

THE STATE OF SOUTH CAROLINA
IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

Tom Davis, individually, and as a Citizen, Resident,
Taxpayer, Qualified Elector and State Senator of
South Carolina Petitioner,

v.

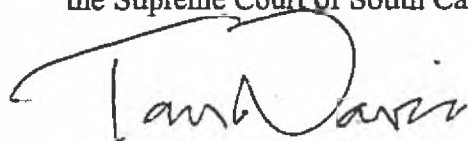
Hugh K. Leatherman, Sr., in his capacity as President
Pro Tempore of the South Carolina Senate; James
H. Lucas, in his capacity as Speaker of the South
Carolina House of Representatives and as a member
of the Legislative Council; Henry D. McMaster, in
capacity as Lieutenant Governor and President of the
South Carolina Senate and as a member of the
Legislative Council; Nikki R. Haley, in her capacity
as Governor of South Carolina; Alan M. Wilson, in
his capacity as Attorney General of the State of South
Carolina; Luke A. Rankin, in his capacity as a member
of the Legislative Council; F. Gregory Delleney, Jr., in
his capacity as a member of the Legislative Council;
Mark Hammond, in his capacity as a member of the
Legislative Council; and the State of South Carolina Respondents.

NOTICE OF PETITION FOR ORIGINAL JURISDICTION

TO: THE RESPONDENTS ABOVE-NAMED

YOU ARE HEREBY PROVIDED NOTICE, pursuant to Rule 245(c) of the South Carolina Appellate Rules, of the petition that the Petitioner has filed with the Supreme Court of South Carolina, requesting that it authorize the prosecution of the attached Complaint within its original jurisdiction; if you oppose this petition, you shall have twenty (20) days, commencing from the date of service, to file an original and six (6) copies of your return with the Clerk of the Supreme Court of South Carolina, and to also within such time serve a copy of your return on the Petitioner at his offices at 1001 Craven Street, Beaufort, South Carolina, and your failure to file a

timely return in this manner may be deemed to be consent by you to the matter being heard by the Supreme Court of South Carolina in its original jurisdiction.

A handwritten signature in black ink, appearing to read "Tom Davis", written over a horizontal line.

Tom Davis

1001 Craven Street

Beaufort, SC 29902

(843) 524-3109

tdavis@harveyandbattey.com

December 12, 2016

Handwritten initials "TDG" and the date "2/12" in black ink.

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THE STATE OF SOUTH CAROLINA
IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

Tom Davis, individually, and as a Citizen, Resident,
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his capacity as a member of the Legislative Council;
Mark Hammond, in his capacity as a member of the
Legislative Council; and the State of South Carolina Respondents.

PETITION FOR ORIGINAL JURISDICTION

The Petitioner requests this Court authorize the prosecution of the attached Complaint within its original jurisdiction pursuant to Rule 245 of the South Carolina Appellate Court Rules, S.C. Code Ann. § 14-3-310 and S.C. Const. art. V, § 5. As required by the appellate rule, the following are attached as exhibits: the Complaint (signed), the Notice of Petition (signed), an Affidavit of Petitioner (signed), and a Certificate of Service (unsigned, but to be subsequently signed and filed with this Court after the within pleadings have been served on the Respondents), said exhibits being labeled A, B, C and D, respectively.

Matter Presented for Determination by this Court

Have the provisions of Article III and Article IV of the South Carolina Constitution been amended by virtue of the acts alleged in paragraphs 22 through 31 of the attached Complaint, and if they have, what is the text of those constitutional amendments?

Argument for Original Jurisdiction by this Court

The public interest is plainly involved in this action, in that the General Assembly has ratified and the Legislative Council has enrolled amendments to the South Carolina Constitution that are materially different, both in text and effect, than the people approved in a general election. Further, the Petitioner alleges in the attached Complaint that, unless this Court adjudicates this matter, actions taken by constitutional officers of the state can be construed to be in violation of the text of the amendments to the South Carolina Constitution as such were ratified by the General Assembly.

This goes to the very heart of constitutional governance; the people's will, legitimately exercised through the manner authorized by the state constitution, has not been effected. The people clearly intended for amendments to Article III and Article IV to be effective after the joint election of the Governor and the Lieutenant Governor at the general election in 2018, but this is not what the constitutional amendments are ratified by the General Assembly provide. The public interest of all of South Carolina would be best served and protected by proceeding in this Court's original jurisdiction, in that a final determination of the issues raised by this case can be expeditiously reached. The Petitioner's request for declaratory judgment may be resolved by rulings on legal issues without the need for this Court to make specific findings of fact. Also, because this Court is likely to ultimately decide the merits of this case, the exigencies of time, judicial economy, and fairness warrant it taking original jurisdiction of this case.

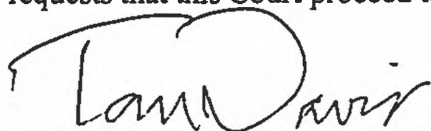
Under Rule 245 of the South Carolina Appellate Court Rules, this Court may assume jurisdiction when "...the public interest is involved, or if special grounds of emergency or other good reasons exist why the original jurisdiction of the Supreme Court should be exercised...." See also S.C. Const. art. V, § 5; *Key v. Currie*, 305 S.C. 115, 406 S.E.2d 356 (1991). This Court has exercised its authority in the original jurisdiction in a number of recent cases that involved the public interest. See, e.g., *South Carolina State Ports Authority v. Jasper County*, 368 S.C. 388, 629 S.E.2d 624 (2006) (deciding whether the Ports Authority condemnation power is superior to that of Jasper County); *Westside Quik Shop v. Steward*, 341 S.C. 297, 534 S.E.2d 270 (2000) (deciding a challenge to video gaming law); *Hodges v. Rainey*, 341 S.C. 79, 533 S.E.2d 270 (2000) (determining the Governor's authority to remove Public Service Authority members); and *Doe v. Condon*, 341 S.C. 22, 532 S.E.2d 879 (2000) (determining whether certain activities constitute the unauthorized practice of law).

Sloan v. Wilkins, 362 S.C. 430, 608 S.E.2d 579, is instructive; there, an action was commenced by a private individual before this Court in its original jurisdiction, to determine if an act violated the one subject requirement of Article III, section 17, of the South Carolina Constitution, and this Court exercised jurisdiction and recognized standing to sue, holding:

“As a general principle, a private individual may not invoke the judicial power to determine the validity of an executive or legislative act unless the private individual can show that, as a result of that action, a direct injury has been sustained, or that there is immediate danger a direct injury will be sustained. Joytime Distribs. & Amusement Co., Inc. v. State, 338 S.C. 634, 639, 528 S.E.2d 647, 649–650 (1999). However, “the rule [of standing] is not an inflexible one.” Thompson v. South Carolina Comm’n on Alcohol & Drug Abuse, 267 S.C. 463, 467, 229 S.E.2d 718, 719 (1976). Standing may be conferred upon a party “when an issue is of such public importance as to require its resolution for future guidance.” Baird v. Charleston County, 333 S.C. 519, 531, 511 S.E.2d 69, 75 (1999). Recently, both this Court and the Court of Appeals have granted standing in cases of important public interest. See Sloan v. Sanford, 357 S.C. 431, 593 S.E.2d 470 (2004) (standing to challenge governor’s commission as an officer in the Air Force reserve); Sloan v. Greenville County, 356 S.C. 531, 548, 590 S.E.2d 338, 347 (Ct.App.2003) (standing to bring declaratory judgment action alleging county failed to 437 comply with ordinances governing procurement of construction services on design-build public works projects).

“In light of the great public importance of this matter, we find Sloan has standing to maintain this action.”

Similarly, the within matter is also of “great public importance,” and the Petitioner respectfully requests that this Court proceed to consider the matter in its original jurisdiction.



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SC Bar #1603

December 12, 2016




EXHIBIT A
(TO THE PETITION)

THE STATE OF SOUTH CAROLINA
IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

Tom Davis, individually, and as a Citizen, Resident,
Taxpayer, Qualified Elector and State Senator of
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v.

Hugh K. Leatherman, Sr., in his capacity as President
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his capacity as Attorney General of the State of South
Carolina; Luke A. Rankin, in his capacity as a member
of the Legislative Council; F. Gregory Delleney, Jr., in
his capacity as a member of the Legislative Council;
Mark Hammond, in his capacity as a member of the
Legislative Council; and the State of South Carolina Respondents.

