

1 his obligation to see that the laws of the state are
2 faithfully executed.

3 Section 4.26 is similar to Article 2, Section
4 20 of the present Constitution, but makes several changes.
5 First, the language of the present Constitution infers
6 that the governor has power to nolle prosequi the case.

7 Only one instance of exercise of this power has
8 been found. The committee feels that the governor should
9 not be able to intervene in criminal proceedings until
10 criminal prosecution has ended.

11 Therefore, this section does not give the
12 governor that power. Second, the requirements of public
13 notice of instances of the exercise of the governor's
14 power of clemency have been altered.

15 The requirement of newspaper notice publicizing
16 the exercise of this power has been deleted because of
17 the embarrassment it might occasion the pardoned offender.

18 At the same time the committee feels that a
19 public record of the instances of the exercise of the clemen-
20 cy power is an essential safeguard. Therefore, this sec-
21 tion requires that the governor file an annual report with