



SUCCESSION TO THE SPEAKERSHIP IN  
 CASE OF VACANCIES CREATED WHEN THE  
 LEGISLATURE IS NOT IN SESSION WITH  
 SPECIAL EMPHASIS ON WISCONSIN

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## INTRODUCTION

Each of the 47 states which has a bicameral legislature provides for the selection by the lower house of a Speaker from the ranks of the house to act as presiding officer. At least 20 states, Arizona, California, Connecticut, Florida, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Missouri, Nevada, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, South Dakota, Washington and Wyoming, the house also selects a Speaker pro tempore. While provision is always made to name someone to preside at the sessions of the house in the absence of the Speaker, none of the texts and few of the provisions of the constitutions, laws or rules relating to legislative organization set forth the procedures for replacing the Speaker once the legislature has adjourned sine die. This problem of providing a successor to the Speaker when a vacancy occurs while the legislature is adjourned is the point to which this report is addressed.

Adequate provision for filling the post of Speaker during a session exists in Wisconsin. Under Assembly Rule 2 the Speaker may call a member to the chair but such substitution shall not extend beyond an adjournment. Assembly Rule 3 provides that in the absence of the Speaker, one of the members shall be elected to preside temporarily until the Speaker's return.

In Wisconsin the lack of a successor to the Speaker to act during the interim period creates a problem which could readily disrupt the smooth functioning of the interim legislative processes for several reasons.

1. Joint Rule 9 provides "When a bill shall have been duly reported as correctly enrolled, it shall be the duty of the chief clerk of the house in which it originated to present the bill, first, to the presiding officer of the house in which it originated, and next, to the presiding officer of the other house, for their signatures, which duty shall be performed at as early an hour as possible." The Speaker is required to sign all bills passed by both houses before they are submitted to the Governor, and strictly speaking the presiding officer of the house of origin must sign first although this provision is not always followed.

Many of the bills do not reach the stage at which they can be signed until some time after the legislature has adjourned either for the prolonged summer adjournment or sine die. A check of the records of the 1957 session revealed that the Speaker signed 209 senate bills and 154 assembly bills after the adjournment on June 28th or the adjournment on September 29th.

A vacancy in the position of Speaker during such adjournment would necessitate that the assembly reconvene to fill the post. The legislature having adjourned to a day certain or sine die, it seems probable that only the Governor could reconvene it. Furthermore, the Constitution provides for the convening of the legislature by

the Governor, but makes no mention of convening the assembly alone so it is possible that if the post of Speaker became vacant during an adjournment and there were bills to be signed, the Governor might have to call the whole legislature in session in order that the assembly might select a new Speaker. There is no doubt but that the signature of the Speaker is necessary to a valid act.

2. It is customary for proposals creating interim committees to provide that assembly members be selected as are standing committees. This means that the Speaker has authority to make many appointments, some of which are made in the interim period when the legislature is not in session. If the speakership were to become vacant during a prolonged or sine die adjournment, such authority would be meaningless. Fortunately Chapter 59, Laws of 1957, anticipated this problem by providing that if a vacancy occurs in any position held by a legislator on any committee, council or commission and the vacancy cannot be filled because the existing provisions cannot be exercised, the Legislative Council may fill the post. While this provision would take care of the situation it does not preclude the assembly from establishing a firm process for covering such exigencies.

3. The Speaker is ex officio a member of the Legislative Council. The provisions of 13.095 (3) created by Chapter 59, Laws of 1957, do not cover the possibility of a vacancy in the office of Speaker because the law applies only to members of the legislature appointed to such bodies, and the Speaker is a member of the Council by reason of his speakership, not because he is a legislator. It would seem illogical that the Council should presume to select a replacement for the Speaker on the Council.

#### HOW DOES THE POSITION BECOME VACANT

Section 17.03 of the statutes sets forth a variety of ways in which the position of Speaker could become vacant. They include:

1. Resignation.
2. Death.
3. Removal.
4. His ceasing to be a resident of the state.
5. Conviction of a felony.
6. Voiding of his election by a competent tribunal.
7. Being adjudged insane by competent authority.
8. Failure to take oath or otherwise comply with the formalities of induction.

