



1 **ARTICLE VII. EXECUTIVE DEPARTMENT.**

2 **§1. Executive department.**

3 The executive department shall consist of a Governor and  
4 Lieutenant Governor, Secretary of State, Auditor, Treasurer,  
5 Commissioner of Agriculture and Attorney General, who shall be ex  
6 officio reporter of the Court of Appeals. Their terms of office  
7 shall be four years, and shall commence on the first Monday after  
8 the second Wednesday of January next after their election. They  
9 shall reside at the seat of government during their terms of  
10 office, keep there the public records, books and papers pertaining  
11 to their respective offices, and shall perform such duties as may  
12 be prescribed by law.

13 **§2. Election.**

14 An election for Governor together with the Lieutenant  
15 Governor, Secretary of State, Auditor, Treasurer, Commissioner of  
16 Agriculture and Attorney General shall be held at such times and  
17 places as may be prescribed by law.

18 **§8. Governor to nominate certain officers; appointment of**  
19 **Lieutenant Governor to executive office.**

20 The Governor shall nominate, and by and with the advice and  
21 consent of the Senate, (a majority of all the senators elected  
22 concurring by yeas and nays) appoint all officers whose offices are  
23 established by this Constitution, or shall be created by law, and

1 whose appointment or election is not otherwise provided for; and no  
2 such officer shall be appointed or elected by the Legislature. In  
3 addition, the Governor shall appoint the Lieutenant Governor to an  
4 executive office determined or to be determined by the Legislature  
5 with a salary to be determined by the Legislature.

6 **§16. Vacancy in governorship, how filled.**

7       In case of the death, conviction or impeachment, failure to  
8 qualify, resignation, or other disability of the Governor, the  
9 Lieutenant Governor ~~the president of the Senate~~ shall act as  
10 Governor until the vacancy is filled, or the disability removed;  
11 and if the Lieutenant Governor, ~~the president of the Senate~~, for  
12 any of the above named causes, shall become incapable of performing  
13 the duties of Governor, the same shall devolve upon the President  
14 of the Senate; and if the President of the Senate for any of the  
15 above named causes, shall become incapable of performing the duties  
16 of Governor, the same shall devolve upon the Speaker of the House  
17 of Delegates; and if the Speaker of the House for any of the above  
18 named causes, shall become incapable of performing the duties of  
19 Governor, the same shall devolve upon the Secretary of State; and  
20 if the Secretary of State for any of the above named causes, shall  
21 become incapable of performing the duties of Governor, the same  
22 shall devolve upon the Treasurer; and if the Treasurer for any of  
23 the above named causes, shall become incapable of performing the  
24 duties of Governor, the same shall devolve upon the Auditor; and if

1 the Auditor for any of the above named causes, shall become  
2 incapable of performing the duties of Governor, the same shall  
3 devolve upon the Attorney General; and if the Attorney General for  
4 any of the above named causes, shall become incapable of performing  
5 the duties of Governor, the same shall devolve upon the  
6 Commissioner of Agriculture; and in all other cases where there is  
7 no one to act as Governor, one shall be chosen by joint vote of the  
8 Legislature. Whenever a vacancy shall occur in the office of  
9 Governor before the first three years of the term shall have  
10 expired, a new election for Governor shall take place to fill the  
11 vacancy.

12 **§17. Vacancies in other executive departments.**

13 If the office of Lieutenant Governor, Secretary of State,  
14 Auditor, Treasurer, Commissioner of Agriculture or Attorney General  
15 shall become vacant by death, resignation, or otherwise, it shall  
16 be the duty of the Governor to fill the same by appointment, and  
17 the appointee shall hold his office until his or her successor  
18 shall be elected and qualified in such manner as may be prescribed  
19 by law. The subordinate officers of the executive department and  
20 the officers of all public institutions of the state shall keep an  
21 account of all moneys received or disbursed by them, respectively,  
22 from all sources, and for every service performed, and make a  
23 semiannual report thereof to the Governor under oath or  
24 affirmation; and any officer who shall wilfully make a false report

1 shall be deemed guilty of perjury.

2       Resolved further, That in accordance with the provisions of  
3 article eleven, chapter three of the Code of West Virginia, 1931,  
4 as amended, the proposed amendment is hereby numbered "Amendment No  
5 1." and designated as the "Governor's Succession Amendment" and the  
6 purpose of the proposed amendment is summarized as follows: "To  
7 create the office of Lieutenant Governor and provide for the  
8 succession of the Governor when that office is vacated for any  
9 reason."

NOTE: The purpose of this Joint Resolution is to change the  
Constitution of the State of West Virginia to create the office of  
Lieutenant Governor.

Strike-throughs indicate language that would be stricken from  
the present Constitution, and underscoring indicates new language  
that would be added.