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JASON CHAFFETZ, Utah  
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RAÚL R. LABRADOR, Idaho  
BLAKE FARENTHOLD, Texas  
DOUG COLLINS, Georgia  
RON DeSANTIS, Florida  
MIMI WALTERS, California  
KEN BUCK, Colorado  
JOHN RATCLIFFE, Texas  
DAVE TROTT, Michigan  
MIKE BISHOP, Michigan

JOHN CONYERS, JR., Michigan  
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SHEILA JACKSON LEE, Texas  
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PEDRO R. PIERLUISI, Puerto Rico  
JUDY CHU, California  
TED DEUTCH, Florida  
LUIS V. GUTIERREZ, Illinois  
KAREN BASS, California  
CEDRIC L. RICHMOND, Louisiana  
SUZAN K. DeLBENE, Washington  
HAKEEM S. JEFFRIES, New York  
DAVID CICILLINE, Rhode Island  
SCOTT PETERS, California

ONE HUNDRED FOURTEENTH CONGRESS

# Congress of the United States

## House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6216

(202) 225-3951

<http://www.house.gov/judiciary>

February 19, 2015

The Honorable Karen Haas  
Clerk of the U.S. House of Representatives  
U.S. Capitol, Room H154  
Washington, D.C. 20515

Dear Madam Clerk,

Pursuant to section 3(c) of House Resolution 5 (114th Congress), I hereby designate the attached Memorial from the State of South Carolina, received by the House of Representatives in the year 2014, as purporting to be a rescission of a prior application of the State legislature calling for a convention for proposing amendments to the Constitution of the United States pursuant to Article V, and request that you make it publicly available.

Sincerely,



Bob Goodlatte  
Chairman

3400

No. R 403  
CLERK OF THE SENATE

No. 314  
CODE COMMISSIONER

### AN ACT

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

I Certify that the Within Originated in the House of Representatives.

Correctly Enrolled \_\_\_\_\_

*Laundra L. McKinney*  
Clerk of the House

*Stephen T. Draffin*  
Stephen T. Draffin, Director  
Legislative Council

JUN 3 2004

Delivered to the Governor this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20 \_\_\_\_\_

Delivered to the Secretary of State this 16<sup>th</sup> day of JUL, A.D. 20 04

*Jeffrey Honn*  
Clerk of the Senate

*Mark Hammond*  
SECRETARY OF STATE

**FILED**

THE STATE OF SOUTH CAROLINA

At A General Assembly Begun to be Holden at  
Columbia, on the Second Tuesday in January, in the  
Year of Our Lord Two Thousand Four, and Thence  
Continued by Divers Adjournments to the  
\_\_\_\_\_ of \_\_\_\_\_

In the Year of Our Lord Two Thousand Four

## AN ACT

**TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.**

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or

ACTS\3400AHB04.DOC

conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation. Now, therefore,

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

**Repeal**

SECTION 1. Joint Resolution 775 of 1976 is repealed.

**Disavowed**

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S. 1024 of 1978.

**Copies forwarded**

SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

**Time effective**

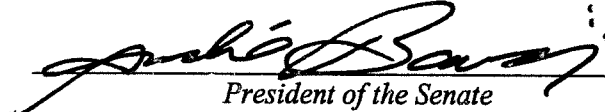
SECTION 4. This act takes effect upon approval by the Governor.

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SENATE  
2004  
COUNCIL

JUN 3 2004

In the Senate House \_\_\_\_\_

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Representatives

Approved the 16th day of July 2004.

  
\_\_\_\_\_  
Governor

**LEGISLATIVE COUNCIL**  
of the  
**GENERAL ASSEMBLY OF SOUTH CAROLINA**

**Stephen T. Draffin, Director**

**Attorney: Harwell-Beach**

**Stenographer: Sanders**

**H.3400**

**Legislative Council No. (1036) 3400AHB04**

**Doc. No.: L:\COUNCIL\ACTS\3400AHB04.DOC**

**Proofread by** *Dunbar Fusco*

3900

No. R 403  
CLERK OF THE SENATE

No. \_\_\_\_\_  
CODE COMMISSIONER

### AN ACT

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

I Certify that the Within Originated in the House of \_\_\_\_\_ Correctly Enrolled \_\_\_\_\_  
Representatives.

David A. McKinney  
Clerk of the House

Stephen T. Draffin  
Stephen T. Draffin, Director  
Legislative Council

Delivered to the Governor this JUN 3 2004

Delivered to the Secretary of State this FILED 16<sup>th</sup>

day of \_\_\_\_\_ A.D. 20 \_\_\_\_\_  
Jeffrey Gorsuch  
Clerk of the Senate

day of JUL, A.D. 20 04  
Mark Farnsworth  
SECRETARY OF STATE

THE STATE OF SOUTH CAROLINA

At A General Assembly Begun to be Holden at  
Columbia, on the Second Tuesday in January, in the  
Year of Our Lord Two Thousand Four, and Thence  
Continued by Divers Adjournments to the  
\_\_\_\_\_ of \_\_\_\_\_

In the Year of Our Lord Two Thousand Four

**AN ACT**

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Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or

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conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation. Now, therefore,

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**Repeal**

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**Time effective**

SECTION 4. This act takes effect upon approval by the Governor.

---XX---

JUN 3 2004

In the Senate House \_\_\_\_\_

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Representatives

Approved the 16th day of July 2004.

  
\_\_\_\_\_  
Governor

LEGISLATIVE COUNCIL  
of the  
GENERAL ASSEMBLY  
of the  
STATE OF SOUTH CAROLINA

*Stephen T. Draffin*

STEPHEN T. DRAFFIN, DIRECTOR

Attorney: Z. Williams

Stenographer: Melton

Document No.: L:\COUNCIL\BILLS\BBM\9404ZW03.DOC

Statewide: \_\_\_\_\_ Local: \_\_\_\_\_

Proofread by: *Amber Drummond*

# IN THE HOUSE

The Senate Amendments were agreed to by the Bill having received three readings in each House, it was ordered that the Bill be changed to that of an Act and that the Act be enrolled for ratification.

H. 3400

Introduced by Representative M. Pitts

MAY 27 2004

Senate amends by striking out and inserting

BY ORDER OF THE HOUSE

*McLeod*

*Sandra L. McHenry*  
Clerk of the House

A BILL JUN 2 2004

~~TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.~~

*Jeffrey Gossett*

Jeffrey S. Gossett, Clerk of the Senate

AMEND TITLE TO CONFORM

MAY 20 2004

*Jeffrey Gossett*

Jeffrey S. Gossett, Clerk of the Senate

In the House of Representatives

Read First Time JAN 22 2003

Read Second Time FEB 11 2004

Read Third Time FEB 12 2004

Ordered to be Sent to the Senate

By Order of the House of Representatives

*Sandra L. McHenry*  
Clerk of the House

Referred to committee on Jud

Reported 0006 Favorable FEB 4 2004

In the Senate

Read First Time FEB 12 2004

Read Second Time MAY 20 2004 (C.A.M. Adp.)

Read Third Time MAY 27 2004

Ordered to be

By Order of

*Jeffrey Gossett*

Clerk of the Senate

Referred to Committee on Judiciary

Reported MAY 19 2004

1036

May 27, 2004 Third Reading Reconsidered  
JUN 1 2004 Amended  
JUN 1 2004 Read the Third Time Ret. to House

**IN THE HOUSE**

Columbia, S. C., 2-03 2004

The Committee on Judiciary  
has considered S. \_\_\_\_\_ H. \_\_\_\_\_ and recommends that it \_\_\_\_\_ pass,  
\_\_\_\_\_ not pass. \_\_\_\_\_

*Favorable*

*James H. Harrison*  
for the Committee



# Co-Sponsors of House Bills and Resolutions 2002-04

<input type="checkbox"/>	Allen	<input type="checkbox"/>	Haskins	<input type="checkbox"/>	Quinn
<input type="checkbox"/>	Altman	<input type="checkbox"/>	Hayes	<input type="checkbox"/>	Rhoad
<input type="checkbox"/>	Anthony	<input type="checkbox"/>	Herbkersman	<input type="checkbox"/>	Rice
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<input type="checkbox"/>	Branham	<input type="checkbox"/>	Jennings	<input type="checkbox"/>	Sheheen
<input type="checkbox"/>	Breeland	<input type="checkbox"/>	Keegan	<input type="checkbox"/>	Simrill
<input type="checkbox"/>	Brown, G.	<input type="checkbox"/>	Kennedy	<input type="checkbox"/>	Sinclair
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<input type="checkbox"/>	Brown, R.	<input type="checkbox"/>	Koon	<input type="checkbox"/>	Smith, D. C.
<input type="checkbox"/>	Cato	<input type="checkbox"/>	Leach	<input type="checkbox"/>	Smith, F. N.
<input type="checkbox"/>	Ceips	<input type="checkbox"/>	Lee	<input type="checkbox"/>	Smith, G. M.
<input type="checkbox"/>	Chellis	<input type="checkbox"/>	Limehouse	<input type="checkbox"/>	Smith, J. E.
<input type="checkbox"/>	Clark	<input type="checkbox"/>	Littlejohn	<input type="checkbox"/>	Smith, J. R.
<input type="checkbox"/>	Clemmons	<input type="checkbox"/>	Lloyd	<input type="checkbox"/>	Smith, W. D.
<input type="checkbox"/>	Clyburn	<input type="checkbox"/>	Loftis	<input type="checkbox"/>	Snow
<input type="checkbox"/>	Coates	<input type="checkbox"/>	Lourie	<input type="checkbox"/>	Stewart
<input type="checkbox"/>	Cobb-Hunter	<input type="checkbox"/>	Lucas	<input type="checkbox"/>	Stille
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<input type="checkbox"/>	Edge	<input type="checkbox"/>	Moody-Lawrence	<input type="checkbox"/>	Vaughn
<input type="checkbox"/>	Emory	<input type="checkbox"/>	Neal, J. H. (Joseph)	<input type="checkbox"/>	Viers
<input type="checkbox"/>	Freeman	<input type="checkbox"/>	Neal, J. M. (James)	<input type="checkbox"/>	Walker
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<input type="checkbox"/>	Gilham	<input type="checkbox"/>	Ott	<input type="checkbox"/>	Whipper
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<input type="checkbox"/>	Harrison	<input type="checkbox"/>	Pitts, Edward H.		
<input type="checkbox"/>	Harvin	<input type="checkbox"/>	Pitts, Michael A.		

