**South Carolina General Assembly**

119th Session, 2011-2012

**S. 72**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Senator Thomas

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Introduced in the Senate on January 11, 2011

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

Summary: Constitutional amendment proposed

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/1/2010 Senate Prefiled

12/1/2010 Senate Referred to Committee on **Judiciary**

1/11/2011 Senate Introduced and read first time ([Senate Journal‑page 36](file:///h:\sj%20archive\2011\01-11-11.docx))

1/11/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 36](file:///h:\sj%20archive\2011\01-11-11.docx))

**VERSIONS OF THIS BILL**

[12/1/2010](file:///p:\pprever\2011-12\72_20101201.docx)

**A** **JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE III OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO QUALIFICATIONS OF MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES, SO AS TO PROVIDE THAT BEGINNING WITH THE GENERAL ELECTION OF 2014, ANY PERSON WHO HAS SERVED AT LEAST FOUR FULL TERMS IN THE HOUSE OF REPRESENTATIVES OR WHO HAS SERVED AT LEAST TWELVE YEARS IN THE GENERAL ASSEMBLY IN EITHER THE HOUSE OF REPRESENTATIVES OR THE SENATE, IS NOT ELIGIBLE TO SERVE AS A MEMBER OF THE HOUSE OF REPRESENTATIVES, AND TO PHASE THIS PROVISION IN ON A STAGGERED BASIS BASED ON HOUSE SENIORITY, AND TO PROVIDE THAT BEGINNING WITH THE GENERAL ELECTION OF 2014, ANY PERSON WHO HAS SERVED AT LEAST TWO FULL TERMS IN THE SENATE OR WHO HAS SERVED AT LEAST TWELVE YEARS IN THE GENERAL ASSEMBLY IN EITHER THE HOUSE OR THE SENATE, IS NOT ELIGIBLE TO SERVE AS A MEMBER OF THE SENATE, AND TO PHASE THIS PROVISION IN ON A STAGGERED BASIS BASED ON SENATE SENIORITY; BY PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE IV, RELATING TO THE ELECTION, TERM, AND QUALIFICATIONS FOR THE OFFICE OF LIEUTENANT GOVERNOR, SO AS TO PROVIDE THAT BEGINNING WITH THE 2014 GENERAL ELECTION, A PERSON MAY NOT BE ELECTED LIEUTENANT GOVERNOR FOR MORE THAN TWO SUCCESSIVE TERMS; BY PROPOSING AN AMENDMENT TO SECTION 24, ARTICLE V, RELATING TO, AMONG OTHER THINGS, THE OFFICE OF CIRCUIT SOLICITOR AND THE TERM THEREFORE, SO AS TO PROVIDE THAT BEGINNING WITH A PERSON ELECTED CIRCUIT SOLICITOR IN THE 2014 GENERAL ELECTION, A PERSON MAY NOT BE ELECTED CIRCUIT SOLICITOR FOR MORE THAN TWO SUCCESSIVE TERMS; AND BY PROPOSING AN AMENDMENT TO SECTION 7, ARTICLE VI, RELATING TO THE TERMS AND COMPENSATION OF THE OFFICES OF SECRETARY OF STATE, ATTORNEY GENERAL, TREASURER, SUPERINTENDENT OF EDUCATION, COMPTROLLER GENERAL, COMMISSIONER OF AGRICULTURE, AND ADJUTANT GENERAL, SO AS TO PROVIDE THAT BEGINNING WITH PERSONS ELECTED TO THESE OFFICES IN THE 2014 GENERAL ELECTION, A PERSON MAY NOT BE ELECTED TO ANY ONE OF THESE OFFICES FOR MORE THAN TWO SUCCESSIVE TERMS.

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

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

“Persons who have previous service in the General Assembly are not eligible to serve as a member of the House of Representatives as follows:

(1) Beginning with the 2014 general election, of the current members of the House who have served at least four full terms in the House of Representatives or who have served at least twelve years in the General Assembly in either the House or the Senate, the one‑third most senior in terms of House service are not eligible to serve as a member of the House of Representatives. This provision also applies beginning with the 2014 general election to all former members of the General Assembly who come within the service prohibitions of this item.

(2) Beginning with the 2016 general election, of the current members of the House who have served at least four full terms in the House of Representatives or who have served at least twelve years in the General Assembly in either the House or the Senate, the one‑third most senior in terms of House service are not eligible to serve as a member of the House of Representatives.

(3) Beginning with the 2018 general election, of the current members of the House who have served at least four full terms in the House of Representatives or who have served at least twelve years in the General Assembly in either the House or the Senate, the one‑third most senior in terms of House service are not eligible to serve as a member of the House of Representatives.

(4) Beginning with the 2020 general election, any person who has served at least four full terms in the House of Representatives or who has served at least twelve years in the General Assembly in either the House or the Senate, is not eligible to serve as a member of the House of Representatives.”

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 ballot:

“Must Section 7, Article III of the Constitution of this State, relating to qualifications of members of the Senate and House of Representatives, be amended so as to provide that persons who have previous service in the General Assembly are not eligible to serve as a member of the House of Representatives as follows:

(1) Beginning with the 2014 general election, of the current members of the House who have served at least four full terms in the House of Representatives or who have served at least twelve years in the General Assembly in either the House or the Senate, the one‑third most senior in terms of House service are not eligible to serve as a member of the House of Representatives. This provision also applies beginning with the 2014 general election to all former members of the General Assembly who come within the service prohibitions of this item.

