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EXECUTIVE OFFICERS IN STATE CONSTITUTIONS

Material Prepared for the
Subcommittee on Executive Powers and Functions
of the
State Constitution Committee
Hawaii Statehood Commission

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F O R E W O R D

Although the executive articles of the forty-eight state constitutions vary in innumerable details, there are certain traditional patterns which seem to have been widely adopted. All forty-eight states have as their chief executive a popularly elected governor whose term is either two or four years. Three-fourths of the states have a lieutenant governor, also popularly elected, whose primary purpose is to assume the governorship if that office becomes vacant.

The governor's executive duties are customarily to see that the laws are faithfully executed; to grant pardons, except in cases of treason and impeachment; to grant reprieves and commutations and, in approximately half of the states, to remit fines and forfeitures; to serve as commander-in-chief of the militia; to represent the state in its dealings with other states and with the federal government; and to grant all commissions in the name of the state.

In his relations with the legislature, the governor is generally required to report upon the condition of the state and to recommend expedient measures. He may adjourn the legislature when the two houses cannot agree upon adjournment and, in a majority of states, may convene the legislature in special session whenever he deems it necessary.

These executive and legislative powers of the governor are found in a majority of the state constitutions. However, the powers and duties of the governor as chief administrator of the state are not subject to similar generalization.

The early constitutions of New England explicitly limited the administrative power of the governor by creating an executive council, whose

consent he must have on all major decisions. Other state executive officers named in those early constitutions were relatively few. As the newer constitutions were framed, the trend was toward a more detailed executive organization with a greater number of officers popularly elected or in other ways made independent of the governor. At the same time, the states became engaged in a wider range of activities, increasing the governor's responsibility.

In the majority of states today, the governor shares his executive authority with five or six other constitutional officers for whose actions he is generally held publicly responsible, but over whom he has little control. In addition, a large part of the administrative structure through which he must operate is created by a constitution formulated at least fifty years ago when the activities of state governments were infinitesimal compared to current undertakings.

In the early 1920's, leaders in many states realized that state administrations were badly organized and could not cope with growing state problems. As a consequence, reorganization plans were widely adopted. However, due to the difficulty of amending the constitution, reorganization was in a large majority of states accomplished by statute and did not affect constitutional officers. New Jersey, New York and Virginia are the principal examples of states which ratified the constitutional amendments needed to eliminate the long ballot of elected officials and open the way for statewide reorganization. The trend toward greater integration in administration continued throughout the early 1930's and was intensified by the report of the President's Committee on Administrative Management issued in 1937 recommending greater centralization of administrative authority. Since late 1930 several states, notably Georgia, Missouri, New Jersey and New York,

have adopted new constitutions, and Oklahoma and Idaho have made substantial changes in their executive articles.

EXECUTIVE OFFICERS IN STATE CONSTITUTIONS

The Governor

The Office of the Governor

Qualifications:

The majority of state constitutions include three qualifications which a candidate for governor must meet: age, United States citizenship, and residence within the state.

The age requirement, where specified, is generally thirty years and the most prevalent residence requirement is five years. Three states require as long as ten years residence. Although the possession of United States citizenship is sufficient in almost half of the states, most of the remaining states require that a candidate shall have been a citizen for a stated number of years, ranging from two to twenty years. Only natural born citizens may be candidates in Maine. In only eight states is United States citizenship not specifically stated as a requisite; however, in some instances, these states require a candidate to be a qualified elector, which would necessitate his being a citizen or having applied for citizenship. Arizona is the one state with a provision making only males eligible to the office of governor. In those states which provide for the office of lieutenant governor, the same qualifications are stated as for the office of governor.¹ In Louisiana no one may qualify for the office of governor who at the time of the election holds any office under the state, the United States, any foreign power, or any other state. Incorporated in this provision is both a qualification for the office of governor and the concept of incompatible offices.

¹See Appendix A, p. 35, for the qualifications required of gubernatorial candidates in the various states.

Incompatible offices:

One-third² of the states prohibit anyone from acting as governor who holds any office under the state, the United States, any foreign power or any other state. Inherent in this provision is the concept that if the elected candidate holds any such office he must resign from it before he qualifies and assumes his duties as governor. Conversely, if the governor accepts an office deemed incompatible during the term for which he was elected, the office of governor is considered to be vacant.

Eight states³ provide even more stringent limitations upon the governor by making him ineligible for any other office during the term for which he was elected; Alabama and Utah extend this limitation by making him ineligible as a candidate for the United States Senate during the term for which he was elected, or, in Alabama, for one year thereafter.

Selection:

In all states the governor is elected by popular vote. Generally, the candidate receiving the highest number of votes is elected, even if less than a majority of the total vote. But in four states (Georgia, Maine, Massachusetts, and New Hampshire) an absolute majority is required; in these states, if no candidate receives a majority the election is decided by the legislature on joint ballot. In a number of other states, if the two highest candidates poll an equal number of votes, the legislature selects the governor from these candidates. The Mississippi constitution has an atypical

²Alabama, Arkansas, California, Indiana, Iowa, Kansas, Maryland, Massachusetts, Michigan, Nevada, New Hampshire, New Jersey, Ohio, Oregon, Pennsylvania, and Tennessee.

³Alabama, Indiana, Massachusetts, Michigan, South Carolina, South Dakota, Texas, Wyoming.

procedure for the election of the governor, under which a majority of both the popular vote and the electoral votes assigned to counties or legislative districts is required.

Under the two-party system, plurality elections usually give the same result as a majority requirement. However, if there are three or more candidates, the election might go to one receiving a good deal less than an absolute majority. There thus appears to be cause for providing for this contingency in some manner as in the states noted above.⁴

Term:

Twenty-seven states now have a four-year term for the office of governor; the balance, twenty-one, provide a two-year term.⁵ Under the original state constitutions the governor commonly served only one year, but the trend has been consistently toward longer terms. Within the last two years, two additional states, Idaho and New Jersey, have adopted the four-year term. In states which have a lieutenant governor, his term is the same as that for governor.

Succession:

The prohibition against reelection associated with the distrust of the governor found in early United States history is slowly disappearing, and twenty-eight states now have no restrictions against a governor succeeding himself. However, there are thirteen states in which such an absolute prohibition still exists; in the remaining states the governor's eligibility to succeed himself has specified limitations. The provisions found in the various state constitutions may be grouped as follows:

⁴John A. Fairlie, "The Executive Power in the State Constitution." Annals of the American Academy of Political and Social Sciences. Vol. 181, September 1935. p. 62.

⁵See Appendix B, p. 37.

1. States with no limitation upon succession.

Arizona	Massachusetts	Ohio
Arkansas	Michigan	Rhode Island
California	Minnesota	Texas
Colorado	Montana	Utah
Connecticut	Nebraska	Vermont
Georgia	Nevada	Virginia
Illinois	New Hampshire	Washington
Iowa	New York	Wisconsin
Maine	North Dakota	Wyoming
Maryland		

2. States in which governor may not succeed himself.

Alabama	Louisiana	Oklahoma
Florida	Mississippi	Pennsylvania
Idaho	Missouri	South Carolina
Indiana	North Carolina	West Virginia
Kentucky		

3. States which permit two successive terms, with limitations thereafter.

Delaware) - (May not succeed himself after two suc-
South Dakota) (cessive terms.

Kansas) - (After two consecutive terms he shall not
New Jersey) - (be eligible for four years.

New Mexico - (After two consecutive terms he shall not
- (be eligible for two terms thereafter.

4. States which permit a governor to serve only a specified number of years.

Oregon - (Shall not serve more than eight years out of
(twelve.

Tennessee - (Shall not be eligible for office more than
- (six years in any eight.

Salary:

In only four states (Maryland, Michigan, New York, and Texas) is the salary of the governor fixed in the constitution without any provision having been made for the legislature to change it at some later date. The constitution of Washington sets a maximum and minimum salary within which

the legislature may fix the governor's salary and the California constitution establishes a maximum salary which the legislature may reduce.

Most state constitutions specify a salary for the governor but provide that the legislature may change the amount.⁶ In addition, some states deny the right of state officers, including the governor, to receive for their own use any fees or duties in return for performing any official act. A typical example of both provisions is found in the constitution of the state of Utah:

. . . The compensation of the officers provided for by this article, until otherwise provided by law, is fixed as follows:

Governor, Two Thousand Dollars per annum. . . .

The compensation for said officers as prescribed in this section, and in all laws enacted pursuant to this Constitution, shall be in full for all services rendered by said officers, respectively, in any official capacity or employment during their respective terms of office. No such officer shall receive for the performance of any official duty any fee for his own use, but all fees fixed by law for the performance by either of them of any office duty, shall be collected in advance and deposited with the State Treasurer quarterly to the credit of the State. The Legislature may provide for the payment of actual and necessary expenses of said officers while traveling in the State in the performance of official duty. (Art. VII, Sec. 20.)

Vacancies:

All of the states have specific provisions in their constitutions for establishing succession in case of vacancy in the office of governor by reason of death, resignation, impeachment, disability or other cause. Thirty-seven of the states name the lieutenant governor as the first successor to the office of governor.⁷ Of the eleven states⁸ without lieutenant gover-

⁶See Appendix B, p. 37, for current gubernatorial salaries.

⁷See Appendix C, p. 39.

⁸See Appendix D, p. 42.

nors, eight name the presiding officer of the senate as the governor's first successor while three make the secretary of state the "heir-apparent." Forty-four of the forty-eight states specify a second successor in case the first named person cannot fulfill the duties of governor. They are, in order of importance: presiding officer of the senate, 26 states; speaker of the house, 9 states; speaker of the unicameral legislature, 1 state (Nebraska); and secretary of state, 8 states. Twenty states name three specific successors, but only five states go beyond this number (Alabama names seven; Delaware, five; Kentucky, four; Massachusetts, six; and Washington, seven).

Thus, in the typical state, the first successor to the position of governor would be the lieutenant governor, followed by the presiding officer of the senate. The secretary of state and the speaker of the house are the only other state officials who figure prominently in the usual line of succession.

In most of the states there is no special election to fill a vacancy in the office of governor, and only a few require that the position be filled at the next general election for members of the state legislature. In this connection it is pertinent to note that about half of the states elect their governors for two-year terms, thus shortening the period for which a successor would hold office before a regular election, and counter-indicating a special election for the purpose of choosing a governor to fill the unexpired term.⁹

Most constitutions provide that the successor shall act in case of disability of the governor. The question of what constitutes disability is specifically defined in only one constitution, the constitution of New Jersey adopted November 4, 1947:

⁹"How States Handle Governor Succession," The Congressional Digest. Vol. 25, No. 3, March 1946. p. 75.

Whenever the Governor-elect shall have failed to qualify within six months after the beginning of his term of office, or whenever for a period of six months a Governor in office, or person administering the office, shall have remained continuously absent from the State, or shall have been continuously unable to discharge the duties of his office by reason of mental or physical disability, the office shall be deemed vacant. (Art. V, Sec. 8.)

The New Jersey constitution further provides that:

Such vacancy shall be determined by the Supreme Court upon presentment to it of a concurrent resolution declaring the ground of the vacancy, adopted by a vote of two-thirds of all the members of each house of the Legislature, and upon notice, hearing before the Court and proof of the existence of the vacancy. (Art. V, Sec. 8.)

In Mississippi the supreme court, upon request of the secretary of state, determines disability, and in Alabama, any two of seven designated officials may ask the supreme court to determine the governor's mental condition. If he is found to be of unsound mind, the lieutenant governor performs his duties until he is "restored to his mind."

Powers of the Governor

General powers:

As chief executive the governor is specifically charged in all states, except Massachusetts, with the responsibility of maintaining the public peace and seeing that the laws are faithfully executed. He also represents the state in all its dealings with the national government and with the other states. His precise authority in this regard is more clearly defined in the federal constitution than in the various state constitutions.

Executive clemency:¹⁰

Pardon. All but three states (Alabama, Connecticut, and Georgia) give to the governor, with various limitations, the power to pardon after

¹⁰See Appendix E, p. 44, for a chart showing the states in which are found the various provisions concerning executive clemency outlined in this section.

conviction. The most common limitation found relates to impeachment, with forty states denying the governor power to pardon in such cases. Another restriction incorporated into approximately half of the state constitutions prevents the governor from pardoning persons convicted of treason. In addition, in three of these states (Arkansas, Mississippi, and Montana) the constitution specifically restricts the pardoning power to criminal cases.

Over a third of the governors must share the power to pardon with some other agency. In Arkansas and Mississippi the governor may only pardon with the advice and consent of the senate. Seventeen states have used a pardon board or executive council to limit the governor's power--by making him accept the recommendation of the board if he is not a member, as in ten states, or by causing him to share the power if he is a member, as in seven states.

A further limitation upon the power of the governor is incorporated into the constitutions of thirteen states where the legislature is authorized to restrict by law the exercise of the governor's power to pardon. In addition, a modification of this is found in fifteen other states, the legislature being empowered only to regulate the manner of applying for pardons.

Parole. Nebraska is the only state in which the constitution specifically delegates the power to parole. In that state the pardon board, of which the governor is chairman, is authorized to establish and administer a system of parole.

Reprieve. Only four states do not give the governor the power to reprieve within prescribed limitations. They are Georgia, Kansas, New Hampshire, and Rhode Island. Of the remaining forty-four states, thirty-eight prohibit the governor from granting reprieves in case of impeachment and six from granting reprieves in case of treason.

Almost half of the state constitutions contain a provision similar to that found in the constitution of Nevada:

Upon the conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the legislature at its next meeting, when the legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. And if the legislature should fail or refuse to make final disposition of such case, the sentence shall be enforced at such time and place as the governor by his order may direct. (Art. V, Sec. 13.)

In exercising the general power to reprieve, the governor of South Carolina has the aid of an advisory board, as in the matter of granting pardons, and in Maine and Massachusetts the governor must have the advice and consent of his executive council. The governor of Delaware may grant a reprieve for six months independent of the board of pardons. Similarly the governors of Florida and Oklahoma may grant a sixty-day reprieve and the governor of Texas may grant one thirty-day reprieve in any capital case. The constitutions of Arkansas and Mississippi authorize the governor to reprieve with the advice and consent of the senate. In Nebraska the governor may grant a reprieve of thirty days, in all cases except impeachment, without the consent of the board of pardons. In Mississippi and Montana, the constitution restricts the power to grant reprieves to criminal cases.

The governors of Minnesota and Utah are members of the boards vested with the power to reprieve, and in Montana and South Dakota the governor may reprieve upon the recommendation of the pardon board of which he is not a member.

The governor's power to reprieve may be restricted by law in almost a third of the states. However in Illinois, North Dakota, South Dakota and Wyoming the legislature may only prescribe the method to be used in applying for a reprieve.

Commute sentences. Approximately three-fourths of the states give to the governor the authority to commute sentences, with the exception of impeachment in twenty-nine states, and treason in twenty-three states. The power to commute sentences is shared by the governor with a board or council in one-fourth of the states, in only four of which (Florida, Idaho, Nebraska, and Utah) is he a member of the board.

The governor of South Carolina is advised by a board of pardons but is free to make his own decisions. However, if he does not follow the recommendation of his advisory board, he must present his reasons to the legislature.

As with the power to pardon and reprieve, the legislatures of approximately a fourth of the states are authorized to issue rules and regulations curbing the power of the governor to commute sentences--limited in Illinois, North Dakota, South Dakota, and Wyoming to the manner of applying for clemency.

Remit fines and forfeitures. The power to remit fines and forfeitures is not so commonly vested in the governor as are the other powers of executive clemency. Only seventeen¹¹ of the states give this power solely to the governor, and in over a fourth¹² of the states the legislature may prescribe rules and regulations restricting the governor's exercise of his power. The governors of Mississippi and Nebraska have the sole power to remit fines, but to remit forfeitures they must have the consent of the senate. In Idaho, Nevada, Texas and Utah, the power to remit fines and forfeitures rests with

¹¹Arkansas, Delaware, Florida, Indiana, Iowa, Kentucky, Maryland, New Jersey, North Dakota, Oregon, Pennsylvania, South Carolina, Vermont, Virginia, Washington, West Virginia, Wyoming.

¹²Arkansas, Indiana, Iowa, Nebraska, Nevada, North Dakota, Oregon, South Carolina, South Dakota, Virginia, Washington, West Virginia, Wyoming.

a pardon board of which the governor is a member. The governors of Louisiana, Montana and South Dakota may remit fines and forfeitures upon the recommendations of a pardon board of which the governor is not a member, and in Maine the executive council must accede. In the remainder of the states the governor has no constitutional authority to remit fines and forfeitures.

Legislative powers:

Extraordinary sessions. All of the forty-eight states give the governor power to convene extraordinary sessions of the legislature and in ten states he may convene the senate alone.¹³ Massachusetts, New Hampshire, and North Carolina provide that the governor shall exercise this power with the advice of the council, a specially elected body in Massachusetts and New Hampshire, and the elected state officers, ex officio, in North Carolina. Louisiana and Virginia, in addition to giving the governor the power, impose on him the duty to convene the legislature when so petitioned by two-thirds of the members elected to each house; similarly in Georgia and West Virginia when he is petitioned by three-fifths of the members elected to each house, and in New Jersey and Massachusetts when petitioned by a majority of all the members of each house.

During the extraordinary session which the governor has called, no business may be considered by the legislature of eighteen states¹⁴ except that which the governor has recommended. In Alabama, Arkansas, and Florida additional business may only be undertaken by a two-thirds vote of each house.

