

ARTICLE III
LEGISLATIVE DEPARTMENT

SECTION 1. Legislative power vested in two branches.

The legislative power of this State shall be vested in two distinct branches, the one to be styled the “Senate” and the other the “House of Representatives,” and both together the “General Assembly of the State of South Carolina.”

Editor’s Note

For similar provisions in Constitution of 1868, see former Art II, Section 1.

SECTION 1.A. Meeting of General Assembly.

The General Assembly ought frequently to assemble for the redress of grievances and for making new laws, as the common good may require. (1970 (56) 2684; 1971 (57) 315.)

Editor’s Note

This section was originally Section 3 of Article I. It was transferred to its present location by the amendment ratified by 1971 Act No 276 (1971 (57) 315) which effected the revision of that article. For similar provisions in Constitution of 1868, see Const 1868, Art I, Section 27.

SECTION 2. House of Representatives.

The House of Representatives shall be composed of members chosen by ballot every second year by citizens of this State, qualified as in this Constitution is provided.

Editor’s Note

For similar provisions in Constitution of 1868, see Const 1868, Art II, Section 2.

SECTION 3. Number of members; enumeration of inhabitants.

The House of Representatives shall consist of one hundred and twenty-four members, to be apportioned among the several Counties according to the number of inhabitants contained in each. Each County shall constitute one election district. An enumeration of the inhabitants for this purpose shall be made in the year Nineteen hundred and One, and shall be made in the course of every tenth year thereafter, in such manner as shall be by law directed: Provided, That the General Assembly may at any time, in its discretion, adopt the immediately preceding United States Census as a true and correct enumeration of the inhabitants of the several Counties, and make the apportionment of Representatives among the several Counties, according to said enumeration: Provided, further, That until the apportionment which shall be made upon the next enumeration shall take effect, the representation of the several Counties as they now exist (including the County of Saluda established by ordinance) shall be as follows: Abbeville, 5; Aiken, 3; Anderson, 5; Barnwell, 5; Beaufort, 4; Berkeley, 4; Charleston, 9; Chester, 3; Chesterfield, 2; Clarendon, 3; Colleton, 4; Darlington, 3; Edgefield, 3; Fairfield, 3; Florence, 3; Georgetown, 2; Greenville, 5; Hampton, 2; Horry, 2; Kershaw, 2; Lancaster, 2; Laurens, 3; Lexington, 2; Marion, 3; Marlboro, 3; Newberry, 3; Oconee, 2; Orangeburg, 5; Pickens, 2; Richland, 4; Saluda, 2; Spartanburg, 6; Sumter, 5; Union, 3; Williamsburg, 3; York, 4; Provided further, That in the event other Counties are hereafter established, then the General Assembly shall reapportion the Representatives between the Counties.

Editor’s Note

For similar provisions in Constitution of 1868, see former Art II, Section Section 3, 4.

SECTION 4. Assignment of representatives.

In assigning Representatives to the several Counties, the General Assembly shall allow one Representative to every one hundred and twenty-fourth part of the whole number of inhabitants in the State:

Provided, That if in the apportionment of Representatives any County shall appear not to be entitled, from its population, to a Representative, such County shall, nevertheless, send one Representative; and if there be still a deficiency in the number of Representatives required by Section third of this Article, such deficiency shall be supplied by assigning Representatives to those Counties having the largest surplus fractions.

Editor's Note

For similar provisions in Constitution of 1868, see Const 1868, Art II, Section 6.

SECTION 5. When apportionment takes effect.

No apportionment of Representatives shall take effect until the general election which shall succeed such apportionment.

Editor's Note

For similar provisions in Constitution of 1868, see Const 1868, Art II, Section 7.

SECTION 6. Senate.

The Senate shall be composed of one member from each County, to be elected for the term of four years by the qualified electors in each County, in the same manner in which members of the House of Representatives are chosen.

Editor's Note

For similar provisions in Constitution of 1868, see Const 1868, Art II, Section 8.

For similar provisions in Constitution of 1868, see former Art II, Section 8.

SECTION 7. Qualifications of members of Senate and House of Representatives.