MAY 27 2004

Senate amends by striking out and inserting

A BILL

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED; AND TO RECOGNIZE THAT IT IS THE PUBLIC POLICY OF THIS STATE THAT SAME SEX MARRIAGES IN ANY OTHER JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN THIS STATE; AND TO AMEND ARTICLE 1, CHAPTER 1, TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 20-1-17 SO AS TO PROVIDE THAT BENEFITS OF A SAME SEX MARRIAGE EXTENDED IN ANOTHER JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN THIS STATE.

JUN 01 2004

*Jeffrey S. Gossett*

Jeffrey S. Gossett, Clerk of the Senate

Senate amends by striking out and inserting

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

*Jeffrey S. Gossett*

Jeffrey S. Gossett, Clerk of the Senate



MAY 20 2004

AMEND TITLE TO CONFORM

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**A BILL**

~~TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.~~

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than

[ ] MAY 27 2004 1 BBM9404ZW03.DOC

Senate amends by striking out and inserting

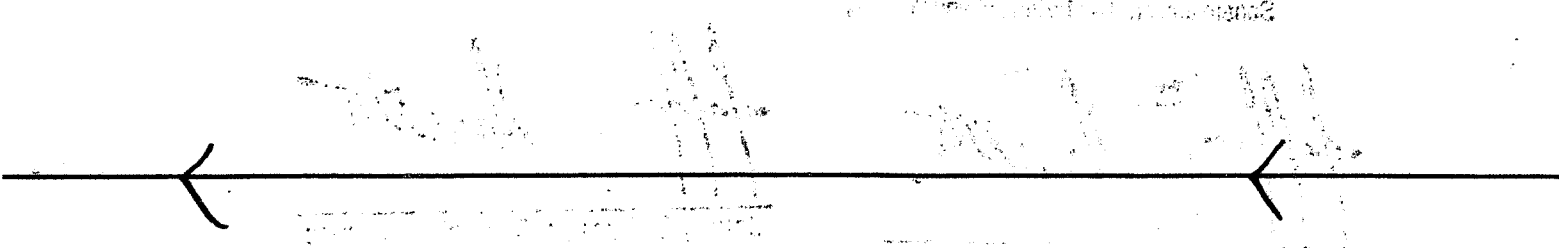
Jeffrey S. Gossett, Clerk of the Senate

Jeffrey S. Gossett, Clerk of the Senate

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1 two hundred years and has been found to be a sound document  
2 which protects the lives and liberties of the citizens; and  
3  
4 Whereas, there is no need for, rather, there is great danger in, a  
5 new constitution or in opening the Constitution to sweeping  
6 changes, the adoption of which would only create legal chaos in  
7 this nation and only begin the process of another two centuries of  
8 litigation over its meaning and interpretation. Now, therefore,  
9  
10 Be it enacted by the General Assembly of the State of South  
11 Carolina:

12  
13 SECTION 1. Joint Resolution 775 of 1976 is repealed.

14  
15 SECTION 2. The General Assembly of the State of South  
16 Carolina disavows any other calls or applications, by any means  
17 expressed, including, but not limited to S.1024 of 1978, to  
18 Congress for a constitutional convention.

19  
20 SECTION 3. This act takes effect upon approval by the Governor.  
21 -----XX-----

MAY 27 2004  
Senate amends by striking out and  
*Jeffrey Gossett*  
Jeffrey S. Gossett, Clerk of the

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed including, but not limited to, S. 1024 of 1978.

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SECTION 4. This act takes effect upon approval by the Governor.

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MAY 20 2004

Senate amends by striking out and inserting

MAY 20 2004

*Jeffrey Gossett*  
Jeffrey S. Gossett, Clerk of the Senate

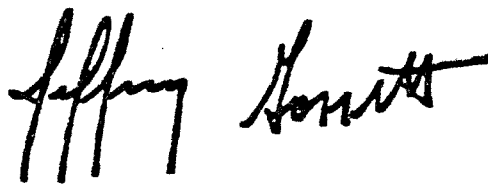


MAY 2 / 2004  
Senate amends by striking out and inserting

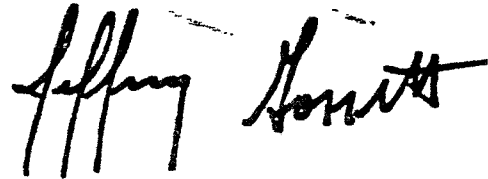
JUN 0 1 2004

Senate amends by striking out and inserting

~~Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single~~



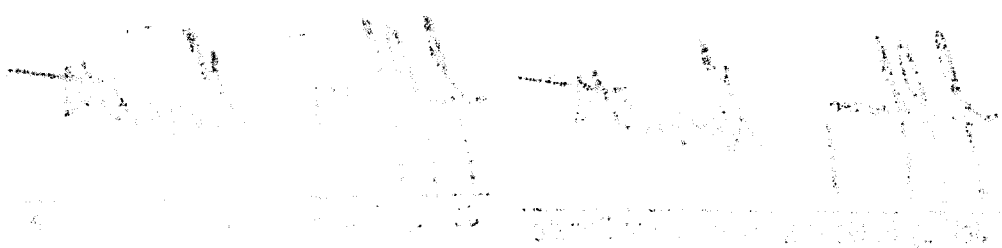
Jeffrey S. Gossett, Clerk of the Senate



Jeffrey S. Gossett, Clerk of the Senate

10/10/75

10/10/75



amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

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Whereas, there is no need for, rather, there is great danger in a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation;

Whereas, there is existing law in South Carolina that marriages between persons of the same sex are void ab initio and are against the public policy of this State; and

Whereas, because of the existing law, public acts, records, licenses, or judicial proceedings issued or enacted by another jurisdiction in contravention of existing South Carolina law are of no legal force or effect and are not recognized by this State or its political subdivisions in accordance with the public policy of South Carolina; and

Whereas, the recognition or extension by this State or its political subdivisions of the specific statutory benefits of a legal marriage to relationships between persons of the same sex is against the public policy of this State and its political subdivisions;

Now, therefore,

*Jeffrey S. Gosssett*

Jeffrey S. Gosssett, Clerk of the Senate

*Jeffrey S. Gosssett*

Jeffrey S. Gosssett, Clerk of the Senate





JUN 01 2004

MAY

J4

Senate amends by striking out and inserting

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SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

SECTION 4. Article 1, Chapter 1, Title 20 of the 1976 Code is amended by adding:

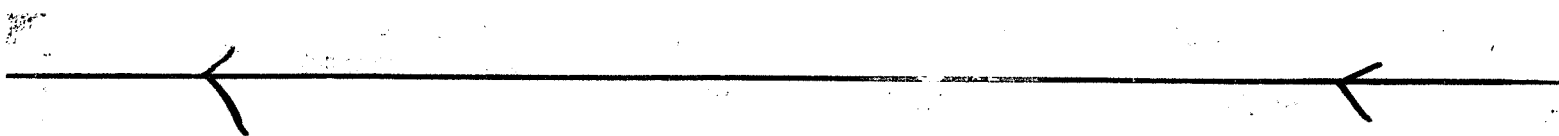
"Section 20-1-17. (A) Any public act, record, license, or judicial proceeding of this State or its political subdivisions that extends the specific statutory benefits of a legal marriage to relationships between persons of the same sex is void ab initio. Nothing in this subsection shall be construed to:

(1) prohibit the extension of specific benefits otherwise enjoyed by all persons, married or unmarried, to nonmarital relationships between persons of the same sex or different sexes, including the extension of benefits conferred by any statutes that is not expressly limited to married persons; or

(2) affect the validity of private agreements that are otherwise valid under the laws of this State or that apply to the administration of benefits in the private sector.

(B) A public act, record, license, or judicial proceeding of any other state, country, or other jurisdiction outside this State that extends the specific benefits of a legal marriage to a relationship between persons of the same sex must be considered and treated in all respects as having no legal force or effect in this State or its political subdivisions and must not be recognized by this State or its political subdivisions."

*[Handwritten signatures]*



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JUN 01 2004

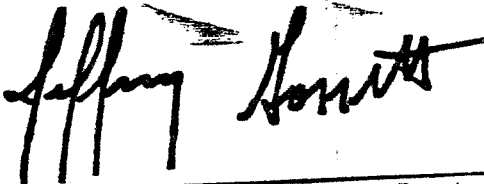
MAY 27 2004

Senate amends by striking out and inserting

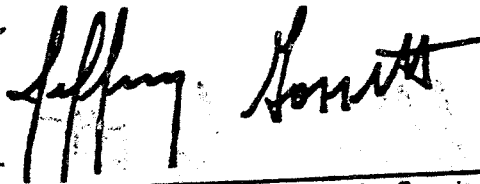
Senate amends by striking out and inserting

SECTION 5. If any section, or provision of this act is held be a court of competent jurisdiction to be unconstitutional or invalid, it does not affect the remaining provisions of this act and all provisions of this act are hereby declared to be severable from other provisions.

SECTION 6. This act takes effect upon approval by the Governor.



Jeffrey S. Gossett, Clerk of the Senate



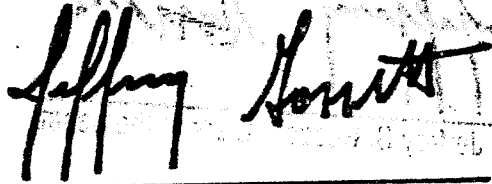
Jeffrey S. Gossett, Clerk of the Senate

JUN 0 1 200

Senate amends by striking out and inserting

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states



Jeffrey S. Gossett, Clerk of the Senate

JUN 01 2004

Senate amends by striking out and inserting

in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation. Now, therefore,

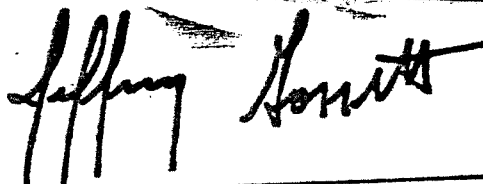
Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Joint Resolution 775 of 1976 is repealed.

