

vide for the office of lieutenant governor; Florida, Maryland, and New Jersey are the three exceptions. The remaining eight states which do not have lieutenant governors are: Alaska,<sup>6</sup> Arizona, Maine, New Hampshire, Oregon, Utah, West Virginia, and Wyoming.<sup>7</sup>

#### A SUCCESSOR TO THE GOVERNOR

The lieutenant governor provides a popularly elected successor to the governor if the governor should die, become disabled, or resign. From 1900 to 1957, the lieutenant governor was called upon to serve as governor at some time in thirty-six of the thirty-nine states having lieutenant governors.<sup>8</sup> Of the 130 colonial governors serving before the American Revolution, forty, or more than thirty percent, actually died in office.<sup>9</sup> The need for a successor to the governor has therefore arisen frequently in United States history.

It has often been argued that the successor to the governor should be an official elected by all of the voters of the State. As an official elected on a statewide basis, the lieutenant governor is responsive to all the voters of the State. The Maryland Constitution of 1864 established the office of lieutenant governor for this reason.

The lieutenant governor can also succeed to the office of governor when the governor is disabled. Austin Macdonald, a critic of the office of lieutenant governor, has asserted that "the exact meaning of disability, as used in this connection, is not easily determined. . . . Some lieu-

tenant governors have seized upon a few hours' absence as an excuse for signing bills and pardoning convicted criminals."<sup>10</sup>

#### PRESIDENT OF THE STATE SENATE

The lieutenant governor is president of the state senate in thirty-seven of the thirty-nine states which have a lieutenant governor; Hawaii and Massachusetts are the two exceptions. Article II, Section 7 of the Maryland Constitution of 1864 provided that "the Lieutenant-Governor shall, by virtue of his office, be President of the Senate, and whenever the Senate are equally divided, shall have the right to give the casting vote."

The lieutenant governor "provides a permanent and impartial presiding officer for the senate without robbing any district of its senator."<sup>11</sup> The powers of the lieutenant governor as presiding officer vary from state to state and these may not always be used impartially. Through his power of recognition, he can refuse or encourage obstructive motions. In fifteen states the lieutenant governor may refer bills to proper committees. The lieutenant governor of Virginia, for example, is chairman of the powerful Rules Committee of the state senate.<sup>12</sup> In about one-third of the states the lieutenant governor makes the appointments to committees. Many state constitutions give him the right to vote in case of a tie, although this is often only important in procedural matters if the constitution requires that a bill be passed by a majority of both houses.

<sup>6</sup> In Alaska the secretary of state functions as lieutenant governor.

<sup>7</sup> 16 COUNCIL OF STATE GOVERNMENTS, BOOK OF THE STATES 140 (1966) (hereafter cited as BOOK OF THE STATES).

<sup>8</sup> Nispel, *supra* note 2 at 194.

<sup>9</sup> *Id.* 29.

<sup>10</sup> A. MACDONALD, AMERICAN STATE GOVERNMENT AND ADMINISTRATION 178 (1960).

<sup>11</sup> Isom, *The Office of Lieutenant Governor in the States*, 32 AM. POL. SCI. REV. 922 (1938).

<sup>12</sup> Nispel, *supra* note 2 at 53.