~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 20, 2011

**H. 3152**

Introduced by 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

S. Printed 4/20/11--S. [SEC 4/21/11 12:13 PM]

Read the first time March 3, 2011.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Joint Resolution (H. 3152) 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, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the joint resolution, as and if amended, as and if amended, by striking the resolution in its entirety and inserting therein the following:

/ 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; TO ADD 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 LIEUTENANT GOVERNOR BEING PRESIDENT OF THE SENATE AND, WHILE PRESIDING IN THE SENATE, HAVING NO VOTE, UNLESS THE SENATE IS EQUALLY DIVIDED, SO AS TO REMOVE INCONSISTENT PROVISIONS; AND 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.

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

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 ~~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 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 2015, 2017, 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 12, Article IV of the Constitution of this State be amended to read:

“Section 12. (1) Whenever the Governor transmits to the President ~~Pro Tempore~~ 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 ~~Pro Tempore~~ 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 ~~Pro Tempore~~ 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 ~~Pro Tempore~~ 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 2. The proposed amendment 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:

“Must Section 8 of Article IV of the Constitution of this State be amended so as 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 so as 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; and to amend Section 12 of Article IV of the Constitution of this State to conform appropriate references?

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:

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’.”/

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

LARRY A. MARTIN JOHN M. KNOTTS, JR.

ROBERT FORD

For Majority. For Minority.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The State Elections Commission indicates there is no additional cost with the adoption of this bill.

*Approved By:*

Harry Bell

Office of State Budget

**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 FOR THE JOINT ELECTION OF GOVERNOR AND LIEUTENANT GOVERNOR.

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

SECTION 1. 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 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 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?

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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