#### HOW OFTEN DOES THE POSITION BECOME VACANT

As far as we can determine, only once in the history of the state did the speakership become vacant, that being in 1926 when the Speaker resigned prior to a special session in order to accept a

post as a circuit court judge. The interim activities of the Speaker were, however, much less significant in the days before the Legislative Council was in operation and during the time when the overwhelming proportion of the bills were not only signed by the presiding officers prior to adjournment but by the Governor as well.

THE SPEAKERS OF THE PAST (List of Speakers of Wisconsin Assembly from 1848-1957)

Legislative Session	Name	County	Year of Session
1	Ninian E. Whitesides	Lafayette	1848
2	Harrison C. Hobart	Sheboygan	1849
3	Moses M. Strong	Iowa	1850
4	Frederick W. Horn	Washington	1851
5	James M. Schafter	Sheboygan	1852
6	Henry L. Palmer	Milwaukee	1853
7	Frederick W. Horn	Ozaukee	1854
8	Charles C. Scholes	Kenosha	1855
9	William Hull	Grant	1856
10	Wyman Spooner	Walworth	1857
11	Frederick S. Lovell	Kenosha	1858
12	William P. Lyon	Racine	1859
13	William P. Lyon	Racine	1860
14	Amasa Cobb	Iowa	1861
15	James W. Beardsley	Pierce	1862
16	J. Allen Barber	Grant	1863
17	William W. Field	Grant	1864
18	William W. Field	Grant	1865
19	Henry D. Barron	Polk	1866
20	Angus Cameron	La Crosse	1867
21	Alexander M. Thomson	Rock	1868
22	Alexander M. Thomson	Rock	1869
23	James M. Bingham	Jefferson	1870
24	William E. Smith	Dodge	1871
25	Daniel Hall	Jefferson	1872
26	Henry D. Barron	Polk	1873
27	Gabe Bouck	Winnebago	1874
28	Frederick W. Horn	Ozaukee	1875
29	Sam S. Fifield	Ashland	1876
30	John B. Cassoday	Rock	1877
31	Augustus R. Barrows	Chippewa	1878
32	David M. Kelly	Brown	1879
33	Alexander A. Arnold	Trempealeau	1880
34	Ira B. Bradford	Eau Claire	1881
35	Franklin L. Gilson	Pierce	1882
36	Earl P. Finch	Winnebago	1883
37	Hiram O. Fairchild	Marinette	1885
38	Thomas B. Mills	Jackson	1887
39	Thomas B. Mills	Jackson	1889
40	James J. Hogan	La Crosse	1891
41	Edward Keogh	Milwaukee	1893
42	George B. Burrows	Dane	1895
43	George A. Buckstaff	Winnebago	1897
44	George H. Ray	La Crosse	1899
45	George H. Ray	La Crosse	1901
46	Irvine L. Lenroot	Douglas	1903

## Speakers of Wisconsin Assembly, 1848-1957 (Cont.)

Legislative Session	Name	County	Year of Session
47	Irvine L. Lenroot	Douglas	1905
48	Herman L. Ekern	Trempealeau	1907
49	L. H. Bancroft	Richland	1909
50	C. A. Ingram	Pepin	1911
51	Merlin Hull	Jackson	1913
52	Lawrence C. Whittet	Rock	1915
53	Lawrence C. Whittet	Rock	1917
54	Riley S. Young	Walworth	1919
55	Riley S. Young	Walworth	1921
56	John L. Dahl	Barron	1923
57	Herman Sachtjen (1)	Dane	1925
58	John W. Eber	Milwaukee	1927
59	Charles B. Perry	Milwaukee	1929
60	Charles B. Perry	Milwaukee	1931
61	Cornelius T. Young	Milwaukee	1933
62	Jorge W. Carow	Rusk	1935
63	Paul R. Alfonsi	Iron	1937
64	Vernon W. Thomson	Richland	1939
65	Vernon W. Thomson	Richland	1941
66	Vernon W. Thomson	Richland	1943
67	Donald C. McDowell	Crawford	1945
68	Donald C. McDowell	Crawford	1947
69	Alex L. Nicol	Monroe	1949
70	Ora R. Rice	Walworth	1951
71	Ora R. Rice	Walworth	1953
72	Mark S. Catlin, Jr.	Outagamie	1955
73	Robert G. Marotz	Shawano	1957

(1) George A. Nelson, Polk County elected to serve at special session, April 15, 1926, because of appointment of Herman Sachtjen as circuit judge.

