

## ARTICLE II.

## EXECUTIVE DEPARTMENT.

Section 1. The executive power of the State shall be vested in a governor, whose term of office shall commence on the second Wednesday of January next ensuing his election, and continue for four years, and until his successor shall have qualified, but the governor chosen at the first election under this constitution shall not enter upon the discharge of the duties of the office until the expiration of the term for which the present incumbent was elected, unless the said office shall become vacant by death, resignation, removal from the State, or other disqualification of said incumbent.

Sec. 2. An election for governor under this constitution shall be held on the Tuesday next after the first Monday of November, in the year eighteen hundred and sixty four, and on the same day and month in every fourth year thereafter, at the places for voting for delegates to the general assembly, and every person qualified to vote for delegates shall be qualified and entitled to vote for governor; the election to be held in the same manner as the election of delegates, and the returns thereof, under seal, to be addressed to the speaker of the house of delegates, and enclosed and transmitted to the secretary of State, and delivered to the said speaker at the commencement of the session of the general assembly next ensuing said election.

Sec. 3. The speaker of the house of delegates shall then open the said returns in the presence of both houses, and the person having the highest number of votes, and being constitutionally eligible, shall be the governor, and shall qualify in the manner herein prescribed, on the second Wednesday of January next ensuing his election, or as soon thereafter as may be practicable.

Sec. 4. If two or more persons shall have the highest and an equal number of votes, one of them shall be chosen governor by the senate and house of delegates; and all questions in relation to the eligibility of governor, and to the returns of said election, and to the number and legality of votes therein given, shall be determined by the house of delegates; and if the person or persons having the highest number of votes be ineligible, the governor shall be chosen by the senate and house of delegates. Every election of governor by the general assembly shall be determined by a joint majority of the senate and house of delegates, and the vote shall be taken *visa voce*. But if two or more persons shall have the highest and an equal number of votes, then a second vote shall be taken, which shall be confined to the persons having an equal number; and if the votes should be again equal, then the election of governor shall be determined by lot between those who shall have

the highest and an equal number on the first vote.

Sec. 5. A person to be eligible to the office of governor must have attained the age of thirty years, and must have been for five years a citizen of the United States, and for five years next preceding his election a resident of the State.

Sec. 6. A lieutenant governor shall be chosen at every regular election for governor. He shall continue in office for the same time, shall be elected in the same manner, and shall possess the same qualifications as the governor. In voting for governor and lieutenant governor, the electors shall state for whom they vote as governor, and for whom as lieutenant governor.

Sec. 7. The lieutenant governor shall, by virtue of his office, be president of the senate, and whenever the senate are equally divided, shall have the right to give the casting vote.

Sec. 8. In case of the death, resignation, removal from the State, or other disqualification of the governor, the powers, duties and emoluments of the office shall devolve upon the lieutenant governor; and in case of his death, resignation, removal, or other disqualification, then upon the president of the senate for the time being, until the disqualification or inability shall cease, or until a new governor shall be elected and qualified; and for any vacancy in said office, not herein provided for, provision may be made by law, and if such vacancy should occur without such provision being made, the general assembly shall be convened by the secretary of State for the purpose of filling said vacancy.

Sec. 9. Whenever the office of governor shall be administered by the lieutenant governor, or he shall be unable to attend as president of the senate, the senate shall elect one of its own members as president, *pro tempore*.

Sec. 10. The lieutenant governor, while he acts as president of the senate, shall receive for his services the same compensation which shall for the same period be allowed to the speaker of the house of delegates, and no more.

Sec. 11. The governor shall be commander-in-chief of the land and naval forces of the State, and may call out the militia to repel invasions, suppress insurrections, and enforce the execution of the laws; but shall not take the command in person without the consent of the general assembly.

Sec. 12. He shall take care that the laws be faithfully executed.

Sec. 13. He shall nominate, and by and with the advice and consent of the senate, appoint all civil and military officers of the State, whose appointment or election is not otherwise herein provided for, unless a different mode of appointment be prescribed by the law creating the office.