(2) Beginning with the 2016 general election, of the current members of the House who have served at least four full terms in the House of Representatives or who have served at least twelve years in the General Assembly in either the House or the Senate, the one‑third most senior in terms of House service are not eligible to serve as a member of the House of Representatives.

(3) Beginning with the 2018 general election, of the current members of the House who have served at least four full terms in the House of Representatives or who have served at least twelve years in the General Assembly in either the House or the Senate, the one‑third most senior in terms of House service are not eligible to serve as a member of the House of Representatives.

(4) Beginning with the 2020 general election, any person who has served at least four full terms in the House of Representatives or who has served at least twelve years in the General Assembly in either the House or the Senate, is not eligible to serve as a member of the House of Representatives?

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 7, Article III of the Constitution of this State be amended by adding a new paragraph at the end to read:

“Persons who have previous service in the General Assembly are not eligible to serve as a member of the Senate as follows:

(1) Beginning with the 2016 general election, of the current members of the Senate who have served at least two full terms in the Senate or who have served at least twelve years in the General Assembly in either the House or the Senate, the one‑half most senior in terms of Senate service are not eligible to serve as a member of the Senate. This provision also applies beginning with the 2016 general election to all former members of the General Assembly who come within the service prohibitions of this item.

(2) Beginning with the 2020 general election, of the current members of the Senate who have served at least two full terms in the Senate or who have served at least twelve years in the General Assembly in either the House or the Senate, the one‑half most senior in terms of Senate service are not eligible to serve as a member of the Senate.

(3) Beginning with the 2024 general election, any person who has served at least two full terms in the Senate or who has served at least twelve years in the General Assembly in either the House or the Senate, is not eligible to serve in the Senate.”

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 ballot:

“Must Section 7, Article III of the Constitution of this State, relating to qualifications of members of the Senate and House of Representatives, be amended so as to provide that persons who have previous service in the General Assembly are not eligible to serve as a member of the Senate as follows:

(1) Beginning with the 2016 general election, of the current members of the Senate who have served at least two full terms in the Senate or who have served at least twelve years in the General Assembly in either the House or the Senate, the one‑half most senior in terms of Senate service are not eligible to serve as a member of the Senate. This provision also applies beginning with the 2016 general election to all former members of the General Assembly who come within the service prohibitions of this item.

(2) Beginning with the 2020 general election, of the current members of the Senate who have served at least two full terms in the Senate or who have served at least twelve years in the General Assembly in either the House or the Senate, the one‑half most senior in terms of Senate service are not eligible to serve as a member of the Senate.

(3) Beginning with the 2024 general election, any person who has served at least two full terms in the Senate or who has served at least twelve years in the General Assembly in either the House or the Senate, is not eligible to serve in the Senate?

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 8, Article IV of the Constitution of this State be amended to read:

“Section 8. A Lieutenant Governor  ~~shall~~ must be chosen at the same time, in the same manner, continue in office for the same period, and be possessed of the same qualifications as the Governor.

Beginning with the person elected Lieutenant Governor in the general election of 2014, a person may not be elected Lieutenant Governor for more than two successive terms.”

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 ballot:

“Must Section 8, Article IV of the Constitution of this State, relating to the election, qualifications, and term of the Lieutenant Governor be amended so as to provide that beginning with the person elected Lieutenant Governor in the 2014 general election, a person may not be elected Lieutenant Governor for more than two successive terms?

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 7. It is proposed that the first paragraph of Section 24, Article V of the Constitution of this State, be amended to read:

“Section 24. There shall be elected in each county by the electors thereof a clerk of the circuit court, a sheriff, and a coroner; and in each judicial circuit a solicitor shall be elected by the electors thereof. Beginning with persons elected circuit solicitor in the 2014 general election, a person may not be elected solicitor for more than two successive terms. All of these officers shall serve for terms of four years and until their successors are elected and qualify. The General Assembly shall provide by law for their duties and compensation.”

SECTION 8. 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 ballot:

“Must the first paragraph of Section 24, Article V of the Constitution of this State relating to certain county officers and circuit solicitors be amended so as to provide that beginning with persons elected circuit solicitor in the 2014 general election, a person may not be elected circuit solicitor for more than two successive terms?

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 9. It is proposed that Section 7, Article VI of the Constitution of this State be amended to read:

“Section 7. There ~~shall~~ must 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~~ these offices ~~shall~~ must be prescribed by law and their compensation shall be neither increased nor diminished during the period for which they shall have been elected.

Beginning with persons elected Secretary of State, Attorney General, Treasurer, Superintendent of Education, Comptroller General, Commissioner of Agriculture, and Adjutant General in the 2014 general election, a person may not be elected to any one of these offices for more than two successive terms.”

SECTION 10. 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 ballot:

“Must Section 7, Article VI of the Constitution of this State, relating to statewide elected officers, be amended so as to provide that beginning with the persons elected in the 2014 general election as Secretary of State, Attorney General, Treasurer, Superintendent of Education, Comptroller General, Commissioner of Agriculture, and Adjutant General, a person may not be elected to any one of these offices for more than two successive terms?

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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