¹³Colorado, Delaware, Idaho, Maryland, Montana, New Jersey, Utah, New York, Oklahoma, Pennsylvania.

¹⁴Arizona, California, Colorado, Georgia, Idaho, Illinois, Kentucky, Louisiana, Mississippi, Montana, Nebraska, Nevada, New Mexico, New York, Ohio, Tennessee, Utah, West Virginia.

In the event that the acknowledged seat of government is in danger from war, disease or plague, the governors of over a fourth of the states may call an extraordinary session of the legislature at some other place within the state.¹⁵

Adjournment. A number of states grant the governor power to adjourn the legislature--usually when there is a dispute between the houses as to the time of adjournment. Under these circumstances, the governor of eighteen states may adjourn the legislature, but not beyond the time of the next regular session.¹⁶

Massachusetts and New Hampshire limit the time of adjournment to ninety days and require that the adjournment be made with the advice of the council. Delaware specifies that the adjournment by the governor shall not exceed three months, and in Kentucky and Pennsylvania it may not exceed four months.

Report to the legislature. Over half of the states¹⁷ impose on the governor the duty of reporting to the legislature at every session on the condition of the state and of recommending to the consideration of the legislature such matters as he deems expedient. Twenty-two states¹⁸ provide that the governor shall make his reports and recommendations from time to time;

¹⁵Arkansas, Connecticut, Indiana, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Rhode Island, Texas, Wisconsin, Michigan, New Hampshire.

¹⁶Arkansas, California, Colorado, Connecticut, Florida, Georgia, Illinois, Iowa, Kansas, Maine, Mississippi, Nevada, Ohio, Oklahoma, Rhode Island, South Carolina, Utah, Vermont.

¹⁷Alabama, Arizona, California, Colorado, Delaware, Florida, Idaho, Illinois, Indiana, Iowa, Kansas, Missouri, Montana, Nebraska, Nevada, New Jersey, North Carolina, North Dakota, Ohio, Oklahoma, South Dakota, Utah, Virginia, Washington, West Virginia, Wisconsin, Wyoming.

¹⁸*Alabama, Arkansas, Connecticut, *Delaware, Georgia, *Idaho, *Indiana, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, *Missouri, *Montana, *New Jersey, *Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Texas. (An asterisk indicates states also found in footnote 17.)

included in this group are eight states previously referred to whose governors are also required to give such information at every session. Alabama, Arkansas, Michigan, Missouri, and Nebraska demand that their governors shall also report to the legislature at the close of their terms of office.

The constitution of Minnesota, although it requires the governor to make a report to the legislature on the condition of the state, is silent on the question of recommending expedient measures. Vermont's constitution merely states that the governor must prepare business to lay before the general assembly.

Military powers:

In all forty-eight states the governor is designated as the chief of the state militia (and of the navy in states with navigable waters), but there are a variety of constitutional provisions which limit or define his powers. Thirty-one states¹⁹ deny the governor power over such military or naval forces when they are in the actual service of the United States. The right to call out the militia "to repel invasion, to execute the laws, or to suppress rebellion" is specifically conferred upon the governor in twenty-five states.²⁰ In Mississippi, the governor may also call out the militia to suppress riots; in Missouri, to suppress actual or threatened insurrection; and in Oklahoma, to protect the public health. The constitution of

¹⁹Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, Florida, Idaho, Illinois, Kentucky, Maine, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wyoming.

²⁰Alabama, Colorado, Idaho, Illinois, Indiana, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Oklahoma, Oregon, South Dakota, Texas, Utah, Virginia, West Virginia, Wyoming.

Tennessee adds a further limitation: ". . . the militia shall not be called into service except in case of rebellion or invasion, and then only when the general assembly shall declare, by law, that the public safety requires it." (Art. III, Sec. 5.)

In three states (Alabama, Kentucky, and Maryland), the governor may not lead the militia in person without the consent of the legislature and in Vermont he must have the consent of the senate to do so. Maine and New Hampshire further provide that the governor shall not lead the militia or order them to be led outside of the state without their voluntary consent or the consent of the legislature.

In New Hampshire the governor is specifically given the power, with the advice and consent of the council, to "use and exercise over the army and navy, and over the militia in actual service, the law martial in time of war, invasion, and also in rebellion, declared by the legislature to exist, as occasion shall necessarily require. . . ." (Art. 51.)

The Governor and the Administration

Limitations Upon the Governor

The executive department:

Although the governor is generally considered the chief executive of the state, he is not given the sole executive authority. Nearly half of the state constitutions make him only one of the officers of the "executive department." Most commonly there are five or six other constitutional officers in addition to the governor. In some states there are as many as eleven, as in Oklahoma, in addition to those who may be added under the catch-all clause, "other officers provided by law and the constitution."

A typical example of the executive department as blue-printed in a constitution is found in Kansas:

The executive department shall consist of a governor, lieutenant governor, secretary of state, auditor, treasurer, attorney general, and superintendent of public instruction; who shall be chosen by the electors of the state at the time and place of voting for members of the legislature, and shall hold their offices for the term of two years from the second Monday of January next after their election, and until their successors are elected and qualified. (Art. I, Sec. 1.)

Other states vary as to terms and officers included in the executive department.²¹

Three of the New England states (Maine, Massachusetts, and New Hampshire) retain the historical "executive council." In Maine the council is composed of seven members elected by joint ballot of the senators and representatives. Both the council in Massachusetts, composed of eight members, and in New Hampshire, composed of five members, are popularly elected. These councils share with the governor the exercise of many executive powers commonly exercised solely by the governor in the other states.

North Carolina also has an executive council, but it is not comparable to those found in New England. The members of the executive department, with the exception of the lieutenant governor and the attorney general, constitute ex officio the council of state and its function is merely to advise the governor in the exercise of his office.

Even in those states which simply vest the "executive authority" in the governor, the constitutions provide for other offices or agencies, either elected by popular vote or by the legislature or council, and so beyond the

²¹See Appendix F, p. 47, for states in which an "executive department" is created by constitutional provision and the officers named therein.

authority of the governor to supervise effectively. The states may be grouped according to the number of state executive officers or members of state administrative agencies required by the respective state constitutions to be popularly elected as follows:²²

Elected Constitutional Executive Officers

Officers	States
1	- Maine, Tennessee
2	- New Hampshire
3	- Virginia, New Jersey
4	- New York, Maryland, Oregon
5	- Pennsylvania, Rhode Island, Vermont, Wyoming
6	- Arkansas, Connecticut, Delaware, Indiana, Iowa, Minnesota, Ohio, Utah, Wisconsin
7	- Florida, Idaho, Illinois, Mississippi, Missouri, Montana, North Carolina, West Virginia
8	- Alabama, California, Kansas, Nevada, South Carolina, South Dakota, Washington
9	- Texas
10	- Arizona
11	- Georgia, New Mexico
12	- Kentucky
13	- Colorado, Nebraska, North Dakota
14	- Massachusetts
15	- Oklahoma
20	- Louisiana
26	- Michigan

Other constitutional officers:

In addition to the governor, executive officers usually referred to in state constitutions are the lieutenant governor, the secretary of state, the state treasurer, the state auditor or controller, the attorney general,

²²Adapted from Manual On the Executive Article for the Missouri Constitutional Convention of 1943, pp. 16-17, hereafter designated as the Missouri Manual. Major constitutional amendments ratified since this study was completed have been incorporated. State officers and members of state administrative agencies required by statute to be popularly elected are not included.

and the superintendent of schools.²³

Other agencies or offices which receive constitutional recognition in at least ten but not more than twenty states include the adjutant general, the state board of education, the governing board of the state university, the board of equalization or tax commission, the public service or railroad commission, the board of pardons, the commissioner or board of agriculture, the land commission or the office of land commissioner.

In addition to the offices mentioned which are fairly common, there are a number of offices found in only one or a relatively few constitutions. Examples are chief mines inspector, commissioner of conservation, members of the board of public charities, state engineer, state examiner, state geologist, members of the board of apportionment, members of the board of health, members of the veteran's service board, state librarian and state printer. The extent to which executive officers and agencies of state administration are given a constitutional status is well illustrated by the following table which groups the states according to the number of such officers and agencies created or recognized in their constitutions, regardless of the manner in which the positions are to be filled.²⁴

²³See Appendix G, p. 49, for constitutional officers in each of the states.

²⁴Adapted from Missouri Manual, p. 15-16. Many changes have been made to show the effect of constitutional amendments ratified since the Missouri study was completed in 1943.

Executive Officers and Agencies
Constitutionally Created or Recognized

Officers and Agencies	States
4	- New Jersey
5	- Rhode Island
6	- Connecticut, Iowa, Maine, Minnesota, New Hampshire, Tennessee, Vermont
7	- Illinois, Indiana
8	- Massachusetts, Wisconsin
9	- Oregon, West Virginia
10	- Kansas, Pennsylvania, Delaware, Maryland, Mississippi
11	- Alabama, Arkansas, Kentucky, Nevada, South Dakota
12	- Ohio, Texas, Virginia, Washington
13	- Arizona, Colorado, Florida
14	- South Carolina, Utah, Wyoming
15	- Missouri, Nebraska, North Dakota
16	- Idaho, Montana, North Carolina
17	- New Mexico, Georgia
18	- California
19	- Michigan
28	- New York, Oklahoma
35	- Louisiana

For the most part, it is the older offices and agencies of state administration which enjoy constitutional status. Although public works and public welfare are areas in which there has been enormous activity in late years, the administrative agencies held responsible for these functions are rarely recognized in state constitutions.

Legislative discretion:

Also limiting the authority of the governor and making it difficult for him to be an efficient administrator is the prevalent lack of any constitutional limitation upon the legislature's power to create new agencies by statute or to haphazardly assign new functions to existing agencies. Some states have in addition to constitutional officers as many as seventy to one hundred statutory agencies. For example, a survey made by the consti-

tutional study group in New Jersey listed eighty-four state executive offices and agencies other than those recognized in the constitution.²⁵ Many of these officers are made independent, or partially independent, of the governor, either through the method of selection or by giving them overlapping or longer terms than that of the governor.

The legislature generally follows no single policy regarding the selection of newly created agency heads and members of boards and commissions. Where the governor is not given the power to appoint, the positions are usually filled in one of three ways: by ex officio officers specified in the creating statute, by appointees elected by the legislature in joint meeting, or by popular election. Examples of all three methods may usually be found in each of the states.

The Governor's Administrative Authority

Appointments:²⁶

In twelve states²⁷ the governor is given the power to appoint administrative officers in cases where appointment is not otherwise provided for by the constitution or by law. This is just reversed in Delaware, Louisiana, Minnesota, and Pennsylvania where the governor may appoint administrative officers if it is so provided by the constitution or by law.

In all states but Maine, New Hampshire, New Jersey and Tennessee,

²⁵Amos Tilton, "The Appointive Power: Tenure, Removal and Confirmation of Officers." The Governor's Committee on Preparatory Research for the New Jersey Constitutional Convention. May 1947. p. 13a-13c.

²⁶Leon S. Milmed, "State Administrative Organization and Reorganization." The Governor's Committee on Preparatory Research for the New Jersey Constitutional Convention. May 1947. p. 13.

²⁷Colorado, Idaho, Illinois, Maine, Maryland, Montana, Nebraska, New Mexico, North Carolina, Utah, Vermont, West Virginia.

the governor's appointing power is limited by provision for the popular election of state administrative officers. In three of these states (Maine, New Hampshire, Tennessee) - and in Virginia, the governor's appointing power is narrowed by constitutional provision empowering the legislature to elect designated state administrative officers.

Removal and suspension:²⁸

Power of the governor to remove or suspend from office is recognized in the constitutions of fourteen states: Colorado, Delaware, Florida, Illinois, Maryland, Mississippi, Missouri, Nebraska, New Mexico, New York, Pennsylvania, South Carolina, Virginia, West Virginia.

In Missouri, "all appointive officers may be removed by the governor." The appointees of the governor may be "removed for cause" in Colorado, Illinois, Maryland, Nebraska, New Mexico, and West Virginia. In Florida, the governor may suspend for "malfeasance, misfeasance, neglect of duty in office, commission of felony, drunkenness or incompetency," and, with consent of the senate, remove all non-impeachable officers for any of those causes.

In Pennsylvania, a more restricted power is expressed, the governor being authorized to remove named officers, the secretary of the commonwealth and the attorney general, at pleasure. Likewise in Delaware, the secretary of state holds office during the pleasure of the governor. Also, in Delaware, the governor may "for any reasonable cause remove any officer, except the Lieutenant-Governor and members of the General Assembly, upon the address of two-thirds of all the members elected to each house of the General Assembly."

In Virginia, the governor may, during recess of the general assembly, suspend from office any executive officer at the seat of the govern-

²⁸Milmed, op. cit., pp. 14-15.

ment (except the lieutenant governor) for misbehavior, incapacity, neglect of official duty or acts performed without due authority of law. The governor is required to report the suspension and the cause therefor to the general assembly at the beginning of its next session; the general assembly determines whether the officer suspended shall be restored or finally removed.

The governor of Mississippi may suspend defaulting state and county treasurers and defaulting tax collectors. Similarly, the governor of South Carolina may suspend any officer having custody of public or trust funds who is charged by indictment with embezzlement or misappropriation of such funds.

Under the new constitution of New Jersey the governor may:

After notice, the service of charges and an opportunity to be heard at public hearing . . . remove any such officer or employee (Ed. Note: any officer or employee who receives his compensation from the state of New Jersey, except a member, officer or employee of the legislature or an officer elected by the senate and general assembly in joint meeting, or a judicial officer) for cause. Such officer or employee shall have the right of judicial review, on both the law and the facts, in such manner as shall be provided by law.
(Art. V, Sec. IV (5).)

Reports:

Three-fourths of the states²⁹ authorize the governor to require information in writing from heads of executive departments upon subjects relating to the duties of their office. This information must be given under oath in ten³⁰ of these states if the governor so requires.

²⁹Alabama, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Idaho, Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Mississippi, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, Washington, West Virginia.

³⁰Alabama, Colorado, Delaware, Idaho, Illinois, Montana, Nebraska, New Jersey, Texas, West Virginia.

Fourteen states³¹ extend the governor's power to require information at any time to include all state institutions as well as the executive departments. In addition, Kansas, North Carolina, and Ohio require state institutions to report either annually or semi-annually to the governor, but do not expressly confer upon him authority to request information. The governor of California may request information concerning the budget from state institutions but his authority to demand information concerning other aspects of operation is limited to the officers of the executive department.

A good example of many of these requirements for the submission of reports is furnished by Section 24, Article IV, of the Texas constitution:

An account shall be kept by the officers of the Executive Department, and by all officers and managers of State institutions, of all moneys and choses in action received and disbursed or otherwise disposed of by them, severally, from all sources, and for every service performed; and a semi-annual report thereof shall be made to the Governor under oath. The Governor may, at any time, require information in writing from any and all of said officers or managers, upon any subject relating to the duties, condition, management and expenses of their respective offices and institutions, which information shall be required by the Governor under oath, and the Governor may also inspect their books, accounts, vouchers and public funds; and any officer or manager who, at any time, shall wilfully make a false report or give false information, shall be guilty of perjury, and so adjudged, and punished accordingly, and removed from office.

Investigation:

Empowering the governor to obtain reports from executive officers furnishes one means of obtaining the information necessary to coordinate a heterogenous administrative structure. But such reports, especially from

³¹Alabama, Colorado, Georgia (all state employees), Idaho, Illinois, Montana, Nebraska, New Jersey, New Mexico (financial information only), South Carolina, Texas, Utah, Virginia, West Virginia.

officers chosen independently of the governor, are often perfunctory and incomplete. To remedy this shortcoming, a few states have vested the governor with the authority to make independent investigations.

Idaho and Montana authorize the governor to:

. . . at any time he deems it necessary, appoint a committee to investigate and report to him upon the condition of any executive office or State institution. (Idaho Constitution, Art. IV, Sec. 8; Montana Constitution, Art. VII, Sec. 10.)

Michigan and Utah provide for a similar power of investigation but forbid its exercise during legislative sessions. The governor of Texas may at any time inspect the books of all state administrative departments and institutions, and Virginia's governor may employ accountants for that purpose.

New Jersey, in its new constitution, follows this trend by providing:

The Governor may cause an investigation to be made of the conduct in office of any officer or employee who receives his compensation from the State of New Jersey, except a member, officer or employee of the Legislature or an officer elected by the Senate and General Assembly in joint meeting or a judicial officer. (Art. V, Sec. IV (5).)

Administrative Reorganization

During the past fifteen years there have been extensive changes in the administrative organization of most states. Although most of the changes have been effected through statutes, some have been accounted for by constitutional revisions. The latter are of particular interest because they illustrate the trend toward a stronger, more integrated executive with greater administrative powers vested in the governor and, as a corollary, additional limitations upon the power of the legislature. Several states have provided for a more unified administration, either by limiting the number of state agencies which the legislature may create, as in Arkansas, Massachusetts, Missouri, Nebraska, New Jersey and New York, or by authorizing the legislature

to abolish or merge certain offices, as in Louisiana, New Jersey and Washington. The new constitution of Missouri provides that the governor shall assign all present and future boards, bureaus, commissions and other agencies of the state exercising administrative or executive authority to the department to which their respective powers and duties are germane.³²

Constitutional Administrative Offices and Agencies

The Constitutional Offices

Selection:

Major constitutional officers, those commonly comprising the "executive department," are generally required to be elected by the people, although other methods such as appointment by the governor or legislature are sometimes provided.³³ In six states the secretary of state is appointed by the governor and so more directly responsible to him, but in three other states he is elected by the legislature. The attorney general is appointed by the governor in four states, and by the judges of the supreme court in Tennessee. In four states the treasurer is elected by the legislature.