COMPLAINT

The Petitioner, complaining of the Respondents before the Supreme Court of South Carolina in its original jurisdiction, alleges as follows:

PARTIES

1. The Plaintiff is a citizen, resident, taxpayer, qualified elector, and state senator of South Carolina.

2. The Respondent James H. Lucas is the Speaker of the South Carolina House of Representatives and a member of the Legislative Council.
3. The Respondent Henry D. McMaster is the Lieutenant Governor of South Carolina, the President of the South Carolina Senate, and a member of the Legislative Council.
4. The Respondent Hugh K. Leatherman, Sr., is President Pro Tempore of the South Carolina Senate.
5. The Respondent Nikki R. Haley is the Governor of South Carolina.
6. The Respondent Alan M. Wilson is the Attorney General of South Carolina.
7. The Respondent Luke A. Rankin is a member of the Legislative Council.
8. The Respondent F. Gregory Delleney, Jr., is a member of the Legislative Council.
9. The Respondent Mark Hammond is a member of the Legislative Council.
10. The Respondent State of South Carolina is one of the sovereign states of the United States of America.

NATURE OF THE CASE

11. Section 15-53-30 of the Code of Laws of South Carolina, a portion of the chapter commonly referred to as the Uniform Declaratory Judgments Act, provides as follows:

Any person interested under a deed, will, written contract or other writings constituting a contract or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract or franchise and obtain a declaration of rights, status or other legal relations thereunder.

12. The Petitioner in this declaratory judgment action seeks an answer from this Court to the following question: Have the provisions of Article III and Article IV of the South Carolina Constitution been amended by virtue of the acts alleged in paragraphs 22 through 31, *infra*, and, if they have, what is the text of those constitutional amendments?

STANDING AND JUSTICIABILITY

13. In *Sloan v. Wilkins*, 362 S.C. 430, 608 S.E.2d 579, an action was commenced by a private individual, Edward D. Sloan, Jr., before this Court in its original jurisdiction, to determine whether a legislative act violated the one subject requirement of Article III, section 17, of the South Carolina Constitution, and this Court exercised its original jurisdiction and recognized Sloan's standing to sue, holding:

“As a general principle, a private individual may not invoke the judicial power to determine the validity of an executive or legislative act unless the private individual can show that, as a result of that action, a direct injury has been sustained, or that there is immediate danger a direct injury will be sustained. *Joytime Distribs. & Amusement Co., Inc. v. State*, 338 S.C. 634, 639, 528 S.E.2d 647, 649–650 (1999). However, “the rule [of standing] is not an inflexible one.” *Thompson v. South Carolina Comm'n on Alcohol & Drug Abuse*, 267 S.C. 463, 467, 229 S.E.2d 718, 719 (1976). Standing may be conferred upon a party “when an issue is of such public importance as to require its resolution for future guidance.” *Baird v. Charleston County*, 333 S.C. 519, 531, 511 S.E.2d 69, 75 (1999). Recently, both this Court and the Court of Appeals have granted standing in cases of important public interest. See *Sloan v. Sanford*, 357 S.C. 431, 593 S.E.2d 470 (2004) (standing to challenge governor's commission as an officer in the Air Force reserve); *Sloan v. Greenville County*, 356 S.C. 531, 548, 590 S.E.2d 338, 347 (Ct.App.2003) (standing to bring declaratory judgment action alleging county failed to comply with ordinances governing procurement of construction services on design-build public works projects).

“In light of the great public importance of this matter, we find Sloan has standing to maintain this action.”

14. On June 18, 2014, the members of the South Carolina Senate elected South Carolina State Senator Yancey McGill to be the body's President Pro Tempore, and in so doing acted as if Article IV, section 9 of the South Carolina Constitution had not been deleted by the Ratified Constitutional Amendments, as such term is defined in paragraph 30, *infra*, notwithstanding the fact that the Ratified Constitutional Amendments, on their face, provide for the deletion of said Article IV, section 9, effective as of May 29, 2014.

15. On June 18, 2014, after being elected President Pro Tempore of the Senate, and after Glenn F. McConnell resigned as Lieutenant Governor of South Carolina, Yancey McGill vacated his seat in the South Carolina Senate and proceeded to preside over the Senate as the Lieutenant Governor, and in so doing acted as if Article IV, sections 9 and 10 of the South Carolina

Constitution had not been deleted by the Ratified Constitutional Amendments, as such term is defined in paragraph 30, *infra*, notwithstanding the fact that the Ratified Constitutional Amendments, on their face, provide for the deletion of said Article IV, sections 9 and 10, effective as of May 29, 2014, and also acted as if Article IV, section 11 had not been added to the South Carolina Constitution by the Ratified Constitutional Amendments, as such term is defined in paragraph 30, *infra*, notwithstanding the fact that the Ratified Constitutional Amendments, on their face, provide for the addition of said Article IV, section 11, effective as of May 29, 2014.

16. On June 18, 2014, the members of the South Carolina Senate elected the Respondent Hugh K. Leatherman to be the body's President Pro Tempore, and in so doing acted as if Article IV, section 9 of the South Carolina Constitution had not been deleted by the Ratified Constitutional Amendments, as such term is defined in paragraph 30, *infra*, notwithstanding the fact that the Ratified Constitutional Amendments, on their face, provide for the deletion of said Article IV, section 9, effective as of May 29, 2014.

17. The Respondent Henry D. McMaster was elected Lieutenant Governor of South Carolina at the general election conducted on November 4, 2014, and at all times subsequent thereto, continuing through the present date, has presided in the South Carolina Senate whenever that body has been in session, and in so doing acted as if Article IV, section 10 of the South Carolina Constitution had not been deleted by the Ratified Constitutional Amendments, as such term is defined in paragraph 30, *infra*, notwithstanding the fact that the Ratified Constitutional Amendments, on their face, provide for the deletion of said Article IV, section 10, effective as of May 29, 2014.

18. On December 6, 2016, the members of the South Carolina Senate elected the Respondent Hugh K. Leatherman to be the body's President Pro Tempore, and in so doing acted as if Article IV, section 9 of the South Carolina Constitution had not been deleted by the Ratified Constitutional Amendments, as such term is defined in paragraph 30, *infra*, notwithstanding the fact that the Ratified Constitutional Amendments, on their face, provide for the deletion of said Article IV, section 9, effective as of May 29, 2014.

19. The Petitioner is advised and verily believes that the actions alleged in paragraphs 14, 15, 16, 17 and 18, *supra*, are in conflict with the text of the Ratified Constitutional Amendments, as such term is defined in paragraph 30, *infra*, in that such amendments provide, on their face, for the deletion of Article IV, sections 9 and 10 of the South Carolina Constitution as of May 29, 2014, and which also provide, on their face, for addition of Article IV, section 11 to the South Carolina Constitution, effective as of May 29, 2014.

20. The Petitioner is advised and verily believes that the legitimacy of actions taken by the Respondent Hugh K. Leatherman, in his capacity as President Pro Tempore of the South Carolina Senate, and the Respondent Henry D. McMaster, in his capacity as Lieutenant Governor of South Carolina, might be subject to legal challenge unless and until this Court answers the question presented, that is: Have the provisions of Article III and Article IV of the South Carolina Constitution been amended by virtue of the acts alleged in paragraphs 22 through 31, *infra*, and if they have, what is the text of those constitutional amendments?

21. The Petitioner is advised and verily believes that, "in light to the great public importance of this matter," as this Court in *Sloan* meant that phrase to be construed, he has standing to maintain this action and that such should be considered by this Court in its original jurisdiction.

FACTS

22. On April 26, 2012, the South Carolina Senate, by a roll-call vote of 34 to 1, gave second reading to an amended version of H. 3152, a Joint Resolution that, according to its title, proposed an amendment to Section 8, Article IV of the Constitution of South Carolina, 1895, relating to the election, qualifications, and term of the Lieutenant Governor, and on May 2, 2012, gave third and final reading to said amended resolution and returned it, as amended, to the South Carolina House of Representatives, the amended resolution reading as follows:

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE IV OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE ELECTION, QUALIFICATIONS, AND TERM OF THE LIEUTENANT GOVERNOR, SO AS TO PROVIDE THAT THE LIEUTENANT GOVERNOR MUST BE ELECTED JOINTLY WITH THE GOVERNOR IN A MANNER PRESCRIBED BY LAW; TO ADD SECTION 37 TO ARTICLE III OF THE CONSTITUTION OF THIS STATE, SO AS TO PROVIDE THAT THE SENATE SHALL ELECT FROM AMONG ITS MEMBERS A PRESIDENT TO PRESIDE OVER THE SENATE AND TO PERFORM OTHER DUTIES AS PROVIDED BY LAW; TO DELETE SECTIONS 9 AND 10 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE LIEUTENANT GOVERNOR BEING PRESIDENT OF THE SENATE AND, WHILE PRESIDING IN THE SENATE, HAVING NO VOTE, UNLESS THE SENATE IS EQUALLY DIVIDED, SO AS TO REMOVE INCONSISTENT PROVISIONS; AND TO AMEND SECTION 12 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE DISABILITY OF THE GOVERNOR, SO AS TO CONFORM APPROPRIATE REFERENCES.

