~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 9, 2011

**H. 3041**

Introduced by Reps. J.R. Smith, Thayer, Harrison, G.R. Smith, Taylor, G.M. Smith, Hixon and Patrick

S. Printed 3/9/11--H.

Read the first time January 11, 2011.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3041) to amend Sections 59‑71‑40 and 59‑71‑50, Code of Laws of South Carolina, 1976, both relating to a school bond election, so as to provide that the election, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Article 1, Chapter 13, Title 7 of the 1976 Code is amended by adding:

“Section 7‑13‑200. (A) An entity authorized by law to conduct a referendum, ballot measure, or other election event at which a person is not elected to an office shall conduct this event, at which qualified electors are allowed to cast a ballot, on one of four dates as provided in subsection (B).

(B) The dates on which a referendum, ballot measure, or other election event may be held are:

(1) the second Tuesday in March;

(2) the second Tuesday in June unless there is a regularly scheduled primary election on the second Tuesday in June;

(3) the second Tuesday in September; or

(4) the Tuesday after the first Monday in November.

(C) Notwithstanding another provision of law, if an entity is required to conduct a referendum, ballot measure, or other election event at which a person is not elected to office, it must be conducted on one of the four dates established in subsection (B) after and nearest to the date established by another provision of law.

(D) The provisions of this section do not apply to amendments proposed to the Constitution of this State or the United States Constitution.”

SECTION 2. This act takes effect upon approval by the Governor and applies to a referendum, ballot question, or other election event at which a person is not elected to office after July 1, 2011. /

Renumber sections to conform.

Amend title to conform.

JAMES H. HARRISON for Committee.

**A** **BILL**

TO AMEND SECTIONS 59‑71‑40 AND 59‑71‑50, CODE OF LAWS OF SOUTH CAROLINA, 1976, BOTH RELATING TO A SCHOOL BOND ELECTION, SO AS TO PROVIDE THAT THE ELECTION MUST BE HELD ON THE DATE OF A GENERAL ELECTION OR ON THE DATE OF A PRIMARY ELECTION.

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

SECTION 1. Section 59‑71‑40 of the 1976 Code is amended to read:

“Section 59‑71‑40. The election ~~hereby~~ required ~~shall~~ by the provisions of this chapter must be ordered by the authorities, who shall ~~fix the date thereof and~~ prescribe the form of the notice of the holding of the election. ~~Advices of the action thus taken by the authorities shall be transmitted to~~ The election must be held on the date of a general election or on the date of a primary election. The authorities shall notify the commissioners of election for the county~~, or counties, wherein~~ in which the election is to be held. ~~It shall thereupon become the duty of~~ The commissioners of election ~~to~~ shall conduct the election ~~so ordered. To that end, the commissioners of election~~ and shall prescribe the form of ballot, arrange for voting places in each precinct, or any part of a precinct, constituting all or a portion of the operating school unit, appoint managers, and receive the returns of the election. ~~After duly canvassing the returns,~~ The commissioners of election shall declare the results ~~thereof~~ of the election and certify ~~such~~ those results to the authorities.”

SECTION 2. Section 59‑71‑50 of the 1976 Code is amended to read:

“Section 59‑71‑50. Notice of the holding of ~~such an~~ the election ~~shall~~ must be given by publication ~~thereof,~~ in ~~some~~ a newspaper of general circulation published in the county ~~wherein~~ in which the operating school unit is located, at least once not less than fifteen days ~~prior to~~ before the ~~occasion set for the holding of such~~ election. If the operating school unit lies partly in one county and partly in another, the publication required by this section ~~shall~~ must be made in both counties. ~~Such~~ The notice ~~shall state~~ must include:

(1) ~~The occasion of the holding~~ the date of the election;

(2) ~~The location~~ the locations of the ~~several~~ polling places;

(3) ~~The~~ the voting qualifications ~~imposed upon persons desirous of voting~~;

(4) ~~The~~ the amount of bonds to be issued; and

(5) ~~A~~ a brief description of the purpose for which the proceeds of the bonds ~~shall~~ must be applied.”

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

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