

Constitution of Virginia

ARTICLE V

Section 1. Executive power; Governor's term of office.

The chief executive power of the Commonwealth shall be vested in a Governor. He shall hold office for a term commencing upon his inauguration on the Saturday after the second Wednesday in January, next succeeding his election, and ending in the fourth year thereafter immediately upon the inauguration of his successor. He shall be ineligible to the same office for the term next succeeding that for which he was elected, and to any other office during his term of service.

Section 2. Election of Governor.

The Governor shall be elected by the qualified voters of the Commonwealth at the time and place of choosing members of the General Assembly. Returns of the election shall be transmitted, under seal, by the proper officers, to the State Board of Elections, or such other officer or agency as may be designated by law, which shall cause the returns to be opened and the votes to be counted in the manner prescribed by law. The person having the highest number of votes shall be declared elected; but if two or more shall have the highest and an equal number of votes, one of them shall be chosen Governor by a majority of the total membership of the General Assembly. Contested elections for Governor shall be decided by a like vote. The mode of proceeding in such cases shall be prescribed by law.

Section 3. Qualifications of Governor.

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 unless he shall have attained the age of thirty years and have been a resident of the Commonwealth and a registered voter in the Commonwealth for five years next preceding his election.

Section 4. Place of residence and compensation of Governor.

The Governor shall reside at the seat of government. He shall receive for his services a compensation to be prescribed by law, which shall neither be increased nor diminished during the period for which he shall have been elected. While in office he shall receive no other emolument from this or any other government.

Section 5. Legislative responsibilities of Governor.

The Governor shall communicate to the General Assembly, at every regular session, the condition of the Commonwealth, recommend to its consideration such measures as he may deem expedient, and convene the General Assembly on application of two-thirds of the members elected to each house thereof, or when, in his opinion, the interest of the Commonwealth may require.

Section 6. Presentation of bills; powers of Governor; vetoes and amendments.

- a) Every bill which passes the Senate and House of Delegates, before it becomes law, shall be presented to the Governor.

- b) During a regular or special session, the Governor shall have seven days in which to act on the bill after it is presented to him and to exercise one of the three options set out below. If the Governor does not act on the bill, it shall become law without his signature.
 - i. The Governor may sign the bill if he approves it, and the bill shall become law.
 - ii. The Governor may veto the bill if he objects to it by returning the bill with his objections to the house in which the bill originated. The house shall enter the objections in its journal and reconsider the bill. The house may override the veto by a two-thirds vote of the members present, which two-thirds shall

include a majority of the members elected to that house. If the house of origin overrides the Governor's veto, it shall send the bill and Governor's objections to the other house where the bill shall be reconsidered. The second house may override the Governor's veto by a two-thirds vote of the members present, which two-thirds shall include a majority of the members elected to that house. If both houses override the Governor's veto, the bill shall become law without his signature. If either house fails to override the Governor's veto, the veto shall stand and the bill shall not become law.

- iii. The Governor may recommend one or more specific and severable amendments to a bill by returning it with his recommendation to the house in which it originated. The house shall enter the Governor's recommendation in its journal and reconsider the bill. If both houses agree to the Governor's entire recommendation, the bill, as amended, shall become law. Each house may agree to the Governor's amendments by a majority vote of the members present. If both houses agree to the bill in the form originally sent to the Governor by a two-thirds vote of all members present in each house, which two-thirds shall include a majority of the members elected to that house, the original bill shall become law. If the Governor sends down specific and severable amendments then each house may determine, in accordance with its own procedures, whether to act on the Governor's amendments en bloc or individually, or any combination thereof. If the house of origin agrees to one or more of the Governor's amendments, it shall send the bill and the entire recommendation to the other house. The second house may also agree to one or more of the Governor's amendments. If either house fails to agree to the Governor's entire recommendation or fails to agree to at least one of the Governor's amendments agreed to by the other house, the bill, as originally presented to the Governor, shall be returned to the Governor. If both houses agree to one or more amendments but not to the entire recommendation of the Governor, the bill shall be reenrolled with the Governor's amendments agreed to by both houses and shall be returned to the Governor. If the Governor fails to send down specific and severable amendments as

determined by the majority vote of the members present in either house, then the bill shall be before that house, in the form originally sent to the Governor and may be acted upon in accordance with Article IV, Section 11 of this Constitution and returned to the Governor. The Governor shall either sign or veto a bill returned as provided in this subsection or, if there are fewer than seven days remaining in the session, as provided in subsection (c).

- c) When there are fewer than seven days remaining in the regular or special session from the date a bill is presented to the Governor and the General Assembly adjourns to a reconvened session, the Governor shall have thirty days from the date of adjournment of the regular or special session in which to act on the bills presented to him and to exercise one of the three options set out below. If the Governor does not act on any bill, it shall become law without his signature.
- i. The Governor may sign the bill if he approves it, and the bill shall become law.
 - ii. The Governor may veto the bill if he objects to it by returning the bill with his objections to the house in which the bill originated. The same procedures for overriding his veto are applicable as stated in subsection (b) for bills vetoed during the session.
 - iii. The Governor may recommend one or more specific and severable amendments to a bill by returning it with his recommendation to the house in which it originated. The same procedures for considering his recommendation are applicable as stated in subsection (b) (iii) for bills returned with his recommendation. The Governor shall either sign or veto a bill returned to him from a reconvened session. If the Governor vetoes the bill, the veto shall stand and the bill shall not become law. If the Governor does not act on the bill within thirty days after the adjournment of the reconvened session, the bill shall become law without his signature.

- d) The Governor shall have the power to veto any particular item or items of an appropriation bill, but the veto shall not affect the item or items to which he does not object. The item or items objected to shall not take effect except in the manner provided in this section for a bill vetoed by the Governor.
- e) In all cases set forth above, the names of the members voting for and against the bill, the amendment or amendments to the bill, or the item or items of an appropriation bill shall be entered on the journal of each house.

The amendment ratified November 8, 1994 and effective January 1, 1995—Rewrote the section to provide that the Governor may offer only one set of amendments to any bill, to require the Governor to take action to veto a bill, to allow the General Assembly to sever the Governor's amendments, acting on them individually or en bloc, and to allow the General Assembly to propose its own amendments if it determines the Governor's amendments are not severable. [The amendment to this section ratified November 4, 1980 and effective January 1, 1981 was superseded by the 1994 amendment.]

Section 7. Executive and administrative powers.

The Governor shall take care that the laws be faithfully executed.

The Governor shall be commander-in-chief of the armed forces of the Commonwealth and shall have power to embody such forces to repel invasion, suppress insurrection, and enforce the execution of the laws.

The Governor shall conduct, either in person or in such manner as shall be prescribed by law, all intercourse with other and foreign states.

The Governor shall have power to fill vacancies in all offices of the Commonwealth for the filling of which the Constitution and laws make no other provision. If such office be one filled by the election of the people, the appointee shall hold office until the next general election, and thereafter until his successor qualifies, according to law. The General

Assembly shall, if it is in session, fill vacancies in all offices which are filled by election by that body.

Gubernatorial appointments to fill vacancies in offices which are filled by election by the General Assembly or by appointment by the Governor which is subject to confirmation by the Senate or the General Assembly, made during the recess of the General Assembly, shall expire at the end of thirty days after the commencement of the next session of the General Assembly.