In a few states other offices are filled by popular election, especially the commissioner of agriculture, the governing board of the state university, and the public service commission. However, the lesser constitutional offices are more generally appointed by the governor with the consent of the senate.

³²See Appendix H, p. 78, for selected constitutional provisions relating to state administrative organization and reorganization.

³³See Appendix I, p. 81, for table showing the method of selecting the major constitutional officers.

Qualifications:

Few of the states establish detailed qualifications for eligibility to the executive offices other than the governorship (see pp. 1-2). Furthermore, most state constitutions display little consistency--they may require a specified period of residence and citizenship and a minimum age for candidates to one state office and fail to incorporate any requirements for other officers.³⁴

In many states all qualified electors are eligible to any state office. However, this in itself generally disqualifies persons convicted of crime or treason, public charges, idiots or insane persons, anyone under twenty-one years of age (eighteen years of age in Georgia) and with less than a year's residence.³⁵ In a few states, electors must also be able to read and write the constitution of the state in English.

When age, citizenship and residence qualifications are specified for a particular executive office, they are nearly always for a shorter period than similar requirements for the office of governor.

A few states have incorporated experience qualifications for certain officers into their constitutions. In Colorado, Idaho, Montana, and New Mexico the attorney general must be a licensed attorney qualified to practice before the state supreme court, and in Kentucky, Louisiana, Maryland and Missouri he must have been a practicing lawyer for eight, five, ten,

³⁴See Appendix G, p. 49. The qualifications of executive officers, in states where such qualifications are specified, have been added as footnotes to the table showing constitutional officers in each of the states.

³⁵In Missouri, Vermont and Virginia, the requirement that no person shall be elected or appointed to any civil or military office without having lived in the state one year does not apply in cases of appointment to administrative positions requiring technical or specialized skill or knowledge.

and five years respectively. The superintendent of public instruction in New Mexico must be a "trained and experienced educator." In Oklahoma the chief mines inspector must have had eight years of practical mining experience, the state examiner, three years' experience as an accountant, and the commissioner of insurance must be "well versed in insurance matters."

Disqualifications:

In addition to the general provision that the governor, and in a number of states, the other executive officers meet certain age, citizenship and residence requirements, nearly all state constitutions contain provisions which preclude designated classes of persons from serving as executive officers. For example, twenty-seven states³⁶ prohibit any person from holding both a seat in the legislature and at the same time any other office of trust or profit under the state. Minor exceptions are found to this prohibition, those most generally allowed being justices of the peace, commissioners of deeds, notaries public, and members or officers in the militia. California excepts all elected offices.

In twenty-five states, members of the legislature are ineligible, during the terms for which they are elected, for appointment or election to any office which is created or the emoluments of which are increased during such term. Almost half the constitutions of these twenty-five states also incorporate exceptions to this disqualifying provision, which may be summarized as follows:

³⁶Arizona, Arkansas, California, Colorado, Illinois, Kentucky, Maryland, Michigan, Minnesota, Missouri, Montana, Nebraska, New Mexico, New York, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Utah, Virginia, Washington, West Virginia, Wyoming.

States Declaring Legislators Ineligible to Other Office
Created or Receiving Increased Emoluments During Term

Alabama (a)	Maryland	New Mexico (c)	South Dakota
Colorado	Minnesota (c)	New York	Texas
Florida	Mississippi (a)	North Dakota	Utah
Georgia (b)	Missouri	Ohio (c)	Washington
Iowa (a)	Nevada (a) (c)	Oklahoma	West Virginia (a)
Kentucky (a) (c)	New Jersey (d)	Oregon (a)	Wisconsin
Maine (a)			

- (a) except office filled by election of the people.
 (b) may accept office with increased emoluments if resigns leg. seat.
 (c) or for one year thereafter.
 (d) may be eligible as candidate for the office of governor.

A person who has at any time been a collector or custodian of public money for which he has not duly accounted is disqualified from holding any position of trust or honor in fifteen states.³⁷

Nineteen³⁸ states declare ineligible to state office any person who holds a lucrative position under the United States, any foreign power, or any other state. In addition, one-fourth of the state constitutions³⁹ expressly prohibit any person from holding two state offices at the same time. In these states an officer may resign one office to accept another, but the constitutions of Arkansas, Illinois, Nebraska, and Washington declare an officer ineligible for any other office during the term for which he was elected. Incompatible offices are specifically named in five states (Arkansas, Delaware, New Hampshire, Vermont, and West Virginia), and in Pennsylvania

³⁷Arkansas, Colorado, Illinois, Indiana, Iowa, Louisiana, Maryland, Michigan, Mississippi, Nebraska, Ohio, Oregon, Tennessee, Texas, West Virginia.

³⁸Alabama, California, Delaware, Florida, Illinois, Kentucky, Louisiana, Mississippi, Missouri, Nevada, North Carolina, Oklahoma, Pennsylvania, Rhode Island, Texas, Utah, Vermont, Wisconsin, Wyoming. The constitutions of these states incorporate minor exceptions such as postmaster or retired military officer.

³⁹Alabama, Florida, Indiana, Kentucky, Louisiana, Maryland, New Hampshire, North Carolina, Oregon, South Carolina, Tennessee, Texas.

it is the responsibility of the legislature to determine which offices are incompatible.

Nearly all states disqualify persons from public office for certain anti-social behavior. Dueling, bribery, and conviction of criminal offenses such as perjury, theft, embezzlement, forgery or other infamous crime are generally held to disqualify for office. No person who has participated or in any way assisted in a duel is eligible for office in twenty-two states,⁴⁰ and a conviction of bribery is cause for disqualifying a candidate for public office in thirty-six states.

States Disqualifying for Conviction of Bribery

Alabama	Illinois	Nevada	South Dakota (d)
Arkansas	Indiana	New Hampshire	Tennessee (e)
California	Kansas	New York (a)	Texas
Colorado	Kentucky	North Dakota	Vermont (f)
Connecticut	Louisiana	Ohio (b)	Virginia (b)
Delaware	Maryland	Oregon (c)	Washington
Florida	Massachusetts	Pennsylvania	West Virginia (b)
Georgia	Minnesota	Rhode Island	Wisconsin (g)
Idaho	Mississippi	South Carolina (b)	Wyoming (d)

- (a) Declares bribery by an official a felony and legislature shall pass law to disfranchise for bribery or infamous crime.
- (b) Disfranchises, so ineligible for office.
- (c) Disqualifies for term elected.
- (d) Has separate section specifically declaring person ineligible to office of governor if convicted of bribery.
- (e) Disqualifies to serve in office for six years.
- (f) Incapable of serving for ensuing year.
- (g) Laws may be passed disfranchising anyone convicted of bribery.

In addition to specific provision for bribery, three-fourths of the states also disqualify for office anyone who has been convicted of other specified crimes, or, as phrased in many states, "any infamous crime":

⁴⁰Arkansas (for a period of 10 years), California, Colorado, Connecticut, Florida, Indiana, Iowa, Kansas, Kentucky (governor may pardon after 5 years), Maryland (act of legislature may relieve disability), Mississippi, Nevada, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia (loses franchise, so not eligible to office), West Virginia, Wisconsin.

States Disqualifying for Conviction of Crimes
Other Than Bribery

Alabama	Indiana (b)	Ohio
Arizona (a)	Kansas	Pennsylvania
Arkansas	Kentucky	Rhode Island
California	Maryland	South Carolina (a)
Colorado	Minnesota	Texas
Connecticut	Mississippi	Virginia (a)
Delaware	Nebraska	Washington (a)
Florida	Nevada	West Virginia (a)
Georgia	New Mexico (a)	Wisconsin
Idaho	New York (b)	Wyoming (a)
Illinois	North Carolina	

- (a) Person loses franchise and so ineligible for office.
- (b) Legislature may pass laws disfranchising anyone convicted of infamous crime and so disqualify for office.

In Georgia an officer who is convicted of violating his oath of office is incapable of holding any office of profit or trust in the state.

Terms:

The term of office of executive officers generally coincides with that of the governor. This rule is not universally followed, however, and in some states there are officials who do not serve for the same number of years as the chief executive or who are appointed for overlapping terms. For example, in Arizona and New Mexico, which have a term of two years for governor, there are corporation commissioners elected for six year terms. Similarly, in Oklahoma and Virginia, where the governor is elected for a four-year term, members of the corporation commissions serve for six years. In Wyoming, the state engineer and state geologist are appointed for six-year terms while the governor holds office for only four years.⁴¹

See Appendix J, p. 87, for the various state constitutional officers whose terms differ from that of the state's governor.

Succession:

Although few states limit the succession of state officers other than the governor, where such limitations exist they apply most usually to the offices of treasurer, auditor, and secretary of state. Nineteen⁴² state constitutions contain limitations upon the treasurer's eligibility to succeed himself--by making him ineligible more than a specified number of years out of a given period, by limiting the number of successive terms which he may serve, or by providing that a stated number of years must lapse between his terms. Similar provisions limiting the succession of the auditor⁴³ and secretary of state⁴⁴ are found in relatively few states.

The attorney general, superintendent of education, and commissioner of agriculture may not succeed themselves in Alabama or Kentucky (or for four years thereafter), and in Massachusetts the attorney general is not eligible for reelection more than three successive terms.

⁴²Alabama, Arizona (for two years thereafter), Colorado, Illinois (for two years thereafter), Indiana (ineligible for four years out of six), Kentucky (for four years thereafter), Maine (after six successive years), Mississippi (ineligible to immediately succeed himself or the auditor), Missouri, Montana, Nebraska (for two years thereafter), North Dakota (after two consecutive terms), Oklahoma, Oregon (ineligible for eight years out of twelve), Pennsylvania (ineligible for two consecutive terms), South Dakota (ineligible after two consecutive terms), Utah, Washington (for succeeding term), Wyoming (for four years thereafter).

⁴³Alabama, Colorado, Indiana (ineligible for four years out of six), Kentucky (for four years thereafter), Mississippi (ineligible to immediately succeed himself or treasurer), Oklahoma, Pennsylvania (ineligible for two consecutive terms), Utah.

⁴⁴Alabama, Indiana (ineligible for four years out of six), Kentucky (for four years thereafter), Oklahoma, Oregon (ineligible for eight years out of twelve).

Salaries:

In only ten states are the salaries of constitutional officers specified in the constitution. A few additional states have constitutionally determined salaries for one or more offices or establish a maximum and minimum salary within which the legislature may specify a salary.⁴⁵

Vacancies:

Vacancies in elective constitutional offices are in the majority of states filled by the governor until the next general election. In the event of a vacancy in an office filled by appointment of the governor with senate consent, the governor generally appoints an acting officer pending approval by the senate. If a vacancy occurs while the legislature is not in session in an office which is normally filled by election of the legislature, the governor is usually authorized to make a temporary appointment. A notable exception is Rhode Island, where the general assembly fills any vacancy in the office of secretary of state.

Powers and Duties of Constitutional Officers

General provisions:

The duties and powers of constitutional officers, other than the governor, are generally not enumerated in the state constitutions.⁴⁶ A majority of the organic laws incorporate some phrase such as "the powers and duties of the officers created in this article shall be as prescribed by law." Even in those states which assign definite functions to certain officers, such as in Arkansas, Connecticut, Florida, Maryland, New Mexico and Tennessee, the constitution also adds "and such other duties as may be

⁴⁵See Appendix I, p. 81.

⁴⁶See Appendix I, p. 81.

prescribed by law."⁴⁷ In only one state, Missouri, are the duties of executive officers defined and a stipulation found which expressly prohibits the legislature from assigning to them any duties not directly concerned with their primary constitutional powers. A similar provision pertaining solely to the comptroller is found in New York.

Lieutenant governor:

Offices which most often have constitutionally defined functions are the lieutenant governor, secretary of state, treasurer, auditor and attorney general. As previously mentioned, the primary function of the lieutenant governor is to assume the position of governor if it should become vacant. However, in all states with the exception of Massachusetts, the lieutenant governor also presides over the senate and in over half the states he serves as a member of at least one state board or commission.⁴⁷

Secretary of state:

The constitutional powers of the secretary of state are generally limited to clerical acts, such as keeping a record of all official acts and proceedings (both legislative and executive), acting as custodian of the seal of state and of public records and documents, attesting commissions signed by the governor, and certifying election returns. An unusual provision making the secretary of state the ex officio auditor of public accounts is found in Oregon and Wisconsin.

Treasurer:

Constitutional duties imposed upon the treasurer are, as with the secretary, primarily ministerial. He is the custodian of all public funds, bonds and other securities, and as such, must keep complete records

⁴⁷See Appendix K, p. 89.

of all receipts and disbursements. Few constitutions describe his duties in any greater detail. However, he is occasionally prohibited from disbursing any funds or issuing any bonds except upon the order of the comptroller or auditor. The Missouri constitution allows him the discretion, with the approval of the auditor and the governor, of choosing the banks in which to deposit state funds.

Auditor:

As with the other executive officers, the duties of the state auditor are not enumerated in the majority of constitutions. The Missouri constitution, which incorporates all of the duties most commonly found assigned to the auditor in the other state constitutions, contains the most detailed statement of his responsibilities. In that state the auditor is authorized to

. . . establish appropriate systems of accounting for all public officials of the state, post-audit the accounts of all state agencies and audit the treasury at least once annually. He shall make all other audits and investigations required by law, and shall make an annual report to the governor and general assembly. He shall establish appropriate systems of accounting for the political subdivisions of the state, supervise their budgeting systems, and audit their accounts as provided by law . . .
(Art. IV, Sec. 13.)

Although the constitutions of most states do not contain so detailed a definition of the auditor's powers, in many states he is given similar authority by statute.

Attorney general:

Rarely do state constitutions define the duties and authority of the attorney general. Florida designates him as the legal advisor of the governor and the other officers of the executive department, and the reporter of the supreme court. In Louisiana, the constitution declares he shall

have charge of all legal matters, civil and criminal, in which the state has an interest, and shall supervise the district attorneys throughout the state. Similar provisions are contained in the constitution of Maryland. In those states which have a board of pardons, the attorney general is commonly an ex officio member; in Mississippi he is a member of the board of education.

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APPENDIX A

THE GOVERNOR'S QUALIFICATIONS

Qualification	Name of State	Total
<u>Age:</u>		
31 years	Oklahoma	1
30 years	Alabama, Arkansas, Colorado, Connecticut, Delaware, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Michigan, Mississippi, Missouri, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wyoming	35
25 years	Arizona, California, Minnesota, Nevada	4
Not specified	Florida, Kansas, Massachusetts, Ohio, Rhode Island, Vermont, Washington, Wisconsin	8
<u>U.S. Citizenship:</u>		
Number of years not specified	Arkansas, Colorado, Connecticut, Idaho, Minnesota, Montana, New Mexico, New York, North Dakota, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, Wyoming	18
Natural born	Maine	1
20 years	Mississippi, New Jersey	2
15 years	Georgia, Missouri	2
12 years	Delaware	1
10 years	Alabama, Arizona, Florida, Louisiana, Maryland, Virginia	6
6 years	Kentucky	1
5 years	California, Illinois, Indiana, Michigan, Nebraska, North Carolina, South Carolina	7
2 years	Iowa	1
Not specifically required	Connecticut, Kansas, Massachusetts, Nevada, New Hampshire, Ohio, Rhode Island, Vermont, West Virginia	9

THE GOVERNOR'S QUALIFICATION - (cont.)

Qualification	Name of State	Total
State Residence:		
10 years	Louisiana, Missouri, Oklahoma	3
7 years	Alabama, Arkansas, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Tennessee	7
6 years	Delaware, Georgia, Kentucky	3
5 years	Arizona, California, Florida, Illinois, Indiana, Maine, Maryland, Mississippi, Nebraska, New Mexico, New York, North Dakota, South Carolina, Texas, Utah, Virginia, West Virginia, Wyoming	18
4 years	Vermont	1
3 years	Oregon	1
2 years	Colorado, Idaho, Iowa, Michigan, Montana, Nevada, North Carolina, South Dakota	8
1 year	Minnesota	1
Not specified	Connecticut, Kansas, Ohio, Rhode Island, Washington, Wisconsin	6
Qualified Elector	Connecticut, Florida, Rhode Island, South Dakota, Utah, Washington, Wisconsin	7
Sex:		
Male	Arizona	1

APPENDIX B

THE GOVERNOR'S TERM, SALARY, SUCCESSION*

State	Length of regular term in years	Number of previous terms of incumbents	Maximum terms allowed by constitution	Annual salary	Salary fixed by
Alabama	4	--	1	\$ 6,000	Law
Arizona	2	3	--	10,000	Law
Arkansas	2	1	--	10,000	Law
California . . .	4	1	--	10,000	Const. ^a
Colorado	2	--	--	10,000	Law
Connecticut . . .	2	--	--	12,000	Law
Delaware	4	1	2 ^b	7,500	Law
Florida	4	--	c	12,000	Law
Georgia	4	--	--	12,000	Const. ^d
Idaho	4	--	1 ^e	7,500	Law
Illinois	4	1	--	12,000	Law
Indiana	4	--	c	8,000	Law
Iowa	2	1	--	7,500	Law
Kansas	2	--	2	8,000	Law
Kentucky	4	--	c	10,000	Law
Louisiana	4	--	c	12,000	Law
Maine	2	1	--	5,000	Law
Maryland	4	--	--	4,500	Const.
Massachusetts . .	2	--	--	20,000	Law
Michigan	2	--	--	7,500	Const. ^f
Minnesota	2	--	--	8,500	Law
Mississippi . . .	4	--	c	10,000	Law
Missouri	4	--	c	10,000	Law
Montana	4	1	--	7,500	Law
Nebraska	2	--	--	7,500	Law
Nevada	4	--	--	7,600	Law
New Hampshire . .	2	1	--	5,000	Law
New Jersey . . .	4	1	2 ^g	20,000	Law
New Mexico . . .	2	--	2 ^h	10,000	Law
New York	4	1	--	25,000	Const.
North Carolina . .	4	--	c	10,500	Law
North Dakota . .	2	1	--	6,000	Law
Ohio	2	--	--	10,000	Law
Oklahoma	4	--	c	6,500	Law
Oregon	4	--	2 ⁱ	10,000	Law
Pennsylvania . .	4	--	c	18,000	Law

THE GOVERNOR'S TERM, SALARY, SUCCESSION* - (cont.)

