

**FIFTH INTERIM REPORT
OF THE
COMMISSION ON STATE GOVERNMENTAL MANAGEMENT
RECOMMENDATIONS ON THE OFFICE OF LIEUTENANT GOVERNOR
REPORTED TO
THE GOVERNOR
AND
THE GENERAL ASSEMBLY
OF VIRGINIA**



SENATE DOCUMENT NO. 39

**COMMONWEALTH OF VIRGINIA
Department of Purchases and Supply
Richmond
.1975**

The General Assembly in 1973 directed the Commission on State Governmental Management to study the Office of Lieutenant Governor in order to determine (1) the extent to which functions and responsibilities are vested in the Office of Lieutenant Governor in the several states; (2) the extent to which such functions and responsibilities should be vested in the Lieutenant Governor of the Commonwealth of Virginia; and (3) the extent of the dual nature of the services performed by the Lieutenant Governor and what, if any, changes are required therein. The Commission has concluded its review of these issues and recommends:

1. that the Lieutenant Governor become an active official in the executive branch,
2. that he no longer preside over the Senate, thereby establishing the proper separation of legislative and executive powers,
3. that he be elected as a member of a team with the Governor to provide continuity of policy in case he must assume the Office of Governor, and
4. that he exercise those powers and duties which are prescribed for him by the Governor, thereby eliminating the likelihood of a "two-headed" executive.

Implementation of such recommendations will require an amendment to the Constitution of Virginia, particularly to Sections 13 and 14 of Article V:

Current Section 13. Lieutenant Governor; Election and Qualifications. A Lieutenant Governor shall be elected at the same time and for the same term as the Governor, and his qualifications and the manner and ascertainment of his election, in all respects, shall be the same, except that there shall be no limit on the terms of the Lieutenant Governor.

Current Section 14. Duties and Compensation of Lieutenant Governor. The Lieutenant Governor shall be President of the Senate but shall have no vote except in case of an equal division. He shall receive for his services a compensation to be prescribed by law, which shall not be increased nor diminished during the period for which he shall have been elected.

A proposed resolution to amend those provisions to carry out the Commission's recommendations was introduced on January 20, 1975 as Senate Joint Resolution No. 127. Two amendments have been proposed since introduction of S.J.R. 127. The first amendment, which relates to Article IV, Section 7 of the Constitution, would make explicit the intention of the Commission that the incumbent Lieutenant Governor will continue as President of the Senate until his term is completed. The second amendment would eliminate any ambiguity in the language of Article V, Section 2 relating to the election of the Governor by inserting language in that Section to parallel the proposed language relating to election of the Lieutenant Governor in Article V, Section 13. A copy of the resolution as originally introduced and a copy of the resolution as amended are attached to this report.

The Commission recommended in its first interim report in January 1974 that the Lieutenant Governor be given greater executive responsibility. As the Commission observed there, the present arrangement should be altered because:

it deprives the Governor of greatly needed executive assistance; it deprives the Commonwealth of the valuable services of a prominent elected official; it renders virtually ~~meaningless a statewide election~~ for the second highest officer within the executive branch; and it leaves the Lieutenant Governor ill-equipped to succeed the Governor and makes for lack of continuity in the event of the death or disability of the Governor.

At the same time, however, the Commission recognizes that creation of a position within the executive branch for an elected official other than the Governor could lead to interference with the Governor's exercise of administrative responsibility if the two officials are incompatible. This problem can be met by inclusion of two provisions: (1) a requirement that the Governor and Lieutenant Governor run as a team, and (2) a provision that allows the Governor to delegate powers and duties to the Lieutenant Governor. Both have been recommended by the Commission.

It is desirable that the Governor and Lieutenant Governor share the same general views on public policy. This will make for greater compatibility between the two officials and will preclude a sharp change of direction in policy during a four-year period if the Governor fails to complete his term. If such a sharp change in policy is to occur, it should be on the basis of an election--not on the basis of a fortuitous event over which the electorate has no control (e.g., the Governor's death or disability). Particularly where the Lieutenant Governor is expected to exercise important policy or administrative responsibility within the executive branch when the Governor is still serving, a divergence of position between the Governor and an elected official over whom he has no control could lead to undesirable results and frustration of the Governor's constitutional responsibility. This potential problem is addressed by both provisions, but particularly by the provision permitting the Governor to delegate powers and duties to the Lieutenant Governor. In this way, the Governor is given a measure of control so that he can withdraw such powers and duties in the event of conflict or unsatisfactory performance.

LD5741

1 SENATE JOINT RESOLUTION NO. 127

2 Offered January 20, 1975

3 *Proposing amendments to Section 7 of Article IV and Sections 13 and 14 of Article V of*
4 *the Constitution of Virginia, relating to the office of Lieutenant Governor.*

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6 Patrons—Messrs. Willey, Hopkins, Brault and Gray, E. T.

