

My purpose today is twofold.

1. To bring to your attention some of the existing law affecting the Governor's office — law set forth in the present Constitution of 1867, and in Article 41 of the Annotated Code of Maryland.

2. To give you a practical view of the actual operation of the Governor's office as it is presently evolving. (Note that I say "evolving" rather than "established," because really this administration has not been functioning for a sufficient length of time to crystallize its procedures.)

The present Constitution of Maryland as amended to the present time touches very substantially and quite definitively on the powers of the Governor. Most of the related material is in Article II, Executive Department, but there are many other sections throughout the instrument that relate directly to the Governor's office.

The Declaration of Rights contains two important and overriding principles in Article 6 and Article 8. These articles provide that all persons vested with governmental power are the trustees of the public and that the legislative, executive, and judiciary powers of government ought to be forever separate and distinct from each other.

Article II provides that the executive power of the State shall be vested in a Governor — who must be at least 30 years of age and a citizen of Maryland for 10 years, a resident for 5 years, and a qualified voter. The Governor's 4-year term of office commences on the fourth Wednesday of January after his election. He is limited to two consecutive terms and during that time he is charged with the faithful execution of the laws of this State.

In case of death, resignation, removal from the State, or other disqualification of the Governor, the General Assembly, if in session, elects some other qualified person for the residue of the term. If the General Assembly is not in session at the time a vacancy in the office of Governor occurs, the President of the Senate shall take office until the Legislature can act. From there the line of succession goes as follows: (It is interesting to note that these provisions are not only contained in Art. II, Section 7 of the Constitution but are also codified in Article 41, Section 15A of the Code.)

Speaker of the House of Delegates

Comptroller of the State

Attorney General of the State

It is interesting to note that there is no requirement on the Legislature to replace a Governor with another qualified person of the same