State	Length of regular term in years	Number of previous terms of incumbents	Maximum terms allowed by constitution	Annual Salary	Salary fixed by
Rhode Island .	2	--	--	\$ 8,000	Law
South Carolina	4	--	c	7,500	Law
South Dakota .	2	--	b	8,500	Law
Tennessee . . .	2	1	3j	8,000	Law
Texas	2	--	--	12,000	Const.
Utah	4	1	--	7,500	Law
Vermont	2	--	--	7,000	Law
Virginia	4	--	--	10,000	Law
Washington . . .	4	--	--	6,000	k
West Virginia . .	4	--	c	10,000	Law
Wisconsin	2	--	--	10,000	Law
Wyoming	4	1	--	8,000	Law

^aLegislature may reduce.

^bMay not succeed himself after two consecutive terms.

^cCannot succeed himself.

^dLegislature may change it after completion of the present term of office.

^eReeligible after four years has elapsed.

^fConstitution specifies \$5,000. However, the legislature appropriated \$2,500 additional for expenses for the fiscal year ending June 30, 1947.

^gA governor who has served two consecutive terms shall be ineligible for four years thereafter.

^hA governor who has served two consecutive terms shall be ineligible for two terms thereafter.

ⁱShall not serve more than eight years in any 12-year period.

^jShall not be eligible for office more than six years in any term of eight.

^kConstitution stipulates a range from \$3,000 to \$6,000 within which the legislature may establish the annual salary.

*Adapted from Book of the States, Supplement, 1947, p. 118.

APPENDIX C

CONSTITUTIONAL ORDER OF SUCCESSION IN STATES HAVING A LIEUTENANT GOVERNOR

- ALABAMA--Lieutenant governor, president pro tempore of the senate, speaker of the house of representatives, attorney general, state auditor, secretary of state, state treasurer. Article V, Sec. 127.
- ARKANSAS--Lieutenant governor, president of the senate, speaker of the assembly. Amendment VI, Sec. 5.
- CALIFORNIA--Lieutenant governor, president pro tempore of the senate, speaker of the assembly. Article V, Sec. 16.
- COLORADO--Lieutenant governor, president pro tempore of the senate, speaker of the house of representatives. Article IV, Secs. 13, 15.
- CONNECTICUT--Lieutenant governor, president pro tempore of the senate. Article V, Sec. 16.
- DELAWARE--Lieutenant governor, secretary of state, attorney general, president pro tempore of the senate, speaker of the house of representatives (until disability of governor or lieutenant governor is removed or a governor elected). Article III, Sec. 20.
- GEORGIA--Lieutenant governor, speaker of the house of representatives (until a governor is elected at a special election held within sixty days). Article V, Sec. I, par. VII.
- IDAHO--Lieutenant governor, president of the senate pro tempore, speaker of the house of representatives. Article IV, Secs. 12, 13, 14.
- ILLINOIS--Lieutenant governor, president of the senate pro tempore, speaker of the house of representatives. Article V, Sec. 19.
- INDIANA--Lieutenant governor, general assembly shall determine by law. Article V, Sec. 10.
- IOWA--Lieutenant governor, president pro tempore of the senate, speaker of the house of representatives. Article I, Sec. 13.
- KANSAS--Lieutenant governor, president of the senate, speaker of the house of representatives. Article I, Sec. 13.
- KENTUCKY--Lieutenant governor, president pro tempore of the senate, secretary of state to convene legislature to elect a president pro tempore and to serve as governor until the president pro tempore is elected, attorney general to do likewise if there is no secretary of state. Secs. 84, 85, 87. (No article)

CONSTITUTIONAL ORDER OF SUCCESSION IN
STATES HAVING A LIEUTENANT GOVERNOR -- (cont.)

- LOUISIANA--Lieutenant governor, president pro tempore of the senate, secretary of state until president pro tempore is elected. Article V, Sec. 6.
- MASSACHUSETTS--Lieutenant governor, secretary of state, attorney general, treasurer of the state, receiver-general, auditor of the state. Amendment LV.
- MICHIGAN--Lieutenant governor, secretary of state.
- MINNESOTA--Lieutenant governor.
- MISSISSIPPI--Lieutenant governor, president pro tempore of the senate, speaker of the house of representatives, secretary of state shall convene legislature to elect president pro tempore. Article V, Sec. 131.
- MISSOURI--Lieutenant governor, president pro tempore of the senate, speaker of the house of representatives. Article IV, Sec. 11.
- MONTANA--Lieutenant governor, president pro tempore of the senate, speaker of the house of representatives. Article III, Sec. 16.
- NEBRASKA--Lieutenant governor, president of the senate, speaker of the house of representatives (Nebraska now has one house legislature, the speaker of the legislature would follow the lieutenant governor). Article IV, Secs. 16, 18.
- NEVADA--Lieutenant governor, president pro tempore of the senate. Article V, Sec. 18.
- NEW MEXICO--Lieutenant governor, secretary of state, president pro tempore of the senate. Article V, Sec. 7.
- NEW YORK--Lieutenant governor, president of the senate (or speaker of the house of representative if president of senate unavailable) to act temporarily until the next general election occurring not less than three months after the vacancy. Article IV, Sec. 6.
- NORTH CAROLINA--Lieutenant governor, president of the senate until governor or lieutenant governor is elected. If there is no president of the senate the secretary of state is to convene the senate to elect a president. Article III, Sec. 12.
- NORTH DAKOTA--Lieutenant governor, secretary of state. Article III, Sec. 77.
- OHIO--Lieutenant governor, president of the senate, speaker of the house of representatives. Article III, Sec. 17.

CONSTITUTIONAL ORDER OF SUCCESSION IN
STATES HAVING A LIEUTENANT GOVERNOR -- (cont.)

- OKLAHOMA--Lieutenant governor, president pro tempore of the senate, speaker of the house of representatives. Article VI, Sec. 15.
- PENNSYLVANIA--Lieutenant governor, president pro tempore of the senate. Article IV, Sec. 14.
- RHODE ISLAND--Lieutenant governor, president pro tempore of the senate. Article VII, Sec. 10.
- SOUTH CAROLINA--Lieutenant governor, president pro tempore of the senate. Article IV, Sec. 9.
- SOUTH DAKOTA--Lieutenant governor, secretary of state, Article IV, Sec. 7.
- TEXAS--Lieutenant governor, president of the senate. Article IV, Sec. 17.
- VERMONT--Lieutenant governor, general assembly to provide by law for the discharge of executive functions in other necessary cases. Chapter II, Sec. 24.
- VIRGINIA--Lieutenant governor, general assembly to provide by law for the discharge of executive functions in other necessary cases. Article V, Sec. 78.
- WASHINGTON--Lieutenant governor, secretary of state, treasurer of state, auditor of state, attorney general, superintendent of public instruction, commissioner of public lands. Amendment VI, Article III, Sec. 10.
- WISCONSIN--Lieutenant governor, secretary of state. Article V, Sec. 8.

APPENDIX D

CONSTITUTIONAL ORDER OF SUCCESSION IN STATES HAVING NO LIEUTENANT GOVERNOR*

ARIZONA--Each house chooses its own officers. Art. IV, Part 2, Sec. 8.
Succession goes to the secretary of state. Art. V, Sec. 6.

FLORIDA--The senate chooses its own president. Art. III, Sec. 6. Succession to the president of the senate for the residue of the term. Speaker next in line. Should there be a general election for members of the legislature during such vacancy, the governor's office shall be filled at the election. Art. IV, Sec. 19.

MAINE--The senate chooses its own president. Art. IV, Part II, Sec. 8. Succession to the president of the senate, then to the speaker until a president of the senate is chosen should there be none. If both of the foregoing should be vacant, the secretary of state calls the senate in session to choose a president. Art. V, Part I, Sec. 14.

MARYLAND--Each house chooses its own officers. Art. III, Sec. 19. In case of a vacancy in the office of governor, the general assembly then, or at its next session, elects "some other qualified person" for the residue of the term. During recess of the legislature, the president of the senate discharges the duties of governor until a governor is elected as provided above. If the president cannot serve, or there is none, then the succession devolves upon the speaker "in like manner, and for the same interval" as above. Art. II, Secs. 6, 7.

NEW HAMPSHIRE--The senate appoints its president. Part II, Art. 37. Succession goes to the president of the senate, then to the speaker. Part II, Art. 49.

NEW JERSEY--Each house chooses its own officers. Sec. IV, Art. 3. Succession to president of the senate and the speaker until the next general election.

OREGON--Each house chooses its own officers. Art. IV, Sec. 11. Succession to the president of the senate, then the speaker, or until the vacancy is filled at the next election. Art. V, Sec. 8.

TENNESSEE--Each house chooses a "Speaker." Art. II, Sec. 11. Succession to the speaker of the senate, then to the speaker of the house. Art. II, Sec. 12.

UTAH--Each house chooses its own officers. Art. VI, Sec. 12. Succession to the secretary of state until the next general election. If during a vacancy in the office of governor, the secretary of state resigns, dies, is absent, or becomes incapable of performing the duties, then the president pro tempore of the senate acts as governor. Art. VII, Sec. 11.

CONSTITUTIONAL ORDER OF SUCCESSION IN STATES
HAVING NO LIEUTENANT GOVERNOR* -- (cont.)

WEST VIRGINIA--The senate chooses its own president. Art. VI, Sec. 24.

President of the senate to succeed governor, then the speaker.

If the vacancy occurs before the first three years of the governor's term expires, there must be a special election to fill the vacancy.

In all other cases, when there is no one to act as governor, the legislature will choose such person in a joint session. Art. VII, Sec. 16.

WYOMING--The senate chooses its own president. Art. III, Sec. 10. Succession to the secretary of state who becomes acting governor. Art. IV, Sec. 6.

*Adapted from R. F. Patterson. The Office of Lieutenant Governor in the United States. The Governmental Research Bureau, University of South Dakota. Report No. 13. June 1944. p. 20.

EXECUTIVE CLEMENCY

State	<u>Power to Pardon</u>	<u>Except in Case of Impeachment</u>	<u>Except in Case of Treason</u>	<u>With the Consent of a Board or Council</u>	<u>Within Limits as Prescribed by Law</u>	<u>Power to Reprieve</u>	<u>Except in Case of Impeachment</u>	<u>Except in Case of Treason</u>	<u>Reprieve until the Legislature Meets</u>	<u>With the Consent of a Board or Council</u>	<u>Within Limits as Prescribed by Law</u>	<u>Power to Commute Sentences</u>	<u>Except in Case of Impeachment</u>	<u>Except in Case of Treason</u>	<u>With the Consent of a Board or Council</u>	<u>Within Limits as Prescribed by Law</u>
Alabama	No	--	--	--	--	Yes ^{a/}	X	--	--	--	--	Yes ^{a/}	X	--	--	--
Arizona	Yes	X	X	--	X	Yes	X	X	--	--	X	Yes	X	X	--	X
Arkansas	Yes ^{b/}	X	X	--	X	Yes	X	--	--	--	X	Yes	X	X	--	X
California	Yes	X	X	--	X ^{e/}	Yes	X	--	X	--	--	Yes	X	X	--	--
Colorado	Yes	X	X	--	X ^{e/}	Yes	X	X	--	--	--	Yes	X	X	--	--
Connecticut	No	--	--	--	--	Yes	X	--	X	--	--	No	--	--	--	--
Delaware	Yes	X	--	∅	--	Yes	X	--	--	∅ ^{f/}	--	Yes	X	--	∅	--
Florida	Yes	X	X	+	X	Yes	X	--	X	∅ ^{g/}	--	Yes	X	X	+	--
Georgia	No	--	--	--	--	No	--	--	X ^{h/}	--	--	No	--	--	--	--
Idaho	Yes	X	X	+	--	Yes	X	--	X	--	--	Yes	X	X	+	--
Illinois	Yes	--	--	--	X ^{e/}	Yes	--	--	--	--	X	Yes	--	--	--	X ^{e/}
Indiana	Yes	X	X	--	X	Yes	X	--	X	--	X	Yes	X	X	--	X
Iowa	Yes	X	X	--	X	Yes	X	--	X	--	X	Yes	X	X	--	X
Kansas	Yes	--	--	--	X	No	--	--	--	--	--	No	--	--	--	--
Kentucky	Yes	X	X	--	X	Yes	X	--	X	--	--	Yes	X	X	--	--
Louisiana	Yes	X	X	∅	--	Yes	--	--	X	--	--	Yes	X	X	∅	--
Maine	Yes	X	--	∅	X ^{e/}	Yes	X	--	--	+	X	Yes	X	--	∅	X
Maryland	Yes	X	X	--	--	Yes	X	X	--	--	--	No	--	--	--	--
Massachusetts	Yes	X	--	--	--	Yes	--	--	--	+	--	Yes	--	--	--	--
Michigan	Yes	X	X	--	X ^{e/}	Yes	X	--	X	--	--	Yes	X	X	--	--
Minnesota	Yes	X	--	+	X	Yes	X	--	--	+	X	No	--	--	--	--
Mississippi	Yes ^{b/}	X	X	--	--	Yes ^{b/}	X	--	--	--	--	No	--	--	--	--
Missouri	Yes	X	X	--	X ^{e/}	Yes	X	X	--	--	--	Yes	X	X	--	--
Montana	Yes ^{b/}	--	--	∅	--	Yes ^{b/}	--	--	--	∅	--	Yes	--	--	∅	--

EXECUTIVE CLEMENCY - (continued)

State	<u>Power to Pardon</u>	<u>Except in Case of Impeachment</u>	<u>Except in Case of Treason</u>	<u>With the Consent of a Board or Council</u>	<u>Within Limits as Prescribed by Law</u>	<u>Power to Reprieve</u>	<u>Except in Case of Impeachment</u>	<u>Except in Case of Treason</u>	<u>Reprieve until the Legislature Meets</u>	<u>With the Consent of a Board or Council</u>	<u>Within Limits as Prescribed by Law</u>	<u>Power to Commute Sentences</u>	<u>Except in Case of Impeachment</u>	<u>Except in Case of Treason</u>	<u>With the Consent of a Board or Council</u>	<u>Within Limits as Prescribed by Law</u>
Nebraska	Yes	X	X	+	X	Yes	X	i/	i/	A/	--	Yes	X	X	+	X
Nevada	Yes	X	X	+	Xe/	Yes	X	--	X	--	--	Yes	X	X	--	--
New Hampshire	Yes	X	--	0	--	No	--	--	--	--	--	No	--	--	--	--
New Jersey	Yes	X	X	--	--	Yes	X	X	--	--	--	No	--	--	--	--
New Mexico	Yes	X	X	--	X	Yes	X	X	--	--	X	No	--	--	--	--
New York	Yes	X	X	--	Xe/	Yes	X	--	X	--	--	Yes	X	X	--	--
North Carolina	Yes	X	--	--	Xe/	Yes	X	--	--	--	--	Yes	X	--	--	--
North Dakota	Yes	X	X	+	Xe/	Yes	X	--	X	--	Xe/	Yes	X	X	--	Xe/
Ohio	Yes	X	X	--	Xe/	Yes	X	--	X	--	--	Yes	X	X	--	--
Oklahoma	Yes	X	--	0	X	Yes	X	g/	--	0g/	--	Yes	X	--	0	X
Oregon	Yes	--	X	--	X	Yes	--	--	X	--	X	Yes	X	X	--	X
Pennsylvania	Yes	X	--	0	--	Yes	X	--	--	--	--	Yes	X	--	0	--
Rhode Island	Yes	X	--	--	--	No	--	--	--	--	--	No	--	--	--	--
South Carolina	Yes	X	--	0k/	--	Yes	X	--	--	0k/	--	Yes	X	--	0k/	--
South Dakota	Yes	X	X	0k/	Xe/	Yes	X	--	X	0	X	Yes	X	X	0	Xe/
Tennessee	Yes	X	--	--	--	Yes	X	--	--	--	--	No	--	--	--	--
Texas	Yes	X	m/	--	X	Yes	X	m/	--	0k/	X	Yes	X	X	0	X
Utah	Yes	X	X	+	Xe/	Yes	X	--	X	+	--	Yes	X	X	+	X
Vermont	Yes	X	X	--	--	Yes	X	--	X	--	--	No	--	--	--	--
Virginia	Yes	X	--	--	--	Yes	X	--	--	--	--	No	--	--	--	--
Washington	Yes	--	--	--	X	Yes	--	--	--	--	X	Yes	--	--	--	X
West Virginia	Yes	X	--	--	--	Yes	X	--	--	--	--	No	--	--	--	--
Wisconsin	Yes	X	X	--	Xe/	Yes	X	--	X	--	--	Yes	X	X	--	--
Wyoming	Yes	X	X	--	Xe/	Yes	X	--	X	--	X	Yes	X	X	--	Xe/

- / The governor is a member of the board.
- Ø The governor is not a member of the board.

