

1. A large number of Democrats were strongly motivated to leave their party and vote for the Republican or Independent candidate; 2) this disaffection only occurred at the top of the ticket and the General Assembly remained dominated by the majority party; 3) a General Assembly authorized to resolve the tie vote would vote fairly close to party lines. With these assumptions, it is relatively easy to conclude that the Democratic party's candidate would win, thus obviating a large segment of democratic votes cast in the gubernatorial election and circumventing if not denying the will of the majority of the electorate.

Therefore, I urge you to make the provision for a runoff election in the case of a tie vote in a gubernatorial election in order to guarantee the voters' mandate.

Section 4.06 Failure of a Governor to Take Office

I support this measure and, in so doing, re-emphasize the importance of the role of the Lieutenant Governor. For in this instance we can see that the Lieutenant Governor might be expected to carry out the duties, responsibilities and obligations of the Governor for a full term.

Section 4.08 Legislative Determination of Disability

The descriptive title of this section would be more appropriate as "Legislative Allegation of Disability," or "Legislative Resolution of Disability."

Clarification and further protection for all parties can be gained by drawing a closer, more precise relationship between the provisions of Section 4.07 and 4.08. This can be achieved through an amendment to the first sentence so that it would read: "The General Assembly may, by the affirmative vote in joint session of a three-fifths majority of the combined membership of both houses, pass a resolution stating that the Governor is unable to carry out the duties of his office by reason of a physical or mental disability and has not removed himself from office in accordance with the provisions of Section 4.07." Without the clarification it would be possible for the Legislature to pass a resolution of disability and for the Supreme Court to declare the office of Governor vacant, even where the Lieutenant Governor is serving as Acting Governor because the Governor has removed himself under Section 4.07.

Section 4.10 Succession to the Office of Governor

If a vacancy occurs in the office of the Governor and a vacancy exists in the office of Lieutenant Governor, I believe the Senate should