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S. 1024 of 1978.

SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

SECTION 4. This act takes effect upon approval by the Governor.



Jeffrey S. Gossett, Clerk of the Senate

SENATE AMENDMENT

AMENDMENT NO. \_\_\_\_\_

Hitchcock/Huth  
June 1, 2004

ADOPTED

7m

TABLED

CARRIED OVER

FAILED

RECONSIDERED

ADOPTED

JUN 01 2004

*[Signature]*  
Clerk of the Senate

ADOPTION NO. \_\_\_\_\_

**BILL NO: H. 3400**

(Reference is to Printer's Date 5/27/04--S.)

Senator MARTIN proposed the following amendment (3400R001.LAM):

Amend the bill, as and if amended, by striking the bill in its entirety and inserting:

/ TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states

in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation. Now, therefore,

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

SECTION 1. Joint Resolution 775 of 1976 is repealed.

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S. 1024 of 1978.

SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

SECTION 4. This act takes effect upon approval by the Governor.

/

Renumber sections to conform.  
Amend title to conform.

**SENATE AMENDMENT**

AMENDMENT NO. \_\_\_\_\_

Hitchcock/Huth  
June 1, 2004

ADOPTED	TABLED	CARRIED OVER	FAILED	RECONSIDERED
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\_\_\_\_\_  
Clerk of the Senate

ADOPTION NO. \_\_\_\_\_

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Amend the bill, as and if amended, by striking the bill in its entirety and inserting:

/ TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states



in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation. Now, therefore,

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

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SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S. 1024 of 1978.

SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

SECTION 4. This act takes effect upon approval by the Governor.

/

Renumber sections to conform.  
Amend title to conform.

SENATE AMENDMENT

AMENDMENT NO. \_\_\_\_\_

Hitchcock/Huth  
June 1, 2004

ADOPTED	TABLED	CARRIED OVER	FAILED	RECONSIDERED
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\_\_\_\_\_  
Clerk of the Senate

ADOPTION NO. \_\_\_\_\_

**BILL NO: H. 3400**

(Reference is to Printer's Date 5/27/04--S.)

Senator MARTIN proposed the following amendment (3400R001.LAM):

Amend the bill, as and if amended, by striking the bill in its entirety and inserting:

/ TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states

in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation. Now, therefore,

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

SECTION 1. Joint Resolution 775 of 1976 is repealed.

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S. 1024 of 1978.

SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

SECTION 4. This act takes effect upon approval by the Governor.


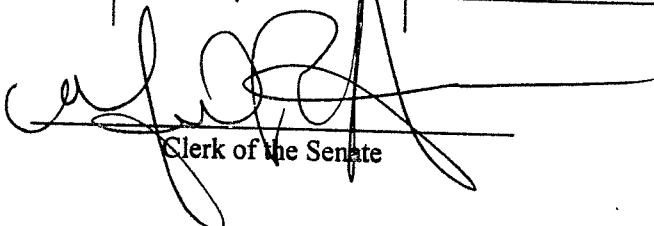
/

Renumber sections to conform.  
Amend title to conform.

SENATE AMENDMENT

Wells  
May 25, 2004

AMENDMENT NO. \_\_\_\_\_

ADOPTED	Tabled 	CARRIED OVER	FAILED	RECONSIDERED
MAY 27 2004 ADOPTED				ADOPTION NO. _____

**BILL NO: H. 3400**

(Reference is to Printer's Date 5/20/04--S.)

Senators HAWKINS, FAIR and RITCHIE proposed the following amendment (JUD3400.003):

Amend the bill, as and if amended, by striking the bill in its entirety and inserting therein the following:

**/ A BILL**

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED; AND TO RECOGNIZE THAT IT IS THE PUBLIC POLICY OF THIS STATE THAT SAME SEX MARRIAGES IN ANY OTHER JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN THIS STATE; AND TO AMEND ARTICLE 1, CHAPTER 1, TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 20-1-17 SO AS TO PROVIDE THAT BENEFITS OF A SAME SEX MARRIAGE EXTENDED IN ANOTHER JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN THIS STATE.

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single

amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than two hundred years and has been found to be a sound document which protects the lives and liberties of the citizens; and

Whereas, there is no need for, rather, there is great danger in, a new constitution or in opening the Constitution to sweeping changes, the adoption of which would only create legal chaos in this nation and only begin the process of another two centuries of litigation over its meaning and interpretation;

Whereas, there is existing law in South Carolina that marriages between persons of the same sex are void ab initio and are against the public policy of this State; and

Whereas, because of the existing law, public acts, records, licenses, or judicial proceedings issued or enacted by another jurisdiction in contravention of existing South Carolina law are of no legal force or effect and are not recognized by this State or its political subdivisions in accordance with the public policy of South Carolina; and

Whereas, the recognition or extension by this State or its political subdivisions of the specific statutory benefits of a legal marriage to relationships between persons of the same sex is against the public policy of this State and its political subdivisions;

Now, therefore,

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

SECTION 1. Joint Resolution 775 of 1976 is repealed.

SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S. 1024 of 1978.

SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

SECTION 4. Article 1, Chapter 1, Title 20 of the 1976 Code is amended by adding:

“Section 20-1-17. (A) Any public act, record, license, or judicial proceeding of this State or its political subdivisions that extends the specific statutory benefits of a legal marriage to relationships between persons of the same sex is void ab initio.

Nothing in this subsection shall be construed to:

(1) prohibit the extension of specific benefits otherwise enjoyed by all persons, married or unmarried, to nonmarital relationships between persons of the same sex or different sexes, including the extension of benefits conferred by any statutes that is not expressly limited to married persons; or

(2) affect the validity of private agreements that are otherwise valid under the laws of this State or that apply to the administration of benefits in the private sector.

(B) A public act, record, license, or judicial proceeding of any other state, country, or other jurisdiction outside this State that extends the specific benefits of a legal marriage to a relationship between persons of the same sex must be considered and treated in all respects as having no legal force or effect in this State or its political subdivisions and must not be recognized by this State or its political subdivisions.”

**SECTION 5.** If any section, or provision of this act is held be a court of competent jurisdiction to be unconstitutional or invalid, it does not affect the remaining provisions of this act and all provisions of this act are hereby declared to be severable from other provisions.

**SECTION 6.** This act takes effect upon approval by the Governor. /

Renumber sections to conform.  
Amend title to conform.

SENATE AMENDMENT

AMENDMENT NO. \_\_\_\_\_

Benson  
May 18, 2004

ADOPTED

TABLED

CARRIED OVER

FAILED

RECONSIDERED

MAY 20 2004

Clerk of the Senate

ADOPTION NO. \_\_\_\_\_

**BILL NO: H. 3400**

(Reference is to Printer's Date 2/4/04--H.)

The Committee on Judiciary proposed the following amendment (JUD3400.002):

Amend the bill, as and if amended, page 2, beginning on line 15, by striking SECTIONS 2 and 3 in their entirety and inserting therein the following:

/ SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S. 1024 of 1978.

SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.  
Amend title to conform.



SENATE AMENDMENT

AMENDMENT NO. \_\_\_\_\_

Benson  
May 18, 2004

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\_\_\_\_\_  
Clerk of the Senate

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SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.  
Amend title to conform.

SENATE AMENDMENT

AMENDMENT NO. \_\_\_\_\_

Benson  
May 18, 2004

ADOPTED	TABLED	CARRIED OVER	FAILED	RECONSIDERED
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\_\_\_\_\_  
Clerk of the Senate

ADOPTION NO. \_\_\_\_\_

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/ SECTION 2. The General Assembly of the State of South Carolina disavows any other calls or applications for a constitutional convention made to Congress prior to the effective date of this act, by any means expressed, including, but not limited to, S. 1024 of 1978.

SECTION 3. The Secretary of State is directed to forward copies of this act bearing the Great Seal of the State to the following persons: The President and Vice President of the United States, the Speaker of the House of Representatives, and each member of the South Carolina Congressional Delegation in Washington, D.C.

SECTION 4. This act takes effect upon approval by the Governor. /

Renumber sections to conform.  
Amend title to conform.

**South Carolina General Assembly**  
115th Session, 2003-2004

**H. 3400**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. M.A. Pitts, Taylor and McLeod

Document Path: I:\council\bill\bbm\9404zw03.doc

Companion/Similar bill(s): 259

Introduced in the House on January 22, 2003

Introduced in the Senate on February 12, 2004

Last Amended on June 1, 2004

Passed by the General Assembly on June 2, 2004

Summary: Calls for constitutional convention disavowed

**HISTORY OF LEGISLATIVE ACTIONS**

<u>Date</u>	<u>Body</u>	<u>Action Description with journal page number</u>
1/22/2003	House	Introduced and read first time HJ-18
1/22/2003	House	Referred to Committee on <b>Judiciary</b> HJ-18
2/4/2004	House	Committee report: Favorable <b>Judiciary</b> HJ-5
2/5/2004	House	Member(s) request name added as sponsor: McLeod
2/11/2004	House	Requests for debate-Rep(s). Thompson HJ-22
2/11/2004	House	Read second time HJ-22
2/12/2004	House	Read third time and sent to Senate HJ-14
2/12/2004	Senate	Introduced and read first time SJ-8
2/12/2004	Senate	Referred to Committee on <b>Judiciary</b> SJ-8
5/19/2004	Senate	Committee report: Favorable with amendment <b>Judiciary</b> SJ-36
5/20/2004	Senate	Amended SJ-43
5/20/2004	Senate	Read second time SJ-43
5/27/2004	Senate	Amended SJ-198
5/27/2004	Senate	Read third time and returned to House with amendments SJ-198
5/27/2004	Senate	Reconsidered SJ-198
6/1/2004	Senate	Amended SJ-24
6/1/2004	Senate	Read third time and returned to House with amendments SJ-24
6/2/2004	House	Concurred in Senate amendment and enrolled

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**VERSIONS OF THIS BILL**

[1/22/2003](#)

[2/4/2004](#)

[5/19/2004](#)

[5/20/2004](#)

[5/27/2004](#)

[6/1/2004](#)

1 AS PASSED BY THE SENATE

2 June 1, 2004

3

4

**H. 3400**

5

6 Introduced by Reps. M.A. Pitts, Taylor and McLeod

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8 S. Printed 6/1/04--S.

