

JAY INSLEE  
Governor



STATE OF WASHINGTON  
Office of the Governor

May 25, 2017

The Honorable Robert Ferguson  
Washington State Attorney General  
PO Box 40100  
Olympia, WA 98504-0100

Re: Formal Opinion Request – Line of Succession, Temporary Absence of Governor

Dear Attorney General Ferguson:

The Governor's Office would like to request a formal Attorney General's Opinion on the following question: "When both the governor and lieutenant governor are temporarily absent from Washington at the same time, who possesses the legal authority to serve as the acting governor in their absence?"

The Washington Constitution, Article III, Sec. 10, lists the line of succession in the case of "the removal, resignation, death or disability of the governor." In these circumstances, the powers of governor transfer to the lieutenant governor; and, if the office of the lieutenant governor is unable to serve, the powers fall, in order, to the secretary of state, then treasurer, auditor, attorney general, superintendent of public instruction, and finally the commissioner of public lands.

Concurrently, under RCW 43.06.040, "If the governor absents himself or herself from the state, he or she shall, prior to his or her departure, notify the lieutenant governor of his or her proposed absence, and during such absence the lieutenant governor shall perform all the duties of the governor."

It appears that Article III, Sec. 10 does not expressly apply to a governor's temporary, voluntary absence from the state. Instead, only RCW 43.06.040 accounts for circumstances in which a governor is temporarily absent from the state; but, unlike Article III, Sec. 10, which outlines a thorough line of succession, RCW 43.06.040 does not account for circumstances in which both a governor and lieutenant governor are voluntarily absent from the state at the same time.

Occasionally, circumstances arise in which both the governor and lieutenant governor are absent from the state at the same time. For this reason, we seek your formal guidance regarding the proper designation of legal authority to exercise acting gubernatorial power when both the governor and lieutenant governor are simultaneously absent from the state.

Sincerely,

Nicholas W. Brown  
General Counsel

cc: Jeff Even, Deputy Solicitor General