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

SECTION 1. (A) It is proposed that Section 8, Article IV of the Constitution of this State be amended to read:

"Section 8. (A) 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.

(B) Beginning with the general election of 2018, a person seeking the office of Governor in any manner that a person's name may appear on the ballot as a candidate for that office, and before that person's name is certified to appear on the ballot for the general election, shall select a qualified elector to serve as Lieutenant Governor.

(C) All candidates for the offices of Governor and Lieutenant Governor must be elected jointly in a manner prescribed by law so that each voter casts a single vote to elect a candidate for the office of Governor and Lieutenant Governor.

(D) The General Assembly shall provide by law the manner in which a candidate for Lieutenant Governor is selected."

(B) It is proposed that Article III of the Constitution of this State be amended by adding:

"Section 37. 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."

(C) It is proposed that Article IV of the Constitution of this State be amended by deleting Section 9 which reads:

"Section 9. The Senate shall as soon as practicable after the convening of the General Assembly choose a President Pro Tempore to act in the absence of the Lieutenant Governor. A member of the Senate acting as Lieutenant Governor shall thereupon vacate his seat and another person shall be elected in his stead."

(D) It is proposed that Article IV of the Constitution of this State be amended by deleting Section 10, which reads:

"Section 10. The Lieutenant Governor shall be President of the Senate, ex officio, and while presiding in the Senate, shall have no vote, unless the Senate be equally divided."

(E) It is proposed that Section 11, Article IV of the Constitution of this State be amended to read:

"Section 11. In the case of the removal of the Governor from office by impeachment, death, resignation, disqualification, disability, or removal from the State, the Lieutenant Governor shall be Governor. In case the Governor be impeached, the Lieutenant Governor shall act in his stead and have his powers until judgment in the case shall have been pronounced. In the case of the temporary disability of the Governor and in the event of the temporary absence of the Governor from the State, the Lieutenant Governor shall have full authority to act in an emergency. In the case of the removal of the Lieutenant Governor from office by impeachment, death, resignation, disqualification, disability, or removal from the State, the Governor shall appoint, with the advice and consent of the Senate, a successor to fulfill the unexpired term."

(F) It is proposed that Section 12, Article IV of the Constitution of this State be amended to read:

"Section 12. (1) Whenever the Governor transmits to the President ~~Pro Tempore~~ of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as acting Governor.

(2) Whenever a majority of the Attorney General, the Secretary of State, the Comptroller General, and the State Treasurer, or of such other body as the General Assembly may provide, transmits to the President ~~Pro Tempore~~ of the Senate and the Speaker of the House of Representatives a written declaration that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall forthwith assume the powers and duties of the office as acting Governor.

Thereafter, if the Governor transmits to the President ~~Pro Tempore~~ of the Senate and the Speaker of the House of Representatives his written declaration that no such inability exists, he shall forthwith resume the powers and duties of his office unless a majority of the above members or of such other body, whichever the case may be, transmits within four days to the President ~~Pro Tempore~~ of the Senate and the Speaker of the House of Representatives their written declaration that the Governor is unable to discharge the powers and duties of his office. Thereupon, the General Assembly shall forthwith consider and decide the issue, and if not in session, it shall assemble within forty-eight hours for the sole purpose of deciding such issue. If the General Assembly, within twenty-one days, excluding Sundays, after the first day it meets to decide the issue, determines by two-thirds vote of each House that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall continue to discharge the same as acting Governor; otherwise, the Governor shall resume the powers and duties of his office."

(G) It is proposed that the amendments proposed to Article IV of the Constitution of this State become effective for the general election of 2018 and the organization of the Senate to take place following the general election of 2018."

SECTION 2. The proposed amendment in SECTION 1 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:

"Beginning with the general election of 2018, must Section 8 of Article IV of the Constitution of this State be amended to provide that the Lieutenant Governor must be elected jointly with the Governor in a manner prescribed by law; and upon the joint election to add Section 37 to Article III of the Constitution of this State to provide that the Senate shall elect from among the members thereof a President to preside over the Senate and to perform other duties as provided by law; to delete Sections 9 and 10 of Article IV of the Constitution of this State containing inconsistent provisions providing that the Lieutenant Governor is President of the Senate, ex officio, and while presiding in the Senate, has no vote, unless the Senate is equally divided; to amend Section 11 to provide that the Governor shall fill a vacancy in the Office of Lieutenant Governor by appointing a successor with the advice and consent of the Senate; and to amend Section 12 of Article IV of the Constitution of this State to conform appropriate references?"

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:

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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23. On May 16, 2012, the South Carolina House of Representatives, by a roll-call vote of 97 to 16, concurred with the South Carolina Senate's amendment to H. 3152.

24. By virtue of the votes referenced in paragraphs 22 and 23, *supra*, H. 3152, as amended, received the necessary two-thirds approval from each of the two legislative bodies that is a necessary condition precedent for the proposed amendments to the South Carolina Constitution set forth therein to be submitted for consideration by South Carolina's qualified electors at a

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regularly scheduled general election; a copy of the approved resolution is attached hereto as Exhibit A and is hereinafter referred to as the "Joint Resolution."

25. On May 23, 2012, the Joint Resolution was ratified as Ratification 204 by the Speaker of the South Carolina House of Representatives and the Lieutenant Governor of South Carolina.

26. On September 5, 2012, the South Carolina Legislative Council codified and published Ratification 204 as Act No. 289, with the effective date of said codification and publication being May 23, 2012, i.e., the date the Joint Resolution was ratified.

27. For the general election that occurred on November 6, 2012, and pursuant to and as required by the Joint Resolution, the following measure appeared on the ballots cast by qualified electors in South Carolina (hereinafter referred to as the "Ballot Text"):

Amendment 1

Beginning with the general election of 2018, must Section 8 of Article IV of the Constitution of this State be amended to provide that the Lieutenant Governor must be elected jointly with the Governor in a manner prescribed by law; and upon the joint election to add Section 37 to Article III of the Constitution of this State to provide that the Senate shall elect from among the members thereof a President to preside over the Senate and to perform other duties as provided by law; to delete Sections 9 and 10 of Article IV of the Constitution of this State containing inconsistent provisions providing that the Lieutenant Governor is President of the Senate, ex officio, and while presiding in the Senate, has no vote, unless the Senate is equally divided; to amend Section 11 to provide that the Governor shall fill a vacancy in the Office of Lieutenant Governor by appointing a successor with the advice and consent of the Senate; and to amend Section 12 of Article IV of the Constitution of this State to conform appropriate references?

Explanation

A 'Yes' vote will require, from 2018 onward, the Governor and Lieutenant Governor to run on the same ticket and be elected to office jointly. As a result, the Lieutenant Governor will no longer preside over the Senate and the Senate will elect their presiding officer from within the Senate body.

A 'No' vote maintains the current method of electing the Governor and Lieutenant Governor separately. The Lieutenant Governor shall continue to serve as President of the Senate.

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28. For the general election on November 6, 2012, the number of qualified electors in South Carolina voting "Yes" on the proposed amendments to Article IV of the state constitution totaled 1,009,367, and those voting "No" totaled 809,063.