#### HOW IS THE PROBLEM OF SUCCESSION TO THE SPEAKERSHIP HANDLED IN OTHER STATES

In an effort to determine how the problem of succession to the speakership was handled in other states, we submitted a questionnaire to the Speaker of each state asking 4 questions.

1. Do you have an assistant Speaker, President pro tempore or other officer selected from the membership during the session who acts for the Speaker in his absence?

2. Does this succession apply in the interim period as well as during the session?

3. Do you have any special law or rule which applies to the succession to the speakership during the interim period?

4. Is it important that there be a provision for succession to the speakership during the interim period?

The replies were as follows:

State	1	2	3	4
Alabama	Yes	No	No	No
Arizona	Yes(1)	No	No	-
Arkansas	No	No	No	Yes(2)
California	Yes(3)	Yes(4)	No	-
Colorado	No	-	No	Yes(5)
Connecticut	No(6)	Yes	No	-
Delaware	No	No	No	No(7)
Florida	Yes(8)	No	No	No
Idaho	No	-	No	Yes
Illinois	No	No	No	Yes(9)
Indiana	No	No	No	Yes
Iowa	Yes(11)	No	No	(10)
Kansas	Yes(12)	Yes	No	-
Kentucky	Yes(13)	No	No	No
Louisiana	No(14)	No	No	-
Maine	No	-	No	No(15)
Maryland	No	-	No	(16)
Massachusetts	No(17)	No	No	(18)
Michigan	Yes(19)	Yes	No	No
Minnesota	No	No	No	Yes(20)
Mississippi	No(21)	No	No	-
Missouri	Yes(22)	Yes(23)	No	-
Nebraska(24)	Yes(25)	Yes	No	Yes
Nevada	Yes(26)	No	No	No(27)
New Hampshire	No	-	No	Yes(28)
New Jersey	No	-	No	Yes
New Mexico	No	-	No	No(29)
New York	No	No	No	No
North Carolina	No	-	No	-(30)
North Dakota	No	No	No	Yes
Ohio	Yes	No	No	-(31)
Oklahoma	Yes(32)	Yes(33)	No(34)	Yes(35)
Oregon	Yes(36)	No	No(37)	No(38)
Pennsylvania	No(39)	-	Yes(40)	-
Rhode Island	Yes	Yes	No	No
South Carolina	Yes(41)	Yes	(42)	-
South Dakota	Yes(43)	Yes	No	Yes(44)
Tennessee	No	-	No	No
Texas	No	-	No	Yes
Utah	No	-	No	No
Vermont	No	-	No	No
Virginia	No	-	No	No
Washington	Yes(45)	Yes	Yes	-
West Virginia	No	-	No	Yes
Wisconsin	No	No	No	Yes
Wyoming	Yes	Yes	Yes	-(46)

(1) Rule 1. The Speaker may appoint a member to perform the duties of the chair for a period of not to exceed 10 days in case of his illness or absences; and in his omission to make such appointment, the House shall proceed to elect a Speaker Pro

