

1 AN ACT proposing to amend Sections 70, 72, 73, 74, 84, 85, 86, 87, 90, 91, and 95
2 and repeal Section 82 of the Constitution of Kentucky relating to abolishing the Office of
3 the Lieutenant Governor.

4 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

5 ➔Section 1. It is proposed that Section 70 of the Constitution of Kentucky be
6 amended to read as follows:

7 The Governor ~~and Lieutenant Governor~~ shall be elected for the term of four years
8 by the qualified voters of the State~~. They shall be elected jointly by the casting by each~~
9 ~~voter of a single vote applicable to both offices~~, as shall be provided by law. The
10 *candidate*~~[slate of candidates]~~ having the highest number of votes cast *for him or*
11 *her*~~[jointly for them]~~ for Governor ~~and Lieutenant Governor~~ shall be elected; but if two
12 or more *gubernatorial*~~[slates of]~~ candidates shall be equal and highest in votes, the
13 election shall be determined by lot in such manner as the General Assembly may direct.

14 ➔Section 2. It is proposed that Section 72 of the Constitution of Kentucky be
15 amended to read as follows:

16 The Governor ~~and the Lieutenant Governor~~ shall be at least thirty years of age,
17 and have been *a citizen and resident*~~[citizens and residents]~~ of Kentucky for at least six
18 years next preceding *his or her*~~[their]~~ election.~~[The duties of the Lieutenant Governor~~
19 ~~shall be prescribed by law, and he shall have such other duties as delegated by the~~
20 ~~Governor.]~~

21 ➔Section 3. It is proposed that Section 73 of the Constitution of Kentucky be
22 amended to read as follows:

23 The Governor ~~and the Lieutenant Governor~~ shall commence the execution of the
24 duties of *his or her office*~~[their offices]~~ on the fifth Tuesday succeeding *his or her*~~[their]~~
25 election, and shall continue in the execution thereof until a successor shall have qualified.

26 ➔Section 4. It is proposed that Section 74 of the Constitution of Kentucky be
27 amended to read as follows:

1 The Governor~~[and Lieutenant Governor]~~ shall at stated times receive for the
2 performance of the duties of his or her office~~[their respective offices]~~ compensation to be
3 fixed by law.

4 ➔Section 5. It is proposed that Section 84 of the Constitution of Kentucky be
5 amended to read as follows:

6 Should the Governor be impeached and removed from office, die, refuse to qualify,
7 resign, certify by entry on his or her Journal that he or she is unable to discharge the
8 duties of his or her office, or be, from any cause, unable to discharge the duties of his or
9 her office, the President of the Senate~~[Lieutenant Governor]~~ shall exercise all the power
10 and authority appertaining to the office of Governor until another be duly elected and
11 qualified, or the Governor shall be able to discharge the duties of his or her office. *If the*
12 *President of the Senate is unable to discharge the duties of the Office of the Governor,*
13 *from any cause, the Speaker of the House shall in like manner administer the*
14 *government in place of the Governor. The Chief Justice of the Supreme Court shall*
15 *preside over any impeachment hearings of the Governor and he or she shall also*
16 *preside over any trial of the Governor*~~[On the trial of the Governor, the President of the~~
17 ~~Senate shall not preside over the proceedings, but the Chief Justice of the Supreme Court~~
18 ~~shall preside during the trial].~~

19 If the Governor, due to physical or mental incapacitation, is unable to discharge the
20 duties of his or her office, the Attorney General may petition the Supreme Court to have
21 the Governor declared disabled. If the Supreme Court determines in a unanimous decision
22 that the Governor is unable to discharge the duties of his or her office, the Chief Justice
23 shall certify such disability to the Secretary of State who shall enter same on the Journal
24 of the Acts of the Governor, and the President of the Senate~~[Lieutenant Governor]~~ shall
25 assume the duties of the Governor, and shall act as Governor until the Supreme Court
26 determines that the disability of the Governor has ceased to exist. *If the President of the*
27 *Senate is unable to discharge the duties of the Office of the Governor, from any cause,*

1 *the Speaker of the House shall in like manner administer the government in place of*
 2 *the Governor.* Before the Governor resumes his *or her* duties, the finding of the Court
 3 that the disability has ceased shall be certified by the Chief Justice to the Secretary of
 4 State who shall enter such finding on the Journal of the Acts of the Governor.

5 ➔Section 6. It is proposed that Section 85 of the Constitution of Kentucky be
 6 amended to read as follows:

7 A President of the Senate shall be elected by each Senate as soon after its
 8 organization as possible and as often as there is a vacancy in the office of President,
 9 another President of the Senate shall be elected by the Senate, if in session. And if, during
 10 the vacancy of the office of Governor, *the President of the Senate*~~the Lieutenant~~
 11 ~~Governor~~ shall be impeached and removed from office, refuse to qualify, resign, or die,
 12 the *Speaker of the House*~~President of the Senate~~ shall in like manner administer the
 13 government.

