

OPINION
53-88

February 3, 1953 (OPINION)

OFFICERS

RE: Public - Term of Lieutenant Governor

We have your inquiry of January 30, 1953, asking that an opinion be rendered by this office as to when the term of office of lieutenant governor officially begins after election.

Article III, Section 71 of the Constitution of the State of North Dakota provides that the executive power shall be vested in a governor, who shall reside at the seat of government and shall hold his office for the term of two years and until his successor is elected and duly qualified.

Section 72 of the same article provides that a lieutenant governor shall be elected at the same time and for the same term as the governor.

There is no specific provision in the Constitution as to when either of these officers takes over his respective office, but it will be noted that both the governor and the lieutenant governor are elected for a term of two years and until his successor is elected and duly qualified.

Section 44-0103 of the North Dakota Revised Code of 1943 provides:

"WHEN STATE AND DISTRICT OFFICERS SHALL QUALIFY. Except when otherwise specially provided, all state and district officers shall qualify on or before the first Monday of January next succeeding their election, or within ten days thereafter, and on said first Monday of January or within ten days thereafter, shall enter upon the discharge of the duties of their respective offices."

From the above it will be noted that a lieutenant governor may file his oath of office at any time after his election and must qualify on or before the first Monday of January next succeeding his election or within ten days thereafter. It will be noted, however, that the first Monday in January is the first official day of his term of office. This would then mean the lieutenant governor holds over until the next lieutenant governor has duly qualified and taken office which cannot take place until the first Monday in January.

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