**South Carolina General Assembly**

123rd Session, 2019-2020

**A104, R4, S335**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Massey

Document Path: l:\s-res\asm\023bath.sp.asm.docx

Introduced in the Senate on January 8, 2019

Introduced in the House on January 31, 2019

Last Amended on January 29, 2019

Passed by the General Assembly on February 6, 2019

Governor's Action: February 26, 2019, Vetoed

Legislative veto action(s): Veto overridden

Summary: Election of the Commissioners of the Bath, Langley, and Clearwater Water and Sewer Districts

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/8/2019 Senate Introduced, read first time, placed on local & uncontested calendar ([Senate Journal‑page 188](file:///h%3A%5Csj%5C20190108.docx))

 1/10/2019 Senate Read second time ([Senate Journal‑page 10](file:///h%3A%5Csj%5C20190110.docx))

 1/10/2019 Scrivener's error corrected

 1/29/2019 Senate Amended ([Senate Journal‑page 14](file:///h%3A%5Csj%5C20190129.docx))

 1/29/2019 Senate Read third time and sent to House ([Senate Journal‑page 14](file:///h%3A%5Csj%5C20190129.docx))

 1/30/2019 Scrivener's error corrected

 1/31/2019 House Introduced, read first time, placed on calendar without reference ([House Journal‑page 62](file:///h%3A%5Chj%5C20190131.docx))

 2/1/2019 Scrivener's error corrected

 2/5/2019 House Read second time ([House Journal‑page 9](file:///h%3A%5Chj%5C20190205.docx))

 2/5/2019 House Roll call Yeas‑104 Nays‑0 ([House Journal‑page 10](file:///h%3A%5Chj%5C20190205.docx))

 2/6/2019 House Read third time and enrolled ([House Journal‑page 53](file:///h%3A%5Chj%5C20190206.docx))

 2/20/2019 Ratified R 4

 2/26/2019 Vetoed by Governor

 2/27/2019 Senate Veto overridden by originating body Ayes‑40 Nays‑0 ([Senate Journal‑page 38](file:///h%3A%5Csj%5C20190227.docx))

 3/7/2019 House Veto overridden Yeas‑95 Nays‑1 ([House Journal‑page 15](file:///h%3A%5Chj%5C20190307.docx))

 3/11/2019 Effective date 03/07/19

 7/10/2019 Act No.  104

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=335&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/8/2019](file:///p%3A%5Cpprever%5C2019-20%5C335_20190108.docx)

[1/8/2019A](%5C%5C%5C%5Clsa-fs1%5C%5CCommon_spc%5C%5Cpprever%5C%5C2019-20%5C%5C335_20190108A.docx)

[1/10/2019](file:///p%3A%5Cpprever%5C2019-20%5C335_20190110.docx)

[1/29/2019](file:///p%3A%5Cpprever%5C2019-20%5C335_20190129.docx)

[1/30/2019](file:///p%3A%5Cpprever%5C2019-20%5C335_20190130.docx)

[1/31/2019](file:///p%3A%5Cpprever%5C2019-20%5C335_20190131.docx)

[2/1/2019](file:///p%3A%5Cpprever%5C2019-20%5C335_20190201.docx)

(A104, R4, S335)

**AN ACT TO AMEND ACT 516 OF 1976, RELATING TO THE ELECTION OF COMMISSIONERS OF THE BATH, LANGLEY, AND CLEARWATER WATER AND SEWER DISTRICTS IN AIKEN COUNTY, SO AS TO CHANGE THE COMMENCEMENT DATE OF EACH COMMISSIONER’S TERM OF OFFICE TO JANUARY FIRST IN THE YEAR FOLLOWING THE COMMISSIONER’S ELECTION AND TO CHANGE THE TERM EXPIRATION DATE TO DECEMBER THIRTY‑FIRST OF EACH EVEN‑NUMBERED YEAR; AND TO AMEND ACT 1006 OF 1958, RELATING TO THE ELECTION OF COMMISSIONERS OF THE BATH, LANGLEY, AND CLEARWATER WATER AND SEWER DISTRICTS IN AIKEN COUNTY, SO AS TO CHANGE THE COMMENCEMENT DATE OF EACH COMMISSIONER’S TERM TO JANUARY FIRST IN THE YEAR FOLLOWING THE COMMISSIONER’S ELECTION, TO CHANGE THE ELECTION DATE FOR COMMISSIONERS TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER AND TO PROVIDE FOR STAGGERED TERMS, TO REVISE THE PROCEDURES FOR ADVERTISING ELECTIONS FOR COMMISSIONERS IN A NEWSPAPER OF GENERAL CIRCULATION, TO REQUIRE COMMISSION CANDIDATES TO FILE STATEMENTS OF INTENTION OF CANDIDACY WITH THE AIKEN COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS, AND TO ESTABLISH THE FILING PERIOD FOR THE ELECTION OF COMMISSIONERS.**

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

**Bath, Langley, and Clearwater Water and Sewer Districts, commissioners**’ **terms**’ **commencement and expiration dates**

SECTION 1. SECTION 1 of Act 516 of 1976 is amended to read:

 “Section 59‑627. (1) Notwithstanding the provisions of Article 1 of this chapter, the terms of all commissioners elected for the Langley Water and Sewer District, the Bath Water and Sewer District and the Clearwater Water and Sewer District shall commence on January first of the year after such commissioners are elected and extend for a term of six years, the terms being so staggered that the term of one commissioner for each district shall expire on December thirty‑first of each even‑numbered year.

