



# IOWA HOUSE DEMOCRATS

## Resolution and Amendment Summary

# Line of Succession SJR 2006

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**Status of Bill:** House Calendar

**Committee:** State Government (13-8, Senate 45-4)

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**Lead Democrat:** Rep Steckman

**Floor Manager:** Rep Baltimore

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## Background

After an Attorney General's (AG) opinion noted that in the Iowa Constitution the powers of the Governor devolved to former Lt. Governor (LG) and current Governor Kim Reynolds could not appoint a new LG. The AG opinion essentially determined that Governor Reynolds is holding both the office of Governor and LG at the same time, leaving no vacancy.

After being sworn in as Governor, Governor Reynolds appointed Adam Gregg to serve as acting Lt. Governor. Acting Lt. Governor Gregg performs the function of the office and receives the salary but is not in the actual line of succession should Governor Reynolds no longer be able to serve as Governor. The next in line in case of succession is the President of the Senate.

## Summary

The Joint Resolution proposes an amendment to the Iowa Constitution to outline the line of succession if a Governor of Iowa is no longer able to serve.

**Section 4 of Article IV** of the Iowa Constitution is repealed and language is inserted that clarifies if the Governor-Elect is deemed unable to serve, dies, or does not qualify to be Governor, the Lt. Governor Elect will become Governor upon inauguration.

**Section 10 of Article IV** of the Iowa Constitution is amended to allow the Lt. Governor who rose to Governor by succession, to fill the office of Lt. Governor by appointment.

**Section 17 of Article IV** of the Iowa Constitution is repealed and language is inserted to clarify that if the current Governor is no longer able to serve, the Lt. Governor becomes Governor. If the preceding Governor is once again allowed to serve, the succeeding Governor is to resume the office of Lt. Governor.

**Section 19 of Article IV** is repealed and replaced with language that outlines the line of succession to if both the Governor and Lt. Governor are simultaneously no longer able to serve the president of the Senate becomes Governor, followed by the Speaker of the House. If the preceding Governor or Lt. Governor are once again able to serve the officer who served during their inability can resume their office if they have served as Governor for less than 100 days.

These changes have potential to some complications by creating the possibility of having two Lt. Governors.

## Amendment Summary

### H-8312 by Steckman:

This amendment would require the appointment of Lt. Governor be subject to the approval by a majority vote of both the House and Senate. This is a similar requirement that is found in the 25<sup>th</sup> Amendment of the United State Constitution.

### H-8376 by Baltimore

This strike after amendment makes the following changes to the Iowa Constitution:

**Section 4 of Article IV** of the Iowa Constitution is repealed and language is inserted that clarifies that the LG becomes the Governor if the Governor –Elect is permanently unable to serve as Governor after the final canvas of votes but before the inauguration. If the Governor-elect is only a temporarily unable to serve, the LG-elect is to become Governor until the inability is removed at which time the Governor-elect and the Lt. Governor-elect become Governor and Lt. Governor upon inauguration.

Current language in this section of the Iowa Constitution says only that the powers and duties of the Governor devolve to the Lt. Governor in the case of an inability to serve.

**Section 10 of Article IV** of the Iowa Constitution is amended to clarify that the Governor has the ability to fill a vacancy of the Lt. Governor by appointment for the rest of the term.

**Section 17 of Article IV** of the Iowa Constitution is repealed and replaced with language that allows for the Lt. Governor to become the Governor in case of death, impeachment, resignation, removal from office, or any other reason there is an inability to serve as Governor.

If the preceding Governor's inability to serve is removed, the preceding Governor is to once again become Governor and the succeeding Governor is to resume the office of Lt. Governor. If the succeeding Governor has appointed a Lt. Governor by commission, that commission expires once the preceding Lt. Governor becomes Lt. Governor again.

Currently, Section 17 just says that powers of the Governor simply devolve to the Lt. Governor.

**Section 19 of Article IV** of the Iowa Constitution is repealed and replaced with line of succession language if both the Governor and Lt. Governor are simultaneously unable to serve.

The line of succession is as follows:

1. President of the Senate
2. Speaker of the House
3. President Pro Tempore of the Senate
4. Speaker Pro Tempore of the House

If none in the line of succession are able or willing to serve and the legislature is not in session the Supreme Court of Iowa is required to convene the General Assembly, and a president of the senate and speaker of the House is required to be elected. Once selected the President-elect of the Senate is to become Governor, if unable to serve the Speaker Elect of the House is Governor.

### H-XXXX to H-8376 by Steckman

This amendment would require the appointment of Lt. Governor be subject to the approval by a majority vote of both the House and Senate. This is a similar requirement that is found in the 25<sup>th</sup> Amendment of the United State Constitution.