**South Carolina General Assembly**

118th Session, 2009-2010

**S. 129**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Senators Sheheen, Campsen, Rose, Bryant, Massey, Davis and Bright

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Companion/Similar bill(s): 158, 160, 161, 163, 164, 165, 3145, 3276, 3280

Introduced in the Senate on January 13, 2009

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

Summary: Constitutional officers

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/10/2008 Senate Prefiled

12/10/2008 Senate Referred to Committee on **Judiciary**

1/13/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑130

1/13/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑130

**VERSIONS OF THIS BILL**

[12/10/2008](file:///p:\pprever\2009-10\129_20081210.docx)

**A** **JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI, CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE CONSTITUTIONAL OFFICERS OF THIS STATE, SO AS TO DELETE THE ADJUTANT GENERAL, COMMISSIONER OF AGRICULTURE, AND SUPERINTENDENT OF EDUCATION FROM THE LIST OF STATE OFFICERS WHICH THE CONSTITUTION REQUIRES TO BE ELECTED AND PROVIDE THAT UPON THE EXPIRATION OF THE TERMS OF THESE OFFICERS SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, THEY MUST BE APPOINTED BY THE GOVERNOR, UPON THE ADVICE AND CONSENT OF THE SENATE, TO SERVE AT HIS PLEASURE AND TO BE REMOVABLE BY HIM FOR ANY REASON; PROPOSING AN AMENDMENT TO SECTION 4, ARTICLE XIII, RELATING TO THE ADJUTANT GENERAL AND HIS STAFF OFFICERS, SO AS TO UPDATE REFERENCES TO HIS TITLE AND MILITARY RANK, AND TO PROVIDE THAT UPON THE EXPIRATION OF THE TERM OF THE ADJUTANT GENERAL SERVING IN OFFICE ON THE DATE OF THE RATIFICATION OF THIS PROVISION, HE MUST BE APPOINTED BY THE GOVERNOR IN THE MANNER REQUIRED BY SECTION 7, ARTICLE VI; PROPOSING AN AMENDMENT BY ADDING SECTION 7A TO ARTICLE VI, RELATING TO STATE OFFICERS, SO AS TO ABOLISH THE OFFICE OF SECRETARY OF STATE, AND PROVIDE FOR ITS FUNCTIONS AND DUTIES TO BE DEVOLVED UPON THE ATTORNEY GENERAL IN THE MANNER THE GENERAL ASSEMBLY SHALL PROVIDE BY LAW; AND PROPOSING AN AMENDMENT TO SECTION 1, ARTICLE XI, RELATING TO THE STATE BOARD OF EDUCATION, SO AS TO ABOLISH THE BOARD EFFECTIVE UPON THE STATE SUPERINTENDENT OF EDUCATION BEING APPOINTED BY THE GOVERNOR.

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

Part I

Adjutant General

SECTION 1. It is proposed that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end:

“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, to serve at his pleasure and to be removable by him for any reason.”

SECTION 2. It is proposed that Section 4, Article XIII of the Constitution of this State be amended to read:

“Section 4. There ~~shall~~ must be an Adjutant ~~and Inspector~~ General elected by the qualified electors of the State at the same time and in the same manner as other state officers, who shall rank as ~~Brigadier~~ Major General, and whose duties and compensation ~~shall be~~ are prescribed by law. The Governor ~~shall~~, by and with the advice and consent of the Senate, shall appoint ~~such other~~ staff officers as the General Assembly may direct.

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 in the manner provided in Section 7, Article VI.”

SECTION 3. The proposed amendments in Sections 1 and 2 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 7, Article VI of the Constitution of this State relating to state constitutional officers and Section 4, Article XIII relating to the Adjutant General and his staff officers be amended so as to update references to his title and military rank, delete the Adjutant General from the list of state officers which the Constitution requires to be elected, and provide that upon the expiration of the term of the Adjutant General serving in office on the date of the ratification of this provision, the Adjutant General must be appointed by the Governor, upon the advice and consent of the Senate, to serve at his pleasure and to be removable by him for any reason?

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’.”

Part II

Commissioner of Agriculture

SECTION 4. It is proposed that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end:

“Beginning upon the expiration of the term of the Commissioner of Agriculture serving in office on the date of the ratification of the provisions of this paragraph, the Commissioner of Agriculture must be appointed by the Governor, upon the advice and consent of the Senate, to serve at his pleasure and to be removable by him for any reason.”

SECTION 5. The proposed amendment in Section 4 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 7, Article VI of the Constitution of this State relating to state constitutional officers be amended so as to delete the Commissioner of Agriculture from the list of state officers which the Constitution requires to be elected and provide that upon the expiration of the term of the Commissioner of Agriculture serving in office on the date of the ratification of this provision, the commissioner must be appointed by the Governor, upon the advice and consent of the Senate, to serve at his pleasure and to be removable by him for any reason?

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’.”

Part III

Secretary of State

SECTION 6. It is proposed that Article VI of the Constitution of South Carolina, 1895, be amended by adding:

“Section 7A. Notwithstanding the provisions of Sections 6 and 7 of this article and Section 12 of Article IV or any other provision of this Constitution, the office of Secretary of State is abolished upon the expiration of the term of the Secretary of State serving in office on the date of the ratification of this section. The functions and duties of the Secretary of State must be devolved upon the Attorney General in the manner that the General Assembly shall provide by law.”

SECTION 7. The proposed amendment in Section 6 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 ballots:

“Must Article VI of the Constitution of this State be amended by adding Section 7A so as to abolish the office of Secretary of State upon the expiration of the term of the Secretary of State serving in office on the date of the ratification of this section, and provide that the functions and duties of the office must be devolved upon the Attorney General in the manner that the General Assembly shall provide by law?

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’.”

Part IV

Superintendent of Education and

State Board of Education

SECTION 8. It is proposed that Section 7, Article VI of the Constitution of this State be amended by adding the following new paragraph at the end:

“Beginning upon the expiration of the term of the Superintendent of Education serving in office on the date of the ratification of the provisions of this paragraph, the Superintendent of Education must be appointed by the Governor, upon the advice and consent of the Senate, to serve at his pleasure and to be removable by him for any reason.”

SECTION 9. The proposed amendment in Section 8 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 7, Article VI of the Constitution of this State relating to state constitutional officers be amended so as to delete the Superintendent of Education from the list of state officers which the Constitution requires to be elected and provide that upon the expiration of the term of the Superintendent of Education serving in office on the date of the ratification of this provision, the superintendent must be appointed by the Governor, upon the advice and consent of the Senate, to serve at his pleasure and to be removable by him for any reason?

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’.”

SECTION 10. It is proposed that Section 1, Article XI of the Constitution of this State be amended by adding the following new paragraph at the end:

“Effective upon the State Superintendent of Education being appointed by the Governor as provided in this Constitution, the State Board of Education is abolished.”

SECTION 11. The proposed amendment in Section 10 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 1, Article XI of the Constitution of this State, relating to the State Board of Education, be amended so as to abolish the board effective upon the State Superintendent of Education being appointed by the Governor?

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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