

COMPARISON OF CONSTITUTIONS

| CONSTITUTION OF 1867 | PROPOSED CONSTITUTION OF 1968  |
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|                      | <p>become governor for the full term. If the governor-elect fails to assume office for any other reason, the newly elected lieutenant governor shall become lieutenant governor and shall serve as acting governor until the governor-elect assumes office or until the office becomes vacant.</p> <p><b>Section 4.07. Lieutenant Governor as Acting Governor.</b></p> <p>The lieutenant governor shall serve as acting governor when notified in writing by the governor that the governor will be temporarily unable to perform the duties of his office. The lieutenant governor also shall serve as acting governor when the governor is disabled but is unable to communicate to the lieutenant governor the fact of his inability to perform the duties of his office. In either event the lieutenant governor shall serve as acting governor until notified in writing by the governor that he is able to resume the duties of his office or until the office becomes vacant.</p> <p><b>Section 4.08. Vacancy by Reason of Disability.</b></p> <p>The General Assembly, by the affirmative vote of three-fifths of all its members in joint session, may adopt a resolution declaring that the governor or lieutenant governor is unable by reason of physical or mental disability to perform the duties of his office. The resolution, if adopted, shall be delivered to the Court of Appeals, which then shall have exclusive jurisdiction to determine whether that officer is unable by reason of the disability to perform the duties of his office. If the Court of Appeals determines that such officer is unable to discharge the duties of his office by reason of a disability, the office shall be vacant. If the General Assembly and the Court of Appeals, acting in the same manner as described above, determine that the governor-elect or lieutenant governor-elect is unable by reason of physical or mental disability to perform the duties of the office to which he has been elected, he shall be disqualified to assume office.</p> <p><b>Section 4.11. Adjudication of Disputes.</b></p> <p>The Court of Appeals shall have original and exclusive jurisdiction to adjudicate disputes or questions arising from the failure of the governor-elect to take office, or the service of the lieutenant governor or president of the Senate as acting governor, or the creation of a vacancy in the office of governor or lieutenant governor by reason of disa-</p> |