9 Read the first time February 12, 2004.

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**A BILL**

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

Amend Title To Conform

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than

1 two hundred years and has been found to be a sound document  
2 which protects the lives and liberties of the citizens; and

3  
4 Whereas, there is no need for, rather, there is great danger in, a  
5 new constitution or in opening the Constitution to sweeping  
6 changes, the adoption of which would only create legal chaos in  
7 this nation and only begin the process of another two centuries of  
8 litigation over its meaning and interpretation. Now, therefore,

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

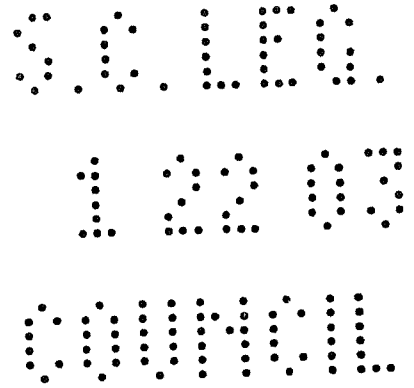
12  
13 SECTION 1. Joint Resolution 775 of 1976 is repealed.

14  
15 SECTION 2. The General Assembly of the State of South  
16 Carolina disavows any other calls or applications for a  
17 constitutional convention made to Congress prior to the effective  
18 date of this act, by any means expressed, including, but not limited  
19 to, S. 1024 of 1978.

20  
21 SECTION 3. The Secretary of State is directed to forward copies  
22 of this act bearing the Great Seal of the State to the following  
23 persons: The President and Vice President of the United States,  
24 the Speaker of the House of Representatives, and each member of  
25 the South Carolina Congressional Delegation in Washington, D.C.

26  
27 SECTION 4. This act takes effect upon approval by the Governor.

28 -----XX-----  
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1 House: M. Pitts  
2 Attorney: Z. Williams  
3 Stenographer: Melton  
4 Date: January 22, 2003  
5 Doc Name: L:\Council\Bills\BBM\9404ZW03.DOC  
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7  
8

9 **A BILL**

10  
11 TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH  
12 CALLED ON CONGRESS TO BALANCE THE FEDERAL  
13 BUDGET THROUGH SUBMITTING AN APPROPRIATE  
14 AMENDMENT TO THE STATES FOR RATIFICATION OR IN  
15 THE ALTERNATIVE TO CALL A CONSTITUTIONAL  
16 CONVENTION FOR THIS PURPOSE, AND TO DISAVOW  
17 ANY OTHER CALLS FOR A CONSTITUTIONAL  
18 CONVENTION BY ANY MEANS EXPRESSED.  
19

20 Whereas, the General Assembly of the State of South Carolina,  
21 acting with the best of intentions, at various times and during  
22 various sessions, has previously made applications to Congress to  
23 call one or more conventions to propose either a single amendment  
24 concerning a specific subject or to call a general convention to  
25 propose an unspecified and unlimited number of amendments to  
26 the United States Constitution, pursuant to the provisions of  
27 Article V thereof; and  
28

29 Whereas, former Chief Justice of the Supreme Court of the United  
30 States of America Warren E. Burger, former Associate Justice of  
31 the United States Supreme Court Arthur J. Goldberg, and other  
32 leading constitutional scholars agree that such a convention may  
33 propose sweeping changes to the Constitution, any limitations or  
34 restrictions purportedly imposed by the states in applying for such  
35 a convention or conventions to the contrary notwithstanding,  
36 thereby creating an imminent peril to the well-established rights of  
37 the citizens and the duties of various levels of government; and  
38

39 Whereas, the Constitution of the United States of America has  
40 been amended many times in the history of this nation and may be  
41 amended many more times, without the need to resort to a  
42 constitutional convention, and has been interpreted for more than

S. O. L. D. A.

1 two hundred years and has been found to be a sound document  
2 which protects the lives and liberties of the citizens; and

3  
4 Whereas, there is no need for, rather, there is great danger in, a  
5 new constitution or in opening the Constitution to sweeping  
6 changes, the adoption of which would only create legal chaos in  
7 this nation and only begin the process of another two centuries of  
8 litigation over its meaning and interpretation. Now, therefore,

9  
10 Be it enacted by the General Assembly of the State of South  
11 Carolina:

12  
13 SECTION 1. Joint Resolution 775 of 1976 is repealed.

14  
15 SECTION 2. The General Assembly of the State of South  
16 Carolina disavows any other calls or applications, by any means  
17 expressed, including, but not limited to S.1024 of 1978, to  
18 Congress for a constitutional convention.

19  
20 SECTION 3. This act takes effect upon approval by the Governor.

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1 AMENDED  
2 May 27, 2004

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## H. 3400

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Introduced by Reps. M.A. Pitts, Taylor and McLeod

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10 S. Printed 5/27/04--S.

11 Read the first time February 12, 2004.

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**A BILL**

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11 TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH  
12 CALLED ON CONGRESS TO BALANCE THE FEDERAL  
13 BUDGET THROUGH SUBMITTING AN APPROPRIATE  
14 AMENDMENT TO THE STATES FOR RATIFICATION OR IN  
15 THE ALTERNATIVE TO CALL A CONSTITUTIONAL  
16 CONVENTION FOR THIS PURPOSE, AND TO DISAVOW  
17 ANY OTHER CALLS FOR A CONSTITUTIONAL  
18 CONVENTION BY ANY MEANS EXPRESSED; AND TO  
19 RECOGNIZE THAT IT IS THE PUBLIC POLICY OF THIS  
20 STATE THAT SAME SEX MARRIAGES IN ANY OTHER  
21 JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN  
22 THIS STATE; AND TO AMEND ARTICLE 1, CHAPTER 1,  
23 TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY  
24 ADDING SECTION 20-1-17 SO AS TO PROVIDE THAT  
25 BENEFITS OF A SAME SEX MARRIAGE EXTENDED IN  
26 ANOTHER JURISDICTION HAVE NO LEGAL FORCE OR  
27 EFFECT IN THIS STATE.

28

29 Whereas, the General Assembly of the State of South Carolina,  
30 acting with the best of intentions, at various times and during  
31 various sessions, has previously made applications to Congress to  
32 call one or more conventions to propose either a single amendment  
33 concerning a specific subject or to call a general convention to  
34 propose a n unspecified a nd unlimited n umber o f a mendments to  
35 the United States Constitution, pursuant to the provisions of  
36 Article V thereof; and

37

38 Whereas, former Chief Justice of the Supreme Court of the United  
39 States of America Warren E. Burger, former Associate Justice of  
40 the United States Supreme Court Arthur J. Goldberg, and other  
41 leading c onstitutional s cholars a gree t hat s uch a c onvention may  
42 propose sweeping changes to the Constitution, any limitations or  
43 restrictions purportedly imposed by the states in applying for such

1 a convention or conventions to the contrary notwithstanding,  
2 thereby creating an imminent peril to the well-established rights of  
3 the citizens and the duties of various levels of government; and

4  
5 Whereas, the Constitution of the United States of America has  
6 been amended many times in the history of this nation and may be  
7 amended many more times, without the need to resort to a  
8 constitutional convention, and has been interpreted for more than  
9 two hundred years and has been found to be a sound document  
10 which protects the lives and liberties of the citizens; and

11  
12 Whereas, there is no need for, rather, there is great danger in, a  
13 new constitution or in opening the Constitution to sweeping  
14 changes, the adoption of which would only create legal chaos in  
15 this nation and only begin the process of another two centuries of  
16 litigation over its meaning and interpretation;

17  
18 Whereas, there is existing law in South Carolina that marriages  
19 between persons of the same sex are void ab initio and are against  
20 the public policy of this State; and

21  
22 Whereas, because of the existing law, public acts, records,  
23 licenses, or judicial proceedings issued or enacted by another  
24 jurisdiction in contravention of existing South Carolina law are of  
25 no legal force or effect and are not recognized by this State or its  
26 political subdivisions in accordance with the public policy of South  
27 Carolina; and

28  
29 Whereas, the recognition or extension by this State or its political  
30 subdivisions of the specific statutory benefits of a legal marriage to  
31 relationships between persons of the same sex is against the public  
32 policy of this State and its political subdivisions; Now, therefore,  
33

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

36  
37 SECTION 1. Joint Resolution 775 of 1976 is repealed.

38  
39 SECTION 2. The General Assembly of the State of South  
40 Carolina disavows any other calls or applications for a  
41 constitutional convention made to Congress prior to the effective  
42 date of this act, by any means expressed, including, but not limited  
43 to, S. 1024 of 1978.

1  
2 SECTION 3. The Secretary of State is directed to forward copies  
3 of this act bearing the Great Seal of the State to the following  
4 persons: The President and Vice President of the United States,  
5 the Speaker of the House of Representatives, and each member of  
6 the South Carolina Congressional Delegation in Washington, D.C.

7  
8 SECTION 4. Article 1, Chapter 1, Title 20 of the 1976 Code is  
9 amended by adding:

10  
11 "Section 20-1-17. (A) Any public act, record, license, or  
12 judicial proceeding of this State or its political subdivisions that  
13 extends the specific statutory benefits of a legal marriage to  
14 relationships between persons of the same sex is void ab initio.  
15 Nothing in this subsection shall be construed to:

16 (1) prohibit the extension of specific benefits otherwise  
17 enjoyed by all persons, married or unmarried, to nonmarital  
18 relationships between persons of the same sex or different sexes,  
19 including the extension of benefits conferred by any statute that is  
20 not expressly limited to married persons; or

21 (2) affect the validity of private agreements that are  
22 otherwise valid under the laws of this State or that apply to the  
23 administration of benefits in the private sector.

