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Introduced by Senator Brulte

February 6, 2003

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Senate Constitutional Amendment No. 4—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by amending Section 10 of Article V thereof, relating to the Governor.

LEGISLATIVE COUNSEL'S DIGEST

SCA 4, as introduced, Brulte. Gubernatorial succession.

The California Constitution requires the Lieutenant Governor to act as the Governor of the state during impeachment, absence from the state, or other temporary disability of the Governor or of a Governor-elect who fails to take office.

This measure would delete “absence from the State, or other temporary disability” and instead would require that the Lieutenant Governor act as the Governor of the state during impeachment or temporary disability of the Governor or of a Governor-elect who fails to take office.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

1 WHEREAS, The California Constitution presently provides  
2 that the Lieutenant Governor serves as the Governor during the  
3 Governor’s absence from the state or other temporary disability;  
4 and

5 WHEREAS, The California Supreme Court in *In Re*  
6 *Governorship* (1979) 26 Cal. 3d 110 has interpreted this to mean  
7 the physical nonpresence of the Governor and that this has been the  
8 interpretation of “absence from the state” since 1849; and

1 WHEREAS, Modern conditions of travel, communication, and  
2 technology have eliminated the objections that the drafters of the  
3 early Constitution might have had to permitting the Governor to  
4 act from outside the state or to permitting postponement of  
5 gubernatorial actions until his or her return; and

6 WHEREAS, Most travels by modern Governors are for official  
7 state purposes and involve formal meetings with federal officials,  
8 other out-of-state officials, or overseas investors when the state is  
9 seeking funding or participating in major joint-state or federal  
10 projects; now, therefore, be it

11 *Resolved by the Senate, the Assembly concurring,* That the  
12 Legislature of the State of California at its 2003–04 Regular  
13 Session commencing on the second day of December 2002,  
14 two-thirds of the membership of each house concurring, hereby  
15 proposes to the people of the State of California that the  
16 Constitution of the State be amended by amending Section 10 of  
17 Article V thereof, to read:

18 SEC. 10. The Lieutenant Governor shall become Governor  
19 when a vacancy occurs in the office of Governor.

20 The Lieutenant Governor shall act as Governor during the  
21 impeachment, ~~absence from the State,~~ or ~~other~~ temporary  
22 disability of the Governor or of a Governor-elect who fails to take  
23 office.

24 The Legislature shall provide an order of precedence after the  
25 Lieutenant Governor for succession to the office of Governor and  
26 for the temporary exercise of the Governor’s functions.

27 The Supreme Court has exclusive jurisdiction to determine all  
28 questions arising under this section.

29 Standing to raise questions of vacancy or temporary disability  
30 is vested exclusively in a body provided by statute.

