~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

January 27, 2016

**H. 4579**

Introduced by Reps. Pope, Lucas, Delleney, Simrill, Bales, Clyburn, Hosey, Tallon, Henderson, Felder and W.J. McLeod

S. Printed 1/27/16--H.

Read the first time January 12, 2016.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4579) to amend the Code of Laws of South Carolina, 1976, by adding Section 1‑3‑125 so as to provide that in the case of a vacancy in the Office of 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 bill, as and if amended, Section 1‑3‑120, as contained in SECTION 3, Page 4, Lines 25‑31, by striking Section 1‑3‑120 in its entirety and inserting:

/ Section 1‑3‑120 of the 1976 Code is amended to read:

“Section 1‑3‑120. In case of the removal, death, resignation or permanent disability of both the Governor~~,~~ and the Lieutenant Governor, the President of the Senate ~~pro tempore~~ shall become the Governor. In the case of the temporary disability of both the Governor and the Lieutenant Governor, the President of the Senate shall perform the duties and exercise the powers of Governor until ~~such~~ the disability of the Governor and the Lieutenant Governor ~~shall have~~ has been removed or until the next general election~~,~~ at which a Governor ~~shall~~ must be elected by the electors duly qualified, as is prescribed by Section 3, ~~of~~ Article IV of the Constitution.” /

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑3‑125 SO AS TO PROVIDE THAT IN THE CASE OF A VACANCY IN THE OFFICE OF LIEUTENANT GOVERNOR, THE GOVERNOR SHALL APPOINT, WITH THE ADVICE AND CONSENT OF THE SENATE, A SUCCESSOR TO FILL THE UNEXPIRED TERM; BY ADDING SECTION 7‑11‑12 SO AS TO PROVIDE THAT BEGINNING WITH THE 2018 GENERAL ELECTION THE LIEUTENANT GOVERNOR AND GOVERNOR MUST BE JOINTLY ELECTED AND TO DELINEATE JOINT CANDIDACY PROCEDURES; TO AMEND SECTION 1‑3‑120, RELATING TO A VACANCY IN THE OFFICE OF BOTH GOVERNOR AND LIEUTENANT GOVERNOR, SO AS TO DELETE A REFERENCE TO PRESIDENT OF THE SENATE PRO TEMPORE; TO AMEND SECTION 1‑3‑620, RELATING TO THE OFFICE OF THE GOVERNOR TO BE PART TIME, SO AS TO PROVIDE THAT BEGINNING WITH THE LIEUTENANT GOVERNOR ELECTED IN THE 2018 GENERAL ELECTION, THE LIEUTENANT GOVERNOR SHALL PERFORM THE DUTIES PERTAINING TO THE OFFICE OF THE GOVERNOR WHICH ARE ASSIGNED BY THE GOVERNOR, EXCEPT WHEN OTHERWISE PROVIDED BY LAW; TO AMEND SECTION 1‑9‑30, RELATING TO EMERGENCY INTERIM SUCCESSORS TO THE OFFICE OF THE GOVERNOR, SO AS TO DELETE A REFERENCE TO PRESIDENT OF THE SENATE PRO TEMPORE; TO AMEND SECTION 1‑17‑20, RELATING TO THE COMMITTEE ON INTERSTATE COOPERATION OF THE SENATE, SO AS TO PROVIDE THAT BEGINNING WITH THE CONVENING OF THE GENERAL ASSEMBLY IN 2019, THE PRESIDENT OF THE SENATE MAY SERVE ON THE COMMITTEE EX OFFICIO; TO AMEND SECTION 1‑23‑125, AS AMENDED, RELATING TO THE APPROVAL, DISAPPROVAL, AND MODIFICATION OF REGULATIONS, SO AS TO REPLACE THE TERM “LIEUTENANT GOVERNOR” WITH “PRESIDENT OF THE SENATE”; TO AMEND SECTION 2‑3‑30, RELATING TO SUBSISTENCE EXPENSES FOR MEMBERS AND THE LIEUTENANT GOVERNOR ON LEGISLATIVE DAYS, SO AS TO ELIMINATE THE LIEUTENANT GOVERNOR’S ELIGIBILITY FOR A SUBSISTENCE ALLOWANCE; TO AMEND SECTION 2‑3‑90, RELATING TO THE ELECTION OF READING CLERKS, SERGEANTS AT ARMS, AND ASSISTANT SERGEANTS AT ARMS, SO AS TO REPLACE THE TERM “LIEUTENANT GOVERNOR” WITH “PRESIDENT OF THE SENATE”; TO AMEND SECTION 7‑11‑30, AS AMENDED, RELATING TO CONVENTION NOMINATION OF CANDIDATES, SO AS TO REMOVE A REFERENCE TO “LIEUTENANT GOVERNOR”; TO AMEND SECTION 7‑17‑10, AS AMENDED, RELATING TO THE MEETING AND ORGANIZATION OF COUNTY BOARDS OF CANVASSERS, SO AS TO REMOVE A REFERENCE TO THE “LIEUTENANT GOVERNOR”; TO AMEND SECTION 10‑1‑40, RELATING TO THE STATE HOUSE COMMITTEE, SO AS TO REPLACE THE “LIEUTENANT GOVERNOR” AS THE APPOINTING AUTHORITY FOR THE SENATE WITH THE “PRESIDENT OF THE SENATE”; TO AMEND SECTIONS 14‑27‑20, 14‑27‑30, AND 14‑27‑40, ALL AS AMENDED, ALL RELATING TO THE JUDICIAL COUNCIL OF THE STATE OF SOUTH CAROLINA, SO AS TO REPLACE REFERENCES TO THE “LIEUTENANT GOVERNOR” WITH “PRESIDENT OF THE SENATE”; AND TO AMEND SECTION 14‑27‑80, RELATING TO THE DUTIES OF CERTAIN MEMBERS OF THE JUDICIAL COUNCIL OF THE STATE OF SOUTH CAROLINA, SO AS TO REPLACE THE TERM “LIEUTENANT GOVERNOR” WITH “PRESIDENT OF THE SENATE”.

