**South Carolina General Assembly**

119th Session, 2011-2012

**A289, R204, H3152**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Young, Daning, Harrison, Allison, G.R. Smith, Stringer, Taylor, Forrester, Hamilton, Murphy, G.M. Smith, Bingham, Long, Patrick, Viers, Funderburk, Horne, Willis, Weeks, Pope, Simrill, Clemmons, Harrell, Bedingfield and Edge

Document Path: l:\council\bills\ms\7041ahb11.docx

Companion/Similar bill(s): 16, 24, 147, 169

Introduced in the House on January 11, 2011

Introduced in the Senate on March 3, 2011

Last Amended on April 26, 2012

Passed by the General Assembly on May 16, 2012

Governor's Action: No signature required

Summary: Constitutional amendment proposed

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/7/2010 House Prefiled

 12/7/2010 House Referred to Committee on **Judiciary**

 1/11/2011 House Introduced and read first time ([House Journal‑page 65](file:///h%3A%5Chj%20archive%5C2011%5C01-11-11.docx))

 1/11/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 65](file:///h%3A%5Chj%20archive%5C2011%5C01-11-11.docx))

 1/12/2011 House Member(s) request name added as sponsor: Long

 1/19/2011 House Member(s) request name added as sponsor: Patrick, Viers

 2/8/2011 House Member(s) request name added as sponsor: Funderburk

 2/16/2011 House Member(s) request name added as sponsor: Horne

 2/16/2011 House Committee report: Favorable **Judiciary** ([House Journal‑page 4](file:///h%3A%5Chj%20archive%5C2011%5C02-16-11.docx))

 2/17/2011 House Member(s) request name added as sponsor: Willis, Weeks

 2/17/2011 Scrivener's error corrected

 2/22/2011 House Member(s) request name added as sponsor: Pope, Simrill, Clemmons

 2/22/2011 House Debate adjourned until Tuesday, March 1, 2011 ([House Journal‑page 33](file:///h%3A%5Chj%20archive%5C2011%5C02-22-11.docx))

 2/24/2011 House Member(s) request name added as sponsor: Harrell

 3/1/2011 House Member(s) request name added as sponsor: Bedingfield

 3/2/2011 House Member(s) request name added as sponsor: Edge

 3/2/2011 House Requests for debate‑Rep(s). Young, Ott, Delleney, Hixon, JR Smith, Taylor, Weeks, Hearn, Hosey, and Allison ([House Journal‑page 36](file:///h%3A%5Chj%20archive%5C2011%5C03-02-11.docx))

 3/2/2011 House Read second time ([House Journal‑page 114](file:///h%3A%5Chj%20archive%5C2011%5C03-02-11.docx))

 3/2/2011 House Roll call Yeas‑106 Nays‑6 ([House Journal‑page 114](file:///h%3A%5Chj%20archive%5C2011%5C03-02-11.docx))

 3/3/2011 House Read third time and sent to Senate ([House Journal‑page 31](file:///h%3A%5Chj%20archive%5C2011%5C03-03-11.docx))

 3/3/2011 Senate Introduced and read first time ([Senate Journal‑page 15](file:///h%3A%5Csj%20archive%5C2011%5C03-03-11.docx))

 3/3/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 15](file:///h%3A%5Csj%20archive%5C2011%5C03-03-11.docx))

 3/14/2011 Senate Referred to Subcommittee: L.Martin (ch), Ford, Hutto, Campsen, Campbell, S.Martin, Scott

 4/20/2011 Senate Committee report: Majority favorable with amend., minority unfavorable **Judiciary** ([Senate Journal‑page 11](file:///h%3A%5Csj%20archive%5C2011%5C04-20-11.docx))

 4/21/2011 Scrivener's error corrected

 4/26/2011 Senate Minority Report Removed ([Senate Journal‑page 36](file:///h%3A%5Csj%20archive%5C2011%5C04-26-11.docx))

 3/29/2012 Senate Special order, set for March 29, 2012 ([Senate Journal‑page 46](file:///h%3A%5Csj%20archive%5C2012%5C03-29-12.docx))

 3/29/2012 Senate Roll call Ayes‑35 Nays‑0 ([Senate Journal‑page 46](file:///h%3A%5Csj%20archive%5C2012%5C03-29-12.docx))

 4/18/2012 Senate Debate interrupted ([Senate Journal‑page 55](file:///h%3A%5Csj%20archive%5C2012%5C04-18-12.docx))

 4/19/2012 Senate Debate interrupted ([Senate Journal‑page 66](file:///h%3A%5Csj%20archive%5C2012%5C04-19-12.docx))

 4/25/2012 Senate Debate interrupted ([Senate Journal‑page 36](file:///h%3A%5Csj%20archive%5C2012%5C04-25-12.docx))

 4/26/2012 Senate Committee Amendment Amended and Adopted ([Senate Journal‑page 95](file:///h%3A%5Csj%20archive%5C2012%5C04-26-12.docx))

 4/26/2012 Senate Read second time ([Senate Journal‑page 95](file:///h%3A%5Csj%20archive%5C2012%5C04-26-12.docx))

 4/26/2012 Senate Roll call Ayes‑34 Nays‑1 ([Senate Journal‑page 95](file:///h%3A%5Csj%20archive%5C2012%5C04-26-12.docx))

 4/27/2012 Scrivener's error corrected

 5/2/2012 Senate Read third time and returned to House with amendments ([Senate Journal‑page 34](file:///h%3A%5Csj%20archive%5C2012%5C05-02-12.docx))

 5/8/2012 House Debate adjourned until Wed., 05‑09‑12 ([House Journal‑page 27](file:///h%3A%5Chj%20archive%5C2012%5C05-08-12.docx))