No person is eligible for a seat in the Senate or House of Representatives who, at the time of his election, is not a duly qualified elector under this Constitution in the district in which he may be chosen. Senators must be at least twenty-five and Representatives at least twenty-one years of age. A candidate for the Senate or House of Representatives must be a legal resident of the district in which he is a candidate at the time he files for the office. No person who has 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 who has pled guilty or nolo contendere to these offenses, is eligible to serve as a member of the Senate or the House of Representatives. 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. (1966 (54) 2813; 1967 (55) 39; 1997 Act No. 3; 1999 Act No. 12.)

Editor's Note

For similar provisions in Constitution of 1868, see Const 1868, Art II, Section 10.

SECTION 8. Election of representatives.

The first election for members of the House of Representatives under this Constitution shall be held on Tuesday after the first Monday in November Eighteen Hundred and Ninety-six, and in every second year thereafter, in such manner and at such places as the General Assembly may prescribe. (1966 (54) 2814; 1967 (55) 42.)

Editor's Note

For similar provisions in Constitution of 1868, see Const 1868, Art II, Section Section 9, 11.

SECTION 9. Sessions of General Assembly.

The annual session of the General Assembly shall convene at the State Capitol Building in the City of Columbia on the second Tuesday of January of each year. After the convening of the General Assembly, nothing in this section shall prohibit the Senate or the House of Representatives, or both, from receding for a time period not to exceed thirty consecutive calendar days at a time by a majority vote of the members of the body of the General Assembly seeking to recede for a time period not to exceed thirty consecutive calendar days, or from receding for a time period of more than thirty consecutive calendar days at a time by a two-thirds vote of the members of the body of the General Assembly seeking to recede for more than thirty consecutive calendar days at a time. Each body shall sit in session at the State Capitol Building in the City of Columbia and may provide for meetings during the legislative session as it shall consider appropriate. Furthermore, the Senate or the House of Representatives, or both, may meet on the first Tuesday following the certification of the election of its members for not more than three days following the general election in even-numbered years for the purpose of organizing. If the casualties of war or contagious disease render it unsafe to meet at the seat of government, the Governor, by proclamation, may appoint a more secure and convenient place of meeting. Members of the General Assembly shall not receive any compensation for more than forty days of any one session. (1976 (59) 2213; 1977 (60) 10; 2007 Act No. 13.)

Editor's Note

Section 2 of 2007 Act No. 13, which amended this section, also deleted Article III, Section 21, effective April 26, 2007. Article III, Section 21 was entitled "Adjournments" and provided "Neither house, during the session of the General Assembly, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which it shall be at the time sitting."

For similar provisions in Constitution of 1868, see Const 1868, Art II, Section 12.

SECTION 10. Terms of office.

The terms of office of the Senators and Representatives chosen at a general election shall begin on the Monday following such election.

Editor's Note

For similar provisions in Constitution of 1868, see Const 1868, Art II, Section 13.

SECTION 11. Election returns; quorum; absent members.

Each house shall judge of the election returns and qualifications of its own members, and a majority of each house 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 by law or rule.

Editor's Note

For similar provisions in Constitution of 1868, see former Art II, Section 14.

SECTION 12. Officers; rules; punishment and expulsion of members.

Each house 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 member, but not a second time for the same cause.

Editor's Note

For similar provisions in Constitution of 1868, see Const 1868, Art II, Section 15.

SECTION 13. Punishment of persons not members.

Each house may punish by imprisonment during its sitting any person not a member who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in its presence, or who, during the time of its sitting, shall threaten harm to the body or estate of any member for anything said or done in either house, or who shall assault any of them therefor, or who shall assault or arrest any witness or other person ordered to attend the house in his going thereto or returning therefrom, or who shall rescue any person arrested by order of the house: Provided, That such time of imprisonment shall not in any case extend beyond the session of the General Assembly.

Editor's Note

For similar provisions in Constitution of 1868, see Const 1868, Art II, Section 16.

SECTION 14. Members in attendance protected.

The members of both houses shall be protected in their persons and estates during their attendance on, going to and returning from the General Assembly, and ten days previous to the sitting and ten days after the adjournment thereof. But these privileges shall not protect any member who shall be charged with treason, felony or breach of the peace.

Editor's Note

For similar provisions in Constitution of 1868, see Const 1868, Art II, Section 17.

SECTION 15. Bills for revenue; other bills.