24 (B) A public act, record, license, or judicial proceeding of any  
25 other state, country, or other jurisdiction outside this State that  
26 extends the specific benefits of a legal marriage to a relationship  
27 between persons of the same sex must be considered and treated in  
28 all respects as having no legal force or effect in this State or its  
29 political subdivisions and must not be recognized by this State or  
30 its political subdivisions."

31  
32 SECTION 5. If any section, or provision of this act is held by a  
33 court of competent jurisdiction to be unconstitutional or invalid, it  
34 does not affect the remaining provisions of this act and all  
35 provisions of this act are hereby declared to be severable from  
36 other provisions.

37  
38 SECTION 6. This act takes effect upon approval by the Governor.

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4/1/04

1 AS PASSED BY THE SENATE  
2 June 1, 2004

**H. 3400**

Introduced by Reps. M.A. Pitts, Taylor and McLeod

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8 S. Printed 6/1/04--S.

9 Read the first time February 12, 2004.

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**A BILL**

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.  
Amend Title To Conform

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than

1 two hundred years and has been found to be a sound document  
2 which protects the lives and liberties of the citizens; and

3  
4 Whereas, there is no need for, rather, there is great danger in, a  
5 new constitution or in opening the Constitution to sweeping  
6 changes, the adoption of which would only create legal chaos in  
7 this nation and only begin the process of another two centuries of  
8 litigation over its meaning and interpretation. Now, therefore,  
9

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

12  
13 SECTION 1. Joint Resolution 775 of 1976 is repealed.  
14

15 SECTION 2. The General Assembly of the State of South  
16 Carolina disavows any other calls or applications for a  
17 constitutional convention made to Congress prior to the effective  
18 date of this act, by any means expressed, including, but not limited  
19 to, S. 1024 of 1978.  
20

21 SECTION 3. The Secretary of State is directed to forward copies  
22 of this act bearing the Great Seal of the State to the following  
23 persons: The President and Vice President of the United States,  
24 the Speaker of the House of Representatives, and each member of  
25 the South Carolina Congressional Delegation in Washington, D.C.  
26

27 SECTION 4. This act takes effect upon approval by the Governor.  
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29 -----XX-----

4/28/04

1 COMMITTEE AMENDMENT ADOPTED  
2 May 20, 2004

**H. 3400**

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4  
5 Introduced by Reps. M.A. Pitts, Taylor and McLeod

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7 S. Printed 5/20/04--S.

8  
9 Read the first time February 12, 2004.

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**A BILL**

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.  
Amend Title To Conform

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a

1 constitutional convention, and has been interpreted for more than  
2 two hundred years and has been found to be a sound document  
3 which protects the lives and liberties of the citizens; and

4  
5 Whereas, there is no need for, rather, there is great danger in, a  
6 new constitution or in opening the Constitution to sweeping  
7 changes, the adoption of which would only create legal chaos in  
8 this nation and only begin the process of another two centuries of  
9 litigation over its meaning and interpretation. Now, therefore,

10  
11 Be it enacted by the General Assembly of the State of South  
12 Carolina:

13  
14 SECTION 1. Joint Resolution 775 of 1976 is repealed.

15  
16 SECTION 2. The General Assembly of the State of South  
17 Carolina disavows any other calls or applications for a  
18 constitutional convention made to Congress prior to the effective  
19 date of this act, by any means expressed, including, but not limited  
20 to, S. 1024 of 1978.

21  
22 SECTION 3. The Secretary of State is directed to forward copies  
23 of this act bearing the Great Seal of the State to the following  
24 persons: The President and Vice President of the United States,  
25 the Speaker of the House of Representatives, and each member of  
26 the South Carolina Congressional Delegation in Washington, D.C.

27  
28 SECTION 4. This act takes effect upon approval by the Governor.

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AE/SE

1 COMMITTEE REPORT  
2 May 19, 2004

H. 3400

Introduced by Reps. M.A. Pitts, Taylor and McLeod

8 S. Printed 5/19/04--S.  
9 Read the first time February 12, 2004.

12 THE COMMITTEE ON JUDICIARY

13 To whom was referred a Bill (H. 3400) to repeal Joint  
14 Resolution 775 of 1976 which called on Congress to balance the  
15 federal budget through submitting an appropriate amendment to  
16 the states for ratification or in the alternative to call a, etc.,  
17 respectfully

18 REPORT:

19 That they have duly and carefully considered the same and  
20 recommend that the same do pass with amendment:

21  
22 Amend the bill, as and if amended, page 2, beginning on line 15,  
23 by striking SECTIONS 2 and 3 in their entirety and inserting  
24 therein the following:

25 / SECTION 2. The General Assembly of the State of South  
26 Carolina disavows any other calls or applications for a  
27 constitutional convention made to Congress prior to the effective  
28 date of this act, by any means expressed, including, but not limited  
29 to, S. 1024 of 1978.

30 SECTION 3. The Secretary of State is directed to forward  
31 copies of this act bearing the Great Seal of the State to the  
32 following persons: The President and Vice President of the United  
33 States, the Speaker of the House of Representatives, and each  
34 member of the South Carolina Congressional Delegation in  
35 Washington, D.C.

36 SECTION 4. This act takes effect upon approval by the  
37 Governor. /  
38 Renumber sections to conform.  
39 Amend title to conform.

40  
41 LARRY A. MARTIN for Committee.  
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**A BILL**

11 TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH  
12 CALLED ON CONGRESS TO BALANCE THE FEDERAL  
13 BUDGET THROUGH SUBMITTING AN APPROPRIATE  
14 AMENDMENT TO THE STATES FOR RATIFICATION OR IN  
15 THE ALTERNATIVE TO CALL A CONSTITUTIONAL  
16 CONVENTION FOR THIS PURPOSE, AND TO DISAVOW  
17 ANY OTHER CALLS FOR A CONSTITUTIONAL  
18 CONVENTION BY ANY MEANS EXPRESSED.

20 Whereas, the General Assembly of the State of South Carolina,  
21 acting with the best of intentions, at various times and during  
22 various sessions, has previously made applications to Congress to  
23 call one or more conventions to propose either a single amendment  
24 concerning a specific subject or to call a general convention to  
25 propose an unspecified and unlimited number of amendments to  
26 the United States Constitution, pursuant to the provisions of  
27 Article V thereof; and

29 Whereas, former Chief Justice of the Supreme Court of the United  
30 States of America Warren E. Burger, former Associate Justice of  
31 the United States Supreme Court Arthur J. Goldberg, and other  
32 leading constitutional scholars agree that such a convention may  
33 propose sweeping changes to the Constitution, any limitations or  
34 restrictions purportedly imposed by the states in applying for such  
35 a convention or conventions to the contrary notwithstanding,  
36 thereby creating an imminent peril to the well-established rights of  
37 the citizens and the duties of various levels of government; and

39 Whereas, the Constitution of the United States of America has  
40 been amended many times in the history of this nation and may be  
41 amended many more times, without the need to resort to a  
42 constitutional convention, and has been interpreted for more than

1 two hundred years and has been found to be a sound document  
2 which protects the lives and liberties of the citizens; and

4 Whereas, there is no need for, rather, there is great danger in, a  
5 new constitution or in opening the Constitution to sweeping  
6 changes, the adoption of which would only create legal chaos in  
7 this nation and only begin the process of another two centuries of  
8 litigation over its meaning and interpretation. Now, therefore,

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

13 SECTION 1. Joint Resolution 775 of 1976 is repealed.

15 SECTION 2. The General Assembly of the State of South  
16 Carolina disavows any other calls or applications, by any means  
17 expressed, including, but not limited to S.1024 of 1978, to  
18 Congress for a constitutional convention.

20 SECTION 3. This act takes effect upon approval by the Governor.

21 -----XX-----  
22

AE/SB

1 AMENDED  
2 May 27, 2004

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**H. 3400**

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Introduced by Reps. M.A. Pitts, Taylor and McLeod

7

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S. Printed 5/27/04--S.

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Read the first time February 12, 2004.

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A BILL

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED; AND TO RECOGNIZE THAT IT IS THE PUBLIC POLICY OF THIS STATE THAT SAME SEX MARRIAGES IN ANY OTHER JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN THIS STATE; AND TO AMEND ARTICLE 1, CHAPTER 1, TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 20-1-17 SO AS TO PROVIDE THAT BENEFITS OF A SAME SEX MARRIAGE EXTENDED IN ANOTHER JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN THIS STATE.

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

1 a convention or conventions to the contrary notwithstanding,  
2 thereby creating an imminent peril to the well-established rights of  
3 the citizens and the duties of various levels of government; and  
4  
5 Whereas, the Constitution of the United States of America has  
6 been amended many times in the history of this nation and may be  
7 amended many more times, without the need to resort to a  
8 constitutional convention, and has been interpreted for more than  
9 two hundred years and has been found to be a sound document  
10 which protects the lives and liberties of the citizens; and  
11  
12 Whereas, there is no need for, rather, there is great danger in, a  
13 new constitution or in opening the Constitution to sweeping  
14 changes, the adoption of which would only create legal chaos in  
15 this nation and only begin the process of another two centuries of  
16 litigation over its meaning and interpretation;  
17  
18 Whereas, there is existing law in South Carolina that marriages  
19 between persons of the same sex are void ab initio and are against  
20 the public policy of this State; and  
21  
22 Whereas, because of the existing law, public acts, records,  
23 licenses, or judicial proceedings issued or enacted by another  
24 jurisdiction in contravention of existing South Carolina law are of  
25 no legal force or effect and are not recognized by this State or its  
26 political subdivisions in accordance with the public policy of South  
27 Carolina; and  
28  
29 Whereas, the recognition or extension by this State or its political  
30 subdivisions of the specific statutory benefits of a legal marriage to  
31 relationships between persons of the same sex is against the public  
32 policy of this State and its political subdivisions; Now, therefore,  
33  
34 Be it enacted by the General Assembly of the State of South  
35 Carolina:  
36  
37 SECTION 1. Joint Resolution 775 of 1976 is repealed.  
38  
39 SECTION 2. The General Assembly of the State of South  
40 Carolina disavows any other calls or applications for a  
41 constitutional convention made to Congress prior to the effective  
42 date of this act, by any means expressed, including, but not limited  
43 to, S. 1024 of 1978.