29. On March 7, 2013, a majority of the qualified electors having voted "Yes" on the proposed amendments to Article IV of the state constitution, the South Carolina Senate, by a roll-call vote of 39 to 1, gave second reading to S. 446, a bill to ratify an amendment to Section 8, Article IV of the Constitution of South Carolina, 1895, relating to the election, qualifications, and term of the Lieutenant Governor, and on March 12, 2013, gave third and reading to S. 446 and sent it to the South Carolina House of Representatives for consideration; S. 446, as approved by the South Carolina Senate and sent to the South Carolina House of Representatives) provides as follows:

A BILL

TO RATIFY AN AMENDMENT TO SECTION 8, ARTICLE IV OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE ELECTION, QUALIFICATIONS, AND TERM OF THE LIEUTENANT GOVERNOR, TO PROVIDE THAT THE LIEUTENANT GOVERNOR MUST BE ELECTED JOINTLY WITH THE GOVERNOR IN A MANNER PRESCRIBED BY LAW; TO ADD SECTION 37 TO ARTICLE III OF THE CONSTITUTION OF THIS STATE, TO PROVIDE THAT THE SENATE SHALL ELECT FROM AMONG ITS MEMBERS A PRESIDENT TO PRESIDE OVER THE SENATE AND TO PERFORM OTHER DUTIES AS PROVIDED BY LAW; TO DELETE SECTIONS 9 AND 10 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE LIEUTENANT GOVERNOR BEING PRESIDENT OF THE SENATE AND, WHILE PRESIDING IN THE SENATE, HAVING NO VOTE, UNLESS THE SENATE IS EQUALLY DIVIDED, TO REMOVE INCONSISTENT PROVISIONS; TO AMEND SECTION 11 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE REMOVAL OF THE LIEUTENANT GOVERNOR FROM OFFICE BY IMPEACHMENT, DEATH, RESIGNATION, DISQUALIFICATION, DISABILITY, OR REMOVAL FROM THE STATE, TO PROVIDE THAT THE GOVERNOR SHALL APPOINT, WITH THE ADVICE AND CONSENT OF THE SENATE, A SUCCESSOR TO FULFILL THE UNEXPIRED TERM; AND TO AMEND SECTION 12 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE DISABILITY OF THE GOVERNOR, TO CONFORM APPROPRIATE REFERENCES.

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

10 1 16

SECTION 1. A. The amendment to Article IV 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 8 of Article IV is amended to read:

"Section 8. (A) A Lieutenant Governor 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.

(B) Beginning with the General Election of 2018, a person seeking the office of Governor in any manner that a person's name may appear on the ballot as a candidate for that office, and before that person's name is certified to appear on the ballot for the general election, shall select a qualified elector to serve as Lieutenant Governor.

(C) All candidates for the offices of Governor and Lieutenant Governor must be elected jointly in a manner prescribed by law so that each voter casts a single vote to elect a candidate for the office of Governor and Lieutenant Governor.

(D) The General Assembly shall provide by law the manner in which a candidate for Lieutenant Governor is selected."

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:

"Section 37. 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."

C. The amendment to Article IV 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 9, Article IV is amended to read:

"Section 9. (Reserved)."

D. The amendment to Article IV 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 10, Article IV is amended to read:

"Section 10. (Reserved)."

E. The amendment to Article IV 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 11, Article IV is amended to read:

"Section 11. In the case of the removal of the Governor from office by impeachment, death, resignation, disqualification, disability, or removal from the State, the Lieutenant Governor shall be Governor. In case the Governor be impeached, the Lieutenant Governor shall act in his stead and have his powers until judgment in the case shall have been pronounced. In the case of the temporary disability of the Governor and in the event of the temporary absence of the Governor from the State, the Lieutenant Governor shall have full authority to act in an emergency. In the case of the removal of the Lieutenant Governor from office by impeachment, death, resignation, disqualification, disability, or removal from the State, the Governor shall appoint, with the advice and consent of the Senate, a successor to fulfill the unexpired term."

F. The amendment to Article IV 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 12, Article IV is amended to read:

"Section 12. (1) Whenever the Governor transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as acting Governor.

(2) Whenever a majority of the Attorney General, the Secretary of State, the Comptroller General, and the State Treasurer, or of such other body as the General Assembly may provide, transmits to the President of the Senate and the Speaker of the House of Representatives a written declaration that the Governor is

unable to discharge the powers and duties of his office, the Lieutenant Governor shall forthwith assume the powers and duties of the office as acting Governor.

Thereafter, if the Governor transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that no such inability exists, he shall forthwith resume the powers and duties of his office unless a majority of the above members or of such other body, whichever the case may be, transmits within four days to the President of the Senate and the Speaker of the House of Representatives their written declaration that the Governor is unable to discharge the powers and duties of his office. Thereupon, the General Assembly shall forthwith consider and decide the issue, and if not in session, it shall assemble within forty-eight hours for the sole purpose of deciding such issue. If the General Assembly, within twenty-one days, excluding Sundays, after the first day it meets to decide the issue, determines by two-thirds vote of each House that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall continue to discharge the same as acting Governor; otherwise, the Governor shall resume the powers and duties of his office."

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30. On May 20, 2014, the South Carolina House of Representatives, by a roll-call vote of 97 to 2, gave second reading to the S. 446, and on May 21, 2014, gave it a third and final reading; a copy of the approved ratification is attached hereto as Exhibit B and is hereinafter referred to as the "Ratified Constitutional Amendments."

31. On May 29, 2014, the Ratified Constitutional Amendments were ratified as Ratification 210 by the Speaker of the South Carolina House of Representatives and the Lieutenant Governor of South Carolina.

32. On June 12, 2014, the Legislative Council codified and published Ratification 210 as Act No. 214, with the effective date of said codification and publication being May 29, 2014, i.e., the date the Ratified Constitutional Amendments were ratified.

33. Section 1, Paragraph (G) of the Joint Resolution provides as follows: "It is proposed that the amendments proposed to Article IV of the Constitution of this State become effective for the general election of 2018 and the organization of the Senate to take place following the general election of 2018."

34. Section 2 of the Joint Resolution sets forth the text of the proposed constitutional amendment to be considered by the qualified electors; as required by Section 1, Paragraph (G) of the Joint Resolution, all of the proposed amendments to Article IV of the state constitution, which are presented as a single question, are qualified and conditioned by the phrases:

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“Beginning with the general election of 2018” and “upon the joint election” of the Governor and Lieutenant Governor.

35. As required by Section 1, Paragraph (G) and Section 2 of the Joint Resolution, the Ballot Text considered and approved by the qualified electors in South Carolina on November 6, 2012, provided that all of the proposed amendments to Article IV of the state constitution would be effective “Beginning with the general election of 2018” or “upon the joint election” of the Governor and Lieutenant Governor.

36. Despite the explicit language in both the Joint Resolution and the Ballot Text providing for all of the amendments to Article IV of the state constitution to be effective “beginning with the general election of 2018” and “upon the joint election” of the Governor and Lieutenant Governor, the Ratified Constitutional Amendments provide for the deletion of Section 9 of the South Carolina Constitution, which pertains to the General Assembly’s choosing of a President Pro Tempore to act in the absence of the Lieutenant Governor, to be effective as of May 29, 2014, i.e., the date the Ratified Constitutional Amendments were ratified, said section 9 reading as follows:

The Senate shall as soon as practicable after the convening of the General Assembly choose a President Pro Tempore to act in the absence of the Lieutenant Governor. A member of the Senate acting as Lieutenant Governor shall thereupon vacate his seat and another person elected in his stead.

37. Despite the explicit language in both the Joint Resolution and the Ballot Text providing for all of the amendments to Article IV of the state constitution to be effective “beginning with the general election of 2018” and “upon the joint election” of the Governor and Lieutenant Governor, the Ratified Constitutional Amendments provide for the deletion of Section 10 of the South Carolina Constitution, which pertains to the Lieutenant Governor presiding as President of the Senate, to be effective as of May 29, 2014, i.e., the date the Ratified Constitutional Amendments were ratified, said section said section 10 reading as follows:

The Lieutenant Governor shall be President of the Senate, ex officio, and while presiding in the Senate, shall have no vote, unless the Senate be equally divided.

38. Despite the explicit language in both the Joint Resolution and the Ballot Text providing for all of the amendments to Article IV of the state constitution to be effective “beginning with the general election of 2018” and “upon the joint election” of the Governor and Lieutenant Governor, the Ratified Constitutional Amendments provide for the inclusion of the new Section 11 of the South Carolina Constitution, which pertains to succession in the case of removal of the

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Governor or Lieutenant Governor from office, to be effective as of May 29, 2014, i.e., the date the Ratified Constitutional Amendments were ratified, said section 11 reading as follows:

E. The amendment to Article IV 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 11, Article IV is amended to read:

"Section 11. In the case of the removal of the Governor from office by impeachment, death, resignation, disqualification, disability, or removal from the State, the Lieutenant Governor shall be Governor. In case the Governor be impeached, the Lieutenant Governor shall act in his stead and have his powers until judgment in the case shall have been pronounced. In the case of the temporary disability of the Governor and in the event of the temporary absence of the Governor from the State, the Lieutenant Governor shall have full authority to act in an emergency. In the case of the removal of the Lieutenant Governor from office by impeachment, death, resignation, disqualification, disability, or removal from the State, the Governor shall appoint, with the advice and consent of the Senate, a successor to fulfill the unexpired term."

39. Article IV of the South Carolina Constitution, as promulgated by the Legislative Council, which currently shows Article IV, sections 9 and 10 as having been deleted and Article IV, section 11 as having been included, effective as of May 29, 2014, i.e., the date the Ratified Constitutional Amendments were ratified, is attached hereto as Exhibit C.

