
From: Ed DeVilbiss <eddevilbiss@gmail.com>
Sent: Saturday, December 17, 2016 2:22 PM
Subject: Fwd: Tom Davis Letter to the Editor on Lt. Gov. issue and links to news articles

Friends,

The attached summarizes the current South Carolina succession issue resulting from Nikki Haley taking the position as Ambassador to the UN. ED

**PRESIDENT PRO TEM SHOULD FULFILL OATH, OR STEP DOWN –
REPRINT of Letter to the Editor from Senator Tom Davis; Page 7A; Island Packet, 12-13-2016**

On Dec. 6, the Senate voted 34-9 to re-elect Senate Finance Chairman Hugh Leatherman as president pro tempore. Sen. Tom Davis entered a statement in the official Senate Journal to explain why he was one of the nine who voted “no.” A slightly adapted version of that statement is below:

The office of president pro tempore in the Senate confers extraordinary powers to its occupant, ranging from appointments to state agencies and legislative conference committees, and beyond. That office also, however, confers substantial obligations upon its holder, including the obligation to ascend to and discharge the duties of Lieutenant Governor in the event that office becomes vacant. By way of illustration, I would point to the words of then-President Pro Tempore Glenn McConnell immediately prior to his “ascension” upon Lt. Gov. Ard’s resignation:

“... What I do today is what every person who seeks and holds office should be prepared to do — fulfill the oath of office we made to discharge the duties of the office to which we are elected and uphold the constitution of this state and the United States...”

Sen. Leatherman sent a letter to all members of the Senate last week stating that under no circumstances would he ascend to the office of lieutenant governor in the event that office became vacant while he served as the president pro tempore — a material declaration of intent given Gov. Nikki Haley’s nomination by President-elect Donald Trump to serve as UN ambassador and the vacancy in the office of lieutenant governor that would ensue when Gov. Haley is confirmed for that federal position.

Senator Leatherman’s desire to exercise the benefits of the office of president pro tempore and to avoid discharging this burden stands in stark contrast to the position expressed by Sen. McConnell, in particular the following portion, which bears repeating:

“Today we remind the public that oaths of office matter and people should and can expect that whoever takes the oath of office as President Pro Tempore will do as they swore to do and fulfill the constitutional duty of becoming Lt. Governor, if there is a permanent vacancy in that office.

“Today I simply perform the duty I swore to do when I took the oath of office as President Pro Tempore.”

And this is why I was one of today’s nine “No” votes. —

Sen. Tom Davis
Beaufort

Some News Articles about Senator Davis’s request of the South Carolina Supreme Court to clarify the gubernatorial succession process.

http://www.postandcourier.com/politics/state-senator-asks-supreme-court-to-weigh-in-on-lieutenant/article_4a30e2ba-c0a3-11e6-b309-33dc318b28d2.html
<http://www.thestate.com/news/politics-government/article120475743.html>