1  
2 SECTION 3. The Secretary of State is directed to forward copies  
3 of this act bearing the Great Seal of the State to the following  
4 persons: The President and Vice President of the United States,  
5 the Speaker of the House of Representatives, and each member of  
6 the South Carolina Congressional Delegation in Washington, D.C.

7  
8 SECTION 4. Article 1, Chapter 1, Title 20 of the 1976 Code is  
9 amended by adding:

10  
11 "Section 20-1-17. (A) Any public act, record, license, or  
12 judicial proceeding of this State or its political subdivisions that  
13 extends the specific statutory benefits of a legal marriage to  
14 relationships between persons of the same sex is void ab initio.  
15 Nothing in this subsection shall be construed to:

16 (1) prohibit the extension of specific benefits otherwise  
17 enjoyed by all persons, married or unmarried, to nonmarital  
18 relationships between persons of the same sex or different sexes,  
19 including the extension of benefits conferred by any statute that is  
20 not expressly limited to married persons; or

21 (2) affect the validity of private agreements that are  
22 otherwise valid under the laws of this State or that apply to the  
23 administration of benefits in the private sector.

24 (B) A public act, record, license, or judicial proceeding of any  
25 other state, country, or other jurisdiction outside this State that  
26 extends the specific benefits of a legal marriage to a relationship  
27 between persons of the same sex must be considered and treated in  
28 all respects as having no legal force or effect in this State or its  
29 political subdivisions and must not be recognized by this State or  
30 its political subdivisions."

31  
32 SECTION 5. If any section, or provision of this act is held by a  
33 court of competent jurisdiction to be unconstitutional or invalid, it  
34 does not affect the remaining provisions of this act and all  
35 provisions of this act are hereby declared to be severable from  
36 other provisions.

37  
38 SECTION 6. This act takes effect upon approval by the Governor.

39 ---XX---

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AE/SS/7

1 AMENDED  
2 May 27, 2004

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# H. 3400

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Introduced by Reps. M.A. Pitts, Taylor and McLeod

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S. Printed 5/27/04--S.

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Read the first time February 12, 2004.

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**A BILL**

11 TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH  
12 CALLED ON CONGRESS TO BALANCE THE FEDERAL  
13 BUDGET THROUGH SUBMITTING AN APPROPRIATE  
14 AMENDMENT TO THE STATES FOR RATIFICATION OR IN  
15 THE ALTERNATIVE TO CALL A CONSTITUTIONAL  
16 CONVENTION FOR THIS PURPOSE, AND TO DISAVOW  
17 ANY OTHER CALLS FOR A CONSTITUTIONAL  
18 CONVENTION BY ANY MEANS EXPRESSED; AND TO  
19 RECOGNIZE THAT IT IS THE PUBLIC POLICY OF THIS  
20 STATE THAT SAME SEX MARRIAGES IN ANY OTHER  
21 JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN  
22 THIS STATE; AND TO AMEND ARTICLE 1, CHAPTER 1,  
23 TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY  
24 ADDING SECTION 20-1-17 SO AS TO PROVIDE THAT  
25 BENEFITS OF A SAME SEX MARRIAGE EXTENDED IN  
26 ANOTHER JURISDICTION HAVE NO LEGAL FORCE OR  
27 EFFECT IN THIS STATE.

29 Whereas, the General Assembly of the State of South Carolina,  
30 acting with the best of intentions, at various times and during  
31 various sessions, has previously made applications to Congress to  
32 call one or more conventions to propose either a single amendment  
33 concerning a specific subject or to call a general convention to  
34 propose an unspecified and unlimited number of amendments to  
35 the United States Constitution, pursuant to the provisions of  
36 Article V thereof; and  
37  
38 Whereas, former Chief Justice of the Supreme Court of the United  
39 States of America Warren E. Burger, former Associate Justice of  
40 the United States Supreme Court Arthur J. Goldberg, and other  
41 leading constitutional scholars agree that such a convention may  
42 propose sweeping changes to the Constitution, any limitations or  
43 restrictions purportedly imposed by the states in applying for such

[3400]

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1 a convention or conventions to the contrary notwithstanding,  
2 thereby creating an imminent peril to the well-established rights of  
3 the citizens and the duties of various levels of government; and  
4  
5 Whereas, the Constitution of the United States of America has  
6 been amended many times in the history of this nation and may be  
7 amended many more times, without the need to resort to a  
8 constitutional convention, and has been interpreted for more than  
9 two hundred years and has been found to be a sound document  
10 which protects the lives and liberties of the citizens; and  
11  
12 Whereas, there is no need for, rather, there is great danger in, a  
13 new constitution or in opening the Constitution to sweeping  
14 changes, the adoption of which would only create legal chaos in  
15 this nation and only begin the process of another two centuries of  
16 litigation over its meaning and interpretation;

17  
18 Whereas, there is existing law in South Carolina that marriages  
19 between persons of the same sex are void ab initio and are against  
20 the public policy of this State; and  
21

22 Whereas, because of the existing law, public acts, records,  
23 licenses, or judicial proceedings issued or enacted by another  
24 jurisdiction in contravention of existing South Carolina law are of  
25 no legal force or effect and are not recognized by this State or its  
26 political subdivisions in accordance with the public policy of South  
27 Carolina; and  
28

29 Whereas, the recognition or extension by this State or its political  
30 subdivisions of the specific statutory benefits of a legal marriage to  
31 relationships between persons of the same sex is against the public  
32 policy of this State and its political subdivisions; Now, therefore,  
33  
34 Be it enacted by the General Assembly of the State of South  
35 Carolina:  
36

37 SECTION 1. Joint Resolution 775 of 1976 is repealed.  
38

39 SECTION 2. The General Assembly of the State of South  
40 Carolina disavows any other calls or applications for a  
41 constitutional convention made to Congress prior to the effective  
42 date of this act, by any means expressed, including, but not limited  
43 to, S. 1024 of 1978.

[3400]

2

1.  
2 SECTION 3. The Secretary of State is directed to forward copies  
3 of this act bearing the Great Seal of the State to the following  
4 persons: The President and Vice President of the United States,  
5 the Speaker of the House of Representatives, and each member of  
6 the South Carolina Congressional Delegation in Washington, D.C.

7  
8 SECTION 4. Article 1, Chapter 1, Title 20 of the 1976 Code is  
9 amended by adding:

10  
11 "Section 20-1-17. (A) Any public act, record, license, or  
12 judicial proceeding of this State or its political subdivisions that  
13 extends the specific statutory benefits of a legal marriage to  
14 relationships between persons of the same sex is void ab initio.  
15 Nothing in this subsection shall be construed to:

16 (1) prohibit the extension of specific benefits otherwise  
17 enjoyed by all persons, married or unmarried, to nonmarital  
18 relationships between persons of the same sex or different sexes,  
19 including the extension of benefits conferred by any statute that is  
20 not expressly limited to married persons; or

21 (2) affect the validity of private agreements that are  
22 otherwise valid under the laws of this State or that apply to the  
23 administration of benefits in the private sector.

24 (B) A public act, record, license, or judicial proceeding of any  
25 other state, country, or other jurisdiction outside this State that  
26 extends the specific benefits of a legal marriage to a relationship  
27 between persons of the same sex must be considered and treated in  
28 all respects as having no legal force or effect in this State or its  
29 political subdivisions and must not be recognized by this State or  
30 its political subdivisions."

31  
32 SECTION 5. If any section, or provision of this act is held by a  
33 court of competent jurisdiction to be unconstitutional or invalid, it  
34 does not affect the remaining provisions of this act and all  
35 provisions of this act are hereby declared to be severable from  
36 other provisions.

37  
38 SECTION 6. This act takes effect upon approval by the Governor.

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ARW

1 AMENDED  
2 May 27, 2004

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# H. 3400

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Introduced by Reps. M.A. Pitts, Taylor and McLeod

7

8 S. Printed 5/27/04--S.

9 Read the first time February 12, 2004.

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A BILL

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED; AND TO RECOGNIZE THAT IT IS THE PUBLIC POLICY OF THIS STATE THAT SAME SEX MARRIAGES IN ANY OTHER JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN THIS STATE; AND TO AMEND ARTICLE 1, CHAPTER 1, TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 20-1-17 SO AS TO PROVIDE THAT BENEFITS OF A SAME SEX MARRIAGE EXTENDED IN ANOTHER JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN THIS STATE.

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

1 a convention or conventions to the contrary notwithstanding,  
2 thereby creating an imminent peril to the well-established rights of  
3 the citizens and the duties of various levels of government; and  
4  
5 Whereas, the Constitution of the United States of America has  
6 been amended many times in the history of this nation and may be  
7 amended many more times, without the need to resort to a  
8 constitutional convention, and has been interpreted for more than  
9 two hundred years and has been found to be a sound document  
10 which protects the lives and liberties of the citizens; and  
11  
12 Whereas, there is no need for, rather, there is great danger in, a  
13 new constitution or in opening the Constitution to sweeping  
14 changes, the adoption of which would only create legal chaos in  
15 this nation and only begin the process of another two centuries of  
16 litigation over its meaning and interpretation;  
17  
18 Whereas, there is existing law in South Carolina that marriages  
19 between persons of the same sex are void ab initio and are against  
20 the public policy of this State; and  
21  
22 Whereas, because of the existing law, public acts, records,  
23 licenses, or judicial proceedings issued or enacted by another  
24 jurisdiction in contravention of existing South Carolina law are of  
25 no legal force or effect and are not recognized by this State or its  
26 political subdivisions in accordance with the public policy of South  
27 Carolina; and  
28  
29 Whereas, the recognition or extension by this State or its political  
30 subdivisions of the specific statutory benefits of a legal marriage to  
31 relationships between persons of the same sex is against the public  
32 policy of this State and its political subdivisions; Now, therefore,  
33  
34 Be it enacted by the General Assembly of the State of South  
35 Carolina:  
36  
37 SECTION 1. Joint Resolution 775 of 1976 is repealed.  
38  
39 SECTION 2. The General Assembly of the State of South  
40 Carolina disavows any other calls or applications for a  
41 constitutional convention made to Congress prior to the effective  
42 date of this act, by any means expressed, including, but not limited  
43 to, S. 1024 of 1978.

