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Indicates New Matter

COMMITTEE REPORT

January 14, 2010

**H. 4169**

Introduced by Rep. Battle

L. Printed 1/14/10--H.

Read the first time January 12, 2010.

**THE MARION DELEGATION**

To whom was referred a Bill (H. 4169) to amend Act 607 of 1986, as amended, relating to the elections of members of the Marion County Board of Education, so as to provide that a person desiring to qualify, etc., respectfully

**REPORT:**

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

JAMES A. BATTLE, JR. for Committee.

**A** **BILL**

TO AMEND ACT 607 OF 1986, AS AMENDED, RELATING TO THE ELECTIONS OF MEMBERS OF THE MARION COUNTY BOARD OF EDUCATION, SO AS TO PROVIDE THAT A PERSON DESIRING TO QUALIFY AS A CANDIDATE SHALL FILE WRITTEN NOTICE OF CANDIDACY AT LEAST SIXTY DAYS BEFORE THE DATE SET FOR THE ELECTION BUT NOT EARLIER THAN NINETY DAYS BEFORE THE ELECTION, TO PROVIDE THAT THE COUNTY COMMISSIONERS OF ELECTION SHALL PUBLISH NOTICES OF THE ELECTION AS PROVIDED IN SECTION 7‑13‑35, CODE OF LAWS OF SOUTH CAROLINA, 1976, AND TO PROVIDE THE NONPARTISAN PLURALITY METHOD AS CODIFIED IN SECTION 5‑15‑61, CODE OF LAWS OF SOUTH CAROLINA, 1976, BE REQUIRED TO DETERMINE THE OUTCOME OF THE ELECTION INSTEAD OF PURSUANT TO ACT 81 OF 1977.

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

SECTION 1. Section 3 of Act 607 of 1986 is amended to read:

“Section 3. Members of the board must be elected for terms of four years each and until their successors are elected and qualify. Of those first elected, three members shall serve for a term of two years and four members shall serve for a term of four years. The four candidates receiving the most number of votes shall serve a term of four years. Vacancies occurring for any reason must be filled at the next school board election in the same manner of original election for the remainder of the unexpired term or for a full term as the case may be.

The members of the board must be elected in nonpartisan elections beginning in 1986 to be held as ~~hereinafter~~ provided after the effective date of this act. The 1986 election must be held on the same date as the holding of the primary election and elections must be held every two years ~~thereafter~~ on the second Tuesday of April of that even‑numbered year. ~~Persons~~ A person elected shall take office on the first Monday following their certification.

The members of the board must be residents of the election district from which election is sought and be elected from the district by the qualified electors of that district. ~~Any~~ A person desiring to qualify as a candidate shall file written notice of his candidacy with the county election commission at least ~~thirty~~ sixty days before the date set for the election but not earlier than ~~sixty~~ ninety days ~~prior to~~ before the election. The notice of candidacy must be a sworn statement and shall include the candidate’s name, age, voting precinct, period of residence in the district, and ~~such~~ other information as the county election commission requires.

The county commissioners of election shall conduct and supervise the elections for members of the board in the manner governed by the election laws of this State, mutatis mutandi. The commissioners shall prepare the necessary ballots, appoint managers for the voting precincts, and do ~~all~~ things necessary to carry out the elections, including the counting of ballots and declaring the results ~~thereof~~ of it. The commissioners shall ~~advertise the date of the election sixty days preceding it in a newspaper of general circulation in the county and shall publish a second notice thirty days before the election~~ publish notices of the election as provided in Section 7‑13‑35 of the 1976 Code, as amended. The costs of the election must be borne by the county board of education.

The results of the election must be determined in accordance with the nonpartisan plurality method prescribed by Section ~~1 of Act 81 of 1977~~ 5‑15‑61 of the 1976 Code.

The present members of each board of trustees shall continue to serve until their successors are qualified and take office in a manner provided by the county board of education or upon dissolution of each board of trustees in the manner provided in Section 6 of this act.”

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

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