



February 11, 2022

**ENGROSSED
HOUSE JOINT
RESOLUTION No. 3**

DIGEST OF HJ 3 (Updated February 9, 2022 3:37 pm - DI 140)

Citations Affected: Article 5, Section 10 of the Constitution of the State of Indiana.

Synopsis: Gubernatorial line of succession. Removes the superintendent of public instruction from the list of officeholders who shall discharge the powers and duties of the governor if the office of the governor and lieutenant governor are both vacant. This proposed amendment has not been previously agreed to by a general assembly.

Effective: This proposed amendment must be agreed to by two consecutive general assemblies and ratified by a majority of the state's voters voting on the question to be effective.

Prescott, Lauer

(SENATE SPONSOR — RAATZ)

January 6, 2022, read first time and referred to Committee on Judiciary.
January 20, 2022, reported — Do Pass.
January 24, 2022, read second time, ordered engrossed. Engrossed.
January 25, 2022, read third time, passed. Yeas 87, nays 6.

SENATE ACTION

February 1, 2022, read first time and referred to Committee on Judiciary.
February 10, 2022, reported favorably — Do Pass.

HJ 3—HJ 9208/DI 107



February 11, 2022

Second Regular Session of the 122nd General Assembly (2022)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2021 Regular Session of the General Assembly.

ENGROSSED HOUSE JOINT RESOLUTION No. 3

A JOINT RESOLUTION proposing an amendment to Article 5, Section 10 of the Constitution of the State of Indiana concerning the executive power of state government.

Be it resolved by the General Assembly of the State of Indiana:

1 SECTION 1. The following amendment to the Constitution of the
2 State of Indiana is proposed and agreed to by this, the One Hundred
3 Twenty-Second General Assembly of the State of Indiana, and is
4 referred to the next General Assembly for reconsideration and
5 agreement.
6 SECTION 2. ARTICLE 5, SECTION 10 OF THE CONSTITUTION
7 OF THE STATE OF INDIANA IS AMENDED TO READ AS
8 FOLLOWS: Section 10. (a) In case the Governor-elect fails to assume
9 office, or in case of the death or resignation of the Governor or the
10 Governor's removal from office, the Lieutenant Governor shall become
11 Governor and hold office for the unexpired term of the person whom
12 the Lieutenant Governor succeeds. In case the Governor is unable to

HJ 3—HJ 9208/DI 107



1 discharge the powers and duties of the office, the Lieutenant Governor
2 shall discharge the powers and duties of the office as Acting Governor.

3 (b) Whenever there is a vacancy in the office of Lieutenant
4 Governor, the Governor shall nominate a Lieutenant Governor who
5 shall take office upon confirmation by a majority vote in each house of
6 the General Assembly and hold office for the unexpired term of the
7 previous Lieutenant Governor. If the General Assembly is not in
8 session, the Governor shall call it into special session to receive and act
9 upon the Governor's nomination. In the event of the inability of the
10 Lieutenant Governor to discharge the powers and duties of the office,
11 the General Assembly may provide by law for the manner in which a
12 person shall be selected to act in the Lieutenant Governor's place and
13 declare which powers and duties of the office such person shall
14 discharge.

15 (c) Whenever the Governor transmits to the President pro tempore
16 of the Senate and the Speaker of the House of Representatives the
17 Governor's written declaration that the Governor is unable to discharge
18 the powers and duties of the office, and until the Governor transmits to
19 them a written declaration to the contrary, such powers and duties shall
20 be discharged by the Lieutenant Governor as Acting Governor.
21 Thereafter, when the Governor transmits to the President pro tempore
22 of the Senate and the Speaker of the House of Representatives the
23 Governor's written declaration that no inability exists, the Governor
24 shall resume the powers and duties of the office.

25 (d) Whenever the President pro tempore of the Senate and the
26 Speaker of the House of Representatives file with the Supreme Court
27 a written statement suggesting that the Governor is unable to discharge
28 the powers and duties of the office, the Supreme Court shall meet
29 within forty-eight hours to decide the question and such decision shall
30 be final. Thereafter, whenever the Governor files with the Supreme
31 Court the Governor's written declaration that no inability exists, the
32 Supreme Court shall meet within forty-eight hours to decide whether
33 such be the case and such decision shall be final. Upon a decision that
34 no inability exists, the Governor shall resume the powers and duties of
35 the office.

36 (e) Whenever there is a vacancy in both the office of Governor and
37 Lieutenant Governor, the General Assembly shall convene in joint
38 session forty-eight hours after such occurrence and elect a Governor
39 from and of the same political party as the immediately past Governor
40 by a majority vote of each house. If either house of the General
41 Assembly is unable to assemble a quorum of its members because of
42 vacancies in the membership of that house, the General Assembly shall



1 convene not later than forty-eight hours after a sufficient number of the
2 vacancies are filled to provide a quorum of members for that house.

3 (f) An individual holding one (1) of the following offices shall
4 discharge the powers and duties of the governor if the office of
5 governor and the office of lieutenant governor are both vacant, in the
6 order listed:

7 (1) The speaker of the house of representatives.

8 (2) The president pro tempore of the senate, if the office described
9 in subdivision (1) is vacant.

10 (3) The treasurer of state, if the offices described in subdivisions
11 (1) and (2) are vacant.

12 (4) The auditor of state, if the offices described in subdivisions (1)
13 through (3) are vacant.

14 (5) The secretary of state, if the offices described in subdivisions
15 (1) through (4) are vacant.

16 ~~(6) The state superintendent of public instruction, if the offices~~
17 ~~described in subdivisions (1) through (5) are vacant.~~

18 (g) An individual's authority to discharge the governor's powers and
19 duties under subsection (f) ends when the general assembly fills the
20 office of governor under this section.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Joint Resolution 3, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said resolution do pass.

(Reference is to HJ 3 as introduced.)

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Committee Vote: Yeas 10, Nays 0

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred House Joint Resolution No. 3, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution DO PASS.

(Reference is to HJ 3 as printed January 20, 2022.)

BROWN L, Chairperson

Committee Vote: Yeas 11, Nays 0

