**A** **BILL**

TO AMEND ACT 748 OF 1978, AS AMENDED, RELATING TO THE BOARD OF EDUCATION OF DARLINGTON COUNTY, TO RESTRICT THE AUTHORITY OF THE BOARD TO INCREASE THE TAX LEVY WITHOUT THE APPROVAL OF A VOTE OF THE COUNTY ELECTORATE AND TO PROVIDE FOR THE BALLOTING FOR THE APPROVAL OF THE BUDGET AND THE MILLAGE.

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

SECTION 1. Section 1 of Act 748 of 1978, as last amended by Act 416 of 2006, is further amended to read:

“Section 1. (A) Notwithstanding any other provision of law, effective January 1, 1993, the Darlington County School District shall be governed by the Board of Education of Darlington County composed of eight members. All members must be elected in a nonpartisan manner in the general election in the years when members of the South Carolina House of Representatives are elected, commencing with the General Election of 1992. The term of office for each member is four years, and each member shall serve until his successor is elected and qualifies for office. Four members, to be designated by lot after the 1992 General Election, shall serve initial terms of two years, and the remaining four members shall serve initial terms of four years, all until their successors are elected and qualify. Thereafter, all members shall be elected for, and shall serve, terms of four years each. A member’s term of office commences on the first day of January next following his election. Vacancies shall be filled by a majority of the remaining members of the board for the unexpired portion of the term only. Each member must be a qualified elector of the election district he represents and, except when filling a vacancy as previously prescribed, must be elected by the qualified electors of that district only. Any person wishing to become a candidate for a seat on the board shall submit his name by noon on September first, or, if September first falls on a Sunday or a legal holiday, by noon on the next regular business day, to the authority which is charged by law with conducting the election, along with any other information that that authority considers necessary, on forms to be provided by the authority. That authority shall cause to be published in a newspaper of general circulation in the county two notices of the election, including its date, the deadline for submitting a name as a candidate, and all other appropriate information regarding the election. The first notice must be published not earlier than thirty days before the deadline for submitting a name as a candidate, and the second notice must be published not later than seven days before the deadline for submitting a name as a candidate.

The board has the powers and duties as are provided by law, including the authority to:

(a) prepare ~~and approve~~ the annual budget and determine expenditures of funds obtained from all sources for the operation of the school district and all programs, offices, and organizations under the authority of the board;

(b) determine ~~and approve~~ the local tax funds necessary for operational purposes to provide funds for school operating expenses; however, approval of the annual budget and any millage increase over the preceding year occurs only after:

(i) the board follows the procedure in subsection (B); and

(ii) the annual budget and increased millage are adopted by a majority vote of the qualified electors present and casting a ballot as provided in subsection (B);

(c) determine the capital outlay needs of the school district and issue bonds for those needs within the bonded debt limit of the school district;

(d) determine salaries and allowances of members of the board and determine ~~and approve~~ local tax funds necessary for this purpose;

(e) exercise all other powers and duties as provided by general law for district school boards.

(B)(1) On the first Saturday of May of each year, the Board of Education of Darlington County shall conduct a public ballot for all registered electors of the district for the purpose of a vote on the approval of the proposed budget and any increased millage for the district for the ensuing fiscal year.

(2) During the sixty‑day period prior to the first Saturday of May each year, the board of education shall publish its proposed budget for the operation of the school or schools within the district, together with the estimated millage necessary to carry the budget into effect. The proposed budget and the estimated millage must be available for review at the district office, on the district’s website as a downloadable file, and in other formats and venues convenient to public access.

(3) Notice of the public ballot and the location of the balloting must be advertised in a newspaper of general circulation within the district at least four times during the period sixty days prior to the date of the public ballot. Notice of the public ballot and the location of the balloting also must be published on the website operated by the district for a period of at least forty‑five days prior to the date set for the balloting.

(4) Prior to the first Saturday of May of each year:

(a) the board shall conduct at least two hearings, one each on the respective Saturdays next proceeding the first Saturday in May, to review the proposed budget. The hearings must be open to the public and allow the citizens present and electors qualified to vote:

(i) to ask comments and questions; and

(ii) to offer amendments to the budget that must be considered by the board of trustees and acted on by the board of trustees at the meeting at which it is offered.

(b) the board must record the hearings and provide that transcripts of the meetings be made and available for public access.

(5) The annual budget and millage increase must be formally submitted to a public ballot of the registered electors of Darlington County on the first Saturday in May and must be adopted by majority vote of the qualified electors present and casting a ballot. A summary of the budget shall be available for distribution to the public at the location of the balloting.

(6) The Darlington County Election and Registration Board shall be responsible for the conduct of the public ballot and the expenses of the public ballot must be paid by the Board of Education of Darlington County. The Darlington County Election and Registration Board shall use the most current voter registration information available in determining a voter’s eligibility to participate in the balloting. The public ballot on the first Saturday in May must:

(a) provide for the casting of a secret ballot;

(b) be held at a place within the school district; and

(c) commence not later than 8:30 a.m. and continue throughout the day until the poll is closed at 7:00 p.m.

(7) If the budget and millage increase are not approved by the public ballot, the board must meet and pass a continuing resolution providing for a school district budget based on existing funding that does not include an increased millage.

(C) Not later than the last day of June following the vote on the approval of the budget and the millage as provided for in subsection (B), the Chairman of the Board of Education shall certify the budget and millage to the county auditor who shall levy the millage upon all taxable property within the school district. The Treasurer of Darlington County shall collect taxes levied and the proceeds derived from the levy. The treasurer shall keep these proceeds and disburse to the district upon warrants issued or drawn by the school district. A tax levied under the provisions of this act may not be repealed at any subsequent meeting of the district board of trustees occurring after the last day of June following the vote on the approval of the budget and the millage as provided for in subsection (B).”

SECTION 2. This act takes effect upon approval by the Governor.

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