ARTICLE IV
EXECUTIVE DEPARTMENT

Editor's Note
The amendment ratified by 1973 Act No 48 (1973 (58) 48) revised and rewrote this article, substituting present Section Section 1 to 21 for former Section Section 1 to 24. Certain provisions of the former article which were not carried forward into the new article now substantially appear in Article VI which was added by the amendment ratified by 1973 Act No 78 (1973 (58) 83): former Section Section 17, 18 and 19 now appear as Section 6 of Article VI; Section 20 now appears as Section 4 of Article VI; Section 22 now appears as Section 8 of Article VI; Section 24 now appears as Section 7 of Article VI.

SECTION 1. Chief Magistrate.

The supreme executive authority of this State shall be vested in a Chief Magistrate, who shall be styled "The Governor of the State of South Carolina." (1972 (57) 3171; 1973 (58) 48.)

Editor's Note
The present provisions of this section are identical to former Section 1 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 1.

SECTION 2. Qualifications of Governor.

No person shall be eligible to the office of Governor who denies the existence of the Supreme Being; and who on the date of such election has not attained the age of thirty years; and who shall not have been a citizen of the United States and a citizen and resident of this State for five years next preceding the day of election. No person while Governor shall hold any office or other commission (except in the militia) under the authority of this State, or of any other power. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note
The present provisions of this section are similar to former Section 3 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 3.

SECTION 3. Election of Governor; Governor may not serve more than two successive terms.

The Governor shall be elected by the qualified voters of the State at the regular election every other even-numbered year after 1970. No person shall be elected Governor for more than two successive terms. (1972 (57) 3171; 1973 (58) 48; 1981 Act No. 5.)

Editor's Note
The present provisions of this section are somewhat similar to former Section 2 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 2.

SECTION 4. Term of Governor.

The term of office of the Governor shall be four years, beginning at noon on the first Wednesday following the second Tuesday in January next after his election and ending at noon on the first Wednesday following the second Tuesday in January four years later. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note
The present provisions of this section are somewhat similar to former Section 2 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 2.

SECTION 5. Person having highest number of votes to be Governor; tie vote.

In the general election for Governor, the person having the highest number of votes shall be Governor. In the event of a tie vote, as the first order of business after its organization, the General Assembly in joint session shall elect the Governor from the candidates having received the tie vote by the affirmative vote of a majority of the combined membership of both houses. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note
The present provisions of this section are somewhat similar to former Section 4 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const. 1868, Art III, Section 4.

SECTION 6. Succession when Governor-elect dies, declines to serve, or fails to take oath.

If the Governor-elect dies or declines to serve, the Lieutenant Governor-elect shall become Governor for a full term. If the Governor-elect fails to take the oath of office at the commencement of his term, the Lieutenant Governor shall act as Governor until the oath is administered. (1972 (57) 3171; 1973 (58) 48.)

SECTION 7. Succession when neither Governor-elect nor Lieutenant Governor-elect qualifies or is able to serve.

In the event that neither the Governor-elect nor the Lieutenant Governor-elect shall qualify, or if after taking the oath of office neither shall be able to serve for any reason whatsoever, the office of Governor for the time being shall devolve upon such officers and in such order of succession as may be provided by law. Any such officers while exercising the powers of the Governor for the time being under this provision shall not be subject to the dual office-holding provision of this Constitution. (1972 (57) 3171; 1973 (58) 48.)

SECTION 8. Election, qualifications, and term of Lieutenant Governor.

(A) A Lieutenant Governor must be chosen at the same time, in the same manner, continue in office for the same period, and be possessed of the same qualifications as the Governor.

(B) Beginning with the General Election of 2018, a person seeking the office of Governor in any manner that a person's name may appear on the ballot as a candidate for that office, and before that person's name is certified to appear on the ballot for the general election, shall select a qualified elector to serve as Lieutenant Governor.

(C) All candidates for the offices of Governor and Lieutenant Governor must be elected jointly in a manner prescribed by law so that each voter casts a single vote to elect a candidate for the office of Governor and Lieutenant Governor.

(D) The General Assembly shall provide by law the manner in which a candidate for Lieutenant Governor is selected.

HISTORY: 1972 (57) 3171; 1973 (58) 48; 2014 Act No. 214 (S.446), Section 1.A, eff November 6, 2018.