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

SECTION 1. Article 3, Chapter 3, Title 1 of the 1976 Code is amended by adding:

“Section 1‑3‑125. Beginning with the Lieutenant Governor elected in the 2018 General Election, 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.”

SECTION 2. Article 1, Chapter 11, Title 7 of the 1976 Code is amended by adding:

“Section 7‑11‑12. Beginning with the 2018 General Election:

(A) A person seeking the office of Governor in a manner that causes the person’s name to appear on the ballot as a candidate for that office, and within ten calendar days after becoming eligible for inclusion on the general election ballot, shall designate a qualified elector to serve as his running mate for the office of Lieutenant Governor. The designation must be in writing and filed either with the appropriate political party, or, in the case of a petition candidate for Governor, with the State Election Commission. A designee for Lieutenant Governor shall possess all of the qualifications required to hold the office of Governor.

(B)(1) An individual designated to be a gubernatorial candidate’s running mate for the office of Lieutenant Governor pursuant to subsection (A) shall provide to the State Election Commission:

(a) a copy of the gubernatorial candidate’s written designation declaring the individual to be his running mate for the office of Lieutenant Governor; and

(b) a completed statement of intention of candidacy form.

(2) The documents specified in this subsection may be filed with the State Election Commission either by mail or hand delivery and must be postmarked or received by the State Election Commission within three regular business days after the person’s designation to serve as running mate for the office of Lieutenant Governor. The appropriate political party shall determine if its gubernatorial candidate’s running mate designee is qualified. In the case of a petition candidate for the office of Governor, the State Election Commission shall determine whether a petition candidate’s running mate designee is qualified. In either case, upon finding that a designee for the office of Lieutenant Governor is qualified, the State Election Commission shall certify the designee’s name to appear on the ballot together with that of the gubernatorial candidate who selected him as his running mate. If the documents specified in this subsection are not submitted to the State Election Commission within the required time, or if the running mate designee is determined to be unqualified to hold the office of Governor, the running mate designation process must be repeated as provided in this section.

(C) An individual designated to be a gubernatorial candidate’s running mate for the office of Lieutenant Governor pursuant to subsection (A) is not required to pay a separate filing fee. Ballot position obtained by the candidate for Governor entitles a designated and qualified candidate for Lieutenant Governor, upon receipt by the State Election Commission of the documents specified in subsection (B), to have his name placed on the ballot for the joint candidacy.

(D) Upon submission of the documents specified in subsection (B), the designee is considered a candidate for statewide office for purposes of Chapter 13, Title 8 and subject to the:

(1) required disclosure of economic interests; and

(2) campaign filing and reporting requirements, and the campaign contribution limits and restrictions, applicable to candidates for statewide office.

