

Governors and Lieutenant Governors Clash

by Thad L. Beyle

Structural relationships between the lieutenant governor and governor can lead to conflicts between the persons holding those offices, particularly where the two are not part of a team election and where the lieutenant governor has extensive legislative powers. In recent years, several examples of conflicts have arisen, best summarized in "The Governors and the Executive Branch" by Thad L. Beyle (The Book of the States 1982-83, Volume 24, The Council of State Governments). The section of Beyle's article addressing conflicts between the governor and lieutenant governor appears below, with the permission of the Council of State Governments.

During the 1980-81 biennium at least five governors came into conflict with lieutenant governors. The governor of Montana was defeated by his lieutenant governor in the primary fight for the Democratic nomination for governor in 1980. In New Mexico, the conflict was over personnel matters, pardons and control over the National Guard when the governor was out of state.¹ In Missouri, the conflict concerned the state's constitutional provision giving all the powers and salary of the governor to the lieutenant governor when the governor is out of state unless he is accompanied by the lieutenant governor.² Even then the power and salary devolve to the next in line: the president pro tem of the senate. In effect, the governor became a captive in his own state. In Nebraska, the two actors were caught in a constitutional question over the lieutenant governor's right to break a tie vote in the unicameral legislature on a banking bill and then signing the bill into law as acting governor when the governor was out of state.³

The most well-known situation was in California where the governor had to go to court to determine the limits of the lieutenant governor's gubernatorial power while the governor was out of state. The specific issue was an appointment

of a judge by the lieutenant governor, which the governor later withdrew upon return to the state. The California Supreme Court ruled in December 1979 the lieutenant governor could exercise this power under the circumstances but that the governor could withdraw the appointment until it was confirmed by the legislature.

Separate elections had much to do with these problems. In California and Missouri, both officers were separately elected and from opposite parties. In Nebraska and New Mexico, while they were jointly elected in the general election, they won the party's nomination separately. Only in Montana were governor and lieutenant governor jointly elected in both the primary and general elections.

Another area of conflict between these two offices is based on the extent of legislative powers and duties assigned some lieutenant governors by their constitutions. The greater the lieutenant governor's legislative powers, the greater the potential for a power base separate from the governor. While 28 states call on the lieutenant governor to preside over the senate, 10 provide some committee appointment power and 16 give bill assignment power.⁴ Michigan voters in 1980 rejected a constitutional amendment to remove the presiding powers from their lieutenant governor or to allow the governor to fill a vacancy in the office subject to approval of both houses of the legislature. □

FOOTNOTES:

¹ Janet Clark, "Conflict between Governor and Lieutenant Governor in New Mexico," *Comparative State Politics Newsletter*, Vol. 1, No. 2, January 1980, p. 11.

² Phill Brooks, "Missouri's Captive Governor," *Comparative State Politics Newsletter*, Vol. 1, No. 6, October 1980, pp. 12-13.

³ "Nebraska: Bankers and State Officials Battle over New Regulations," *Congressional Quarterly Weekly Report*, August 29, 1981, p. 1622.

⁴ For discussion of this relationship see Thad L. Beyle and Nelson C. Dometrius, "Governors and Lieutenant Governors," *State Governments*, Vol. 52, No. 4, Autumn 1979, pp. 187-95.

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