

1973 WL 27679 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 13, 1973

*1 John D. Feerick, Esq.
Skadden, Arps, Slate, Meagher & Flom
919 Third Avenue
New York, New York 10022

Dear Mr. Feerick:

In reply to your letter of February 27, 1973, I advise as follows:

1. Whether legislative action ratifying an amendment to the U. S. Constitution is submitted to your governor for his approval and/or possible veto.

No.

2. What form does such legislative action take (e.g., bill, joint resolution, or concurrent resolution) and what is the required vote for such action?

Generally, action is taken by adoption of a statutory form of enactment. The Constitution (Article XVI, Section 1) requires that, after an amendment has been approved by the voters, 'if a majority of each branch of the next General Assembly shall—ratify the same amendment by yeas and nays, the same shall become part of the Constitution: Provided, that such amendment shall have been read three times on three several days in each House.'

3. When your state has petitioned Congress for a national constitutional convention, has the legislature's action been submitted to your governor for his approval and/or possible veto?

I am aware of no petition for a national constitutional convention having been submitted.

4. What form has that petition to Congress taken and is there any required vote?

5. Would it be possible for us to obtain the enabling legislation of the constitutional conventions which have occurred in your state since 1900?

None since 1900.

Current constitutional revision avoided the use of a convention method and avoided a submission to the people of a single constitutional document for approval or disapproval. This procedure was adopted in the light of experiences encountered in such states as New York and Maryland. Revision of the Constitution on an article by article basis was preceded by a constitutional amendment providing: 'that for the general elections in 1970 and 1972, revision of an entire article or the addition of a new article may be proposed as a single amendment with only one question being required to be submitted to the electors. Such amendment may delete, revise, and interpose provisions from other articles of the Constitution, provided such provisions are germane to the subject matter of the article being revised or being proposed.'

Very truly yours,

Daniel R. McLeod
Attorney General

1973 WL 27679 (S.C.A.G.)

End of Document

© 2020 Thomson Reuters. No claim to original U.S. Government Works.