**South Carolina General Assembly**

125th Session, 2023-2024

**S. 1264**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Senators Grooms, McElveen, Goldfinch, Fanning, Young and Matthews

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Introduced in the Senate on April 17, 2024

Currently residing in the Senate Committee on **Judiciary**

Summary: Elective offices

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 4/17/2024 Senate Introduced and read first time (Senate Journal‑page 56)

 4/17/2024 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 56)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=1264&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[04/17/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/1264_20240417.docx)

A joint Resolution

PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI OF THE CONSTITUTION OF SOUTH CAROLINA, RELATING TO ELECTIVE OFFICES, so as to provide that the State Treasurer BE appointed by the Governor; AND PROPOSING AN AMENDMENT TO SECTION 12, ARTICLE IV OF THE CONSTITUTION OF SOUTH CAROLINA, RELATING TO DISABILITY OF the GOVERNOR, so as to remove the State treasurer as an officer who, along with other officers, may cause the governor to be removed from office.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. It is proposed that Section 7, Article VI of the Constitution of this State be amended to read:

 Section 7. There shall be elected by the qualified voters of the State a Secretary of State, an Attorney General, a Treasurer, a Superintendent of Education, Comptroller General, Commissioner of Agriculture, and an Adjutant General who shall hold their respective offices for a term of four years, coterminous with that of the Governor. The duties and compensation of such offices shall be prescribed by law and their compensation shall be neither increased nor diminished during the period for which they shall have been elected.

 Beginning upon the expiration of the term of the Adjutant General serving in office on the date of the ratification of the provisions of this paragraph, the Adjutant General must be appointed by the Governor, upon the advice and consent of the Senate. The appointed Adjutant General shall serve for a term not coterminous with the Governor and may be removed only for cause. The General Assembly shall provide by law for the term, duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Adjutant General may be removed from office.

 Beginning upon the expiration of the term of the State Treasurer serving in office on the date of the ratification of the provisions of this paragraph, the State Treasurer must be appointed by the Governor, upon the advice and consent of the Senate. The General Assembly shall provide by law for the term, duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the State Treasurer may be removed from office.

SECTION 2. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

 “Must Section 7, Article VI of the Constitution of this State, relating to elected officers,be amended so as to provide that the State Treasurer must be appointed by the Governor, with the advice and consent of the Senate instead of being elected?

Yes o

No o

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

SECTION 3. It is proposed that Section 12, Article IV of the Constitution of this State be amended to read:

 Section 12. (1) Whenever the Governor transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as acting Governor.

 (2) Whenever a majority of the Attorney General, the Secretary of State, the Comptroller General, and the State Treasurer, or and at least one of such other body as the General Assembly may provide, transmits to the President of the Senate and the Speaker of the House of Representatives a written declaration that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall forthwith assume the powers and duties of the office as acting Governor.

 Thereafter, if the Governor transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that no such inability exists, he shall forthwith resume the powers and duties of his office unless a majority of the above members or of such other body, whichever the case may be, transmits within four days to the President of the Senate and the Speaker of the House of Representatives their written declaration that the Governor is unable to discharge the powers and duties of his office. Thereupon, the General Assembly shall forthwith consider and decide the issue, and if not in session, it shall assemble within forty-eight hours for the sole purpose of deciding such issue. If the General Assembly, within twenty-one days, excluding Sundays, after the first day it meets to decide the issue, determines by two-thirds vote of each House that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall continue to discharge the same as acting Governor; otherwise, the Governor shall resume the powers and duties of his office.

SECTION 4. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

 “Must Section 12, Article IV of the Constitution of this State, relating to the disability of the Governor,be amended so as to remove the State Treasurer as an officer who, along with other officers, may cause the Governor to be removed for being unable to discharge the duties of the Governor?

Yes o

No o

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

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