- a/ The governor may exercise clemency only in case of a death sentence.
- b/ The governor may exercise clemency only in criminal cases.
- c/ The governor must have the advice and consent of the senate rather than a board of pardons.
- d/ The governor may grant a reprieve in case of conviction for treason with the advice and consent of the senate.
- e/ The legislature's power to enact rules and regulations is limited to the manner of applying for clemency.
- f/ The governor may grant a reprieve for six months without the recommendation of the board of pardons.
- g/ The governor may upon his own motion grant a temporary reprieve not to exceed sixty days or until the next meeting of the board of pardons.
- h/ The governor is not given the general power to reprieve; the authority to grant a temporary reprieve in case of treason is an explicitly stated exception.
- i/ The governor may upon his own motion grant a temporary reprieve not to exceed thirty days or until the next meeting of the board of pardons.
- j/ The board of pardons, of which the governor is chairman, may suspend the execution of the sentence imposed for conviction on the charge of treason until the next meeting of the legislature.
- k/ The board is advisory only.
- l/ The governor may grant a pardon without the recommendation of the board of pardons if the sentence is not "capital punishment, imprisonment for life, or for a longer term than two years." (Art. IV, Sec. 5.)
- m/ The governor must have the advice and consent of the legislature.
- n/ The governor may grant one thirty day reprieve in any capital case without the approval of the board of pardons.

APPENDIX F

OFFICERS IN THE "EXECUTIVE DEPARTMENT"*

ALABAMA--Governor, lieutenant governor, attorney general, auditor, secretary, treasurer, superintendent of education, commissioner of agriculture and industries, sheriff for each county. Art. V, Sec. 112.

ARIZONA--Governor, secretary, auditor, treasurer, attorney general, superintendent of public instruction. Art. V, Sec. 1.

ARKANSAS--Governor, lieutenant governor, secretary, treasurer, auditor, attorney general. Art. VI, Sec. 1, Amendment 6.

COLORADO--Governor, lieutenant governor, secretary, auditor, treasurer, attorney general, superintendent of public instruction. Art. IV, Sec. 1.

FLORIDA--(Governor's Cabinet) - secretary, attorney general, comptroller, treasurer, superintendent of public instruction, commissioner of agriculture. Art. IV, Sec. 20.

IDAHO--Governor, lieutenant governor, secretary, auditor, treasurer, attorney general, superintendent of public instruction. Art. IV, Sec. 1.

ILLINOIS--Governor, lieutenant governor, secretary, auditor, treasurer, attorney general, superintendent of public instruction. Art. V, Sec. 1.

KANSAS--Governor, lieutenant governor, secretary, auditor, treasurer, attorney general, superintendent of public instruction. Art. I, Sec. 1.

LOUISIANA--Governor, lieutenant governor, auditor, treasurer, secretary, register of the land office, commissioner of agriculture and immigration, commissioner of conservation, commissioner of wild life and fisheries, Louisiana forestry commissioner. Art. V, Sec. 1.

MICHIGAN***--Governor, lieutenant governor, secretary, treasurer, commissioner of state land office, auditor general, attorney general. Art. VI, Sec. 1.

MINNESOTA--Governor, lieutenant governor, secretary, auditor, treasurer, attorney general. Art. V, Sec. 1.

MONTANA--Governor, lieutenant governor, secretary of state, attorney general, treasurer, auditor, superintendent of public instruction. Art. VII, Sec. 1.

NEBRASKA--Governor, lieutenant governor, secretary, auditor, treasurer, attorney general, superintendent of public instruction, and other offices provided by law. Art. IV, Sec. 1.

OFFICERS IN "EXECUTIVE DEPARTMENT" -- (cont.)

NEW MEXICO--Governor, lieutenant governor, secretary of state, auditor, treasurer, attorney general, superintendent of public instruction, commissioners of public lands. Art. V, Sec. 1.

NORTH CAROLINA--Governor, lieutenant governor, secretary of state, auditor, treasurer, superintendent of public instruction, attorney general, commissioner of agriculture, commissioner of labor, commissioner of insurance. Art. III, Sec. 1.

OHIO--Governor, lieutenant governor, secretary, auditor, treasurer, attorney general. Art. III, Sec. 1.

OKLAHOMA**--Governor, lieutenant governor, secretary, auditor, attorney general, treasurer, superintendent of public instruction, state examiner and inspector, chief mine inspector, commissioner of labor, commissioner of charities and correction, commissioner of insurance, and other offices provided by law. Art. VI, Sec. 1.

PENNSYLVANIA--Governor, lieutenant governor, secretary of commonwealth, attorney general, auditor general, treasurer, secretary of international affairs, superintendent of public instruction. Art. IV, Sec. 1.

TEXAS--Governor, lieutenant governor, secretary of state, comptroller, treasurer, attorney general, commissioner of general land office. Art. IV, Sec. 1.

UTAH--Governor, secretary of state, auditor, treasurer, attorney general, superintendent of public instruction. Art. VII, Sec. 1.

WASHINGTON--Governor, lieutenant governor, secretary of state, treasurer, auditor, attorney general, superintendent of public instruction, commissioner of public lands. Art. III, Sec. 1.

WEST VIRGINIA--Governor, secretary of state, state superintendent of free schools, auditor, treasurer, commissioner of agriculture, attorney general. Art. VII, Sec. 1.

*States in which an "executive department" is created by constitutional provision and the officers named therein.

**Not specifically designated as an "executive department;" however, it precedes the section concerning the governor.

APPENDIX G

STATE CONSTITUTIONAL ADMINISTRATIVE OFFICES AND AGENCIES¹

Alabama

Governor elected (4 year term)
Lieutenant Governor elected (4 year term)
*Attorney General elected (4 year term)
*State Auditor elected (4 year term)
*Secretary of State elected (4 year term)
*State Treasurer elected (4 year term)
*Superintendent of Education elected (4 year term)
*Commissioner of Agriculture and Industry elected (4 year term)

Board of Trustees, State University--governor and superintendent of education are ex-officio members. One member from each congressional district. Two from congressional district in which university is located. (Board members elect new members by secret ballot of the old members.) Members hold office a term of 12 years.

Board of Trustees of Alabama Polytechnic Institute--governor and superintendent of education are ex-officio members. Governor with consent of senate appoints one member from each congressional district and two members from congressional district in which Institute is located.

Board of Pardons--attorney general, secretary of state, state auditor.

*Qualifications: U. S. citizen, 7 years; resident, five years; age, 25 years.

Arizona

Governor elected (2 year term)
*Secretary of State elected (2 year term)
*State Auditor elected (2 year term)
*State Treasurer elected (2 year term)
*Attorney General elected (2 year term)
*Superintendent of Public Instruction elected (2 year term)
Mine Inspector elected (2 year term)

Corporation Commission--three members elected for six year term.

¹Adapted from Manual On The Executive Article for the Missouri Constitutional Convention of 1943, pp. 16-32. When the constitution of a state establishes qualifications for executive officers, such qualifications have been added as footnotes to this table. The qualifications for governor are discussed in detail in Appendix A; those for lieutenant governor, in states which provide for that office, are substantially the same as for the governor.

Arizona -- (cont.)

State Board of Education--governor, superintendent of public instruction, the president of the university, and principals of state normal schools are ex-officio members. A city superintendent of schools, a principal of the high school, and a county superintendent of schools appointed by the governor.

Regents of the University--governor is ex-officio member. Other members appointed by governor.

Governing Board of other state educational institutions--members to be appointed by governor.

State Board of Equalization--state auditor is ex-officio chairman. Board to consist of chairmen of boards of supervisors in various counties of state.

State Examiner--appointed by governor with consent of senate.

*Qualifications: U. S. citizen, 10 years; resident, 5 years; age, 25 years; qualified elector.

Arkansas

Governor	elected (2 year term)
Lieutenant Governor	elected (2 year term)
*Secretary of State	elected (2 year term)
*Treasurer of State	elected (2 year term)
*Auditor of State	elected (2 year term)
*Attorney General	elected (2 year term)

Commissioner of State Lands--may be provided for by general assembly. Two year term.

Mining, Manufacturing and Agricultural Bureau--may be provided for by general assembly.

State Geologist--appointed by governor with advice and consent of senate.

Board of Apportionment--governor, secretary of state and attorney general.

Superintendent of Public Instruction--duties to be performed by secretary of state until otherwise provided by law.

*Qualifications: Qualified elector (U. S. citizen; resident, 12 months; age, 21 years; and shall have paid poll tax).

California

Governor elected (4 year term)
Lieutenant Governor elected (4 year term)
Secretary of State elected (4 year term)
Controller elected (4 year term)
Treasurer elected (4 year term)
Attorney General elected (4 year term)
#Surveyor General elected (4 year term)
Superintendent of Public Instruction elected (4 year term)

State Board of Education--election or appointment provided for by legislature.

Regents of the University of California--governor, lieutenant governor, speaker of the assembly, superintendent of public instruction, president of state board of agriculture, president of Mechanics Institute of San Francisco, president of alumni association of the university and acting president of the university are ex-officio members. Also 16 members appointed by the governor for terms of 16 years.

State Board of Prison Directors--five members appointed by governor with consent of senate for 10 year terms.

State Board of Health--to be provided by law.

Public Utility Commission--five members appointed by governor with the consent of the senate.

State Highway Finance Board--governor, state controller, state treasurer, chairman of state board of control, and chairman of California highway commission.

Fish and Game Commission--five members appointed by governor with consent of senate for 6 year terms.

State Personnel Board--five members appointed by governor with consent of senate for 10 year terms.

Relief Commission--state director of social welfare and eight members appointed by governor, holding office at pleasure of governor.

Relief Administrator--appointed by governor, holding office at pleasure of governor.

#May be abolished by the legislature.

Colorado

Governor elected (2 year term)
Lieutenant Governor elected (2 year term)
*Secretary of State elected (2 year term)
*Auditor of State elected (2 year term)
*State Treasurer elected (2 year term)
**Attorney General elected (2 year term)
***Superintendent of Public Instruction elected (2 year term)

Board of Education--superintendent of public instruction (president of board), secretary of state and attorney general.

Board of Land Commissioners--three commissioners appointed by governor with consent of senate for 6 year terms.

Board of Regents of State University--six regents elected for 6 year terms.

Board of Equalization--governor, state auditor, state treasurer, secretary of state and attorney general.

State Civil Service Commission--three members appointed by governor for 6 year terms.

Commissioner of Mines--appointed by governor with consent of senate for 4 year terms.

*Qualifications: U. S. citizen; resident, 2 years; age, 25 years; qualified elector.

**Qualifications: U. S. citizen; resident, 2 years; age, 25 years; qualified elector, licensed attorney of the state supreme court in good standing.

***Qualifications: U. S. citizen; resident, 2 years; age, 30 years; qualified elector.

Connecticut

Governor elected (2 year term)
Lieutenant Governor elected (2 year term)
*Treasurer elected (2 year term)
*Secretary elected (2 year term)
*Comptroller of Public Accounts elected (2 year term)
*Attorney General elected (4 year term)

*Qualifications: Qualified elector until otherwise stipulated (U.S. citizen; resident, 1 year; age, 21 years; capable of reading in the English language any article of the constitution or any section of the statutes of the state).

Delaware

Governor elected (4 year term)
Lieutenant Governor elected (4 year term)
Attorney General elected (4 year term)
Treasurer elected (2 year term)
Insurance Commissioner elected (4 year term)
Auditor of Accounts elected (2 year term)

Secretary of State--appointed by governor to serve at pleasure of governor.

State Board of Agriculture--three commissioners appointed by governor for three year terms.

Board of Pardons--chancellor, lieutenant governor, secretary of state, state treasurer and auditor of accounts.

State Board of Health--to be established by the general assembly.

Florida

Governor elected (4 year term)
Secretary of State elected (4 year term)
Attorney General elected (4 year term)
Comptroller elected (4 year term)
Treasurer elected (4 year term)
Superintendent of Public Instruction elected (4 year term)
Commissioner of Agriculture elected (4 year term)

Adjutant General--appointed by governor.

State Board of Administration--governor, state treasurer and comptroller.

Game and Fresh Water Fish Commission--five members appointed by governor with consent of senate for 5 year terms.

State Board of Education--governor, secretary of state, attorney general, state treasurer and state superintendent of public instruction.

Board of Commissioners of State Institutions--governor, secretary of state, attorney general, comptroller, treasurer, superintendent of public instruction, commissioner of agriculture.

State Board of Health--legislature may establish.

Georgia

Governor elected (4 year term)
Lieutenant Governor elected (4 year term)
*Secretary of State elected (4 year term)
*Comptroller General elected (4 year term)

Georgia -- (cont.)

*Treasurer elected (4 year term)
**State School Superintendent elected (4 year term)
*Commissioner of Agriculture elected (4 year term)
*Commissioner of Labor elected (4 year term)
*Attorney General elected (4 year term)
Public Service Commission (5 members) elected (6 year term)

State Board of Pardons--three members appointed by the governor with consent of senate for 7 year terms.

State Board of Education--one member from each congressional district appointed by governor with consent of senate for 7 year term.

Board of Regents of the University System of Georgia--one member from each congressional district in state and five additional members from state-at-large appointed by governor with consent of senate for 7 year term.

State Game and Fish Commission--one member from each congressional district, and one additional member from one of following counties: Chatham, Bryan, Liberty, McIntosh, Glynn or Camden, appointed by governor with consent of senate for 7 year term.

State Board of Corrections--five members appointed by governor with consent of senate for 5 year overlapping terms. To elect their own director.

State Department of Veterans Service--director of board to be executive officer of board.

State Personnel Board--three members appointed by the governor with the advice of the senate for 7 year overlapping terms.

Veterans Service Board--seven members appointed by governor with consent of senate for 7 year overlapping terms. To appoint a director.

*Qualifications: U. S. citizen, 10 years; resident, 6 years; age, 25 years.

**Qualifications: U. S. citizen, 10 years; resident, 6 years; age, 25 years; others as prescribed by law.

Idaho

Governor elected (4 year term)
Lieutenant Governor elected (4 year term)
*Secretary of State elected (4 year term)
*State Auditor elected (4 year term)
*State Treasurer elected (4 year term)
**Attorney General elected (4 year term)
*Superintendent of Public Instruction elected (4 year term)

Idaho -- (cont.)

Board of Examiners--governor, secretary of state and attorney general.

Board of Pardons--governor, secretary of state and attorney general.

Board of Education--superintendent of public instruction is ex-officio member. Others prescribed by law.

Board of Land Commissioners--governor, superintendent of public instruction, attorney general, secretary of state and state auditor.

Bureau of Immigration, Labor and Statistics--commissioner appointed by governor for 2 year term.

State Tax Commission--four members appointed by governor with the consent of senate.

Directors of Insane Asylum--three to be appointed by governor with consent of senate.

Regents, University of Idaho--recognized.

State Board of Correction--appointed by governor for 6 year overlapping terms.

*Qualifications: U. S. citizen; resident, 2 years; age, 25 years.

**Qualifications: U. S. citizen; resident, 2 years; age, 30 years; licensed to practice before the state supreme court.

Illinois

Governor	elected (4 year term)
Lieutenant Governor	elected (4 year term)
*Secretary of State	elected (4 year term)
*Auditor of Public Accounts	elected (4 year term)
*Treasurer	elected (2 year term)
*Superintendent of Public Instruction	elected (4 year term)
*Attorney General	elected (4 year term)

*Qualifications: U. S. citizen; resident, 1 year.

Indiana

Governor	elected (4 year term)
Lieutenant Governor	elected (4 year term)
Secretary of State	elected (2 year term)
Auditor	elected (2 year term)
Treasurer	elected (2 year term)

Indiana -- (cont.)

Superintendent of Public Instruction elected (2 year term)

Adjutant General--appointed by governor.

Iowa

Governor elected (2 year term)
Lieutenant Governor elected (2 year term)
Secretary of State elected (2 year term)
Auditor of State elected (2 year term)
Treasurer of State elected (2 year term)
Attorney General elected (2 year term)

Kansas

Governor elected (2 year term)
Lieutenant Governor elected (2 year term)
Secretary of State elected (2 year term)
Auditor elected (2 year term)
Treasurer elected (2 year term)
Attorney General elected (2 year term)
Superintendent of Public Instruction elected (2 year term)
State Printer elected (2 year term)

Board of State Canvassers--secretary of state, lieutenant governor and attorney general.

Board of Commissioners for the Management and Investment of School Funds--superintendent of public instruction, secretary of state and attorney general.

Kentucky

Governor elected (4 year term)
Lieutenant Governor elected (4 year term)
Treasurer elected (4 year term)
Auditor of Public Accounts elected (4 year term)
#Register of the Land Office elected (4 year term)
Secretary of State elected (4 year term)
*Attorney General elected (4 year term)
Superintendent of Public Instruction elected (4 year term)
Commissioner of Agriculture, Labor and Statistics . elected (4 year term)

Railroad Commission--three members elected for 4 year terms.