40. As required by Rule 245(a) of the South Carolina Appellate Court Rules, the Petitioner's affidavit is attached as Exhibit D.

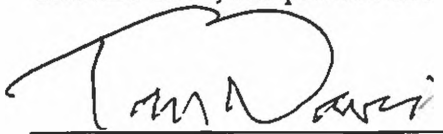
PRAYER FOR RELIEF

41. The Petitioner respectfully requests that this Court make inquiries in regard to the matters alleged herein and issue its order answering the following question: Have the provisions of Article III and Article IV of the South Carolina Constitution been amended by virtue of the acts alleged in paragraphs 22 through 31, *supra*, and if they have, what is the text of those constitutional amendments?

42. The Petitioner is advised and verily believes that this Court, in answering the question presented in paragraph 41, *supra*, should effect the will of the people and issue its order declaring that, as provided in both the Joint Resolution and the Ballot Text, all of the referenced amendments to Article IV of the state constitution are to be effective “beginning with the general election of 2018” and “upon the joint election” of the Governor and Lieutenant Governor.

43. Upon answering the question presented in paragraph 41, *supra*, the Petitioner respectfully requests that this Court then direct the Legislative Council to take such actions as are necessary to ensure the text of the South Carolina Constitution, as such is published and made publicly available, conforms with this Court’s decision.

WHEREFORE, having fully set forth his petition, the Petitioner requests that this Court consider the within matter in its original jurisdiction, grant the relief prayed for herein, assess the costs of prosecuting this action as authorized by 15-53-100 of the South Carolina Code, and provide such further relief as may be just and equitable.



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December 12, 2016

TCAD
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EXHIBIT A
(TO THE COMPLAINT)

South Carolina General Assembly
119th Session, 2011-2012

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Bill 3152

~~Indicates Matter Stricken~~

Indicates New Matter

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~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE AMENDMENT AMENDED AND ADOPTED

April 26, 2012

H. 3152

Introduced by Reps. Young, Daning, Harrison, Allison, G.R. Smith, Stringer, Taylor, Forrester, Hamilton, Murphy, G.M. Smith, Bingham, Long, Patrick, Viers, Funderburk, Home, Willis, Weeks, Pope, Simrill, Clemmons, Harrell, Bedingfield and Edge

S. Printed 4/26/11--S. [SEC 4/27/12 2:26 PM]

Read the first time March 3, 2011.

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO SECTION 8, ARTICLE IV OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE ELECTION, QUALIFICATIONS, AND TERM OF THE LIEUTENANT GOVERNOR, SO AS TO PROVIDE THAT THE LIEUTENANT GOVERNOR MUST BE ELECTED JOINTLY WITH THE GOVERNOR IN A MANNER PRESCRIBED BY LAW; TO ADD SECTION 37 TO ARTICLE III OF THE CONSTITUTION OF THIS STATE, SO AS TO PROVIDE THAT THE SENATE SHALL ELECT FROM AMONG ITS MEMBERS A PRESIDENT TO PRESIDE OVER THE SENATE AND TO PERFORM OTHER DUTIES AS PROVIDED BY LAW; TO DELETE SECTIONS 9 AND 10 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE LIEUTENANT GOVERNOR BEING PRESIDENT OF THE SENATE AND, WHILE PRESIDING IN THE SENATE, HAVING NO VOTE, UNLESS THE SENATE IS EQUALLY DIVIDED, SO AS TO REMOVE INCONSISTENT PROVISIONS; AND TO AMEND SECTION 12 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE DISABILITY OF THE GOVERNOR, SO AS TO CONFORM APPROPRIATE REFERENCES.

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

SECTION 1. (A) It is proposed that Section 8, Article IV of the Constitution of this State be amended to read:

"Section 8. (A) 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.

(B) Beginning with the general election of 2018, a person seeking the office of Governor in any manner that a person's name may appear on the ballot as a candidate for that office, and before that person's name is certified to appear on the ballot for the general election, shall select a qualified elector to serve as Lieutenant Governor.

(C) All candidates for the offices of Governor and Lieutenant Governor must be elected jointly in a manner prescribed by law so that each voter casts a single vote to elect a candidate for the office of Governor and Lieutenant Governor.

(D) The General Assembly shall provide by law the manner in which a candidate for Lieutenant Governor is selected."

(B) It is proposed that Article III of the Constitution of this State be amended by adding:

"Section 37. 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."

(C) It is proposed that Article IV of the Constitution of this State be amended by deleting Section 9 which reads:

"Section 9. The Senate shall as soon as practicable after the convening of the General Assembly choose a President Pro Tempore to act in the absence of the Lieutenant Governor. A member of the Senate acting as Lieutenant Governor shall thereupon vacate his seat and another person shall be elected in his stead."

(D) It is proposed that Article IV of the Constitution of this State be amended by deleting Section 10, which reads:

"Section 10. The Lieutenant Governor shall be President of the Senate, ex officio, and while presiding in the Senate, shall have no vote, unless the Senate be equally divided."

(E) It is proposed that Section 11, Article IV of the Constitution of this State be amended to read:

"Section 11. In the case of the removal of the Governor from office by impeachment, death, resignation, disqualification, disability, or removal from the State, the Lieutenant Governor shall be Governor. In case the Governor be impeached, the Lieutenant Governor shall act in his stead and have his powers until judgment in the case shall have been pronounced. In the case of the temporary disability of the Governor and in the event of the temporary absence of the Governor from the State, the Lieutenant Governor shall have full authority to act in an emergency. In the case of the removal of the Lieutenant Governor from office by impeachment, death, resignation, disqualification, disability, or removal from the State, the Governor shall appoint, with the advice and consent of the Senate, a successor to fulfill the unexpired term."

(F) It is proposed that Section 12, Article IV of the Constitution of this State be amended to read:

"Section 12. (1) Whenever the Governor transmits to the President ~~Pro Tempore~~ of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as acting Governor.

(2) Whenever a majority of the Attorney General, the Secretary of State, the Comptroller General, and the State Treasurer, or of such other body as the General Assembly may provide, transmits to the President ~~Pro Tempore~~ of the Senate and the Speaker of the House of Representatives a written declaration that the Governor

is unable to discharge the powers and duties of his office, the Lieutenant Governor shall forthwith assume the powers and duties of the office as acting Governor.

Thereafter, if the Governor transmits to the President ~~Pro-Tempore~~ of the Senate and the Speaker of the House of Representatives his written declaration that no such inability exists, he shall forthwith resume the powers and duties of his office unless a majority of the above members or of such other body, whichever the case may be, transmits within four days to the President ~~Pro-Tempore~~ of the Senate and the Speaker of the House of Representatives their written declaration that the Governor is unable to discharge the powers and duties of his office. Thereupon, the General Assembly shall forthwith consider and decide the issue, and if not in session, it shall assemble within forty-eight hours for the sole purpose of deciding such issue. If the General Assembly, within twenty-one days, excluding Sundays, after the first day it meets to decide the issue, determines by two-thirds vote of each House that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall continue to discharge the same as acting Governor; otherwise, the Governor shall resume the powers and duties of his office."

(G) It is proposed that the amendments proposed to Article IV of the Constitution of this State become effective for the general election of 2018 and the organization of the Senate to take place following the general election of 2018."

SECTION 2. The proposed amendment in SECTION 1 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:

"Beginning with the general election of 2018, must Section 8 of Article IV of the Constitution of this State be amended to provide that the Lieutenant Governor must be elected jointly with the Governor in a manner prescribed by law; and upon the joint election to add Section 37 to Article III of the Constitution of this State to provide that the Senate shall elect from among the members thereof a President to preside over the Senate and to perform other duties as provided by law; to delete Sections 9 and 10 of Article IV of the Constitution of this State containing inconsistent provisions providing that the Lieutenant Governor is President of the Senate, ex officio, and while presiding in the Senate, has no vote, unless the Senate is equally divided; to amend Section 11 to provide that the Governor shall fill a vacancy in the Office of Lieutenant Governor by appointing a successor with the advice and consent of the Senate; and to amend Section 12 of Article IV of the Constitution of this State to conform appropriate references?"

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:

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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This web page was last updated on April 27, 2012 at 2:27 PM

EXHIBIT B
(TO THE COMPLAINT)

South Carolina General Assembly
120th Session, 2013-2014

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Bill 446

~~Indicates Matter Stricken~~

Indicates New Matter

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~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 14, 2014

S. 446

Introduced by Senators Massey and L. Martin

S. Printed 5/14/14--H. [SEC 5/15/14 12:40 PM]

Read the first time March 13, 2013.

