**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3614**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Harrell, T.R. Young, Scott, Haley and Willis

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Companion/Similar bill(s): 3275, 3279, 4475

Introduced in the House on February 25, 2009

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

Summary: Elected officials

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/25/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\02-25-09.docx)‑6

2/25/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\02-25-09.docx)‑6

1/28/2010 House Member(s) request name added as sponsor: T.R.Young, Scott

2/2/2010 House Member(s) request name added as sponsor: Haley

2/3/2010 House Member(s) request name added as sponsor: Willis

**VERSIONS OF THIS BILL**

[2/25/2009](file:///p:\pprever\2009-10\3614_20090225.docx)

**A** **JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI, CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE ADJUTANT GENERAL, COMMISSIONER OF AGRICULTURE, SECRETARY OF STATE, AND SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT UPON THE EXPIRATION OF THE TERMS OF THESE OFFICERS SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, THEY MUST BE APPOINTED BY THE GOVERNOR, UPON THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, TO SERVE AT HIS PLEASURE AND TO BE REMOVABLE BY HIM FOR ANY REASON; PROPOSING AN AMENDMENT TO SECTION 4, ARTICLE XIII, RELATING TO THE ADJUTANT GENERAL AND HIS STAFF OFFICERS, SO AS TO UPDATE REFERENCES TO HIS TITLE AND MILITARY RANK, AND TO PROVIDE THAT UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, HE MUST BE APPOINTED BY THE GOVERNOR IN THE MANNER REQUIRED BY SECTION 7, ARTICLE VI; AND PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE IV, RELATING TO THE ELECTION, QUALIFICATIONS, AND TERM OF THE LIEUTENANT GOVERNOR, SO AS TO PROVIDE FOR THE JOINT ELECTION OF GOVERNOR AND LIEUTENANT GOVERNOR BEGINNING WITH THE GENERAL ELECTION OF 2014.

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

Part I

Adjutant General

SECTION 1. It is proposed that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end:

“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 General Assembly, to serve at his pleasure and to be removable by him for any reason.”

SECTION 2. It is proposed that Section 4, Article XIII of the Constitution of this State be amended to read:

“Section 4. There ~~shall~~ must be an Adjutant ~~and Inspector~~ General elected by the qualified electors of the State at the same time and in the same manner as other state officers, who shall rank as ~~Brigadier~~ Major General, and whose duties and compensation ~~shall be~~ are prescribed by law. The Governor ~~shall~~, by and with the advice and consent of the Senate, shall appoint ~~such other~~ staff officers as the General Assembly may direct.

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 in the manner provided in Section 7, Article VI.”

SECTION 3. The proposed amendments in Sections 1 and 2 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 state constitutional officers and Section 4, Article XIII relating to the Adjutant General and his staff officers be amended so as to update references to his title and military rank, delete the Adjutant General from the list of state officers which the Constitution requires to be elected, and provide that upon the expiration of the term of the Adjutant General serving in office on the date of the ratification of this provision, the Adjutant General must be appointed by the Governor, upon the advice and consent of the General Assembly, to serve at his pleasure and to be removable by him for any reason?

Yes 

No 

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’.”

Part II

Commissioner of Agriculture

SECTION 4. It is proposed that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end:

“Beginning upon the expiration of the term of the Commissioner of Agriculture serving in office on the date of the ratification of the provisions of this paragraph, the Commissioner of Agriculture must be appointed by the Governor, upon the advice and consent of the General Assembly, to serve at his pleasure and to be removable by him for any reason.”

SECTION 5. The proposed amendment in Section 4 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 state constitutional officers be amended so as to delete the Commissioner of Agriculture from the list of state officers which the Constitution requires to be elected and provide that upon the expiration of the term of the Commissioner of Agriculture serving in office on the date of the ratification of this provision, the commissioner must be appointed by the Governor, upon the advice and consent of the General Assembly, to serve at his pleasure and to be removable by him for any reason?

Yes 

No 

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’.”

Part III

Secretary of State

SECTION 6. It is proposed that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end:

“Beginning upon the expiration of the term of the Secretary of State serving in office on the date of the ratification of the provisions of this paragraph, the Secretary of State must be appointed by the Governor, upon the advice and consent of the General Assembly, to serve at his pleasure and to be removable by him for any reason.”

SECTION 7. The proposed amendment in Section 6 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 state constitutional officers be amended so as to delete the Secretary of State from the list of state officers which the Constitution requires to be elected and provide that upon the expiration of the term of the Secretary of State serving in office on the date of the ratification of this provision, the Secretary of State must be appointed by the Governor, upon the advice and consent of the General Assembly, to serve at his pleasure and to be removable by him for any reason?

Yes 

No 

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’.”

Part IV

Superintendent of Education

SECTION 8. It is proposed that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end:

“Beginning upon the expiration of the term of the Superintendent of Education serving in office on the date of the ratification of the provisions of this paragraph, the Superintendent of Education must be appointed by the Governor, upon the advice and consent of the General Assembly, to serve at his pleasure and to be removable by him for any reason.”

SECTION 9. The proposed amendment in Section 8 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 state constitutional officers be amended so as to delete the Superintendent of Education from the list of state officers which the Constitution requires to be elected and provide that upon the expiration of the term of the Superintendent of Education serving in office on the date of the ratification of this provision, the superintendent must be appointed by the Governor, upon the advice and consent of the General Assembly, to serve at his pleasure and to be removable by him for any reason?

Yes 

No 

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’.”

Part V

Joint Election of Governor and Lieutenant Governor

SECTION 10. It is proposed that Section 8, Article IV of the Constitution of this State be amended to read:

“Section 8. (A) A Lieutenant Governor ~~shall~~ 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 2014, 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, shall select a qualified elector to serve as Lieutenant Governor.

(C) In the general election, candidates for the office of Governor and the person selected by each gubernatorial candidate to serve as Lieutenant Governor must be elected jointly in a manner prescribed by law so that each voter casts a single vote to fill the offices of Governor and Lieutenant Governor.

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

SECTION 11. The proposed amendment in Section 10 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 8, Article IV of the Constitution of the State be amended by adding a provision to provide that the Lieutenant Governor must be elected jointly with the Governor in a manner prescribed by law so that each voter shall cast a single vote for a candidate for Governor and a candidate for Lieutenant Governor running together beginning with the general election of 2014?

Yes 

No 

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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