Adjutant General--appointed by governor.

#May be abolished by General Assembly.

*Qualifications: Practising lawyer for eight years.

Louisiana

Governor elected (4 year term)
Lieutenant Governor elected (4 year term)
*Auditor elected (4 year term)
*Treasurer elected (4 year term)
*Secretary of State elected (4 year term)
**Attorney General (Department of Justice) elected (4 year term)
*Register of the Land Office elected (4 year term)
*Commissioner of Agriculture and Immigration elected (4 year term)
*State Superintendent of Public Education elected (4 year term)

State Board of Education--three members elected, one from each of Public Service Commission Districts for 6 year terms and eight members elected from congressional districts.

*Louisiana Public Service Commission--three members elected for 6 year terms.

Commissioner of Conservation--appointed by governor with consent of senate for 4 year term.

State Board of Health--president and eight members appointed by governor with consent of senate. Five members to be registered physicians, others to qualify as prescribed by legislature.

State Bank Commissioner (also serves as Supervisor of Homestead and Building and Loan Association)--appointed by governor with consent of senate for 4 year term.

Board of Liquidation of State Debt--governor, lieutenant governor, speaker of house of representatives, chairman of house appropriations committee, chairman of senate finance committee, auditor and treasurer.

State Advisory Board--governor, lieutenant governor, speaker of house of representatives, secretary of state, attorney general, auditor, treasurer and president of the Police Jury Association of Louisiana and eleven others.

Supervisor of Public Funds--appointed by governor to serve at his pleasure.

Louisiana Tax Commission--three members appointed by governor with consent of senate for 6 year terms.

Adjutant General--appointed by governor with consent of senate.

Collector of Revenues (to head department of revenue)--appointed by governor to serve at his pleasure.

Board of Registration--governor, lieutenant governor, speaker of house of representatives.

Commissioner of Wild Life and Fisheries (to head department of Wild Life and Fisheries)--appointed by the governor with consent of senate for 4 years.

Louisiana -- (cont.)

Louisiana Forestry Commission--seven members; two owners or managers of interests owning and operating timberlands, one owner of farm lands interested in reforestation, one owner or manager of a paper mill, one owner or manager of interests manufacturing or treating piling, poles, etc. (appointed by the governor); the commissioner of wild life and fisheries and head of the department of forestry at Louisiana State University serving ex-officio.

Board of Supervisors of Louisiana State University and Agricultural and Mechanical College--governor and fourteen members appointed by governor with consent of senate.

Department of Public Works--recognized.

Reparation Commission--nine members; two appointed by the governor, three by the mayor of New Orleans, two by the board of commissioners of the Lake Borgne Levee District, one each by the police juries of the Parishes of St. Bernard and Plaquemines.

State Board of Commerce and Industry--recognized.

State Market Commission--recognized.

Board of Pardons--lieutenant governor, attorney general, presiding judge of the court before which the conviction was had.

General Manager, State Prison--recognized.

Commission to Prepare Draft of Code of Criminal Procedure--appointed by governor (obsolete).

Commission to Prepare Draft of Code of Oil, Gas, Mineral Laws--appointed by governor (obsolete).

State Printing Board--recognized.

State Fire Marshall--recognized.

Board of State Engineers--recognized.

Louisiana Highway Commission--recognized.

Article III, Section 32 provides as follows: "The Legislature is authorized to provide for the merger or consolidation into one department of all executive and administrative offices, boards or commissions, whether created in this Constitution or otherwise, whose duties or functions are of a similar nature or character, and in the event of any such consolidation or merger, to reduce the number of officers at the end of their current term."

*Qualifications: Qualified elector (U. S. citizen; resident, 2 years; age, 21 years; capable of reading and writing [but not necessary in English]).

**Qualifications: Qualified elector; resident and licensed practising attorney, 5 years.

Maine

Governor elected (2 year term)

*Secretary of State--elected by joint ballot of senators and representatives in convention for 2 year term.

*Treasurer--elected by joint ballot of senators and representatives in convention for 2 year term.

**Council--seven persons elected biennially by joint ballot of senators and representatives in convention.

*Attorney General--elected annually by senators and representatives in convention.

*Adjutant General--appointed by governor.

*Qualifications: Must be able to read the constitution in English and write his name.

**Qualifications: U. S. citizen; resident; must be able to read the constitution in English and write his name.

Maryland

Governor elected (4 year term)

*Attorney General elected (4 year term)

Comptroller of the Treasury elected (4 year term)

Superintendent of Labor and Agriculture elected (4 year term)

Secretary of State--appointed by governor with consent of senate for 4 year term.

Treasurer--appointed by joint vote of both houses of the legislature for 4 year term.

State Librarian--appointed by governor with consent of senate for 4 year term.

Commissioner of the Land Office--appointed by governor with consent of senate for 4 year term.

Board of Public Works--governor, comptroller of the treasury and treasurer.

Adjutant General--appointed by governor with consent of senate.

*Qualifications: U. S. citizen; resident and practising lawyer, 10 years; qualified voter.

Massachusetts

Governor elected (2 year term)
Lieutenant Governor elected (2 year term)
*Secretary of Commonwealth elected (2 year term)
*Treasurer and Receiver General elected (2 year term)
*Auditor elected (2 year term)
*Attorney General elected (2 year term)
*Executive Council (8 members) elected (2 year term)

Executive and Administrative work of Commonwealth--to be organized in not more than 20 departments, in one of which every executive and administrative office, board and commission, except those officers serving directly under the governor or the council shall be placed.

*Qualifications: Resident, 5 years; ability to read constitution in English and write his name.

Michigan

Governor elected (2 year term)
Lieutenant Governor elected (2 year term)
Secretary of State elected (2 year term)
State Treasurer elected (2 year term)
Commissioner of Land Office elected (2 year term)
Auditor General elected (2 year term)
Attorney General elected (2 year term)
Superintendent of Public Instruction elected (2 year term)

State Board of Education--three members elected for 6 year terms. Superintendent of public instruction is member and secretary.

Board of Regents of University--eight members elected biennially.

State Board of Agriculture--six members elected for 6 year terms. President of agriculture college is ex-officio member.

Civil Service Commission--four members appointed by governor for 8 year terms. Bipartisan board.

State Personnel Director--appointed by civil service commission.

Board of State Auditors--secretary of state, state treasurer and commissioner of state land office.

Board of State Canvassers--secretary of state, state treasurer and commissioner of state land office.

State Board of Escheats--secretary of state, state treasurer and commissioner of state land office.

Michigan -- (Cont.)

Board of Fund Commissioners--secretary of state, state treasurer and commissioner of state land office.

Liquor Control Commission--legislature may establish.

State Board of Assessors--legislature may provide. Governor to be a member.

Minnesota

Governor elected (2 year term)
Lieutenant Governor elected (2 year term)
*Secretary of State elected (2 year term)
*Auditor elected (4 year term)
*Treasurer elected (2 year term)
*Attorney General elected (2 year term)

*Qualifications: Qualified elector (U. S. citizen, 3 months; resident, 6 months; age, 21 years).

Mississippi

Governor elected (4 year term)
Lieutenant Governor elected (4 year term)
*Secretary of State elected (4 year term)
*Treasurer elected (4 year term)
**Attorney General elected (4 year term)
*Superintendent of Public Instruction elected (4 year term)
*Auditor of Public Accounts elected (4 year term)

Board of Education--secretary of state, attorney general and superintendent of public instruction.

State Librarian--chosen by legislature for 4 year term.

State Highway Commission--recognized.

*Qualifications: Citizen of the state, 5 years; age, 25 years; believer in a Supreme Being.

**Qualifications: Citizen of the state, 5 years; age, 26 years; practising lawyer, 5 years; believer in a Supreme Being.

Missouri

Governor elected (4 year term)
Lieutenant Governor elected (4 year term)
*Secretary of State elected (4 year term)

Missouri -- (Cont.)

**State Auditor elected (4 year term)
*State Treasurer elected (4 year term)
*Attorney General elected (4 year term)
*Superintendent of Public Schools elected (4 year term)

State Board of Equalization--governor, state auditor, state treasurer,
secretary of state and attorney general.

Board of Curators of University--nine members appointed by governor with
consent of senate.

Conservation Commission--four members appointed by governor. Bipartisan.

Adjutant General--appointed by governor.

State Board of Fund Commissioners--recognized.

*Qualifications: U. S. citizen; resident, 1 year.

**Qualifications: U. S. citizen, 15 years; resident, 10 years; age,
30 years.

Montana

Governor elected (4 year term)
Lieutenant Governor elected (4 year term)
*Secretary of State elected (4 year term)
**Attorney General elected (4 year term)
*State Treasurer elected (4 year term)
*State Auditor elected (4 year term)
***Superintendent of Public Instruction elected (4 year term)

State Board of Education--governor, superintendent of public instruction
and attorney general are ex-officio members. Eight other members
appointed by governor with consent of senate.

State Board of Equalization--three members appointed by governor with
consent of senate for 6 year terms. Not more than two members
belonging to same party.

Board of State Prison Commissioners--governor, secretary of state and
attorney general.

Board of Examiners--governor, secretary of state and attorney general.

State Board of Land Commissioners--governor, superintendent of public
instruction, secretary of state and attorney general.

State Depository Board--governor, state auditor and state treasurer.

Montana -- (Cont.)

Board of Pardons--secretary of state, attorney general and state auditor.

Bureau of Agriculture, Labor and Industry--legislature may provide.

State Examiner--to be provided for by legislature. Appointed by governor, approved by senate. Report at least annually to officers designated by legislature.

*Qualifications: U. S. citizen; resident, 2 years; age, 25 years.

**Qualifications: U. S. citizen; resident, 2 years; age, 30 years; admitted to practise before state supreme court.

***Qualifications: Age, 30 years.

(No person shall be elected or appointed to any office in this state, civil or military, who is not a citizen of the United States, and who shall not have resided in this state at least one year next before his election or appointment).

Nebraska

Governor	elected (2 year term)
Lieutenant Governor	elected (2 year term)
Secretary of State	elected (2 year term)
Auditor of Public Accounts	elected (2 year term)
Treasurer	elected (2 year term)
Attorney General	elected (2 year term)
Superintendent of Public Instruction	elected (4 year term)
State Railway Commission (3 members)	elected (6 year term)

Board of Regents of University of Nebraska--six members elected by districts for 6 year terms.

Board of Education of State Normal Schools--six members appointed by governor with consent of senate for 6 year terms. Superintendent of public instruction is ex-officio member.

Board of Pardons--governor, attorney general and secretary of state.

Board of Control of State Institutions--three members appointed by governor with consent of two-thirds of senate for 6 year terms.

Tax Commissioner--appointed by governor with consent of senate. Term provided by law.

Board of Commissioners of Lands--governor, secretary of state, treasurer, attorney general and superintendent of public instruction.

Industrial Commission--may be created.

Nebraska -- (Cont.)

Article IV, Section 27 of the constitution provides that no executive state office (unless provided in the constitution) shall be created except by a two-thirds majority of all members elected to the senate and house of representatives respectively.

Nevada

Governor elected (4 year term)
Lieutenant Governor elected (4 year term)
*Secretary of State elected (4 year term)
*Treasurer elected (4 year term)
*Controller elected (4 year term)
*Surveyor General elected (4 year term)
*Attorney General elected (4 year term)
*Superintendent of Public Instruction elected (4 year term)

Board of State Prison Commissioners--governor, secretary of state, and attorney general.

Board of Examiners--governor, secretary of state and attorney general.

Board of Regents, State University--legislature to provide for election of and to define duties.

*Qualifications: Qualified elector (U. S. citizen; resident, 6 months; age, 21 years).

New Hampshire

Governor elected (2 year term)
Councilors (5) elected (2 year term)

Secretary--appointed by joint ballot of senators and representatives.

Treasurer--appointed by joint ballot of senators and representatives.

Attorney General--appointed by governor and council.

Commissary General--appointed by joint ballot of senators and representatives.

(No one eligible to any state office unless he can read the constitution in English and write).

New Jersey

Governor elected (4 year term)
Secretary of State appointed by the Governor with the advice and consent of the senate to serve during term of office of governor.
Attorney General appointed by the Governor with the advice and consent of the senate to serve during term of office of governor.

The head of each principal department shall be a single executive unless otherwise provided by law. Such single executive shall be nominated and appointed by the governor, with the advice and consent of the senate, to serve at the pleasure of the governor during his term of office and until the appointment and qualification of their successors.

New Mexico

Governor elected (2 year term)
Lieutenant Governor elected (2 year term)
*Secretary of State elected (2 year term)
*State Auditor elected (2 year term)
*State Treasurer elected (2 year term)
**Attorney General elected (2 year term)
***Superintendent of Public Instruction elected (2 year term)
*Commissioner of Public Lands elected (2 year term)
State Corporation Commission (3 members) elected (6 year term)

Board of Education--seven members. Governor and state superintendent of public instruction are ex-officio members. Five members appointed by governor with consent of senate.

Board of Penitentiary at Santa Fe--five members appointed by governor with consent of senate for 4 year terms.

Board of Miner's Hospital--five members appointed by governor with consent of senate.

Board of New Mexico Insane Asylum--five members appointed by governor with consent of senate.

Board of New Mexico Reform School--five members appointed by governor with consent of senate.

Inspector of Mines--appointed by governor with consent of senate for 4 year term.

Boards of Regents--legislature to establish boards of five members each to be appointed by the governor with consent of senate for each one of the nine state educational institutions.

New Mexico -- (Cont.)

Department of Agriculture--to be under the control of board of regents of the New Mexico College of Agriculture and Mechanic Arts.

*Qualifications: U. S. citizen; resident, 5 years; age, 30 years; qualified elector.

**Qualifications: U. S. citizen; resident, 5 years; age, 30 years; qualified elector; licensed attorney of the state supreme court in good standing.

***Qualifications: U. S. citizen; resident, 5 years; age, 30 years; qualified elector; trained and experienced educator.

New York

Governor elected (4 year term)
Lieutenant Governor elected (4 year term)
*Comptroller elected (4 year term)
*Attorney General elected (4 year term)

Constitution prescribes that there shall be the following civil departments in the state government:

- | | |
|----------------------------|--------------------|
| 1. Executive | 11. Health |
| 2. Audit and Control | 12. Mental Hygiene |
| 3. Taxation and Finance | 13. Social Welfare |
| 4. Law | 14. Correction |
| 5. State | 15. Public Service |
| 6. Public Works | 16. Banking |
| 7. Conservation | 17. Insurance |
| 8. Agriculture and Markets | 18. Civil Service |
| 9. Labor | 19. Commerce |
| 10. Education | |

Legislature may establish no new departments, but may create temporary commissions, may reduce the number of departments, may consolidate departments, may modify, increase or diminish powers and functions of departments, and may assign new powers and functions to departments.

Except as otherwise provided in constitution, governor to appoint with consent of senate heads of departments and members of boards and commissions.

Governor to head the executive department.

Comptroller to head the department of audit and control.

Attorney General to head the department of law.

Regents of the University of the State of New York to head the department of education. There are to be not less than nine regents. Commissioner of education to be the chief administrative officer of the department. Commis-

New York -- (Cont.)

sioner to be appointed by the regents and to serve at their pleasure.

State Board of Social Welfare to be continued. (Visiting and inspection agency).

State Commission of Correction. There shall be a state commission of correction, of which the head of the department of correction shall be the chairman. (Visiting and inspection agency).

Adjutant General--appointed by governor.

*Qualifications: U. S. citizen; resident, 5 years; age, 30 years.

North Carolina

Governor	elected (4 year term)
Lieutenant Governor	elected (4 year term)
*Secretary of State	elected (4 year term)
*Auditor	elected (4 year term)
*Treasurer	elected (4 year term)
*Superintendent of Public Instruction	elected (4 year term)
*Attorney General	elected (4 year term)
*Commissioner of Agriculture	elected (4 year term)
*Commissioner of Labor	elected (4 year term)
*Commissioner of Insurance	elected (4 year term)

State Board of Education--lieutenant governor, state treasurer, superintendent of public instruction and one member from each congressional district appointed by governor for 4 year term. Appointive members to be confirmed by general assembly in joint session.

Comptroller (Board of Education)--to be appointed by the board subject to approval of the governor.

Department of Agriculture, Immigration and Statistics--legislature to establish.

Council of State--secretary of state, auditor, treasurer and superintendent of public instruction, commissioner of agriculture, commissioner of labor, commissioner of insurance.

Board of Public Charities--general assembly to appoint and to define duties.

Trustees of the University of North Carolina--general assembly to have power to provide for the election of.

*Qualifications: Every voter shall be eligible to office, except persons who deny the being of Almighty God, or have been convicted or confessed their guilt of any treason, felony, or crime for which the punishment is imprisonment in the penitentiary or any malpractice in office, unless restored to rights of citizenship in a manner prescribed by law.

North Dakota

Governor elected (2 year term)
Lieutenant Governor elected (2 year term)
*Secretary of State elected (2 year term)
*Auditor elected (2 year term)
*Treasurer elected (2 year term)
*Superintendent of Public Instruction elected (2 year term)
*Commissioner of Insurance elected (2 year term)
*Attorney General elected (2 year term)
*Commissioner of Agriculture and Labor elected (2 year term)
Public Service Commissioners (3) elected (6 year term)
Tax Commissioner elected (4 year term)

State Board of Higher Education--seven members for 7 year terms. Appointed by governor with consent of senate from lists of names selected by president of North Dakota Educational Association, chief justice of supreme court and superintendent of public instruction.