14 ➔Section 7. It is proposed that Section 86 of the Constitution of Kentucky be
 15 amended to read as follows:

16 The President of the Senate shall receive for his *or her* services the same
 17 compensation which shall, for the same period, be allowed to the Speaker of the House of
 18 Representatives, and during the time *the President of the Senate or the Speaker of the*
 19 *House*~~he~~ administers the government as Governor, he *or she* shall receive the same
 20 compensation which the Governor would have received had he *or she* been employed in
 21 the duties of his *or her* office.

22 ➔Section 8. It is proposed that Section 87 of the Constitution of Kentucky be
 23 amended to read as follows:

24 If the *President of the Senate*~~Lieutenant Governor~~ shall be called upon to
 25 administer the government in place of the Governor, and shall, while in such
 26 administration, resign, or die during the recess of the General Assembly,~~if there be no~~
 27 ~~President of the Senate, it shall be the duty of the Attorney General, for the time being, to~~

1 ~~convene the Senate for the purpose of choosing a President; and until a President is~~
2 ~~chosen,] the ***Speaker of the House***[Attorney General] shall administer the government ***in***
3 ***place of the Governor.***[If there be no Attorney General to perform the duties devolved
4 upon him by this section, then the Auditor, for the time being, shall convene the Senate
5 for the purpose of choosing a President, and shall administer the government until a
6 President is chosen.]~~

7 ➔Section 9. It is proposed that Section 90 of the Constitution of Kentucky be
8 amended to read as follows:

9 A contested ***election***[elections] for Governor[~~and Lieutenant Governor~~] shall be
10 determined by both Houses of the General Assembly, according to such regulations as
11 may be established by law.

12 ➔Section 10. It is proposed that Section 91 of the Constitution of Kentucky be
13 amended to read as follows:

14 A Treasurer, Auditor of Public Accounts, Commissioner of Agriculture, Labor and
15 Statistics, Secretary of State, and Attorney-General, shall be elected by the qualified
16 voters of the State at the same time the Governor ***is***[~~and Lieutenant Governor are~~] elected,
17 for the term of four years, each of whom shall be at least thirty years of age at the time of
18 his ***or her*** election, and shall have been a resident citizen of the State at least two years
19 next before his ***or her*** election. The duties of all these officers shall be such as may be
20 prescribed by law, and the Secretary of State shall keep a fair register of and attest all the
21 official acts of the Governor, and shall, when required, lay the same and all papers,
22 minutes and vouchers relative thereto before either House of the General Assembly. The
23 officers named in this section shall enter upon the discharge of their duties the first
24 Monday in January after their election, and shall hold their offices until their successors
25 are elected and qualified.

26 ➔Section 11. It is proposed that Section 95 of the Constitution of Kentucky be
27 amended to read as follows:

1 The election under this Constitution for Governor,~~[Lieutenant Governor,]~~
2 Treasurer, Auditor of Public Accounts, Attorney General, Secretary of State, and
3 Commissioner of Agriculture, Labor and Statistics, shall be held on the first Tuesday after
4 the first Monday in November, eighteen hundred and ninety-five, and the same day every
5 four years thereafter.

6 ➔Section 12. It is proposed that the following section of the Constitution of
7 Kentucky be repealed:

8 Section 82 Succession of Lieutenant Governor.

9 ➔Section 13. It is further proposed as a part of this amendment and as a schedule
10 of transitional provisions, for the purposes of this amendment, and any other provision of
11 the Constitution of Kentucky notwithstanding:

12 (1) The candidate for Governor that receives a certificate of election for the Office
13 of the Governor following the election in November 2023 shall be subject to the
14 provisions of this proposed amendment. The provisions of this proposed amendment shall
15 not apply to terms of office served prior to January 1, 2024.

16 (2) No candidate or office holder, other than those listed in subsection (1) of this
17 section, shall have his or her term of office affected by this proposed amendment.

18 ➔Section 14. This amendment shall be submitted to the voters of the
19 Commonwealth for their ratification or rejection at the time and in the manner provided
20 for under Sections 256 and 257 of the Constitution and under KRS 118.415. The question
21 to be presented to the voters shall read as follows: "Beginning with the Gubernatorial
22 Election of 2023, are you in favor of abolishing the Office of Lieutenant Governor, along
23 with the Lieutenant Governor's rights and obligations thereto, and establishing the
24 President of the Senate as first line of succession to the Governor, and establishing the
25 Speaker of the House as the second line of succession to the Governor, granting to them
26 the authority to exercise all the power and authority appertaining to the Office of
27 Governor until another be duly elected and qualified, or the Governor shall be able to

- 1 discharge the duties of his or her office, and removing the Attorney General and the
- 2 Auditor of Public Accounts from the line of gubernatorial succession?".