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1 AMENDED  
2 May 27, 2004

3  
4 **H. 3400**

5  
6 Introduced by Reps. M.A. Pitts, Taylor and McLeod

7  
8 S. Printed 5/27/04--S.  
9 Read the first time February 12, 2004.

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A BILL

11 TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH  
12 CALLED ON CONGRESS TO BALANCE THE FEDERAL  
13 BUDGET THROUGH SUBMITTING AN APPROPRIATE  
14 AMENDMENT TO THE STATES FOR RATIFICATION OR IN  
15 THE ALTERNATIVE TO CALL A CONSTITUTIONAL  
16 CONVENTION FOR THIS PURPOSE, AND TO DISAVOW  
17 ANY OTHER CALLS FOR A CONSTITUTIONAL  
18 CONVENTION BY ANY MEANS EXPRESSED; AND TO  
19 RECOGNIZE THAT IT IS THE PUBLIC POLICY OF THIS  
20 STATE THAT SAME SEX MARRIAGES IN ANY OTHER  
21 JURISDICTION HAVE NO LEGAL FORCE OR EFFECT IN  
22 THIS STATE; AND TO AMEND ARTICLE 1, CHAPTER 1,  
23 TITLE 20, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY  
24 ADDING SECTION 20-1-17 SO AS TO PROVIDE THAT  
25 BENEFITS OF A SAME SEX MARRIAGE EXTENDED IN  
26 ANOTHER JURISDICTION HAVE NO LEGAL FORCE OR  
27 EFFECT IN THIS STATE.

29 Whereas, the General Assembly of the State of South Carolina,  
30 acting with the best of intentions, at various times and during  
31 various sessions, has previously made applications to Congress to  
32 call one or more conventions to propose either a single amendment  
33 concerning a specific subject or to call a general convention to  
34 propose an unspecified and unlimited number of amendments to  
35 the United States Constitution, pursuant to the provisions of  
36 Article V thereof; and  
37  
38 Whereas, former Chief Justice of the Supreme Court of the United  
39 States of America Warren E. Burger, former Associate Justice of  
40 the United States Supreme Court Arthur J. Goldberg, and other  
41 leading constitutional scholars agree that such a convention may  
42 propose sweeping changes to the Constitution, any limitations or  
43 restrictions purportedly imposed by the states in applying for such

1 a convention or conventions to the contrary notwithstanding,  
2 thereby creating an imminent peril to the well-established rights of  
3 the citizens and the duties of various levels of government; and  
4  
5 Whereas, the Constitution of the United States of America has  
6 been amended many times in the history of this nation and may be  
7 amended many more times, without the need to resort to a  
8 constitutional convention, and has been interpreted for more than  
9 two hundred years and has been found to be a sound document  
10 which protects the lives and liberties of the citizens; and  
11

12 Whereas, there is no need for, rather, there is great danger in, a  
13 new constitution or in opening the Constitution to sweeping  
14 changes, the adoption of which would only create legal chaos in  
15 this nation and only begin the process of another two centuries of  
16 litigation over its meaning and interpretation;  
17  
18 Whereas, there is existing law in South Carolina that marriages  
19 between persons of the same sex are void ab initio and are against  
20 the public policy of this State; and  
21

22 Whereas, because of the existing law, public acts, records,  
23 licenses, or judicial proceedings issued or enacted by another  
24 jurisdiction in contravention of existing South Carolina law are of  
25 no legal force or effect and are not recognized by this State or its  
26 political subdivisions in accordance with the public policy of South  
27 Carolina; and  
28

29 Whereas, the recognition or extension by this State or its political  
30 subdivisions of the specific statutory benefits of a legal marriage to  
31 relationships between persons of the same sex is against the public  
32 policy of this State and its political subdivisions; Now, therefore,  
33  
34 Be it enacted by the General Assembly of the State of South  
35 Carolina:  
36  
37 SECTION 1. Joint Resolution 775 of 1976 is repealed.  
38

39 SECTION 2. The General Assembly of the State of South  
40 Carolina disavows any other calls or applications for a  
41 constitutional convention made to Congress prior to the effective  
42 date of this act, by any means expressed, including, but not limited  
43 to, S. 1024 of 1978.

1  
2 SECTION 3. The Secretary of State is directed to forward copies  
3 of this act bearing the Great Seal of the State to the following  
4 persons: The President and Vice President of the United States,  
5 the Speaker of the House of Representatives, and each member of  
6 the South Carolina Congressional Delegation in Washington, D.C.

7  
8 SECTION 4. Article 1, Chapter 1, Title 20 of the 1976 Code is  
9 amended by adding:

10  
11 "Section 20-1-17. (A) Any public act, record, license, or  
12 judicial proceeding of this State or its political subdivisions that  
13 extends the specific statutory benefits of a legal marriage to  
14 relationships between persons of the same sex is void ab initio.  
15 Nothing in this subsection shall be construed to:

16 (1) prohibit the extension of specific benefits otherwise  
17 enjoyed by all persons, married or unmarried, to nonmarital  
18 relationships between persons of the same sex or different sexes,  
19 including the extension of benefits conferred by any statute that is  
20 not expressly limited to married persons; or

21 (2) affect the validity of private agreements that are  
22 otherwise valid under the laws of this State or that apply to the  
23 administration of benefits in the private sector.

24 (B) A public act, record, license, or judicial proceeding of any  
25 other state, country, or other jurisdiction outside this State that  
26 extends the specific benefits of a legal marriage to a relationship  
27 between persons of the same sex must be considered and treated in  
28 all respects as having no legal force or effect in this State or its  
29 political subdivisions and must not be recognized by this State or  
30 its political subdivisions."

31  
32 SECTION 5. If any section, or provision of this act is held by a  
33 court of competent jurisdiction to be unconstitutional or invalid, it  
34 does not affect the remaining provisions of this act and all  
35 provisions of this act are hereby declared to be severable from  
36 other provisions.

37  
38 SECTION 6. This act takes effect upon approval by the Governor.

39 -----XX-----  
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CH/MS

1 COMMITTEE REPORT

2 February 4, 2004

3

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**H. 3400**

5

6 Introduced by Reps. M.A. Pitts and Taylor

7

8 S. Printed 2/4/04--H.

9 Read the first time January 22, 2003.

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12

**THE COMMITTEE ON JUDICIARY**

13 To whom was referred a Bill (H. 3400) to repeal Joint  
14 Resolution 775 of 1976 which called on Congress to balance the  
15 federal budget through submitting an appropriate amendment to  
16 the States for ratification or in the alternative, etc., respectfully

17

**REPORT:**

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

20

21 JAMES H. HARRISON for Committee.

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**A BILL**

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than

1 two hundred years and has been found to be a sound document  
2 which protects the lives and liberties of the citizens; and

3  
4 Whereas, there is no need for, rather, there is great danger in, a  
5 new constitution or in opening the Constitution to sweeping  
6 changes, the adoption of which would only create legal chaos in  
7 this nation and only begin the process of another two centuries of  
8 litigation over its meaning and interpretation. Now, therefore,

9  
10 Be it enacted by the General Assembly of the State of South  
11 Carolina:

12  
13 SECTION 1. Joint Resolution 775 of 1976 is repealed.

14  
15 SECTION 2. The General Assembly of the State of South  
16 Carolina disavows any other calls or applications, by any means  
17 expressed, including, but not limited to S.1024 of 1978, to  
18 Congress for a constitutional convention.  
19

20 SECTION 3. This act takes effect upon approval by the Governor.  
21  
22

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AE/SE

1 AS PASSED BY THE SENATE  
2 June 1, 2004

**H. 3400**

Introduced by Reprs. M.A. Pitts, Taylor and McLeod

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8 S. Printed 6/1/04--S.

9 Read the first time February 12, 2004.

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**A BILL**

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.  
Amend Title To Conform

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than

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1 two hundred years and has been found to be a sound document  
2 which protects the lives and liberties of the citizens; and

3  
4 Whereas, there is no need for, rather, there is great danger in, a  
5 new constitution or in opening the Constitution to sweeping  
6 changes, the adoption of which would only create legal chaos in  
7 this nation and only begin the process of another two centuries of  
8 litigation over its meaning and interpretation. Now, therefore,

9  
10 Be it enacted by the General Assembly of the State of South  
11 Carolina:

12  
13 SECTION 1. Joint Resolution 775 of 1976 is repealed.

14  
15 SECTION 2. The General Assembly of the State of South  
16 Carolina disavows any other calls or applications for a  
17 constitutional convention made to Congress prior to the effective  
18 date of this act, by any means expressed, including, but not limited  
19 to, S. 1024 of 1978.

20  
21 SECTION 3. The Secretary of State is directed to forward copies  
22 of this act bearing the Great Seal of the State to the following  
23 persons: The President and Vice President of the United States,  
24 the Speaker of the House of Representatives, and each member of  
25 the South Carolina Congressional Delegation in Washington, D. C.

26  
27 SECTION 4. This act takes effect upon approval by the Governor.

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[3400]

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AE/SE

1 COMMITTEE AMENDMENT ADOPTED  
2 May 20, 2004

**H. 3400**

Introduced by Reps. M.A. Pitts, Taylor and McLeod

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8 S. Printed 5/20/04--S.

