**A** **BILL**

TO AMEND SECTIONS 57‑1‑325, AND 57‑1‑330, BOTH AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ELECTION OF DEPARTMENT OF TRANSPORTATION COMMISSIONERS, SO AS TO DELETE THE PROVISION THAT RESTRICTS A LEGISLATOR TO ELECTING A COMMISSIONER FROM THE CONGRESSIONAL DISTRICT IN WHICH THE LEGISLATOR RESIDES, AND TO PROVIDE THAT A LEGISLATOR MAY VOTE TO ELECT A COMMISSIONER FROM EACH CONGRESSIONAL DISTRICT THAT ENCOMPASSES A PORTION OF HIS LEGISLATIVE DISTRICT.

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

SECTION 1. Section 57‑1‑325 of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“ Section 57‑1‑325. Legislators ~~residing in the~~ who represent any portion of a congressional district shall meet upon written call of a majority of the members of the delegation of each district at a time and place to be designated in the call for the purpose of electing a commissioner to represent the district. A majority present, either in person or by written proxy, of the delegation from a given congressional district constitutes a quorum for the purpose of electing a district commissioner. No person may be elected commissioner who fails to receive a majority vote of the members of the delegation.

The delegation must be organized by the election of a chairman and a secretary, and the delegations of each congressional district shall adopt such rules as they consider proper to govern the election. Any absentee may vote by written proxy. When the election is completed, the chairman and the secretary of the delegation shall immediately transmit the name of the person elected to the Secretary of State who shall issue to the person, after he has taken the usual oath of office, a certificate of election as commissioner. The Governor shall then issue a commission to the person, and pending the issuance of the commission, the certificate of election is sufficient warrant to the person to perform all of the duties and functions of his office as commissioner. Each commissioner shall serve until his successor is elected and qualified.”

SECTION 2. Section 57‑1‑330(A) of the 1976 Code, as last amended by Act 114 of 2007, is further amended to read:

“(A) For the purposes of electing a commission member, a legislator ~~shall vote only in the congressional district in which he resides~~ whose State Senate or House of Representatives district is divided among two or more congressional districts shall vote to elect a commissioner from each congressional district that encompasses a portion of his State Senate or House of Representatives district. All commission members are elected to a term of office of four years which expires on February fifteenth of the appropriate year. Commissioners shall continue to serve until their successors are elected and qualify, provided that a commissioner may only serve in a hold‑over capacity for a period not to exceed six months. Any vacancy occurring in the office of commissioner shall be filled by election or appointment in the manner provided in this article for the unexpired term only. No person is eligible to serve as a commission member who is not a resident of that district at the time of his appointment. Failure by an elected commission member to maintain residency in the district for which he is elected shall result in the forfeiture of his office.”

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

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