 5/9/2012 House Debate adjourned until Tues., 05‑15‑12 ([House Journal‑page 29](file:///h%3A%5Chj%20archive%5C2012%5C05-09-12.docx))

 5/15/2012 House Debate adjourned until Wed., 05‑16‑12 ([House Journal‑page 24](file:///h%3A%5Chj%20archive%5C2012%5C05-15-12.docx))

 5/16/2012 House Concurred in Senate amendment and enrolled ([House Journal‑page 21](file:///h%3A%5Chj%20archive%5C2012%5C05-16-12.docx))

 5/16/2012 House Roll call Yeas‑97 Nays‑16 ([House Journal‑page 22](file:///h%3A%5Chj%20archive%5C2012%5C05-16-12.docx))

 5/23/2012 Ratified R 204

 5/23/2012 No signature required

 5/31/2012 Effective date 05/23/12

 9/5/2012 Act No. 289

**VERSIONS OF THIS BILL**

[12/7/2010](file:///p%3A%5Cpprever%5C2011-12%5C3152_20101207.docx)

[2/16/2011](file:///p%3A%5Cpprever%5C2011-12%5C3152_20110216.docx)

[2/17/2011](file:///p%3A%5Cpprever%5C2011-12%5C3152_20110217.docx)

[4/20/2011](file:///p%3A%5Cpprever%5C2011-12%5C3152_20110420.docx)

[4/21/2011](file:///p%3A%5Cpprever%5C2011-12%5C3152_20110421.docx)

[4/26/2012](file:///p%3A%5Cpprever%5C2011-12%5C3152_20120426.docx)

[4/27/2012](file:///p%3A%5Cpprever%5C2011-12%5C3152_20120427.docx)

(A289, R204, H3152)

**A JOINT RESOLUTION PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE IV OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE ELECTION, QUALIFICATIONS, AND TERM OF THE LIEUTENANT GOVERNOR, SO AS TO PROVIDE THAT THE LIEUTENANT GOVERNOR MUST BE ELECTED JOINTLY WITH THE GOVERNOR IN A MANNER PRESCRIBED BY LAW; BY ADDING SECTION 37 TO ARTICLE III OF THE CONSTITUTION OF THIS STATE, SO AS TO PROVIDE THAT THE SENATE SHALL ELECT FROM AMONG ITS MEMBERS A PRESIDENT TO PRESIDE OVER THE SENATE AND TO PERFORM OTHER DUTIES AS PROVIDED BY LAW; TO DELETE SECTIONS 9 AND 10 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE SERVICE OF THE LIEUTENANT GOVERNOR AS PRESIDENT OF THE SENATE AND, WHILE PRESIDING IN THE SENATE, HAVING NO VOTE, UNLESS THE SENATE IS EQUALLY DIVIDED, SO AS TO DELETE INCONSISTENT PROVISIONS; TO AMEND SECTION 11 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE DEATH, RESIGNATION, OR REMOVAL OF THE GOVERNOR UNDER CERTAIN CIRCUMSTANCES, SO AS TO INCLUDE THE LIEUTENANT GOVERNOR IN THE PURVIEW OF THE SECTION; TO AMEND SECTION 12 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE DISABILITY OF THE GOVERNOR, SO AS TO CONFORM APPROPRIATE REFERENCES; AND TO PROVIDE THAT THE PROPOSED AMENDMENTS TO ARTICLE IV OF THE CONSTITUTION OF THIS STATE BECOME EFFECTIVE FOR THE 2018 GENERAL ELECTION.**

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

**Constitutional amendment proposed, Lieutenant Governor**

SECTION 1. A. It is proposed that Section 8, Article IV of the Constitution of this State be amended to read:

 “Section 8. (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.”

B. It is proposed that Article III of the Constitution of this State be amended by adding:

 “Section 37. The Senate shall, as soon as practicable after the convening of the General Assembly in 2019 and every four years thereafter, elect from among the members thereof a President to preside over the Senate and to perform other duties as provided by law.”

C. It is proposed that Article IV of the Constitution of this State be amended by deleting Section 9 which reads:

 “Section 9. The Senate shall as soon as practicable after the convening of the General Assembly choose a President Pro Tempore to act in the absence of the Lieutenant Governor. A member of the Senate acting as Lieutenant Governor shall thereupon vacate his seat and another person shall be elected in his stead.”

D. It is proposed that Article IV of the Constitution of this State be amended by deleting Section 10, which reads:

 “Section 10. The Lieutenant Governor shall be President of the Senate, ex officio, and while presiding in the Senate, shall have no vote, unless the Senate be equally divided.”

E. It is proposed that Section 11, Article IV of the Constitution of this State be amended to read:

 “Section 11. 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.”

F. 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 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.”

G. It is proposed that the amendments proposed to Article IV of the Constitution of this State become effective for the general election of 2018 and the organization of the Senate to take place following the general election of 2018.

**Question**

SECTION 2. The proposed amendments in SECTION 1 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:

 “Beginning with the general election of 2018, must Section 8 of Article IV of the Constitution of this State be amended to provide that the Lieutenant Governor must be elected jointly with the Governor in a manner prescribed by law; and upon the joint election to add Section 37 to Article III of the Constitution of this State to provide that the Senate shall elect from among the members thereof a President to preside over the Senate and to perform other duties as provided by law; to delete Sections 9 and 10 of Article IV of the Constitution of this State containing inconsistent provisions providing that the Lieutenant Governor is President of the Senate, ex officio, and while presiding in the Senate, has no vote, unless the Senate is equally divided; to amend Section 11 to provide that the Governor shall fill a vacancy in the Office of Lieutenant Governor by appointing a successor with the advice and consent of the Senate; and to amend Section 12 of Article IV of the Constitution of this State to conform appropriate references?

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’.”

Ratified the 23rd day of May, 2012.

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