9 Read the first time February 12, 2004.

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A BILL

10 TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH  
11 CALLED ON CONGRESS TO BALANCE THE FEDERAL  
12 BUDGET THROUGH SUBMITTING AN APPROPRIATE  
13 AMENDMENT TO THE STATES FOR RATIFICATION OR IN  
14 THE ALTERNATIVE TO CALL A CONSTITUTIONAL  
15 CONVENTION FOR THIS PURPOSE, AND TO DISAVOW  
16 ANY OTHER CALLS FOR A CONSTITUTIONAL  
17 CONVENTION BY ANY MEANS EXPRESSED.  
18 Amend Title To Conform  
19  
20

21 Whereas, the General Assembly of the State of South Carolina,  
22 acting with the best of intentions, at various times and during  
23 various sessions, has previously made applications to Congress to  
24 call one or more conventions to propose either a single amendment  
25 concerning a specific subject or to call a general convention to  
26 propose an unspecified and unlimited number of amendments to  
27 the United States Constitution, pursuant to the provisions of  
28 Article V thereof; and  
29

30 Whereas, former Chief Justice of the Supreme Court of the United  
31 States of America Warren E. Burger, former Associate Justice of  
32 the United States Supreme Court Arthur J. Goldberg, and other  
33 leading constitutional scholars agree that such a convention may  
34 propose sweeping changes to the Constitution, any limitations or  
35 restrictions purportedly imposed by the states in applying for such  
36 a convention or conventions to the contrary notwithstanding,  
37 thereby creating an imminent peril to the well-established rights of  
38 the citizens and the duties of various levels of government; and  
39

40 Whereas, the Constitution of the United States of America has  
41 been amended many times in the history of this nation and may be  
42 amended many more times, without the need to resort to a

1 constitutional convention, and has been interpreted for more than  
2 two hundred years and has been found to be a sound document  
3 which protects the lives and liberties of the citizens; and  
4

5 Whereas, there is no need for, rather, there is great danger in, a  
6 new constitution or in opening the Constitution to sweeping  
7 changes, the adoption of which would only create legal chaos in  
8 this nation and only begin the process of another two centuries of  
9 litigation over its meaning and interpretation. Now, therefore,  
10

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

13 SECTION 1. Joint Resolution 775 of 1976 is repealed.

14 SECTION 2. The General Assembly of the State of South  
15 Carolina disavows any other calls or applications for a  
16 constitutional convention made to Congress prior to the effective  
17 date of this act, by any means expressed, including, but not limited  
18 to, S. 1024 of 1978.  
19  
20

21 SECTION 3. The Secretary of State is directed to forward copies  
22 of this act bearing the Great Seal of the State to the following  
23 persons: The President and Vice President of the United States,  
24 the Speaker of the House of Representatives, and each member of  
25 the South Carolina Congressional Delegation in Washington, D.C.  
26  
27

28 SECTION 4. This act takes effect upon approval by the Governor.  
29  
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RECEIVED

1 COMMITTEE REPORT  
2 May 19, 2004

H. 3400

4  
5 Introduced by Reps. M.A. Pitts, Taylor and McLeod

6  
7  
8 S. Printed 5/19/04--S.

9 Read the first time February 12, 2004.

10  
11  
12 **THE COMMITTEE ON JUDICIARY**

13 To whom was referred a Bill (H. 3400) to repeal Joint  
14 Resolution 775 of 1976 which called on Congress to balance the  
15 federal budget through submitting an appropriate amendment to  
16 the states for ratification or in the alternative to call a, etc.,  
17 respectfully

18 **REPORT:**

19 That they have duly and carefully considered the same and  
20 recommend that the same do pass with amendment:

21  
22 Amend the bill, as and if amended, page 2, beginning on line 15,  
23 by striking SECTIONS 2 and 3 in their entirety and inserting  
24 therein the following:

25 / SECTION 2. The General Assembly of the State of South  
26 Carolina disavows any other calls or applications for a  
27 constitutional convention made to Congress prior to the effective  
28 date of this act, by any means expressed, including, but not limited  
29 to, S. 1024 of 1978.

30 SECTION 3. The Secretary of State is directed to forward  
31 copies of this act bearing the Great Seal of the State to the  
32 following persons: The President and Vice President of the United  
33 States, the Speaker of the House of Representatives, and each  
34 member of the South Carolina Congressional Delegation in  
35 Washington, D.C.

36 SECTION 4. This act takes effect upon approval by the  
37 Governor. /  
38 Renumber sections to conform.  
39 Amend title to conform.

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41 LARRY A. MARTIN for Committee.  
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**A BILL**

TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH CALLED ON CONGRESS TO BALANCE THE FEDERAL BUDGET THROUGH SUBMITTING AN APPROPRIATE AMENDMENT TO THE STATES FOR RATIFICATION OR IN THE ALTERNATIVE TO CALL A CONSTITUTIONAL CONVENTION FOR THIS PURPOSE, AND TO DISAVOW ANY OTHER CALLS FOR A CONSTITUTIONAL CONVENTION BY ANY MEANS EXPRESSED.

Whereas, the General Assembly of the State of South Carolina, acting with the best of intentions, at various times and during various sessions, has previously made applications to Congress to call one or more conventions to propose either a single amendment concerning a specific subject or to call a general convention to propose an unspecified and unlimited number of amendments to the United States Constitution, pursuant to the provisions of Article V thereof; and

Whereas, former Chief Justice of the Supreme Court of the United States of America Warren E. Burger, former Associate Justice of the United States Supreme Court Arthur J. Goldberg, and other leading constitutional scholars agree that such a convention may propose sweeping changes to the Constitution, any limitations or restrictions purportedly imposed by the states in applying for such a convention or conventions to the contrary notwithstanding, thereby creating an imminent peril to the well-established rights of the citizens and the duties of various levels of government; and

Whereas, the Constitution of the United States of America, has been amended many times in the history of this nation and may be amended many more times, without the need to resort to a constitutional convention, and has been interpreted for more than

1 two hundred years and has been found to be a sound document  
2 which protects the lives and liberties of the citizens; and

3  
4 Whereas, there is no need for, rather, there is great danger in, a  
5 new constitution or in opening the Constitution to sweeping  
6 changes, the adoption of which would only create legal chaos in  
7 this nation and only begin the process of another two centuries of  
8 litigation over its meaning and interpretation. Now, therefore,

9  
10 Be it enacted by the General Assembly of the State of South  
11 Carolina:

12  
13 SECTION 1. Joint Resolution 775 of 1976 is repealed.

14  
15 SECTION 2. The General Assembly of the State of South  
16 Carolina disavows any other calls or applications, by any means  
17 expressed, including, but not limited to S.1024 of 1978, to  
18 Congress for a constitutional convention.

19  
20 SECTION 3. This act takes effect upon approval by the Governor.

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1 COMMITTEE REPORT  
2 February 4, 2004

**H. 3400**

Introduced by Reps. M.A. Pitts and Taylor

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8 S. Printed 2/4/04--H.

9 Read the first time January 22, 2003.

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12 **THE COMMITTEE ON JUDICIARY**

13 To whom was referred a Bill (H. 3400) to repeal Joint  
14 Resolution 775 of 1976 which called on Congress to balance the  
15 federal budget through submitting an appropriate amendment to  
16 the States for ratification or in the alternative, etc., respectfully

17 **REPORT:**

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

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21 JAMES H. HARRISON for Committee.  
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11 TO REPEAL JOINT RESOLUTION 775 OF 1976 WHICH  
12 CALLED ON CONGRESS TO BALANCE THE FEDERAL  
13 BUDGET THROUGH SUBMITTING AN APPROPRIATE  
14 AMENDMENT TO THE STATES FOR RATIFICATION OR IN  
15 THE ALTERNATIVE TO CALL A CONSTITUTIONAL  
16 CONVENTION FOR THIS PURPOSE, AND TO DISAVOW  
17 ANY OTHER CALLS FOR A CONSTITUTIONAL  
18 CONVENTION BY ANY MEANS EXPRESSED.  
19

## A BILL

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21 acting with the best of intentions, at various times and during  
22 various sessions, has previously made applications to Congress to  
23 call one or more conventions to propose either a single amendment  
24 concerning a specific subject or to call a general convention to  
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26 the United States Constitution, pursuant to the provisions of  
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29 Whereas, former Chief Justice of the Supreme Court of the United  
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31 the United States Supreme Court Arthur J. Goldberg, and other  
32 leading constitutional scholars agree that such a convention may  
33 propose sweeping changes to the Constitution, any limitations or  
34 restrictions purportedly imposed by the states in applying for such  
35 a convention or conventions to the contrary notwithstanding,  
36 thereby creating an imminent peril to the well-established rights of  
37 the citizens and the duties of various levels of government; and  
38

39 Whereas, the Constitution of the United States of America has  
40 been amended many times in the history of this nation and may be  
41 amended many more times, without the need to resort to a  
42 constitutional convention, and has been interpreted for more than

1 two hundred years and has been found to be a sound document  
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4 Whereas, there is no need for, rather, there is great danger in, a  
5 new constitution or in opening the Constitution to sweeping  
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**IN THE SENATE**

Columbia, S.C., May 18, 20 04

The Committee on Judiciary  
has considered S. \_\_\_\_\_ H. 3400 and recommends that it  pass,  
 not pass. favorable w/ amend.

Sen. Martin  
for the Committee

**LEGISLATIVE COUNCIL**  
of the  
**GENERAL ASSEMBLY**  
of the  
**STATE OF SOUTH CAROLINA**



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STEPHEN T. DRAFFIN, DIRECTOR

Attorney: Z. Williams

Stenographer: Melton

Document No.: L:\COUNCIL\BILLS\BBM\9404ZW03.DOC

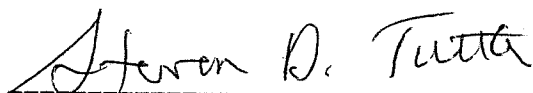
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Proofread by: *Amber Perumond*

STATE OF SOUTH CAROLINA  
RICHLAND COUNTY

THIS IS TO CERTIFY THAT This and or the attached is a true and accurate copy of An Act To Repeal Joint Resolution 775 Of 1976 Which Called on Congress To Balance The Federal Budget Through Submitting An Appropriate Amendment To The States For Ratification Or In The Alternative To Call A Constitutional Convention For This Purpose, And To Disavow Any Other Calls For A Constitutional Convention By Any Means Expressed, recorded in Records of the South Carolina General Assembly, Acts and Joint Resolutions 2004 R 403 (S 165001 Box 1057) now on deposit with the South Carolina Department of Archives and History.

GIVEN UNDER MY HAND AND THE SEAL OF THE DEPARTMENT  
This eighteenth day of December, two thousand and thirteen.



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Steven D. Tuttle, Supervisor  
Archives Division