

Session 118 - (2009-2010)

H 4108 Joint Resolution, By Gunn and Ballentine

Summary: Amendments to Constitution

A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF SOUTH CAROLINA, 1895, BY ADDING SECTION 1B IN ARTICLE III SO AS TO ESTABLISH A SPECIFIED PROCEDURE FOR THE ENACTMENT OR REPEAL OF LAWS BY INITIATIVE PETITION AND REFERENDUM AND TO PROVIDE EXCEPTIONS; AND BY ADDING SECTION 4 IN ARTICLE XVI SO AS TO REQUIRE THE GENERAL ASSEMBLY BY LAW TO PROVIDE A PROCEDURE WHEREBY AMENDMENTS TO THIS CONSTITUTION MAY BE PROPOSED BY AN INITIATIVE PETITION SIGNED BY THE QUALIFIED ELECTORS OF THIS STATE AND ENACTED BY REFERENDUM; TO PROVIDE THE NUMBER OF SIGNATURES REQUIRED AND THE TIME PERIOD OVER WHICH THE SIGNATURES MUST BE COLLECTED; TO REQUIRE IN AN INITIATIVE THE AMOUNT AND SOURCE OF REVENUE FOR IMPLEMENTATION; TO PROVIDE THOSE MATTERS WHICH MAY NOT BE THE SUBJECT OF AN INITIATIVE PETITION; TO REQUIRE A CERTIFIED INITIATIVE TO BE FILED WITH EACH BRANCH OF THE GENERAL ASSEMBLY, WHICH BY MAJORITY VOTE MAY ADOPT, AMEND, OR REJECT THE INITIATIVE, WHICH THEN GOES ON THE BALLOT TOGETHER WITH ANY ALTERNATIVE PROPOSAL BY THE GENERAL ASSEMBLY; TO PROVIDE THAT THE INITIATIVE GOES ON THE BALLOT IF THE GENERAL ASSEMBLY TAKES NO ACTION WITHIN FOUR MONTHS OF FILING; TO PROVIDE THE FORMAT FOR SUBMITTING THE INITIATIVE AND ANY ALTERNATIVE TO THE QUALIFIED ELECTORS, THE MAJORITY REQUIRED, AND THE MEANS OF DEALING WITH CONFLICTING INITIATIVES OR ALTERNATIVES; TO LIMIT INITIATIVES SUBMITTED AT ONE ELECTION TO FIVE; TO PROVIDE THAT AN INITIATIVE APPROVED BY THE QUALIFIED ELECTOR TAKES EFFECT THIRTY DAYS AFTER THE VOTE IS CERTIFIED UNLESS THE INITIATIVE PROVIDES OTHERWISE; AND TO PROVIDE THAT THE LAW IMPLEMENTING THIS SECTION, ONCE ENACTED, MAY NOT BE AMENDED OR REPEALED EXCEPT BY AN AFFIRMATIVE VOTE OF AT LEAST TWO-THIRDS OF THE MEMBERS OF EACH BRANCH OF THE GENERAL ASSEMBLY BUT NOT LESS THAN THREE-FIFTHS OF THE TOTAL MEMBERSHIP IN EACH BRANCH.

05/20/09 House Introduced and read first time HJ-268

05/20/09 House Referred to Committee on Judiciary HJ-268

01/13/10 House Member(s) request name added as sponsor: Ballentine