

## Article V

### Executive Department.

Sec. 1. The chief executive power of the State shall be vested in a Governor, who shall hold his office for the term of four years; and no person shall be eligible to such office more than eight, in any period of twelve years.

Sec. 2. No person except a citizen of the United States, shall be eligible to the office of Governor, nor shall any person be eligible to that office who shall not have attained the age of thirty years, and who shall not have been three years, next preceding his election, a resident within this State.

Sec. 3. No member of Congress, or person holding any office under the United States, or under this State, or under any other Power, shall fill the office of Governor; except as may be otherwise provided in this Constitution.

Sec. 4. The Governor shall be elected by the qualified electors of the State at the times and places of choosing members of the Legislative Assembly, and the returns of every election for Governor shall be sealed up and transmitted to the Secretary of State, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both houses of the Legislative Assembly.

Sec. 5. The person having the highest number of votes for Governor, shall be elected; but in case two or more persons shall have an equal, and the highest number of votes for Governor, the two houses of the Legislative Assembly at the next regular session thereof, shall forthwith, by joint vote, proceed to elect one of the said persons Governor.

Sec. 6. Contested elections for Governor shall be determined by the Legislative Assembly in such manner as may be prescribed by law.

Sec. 7. The official term of the Governor shall be four years; and shall commence at such times as may be provided by this constitution, or prescribed by law.

Sec. 8. In case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the duties of the office, the same shall devolve on the Secretary of State; and in case of the removal from office, death, resignation, or inability both of the Governor and Secretary of State, the President of the Senate shall act as Governor, until the disability be removed, or a Governor be elected.

Sec. 9. The Governor shall be commander-in-chief of the military and naval forces of this State, and may call out such forces to execute the laws, to suppress insurrection, or to repel invasion.

Sec. 10. He shall take care that the laws be faithfully executed.

Sec. 11. He shall, from time to time, give to the Legislative Assembly information touching the condition of the State, and recommend such measures as he shall judge to be expedient.

Sec. 12. He may on extraordinary occasions, convene the Legislative Assembly by proclamation, and shall state to both Houses when assembled, the purpose for which they shall have been convened.

Sec. 13. He shall transact all necessary business with the officers of government, and may require information in writing from the officers of the Administrative and Military Departments upon any subject relating to the duties of their respective offices.

Sec. 14. He shall have power to grant reprieves, commutations, and pardons, after conviction for all offenses except treason, subject to such regulations as may be provided by law. Upon conviction for treason he shall have power to suspend the execution of the sentence until the case shall be reported to the Legislative Assembly at its next meeting, when the Legislative Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law: and shall report to the Legislative Assembly at its next meeting each case of reprieve, commutation or pardon granted, and the reasons for granting the same; and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted.

Sec. 15. Every bill which shall have passed the Legislative Assembly, shall, before it becomes a law be presented to the Governor. If he approve he shall sign it; but if not, he shall return it with his objections to that house in which it shall have originated, which house shall enter the objections at large upon the journal, and proceed to reconsider it. If, after such reconsideration, two thirds of the members present shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of the members present, it shall become a law. But in all such cases, the votes of both houses shall be determined by yeas and nays, and the names of the members voting for or against the bill, shall be entered on the journal of each house respectively. If any bill shall not be returned by the Governor within five days, Sundays excepted, after it shall have been presented to him, it shall be a law without his signature,

unless the general adjournment shall prevent its return, in which case it shall be a law, unless the Governor, within five days next after the adjournment, Sundays excepted, shall file such bill, with his objections thereto, in the office of the Secretary of State, who shall lay the same before the Legislative Assembly at its next session, in like manner as if it had been returned by the Governor.

Sec. 16. When during the recess of the Legislative Assembly a vacancy shall happen in any office, the appointment to which is vested in the Legislative Assembly; or when, at any time, a vacancy shall have occurred in any other State office, or in the office of judge of any court, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

Sec. 17. He shall issue writs of election to fill such vacancies as may have occurred in the Legislative Assembly.

Sec. 18. All commissions shall issue in the name of the State, shall be signed by the Governor, sealed with the Seal of ~~State~~ the State, and attested by the Secretary of State.

Article

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Freely Engrossed

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