Bills for raising revenue shall originate in the House of Representatives, but may be altered, amended or rejected by the Senate; all other Bills may originate in either house, and may be amended, altered or rejected by the other.

Editor's Note

For similar provisions in Constitution of 1868, see Const 1868, Art II, Section 18.

SECTION 16. Style of laws.

The style of all laws shall be: "Be it enacted by the General Assembly of the State of South Carolina."

Editor's Note

For similar provisions in Constitution of 1868, see Const 1868, Art II, Section 19.

SECTION 17. One subject.

Every Act or resolution having the force of law shall relate to but one subject, and that shall be expressed in the title.

Editor's Note

For similar provisions in Constitution of 1868, see Const 1868, Art II, Section 20.

2005 Act No. 27, (amending a series sections pertaining to civil procedure) Section 1, provides as follows: "The General Assembly finds that the sections presented in this act constitute one subject as required by Article III, Section 17 of the South Carolina Constitution, in particular finding that each change and each topic relates directly to or in conjunction with other sections to the subject of tort and other civil action reform as clearly enumerated in the title.

"The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act."

2005 Act No. 32, [relating to noneconomic damage awards] Section 1, provides as follows:

“The General Assembly finds that the sections presented in this act constitute one subject as required by Article III, Section 17 of the South Carolina Constitution, in particular finding that each change and each topic relates directly to or in conjunction with other sections to the subject of tort and other civil action reform as clearly enumerated in the title.

“The General Assembly further finds that a common purpose or relationship exists among the sections, representing a potential plurality but not disunity of topics, notwithstanding that reasonable minds might differ in identifying more than one topic contained in the act.”

SECTION 18. Formalities of act.

No Bill or Joint Resolution shall have the force of law until it shall have been read three times and on three several days in each house, has had the Great Seal of the State affixed to it, and has been signed by the President of the Senate and the Speaker of the House of Representatives: Provided, That either branch of the General Assembly may provide by rule for a first and third reading of any Bill or Joint Resolution by its title only.

Editor’s Note

For similar provisions in Constitution of 1868, see Const 1868, Art II, Section 21.

Section 2-7-110, effective May 9, 1984, provides as follows: “Whenever a bill or resolution is introduced in the General Assembly requiring the expenditure of funds by a county, municipality, special purpose district, or school district, the principal author shall affix thereto a statement of estimated fiscal impact and cost of the proposed legislation. Prior to reporting the bill out of committee, if the amount is substantially different from the original estimate, the committee chairman shall cause a revised statement of the estimated fiscal impact of the bill to be attached to the bill. As used in this section, ‘statement of estimated fiscal impact’ means the opinion of the person executing the statement as to the dollar cost to the county, municipality, special purpose district, or school district for the first year and the annual cost thereafter.”

SECTION 19. Mileage; increase of per diem; compensation during extra session.

Each member of the General Assembly shall receive such mileage allowance for the ordinary route of travel in going to and returning from the place where its sessions are held as the General Assembly may provide by law; no General Assembly shall have the power to increase the per diem of its own members; and members of the General Assembly when convened in extra session shall receive the same compensation as is fixed by law for the regular session. (1954 (48) 1856; 1955 (49) 75.)

Editor’s Note

For similar provisions in Constitution of 1868, see Const 1868, Art II, Section 23.

SECTION 20. Elections “viva voce”.

In all elections by the General Assembly or either House thereof, the members shall vote “viva voce”, except by unanimous consent, and their votes thus given shall be entered upon the Journal of the House to which they respectively belong. (1918 (30) 1123; 1919 (31) 40.)

Editor’s Note

For similar provisions in Constitution of 1868, see Const 1868, Art II, Section 24.

SECTION 21. Deleted.

Editor’s Note

This section, entitled “Adjournment”, was deleted by 2007 Act No. 13. As to adjournments during sessions of the General Assembly, see Article III, Section 9.

SECTION 22. Journal; yeas and nays.

Each house shall keep a journal of its own proceedings, and cause the same to be published immediately after its adjournment, excepting such parts as, in its judgment, may require secrecy; and the yeas and nays of the members of either house, on any question, shall, at the desire of ten members of the House or five members of the Senate, respectively, be entered on the journal. Any member of either house shall have liberty to dissent from and protest against any Act or resolution which he may think injurious to the public or to an individual, and have the reasons of his dissent entered on the journal.

