

COMPARISON OF CONSTITUTIONS

CONSTITUTION OF 1867

Sec. 11. In case of any vacancy, during the recess of the Senate, in any office which the Governor has power to fill, he shall appoint some suitable person to said office, whose commission shall continue in force until the end of the next session of the Legislature, or until some other person is appointed to the same office, whichever shall first occur; and the nomination of the person thus appointed, during the recess, or, of some other person in his place, shall be made to the Senate on the first day of the next regular meeting of the Senate.

Sec. 12. No person, after being rejected by the Senate, shall be again nominated for the same office at the same session, unless at the request of the Senate; or, be appointed to the same office during the recess of the Legislature.

Sec. 13. All civil officers nominated by the Governor and subject to confirmation by the Senate, shall be nominated to the Senate within thirty days from the commencement of each regular session of the Legislature; and their term of office, except in cases otherwise provided for in this Constitution, shall commence on the first Monday of May next ensuing their appointment, and continue for two years, (unless removed from office), and until their successors, respectively, qualify according to Law.

Sec. 14. If a vacancy shall occur, during the session of the Senate, in any office

PROPOSED CONSTITUTION OF 1968

days after receiving the list, his power to make the appointment shall end and the chief judge of the Court of Appeals shall appoint one of the nominees.

Section 4.32. Interim and Recess Appointments.

If a vacancy occurs in any office which the governor may fill with the advice and consent of the Senate, he shall appoint a person to the office. If the appointment is made within the first sixty days of a regular session of the General Assembly, the governor shall submit to the Senate the nomination of the appointee, or the nomination of another person in his place. If the appointment is made at any other time, the governor shall submit the nomination to the Senate at the beginning of the next regular session of the General Assembly. Such an appointee shall remain in office until the end of the next regular session of the General Assembly, or until the expiration of the term of the office to which he was appointed, or until his nomination is rejected by the Senate, whichever shall occur first. No person after being rejected by the Senate shall again be appointed to or nominated for the same office at the same session, unless at the request of the Senate, or be appointed to the same office during the adjournment of the General Assembly.

See Section 4.29, Appointments by Governor, p. 16.

Section 4.30. Terms of Office.

Each person serving as the head of a principal department, and each chief administrative officer of a board or commission serving as the head of a principal department, except the head or chief administrative officer of an institution of higher education or of the state public school system, shall serve at the pleasure of the governor. The terms of office of the members of each board or commission which serves as the head of a principal department, except the governing board of an institution of higher education or of the state public school system, shall be prescribed by the General Assembly by law or by the process of executive reorganization, so that the governor, immediately upon taking office following his election, may appoint at least one-half of the members of each board and commission.

See Section 4.32, Interim and Recess Appointments, p. 17.