- (1) Tempore to act during his absence. He shall have the right to (Cont.) name a member to perform the duties of the chair, but such appointment shall not extend beyond an adjournment.
- (2) Many statutes set up committees and boards which the Speaker is on, ex officio. I feel that a Speaker pro tem is the answer.
- (3) Section 9171 of the Government Code provides that "The officers and employees of the Assembly are: (a) A Speaker, a Speaker pro Tempore... ." etc. Section 9172 of the Government Code provides that "All permanent officers and employees of the Senate and Assembly, except the President of the Senate and the Majority and Minority Floor Leaders of the Assembly, shall be elected by the house to which they are attached." Rule 23 of the Assembly Rules provides, in part, that "The Speaker pro Tempore shall have the powers and perform the duties of the Speaker during his absence."
- (4) Rule 23, referred to above, would, in our opinion, be applicable, so that, in such event, the Speaker pro Tempore would have the powers and duties of the Speaker, without actually becoming the Speaker.
- (5) To the best of my knowledge this problem has not been discussed in Colorado, but I believe our situation is the same as yours.
- (6) Rule 6. In case the Speaker wishes to leave the chair for the purpose of taking part in the debate or from indisposition or other cause, he may designate a member to perform the duties of the chair for a period not exceeding two days at one time. Rule 7. In case the Speaker, or the member named by him in accordance with the preceding rule, is absent at the hour to which the House stands adjourned, the Clerk shall call the House to order, and the first business shall be the election of a Speaker pro tempore, which shall be done immediately without debate, by ballot or otherwise, as the House shall determine, also without debate; and the Speaker pro tempore thus elected shall preside in the House and discharge all the duties of the Speaker until his return. In case of the death or resignation of a Speaker, the Clerk shall call the House to order as provided in the first clause of this rule, and the first business shall be the election of a Speaker by ballot, which the House shall immediately proceed to do without debate, and the Speaker thus elected shall preside over the House and discharge all the duties of the Speaker during the continuance of the general assembly.
- (7) In the last session we did not adjourn sine die, and in this session we approved one leg of The Constitution to meet every year, and believe the next session will approve same. When this occurs our Legislature will not be out of session for any great length of time.
- (8) Speaker pro tempore.
- (9) Perhaps. Death or refusal to act on bills after sine die adjournment is the only insoluble problem, and it could arise.

- (9) Special sessions could, and only it could, solve a vacancy. (Cont.) Other than naming commission memberships (function set by statute and resolution) most interim responsibilities are "janitorial."
- (10) This matter has not been discussed here. One reason probably is that special sessions are not held very often, which would necessitate electing a Speaker again. However, the Speaker comes after the Lt. Governor and President Pro Tem of the Senate in succession to the governorship in case of death, etc. Obviously this is a remote possibility. Also the Speaker does not have interim functions.
- (11) Standing Rules of the House, 1957. Rule 4. The House, shall at its pleasure, elect a Speaker Pro Tempore. When the Speaker shall from any cause be absent, the Speaker Pro Tempore shall preside, except when the chair is filled by appointment by either the Speaker or the Speaker Pro Tempore. The Speaker or the Speaker Pro Tempore shall have the right to name any member to perform the duties of Speaker, but such substitution shall not extend beyond the adjournment. The acts of the Speaker Pro Tempore shall have the same validity as those of the Speaker. In the absence of both the Speaker and the Speaker Pro Tempore, the House shall name a Speaker who shall preside over it and perform all the duties, with the exception of signing bills, of speaker until such time as the Speaker or Speaker Pro Tempore shall be present, and his acts shall have the same force and validity as those of the regularly elected Speaker.
- (12) Rule 11 of House Rules reads: "In the absence of the Speaker, the speaker pro tem shall perform all the duties of the speaker." Our speaker, speaker pro tem and certain other officers are chosen on the opening day of the general session held in the odd numbered year. Then by resolution those officers selected for the 1957 general session carried over in the 1958 budget session.
- (13) "Rule 25. Speaker Pro Tempore. If the Speaker is to be absent from the House, he shall name a Member to perform the duties of the chair, but such Speaker Pro Tem shall not be empowered to act beyond a period of five legislative days and each such designation shall be in writing filed with the Clerk." In my opinion, this is not a complete answer to the situation, because a situation may arise where the Speaker may be suddenly disabled and be unable to designate a Member to perform his duties. While I do not recall a situation like this ever arising, I would think that the membership of the House by a Constitutional majority, which means fifty-one (51) Members, could act in a given situation to fill a temporary vacancy. As a matter of fact, it is my considered judgment that this Constitutional majority can remove a Speaker and replace him with another Member.
- (14) The Speaker or acting Speaker shall take the chair every day at the hour to which the House shall have adjourned on the preceding day and immediately call the members to order. (In the absence of the Speaker it shall be the duty of the Clerk, or in

(14) his absence the officer performing the duties of Clerk, to call (Cont.) a member to act as Speaker each day of the absence of the Speaker.) The designation of the member called to preside shall be "Acting Speaker."

(15) In Maine, the Speaker has no functions during non-legislative years which could not be performed by the Majority Floor Leader.