Editor's Note

For similar provisions in Constitution of 1868, see Const 1868, Art II, Section 26.

SECTION 23. Doors open.

The doors of each house shall be open, except on such occasions as in the opinion of the House may require secrecy.

Editor's Note

For similar provisions in Constitution of 1868, see Const 1868, Art II, Section 27.

SECTION 24. Dual office holding.

No person is eligible to a seat in the General Assembly while he holds any office or position of profit or trust under this State, the United States of America, or any of them, or under any other power, except officers in the militia, members of lawfully and regularly organized fire departments, constables, and notaries public. If any member accepts or exercises any of the disqualifying offices or positions he shall vacate his seat. (1989 Act No. 9.)

Editor's Note

For similar provisions in Constitution of 1868, see Const 1868, Art II, Section 28.

SECTION 25. Vacancies.

If any election district shall neglect to choose a member or members on the day of election, or if any person chosen a member of either house shall refuse to qualify and take his seat, or shall resign, die, depart the State, accept any disqualifying office or position, or become otherwise disqualified to hold his seat, a writ of election shall be issued by the President of the Senate or Speaker of the House of Representatives, as the case may be, for the purpose of filling the vacancy thereby occasioned for the remainder of the term for which the person so refusing to qualify, resigning, dying, departing the State, or becoming disqualified, was elected to serve, or the defaulting election district ought to have chosen a member or members.

Editor's Note

For similar provisions in Constitution of 1868, see Const 1868, Art II, Section 29.

SECTION 26. Oath of office.

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." (1954 (48) 1852; 1955 (49) 23.)

Editor's Note

The present provisions of this section are identical to Section 5 of Article VI. For similar provisions in Constitution of 1868, see former Art II, Section 30.

SECTION 27. Removal of officer.

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.

Editor's Note

The present provisions of this section are identical to Section 9 of Article VI. For similar provisions in Constitution of 1868, see Const 1868, Art II, Section 31.

SECTION 28. Debtor's exemption from attachment, levy, and sale.

The General Assembly shall enact such laws as will exempt real and personal property of a debtor from attachment, levy and sale under any mesne or final process issued by any court or bankruptcy proceeding. (1981 Act No. 2.)

Editor's Note

See Article X, Section 3 for provisions relating to homestead exemption.

[Notes under former section entitled "Homestead; married woman's exemption; taxes; purchase money; waiver; husband and wife; exemption for unmarried person."]

SECTION 29. Determining personal and real property taxes.

Taxes on personal property must be laid upon the actual value of the property taxed, as the same shall be ascertained by an assessment made for the purpose of laying such tax. Taxes on real property must be ascertained by the methods provided by the General Assembly by general law as prescribed in Article X of this Constitution. (2007 Act No. 12.)

Editor's Note

For similar provisions in Constitution of 1868, see Const 1868, Art II, Section 33.

SECTION 30. Extra compensation not permitted; appropriations for repelling invasion.

The General Assembly shall never grant extra compensation, fee or allowance to any public officer, agent, servant or contractor after service rendered, or contract made, nor authorize payment or part payment of any claim under any contract not authorized by law; but appropriations may be made for expenditures in repelling invasion, preventing or suppressing insurrection.

SECTION 31. Public lands.

Lands belonging to or under the control of the State shall never be donated, directly or indirectly, to private corporations or individuals, or to railroad companies. Nor shall such land be sold to corporations, or associations, for a less price than that for which it can be sold to individuals. This, however, shall not prevent the General Assembly from granting a right of way, not exceeding one hundred and fifty feet in width, as a mere easement to railroads across State land, nor to interfere with the discretion of the General Assembly in confirming the title to lands claimed to belong to the State, but used or possessed by other parties under an adverse claim.

SECTION 32. Deleted.

Editor's Note

This section, entitled "Salary of deceased officer; pensions", was deleted by 1944 (43) 1569; 1945 (44) 36.

SECTION 33. Reserved by 2010 Act No. 208, Section 1, eff June 2, 2010.

Editor's Note

Former Section 33 was entitled "Age of consent" and was derived from 1999 Act No. 3.