(E) The State Election Commission shall ensure that all candidates for the offices of Governor and Lieutenant Governor must be elected jointly so that each voter casts a single vote to elect a candidate for the offices of Governor and Lieutenant Governor.”

SECTION 3. Section 1‑3‑120 of the 1976 Code is amended to read:

“Section 1‑3‑120. In case of the removal, death, resignation or disability of both the Governor, and the Lieutenant Governor, the President of the Senate ~~pro tempore~~ shall perform the duties and exercise the powers of Governor until ~~such~~ the disability ~~shall have~~ has been removed or until the next general election, at which a Governor ~~shall~~ must be elected by the electors duly qualified, as is prescribed by Section 3, ~~of~~ Article IV of the Constitution.”

SECTION 4. Section 1‑3‑620 of the 1976 Code is amended to read:

“Section 1‑3‑620. (A) Beginning with the term of the Lieutenant Governor elected in 1982, the duties of ~~such~~ that office ~~shall~~ must be ~~part‑time~~ part time.

(B) Beginning with the term of the Lieutenant Governor elected in the 2018 General Election, the Lieutenant Governor shall perform the duties pertaining to the office of governor as assigned by the Governor, except when otherwise provided by law.”

SECTION 5. Section 1‑9‑30 of the 1976 Code is amended to read:

“Section 1‑9‑30. In the event that the Governor, for any of the reasons specified in the Constitution, is not able to exercise the powers and discharge the duties of ~~his~~ that office, or is unavailable, and in the event the Lieutenant Governor, President ~~pro tempore~~ of the Senate, and the Speaker of the House of Representatives, ~~be~~ for any of the reasons specified in the Constitution, are not able to exercise the powers and discharge the duties of the office of Governor, or ~~be~~ are unavailable, the Secretary of State, State Treasurer or Attorney General ~~shall~~, in the order named, if the preceding named officers ~~be~~ are unavailable, shall exercise the powers and discharge the duties of the office of Governor until a new Governor is elected and qualifies, or until a preceding named officer becomes available; ~~provided, however, that~~ except, no emergency interim successor to the aforementioned offices may serve as Governor.”

SECTION 6. Section 1‑17‑20 of the 1976 Code is amended to read:

“Section 1‑17‑20. The standing committee on Interstate Cooperation of the Senate shall consist of five Senators. The members and chairman of this committee ~~shall~~ must be designated in the same manner as is customary in the case of the members and chairmen of other standing committees of the Senate. The ~~Lieutenant Governor~~ President of the Senate may serve ex officio as one of the five members of this committee.”

SECTION 7. Section 1‑23‑125(B) and (D) of the 1976 Code is amended to read:

“(B) If a majority of a committee determines that it cannot approve a regulation in the form submitted, it shall notify the promulgating agency in writing along with its recommendations as to changes that would be necessary to obtain committee approval. The agency may:

(1) withdraw the regulation from the General Assembly and resubmit it with the recommended changes to the Speaker and the ~~Lieutenant Governor~~ President of the Senate, but ~~any~~ a regulation not resubmitted within thirty days is considered permanently withdrawn;

(2) withdraw the regulation permanently; or

(3) take no action and abide by whatever action is taken or not taken by the General Assembly on the regulation concerned.

(D) This section, as it applies to approval, disapproval, or modification of regulations, does not apply to joint resolutions introduced by other than the committees to which regulations are initially referred by the ~~Lieutenant Governor~~ President of the Senate or the Speaker of the House of Representatives.”

SECTION 8. Section 2‑3‑30 of the 1976 Code is amended to read:

“Section 2‑3‑30. Except for legislative days ~~which~~ that, by Senate or House action, are designated for consideration only of local and uncontested matters, members of the General Assembly~~, including the Lieutenant Governor, shall~~ must be paid fifty ~~($50.00)~~ dollars subsistence expenses for each legislative day. Provided, such subsistence allowance ~~shall~~ must be paid for each calendar day occurring within the same legislative day to members of that body in session on each calendar day.”

