**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3546**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Reps. Umphlett, Duncan and M.A. Pitts

Document Path: l:\council\bills\ms\7151zw09.docx

Introduced in the House on February 17, 2009

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

Summary: Dual officeholders

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/17/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\02-17-09.docx)‑6

2/17/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\02-17-09.docx)‑6

**VERSIONS OF THIS BILL**

[2/17/2009](file:///p:\pprever\2009-10\3546_20090217.docx)

**A** **JOINT RESOLUTION**

TO PROPOSE AN AMENDMENT TO SECTION 24 OF ARTICLE III, SECTION 3 OF ARTICLE VI, AND SECTION 1A OF ARTICLE XVII TO THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO DUAL OFFICEHOLDING AND QUALIFICATION FOR OFFICE, SO AS TO PROVIDE THAT THE PROHIBITION AGAINST HOLDING TWO OFFICES DOES NOT APPLY TO COMMISSIONED LAW ENFORCEMENT OFFICERS OR CORRECTIONS OFFICERS EMPLOYED BY A COUNTY AND MUNICIPAL POLICE OFFICERS EMPLOYED IN A COUNTY IN WHICH THEY DO NOT RESIDE WHO HOLD ANOTHER OFFICE.

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

SECTION 1. It is proposed that Section 24 of Article III of the Constitution of this State be amended to read:

“Section 24. 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, commissioned law enforcement officers or corrections officers who hold public office in a political subdivision other than the one in which they serve as a law enforcement or corrections officer, and notaries public. If any member accepts or exercises any of the disqualifying offices or positions he shall vacate his seat.”

SECTION 2. The proposed amendment 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 Section 24 of Article III of the Constitution of this State be amended so as to add commissioned law enforcement and corrections officers who hold public office in a political subdivision other than the one in which they serve as a law enforcement or corrections officer as persons who are exempt from the prohibition against members of the General Assembly holding two offices?

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 3. It is proposed that Section 3 of Article VI of the Constitution of this State be amended to read:

“Section 3. 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, commissioned law enforcement officers or corrections officers who hold public office in a political subdivision other than the one in which they serve as a law enforcement or corrections officer, or delegates to a Constitutional Convention.”

SECTION 4. The proposed amendment 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 Section 3, Article VI of the Constitution of this State be amended so as to provide that the prohibition against dual officeholding does not apply to commissioned law enforcement and corrections officers who hold public office in a political subdivision other than the one in which they serve as a law enforcement or corrections officer?

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 5. It is proposed that Section 1A of Article XVII of the Constitution of this State be amended to read:

“Section 1A. Every qualified elector is eligible to any office to be voted for, unless disqualified by age, as prescribed in this Constitution. No person may hold two offices of honor or profit at the same time, but any person holding another office may at the same time be an officer in the militia, member of a lawfully and regularly organized fire department, constable, commissioned law enforcement officer or corrections officer who hold public office in a political subdivision other than the one in which they serve as a law enforcement or corrections officer, or a notary public. The limitation above set forth ‘No person may hold two offices of honor or profit at the same time,’ does not apply to the circuit judges of the State under the circumstances stated in this section, but whenever it appears that any or all of the Justices of the Supreme Court are disqualified or otherwise prevented from presiding in any cause for the reasons set forth in Section 6 of Article V of the Constitution, the Chief Justice or in his stead the Senior Associate Justice when available shall designate the requisite number of circuit judges for the hearing and determination of the hearing. The limitation above set forth does not prohibit any officeholder from being a delegate to a Constitutional Convention.”

SECTION 6. The proposed amendment 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 Section 1A of Article XVII of the Constitution of this State be amended so as to provide that the prohibition against dual officeholding does not apply to commissioned law enforcement and corrections officers who hold public office in a political subdivision other than the one in which they serve as a law enforcement or corrections officer?

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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