

## ARTICLE VI OFFICERS

### Editor's Note

The amendment ratified by 1973 Act No 78 (1973 (58) 83) added this article. The amendment ratified by 1973 Act No 132 (1973 (58) 161) transferred former Article VI (Jurisprudence) to Article V which was then revised and rewritten.

### **SECTION 1.** Eligibility for office; terms.

No person may be popularly elected to and serve in any office in this State or its political subdivisions unless he possesses the qualifications of an elector, is not disqualified by age as prescribed in this Constitution, and has not been convicted of a felony under state or federal law or convicted of tampering with a voting machine, fraudulent registration or voting, bribery at elections, procuring or offering to procure votes by bribery, voting more than once at elections, impersonating a voter, or swearing falsely at elections/taking oath in another's name, or has not pled guilty or nolo contendere to these offenses. However, notwithstanding any other provision of this Constitution, this prohibition does not apply to a person who has been pardoned under state or federal law or to a person who files for public office fifteen years or more after the completion date of service of the sentence, including probation and parole time, nor shall any person, serving in office prior to the ratification of this provision, be required to vacate the office to which he is elected. No person may be elected or appointed to office in this State for life or during good behavior, but the terms of all officers must be for some specified period except officers in the militia. (1972 (57) 3181; 1973 (58) 83; 1997 Act No. 3.)

### Editor's Note

The present provisions of the first sentence of this section are somewhat similar to Section 1 of Article XVII. The present provisions of the second sentence of this section are identical to the first sentence of Section 1A of Article XVII. The present provisions of the third sentence of this section are similar to the second sentence of Section 1B of Article XVII.

1997 Act No. 3, Section 3, provides as follows:

“SECTION 3. The General Assembly is aware that pursuant to Joint Resolution 470 of 1996 and Joint Resolution 472 of 1996 differing amendments to Section 4, Article II of the Constitution were submitted to the qualified electors at the general election of 1996 and a favorable vote was received on both. The General Assembly in the ratification process under Section 1, Article XVI of the Constitution has, therefore, determined to ratify the provisions of Section 4, Article II as submitted to and approved by the qualified electors pursuant to Joint Resolution 470 of 1996 and to ratify all amendments to the Constitution submitted to and approved by the qualified electors pursuant to Joint Resolution 472 of 1996 except for the amendment therein to Section 4, Article II.”

### **SECTION 2.** Person denying existence of Supreme Being not to hold office.

No person who denies the existence of the Supreme Being shall hold any office under this Constitution. (1972 (57) 3181; 1973 (58) 83.)

### Editor's Note

The present provisions of this section are similar to Section 4 of Article XVII.

### **SECTION 3.** Dual office holding.

No person may hold two offices of honor or profit at the same time. This limitation does not apply to officers in the militia, notaries public, members of lawfully and regularly organized fire departments, constables, or delegates to a constitutional convention. (1972 (57) 3181; 1973 (58) 83; 1989 Act No. 9.)

### Editor's Note

The present provisions of this section are somewhat similar to the second and third sentences of Section 1A of Article XVII.

**SECTION 4.** Officers to take and subscribe oath.

The Governor, Lieutenant Governor, and all other officers of the State and its political subdivisions, before entering upon the duties of their respective offices, shall take and subscribe the oath of office as prescribed in Section 5 of this article. (1972 (57) 3181; 1973 (58) 83.)

Editor's Note

The present provisions of this section are somewhat similar to former Section 20 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see former Art III, Section 20.

**SECTION 5.** Form of oath.

Members of the General Assembly, and all officers, before they enter upon the duties of their respective offices, and all members of the bar, before they enter upon the practice of their profession, shall take and subscribe the following oath: "I do solemnly swear (or affirm) that I am duly qualified, according to the Constitution of this State, to exercise the duties of the office to which I have been elected, (or appointed), and that I will, to the best of my ability, discharge the duties thereof, and preserve, protect, and defend the Constitution of this State and of the United States. So help me God." (1972 (57) 3181; 1973 (58) 83.)

Editor's Note

The present provisions of this section are identical to Section 26 of Article III.

**SECTION 6.** Commissions; Great Seal.

The Governor shall commission all officers of the State. All commissions shall be issued in the name and by the authority of the State of South Carolina, sealed with the Great Seal, signed by the Governor, and countersigned by the Secretary of State. The seal of the State now in use shall be used by the Governor officially, and shall be called "The Great Seal of the State of South Carolina." (1972 (57) 3181; 1973 (58) 83.)

Editor's Note

The present provisions of this section are similar to former Section Section 17, 18 and 19 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see former Art III, Section Section 17, 18, 19.

**SECTION 7.** Elective offices; terms; duties; compensation; appointment of Adjutant General.

There shall be elected by the qualified voters of the State a Secretary of State, an Attorney General, a Treasurer, a Superintendent of Education, Comptroller General, Commissioner of Agriculture, and an Adjutant General who shall hold their respective offices for a term of four years, coterminous with that of the Governor. The duties and compensation of such offices shall be prescribed by law and their compensation shall be neither increased nor diminished during the period for which they shall have been elected.

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 Senate. The appointed Adjutant General shall serve for a term not coterminous with the Governor and may be removed only for cause. The General Assembly shall provide by law for the term, duties, compensation, and qualifications for office, the procedures by which the appointment is made, and the procedures by which the Adjutant General may be removed from office.

HISTORY: 1972 (57) 3181; 1973 (58) 83; 1983 Act No. 25; 2015 Act No. 1 (S.8), Section 1.A, eff March 5, 2015.

Editor's Note

The present provisions of this section are similar to former Section 24 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 23.

2015 Act No. 1, Section 1.A, provides in part as follows:

“SECTION 1.A. The amendment to Section 7, Article VI of the Constitution of South Carolina, 1895, prepared under the terms of Joint Resolution 297 of 2014, having been submitted to the qualified electors at the General Election of 2014 as prescribed in Section 1, Article XVI of the Constitution of South Carolina, 1895, and a favorable vote having been received on the amendment, is ratified and declared to be a part of the Constitution so that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end: [text of amendment follows].”

Effect of Amendment

2015 Act No. 1, Section 1.A, added the second paragraph.

**SECTION 8.** Suspension and prosecution of officers accused of crime.

Whenever it appears to the satisfaction of the Governor that probable cause exists to charge any officer of the State or its political subdivisions who has the custody of public or trust funds with embezzlement or the appropriation of public or trust funds to private use, then the Governor shall direct his immediate prosecution by the proper officer, and upon indictment by a grand jury or, upon the waiver of such indictment if permitted by law, the Governor shall suspend such officer and appoint one in his stead, until he shall have been acquitted. In case of conviction, the position shall be declared vacant and the vacancy filled as may be provided by law.

Any officer of the State or its political subdivisions, except members and officers of the Legislative and Judicial Branches, who has been indicted by a grand jury for a crime involving moral turpitude or who has waived such indictment if permitted by law may be suspended by the Governor until he shall have been acquitted. In case of conviction the office shall be declared vacant and the vacancy filled as may be provided by law. (1972 (57) 3181; 1973 (58) 83.)

Editor's Note

The present provisions of the first paragraph of this section are similar to former Section 22 of Article IV as it existed prior to the 1973 revision.

**SECTION 9.** Removal of officers.

Officers shall be removed for incapacity, misconduct, or neglect of duty, in such manner as may be provided by law when no mode of trial or removal is provided in this Constitution. (1972 (57) 3181; 1973 (58) 83.)

Editor's Note

The present provisions of this section are identical to Section 27 of Article III.