 (2) Notwithstanding the provisions of Article 1 of this chapter, in the event of a vacancy on the commissions of any of the above districts, it shall be filled for the remainder of the unexpired term by appointment of the Governor upon the recommendation of a majority of the members of the Aiken County Legislative Delegation.”

**Bath, Langley, and Clearwater Water and Sewer Districts, commissioners**’ **terms**’ **commencement date**

SECTION 2. SECTION 1 of Act 1006 of 1958 is amended to read:

 “SECTION 1. Notwithstanding the provisions of Chapter 4 of Title 59, Code of Laws of South Carolina, 1952, the terms of all commissioners elected for the Langley Water and Sewer District, the Bath Water and Sewer District and the Clearwater Water and Sewer District shall, from and after the effective date of this act, commence on January first of the year after such commissioners are elected and extend for the term prescribed by law, except for elections as hereinafter provided for the year 1958.”

**Bath, Langley, and Clearwater Water and Sewer Districts election date**

SECTION 3. SECTION 2 of Act 1006 of 1958 is amended to read:

 “SECTION 2. (A) Beginning in 2020, elections for water commissioners of each of the three water and sewer districts herein before specified shall be held on the first Tuesday after the first Monday in November, and such elections thereafter shall be held on the first Tuesday after the first Monday in November of each even‑numbered year thereafter.

 (B) The term of office for each commissioner serving as of January 1, 2019, whose term in office expires before the date for the next election, as provided in subsection (A), shall continue to serve until the date of the next election. The term of office for the commissioner elected to fill such a seat at the next election shall be such a term as shall ensure that the terms of all commissioners are staggered, as required by Section 59‑627(1) of Section 1 of Act 516 of 1976.”

**Bath, Langley, and Clearwater Water and Sewer Districts, candidates to file statements of intention of candidacy**

SECTION 4. SECTION 3 of Act 1006 of 1958 is amended to read:

 “SECTION 3. It shall be the responsibility of the Aiken County Board of Voter Registration and Elections to cause such elections to be called and to conduct such elections, which latter responsibility shall include, among other things, the designation of voting places, the appointment of election managers, the preparation of ballots, the declaring of results of such elections and the certifying of the results thereof to the Secretary of State of South Carolina. Such elections shall be conducted in accordance with the General Election Law of this State, except as such general election law is herein modified. It shall be the responsibility of the Aiken County Board of Voter Registration and Elections to cause to be prepared and delivered, not less than three days prior to the date set herein for the holding of such elections, two suitable books or lists of persons entitled to vote in the Langley Water and Sewer District, the Bath Water and Sewer District and the Clearwater Water and Sewer District. The Aiken County Board of Voter Registration and Elections shall cause to be advertised in a newspaper of general circulation in the water and sewer districts herein specified, on at least two different days during the week immediately preceding the date set for any election, a notice of the election to be held in each water and sewer district, each of which notices shall specify the time and place of the holding of such election, the nature and purpose of such election, the hours of voting, and a resumé of qualifications required for voting in such election. In all elections held as herein specified, only those persons who are duly qualified and registered electors and who are bona fide residents of the water and sewer district in which such election is being held shall be eligible to vote. Persons desiring to be candidates shall be duly qualified and registered electors and bona fide residents of the district from which they are seeking election and shall qualify as candidates for election by filing a statement of intention of candidacy with the Aiken County Board of Voter Registration and Elections. Candidate filing shall open on July first and close on July fifteenth of each even‑numbered year. Within five days after election, the county board of election commissioners shall meet, canvass the votes cast, and certify to the Secretary of State of South Carolina the names of the person or persons elected as commissioners of the water and sewer district, and the term for which elected. Thereafter, the person or persons so elected shall file with the Secretary of State of South Carolina the appropriate oath of office and shall comply with other formalities as are generally required of persons holding office in the State of South Carolina.”

**Time effective**

SECTION 5. This act takes effect upon approval by the Governor.

Ratified the 20th day of February, 2019.

Vetoed by the Governor -- 2/26/19.

Veto overridden by Senate -- 2/27/19.

Veto overridden by House -- 3/7/19.

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