Editor's Note
The present provisions of this section are similar to former Section 5 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see former Art III, Section 5.
2014 Act No. 214, Section 1.A, provides as follows:
"SECTION 1.A. The amendment to Article IV of the Constitution of South Carolina, 1895, prepared under the terms of Joint Resolution 289 of 2012, having been submitted to the qualified electors at the General Election of 2012 as prescribed in Section 1, Article XVI of the Constitution of South Carolina, 1895, and a favorable vote having been received on the amendment, is ratified and declared to be a part of the Constitution so that Section 8 of Article IV is amended to read: [text of section]."
Effect of Amendment
2014 Act No. 214, Section 1.A, added subsection designator (A); in subsection (A), substituted "must be chosen" for "shall be chosen"; and added subsections (B), (C), and (D).

SECTION 9. Reserved by 2014 Act No. 214, Section 1.C, eff November 6, 2018.

Editor's Note
Former Art. IV, Section 9 was titled President Pro Tempore of Senate; Senator acting as Lieutenant Governor and was derived from (1972 (57) 3171; 1973 (58) 48.)
2014 Act No. 214, Section 1.C, provides as follows:
"C. The amendment to Article IV of the Constitution of South Carolina, 1895, prepared under the terms of Joint Resolution 289 of 2012, having been submitted to the qualified electors at the General Election of 2012 as prescribed in Section 1, Article XVI of the Constitution of South Carolina, 1895, and a favorable vote having been received on the amendment, is ratified and declared to be a part of the Constitution so that Section 9, Article IV is amended to read: [reserved section]."

SECTION 10. Reserved by 2014 Act No. 214, Section 1.D, November 6, 2018.

Editor's Note
Former Art. IV, Section 10 was titled Lieutenant Governor to be President of Senate and was derived from (1972 (57) 3171; 1973 (58) 48.).
2014 Act No. 214, Section 1.D, provides as follows:
"D. The amendment to Article IV of the Constitution of South Carolina, 1895, prepared under the terms of Joint Resolution 289 of 2012, having been submitted to the qualified electors at the General Election of 2012 as prescribed in Section 1, Article XVI of the Constitution of South Carolina, 1895, and a favorable vote having been received on the amendment, is ratified and declared to be a part of the Constitution so that Section 10, Article IV is amended to read: [reserved section]".

SECTION 11. Death, resignation, removal of Governor, Lieutenant Governor.

In the case of the removal of the Governor from office by impeachment, death, resignation, disqualification, disability, or removal from the State, the Lieutenant Governor shall be Governor. In case the Governor be impeached, the Lieutenant Governor shall act in his stead and have his powers until judgment in the case shall have been pronounced. In the case of the temporary disability of the Governor and in the event of the temporary absence of the Governor from the State, the Lieutenant Governor shall have full authority to act in an emergency. In the case of the removal of the Lieutenant Governor from office by impeachment, death, resignation, disqualification, disability, or removal from the State, the Governor shall appoint, with the advice and consent of the Senate, a successor to fulfill the unexpired term.

HISTORY: 1972 (57) 3171; 1973 (58) 48; 2014 Act No. 214 (S.446), Section 1.E, eff November 6, 2018.

Editor's Note
The present provisions of this section are similar to former Section 9 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see former Art III, Section 9.
2014 Act No. 214, Section 1.E, provides as follows:
"E. The amendment to Article IV of the Constitution of South Carolina, 1895, prepared under the terms of Joint Resolution 289 of 2012, having been submitted to the qualified electors at the General Election of 2012 as prescribed in Section 1, Article XVI of the Constitution of South Carolina, 1895, and a favorable vote having been received on the amendment, is ratified and declared to be a part of the Constitution so that Section 11, Article IV is amended to read: [text of section]."
Effect of Amendment
2014 Act No. 214, Section 1.E, added the last sentence, relating to removal of the Lieutenant Governor.

SECTION 12. Disability of Governor.

(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 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.

HISTORY: 1972 (57) 3171; 1973 (58) 48; 2014 Act No. 214 (S.446), Section 1.F, eff November 6, 2018.

Editor's Note
2014 Act No. 214, Section 1.F, provides as follows:
"F. The amendment to Article IV of the Constitution of South Carolina, 1895, prepared under the terms of Joint Resolution 289 of 2012, having been submitted to the qualified electors at the General Election of 2012 as prescribed in Section 1, Article XVI of the Constitution of South Carolina, 1895, and a favorable vote having been received on the amendment, is ratified and declared to be a part of the Constitution so that Section 12, Article IV is amended to read: [text of section]."
Effect of Amendment
2014 Act No. 214, Section 1.F, substituted "President of the Senate" for "President Pro Tempore of the Senate" throughout; in subsection (2), added a comma after "Comptroller General"; and in the last paragraph, added a comma following "that no such inability exists" and "if not in session".

