**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4013**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Cooper

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Introduced in the House on March 31, 2011

Currently residing in the House Committee on **Labor, Commerce and Industry**

Summary: Special purpose districts

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/31/2011 House Introduced and read first time ([House Journal‑page 14](file:///h:\hj%20archive\2011\03-31-11.docx))

3/31/2011 House Referred to Committee on **Labor, Commerce and Industry** ([House Journal‑page 14](file:///h:\hj%20archive\2011\03-31-11.docx))

**VERSIONS OF THIS BILL**

[3/31/2011](file:///p:\pprever\2011-12\4013_20110331.docx)

**A** **BILL**

TO AMEND SECTIONS 33‑36‑1330 AND 33‑36‑1340, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PROCEDURES, INCLUDING ELECTION PROCEDURES, FOR THE METHOD OF SELECTING MEMBERS OF THE GOVERNING BODY OF A PUBLIC SERVICE DISTRICT PROVIDING WATER AND SEWER SERVICES THAT WAS CONVERTED FROM A NONPROFIT CORPORATION IN THE MANNER PROVIDED BY LAW, SO AS TO PROVIDE THAT BEGINNING WITH THE 2012 ELECTION, ALL MEMBERS OF THE GOVERNING BODY OF A DISTRICT MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE GENERAL ELECTION, AND TO PROVIDE FOR OTHER PROVISIONS PERTAINING TO THE ELECTION OF THESE MEMBERS.

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

SECTION 1. Section 33‑36‑1330 of the 1976 Code is amended to read:

“Section 33‑36‑1330. (A) The existing board of directors and officers shall serve until the expiration of their present terms. Thereafter, and not less than forty‑five days ~~prior to~~ before any expiration of the term of a board member, the board of directors shall submit to the county legislative delegation the name or names of a person or persons recommended for appointment or reappointment. A letter of recommendation by the board stating why the name or names are recommended ~~shall~~ must accompany the submission. The county legislative delegation shall consider the recommendation of the board but are not limited to make a selection for its own recommendation from among those submitted. Upon recommendation of the county legislative delegation, members of the board must be appointed by the Governor for a term of four years. A vacancy may be filled by the board, if the remaining term is less than two years; if more than two years, then in the usual manner for the unexpired term.

(B) The governing body of the district, by a resolution adopted by a two‑thirds vote of all members of the governing body, may request that board members be elected in a nonpartisan general election. If adopted, a certified copy of the resolution and a map clearly setting out the lines of the boundaries of the district in the county or counties in which the district is situated must be presented to the county election commission ~~prior to~~ before August first of a general election held in an even‑numbered year for the election to be held at the general election in November of that year. The governing body must be elected from single‑member election districts.

(C) Notice of the election must be published ~~by the governing body of the district~~ at least three times ~~prior to~~ before the election, including ~~(i)~~ not less than sixty days ~~prior to~~ before the date of the election, ~~(ii)~~ two weeks after the first date of publication, and ~~(iii)~~ a date not more than fifteen and not less than ten days before the date of the election. The notice must appear in a newspaper of general circulation within the district and contain at a minimum the following:

(1) the full name of the district and its governing body;

(2) the names, addresses, and telephone numbers of the members of the district’s governing body;

(3) ~~the existing means of appointment of members of the district’s governing body;~~

~~(4)~~ a brief description of the governmental services provided by the district;

~~(5)~~(4) a map showing generally the boundaries of the district;

~~(6)~~(5) a list of precincts and polling places in which ballots may be cast; and

~~(7)~~(6) an explanation of the procedure to be followed for election of members of the district’s governing body ~~and state~~.

(D) Beginning with the 2012 election and notwithstanding any other provision of this section to the contrary, all members of the governing body of the district must be elected in nonpartisan elections conducted in the manner prescribed in Section 33‑36‑1340 and, beginning with these elections in 2012, the provisions of subsections (A) and (B) no longer apply to the selection of members of the governing body of the district.”

SECTION 2. Section 33‑36‑1340 of the 1976 Code is amended to read:

“Section 33‑36‑1340. (A) On the first Tuesday following the first Monday in November ~~in the year immediately following the year of the resolution~~ in even-numbered years, the voters shall elect commissioners for all seats on the district’s governing body in a nonpartisan election to be conducted at the same time as the general election. The size of a district’s governing body, beginning with the 2012 election, shall remain the same. Candidates ~~must~~ shall file a statement of intention of candidacy with the entity charged by law with conducting the election at least forty‑five days before the election. Candidates must be qualified electors and residents of the districts from which they seek election. ~~Except for~~ Including the initial election of commissioners as provided in subsection (B), all commissioners must be elected on an at‑large basis for terms of four years with terms staggered so that a simple majority of the commissioners are elected in ~~the next ensuing general~~ a particular election ~~year~~, and the remaining commissioners are elected at the next ~~following general~~ election. The terms of office of commissioners whose seats are subject to contest in ~~general~~ an election shall expire fourteen days following the ~~general~~ election.

(B) For the initial election of commissioners, all seats are considered vacant. For those districts which do not now elect their governing bodies and which are required to do so beginning in 2012 as provided in this section, all seats on the governing bodies are considered vacant. In addition, all seats on a district’s governing body beginning in 2012, and thereafter, must be filled on an at‑large basis. From among the commissioners elected in the initial election, a simple majority ~~thereof~~ shall serve terms which expire fourteen days following the ~~general~~ election held ~~two~~ four years after the initial election. Those commissioners entitled to serve the initial four‑year terms are those commissioners equal in number to a simple majority of the membership who received the highest number of votes cast in the initial election. The remaining commissioners shall serve terms which expire fourteen days following the ~~general~~ election held ~~the year~~ two years following the initial election and thereafter their successors must be elected for four-year terms. All commissioners shall serve until their successors are elected and qualify.

(C) The county election commission is charged with conducting and supervising the elections for commissioners in the manner governed by the election laws of this State, mutatis mutandis. Vacancies must be filled in the manner provided in Section 7‑13‑190. The notice and other requirements of subsection (C) of Section 33‑36‑1330 must be provided. The results of the elections, beginning in 2012, must be determined on the nonpartisan plurality method provided for in Section 5‑15‑61.”

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

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