved by the Legislative Assembly of the State of Oregon:

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

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

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

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

SECTION 1a. (1) Except as provided in subsection (2) of this section, this section and section 19 of this Article and the amendment to sections 1, 2, 3, 4, 5, 6, 7 and 8a of this Article, section 14, Article II, section 31, Article IV, and section 5, Article VI of this Constitution, by House Joint Resolution 3 (2007) become operative upon the publication of the returns by the Speaker of the House of Representatives, as provided in section 4 of this Article, for the regular general election held in 2008.

(2) This section and section 19 of this Article and the amendment to sections 1, 2, 3, 4, 5, 6, 7 and 8a of this Article, section 14, Article II, section 31, Article IV, and section 5, Article VI of this Constitution, by House Joint Resolution 3 (2007) become operative on the effective date of House Joint Resolution 3 (2007) for the purpose of nominating and electing a Lieutenant Governor at the regular general election held in 2008.

(3) The Secretary of State shall adopt rules specifying the manner in which persons may be nominated for the office of Lieutenant Governor for purposes of the regular general election held in 2008.

(4) This section is repealed on January 2, 2010.

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

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

10 **Sec. 4. (1)** The Governor **and the Lieutenant Governor** shall be elected by the qualified
 11 Electors of the State at the times[,] and places of choosing members of the Legislative Assembly.[:
 12 *and the]*

13 **(2)** **The** returns of every Election for Governor[,] **and Lieutenant Governor** shall be sealed
 14 *[up,]* and transmitted to the Secretary of State.[: *directed]* **The Secretary of State shall direct the**
 15 **returns** to the Speaker of the House of Representatives, who shall open[,] and publish them in the
 16 presence of both houses of the Legislative Assembly.[-]

17 **Sec. 5. (1)** The person having the highest number of votes for Governor[,] shall be elected.[: *but*
 18 *in]* **In** case two or more persons *[shall]* have an equal and the highest number of votes for Governor,
 19 the two houses of the Legislative Assembly at the next regular session *[thereof,]* shall *[forthwith]* by
 20 joint vote[, *proceed to]* elect one of *[the said]* **those** persons Governor.[-]

21 **(2)** **The person having the highest number of votes for Lieutenant Governor shall be**
 22 **elected. In case two or more persons have an equal and the highest number of votes for**
 23 **Lieutenant Governor, the two houses of the Legislative Assembly at the next regular session**
 24 **shall by joint vote elect one of those persons Lieutenant Governor.**

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

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

30 **Sec. 8a. (1)** In case of the removal from office of the Governor, or of *[his]* **the Governor's**
 31 death, resignation[,] or disability to discharge the duties of *[his]* **the** office as prescribed by law, the
 32 *[Secretary of State; or if there be none, or in case of his removal from office, death, resignation, or*
 33 *disability to discharge the duties of his office as prescribed by law, then the State Treasurer; or if there*
 34 *be none, or in case of his removal from office, death, resignation, or disability to discharge the duties*
 35 *of his office as prescribed by law, then the President of the Senate; or if there be none, or in case of*
 36 *his removal from office, death, resignation, or disability to discharge the duties of his office as pre-*
 37 *scribed by law, then the Speaker of the House of Representatives,]* **state officer next in line of suc-**
 38 **cession** shall become Governor until the disability *[be]* **is** removed[,] or a Governor *[be]* **is** elected
 39 at the next **regular** general *[biennial]* election. The Governor elected to fill *[the]* **a** vacancy shall
 40 hold office for the unexpired term of the outgoing Governor. **For purposes of this subsection, the**
 41 **line of succession to become Governor is first, the Lieutenant Governor; second, the Secre-**
 42 **tary of State; third, the State Treasurer; fourth, the President of the Senate; and fifth, the**
 43 **Speaker of the House of Representatives.**

44 **(2)** The **Lieutenant Governor**, Secretary of State or *[the]* State Treasurer **succeeding to the**
 45 **office of Governor under subsection (1) of this section** shall appoint a person to fill *[his]* **the**

1 office **vacated by the succession** until the election of a Governor, at which time the office so filled
 2 by appointment shall be filled by election; or, in the event of a disability of the Governor, to be
 3 **Acting Lieutenant Governor**, Acting Secretary of State or Acting State Treasurer until the disa-
 4 bility [*be*] **is** removed. The person so appointed [*shall*] **is** not [*be*] eligible to succeed to the office of
 5 Governor [*by automatic succession*] under **subsection (1) of** this section during the term of [*his*]
 6 appointment.

7 **(3) Except as provided in subsection (2) of this section, a vacancy in the office of Lieu-**
 8 **tenant Governor shall be filled by appointment by the Governor until a Lieutenant Governor**
 9 **is elected at the next regular general election at which a Governor is elected. The person so**
 10 **appointed is not eligible to succeed to the office of Governor under subsection (1) of this**
 11 **section during the term of appointment.**

12 **SECTION 19. The Lieutenant Governor shall:**

13 **(1) Serve as the executive director of the division of state government principally re-**
 14 **sponsible for implementing the international trade policies of the state; and**

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

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

27 **Sec. 31.** [*The*] **Before taking office, the** members of the Legislative Assembly shall [*before they*
 28 *enter on the duties of their respective offices,*] take and subscribe the following oath or
 29 affirmation[*;-I*]: **"I** do solemnly swear (or affirm as the case may be) that I will support the Consti-
 30 tution of the United States, and the Constitution of the State of Oregon, and that I will faithfully
 31 discharge the duties of Senator (or Representative as the case may be) according to the best of my
 32 [*Ability, And such*] **ability."** The oath may be administered by the [*Govenor*] **Governor, Lieutenant**
 33 **Governor**, Secretary of State, or a judge of the Supreme Court.[*-*]

34 **Sec. 5.** The Governor, **Lieutenant Governor**, Secretary of State[,], and [*Treasurer of*] State
 35 **Treasurer** shall severally keep the public records, books and papers at the seat of government in
 36 any manner relating to their respective offices.

37
 38 **PARAGRAPH 2. The amendment proposed by this resolution shall be submitted to the**
 39 **people for their approval or rejection at a special election held throughout this state on the**
 40 **same date as the next primary election.**