

Senator Stephen H. Urquhart proposes the following substitute bill:

JOINT RESOLUTION ON TERM OF APPOINTED

LIEUTENANT GOVERNOR

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: V. Lowry Snow

LONG TITLE

General Description:

This joint resolution of the Legislature proposes to amend the Utah Constitution to modify a provision relating to the term of office of the Lieutenant Governor following an appointment to that office.

Highlighted Provisions:

This resolution proposes to amend the Utah Constitution to:

- ▶ modify the term of an appointed Lieutenant Governor to be consistent with the term of Governor; and
- ▶ make a technical correction.

Special Clauses:

This resolution directs the lieutenant governor to submit this proposal to voters.

This resolution provides a contingent effective date of January 1, 2015, for this proposal.

Utah Constitution Sections Affected:

AMENDS:

ARTICLE VII, SECTION 10



26 *Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each*
27 *of the two houses voting in favor thereof:*

28 Section 1. It is proposed to amend Utah Constitution, Article VII, Section 10, to read:

29 **Article VII, Section 10. [Governor's appointive power -- Governor to appoint to**
30 **fill vacancy in other state offices -- Vacancy in the office of the Lieutenant Governor.]**

31 (1) (a) The Governor shall nominate, and by and with consent of the Senate, appoint all
32 State and district officers whose offices are established by this Constitution, or which may be
33 created by law, and whose appointment or election is not otherwise provided for.

34 (b) If, during the recess of the Senate, a vacancy occurs in any State or district office,
35 the Governor shall appoint some qualified person to discharge the duties thereof until the next
36 meeting of the Senate, when the Governor shall nominate some person to fill such office.

37 (2) If the office of State Auditor, State Treasurer, or Attorney General be vacated by
38 death, resignation, or otherwise, it shall be the duty of the Governor to fill the same by
39 appointment, from the same political party as the removed person; and the appointee shall hold
40 office until a successor shall be elected and qualified, as provided by law.

41 (3) (a) A vacancy in the office of Lieutenant Governor occurs when:

42 (i) the Lieutenant Governor dies, resigns, is removed from office following
43 impeachment, becomes Governor under Article VII, Section 11, ceases to reside within the
44 State, or is determined, as provided in Subsection (3)(b), to have a disability that renders the
45 Lieutenant Governor unable to discharge the duties of office for the remainder of the
46 Lieutenant Governor's term of office; or

47 (ii) the Lieutenant Governor-elect fails to take office because of the Lieutenant
48 Governor-elect's death, failure to qualify for office, or disability, determined as provided in
49 Subsection (3)(b), that renders the Lieutenant Governor-elect unable to discharge the duties of
50 office for the Lieutenant Governor-elect's full term of office.

51 (b) (i) Except when the disability of a Lieutenant Governor is determined under Article
52 VII, Section 11, Subsection (6) because the Lieutenant Governor is acting as Governor under
53 Article VII, Section 11, Subsection (5), the disability of a Lieutenant Governor or Lieutenant
54 Governor-elect shall be determined by a written declaration stating that the Lieutenant
55 Governor or Lieutenant Governor-elect is unable to discharge the powers and duties of the
56 office.

57 (ii) The written declaration under Subsection (3)(b)(i) shall be transmitted to the
58 Supreme Court and shall be signed by:

59 (A) the Governor; or

60 (B) (I) the Lieutenant Governor, if the Lieutenant Governor is the subject of the
61 declaration; or

62 (II) the Lieutenant Governor-elect, if the Lieutenant Governor-elect is the subject of the
63 declaration.

64 (iii) If the Lieutenant Governor or Lieutenant Governor-elect, as the case may be,
65 disputes a declaration transmitted by the Governor under Subsection (3)(b)(i), the Lieutenant
66 Governor or Lieutenant Governor-elect may, within ten days after the declaration is transmitted
67 to the Supreme Court, file a petition requesting the Supreme Court to determine whether a
68 disability exists as stated in the Governor's declaration.

69 (iv) In determining whether a disability exists, the Supreme Court shall follow
70 procedures that the Court establishes, unless the Legislature by statute establishes procedures
71 for the Supreme Court to follow in determining whether a disability exists.

72 (v) A determination of disability under this Subsection (3)(b) is final and conclusive.

73 (c) (i) If a vacancy in the office of Lieutenant Governor occurs, the Governor shall,
74 with the consent of the Senate, appoint a person as Lieutenant Governor, to serve:

75 (A) except as provided in Subsection (3)(c)(i)(B), the remainder of the unexpired term;
76 or

77 (B) until the first Monday in January of the year following the next regular general
78 election after the vacancy occurs, if [~~the vacancy occurs because the Lieutenant Governor~~
79 ~~becomes Governor~~] an election is held for Governor and Lieutenant Governor under Article
80 VII, Section 11, Subsection [~~(2)~~] (4).

81 (ii) The person appointed as Lieutenant Governor under Subsection (3)(c)(i) shall be
82 from the same political party as the Governor.

83 (iii) Neither the President of the Senate nor the Speaker of the House of
84 Representatives may, while acting as Governor under Article VII, Section 11, Subsection [~~(4)~~]
85 (5), appoint a person as Lieutenant Governor to fill a vacancy in that office.

86 Section 2. **Submittal to voters.**

87 The Lieutenant Governor is directed to submit this proposed amendment to the voters

88 of the state at the next regular general election in the manner provided by law.

89 Section 3. **Effective date.**

90 If the amendment proposed by this joint resolution is approved by a majority of those

91 voting on it at the next regular general election, the amendment shall take effect on January 1,

92 2015.