2010 Act No. 208, Section 1, provides:

“The amendment to Section 33, Article III of the Constitution of South Carolina, 1895, prepared under the terms of Joint Resolution 118 of 2007, having been submitted to the qualified electors at the General Election of 2008 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 33, Article III is amended to read: ‘Section 33 (Reserved)’”.

SECTION 34. Special laws prohibited.

The General Assembly of this State shall not enact local or special laws concerning any of the following subjects or for any of the following purposes, to wit:

- I. To change the names of persons or places.
- II. To incorporate cities, towns or villages, or change, amend or extend charter thereof.
- III. To incorporate educational, religious, charitable, social, manufacturing or banking institutions not under the control of the State, or amend or extend the charters thereof.
- IV. To incorporate school districts.
- V. To authorize the adoption or legitimation of children.
- VI. To provide for the protection of game.
- VII. To summon and empanel grand or petit jurors; provided, that tales boxes may be eliminated by special act in York County.
- VIII. Eliminated. (1920 (31) 1700; 1921 (32) 191; 1934 (38) 1623; 1935 (39) 27.)
- IX. In all other cases, where a general law can be made applicable, no special law shall be enacted: Provided, That the General Assembly may enact local or special laws fixing the amount and manner of compensation to be paid to the County Officers of the several counties of the State, and may provide that the fees collected by any such officer, or officers, shall be paid into the treasury of the respective counties.
- X. The General Assembly shall forthwith enact general laws concerning said subjects for said purposes, which shall be uniform in their operations: Provided, That nothing contained in this section shall prohibit the General Assembly from enacting special provisions in general laws.
- XI. The provisions of this Section shall not apply to charitable and educational corporations where, under the terms of a gift, devise or will, special incorporation may be required.

Provided, That the General Assembly is empowered to divide the State into as many zones as may appear practicable, and to enact legislation as may appear proper for the protection of game in the several zones.

Provided, further, that the General Assembly is empowered to divide the State into as many districts as may appear practicable, and to enact legislation as may appear proper for the protection of forestry in the several districts.

Provided, there is hereby created a civil service commission in the City of Spartanburg for the benefit of the police department, including its chief, and fire department, including its chief, under such terms and conditions as prescribed by the General Assembly.

Provided, that the City of Gaffney may establish a civil service commission for the benefit of such municipal employees as may be designated by the Gaffney City Council, under such terms and conditions as prescribed by the General Assembly. (1904 (24) 676; 1905 (24) 59; 1934 (38) 1625; 1935 (39) 24; 1934 (38) 1626; 1935 (39) 153; 1957 (50) 2785; 1959 (51) 9; 1962 (52) 2313; 1963 (53) 23; 1964 (53) 3286; 1965 (54) 41; 1972 (57) 3494; 1973 (58) 26.)

SECTION 35. Lands owned by aliens.

It shall be the duty of the General Assembly to enact laws limiting the number of acres of land which any alien or any corporation controlled by aliens may own within this State.

SECTION 36. General reserve fund; capital reserve fund.

(A) The General Assembly shall provide for a General Reserve Fund of seven percent of the general fund revenue of the latest completed fiscal year. The seven percent requirement shall be achieved by increasing the percentage requirement by a cumulative one-half of one percent of general fund revenue in each fiscal

year succeeding the last fiscal year to which the five percent requirement applied until the percentage of revenue in the General Reserve Fund equals the seven percent requirement, which shall thereafter be maintained. Funds may be withdrawn from the reserve only for the purpose of covering operating deficits of state government. The General Assembly must provide for the orderly restoration of funds withdrawn from the reserve from future revenues and out of funds accumulating in excess of annual operating expenditures.

(1) The General Assembly shall provide by law for a procedure to survey the progress of the collection of revenue and the expenditure of funds and to authorize and direct reduction of appropriations as may be necessary to prevent a deficit.

(2) In the event of a year-end operating deficit, so much of the reserve fund as may be necessary must be used to cover the deficit; and the amount must be restored to the reserve fund within five fiscal years out of future revenues until the seven percent, or the applicable percentage amount required to be transferred to the General Reserve Fund, is again reached and maintained. Provided that a minimum of one percent of the general fund revenue of the latest completed fiscal year, if so much is necessary, must be restored to the reserve fund each year following the deficit until the seven percent, or the applicable percentage amount required by general law to be transferred to the General Reserve Fund, is restored.