THE COMMITTEE ON JUDICIARY

To whom was referred a Bill (S. 446) to ratify an amendment to Section 8, Article IV of the Constitution of South Carolina, 1895, relating to the election, qualifications, and term of the Lieutenant Governor, etc., respectfully

REPORT:

That they have duly and carefully considered the same and recommend that the same do pass:

F. GREGORY DELLENEY, JR. for Committee.

A BILL

TO RATIFY AN AMENDMENT TO SECTION 8, ARTICLE IV OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE ELECTION, QUALIFICATIONS, AND TERM OF THE LIEUTENANT GOVERNOR, TO PROVIDE THAT THE LIEUTENANT GOVERNOR MUST BE ELECTED JOINTLY WITH THE GOVERNOR IN A MANNER PRESCRIBED BY LAW; TO ADD SECTION 37 TO ARTICLE III OF THE CONSTITUTION OF THIS STATE, TO PROVIDE THAT THE SENATE SHALL ELECT FROM AMONG ITS MEMBERS A PRESIDENT TO PRESIDE OVER THE SENATE AND TO PERFORM OTHER DUTIES AS PROVIDED BY LAW; TO DELETE SECTIONS 9 AND 10 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE LIEUTENANT GOVERNOR BEING

PRESIDENT OF THE SENATE AND, WHILE PRESIDING IN THE SENATE, HAVING NO VOTE, UNLESS THE SENATE IS EQUALLY DIVIDED, TO REMOVE INCONSISTENT PROVISIONS; TO AMEND SECTION 11 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE REMOVAL OF THE LIEUTENANT GOVERNOR FROM OFFICE BY IMPEACHMENT, DEATH, RESIGNATION, DISQUALIFICATION, DISABILITY, OR REMOVAL FROM THE STATE, TO PROVIDE THAT THE GOVERNOR SHALL APPOINT, WITH THE ADVICE AND CONSENT OF THE SENATE, A SUCCESSOR TO FULFILL THE UNEXPIRED TERM; AND TO AMEND SECTION 12 OF ARTICLE IV OF THE CONSTITUTION OF THIS STATE, RELATING TO THE DISABILITY OF THE GOVERNOR, TO CONFORM APPROPRIATE REFERENCES.

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

SECTION 1. A. The amendment to Article IV 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 8 of Article IV is amended to read:

"Section 8. (A) A Lieutenant Governor 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.

(B) Beginning with the General Election of 2018, a person seeking the office of Governor in any manner that a person's name may appear on the ballot as a candidate for that office, and before that person's name is certified to appear on the ballot for the general election, shall select a qualified elector to serve as Lieutenant Governor.

(C) All candidates for the offices of Governor and Lieutenant Governor must be elected jointly in a manner prescribed by law so that each voter casts a single vote to elect a candidate for the office of Governor and Lieutenant Governor.

(D) The General Assembly shall provide by law the manner in which a candidate for Lieutenant Governor is selected."

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:

"Section 37. 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."

C. The amendment to Article IV 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 9, Article IV is amended to read:

"Section 9. (Reserved)."

D. The amendment to Article IV 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 10, Article IV is amended to read:

"Section 10. (Reserved)."

E. The amendment to Article IV 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 11, Article IV is amended to read:

"Section 11. In the case of the removal of the Governor from office by impeachment, death, resignation, disqualification, disability, or removal from the State, the Lieutenant Governor shall be Governor. In case the Governor be impeached, the Lieutenant Governor shall act in his stead and have his powers until judgment in the case shall have been pronounced. In the case of the temporary disability of the Governor and in the event of the temporary absence of the Governor from the State, the Lieutenant Governor shall have full authority to act in an emergency. In the case of the removal of the Lieutenant Governor from office by impeachment, death, resignation, disqualification, disability, or removal from the State, the Governor shall appoint, with the advice and consent of the Senate, a successor to fulfill the unexpired term."

F. The amendment to Article IV 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 12, Article IV is amended to read:

"Section 12. (1) Whenever the Governor transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as acting Governor.

(2) Whenever a majority of the Attorney General, the Secretary of State, the Comptroller General, and the State Treasurer, or of such other body as the General Assembly may provide, transmits to the President of the Senate and the Speaker of the House of Representatives a written declaration that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall forthwith assume the powers and duties of the office as acting Governor.

Thereafter, if the Governor transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that no such inability exists, he shall forthwith resume the powers and duties of his office unless a majority of the above members or of such other body, whichever the case may be, transmits within four days to the President of the Senate and the Speaker of the House of Representatives their written declaration that the Governor is unable to discharge the powers and duties of his office. Thereupon, the General Assembly shall forthwith consider and decide the issue, and if not in session, it shall assemble within forty-eight hours for the sole purpose of deciding such issue. If the General Assembly, within twenty-one days, excluding Sundays, after the first day it meets to decide the issue, determines by two-thirds vote of each House that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall continue to discharge the same as acting Governor; otherwise, the Governor shall resume the powers and duties of his office."

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This web page was last updated on May 15, 2014 at 12:40 PM

EXHIBIT C
(TO THE COMPLAINT)

ARTICLE IV EXECUTIVE DEPARTMENT

Editor's Note

The amendment ratified by 1973 Act No 48 (1973 (58) 48) revised and rewrote this article, substituting present Section 1 to 21 for former Section 1 to 24. Certain provisions of the former article which were not carried forward into the new article now substantially appear in Article VI which was added by the amendment ratified by 1973 Act No 78 (1973 (58) 83): former Section 17, 18 and 19 now appear as Section 6 of Article VI; Section 20 now appears as Section 4 of Article VI; Section 22 now appears as Section 8 of Article VI; Section 24 now appears as Section 7 of Article VI.

SECTION 1. Chief Magistrate.

The supreme executive authority of this State shall be vested in a Chief Magistrate, who shall be styled "The Governor of the State of South Carolina." (1972 (57) 3171; 1973 (58) 48.)

Editor's Note

The present provisions of this section are identical to former Section 1 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 1.

SECTION 2. Qualifications of Governor.

No person shall be eligible to the office of Governor who denies the existence of the Supreme Being; and who on the date of such election has not attained the age of thirty years; and who shall not have been a citizen of the United States and a citizen and resident of this State for five years next preceding the day of election. No person while Governor shall hold any office or other commission (except in the militia) under the authority of this State, or of any other power. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note

The present provisions of this section are similar to former Section 3 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 3.

SECTION 3. Election of Governor; Governor may not serve more than two successive terms.

The Governor shall be elected by the qualified voters of the State at the regular election every other even-numbered year after 1970. No person shall be elected Governor for more than two successive terms. (1972 (57) 3171; 1973 (58) 48; 1981 Act No. 5.)

Editor's Note

The present provisions of this section are somewhat similar to former Section 2 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 2.

SECTION 4. Term of Governor.

The term of office of the Governor shall be four years, beginning at noon on the first Wednesday following the second Tuesday in January next after his election and ending at noon on the first Wednesday following the second Tuesday in January four years later. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note

The present provisions of this section are somewhat similar to former Section 2 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 2.

SECTION 5. Person having highest number of votes to be Governor; tie vote.

In the general election for Governor, the person having the highest number of votes shall be Governor. In the event of a tie vote, as the first order of business after its organization, the General Assembly in joint session shall elect the Governor from the candidates having received the tie vote by the affirmative vote of a majority of the combined membership of both houses. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note

The present provisions of this section are somewhat similar to former Section 4 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 4.

SECTION 6. Succession when Governor-elect dies, declines to serve, or fails to take oath.

If the Governor-elect dies or declines to serve, the Lieutenant Governor-elect shall become Governor for a full term. If the Governor-elect fails to take the oath of office at the commencement of his term, the Lieutenant Governor shall act as Governor until the oath is administered. (1972 (57) 3171; 1973 (58) 48.)

SECTION 7. Succession when neither Governor-elect nor Lieutenant Governor-elect qualifies or is able to serve.

In the event that neither the Governor-elect nor the Lieutenant Governor-elect shall qualify, or if after taking the oath of office neither shall be able to serve for any reason whatsoever, the office of Governor for the time being shall devolve upon such officers and in such order of succession as may be provided by law. Any such officers while exercising the powers of the Governor for the time being under this provision shall not be subject to the dual office-holding provision of this Constitution. (1972 (57) 3171; 1973 (58) 48.)

SECTION 8. Election, qualifications, and term of Lieutenant Governor.

(A) A Lieutenant Governor 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.

