
DIGEST

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Beard

HB No. 716

Abstract: Provides for the filling of vacancies in statewide elective offices other than the office of governor by providing that if more than one year remains in the term of such a statewide elective office, the vacancy shall be filled by the first assistant to such elected official and in the case of the lieutenant governor, the person nominated by the governor and confirmed by the legislature, only until such office can be filled by election, either at a regular statewide or congressional election, or if such an election is not available within a year of the vacancy, a special election called by the governor for such purpose.

Present constitution provides that if a vacancy occurs in the office of lieutenant governor, the governor shall nominate a lieutenant governor, who shall take office upon confirmation by a majority vote of elected members of each house of the legislature.

Proposed constitutional amendment additionally provides that if the unexpired term exceeds one year, such person shall serve as lieutenant governor only until the office is filled by election as provided in proposed constitutional amendment below.

Present constitution provides that each statewide elected official except the governor and lieutenant governor shall appoint a first assistant, subject to confirmation by the Senate. Requires the first assistant to possess the qualifications required for election to office. Present constitution provides that to be eligible for a statewide elective office, a person by the time of qualifying as a candidate shall have attained the age of 25, be an elector, and have been a citizen of the state for at least the preceding five years. Further provides that the attorney general shall have been admitted to the practice of law for at least the five years preceding his election.

Present constitution additionally provides that a vacancy in a statewide elective office (other than that of governor or lieutenant governor) shall be filled by the first assistant. Provides that if the unexpired term exceeds one year, the office shall be filled by election at the next regularly scheduled congressional or statewide election, and the first assistant shall serve only until the person then elected takes office.

Proposed constitutional amendment specifies that if the unexpired term exceeds one year, the first assistant shall serve only until the person elected as provided in proposed constitutional amendment below takes office.

Proposed constitutional amendment provides that the unexpired term exceeds one year, the office shall be filled by election at the next regularly scheduled congressional or statewide election; however, if no such election date is available within one year of the vacancy, the office shall be

filled by election at a special election called by the governor for such purpose.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Sept. 30, 2006.

(Amends Const. Art. IV, §§15 and 16)