

1978 S.C. Op. Atty. Gen. 35 (S.C.A.G.), 1978 S.C. Op. Atty. Gen. No. 78-22, 1978 WL 22508

Office of the Attorney General

State of South Carolina

Opinion No. 78-22

February 7, 1978

*1 Amendment to provide for an advisory election on ERA amendment is not germane to the bill.

The Honorable W. Brantley Harvey, Jr.
Lieutenant Governor
The State House
Columbia, South Carolina 29202

Dear Lieutenant Governor Harvey:

You have inquired as to whether an amendment to S-82 so as to provide for an advisory election on the ERA Amendment would be germane.

The objective and purpose of S-82 is to obtain from the General Assembly a vote on the issue of whether the ERA Amendment should or should not be ratified.

I have serious doubts that an amendment so as to provide for an advisory election is germane to the purpose of the bill.

The rulings of the Speaker of the National House of Representatives set forth in Jefferson's Manual on Parliamentary Procedure seem to indicate the correctness of this view. In this State, a somewhat contradictory position was taken by the House of Representatives in its consideration of a bill to exempt from taxation certain charitable organizations in Charleston County. This bill was amended so as to transform it into a procedure for the calling of a constitutional convention to consider the ratification of the 21st Amendment to the Federal Constitution so as to repeal the 18th Amendment. The issue of germaneness does not appear to have been raised in that instance.

While I have serious doubts as to the germaneness of the proposed amendment, the issue is one addressed to your judgment as President of the Senate, subject to the overriding authority of the Senate as a body.

Very truly yours,

Daniel R. McLeod
Attorney General

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