(B) Beginning with the General Election of 2018, a person seeking the office of Governor in any manner that a person's name may appear on the ballot as a candidate for that office, and before that person's name is certified to appear on the ballot for the general election, shall select a qualified elector to serve as Lieutenant Governor.

(C) All candidates for the offices of Governor and Lieutenant Governor must be elected jointly in a manner prescribed by law so that each voter casts a single vote to elect a candidate for the office of Governor and Lieutenant Governor.

(D) The General Assembly shall provide by law the manner in which a candidate for Lieutenant Governor is selected.

HISTORY: 1972 (57) 3171; 1973 (58) 48; 2014 Act No. 214 (S.446), Section 1.A, eff May 29, 2014.

Editor's Note

The present provisions of this section are similar to former Section 5 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see former Art III, Section 5.

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

"SECTION 1.A. The amendment to Article IV 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 8 of Article IV is amended to read: [text of section]."

Effect of Amendment

2014 Act No. 214, Section 1.A, added subsection designator (A); in subsection (A), substituted "must be chosen" for "shall be chosen"; and added subsections (B), (C), and (D).

SECTION 9. Reserved by 2014 Act No. 214, Section 1.C, eff May 29, 2014.

Editor's Note

Former Art. IV, Section 9 was titled President Pro Tempore of Senate; Senator acting as Lieutenant Governor and was derived from (1972 (57) 3171; 1973 (58) 48.).

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

"C. The amendment to Article IV 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 9, Article IV is amended to read: [reserved section]."

SECTION 10. Reserved by 2014 Act No. 214, Section 1.D, eff May 29, 2014.

Editor's Note

Former Art. IV, Section 10 was titled Lieutenant Governor to be President of Senate and was derived from (1972 (57) 3171; 1973 (58) 48.).

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

"D. The amendment to Article IV 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 10, Article IV is amended to read: [reserved section]"

SECTION 11. Death, resignation, removal of Governor, Lieutenant Governor.

In the case of the removal of the Governor from office by impeachment, death, resignation, disqualification, disability, or removal from the State, the Lieutenant Governor shall be Governor. In case the Governor be impeached, the Lieutenant Governor shall act in his stead and have his powers until judgment in the case shall have been pronounced. In the case of the temporary disability of the Governor and in the event of the temporary absence of the Governor from the State, the Lieutenant Governor shall have full authority to act in an emergency. In the case of the removal of the Lieutenant Governor from office by impeachment, death, resignation, disqualification, disability, or removal from the State, the Governor shall appoint, with the advice and consent of the Senate, a successor to fulfill the unexpired term.

HISTORY: 1972 (57) 3171; 1973 (58) 48; 2014 Act No. 214 (S.446), Section 1.E, eff May 29, 2014.

Editor's Note

The present provisions of this section are similar to former Section 9 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see former Art III, Section 9.

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

"E. The amendment to Article IV 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 11, Article IV is amended to read: [text of section]."

Effect of Amendment

2014 Act No. 214, Section 1.E, added the last sentence, relating to removal of the Lieutenant Governor.

SECTION 12. Disability of Governor.

(1) Whenever the Governor transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office,

and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Lieutenant Governor as acting Governor.

(2) Whenever a majority of the Attorney General, the Secretary of State, the Comptroller General, and the State Treasurer, or of such other body as the General Assembly may provide, transmits to the President of the Senate and the Speaker of the House of Representatives a written declaration that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall forthwith assume the powers and duties of the office as acting Governor.

Thereafter, if the Governor transmits to the President of the Senate and the Speaker of the House of Representatives his written declaration that no such inability exists, he shall forthwith resume the powers and duties of his office unless a majority of the above members or of such other body, whichever the case may be, transmits within four days to the President of the Senate and the Speaker of the House of Representatives their written declaration that the Governor is unable to discharge the powers and duties of his office. Thereupon, the General Assembly shall forthwith consider and decide the issue, and if not in session, it shall assemble within forty-eight hours for the sole purpose of deciding such issue. If the General Assembly, within twenty-one days, excluding Sundays, after the first day it meets to decide the issue, determines by two-thirds vote of each House that the Governor is unable to discharge the powers and duties of his office, the Lieutenant Governor shall continue to discharge the same as acting Governor; otherwise, the Governor shall resume the powers and duties of his office.

HISTORY: 1972 (57) 3171; 1973 (58) 48; 2014 Act No. 214 (S.446), Section 1.F, eff May 29, 2014.

Editor's Note

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

"F. The amendment to Article IV 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 12, Article IV is amended to read: [text of section]."

Effect of Amendment

2014 Act No. 214, Section 1.F, substituted "President of the Senate" for "President Pro Tempore of the Senate" throughout; in subsection (2), added a comma after "Comptroller General"; and in the last paragraph, added a comma following "that no such inability exists" and "if not in session".

SECTION 13. Commander-in-Chief.

The Governor shall be Commander-in-Chief of the organized and unorganized militia of the State. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note

The present provisions of this section are similar to former Section 10 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 10.

SECTION 14. Powers of Governor as to clemency.

With respect to clemency, the Governor shall have the power only to grant reprieves and to commute a sentence of death to that of life imprisonment. The granting of all other clemency shall be regulated and provided for by law. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note

The present provisions of this section are somewhat similar to former Section 11 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 11.

SECTION 15. Faithful execution of laws.

The Governor shall take care that the laws be faithfully executed. To this end, the Attorney General shall assist and represent the Governor, but such power shall not be construed to authorize any action or proceeding against the General Assembly or the Supreme Court. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note

The present provisions of the first sentence of this section are similar to former Section 12 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 12.

SECTION 16. Compensation of Governor and Lieutenant Governor.

The Governor and Lieutenant Governor shall receive for their services compensation, which shall be neither increased nor diminished during the period for which they shall have been elected. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note

The present provisions of this section are similar to former Section 13 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 13.

SECTION 17. Duty of State officers to give information to Governor.

All State officers, agencies, and institutions within the Executive Branch shall, when required by the Governor, give him information in writing upon any subject relating to the duties and functions of their respective offices, agencies, and institutions, including itemized accounts of receipts and disbursements. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note

The present provisions of this section are similar to former Section 14 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 14.

SECTION 18. Duty of Governor to give information to General Assembly.

The Governor shall, from time to time, give to the General Assembly information on the condition of the State and recommend for its consideration such measures as he shall deem necessary or expedient. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note

The present provisions of this section are identical to former Section 15 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 15.

SECTION 19. Extra sessions; Governor may adjourn General Assembly.

The Governor may on extraordinary occasions convene the General Assembly in extra session. Should either house remain without a quorum for five days, or in case of disagreement between the two houses during any session with respect to the time of adjournment, he may adjourn them to such times as he shall think proper, not beyond the time of the annual session then next ensuing. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note

The present provisions of this section are similar to former Section 16 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 16.

SECTION 20. Residence of Governor.

The Governor shall reside at the Capital of the State except in case of epidemics, natural disaster, or the emergencies of war; but during the sittings of the General Assembly he shall reside where its sessions are held. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note

The present provisions of this section are similar to former Section 21 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 21.

SECTION 21. Bill or joint resolution must be signed or vetoed by Governor.

Every bill or joint resolution which shall have passed the General Assembly, except on a question of adjournment, shall, before it becomes a law, be presented to the Governor, and if he approves he shall sign it; if not, he shall return it, with his objections, to the house in which it originated, which shall enter the objections at large on its Journal and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass it, it shall be sent, together with the objections, to the other house, by which it shall be reconsidered, and if approved by two-thirds of that house it shall have the same effect as if it had been signed by the Governor; but in all such cases the vote of both houses shall be taken by yeas and nays, and the names of the persons voting for and against the bill or joint resolution shall be entered on the Journals of both houses respectively.

Bills appropriating money out of the Treasury shall specify the objects and purposes for which the same are made, and appropriate to them respectively their several amounts in distinct items and sections. If the Governor shall not approve any one or more of the items or sections contained in any bill appropriating money, but shall approve of the residue thereof, it shall become a law as to the residue in like manner as if he had signed it. The Governor shall then return the bill with his objections to the items or sections of the same not approved by him to the house in which the bill originated, which house shall enter the objections at large upon its Journal and proceed to reconsider so much of the bill as is not approved by the Governor. The same proceedings shall be had in both houses in reconsidering the same as is provided in case of an entire bill returned by the Governor with his objections; and if any item or section of the bill not approved by the Governor shall be passed by two-thirds of each house of the General Assembly, it shall become a part of the law notwithstanding the objections of the Governor.