(16) Attached is your questionnaire of February 28, concerning an Assistant Speaker, or a Speaker or President pro tem. We have never formally had any such officers in Maryland. Occasionally, the presiding officer in either House will ask another member to occupy the chair temporarily. This has been done much more often in the House than in the Senate and for that reason, one member of the House is popularly referred to as the Speaker pro tem. However, this is nothing more than the popular designation, since formally we make no such provision for such an officer. We would be in the same position as you in having to have another session of the Legislature to elect presiding officers if one of them either died or resigned between sessions. If you publish any report or summary, I would certainly be much interested in seeing it. In a couple of respects, our situation may be more pressing even than yours. For one thing, the President of the Senate and the Speaker of the House in Maryland are ex officio Chairman and Vice-Chairman of the Legislative Council, which, of course, is an interim body only. After being faced with vacancies in one of these Legislative Council offices, we amended the Legislative Council law to provide for filling either the Chairmanship or the Vice-Chairmanship.

Maryland has also an unusually cumbersome procedure for the signing of bills in that we require not only the presence of the Governor, but also the two presiding officers and the two Chief Clerks. There have been instances when the entire group gathered in a hospital room in Baltimore City and in a private home on the Eastern Shore of Maryland because of the illness of one of them. I don't know what the situation would be about signing bills if one of the presiding officers should die or be completely unavailable after the Legislature had adjourned and bills had to be signed. We could appoint new Chief Clerks, and occasionally even have used their assistants, but probably could not appoint presiding officers. Frequently, there has been discussion here of getting away from our elaborate procedure for signing bills and making it more of an exclusive executive function. It usually is a right enjoyable affair when this group gets together, but aside from its social possibilities, it is easy to visualize some difficult situations we could get ourselves into.

(17) Vacancies are covered by House Rules 7 and 8 which read as follows: "7. He may appoint a member to perform the duties of the Chair for a period not exceeding three days at one time..." and "8. In case of a vacancy in the office of Speaker, or in case the Speaker or the member named by him in accordance with the preceding rule is absent at the hour to which the House stands adjourned, the senior member present shall call the House to order, and shall preside until a Speaker pro tempore or a Speaker is elected by ballot, which shall be the first business in order."

- (18) Any action of the Speaker during the recess is subject to the approval of the committee on Rules. During the past session, when the Speaker resigned his office during the recess, this committee appointed the ranking House member thereof to act in this capacity. This action met with the approval of the Comptroller insofar as the approval of bills is concerned. In my opinion there is no need for a change in our system.
- (19) Rule 1. "The House shall meet in regular session at the seat of government on the second Wednesday in January of each year at twelve o'clock noon, and shall, in each odd-numbered year, proceed to the organization of the House, the election of a Speaker, a Speaker pro tempore..."  
Rule 7. "Naming of Acting Speaker. He ~~the Speaker~~ may, by filing a written notice with the Clerk, substitute any Member to perform the duties of the Chair, but not for a longer time than one day without leave of the House. Such notice shall be spread upon the Journal."  
Rule 12. "In the absence of the Speaker, the Speaker pro tem shall exercise the powers and perform the duties of Speaker, and shall preside over the House, unless the Speaker shall have designated a Member to preside for any day."
- (20) It is a custom here in Minnesota that the speaker continues to assume responsibilities during the interim without any authority. It is my opinion that formal provisions should be made by the legislature for authority for such functions.
- (21) House Rule 7. "He shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond three legislative days; provided, however, that in case of his illness, or unavoidable absence, he may make such appointment for a period not exceeding five days, with the approval of the House at the time the same is made; and in his absence and omission to make such appointment, the House shall proceed to elect a Speaker pro tempore to act during his absence."
- (22) Rule 25. The House may, at any time, elect a Speaker Pro Tem, who shall perform the duties of the Speaker for the time for which he is chosen during the sickness or absence of the Speaker, except while some member is discharging such duties as a substitute under Rule 19.
- (23) This applies in the interim and recently the Speaker died during one of our sessions and the Speaker Pro Tem acted until such time as another Speaker was elected to fill out the unexpired term.
- (24) This is a unicameral legislature.
- (25) Rule 2. Presiding Officer. Section 1. Presiding Officer: Lieutenant Governor, Speaker. "The Lieutenant Governor shall preside as president of the Legislature, and the Speaker shall preside when the Lieutenant Governor shall be absent, incapacitated or shall act as Governor. (Const. Art. III, Sec. 10). All references herein made to the President shall be construed