State Commissioner of Higher Education--to be appointed for a term not to exceed 3 years by state board of higher education.

Board of University and School Lands--superintendent of public instruction, governor, attorney general, secretary of state and state auditor.

Board of Pardons--governor, attorney general, chief justice of supreme court and two qualified electors appointed by governor.

*Qualifications: U. S. citizen; age, 25 years; qualified elector (resident, 1 year).

Ohio

Governor elected (2 year term)
Lieutenant Governor elected (2 year term)
*Secretary of State elected (2 year term)
*Auditor of State elected (4 year term)
*Treasurer of State elected (2 year term)
*Attorney General elected (2 year term)

Superintendent of Public Instruction--appointed by governor for 4 year term.

Directors of Penitentiary--appointed or elected as general assembly may direct.

Commissioners of Sinking Fund--auditor, secretary of state and attorney general.

Superintendent of Public Works--appointed by governor for 1 year term.

Bureau of Statistics--may be established in the office of secretary of state.

Ohio -- (Cont.)

Adjutant General--appointed by governor.

*Qualifications: Qualified elector (U. S. citizen; resident, 1 year; age, 21 years).

Oklahoma

Governor	elected (4 year term)
Lieutenant Governor	elected (4 year term)
*Secretary of State	elected (4 year term)
*State Auditor	elected (4 year term)
*Attorney General	elected (4 year term)
*State Treasurer	elected (4 year term)
*Superintendent of Public Instruction	elected (4 year term)
*State Examiner and Inspector	elected (4 year term)
**Chief Mine Inspector	elected (4 year term)
Commissioner of Labor	elected (4 year term)
***Commissioner of Charities and Corrections	elected (4 year term)
Commissioner of Insurance	elected (4 year term)
****Corporation Commission (3)	elected (6 year term)

Board of Agriculture--five members, all to be farmers, to be selected as prescribed by law.

Board of Education--governor, secretary of state, attorney general and superintendent of public instruction. (To constitute board until otherwise provided by law).

Commissioners of the Land Office--governor, secretary of state, auditor, superintendent of public instruction and president of board of agriculture.

Band Commissioner--appointed by governor with consent of senate for 4 year term.

Department of Public Welfare--nine members appointed by governor for 9 year terms.

Department of Highways--legislature directed to establish.

State Board of Equalization--governor, state auditor, state treasurer, secretary of state, attorney general, state inspector and examiner, and president of board of agriculture.

State Printer--legislature to have power to provide for the election or appointment.

State Geological and Economic Survey--legislature to provide for the establishment.

Oklahoma -- (Cont.)

Board of Health--legislature shall create.

Board of Dentistry--legislature shall create.

Board of Pharmacy--legislature shall create.

Pure Food Commission--legislature shall create.

Pardon and Parole Board--5 members; 3 appointed by governor, 1 by chief justice, 1 by presiding judge of the criminal court of appeals.
Terms--co-terminous with governor's.

Board of Regents for Agricultural and Mechanical Schools and Colleges--
9 members; 8 appointed by governor, by and with advice and consent of senate, a majority of whom shall be farmers--9th member to be president of state board of agriculture. Term--8 years, one term expiring each year.

*Qualifications: U. S. citizen; age, 31 years; qualified elector, 10 years. (Able to read and write the Oklahoma constitution).

**Qualifications: 8 years practical mining experience; other qualifications as prescribed by law.

***Qualifications: Citizen, 10 years; age, 25 years; qualified elector (same as (*) above).

****Qualifications: Well versed in insurance matters; age, 25 years.

Oregon

Governor elected (4 year term)
Secretary of State elected (4 year term)
Treasurer elected (4 year term)

Board of Commissioners for the Sale of School and University Lands--
governor, secretary of state and state treasurer.

State Printer--law may provide for election or appointment. Until otherwise provided, state printer to be elected.

Adjutant General--appointed by governor.

State Land Board--governor, secretary of state and state treasurer.

Superintendent of Public Instruction--governor to be superintendent of public instruction, but after five years from adoption of constitution competent for legislative assembly to provide for election of a superintendent of public instruction. (Legislature has so provided.)

Secretary of State is ex-officio auditor of public accounts.

Pennsylvania

Governor elected (4 year term)
Lieutenant Governor elected (4 year term)
Secretary of Internal Affairs elected (4 year term)
Auditor General elected (4 year term)
Treasurer elected (4 year term)

Secretary of the Commonwealth--appointed by governor with consent of senate to serve at his pleasure.

Attorney General--appointed by governor with consent of senate to serve at his pleasure.

Superintendent of Public Instruction--appointed by governor with consent of senate for 4 year term.

Bureau of Industrial Statistics--to be established under secretary of internal affairs.

Board of Pardons--governor, lieutenant governor, secretary of the commonwealth, attorney general and secretary of internal affairs.

Rhode Island

Governor elected (2 year term)
Lieutenant Governor elected (2 year term)
*Secretary of State elected (2 year term)
*Attorney General elected (2 year term)
*General Treasurer elected (2 year term)

*Qualifications: qualified elector (U. S. citizen; resident, 2 years; age, 21 years).

South Carolina

Governor elected (4 year term)
Lieutenant Governor elected (4 year term)
*Secretary of State elected (4 year term)
*Treasurer elected (4 year term)
*Comptroller General elected (4 year term)
*Attorney General elected (4 year term)
*Adjutant and Inspector General elected (4 year term)
*Superintendent of Education elected (2 year term)

Board of Education--governor, state superintendent of education, and not exceeding seven persons appointed by the governor every 4 years.

Board of Pardons--to be provided by general assembly.

South Carolina -- (Cont.)

Board of Health--to be provided by general assembly.

Railroad Commission--three members. Election and term regulated by law.

Board of Regents of the State Hospitals for the Insane--five members appointed by governor with consent of senate.

Superintendent of State Hospitals for the Insane--appointed by board of regents.

*Qualifications: Qualified elector (U. S. citizen; resident, 2 years; age, 25 years).

South Dakota

Governor elected (2 year term)
Lieutenant Governor elected (2 year term)
Secretary of State elected (2 year term)
Auditor elected (2 year term)
Treasurer elected (2 year term)
Commissioner of Schools and Public Lands elected (2 year term)
Attorney General elected (2 year term)
Superintendent of Public Instruction elected (2 year term)

State Board of Charities and Correction--five members appointed by governor with consent of senate.

Board of Pardons--presiding judge, secretary of state and attorney general.

Board of Regents (to control educational institutions)--five members appointed by governor with consent of senate.

Tennessee

Governor elected (2 year term)

Secretary of State--appointed by joint vote of the general assembly for 4 year term.

Treasurer--appointed by joint vote of the general assembly for 2 year term.

Comptroller of the Treasury--appointed by joint vote of the general assembly for 2 year term.

Attorney General--appointed by judges of supreme court for 8 year term.

Adjutant General--governor shall appoint.

Texas

Governor elected (2 year term)
Lieutenant Governor elected (2 year term)
Comptroller of Public Accounts elected (2 year term)
Treasurer elected (2 year term)
Commissioner of the General Land Office elected (2 year term)
Attorney General elected (2 year term)
Railroad Commission (3) elected (6 year term)

Secretary of State--appointed by governor with consent of senate for 2 year term.

State Board of Education--members to be appointed or elected as legislature may prescribe for terms not to exceed 6 years.

Board of Regents of the State University and Boards of Trustees or Managers of Educational, Eleemosynary and Penal Institutions--legislature may provide that members of such boards may hold office for terms of 6 years, one-third to be elected or appointed every two years as legislature may determine.

Board of Pardons and Paroles--three members appointed for 6 year terms. One member appointed by governor, one by chief justice of supreme court and one by presiding justice of the court of criminal appeals. All appointments with consent of senate.

Board of Health and Vital Statistics--legislature may establish.

Utah

Governor elected (4 year term)
*Secretary of State elected (4 year term)
**State Auditor elected (4 year term)
**State Treasurer elected (4 year term)
***Attorney General elected (4 year term)
**Superintendent of Public Instruction elected (4 year term)

State Board of Education--superintendent of public instruction and others as provided by legislature.

Board of Pardons--governor, justices of supreme court and attorney general. (Until otherwise provided by law.)

Board of State Prison Commissioners--governor, secretary of state and attorney general. (Until otherwise provided by law.)

Board of Examiners--governor, secretary of state and attorney general.

Board of Insane Asylum Commissioners--governor, state treasurer and state auditor. (Until otherwise provided by law.)

Utah -- (Cont.)

Board of Labor Conciliation and Arbitration--legislature shall provide.

State Tax Commission--four members appointed by governor. Bipartisan.

Board of Reform School Commissioners--governor, attorney general and superintendent of public instruction. (Until otherwise provided by law.)

*Qualifications: U. S. citizen; resident, 5 years; age, 30 years; qualified elector.

**Qualifications: U. S. citizen; resident, 5 years; qualified elector.

***Qualifications: U. S. citizen; resident, 5 years; age, 25 years; qualified elector; qualified to practice before the state supreme court.

Vermont

Governor elected (2 year term)

Lieutenant Governor elected (2 year term)

Secretary of State elected (2 year term)

*Treasurer elected (2 year term)

Auditor of Accounts elected (2 year term)

Secretary of Civil and Military Affairs--governor may appoint.

*Qualifications: Resident, 2 years.

Virginia

Governor elected (4 year term)

Lieutenant Governor elected (4 year term)

*Attorney General elected (4 year term)

*Auditor of Public Accounts--elected by joint vote of both houses of general assembly for 4 year term.

State Corporation Commission--elected by general assembly for 6 year term.

#Secretary of the Commonwealth--appointed by governor and confirmed by general assembly for 4 year term.

State Treasurer--appointed by governor and confirmed by general assembly for 4 year term.

Bureau of Labor and Statistics--provided for by general assembly.

State Board of Education--seven members appointed by governor and confirmed by general assembly for 4 year terms.

Virginia -- (Cont.)

Superintendent of Public Instruction--appointed by governor for 4 year term.

Board of Agriculture and Immigration--one member from each congressional district appointed by governor for 4 year term. President of Virginia Polytechnic Institute is ex-officio member.

Commissioner of Agriculture and Immigration--appointed by governor and confirmed by general assembly for 4 year term.

*Qualifications: Qualified voter (U. S. citizen; resident, 1 year; age, 21 years; payment of poll tax).

#The general assembly may abolish.

Washington

Governor	elected (4 year term)
#Lieutenant Governor	elected (4 year term)
*Secretary of State	elected (4 year term)
*Treasurer	elected (4 year term)
*#Auditor	elected (4 year term)
*Attorney General	elected (4 year term)
*Superintendent of Public Instruction	elected (4 year term)
*#Commissioner of Public Lands	elected (4 year term)

Harbor Line Commission--legislature to establish.

Bureau of Statistics, Agriculture and Immigration--legislature to establish.

State Board of Health--legislature to establish.

Bureau of Vital Statistics--legislature to establish in connection with state board of health.

*Qualifications: Qualified elector (U. S. citizen; resident, 1 year; age, 21 years; capable of reading and speaking the English language).

#Legislature may abolish at its discretion.

West Virginia

Governor	elected (4 year term)
*Secretary of State	elected (4 year term)
*Auditor	elected (4 year term)
*Treasurer	elected (4 year term)
*State Superintendent of Free Schools	elected (4 year term)
*Commissioner of Agriculture	elected (4 year term)
**Attorney General	elected (4 year term)

West Virginia -- (Cont.)

Board of Public Works--governor, secretary of state, auditor, treasurer, attorney general, superintendent of free schools and commissioner of agriculture.

Board of the School Fund--governor, superintendent of free schools, auditor and treasurer.

*Qualifications: Citizen; resident, 5 years; qualified elector (no minors may qualify).

**Qualifications: Citizen; resident, 5 years; age, 25 years; qualified elector.

Wisconsin

Governor elected (2 year term)
Lieutenant Governor elected (2 year term)
Secretary of State elected (2 year term)
Treasurer elected (2 year term)
Attorney General elected (2 year term)
*Superintendent of Public Instruction elected (4 year term)

Board of Commissioners of Public Lands--secretary of state, treasurer and attorney general.

Auditor--secretary of state is ex-officio auditor.

*Qualifications: To be prescribed by law.

Wyoming

Governor elected (4 year term)
*Secretary of State elected (4 year term)
*Auditor elected (4 year term)
*Treasurer elected (4 year term)
*Superintendent of Public Instruction elected (4 year term)

State Examiner--appointed by governor and confirmed by senate.

Board of Land Commissioners--governor, secretary of state, state treasurer, state auditor and superintendent of public instruction.

Board of Trustees of State University--seven members appointed by governor with consent of senate. President of university and superintendent of public instruction are ex-officio members.

Board of Control--state engineer and superintendents of the water divisions.

Wyoming -- (Cont.)

State Engineer--appointed by governor and confirmed by senate for 6 year term.

Inspector of Mines--appointed by governor with consent of senate for 2 year term.

State Geologist--appointed by governor with consent of senate for 6 year term.

State Board of Charities and Reform--to be established in such manner as the legislature may prescribe.

State Board of Equalization--legislature to provide.

*Qualifications: U. S. citizen; age, 25 years; qualified elector (resident, 1 year; capable of reading the constitution).

APPENDIX H

SELECTED CONSTITUTIONAL PROVISIONS RELATING TO STATE ADMINISTRATIVE ORGANIZATION AND REORGANIZATION

ARKANSAS--(Creation of permanent state offices):

The general assembly shall have no power to create any permanent state office not expressly provided for by this constitution.
Art. XIX, Sec. 9.

LOUISIANA--(Consolidation of offices):

The legislature is authorized to provide for the merger or consolidation into one department of all executive and administrative offices, boards, or commissions, whether created in this constitution or otherwise, whose duties or functions are of a similar nature or character, and in the event of any such consolidation or merger, to reduce the number of officers at the end of their current term.
Art. III, Sec. 32.

The executive department shall consist of a governor, lieutenant governor, auditor, treasurer, secretary of state, register of the land office, commissioner of agriculture and immigration, and commissioner of conservation. The legislature shall have the authority to consolidate any of the above offices, except that of governor, lieutenant governor, treasurer, and secretary of state. Art. V, Sec. 1.

MISSOURI--(Executive department--assignment of agencies to departments):

The executive department shall consist of all state elective and appointive officials and employees except the officials and employees of the legislative and judicial departments. In addition to the governor and lieutenant governor there shall be a state auditor, secretary of state, attorney general, a state treasurer and a department of revenue, department of education, department of highways, department of conservation, department of agriculture and such additional departments, not exceeding five in number, as may hereafter be established by law. Unless discontinued all present or future boards, bureaus, commissions and other agencies of the state exercising administrative or executive authority shall be assigned by the governor to the department to which their respective powers and duties are germane. Art. IV, Sec. 12.

NEBRASKA--(Creation of new offices):

No executive state office other than herein provided shall be created except by a two-third majority of all members elected to the senate and house of representatives respectively. Art. IV, Sec. 27.

NEW JERSEY--(Administration):

1. All executive and administrative offices, departments and instrumentalities of the state government, including the offices of secretary of state and attorney general, and their respective functions, powers and duties, shall be allocated by law among and within not

APPENDIX H--(cont.)

more than twenty principal departments, in such manner as to group the same according to major purposes so far as practicable. Temporary commissions for special purposes may, however, be established by law and such commissions need not be allocated within a principal department.

2. Each principal department shall be under the supervision of the governor. The head of each principal department shall be a single executive unless otherwise provided by law. Such single executives shall be nominated and appointed by the governor, with the advice and consent of the senate, to serve at the pleasure of the governor during his term of office and until the appointment and qualification of their successors, except as herein otherwise provided with respect to the secretary of state and the attorney general.

3. The secretary of state and the attorney general shall be nominated and appointed by the governor with the advice and consent of the senate to serve during the term of office of the governor.

4. Whenever a board, commission or other body shall be the head of a principal department, the members thereof shall be nominated and appointed by the governor with the advice and consent of the senate, and may be removed in the manner provided by law. Such a board, commission or other body may appoint a principal executive officer when authorized by law, but the appointment shall be subject to the approval of the governor. Any principal executive officer so appointed shall be removable by the governor, upon notice and an opportunity to be heard. Art. V, Sec. 4.

NEW YORK--

a) Civil departments in the state government:

There shall be the following civil departments in the state government; first, executive; second, audit and control; third, taxation and finance; fourth, law; fifth, state; sixth, public works; seventh, conservation; eighth, agriculture and markets; ninth, labor; tenth, education; eleventh, health; twelfth, mental hygiene; thirteenth, social welfare; fourteenth, correction; fifteenth, public service; sixteenth, banking; seventeenth, insurance; eighteenth, civil service; nineteenth, commerce. Art. V, Sec. 2.

b) Assignment of functions:

Subject to the limitations contained in this constitution, the legislature may from time to time assign by law new powers and functions to departments, officers, boards or commissions, and increase, modify or diminish their powers and functions. No new departments shall be created hereafter, but this shall not prevent the legislature from creating temporary commissions for special purposes and nothing contained in this article shall prevent the legislature from reducing the number of departments as provided for in this article, by consolidation or otherwise. Art. V, Sec. 3.

c) Department heads:

....Except as otherwise provided in this constitution, the heads of

APPENDIX H--(cont.)

all other departments and the members of all boards and commissions, excepting temporary commissions for special purposes, shall be appointed by the governor by and with the advice and consent of the senate and may be removed by the governor, in a manner to be prescribed by law. Art. V, Sec. 4.