(B) The General Assembly, in the annual general appropriations act, shall appropriate, out of the estimated revenue of the general fund for the fiscal year for which the appropriations are made, into a Capital Reserve Fund, which is separate and distinct from the General Reserve Fund, an amount equal to three percent of the general fund revenue of the latest completed fiscal year.

(1) The General Assembly must provide by law that if before March first the revenue forecast for the current fiscal year projects that revenues at the end of the fiscal year will be less than expenditures authorized by appropriation for that year, then the current year's appropriation to the Capital Reserve Fund first must be reduced to the extent necessary before mandating any reductions in operating appropriations.

(2) After March first of a fiscal year, monies from the Capital Reserve Fund may be appropriated by the General Assembly in separate legislation upon an affirmative vote in each branch of the General Assembly by two-thirds of the members present and voting, but not less than three-fifths of the total membership in each branch for the following purposes:

- (a) to finance in cash previously authorized capital improvement bond projects;
- (b) to retire interest or principal on bonds previously issued;
- (c) for capital improvements or other nonrecurring purposes.

(3)(a) Any appropriation of monies from the Capital Reserve Fund as provided in this subsection must be ranked in priority of expenditure and is effective thirty days after completion of the fiscal year. If it is determined that the fiscal year has ended with an operating deficit, then the monies appropriated from the Capital Reserve Fund must be reduced based on the rank of priority, beginning with the lowest priority, to the extent necessary and applied to the year-end operating deficit before withdrawing monies from the General Reserve Fund.

(b) At the end of the fiscal year, any monies in the Capital Reserve Fund that are not appropriated as provided in this subsection or any appropriation for a particular project or item which has been reduced due to application of the monies to a year-end deficit must lapse and be credited to the general fund.

HISTORY: 1979 Act No. 34; 1985 Act No. 10; 1989 Act No. 1; 2012 Act No. 152, Section Section 1.A, 1.B, eff May 8, 2012; 2023 Act No. 5 (S.381), Section Section 1.A, 1.B, eff February 28, 2023.

Editor's Note

2012 Act No. 152, Section Section 1.A. and 1.B, provide as follows:

“SECTION 1.A. The amendment to Section 36(A), Article III of the Constitution of South Carolina, 1895, prepared under the terms of Joint Resolution 296 of 2010, having been submitted to the qualified electors at the General Election of 2010 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 36(A), Article III is amended to read: [text of amendment appears]”.

“SECTION 1.B. The amendment to Section 36(B), Article III of the Constitution of South Carolina, 1895, prepared under the terms of Joint Resolution 296 of 2010, having been submitted to the qualified electors at the General Election of 2010 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 36(B), Article III is amended to read: [text of amendment appears]”.

2023 Act No. 5, Section Section 1.A and 1.B, provide as follows:

“SECTION 1.A. The amendment to Section 36(A), Article III of the Constitution of South Carolina, 1895, prepared under the terms of Joint Resolution 1106 of 2022, having been submitted to the qualified electors at the General Election of 2022 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 36(A), Article III is amended to read: [text of amendment appears]”.

“[SECTION 1.]B. The amendment to Section 36(B), Article III of the Constitution of South Carolina, 1895, prepared under the terms of Joint Resolution 1106 of 2022, having been submitted to the qualified electors at the General Election of 2022 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 36(B), Article III is amended to read: [text of amendment appears]”

Effect of Amendment

The 2012 amendment rewrote the section.

2023 Act No. 5, Section 1.A, in (A), substituted “seven percent” for “five percent” in five places, in the second sentence, substituted “five percent” for “three percent”, and made a nonsubstantive change.

2023 Act No. 5, Section 1.B, rewrote (B).

SECTION 37. Election of President to preside over Senate.

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.

HISTORY: 2014 Act No. 214 (S.446), Section 1.B, eff November 6, 2018.

Editor’s Note

2014 Act No. 214, Section 1.B, provides as follows:

“B. The amendment to Article III of the Constitution of South Carolina, 1895, prepared under the terms of Joint Resolution 289 of 2012, having been submitted to the qualified electors at the General Election of 2012 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 37 as added to Article III reads: [text of section].”