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Referred to the Committee on Rules

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10 RESOLVED by the Senate, the House of Delegates concurring,
11 a majority of the members elected to each house agreeing, That the
12 following amendments to the Constitution of Virginia be, and the
13 same hereby are, proposed and referred to the General Assembly at
14 its first regular session held after the next general election of
15 members of the House of Delegates for its concurrence in
16 conformity with the provisions of Section 1 of Article XII of the
17 Constitution of Virginia, namely:

18 Amend Section 7 of Article IV and Sections 13 and 14 of Article
19 V of the Constitution as follows:

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ARTICLE IV

21 Section 7. Organization of General Assembly.—The House of
22 Delegates shall choose its own Speaker ; ~~and, in the absence of the~~
23 ~~Lieutenant Governor, or when he shall exercise the office of~~
24 ~~Governor, .~~ The Senate shall choose *its own President of the Senate and,*
25 *from its own body ,* a president pro tempore. Each house shall select
26 its officers and settle its rules of procedure. The houses may jointly
27 provide for legislative continuity between sessions occurring during
28 the term for which members of the House of Delegates are elected.
29 Each house may direct writs of election for supplying vacancies
30 which may occur during a session of the General Assembly. If
31 vacancies exist while the General Assembly is not in session, such
32 writs may be issued by the Governor under such regulations as may
33 be prescribed by law. Each house shall judge of the election,
34 qualification, and returns of its members, may punish them for
35 disorderly behavior, and, with the concurrence of two-thirds of its
36 elected membership, may expel a member.

37

Article V

1 Section 13. Lieutenant Governor; election and qualifications.—
 2 A Lieutenant Governor shall be elected at the same time and for the
 3 same term as the Governor ; ~~and his qualifications and the manner~~
 4 ~~and ascertainment of his election, in all respects, shall be the same, .~~
 5 *Each candidate for Lieutenant Governor shall run jointly in the general election with a*
 6 *candidate for Governor. Voting for the offices of Governor and Lieutenant Governor shall*
 7 *be as a unit. The qualifications of the Lieutenant Governor shall be the same as those of*
 8 *the Governor, except that there shall be no limit on the terms of the*
 9 *Lieutenant Governor. The General Assembly may by law provide for the filling of a*
 10 *vacancy in the office of Lieutenant Governor.*

11 Section 14. Duties and compensation of Lieutenant Governor.—
 12 The Lieutenant Governor shall be ~~President of the Senate but shall~~
 13 ~~have no vote except in case of an equal division~~ *perform such duties as*
 14 *may be delegated to him by the Governor.* He shall receive for his services a
 15 compensation to be prescribed by law, which shall not be increased
 16 nor diminished during the period for which he shall have been
 17 elected.

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 31 Official Use by Clerks

<p>32 Agreed to By The Senate</p> <p>33 with amendment</p> <p>34 without amendment</p> <p>35 Date:</p> <p>36</p> <p>37 Clerk of the Senate</p>	<p style="text-align: center;">Agreed to By</p> <p style="text-align: center;">The House of Delegates</p> <p style="text-align: center;">with amendment</p> <p style="text-align: center;">without amendment</p> <p>Date:</p> <p>Clerk of the House of Delegates</p>
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SENATE JOINT RESOLUTION NO. 127 (AS AMENDED)

RESOLVED by the Senate, the House of Delegates concurring, a majority of the members elected to each house agreeing, That the following amendments to the Constitution of Virginia be, and the same hereby are, proposed and referred to the General Assembly at its first regular session held after the next general election of members of the House of Delegates for its concurrence in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend Section 7 of Article IV and Sections 13 and 14 of Article V of the Constitution as follows:

ARTICLE IV

Section 7. Organization of General Assembly.--The House of Delegates shall choose its own Speaker; and, in the absence of the Lieutenant Governor, or when he shall exercise the office of Governor, the Senate shall choose from its own body its own President of the Senate and a president pro tempore. No President of the Senate shall be chosen by the Senate until after the expiration of the term of the Lieutenant Governor not required to run jointly as a candidate with the Governor. Each House shall select its officers and settle its rules and procedure. The houses may jointly provide for legislative continuity between sessions occurring during the term for which members of the House of Delegates are elected. Each house may direct writs of election for supplying vacancies which may occur during a session of the General Assembly. If vacancies exist while the General Assembly is not in session, such writs may be issued by the Governor under such regulations as may be prescribed by law. Each house shall judge of the election, qualification, and returns of its members, may punish them for disorderly behavior, and, with the concurrence of two-thirds of its elected membership, may expel a member.

ARTICLE V

Section 2. Election of Governor.--The Governor shall be elected by the qualified voters of the Commonwealth at the time and place of choosing members of the General Assembly. Each candidate for Governor shall run jointly in the general election with a candidate for Lieutenant Governor. Voting for the offices of Governor and Lieutenant Governor shall be as a unit. Returns of the election shall be transmitted, under seal, by the proper officers, to the State Board of Elections, or such other officer or agency as may be designated by law, which shall cause the returns to be opened and the votes to be counted in the manner prescribed by law. The person candidate for Governor having the highest number of votes shall be declared elected; but if two or more candidates for Governor shall have the highest and an equal number of votes, one of them shall be chosen Governor by a majority of the total membership of the General Assembly. Contested elections for Governor shall be decided by a like vote. The mode of proceeding in such cases shall be prescribed by law.

Section 13. Lieutenant Governor; election and qualifications.--A Lieutenant Governor shall be elected at the same time and for the same term as the Governor, and his qualifications and the manner and ascertainment

of his election, in all respects, shall be the same, Each candidate for Lieutenant Governor shall run jointly in the general election with a candidate for Governor. Voting for the offices of Governor and Lieutenant Governor shall be as a unit. The qualifications of the Lieutenant Governor shall be the same as those of the Governor, except that there shall be no limit on the terms of the Lieutenant Governor. The General Assembly may by law provide for the filling of a vacancy in the office of Lieutenant Governor.

Section 14. Duties and compensation of Lieutenant Governor.--The Lieutenant Governor shall be President of the Senate but shall have no vote except in case of an equal division perform such duties as may be delegated to him by the Governor. He shall receive for his services a compensation to be prescribed by law, which shall not be increased nor diminished during the period for which he shall have been elected.