If a bill or joint resolution shall not be returned by the Governor within five days after it shall have been presented to him, Sundays excepted, it shall have the same force and effect as if he had signed it, unless the General Assembly, by adjournment, prevents return, in which case it shall have such force and effect unless returned within two days after the next meeting. (1972 (57) 3171; 1973 (58) 48.)

Editor's Note

The present provisions of this section are similar to former Section 23 of Article IV as it existed prior to the 1973 revision. For similar provisions in Constitution of 1868, see Const 1868, Art III, Section 22.

EXHIBIT D
(TO THE COMPLAINT)

THE STATE OF SOUTH CAROLINA
IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

Tom Davis, individually, and as a Citizen, Resident,
Taxpayer, Qualified Elector and State Senator of
South Carolina Petitioner,

v.

Hugh K. Leatherman, Sr., in his capacity as President
Pro Tempore of the South Carolina Senate; James
H. Lucas, in his capacity as Speaker of the South
Carolina House of Representatives and as a member
of the Legislative Council; Henry D. McMaster, in
capacity as Lieutenant Governor and President of the
South Carolina Senate and as a member of the
Legislative Council; Nikki R. Haley, in her capacity
as Governor of South Carolina; Alan M. Wilson, in
his capacity as Attorney General of the State of South
Carolina; Luke A. Rankin, in his capacity as a member
of the Legislative Council; F. Gregory Delleney, Jr., in
his capacity as a member of the Legislative Council;
Mark Hammond, in his capacity as a member of the
Legislative Council; and the State of South Carolina Respondents.

AFFIDAVIT OF PETITIONER

Personally appeared before me the undersigned who, being duly sworn, and in order to discharge the requirements of Rule 245(a) of the South Carolina Appellate Court Rules, avers as follows:

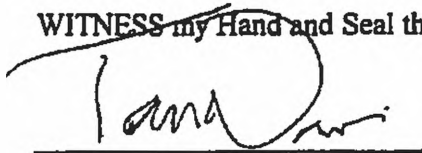
1. That he is a citizen, resident, taxpayer, qualified elector, and state senator of South Carolina; over eighteen (18) years of age; and of sound mind.

TCD
112

2. That he has reviewed the grounds set forth in the attached Petition and Complaint and, to the best of his knowledge and belief, the allegations are true and grounds exist for this Court to exercise its original jurisdiction in this matter.

FURTHER THE AFFIANT SAYETH NOT.

WITNESS my Hand and Seal this 12th day of December, 2016.


Tom Davis

SWORN to before me on this
12th day of December, 2016

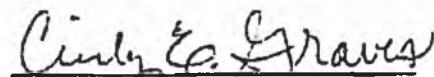

Notary Public of South Carolina
Commission Expires: 5/4/26



EXHIBIT B
(TO THE PETITION)

THE STATE OF SOUTH CAROLINA
IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

Tom Davis, individually, and as a Citizen, Resident,
Taxpayer, Qualified Elector and State Senator of
South Carolina Petitioner,

v.

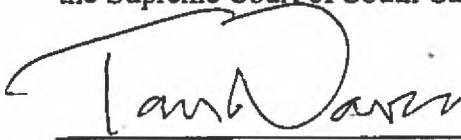
Hugh K. Leatherman, Sr., in his capacity as President
Pro Tempore of the South Carolina Senate; James
H. Lucas, in his capacity as Speaker of the South
Carolina House of Representatives and as a member
of the Legislative Council; Henry D. McMaster, in
capacity as Lieutenant Governor and President of the
South Carolina Senate and as a member of the
Legislative Council; Nikki R. Haley, in her capacity
as Governor of South Carolina; Alan M. Wilson, in
his capacity as Attorney General of the State of South
Carolina; Luke A. Rankin, in his capacity as a member
of the Legislative Council; F. Gregory Delleney, Jr., in
his capacity as a member of the Legislative Council;
Mark Hammond, in his capacity as a member of the
Legislative Council; and the State of South Carolina Respondents.

NOTICE OF PETITION FOR ORIGINAL JURISDICTION

TO: THE RESPONDENTS ABOVE-NAMED

YOU ARE HEREBY PROVIDED NOTICE, pursuant to Rule 245(c) of the South Carolina Appellate Rules, of the petition that the Petitioner has filed with the Supreme Court of South Carolina, requesting that it authorize the prosecution of the attached Complaint within its original jurisdiction; if you oppose this petition, you shall have twenty (20) days, commencing from the date of service, to file an original and six (6) copies of your return with the Clerk of the Supreme Court of South Carolina, and to also within such time serve a copy of your return on the Petitioner at his offices at 1001 Craven Street, Beaufort, South Carolina, and your failure to file a

timely return in this manner may be deemed to be consent by you to the matter being heard by the Supreme Court of South Carolina in its original jurisdiction.

A handwritten signature in black ink, appearing to read "Tom Davis", written over a horizontal line.

Tom Davis
1001 Craven Street
Beaufort, SC 29902
(843) 524-3109
tdavis@harveyandbattey.com
December 12, 2016

Handwritten initials "TD" and the date "12/12" in black ink.

EXHIBIT C
(TO THE PETITION)

THE STATE OF SOUTH CAROLINA
IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

Tom Davis, individually, and as a Citizen, Resident,
Taxpayer, Qualified Elector and State Senator of
South Carolina Petitioner,

v.

Hugh K. Leatherman, Sr., in his capacity as President
Pro Tempore of the South Carolina Senate; James
H. Lucas, in his capacity as Speaker of the South
Carolina House of Representatives and as a member
of the Legislative Council; Henry D. McMaster, in
capacity as Lieutenant Governor and President of the
South Carolina Senate and as a member of the
Legislative Council; Nikki R. Haley, in her capacity
as Governor of South Carolina; Alan M. Wilson, in
his capacity as Attorney General of the State of South
Carolina; Luke A. Rankin, in his capacity as a member
of the Legislative Council; F. Gregory Delleney, Jr., in
his capacity as a member of the Legislative Council;
Mark Hammond, in his capacity as a member of the
Legislative Council; and the State of South Carolina Respondents.

AFFIDAVIT OF PETITIONER

Personally appeared before me the undersigned who, being duly sworn, and in order to discharge the requirements of Rule 245(a) of the South Carolina Appellate Court Rules, avers as follows:

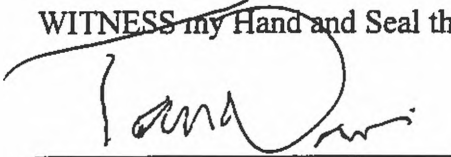
1. That he is a citizen, resident, taxpayer, qualified elector, and state senator of South Carolina; over eighteen (18) years of age; and of sound mind.

TCD
112

2. That he has reviewed the grounds set forth in the attached Petition and Complaint and, to the best of his knowledge and belief, the allegations are true and grounds exist for this Court to exercise its original jurisdiction in this matter.

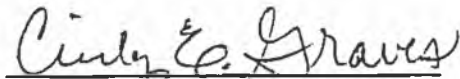
FURTHER THE AFFIANT SAYETH NOT.

WITNESS my Hand and Seal this 12th day of December, 2016.



Tom Davis

SWORN to before me on this
12th day of December, 2016



Notary Public of South Carolina
Commission Expires: 5/4/26



EXHIBIT D
(TO THE PETITION)

THE STATE OF SOUTH CAROLINA
IN THE ORIGINAL JURISDICTION OF THE SUPREME COURT

Tom Davis, individually, and as a Citizen, Resident,
Taxpayer, Qualified Elector and State Senator of
South Carolina Petitioner,

v.

Hugh K. Leatherman, Sr., in his capacity as President
Pro Tempore of the South Carolina Senate; James
H. Lucas, in his capacity as Speaker of the South
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of the Legislative Council; Henry D. McMaster, in
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South Carolina Senate and as a member of the
Legislative Council; Nikki R. Haley, in her capacity
as Governor of South Carolina; Alan M. Wilson, in
his capacity as Attorney General of the State of South
Carolina; Luke A. Rankin, in his capacity as a member
of the Legislative Council; F. Gregory Delleney, Jr., in
his capacity as a member of the Legislative Council;
Mark Hammond, in his capacity as a member of the
Legislative Council; and the State of South Carolina Respondents.

AFFIDAVIT OF SERVICE

I, Rebecca M. Wieseahn, certify that, on this date, a copy of the Notice of Petition and the
Petition for Original Jurisdiction herein have been served on _____, and
that on December 12, 2016, a copy of said pleadings were sent by certified mail to the Attorney
General at: Rembert Dennis Building, 1000 Assembly Street, Room 519, Columbia, S.C. 29201.

Rebecca M. Wieseahn
December __, 2016