SECTION 13. Commander-in-Chief.

The Governor shall be Commander-in-Chief of the organized and unorganized militia of the State. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note
The present provisions of this section are similar to former Section 10 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 10.

SECTION 14. Powers of Governor as to clemency.

With respect to clemency, the Governor shall have the power only to grant reprieves and to commute a sentence of death to that of life imprisonment. The granting of all other clemency shall be regulated and provided for by law. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note
The present provisions of this section are somewhat similar to former Section 11 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 11.

SECTION 15. Faithful execution of laws.

The Governor shall take care that the laws be faithfully executed. To this end, the Attorney General shall assist and represent the Governor, but such power shall not be construed to authorize any action or proceeding against the General Assembly or the Supreme Court. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note

The present provisions of the first sentence of this section are similar to former Section 12 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 12.

SECTION 16. Compensation of Governor and Lieutenant Governor.

The Governor and Lieutenant Governor shall receive for their services compensation, which shall be neither increased nor diminished during the period for which they shall have been elected. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note

The present provisions of this section are similar to former Section 13 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 13.

SECTION 17. Duty of State officers to give information to Governor.

All State officers, agencies, and institutions within the Executive Branch shall, when required by the Governor, give him information in writing upon any subject relating to the duties and functions of their respective offices, agencies, and institutions, including itemized accounts of receipts and disbursements. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note

The present provisions of this section are similar to former Section 14 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 14.

SECTION 18. Duty of Governor to give information to General Assembly.

The Governor shall, from time to time, give to the General Assembly information on the condition of the State and recommend for its consideration such measures as he shall deem necessary or expedient. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note

The present provisions of this section are identical to former Section 15 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 15.

SECTION 19. Extra sessions; Governor may adjourn General Assembly.

The Governor may on extraordinary occasions convene the General Assembly in extra session. Should either house remain without a quorum for five days, or in case of disagreement between the two houses during any session with respect to the time of adjournment, he may adjourn them to such times as he shall think proper, not beyond the time of the annual session then next ensuing. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note

The present provisions of this section are similar to former Section 16 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 16.

SECTION 20. Residence of Governor.

The Governor shall reside at the Capital of the State except in case of epidemics, natural disaster, or the emergencies of war; but during the sittings of the General Assembly he shall reside where its sessions are held. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note
The present provisions of this section are similar to former Section 21 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 21.

SECTION 21. Bill or joint resolution must be signed or vetoed by Governor.

Every bill or joint resolution which shall have passed the General Assembly, except on a question of adjournment, shall, before it becomes a law, be presented to the Governor, and if he approves he shall sign it; if not, he shall return it, with his objections, to the house in which it originated, which shall enter the objections at large on its Journal and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass it, it shall be sent, together with the objections, to the other house, by which it shall be reconsidered, and if approved by two-thirds of that house it shall have the same effect as if it had been signed by the Governor; but in all such cases the vote of both houses shall be taken by yeas and nays, and the names of the persons voting for and against the bill or joint resolution shall be entered on the Journals of both houses respectively.

Bills appropriating money out of the Treasury shall specify the objects and purposes for which the same are made, and appropriate to them respectively their several amounts in distinct items and sections. If the Governor shall not approve any one or more of the items or sections contained in any bill appropriating money, but shall approve of the residue thereof, it shall become a law as to the residue in like manner as if he had signed it. The Governor shall then return the bill with his objections to the items or sections of the same not approved by him to the house in which the bill originated, which house shall enter the objections at large upon its Journal and proceed to reconsider so much of the bill as is not approved by the Governor. The same proceedings shall be had in both houses in reconsidering the same as is provided in case of an entire bill returned by the Governor with his objections; and if any item or section of the bill not approved by the Governor shall be passed by two-thirds of each house of the General Assembly, it shall become a part of the law notwithstanding the objections of the Governor.

If a bill or joint resolution shall not be returned by the Governor within five days after it shall have been presented to him, Sundays excepted, it shall have the same force and effect as if he had signed it, unless the General Assembly, by adjournment, prevents return, in which case it shall have such force and effect unless returned within two days after the next meeting. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note
The present provisions of this section are similar to former Section 23 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 22.