WASHINGTON--(Abolition of certain offices):

....The legislature may, in its discretion, abolish the offices of the lieutenant governor, auditor, and commissioner of public lands. Art. III, Sec. 25.

APPENDIX I

COMPARATIVE CHART ON STATE CONSTITUTIONAL

State	Secretary of State				Auditor				Treasurer				Secretary of Agriculture				Register of State Land Office				Superintendent of Education				
	Elected	Appointed by Governor	Not Constitutionally Provided	Holds Office at Will of Governor	If Appointed--By and with Consent of Senate	Elected	Appointed by Governor	Not Constitutionally Provided	Holds Office at Will of Governor	If Appointed--By and with Consent of Senate	Elected	Appointed by Governor	Not Constitutionally Provided	Holds Office at Will of Governor	If Appointed--By and with Consent of Senate	Elected	Appointed by Governor	Not Constitutionally Provided	Holds Office at Will of Governor	If Appointed--By and with Consent of Senate	Elected	Appointed by Governor	Not Constitutionally Provided	Holds Office at Will of Governor	If Appointed--By and with Consent of Senate
Alabama	X					X					X					X					X				
Arizona																									
Arkansas	X																								
California	X						X				X					X									
Colorado	X						X				X					X					X				
Connecticut	X							X			X					X									
Delaware		X		X	X	X					X					X					X				
Florida	X						X				X					X					X				
Georgia	X						X				X					X					X				
Idaho	X						X				X					X					X				
Illinois	X						X				X					X					X				
Indiana	X						X				X					X					X				
Iowa	X						X				X					X					X				
Kansas	X						X				X					X					X				
Kentucky	X						X				X					X					X				

ADMINISTRATIVE OFFICES*

Conservation Commissioner				Attorney General							
Elected	Appointed by Governor	Not Constitutionally Provided	Holds Office at Will of Governor	If Appointed--By and with Consent of Senate	Elected	Appointed by Governor	Not Constitutionally Provided	Holds Office at Will of Governor	If Appointed--By and with Consent of Senate	Constitution Defines and Limits Powers and Duties of Executive Officers	Constitution Fixes Salaries of Executive Officers
		X			X					No--To be provided by law; secretary of state partly defined	No--To be provided by law
		X			X					No--To be provided by law	Yes
		X			X					No--To be provided by law; secretary of state partly defined	No
		X			X					Secretary of state, attorney general only, and as provided by law	Yes--Legislature may increase but not reduce
		X			X					No--To be provided by law	No--To be provided by law
		X					X			Yes--Also as provided by law	No--To be provided by law
		X			X					No	No--To be provided by law
		X			X					Yes--Also as provided by law	Yes
		X			X					No--To be provided by law; attorney general partly	No
		X			X					No--To be provided by law	Yes
		X			X					No	No--To be provided by law
		X				X				No--To be provided by law	No
		X				X				No--To be provided by law	No
		X			X					No--To be provided by law	No--To be provided by law
		X			X					No	No

COMPARATIVE CHART ON STATE CONSTITUTIONAL

State	Secretary of State				Auditor				Treasurer				Secretary of Agriculture				Register of State Land Office				Superintendent of Education				
	Elected	Appointed by Governor	Not Constitutionally Provided	Holds Office at Will of Governor	If Appointed—By and with Consent of Senate	Elected	Appointed by Governor	Not Constitutionally Provided	Holds Office at Will of Governor	If Appointed—By and with Consent of Senate	Elected	Appointed by Governor	Not Constitutionally Provided	Holds Office at Will of Governor	If Appointed—By and with Consent of Senate	Elected	Appointed by Governor	Not Constitutionally Provided	Holds Office at Will of Governor	If Appointed—By and with Consent of Senate	Elected	Appointed by Governor	Not Constitutionally Provided	Holds Office at Will of Governor	If Appointed—By and with Consent of Senate
Louisiana	X					X					X					X					X				
Maine	Ø						X	X			Ø	Ø					X						X		X
Maryland		X						X			Ø					X								X	X
Massachusetts	X								X		X						X								X
Michigan	X					X					X					X						X			
Minnesota	X					X					X	X					X							X	
Mississippi	X					X					X	X					X							X	
Missouri	X					X					X						X							X	
Montana	X										X						X							X	
Nebraska	X										X						X							X	
Nevada	X										X						X							X	
New Hampshire	Ø										Ø						X							X	
New Jersey		X				X						X					X							X	X
New Mexico	X					X					X						X							X	
New York		X						X				X													✓
North Carolina	X					X					X						X							X	
North Dakota	X					X					X													X	

ADMINISTRATIVE OFFICES* - (continued)

Conservation Commissioner				Attorney General				Constitution Defines and Limits Powers and Duties of Executive Officers	Constitution Fixes Salaries of Executive Officers
Elected	Appointed by Governor	Not Constitutionally Provided	Holds Office at Will of Governor	If Appointed--By and with Consent of Senate	Elected	Appointed by Governor	Not Constitutionally Provided		
	X		X	X				Partly, in various sections of constitution	Yes
		X					X	Partly	No
	X			X				No--To be provided by law; secretary of state partly defined	In some cases for some offices
	X				X			No--To be provided by law	No
	X			X				No--To be provided by law	Yes--Except supt. of education. To be prov. by law
	X			X				No--To be provided by law	No--To be provided by law
	X			X				Partly--Also as provided by law	No--To be provided by law
	X			X				Yes--And no others provided by law	No--To be provided by law
	X			X				No	Yes
	X			X				No--To be provided by law	No--To be provided by law
	X			X				No--To be provided by law	No
	X				X		X	No	No
	X				X		X	No	No
	X			X				No	Yes
	X			X				Partly--To be provided by law	No
	X			X				No--To be provided by law	No--To be provided by law
	X			X				No--To be provided by law;	Yes--Except sec. of ag., to be provided by law

COMPARATIVE CHART ON STATE CONSTITUTIONAL

State	Secretary of State				Auditor				Treasurer				Secretary of Agriculture				Register State Land Office				Superintendent of Education				
	Elected	Appointed by Governor	Not Constitutionally Provided	Holds Office at Will of Governor	If Appointed--By and with Consent of Senate	Elected	Appointed by Governor	Not Constitutionally Provided	Holds Office at Will of Governor	If Appointed--By and with Consent of Senate	Elected	Appointed by Governor	Not Constitutionally Provided	Holds Office at Will of Governor	If Appointed--By and with Consent of Senate	Elected	Appointed by Governor	Not Constitutionally Provided	Holds Office at Will of Governor	If Appointed--By and with Consent of Senate	Elected	Appointed by Governor	Not Constitutionally Provided	Holds Office at Will of Governor	If Appointed--By and with Consent of Senate
Ohio	X					X					X										X				
Oklahoma	X					X					X										X				
Oregon	X						X				X														
Pennsylvania		X	X	X	X						X											X			X
Rhode Island	X						X				X												X		
South Carolina	X						X				X										X				
South Dakota	X					X					X										X				
Tennessee	o						X				o												X		
Texas		X		X			X				X					X							X		
Utah	X					X					X										X				
Vermont	X						X				X												X		
Virginia		X		X	o				X	X						X						X			X
Washington	X					X					X										X				
West Virginia	X					X					X										X				
Wisconsin	X						X				X										X				
Wyoming	X					X					X										X				

o Appointed by the legislature.

To be appointed in a manner provided by law.

/ Commissioner of education to be appointed by regents of New York University.

X The legislature is authorized to create a comparable office.

o The governor is to be superintendent of education.

! Appointed by judges of the supreme court.

ADMINISTRATIVE OFFICES* - (continued)

Conservation Commissioner				Attorney General				Constitution Defines and Limits Powers and Duties of Executive Officers	Constitution Fixes Salaries of Executive Officers
Elected	Appointed by Governor	Not Constitutionally Provided	Holds Office at Will of Governor	If Appointed--By and with Consent of Senate	Elected	Appointed by Governor	Not Constitutionally Provided		
		X			X			No--To be provided by law	No--To be provided by law
		X			X			Partly	No
		X				X		Partly	Yes
	X				X	X	X	Partly	No
	X				X			No	No
	X				X			No--To be provided by law	No--To be provided by law
	X				X			No--To be provided by law	No--To be provided by law
	X							Partly--To be provided by law	No
	X				X			Partly	Yes
	X				X			Partly	Yes
	X					X		No--To be provided by law	No
	X				X			No--To be provided by law	No--To be provided by law
	X				X			Partly	Yes
	X				X			No--To be provided by law	No--To be provided by law
	X				X			No--To be provided by law	No--To be provided by law
	X				X			No--To be provided by law	Yes

*Adapted from W. C. Havard, Jr. "The Executive--Comparison of the Constitutional Executive Offices of Louisiana with Those of Other States." Central Research Staff, Constitutional Revision Project, Louisiana State University. (Bulletin No. 26). April 1947. pp. 1-6.

APPENDIX J

CONSTITUTIONAL OFFICES NON-COTERMINUS WITH THE GOVERNOR*

State	Office or Agency	Selection by	Term of Office	Term of Governor
Alabama	Board of Trustees, State University	(1)	12	4
Arizona	Corporation Commission	e	6	2
California	State Board of Prison Directors	gs	10	4
	Public Utilities Commission	gs	6	
	Fish and Game Commission	gs	6	
Colorado	Board of Land Commissions	gs	6	2
	Board of Regents of State University	e	6	
Connecticut	Attorney General	e	4	2
Delaware	Auditor	e	2	4
	Treasurer	e	2	
Florida	Game and Fresh Water Fish Commission	gs	5	4
Georgia	Public Service Commission	e	6	4
	State Board of Education	gs	7	
	Board of Regents of the University System of Georgia	gs	7	
	State Game and Fish Commission	gs	7	
	State Board of Correction	gs	5	
	Veterans Service Board	gs	7	
	State Board of Pardons	gs	7	
	State Personnel Board	gs	7	
Idaho	State Board of Correction	g	6	4
Illinois	Treasurer	e	2	4
Indiana	Secretary of State	e	2	4
	Auditor	e	2	
	Treasurer	e	2	
	Superintendent of Public Instruction	e	2	
Louisiana	Public Service Commission	e	6	4
	Louisiana Tax Commission	gs	6	
	State Board of Education	e	6	
Michigan	State Board of Education	e	6	2
	State Board of Agriculture	e	6	
Minnesota	Auditor	e	4	2
Montana	State Board of Equalization	gs	6	4
Nebraska	Superintendent of Public Instruction	e	4	2
	State Railroad Commission	e	6	
	Board of Regents of University of Nebraska	e	6	
	Board of State Normal Schools	gs	6	
	Board of Control of State Institutions	gs	6	

CONSTITUTIONAL OFFICES NON-COTERMINUS WITH THE GOVERNOR*-
(cont.)

State	Office or Agency	Selection by	Term of Office	Term of Governor
New Mexico	State Corporation Commission	e	6	2
	Board of Penitentiary of Santa Fe	gs	4	
	Inspector of Mines	gs	4	
North Dakota	Public Service Commissioners	e	6	2
	Tax Commissioner	e	4	
	State Board of Higher Education	gs	7	
Ohio	Auditor	e	4	2
	Superintendent of Public Instruction	g	4	
Oklahoma	Corporation Commission	e	6	4
	Department of Public Welfare	g	9	
	Board of Regents for Agricultural and Mechanical Schools and Colleges	gs	8	
South Carolina	Superintendent of Education	e	2	4
Tennessee	Secretary of State	(2)	4	2
	Attorney General	sc	8	
Texas	Railroad Commission	e	6	2
	State Board of Education	(3)	6	
	Board of Regents of State University	(3)	6	
	Board of Pardons & Paroles	(4)	6	
Virginia	State Corporation Commission	(1)	6	4
Wisconsin	Superintendent of Public Instruction	e	4	2
Wyoming	State Engineer	gs	6	4
	Inspector of Mines	gs	2	
	State Geologist	gs	6	

e - Popular election

g - Appointment by the governor

gs - Appointment by the governor with the consent of the senate

sc - Appointment by the supreme court

(1) - Self perpetuating

(2) - Appointed by the legislature

(3) - Legislature to determine method of selection

(4) - One member appointed by governor, one by chief justice of supreme court,
one by presiding justice of court of criminal appeals; all with the con-
sent of the senate.

*Material adapted from Manual on the Executive Article for the Missouri
Constitutional Convention of 1943. Major constitutional amendments ratified
since this study was completed have been incorporated.

APPENDIX K

THE LIEUTENANT GOVERNORS*

State	Length of Term	Previous Terms of Incum- bent	Salary ^a	Appoint- ment of commit- tees	Power to vote	Other duties ^b
ALABAMA	4	1	\$12 ^c	Yes	Casting	None
ARIZONA	..	..	.....	...	.....	...
ARKANSAS	2	1	\$2,000	Yes	Casting	Highway Refunding Board Election Board
CALIFORNIA	4	1	\$4,000	No	Casting	Member of various boards
COLORADO	2	1	\$1,000	No	Casting	None
CONNECTICUT	2	1	\$1,500	No	Casting	None
DELAWARE	4	1	\$360 ^{b,d}	No	Casting	None
FLORIDA	..	..	.....	...	.....	...
GEORGIA ^e	4	..	\$2,000	No	None	None
IDAHO	2	1	\$7.50 ^c	Yes	Casting	None
ILLINOIS	4	1	\$5,000	Yes	f	Secretary, Illinois War Council
INDIANA	4	1	\$6,000	Yes	Casting	Commissioner of Agri- culture by appoint- ment of governor
IOWA	2	1	\$1,000	Yes	Casting	None
KANSAS	2	1	\$900	Yes	Casting	Chairman, Legislative Council and Commission on Interstate Coopera- tion
KENTUCKY	4	1	\$15 ^c	No	Casting	Chairman, Legislative Council and Disabled Veterans' Board
LOUISIANA	4	1	\$5,000	Yes	None	Member of eight state boards
MAINE	..	..	.....	...	.....	...
MARYLAND	..	..	.....	...	.....	...
MASSACHUSETTS	2	3	\$4,000	b	b	Presides over Governor's Council, member of various boards
MICHIGAN	2	1	\$3 ^{c,g}	h	None	Member of various boards
MINNESOTA	2	1	\$1,000	No	None	None
MISSISSIPPI	4	1	\$750 ⁱ	Yes	Casting	...
MISSOURI	4	3	\$1,000 ^j	No	Casting	Board of Probation and Parole
MONTANA	4	1	\$360	k	Casting	None
NEBRASKA	2	1	\$1,744	No	Casting	None
NEVADA	4	1	\$15 ^c	Yes	Casting	None
NEW HAMPSHIRE	..	..	.....	...	.....	...
NEW JERSEY	..	..	.....	...	.....	...
NEW MEXICO	2	1	\$10 ^c	Yes	Casting	None
NEW YORK	4	1	\$10,000	No	None	State War Council
NORTH CAROLINA	4	1	\$350	Yes	Casting	Chairman, State Board of Education

THE LIEUTENANT GOVERNORS*--(cont.)

State	Length of Term	Previous Terms of Incumbent	Salary ^a	Appointment of committees	Power to vote	Other duties ^b
NORTH DAKOTA	2	1	\$800	Yes	Casting	None
OHIO	2	3	\$3,000	l	Casting	None
OKLAHOMA	4	3	\$1,000	Limited	Casting	None
OREGON	..	..	.....	...	.....	...
PENNSYLVANIA	4	1	\$8,000	No	Casting	Chairman, Pardon Board and State Defense Council
RHODE ISLAND	2	2	\$2,500	Limited	Casting	None
SOUTH CAROLINA	4	1	\$1,500	Yes	Casting	None
SOUTH DAKOTA	2	2	\$10 ^c	Yes	f	None
TENNESSEE	..	..	.....	...	.....	...
TEXAS	2	1	\$600	Yes	Casting	Chairman, Legislative Audit Committee
UTAH	..	..	.....	...	.....	...
VERMONT	2	2	\$400	m	Casting	Member of various boards
VIRGINIA	4	1	\$450	n	Casting	None
WASHINGTON	4	3	\$1,200	Yes	o	None
WEST VIRGINIA	..	..	.....	...	.....	...
WISCONSIN	2	3	\$1,500	No	None	None
WYOMING	..	..	.....	...	.....	...

^aAnnually, except as otherwise indicated.

^bAll lieutenant governors preside over the senate except in Massachusetts.

^cPer diem.

^dAlso receives \$120 annually for service on pardon board.

^eInformation for Georgia from constitution adopted in 1945.

^fOnly on parliamentary procedure.

^gAlso receives \$3,500 annually as member of state administrative board.

^hYes, with approval of senate.

ⁱEffective January 1, 1948, the compensation of the lieutenant governor will be \$2,000.00 for each regular session of the legislature. His per diem for special sessions will become \$14.00, and his mileage pay will remain unchanged. (Laws, 1946, House Bill 39).

^jAlso receives \$3,000 annually for service on various boards.

^kBy order of senate only.

^lAll except standing committees.

^mMember of committee on committees.

ⁿOnly special committees.

^oCasting, but not on final passage of bills.

*Compiled in May, 1944, by R. F. Patterson, Director of Governmental Research, University of South Dakota.

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