

QUESTION AS IT WILL APPEAR ON THE BALLOT:

Constitutional Amendment # 2

Vote for One (1)

Summary:

This amendment would add to article III, section 12 of the Tennessee Constitution a process for the temporary exercise of the powers and duties of the governor by the Speaker of the Senate—or the Speaker of the House if there is no Speaker of the Senate in office—when the governor is unable to discharge the powers and duties of the office of governor. While a Speaker is temporarily discharging the powers and duties of the governor, the Speaker would not be required to resign as Speaker or to resign as a member of the legislature; but the Speaker would not be able to preside as Speaker or vote as a member of the legislature. A Speaker who is temporarily discharging the powers and duties of the governor would not get the governor's salary but would get the Speaker's salary. The amendment would also exempt a Speaker who is temporarily discharging the powers and duties of the governor from provisions in the Constitution that would otherwise prohibit the Speaker from exercising the powers of the governor and from simultaneously holding more than one state office.

Question:

Shall Article III, Section 12 of the Constitution of Tennessee be amended by adding the following language immediately following the current language in the Section?

Whenever the Governor transmits to the Secretary of State, the Speaker of the Senate, and the Speaker of the House of Representatives, a written, signed declaration that the Governor is unable to discharge the powers and duties of the office, the powers and duties of the office of Governor shall be temporarily discharged by the Speaker of the Senate as Acting Governor, or if that office is unoccupied, then by the Speaker of the House of Representatives as Acting Governor, until the Governor transmits to the same officials a written, signed declaration that the Governor is able to discharge the powers and duties of the office.

Whenever a majority of the commissioners of administrative departments of the Executive Department transmits to the Secretary of State, the Speaker of the Senate, and the Speaker of the House of Representatives their written, signed declaration that the Governor is unable to discharge the powers and duties of the office, the Speaker of the Senate shall immediately assume the powers and duties of the office as Acting Governor, or if that office is unoccupied, then the Speaker of the House of Representatives shall immediately assume the powers and duties of the office as Acting Governor, until the Governor transmits to the same officials a written, signed declaration that the Governor is able to discharge the powers and duties of the office.

Whenever a Speaker is temporarily discharging the powers and duties of the office of Governor as Acting Governor, such Speaker shall not be required to resign the Speaker's

position as the Speaker or to resign as a member of the general assembly and shall retain the Speaker's salary and not receive the Governor's salary, but such Speaker shall not preside as Speaker or vote as a member of the general assembly during the time the Speaker is Acting Governor.

and

Shall Article III, Section 13 of the Constitution of Tennessee be amended by adding the following language immediately before the period at the end of the Section?

except as provided in Article III, Section 12 with regard to the Speaker of the Senate or the Speaker of the House of Representatives temporarily discharging the powers and duties of the office of Governor as Acting Governor

and

Shall Article II, Section 26 of the Constitution of Tennessee be amended by adding the following language at the end of the Section?

This section shall not apply with regard to the Speaker of the Senate or the Speaker of the House of Representatives temporarily discharging the powers and duties of the office of Governor as Acting Governor under Article III, Section 12.

Yes

No

RESOLUTION ON WHICH THE BALLOT QUESTION IS REFERRING:
SENATE JOINT RESOLUTION NO.10

A RESOLUTION proposing an amendment to Article II and Article III of the Constitution of Tennessee, relative to the exercise of the powers and duties of the Governor during disability.

WHEREAS, the welfare and stability of the State are best served if a qualified person with governmental experience is immediately available to assume the powers and duties of the office of Governor when the Governor is unable to do so; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED TWELFTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, that a two-thirds majority of all the members of each house concurring, as shown by the yeas and nays entered on their journals, that it is proposed that Article III, Section 12 of the Constitution of Tennessee be amended by adding the following language immediately following the current language in the Section:

Whenever the Governor transmits to the Secretary of State, the Speaker of the Senate, and the Speaker of the House of Representatives, a written, signed declaration that the Governor is unable to discharge the powers and duties of the office, the powers and duties of the office of Governor shall be temporarily discharged by the Speaker of the Senate as Acting Governor, or if that office is unoccupied, then by the Speaker of the House of Representatives as Acting Governor, until the Governor transmits to the same officials a written, signed declaration that the Governor is able to discharge the powers and duties of the office.

Whenever a majority of the commissioners of administrative departments of the Executive Department transmits to the Secretary of State, the Speaker of the Senate, and the Speaker of the House of Representatives their written, signed declaration that the Governor is unable to discharge the powers and duties of the office, the Speaker of the Senate shall immediately assume the powers and duties of the office as Acting Governor, or if that office is unoccupied, then the Speaker of the House of Representatives shall immediately assume the powers and duties of the office as Acting Governor, until the Governor transmits to the same officials a written, signed declaration that the Governor is able to discharge the powers and duties of the office.

Whenever a Speaker is temporarily discharging the powers and duties of the office of Governor as Acting Governor, such Speaker shall not be required to resign the Speaker's position as the Speaker or to resign as a member of the general assembly and shall retain the Speaker's salary and not receive the Governor's salary, but such Speaker shall not preside as Speaker or vote as a member of the general assembly during the time the Speaker is Acting Governor.

BE IT FURTHER RESOLVED, that it is proposed that Article III, Section 13 of the Constitution of Tennessee be amended by adding the following language immediately before the period at the end of the Section:

except as provided in Article III, Section 12 with regard to the Speaker of the Senate or the Speaker of the House of Representatives temporarily discharging the powers and duties of the office of Governor as Acting Governor

BE IT FURTHER RESOLVED, that it is proposed that Article II, Section 26 of the Constitution of Tennessee be amended by adding the following language at the end of the Section:

This section shall not apply with regard to the Speaker of the Senate or the Speaker of the House of Representatives temporarily discharging the powers and duties of the office of Governor as Acting Governor under Article III, Section 12.

BE IT FURTHER RESOLVED, that, in accordance with Article XI, Section 3 of the Constitution of Tennessee, the foregoing proposed amendment shall be submitted to the people at the next general election in which a governor is to be chosen, the same being the 2022 November general election, and the Secretary of State is directed to place such proposed amendment on the ballot for that election.

ADOPTED: May 4, 2021

SUMMARY OF SENATE JOINT RESOLUTION NO. 10

This amendment would add to article III, section 12 of the Tennessee Constitution a process for the temporary exercise of the powers and duties of the governor by the Speaker of the Senate—or the Speaker of the House if there is no Speaker of the Senate in office—when the governor is unable to discharge the powers and duties of the office of governor. While a Speaker is temporarily discharging the powers and duties of the governor, the Speaker would not be required to resign as Speaker or to resign as a member of the legislature; but the Speaker would not be able to preside as Speaker or vote as a member of the legislature. A Speaker who is temporarily discharging the powers and duties of the governor would not get the governor's salary but would get the Speaker's salary. The amendment would also exempt a Speaker who is temporarily discharging the powers and duties of the governor from provisions in the Constitution that would otherwise prohibit the Speaker from exercising the powers of the governor and from simultaneously holding more than one state office.