SECTION 9. Section 2‑3‑90 of the 1976 Code is amended to read:

“Section 2‑3‑90. The Senate and House of Representatives ~~shall~~ also, at the same time, each for itself, shall elect a reading clerk, a sergeant at arms, and an assistant sergeant at arms. Should a vacancy occur in the sergeant at arms or assistant sergeant at arms while the General Assembly is not in session, the ~~Lieutenant Governor~~ President of the Senate or the Speaker of the House is authorized to appoint for their respective Houses a sergeant at arms or assistant sergeant at arms until the convening of the next General Assembly.”

SECTION 10. Section 7‑11‑30(A) of the 1976 Code, as last amended by Act 196 of 2014, is further amended to read:

“(A) Beginning with the 2018 General Election, a party may choose to change from nomination of candidates by primary to a method to nominate candidates by convention for all offices including, but not limited to, Governor, ~~Lieutenant Governor,~~ United States Senator, United States House of Representatives, Circuit Solicitor, State Senator, and members of the State House of Representatives if:

(1) there is a three‑fourths vote of the total membership of the convention to use the convention nomination process; and

(2) a majority of voters in that party’s next primary election approve the use of the convention nomination process.”

SECTION 11. Section 7‑17‑10 of the 1976 Code, as last amended by Act 261 of 2002, is further amended to read:

“Section 7‑17‑10. Beginning with the 2018 General Election, the commissioners of election for Governor, ~~Lieutenant Governor,~~ state officers, circuit solicitors, members of the General Assembly, and county officers or any of these officers shall meet in some convenient place at the county seat on the Friday next following the election, before one o’clock in the afternoon of that day, and shall proceed to organize as the county board of canvassers. They may appoint some competent person as secretary. The chairman ~~shall~~ then shall proceed to administer the constitutional oath to each member of the board, as canvassers, and shall administer the constitutional oath to the secretary, and the secretary shall administer to the chairman the same oath that he has administered to the other members of the board. The commissioners of election for members of Congress and presidential electors or any of these officers ~~shall~~ likewise shall meet at the same time at the county seat and ~~shall~~ in the same manner shall proceed to organize as the county board of canvassers for the election of the federal officers.”

SECTION 12. Section 10‑1‑40 of the 1976 Code is amended to read:

“Section 10‑1‑40. There is ~~hereby~~ established a committee to be known as the ‘State House Committee’, consisting of five members of the Senate, appointed by the ~~Lieutenant Governor~~ President of the Senate and five members of the House of Representatives, appointed by the Speaker, whose duties ~~shall be~~ are to review all proposals for alterations and/or renovations to the State House. No alterations or renovations ~~shall~~ must be undertaken without the approval of this committee.”

SECTION 13. Section 14‑27‑20(10) of the 1976 Code, as last amended by Act 244 of 2012, is further amended to read:

“(10) the ~~Lieutenant Governor~~ President of the Senate or his designee;”

SECTION 14. The second undesignated paragraph of Section 14‑27‑30 of the 1976 Code, as last amended by Act 244 of 2012, is further amended to read:

“The ~~Lieutenant Governor~~ President of the Senate, the Speaker of the House or their designees, the Chairmen of the Senate Finance Committee, House Ways and Means Committee, Senate Judiciary Committee, and House Judiciary Committee or their designees, the Director of the Legislative Council, and the President of the South Carolina Bar or his designee all serve ex officio.”

SECTION 15. Section 14‑27‑40(2) of the 1976 Code, as last amended by Act 244 of 2012, is further amended to read:

“(2) The ~~Lieutenant Governor~~ President of the Senate, Speaker of the House or their designees, and the Chairmen of the Senate Finance Committee, House Ways and Means Committee, Senate Judiciary Committee, and House Judiciary Committee or their designees serve during their respective terms as those officers.”

SECTION 16. Section 14‑27‑80 of the 1976 Code is amended to read:

“Section 14‑27‑80. The duties performed by the Chief Justice of the Supreme Court, or other member of that court designated by him, by the circuit judges, inferior court judges and probate judges, by members of the legal department of the State, and by the ~~Lieutenant Governor~~ President of the Senate, Speaker of the House, legislative members, director of the Legislative Council and dean of the Law School of the University of South Carolina ~~shall~~ must be performed as a part of the duties of their respective offices.”

SECTION 17. After January 1, 2019, the Code Commissioner is directed to change or correct all references in the 1976 Code from “President Pro Tempore of the Senate” to “President of the Senate”.

SECTION 18. SECTIONS 1, 2, 4, 10 and 11 of this act take effect upon approval by the Governor. The remaining provisions of this act take effect on January 1, 2019.

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