

*For Immediate Release*  
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## **FIVE PROVISIONS ARE KEY TO STATE GUBERNATORIAL SUCCESSION LAWS**

*Recent studies found 1/3 of states lack clear incapacitation law, while other states may have conflicting succession laws if a gubernatorial recall occurs*

Florence, Ky. --- Despite the increasing rate of gubernatorial succession and federal directives to develop proven succession plans, states are not readily addressing known gaps and conflicts in gubernatorial succession laws, according to new research. The Council of State Governments (CSG) and the National Lieutenant Governors Association (NLGA) today released "Trends Facts and Figures: State Gubernatorial Succession Law" showing vast diversity in how states handle gubernatorial succession.

"The rate of gubernatorial succession this decade shows an increase since 1900," said NLGA Director Julia Hurst. "National security directives and federal preparedness circulars state continuity of government planning, which includes succession, is an essential objective for the states. Yet as recently as 60-days ago, courts substantially and fundamentally changed gubernatorial succession law in one of the largest states, New York."

"This research indicates that a review of gubernatorial succession law may require review of five key provisions," said Hurst. These provisions are as follows:

- A line of gubernatorial succession should be sufficiently deep and clearly delineated
- A thorough definition of incapacity should exist
- Availability of transition resources as a result of succession should be addressed
- Provisions for succession in the event of impeachment or recall should be reviewed to see if they are in conflict with otherwise defined succession law

"Transfer of power due to gubernatorial incapacity may occur when a governor leaves the state, leaves the country, is in a war zone, is unconscious, is too physically ill to perform duties, or is unwilling, unable or ill-advised to perform certain required duties," said Hurst. "States should also consider clearly delineated methods to declare temporary incapacitation and to restore powers when said leave is over."

Hurst said the 2003 California gubernatorial recall election highlighted that states may have recall law which, in essence, defines a method of gubernatorial succession which is in conflict with otherwise defined succession. The California recall election was simultaneously a special election for a new governor. The result was the office of governor was never vacated in a way which would have allowed for traditional gubernatorial succession from the office of lieutenant governor.

"Continuity of government is an essential governance issue for every branch of state and territorial government," said CSG Director David Adkins. "Appropriate planning ensures both consistent leadership and the ability to continue to make and interpret law, under even the most adverse circumstances. For these reasons, CSG is pleased to collaborate on this work and in making it available to state leaders."

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