- (25) as meaning also the Speaker whenever he may preside."  
(Cont.) Sec. 2. Chairman of Judiciary Presides, When. "In the absence of both the Lieutenant Governor and the Speaker, the chairman of the Judiciary Committee shall preside, and shall exercise all the powers herein conferred on the President, except the authority to sign bills or resolutions passed by the Legislature."  
Sec. 3. Member Presides, When. "The President shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond adjournment."
- (26) No statute or standing rule. Covered by Section 580, "Mason's Manual of Legislative Procedure" and long established practice.
- (27) Not necessary in Nevada; speakers and speakers pro tempore have no duties after the assembly adjourns sine die.
- (28) I have recommended to our Leg. Council that some provision be made in our statutes for someone to carry on the duties of the Speaker in the recess of the Legislature if the office becomes vacant. This could not apply to the succession to the governorship under our Constitution however.
- (29) We have a Legislative Council on which the Lt. Gov. and the Speaker are permanent members. The Council, plus committees created by special acts, adequately handles interim legislative problems.
- (30) Probably desirable, but not necessary. House elects its Speaker. In case resignation, death, etc., House selects if in session, or upon convening elect new Speaker.
- (31) The House rules at the present time do not provide for a succession to the speakership in the interim periods between regular sessions. I have the personal feeling that such a provision ought to be made in our rules in view of the vastly increased workload which has been assumed by the speaker's office in the last 8 to 10 years. I do not feel that such a provision ought to be placed in the law but rather that the manner of such succession be left entirely to the action of the House membership in each session of the Legislature.
- (32) Rule 1. The Speaker of the House, or, in his absence, the Speaker Pro Tempore, shall take the Chair each day at the hour to which the House shall have adjourned, call the House to order and, except in the absence of a quorum, proceed under the Orders of the Day in the manner prescribed by these Rules. The Speaker may designate any member of the House to preside in his absence but such designation shall not be longer than from day to day.
- (33) Based on precedent.
- (34) Based on precedent. Speaker pro tempore will preside unless another speaker is chosen. (This has happened in and because of an impeachment trial)
- (35) Current sentiment indicates a need for succession to be spelled out in detail.

- (36) Rule 6. "(1) The Speaker shall have the right to name any member to perform the duties of the chair, but substitution shall not extend beyond an adjournment.  
"(2) In case of illness or disability of the Speaker whereby he is unable to discharge his duties, a majority of the House (31) may elect a Speaker pro tem who shall exercise all the powers and discharge all the duties of that office during the illness, absence or disability of the Speaker until he returns to resume the discharge of his duties.  
"(3) If at any time the office of Speaker shall become permanently vacated for any reason, the members of the House shall elect a new permanent Speaker."
- (37) See (36).
- (38) The President of the Senate and the Speaker of the House of Representatives do serve as members of certain statutory standing committees of the legislature which function during interim between sessions (such as the Legislative Counsel Committee and the Interstate Cooperation Committee) and they also serve as members of the State Emergency Board (which allocates an "emergency fund" in the interim between legislative sessions to various purposes which are determined to be an "emergency"). When the office of Speaker or President is vacant, it has proved to be somewhat of a problem for these committees and the board to get a quorum. In Oregon we may have a somewhat different problem than in Wis. because the Speaker is in the line of succession to the office of Governor and is consequently a constitutional office.
- (39) Duties of the Speaker. 1. The Speaker shall preside over the sessions of the House. He may name a Member to preside, but the substitution shall not extend beyond an adjournment. He may appoint a Member as Speaker Pro Tempore to act in his absence for a period not exceeding ten consecutive legislative days.  
In case of failure to make an appointment, the House shall elect a Speaker Pro Tempore to act during the absence of the Speaker.  
The Speaker Pro Tempore shall perform all the duties of the Chair during the absence of the Speaker, except, he shall sign bills only with the consent of the House.
- (40) A 1947 law provides for succession as follows: "Section 43. All vacancies that may occur or exist, by death, resignation or otherwise, of any of the officers or employes provided for by this act, during any regular biennial, special or extraordinary session of the Legislature, shall be filled by election or appointment as provided for in this act. If any vacancy shall occur, during the recess of the Legislature, in the Office of President Pro Tempore of the Senate or of Speaker of the House of Representatives, the duties of said office shall be performed by the Majority Leader of the Senate or of the House of Representatives, as the case may be."
- (41) Rules provide for Speaker pro tempore.

