**South Carolina General Assembly**

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**S. 243**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Senator Sheheen

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Introduced in the Senate on January 16, 2013

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

Summary: Constitutional Study Commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/16/2013 Senate Introduced and read first time ([Senate Journal‑page 13](file:///h:\SJ%20Archive\2013\01-16-13.docx))

1/16/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 13](file:///h:\SJ%20Archive\2013\01-16-13.docx))

**VERSIONS OF THIS BILL**

[1/16/2013](file:///p:\pprever\2013-14\243_20130116.docx)

**A** **JOINT RESOLUTION**

TO PROVIDE FOR A CONSTITUTIONAL STUDY COMMISSION TO PRODUCE REFERENCE MATERIAL FOR DELEGATES TO A CONSTITUTIONAL CONVENTION, AND TO PROVIDE FOR A CONSTITUTIONAL CONVENTION AND THE ELECTION, DUTIES, AND RESPONSIBILITIES OF THE DELEGATES TO THE CONVENTION.

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

SECTION 1. (A) A majority of the qualified electors of this State having voted in the affirmative to call for a constitutional convention to revise and modernize the 1895 South Carolina Constitution and pursuant to Section 3, Article XVI of the 1895 South Carolina Constitution, relating to calling a constitutional convention, the General Assembly does hereby provide for calling the convention.

(B) There is established the South Carolina Constitutional Study Commission. The study commission shall be comprised of the Chief Justice of the Supreme Court, who shall serve as chair, the Governor, the President Pro‑Tempore of the Senate, the Speaker of the House of Representatives, the Minority Leader of the Senate, the Minority Leader of the House of Representatives, the Attorney General, the Dean of the University of South Carolina School of Law, and the Dean of the Charleston School of Law.

(C) The study commission must prepare a comprehensive written analysis of current economic, social, and other conditions and likely future economic, social, and other developments within the State. The analysis should include a comparison of how the current constitutional framework applies to those conditions and future developments, how other state constitutions address those conditions and future developments, how they impact or are likely to impact the fundamental rights of individuals and the manner in which the government may be structured to best meet the challenges and opportunities presented by those conditions and future developments, and make recommendations for the new constitution. The commission must also propose rules of procedure to govern the activities of the convention. The complete analysis must be submitted to all delegates and otherwise made publicly available no later than sixty days prior to the constitutional convention convened pursuant to Section 3.

(D) The study commission must meet as soon as practicable after the effective date of this Joint Resolution to organize and begin the issue analysis required by subsection (C).

(E) Commissioners are entitled to such mileage, subsistence, and per diem as authorized by law for members of boards, committees, and commissions while in the performance of the duties for which appointed. These expenses shall be paid from the general fund of the State on warrants duly signed by the chairman of the commission and payable by the State Treasurer from the funds appropriated to the judiciary specifically for this purpose.

(F) The study commission may use clerical and professional employees of the General Assembly, the Attorney General, or any other state agency who must be made available to the study commission. The study commission may also employ or retain other professional staff, upon the study commission’s determination of the necessity for other staff. The costs and expenses of the study commission must be funded in the judiciary appropriation of the annual general appropriations act.

SECTION 2. (A) A convention to reexamine and revise the South Carolina Constitution of 1895 must convene no later than July 1, 2016, in the chambers of the House of Representatives in Columbia. The convention shall continue in session at times and places determined by the convention’s presiding officer until, by careful revision and amendment of the 1895 Constitution, it shall frame and adopt a revised constitution for this State, provided that the convention must adjourn no later than December 31, 2018, unless a longer term is approved by the General Assembly.

(1) The convention delegates shall judge the returns and qualifications of its members, and a majority of delegates shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as may be provided in the convention’s rules of procedure.

(2) The convention shall choose its own officers, determine its rules of procedure, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a delegate, but not a second time for the same cause. The Chief Justice of the Supreme Court shall preside until officers are elected. Jefferson’s Manual of Parliamentary Practice shall govern the convention’s activities prior to rules of procedure being adopted.

(B) There will be one hundred twenty‑four delegates to the convention. One delegate must be elected by popular vote of the qualified electors residing in each district of the House of Representatives in a non‑partisan election during a special election held on the first Tuesday following the first Monday in November 2015. Delegates must possess the same qualifications as members of the state House of Representatives. In the event of a vacancy, the presiding officer of the convention shall issue a writ of election to fill the vacancy pursuant to Section 7‑13‑190 of the 1976 Code. Delegates and candidates for delegate are subject to Chapter 13, Title 8 of the 1976 Code, the State Ethics Act. The provisions of Chapter 17, Title 2 of the 1976 Code are applicable to the convention.

(C) The final draft constitution adopted by the convention must be transmitted to the Chief Justice of the Supreme Court and the State Election Commission. The chief justice shall make the draft available to the general public. The State Election Commission shall place upon the ballot of the next general election the question of whether to adopt the draft constitution adopted by the convention. To adopt the constitution, a majority of qualified electors must vote in favor of adoption. Copies of the draft constitution must be made available at polling places in the manner required in Section 7‑13‑180 of the 1976 Code.

SECTION 3. This joint resolution takes effect upon approval by the Governor.

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