

1980 WL 121031 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 14, 1980

*1 Mr. Charles Traynor Ferillo, Jr.
Executive Director
House of Representatives
The State House
Columbia, South Carolina 29211

Dear Mr. Ferillo:

Reference is made to your letter of August 13, 1980, concerning your preparations for the 1980 organizational session of the House. In this connection, [Article III, Section 9 of the South Carolina CONSTITUTION](#), as amended in 1977, contains the proviso 'that the House of Representatives shall meet on the first Tuesday following certification of the election of its members for not more than three days following the General Election in even-numbered years for the purpose of organizing.' This section of the CONSTITUTION provides for a mandatory organizational meeting, which must be set for the first Tuesday following the certification of election of its members. Thus, certification of members is a condition precedent to the calling of the organizational meeting which then must be called the next Tuesday following said certification.

Your letter of August 13 also transmitted copy of letter from Jim Ellisor, Executive Director of the Election Commission, which did not establish any firm certification date, although Mr. Ellisor indicated that the certification could, hopefully, be accomplished by the end of November. There is no statute which requires the Election Commission to certify as of a certain date, although it might be preferable for the next session of the General Assembly to consider amending the election laws so as to provide for a firm final date of certification, which would give you sufficient lead time to arrange the organizational meeting and also arrange the instructional meeting for new legislators. It is conceivable, under the present laws, that the Election Commission could issue final certification on a Friday or Monday, which would practically eliminate the early meeting for new legislators and require the organizational meeting contemplated by [Article III, Section 9 of the CONSTITUTION](#) to be held the following Tuesday after certification.

It is my understanding that the House has one more regular meeting date for the present General Assembly, and you might want to consider a resolution of the House, requesting the Election Commission to certify final results on a Tuesday, which would then give one week for the instructional meeting for new legislators, before the organizational meeting required by the CONSTITUTION. The House resolution, not being a joint resolution, would not have any real binding effect, but it may be of some help to you in resolving the dilemma of arranging the meetings for new legislators and the organizational meeting for the full House.

Yours very truly,

Victor S. Evans
Deputy Attorney General

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