- (42) Speaker pro tempore acts in absence of Speaker.
- (43) Rule 4. The body shall elect a presiding officer pro-tempore to act in the absence or inability of the presiding officer to serve, whose acts shall have the same validity as those of the presiding officer.
- (44) A proposed line of succession to the Governorship would place the Speaker and Speaker Pro-tem third and fifth respectively. In the event of a serious emergency in which the line of succession (proposed) might be killed or disabled, there might be certain advantages to succession during the interim.
- (45) House Rule 2. The house shall elect the following officers at the commencement of each regular session: Its presiding officer, who shall be styled speaker of the house, a speaker pro tem, who shall serve in absence or in case of the inability of the speaker,.... Such officers shall hold office during all sessions until the convening of the succeeding regular session.
- (46) Nothing concerning a Speaker Pro-tem in the Wyo. constitution. The Speaker has no official duties between sessions except being a member ex officio of the interim committees.

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#### SUMMARY OF THE QUESTIONNAIRE

Nineteen out of 46 states reporting have some specific officer like the Speaker pro tempore who succeeds the Speaker. Often, however, this does not preclude the selection of a member to occupy the chair temporarily within a single legislative day.

In 12 cases the provision for succession applies during the interim period as well as during a session.

In only 3 cases does there appear to be any express provision to cover succession in the interim period.

Fifteen states felt that the problems of succession were sufficiently great to warrant an express provision for such succession.

Although at least 20 states now have provisions for a Speaker pro tempore, in some cases he is not selected until a vacancy in the post of Speaker occurs.

It is apparent that the 3 essential points to be covered in any proposal be:

1. That a position be created to succeed the Speaker.
2. That the conditions of succession be clear.
3. That the succession extend until the new officers are normally selected.

Since publication, replies have been received from the remaining states. In order to make the record complete, we report here the replies from those states:

State	1	2	3	4
Georgia	Yes	(1)	No	(2)
Montana	Yes(3)	(4)	No	(5)

(1) Probably. I am enclosing the completed questionnaire which you presented and as you can tell, there is some question as to whether the Speaker Pro Tem would succeed the Speaker during the interim period. It is my personal view that he would, although as a practical matter, the Speaker has no particular duties to perform except during the session. The only thing I can think of which might arise is the fact that various resolutions are passed at each session creating committees and the Speaker is always designated as the person who appoints the House members. This is usually not done until after the session is over and if the Speaker for some reason were unable to appoint these members, it would probably be wise to allow the Speaker Pro Tem to do so.

The provision relating to the Speaker Pro Tem is found in Paragraph I of Section VIII of Article III of the Constitution of Georgia of 1945 (Code Section 2-2001). That provision reads as follows: "2-2001. Officers of the two Houses.--The officers of the two Houses, other than the President of the Senate and Speaker of the House, shall be a President Pro Tempore and Secretary of the Senate and Speaker Pro Tempore and Clerk of the House of Representatives, and such assistants as each House may provide for."

Further reference to the Speaker Pro Tem is found in House Rule No. 7, which reads as follows: "Whenever from any cause the Speaker shall be absent the Speaker pro tempore shall preside, and if both shall be absent, the Clerk of the House shall call the House to Order and shall preside until a Speaker pro tempore shall be elected, which said election shall be the first business of the House. The Speaker pro tempore thus elected shall preside until the return of one of the first named officers, when his functions shall cease."

- (2) Possibly.
- (3) House Rule No. 3. The Speaker pro tem shall perform all the duties of the Speaker in the absence of that officer and on such other occasion as the Speaker may request.
- (4) The Speaker has no interim duties. Therefore not covered by rule.
- (5) Possibly--However, now that we have a Legislative Council all legislative matters which formerly went to the Speaker are handled by the Legislative Council.