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INTRODUCED

April 14, 2009

**S. 709**

Introduced by Senator Bright

L. Printed 4/14/09--S.

Read the first time April 14, 2009.

**A** **BILL**

TO PROVIDE FOR THE ELECTION OF MEMBERS OF THE BOARDS OF FIRE CONTROL OF SPARTANBURG COUNTY.

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

SECTION 1. Section 4 of Act 761 of 1964, as amended by Act 393 of 2004, is further amended to read:

“Section 4. After the creation of the Arkwright Area Fire District, there is established a board of fire control for the district to be composed of three members ~~who shall be appointed by the Governor upon the recommendation of a majority of the Spartanburg County Legislative Delegation.~~ elected to four‑year terms in nonpartisan elections held at the same time as the election for members of the school board of trustees for the school district in which the fire control district lies. If the fire control district lies in two or more school districts, then the fire district shall be deemed located in the school district where the largest number of the fire control district’s residents reside. To place his name on the ballot, not less than sixty days before the date of an election, a candidate is required to file a statement of candidacy with the Spartanburg County Election Commission and pay a filing fee of one hundred dollars. ~~Provided, that of those first appointed one member shall serve for a term of two years, one member shall serve for a term of four years, and one member shall serve for a term of six years or until their successors are appointed and qualify. Beginning on April 1, 2004, the Governor shall appoint two additional members upon the recommendation of a majority of the Spartanburg County Legislative Delegation who both shall serve for a term of six years or until their successors are appointed and qualify.~~ However, the member elected in 2009 who receives the highest number of the votes cast shall serve a full four‑year term, the members elected receiving the next highest number of votes cast shall serve a two‑year term. The members of the board serving as of the effective date of this act shall continue to serve until the members elected in the 2009 election qualify and take office, at which time the terms of the current members of the board shall expire. The members of the board shall serve without pay and shall file annually a report with the Spartanburg County Board of Control not later than the first of November of each year, showing all activities and disbursements made by the board during the year.

~~If at least twenty percent of the qualified electors residing in the district petition the commissioners of election by the first of September of any general election year, the commissioners shall call an election to be held at the following general election for the purpose of electing a member to the board to succeed the member whose term will expire during such year, for a six‑year term. Thereafter, members shall be elected in each succeeding general election for terms of six years.~~”

SECTION 2. Section 2 of Act 1189 of 1958, as amended by Act 207 of 1999, is further amended to read:

“Section 2. There is established a fire control board for the Boiling Springs Fire District in Spartanburg County to be composed of seven members ~~who must be appointed by the Governor upon the recommendation of a majority of the Spartanburg County Legislative Delegation for terms of six years and until their successors are appointed or elected and qualify.~~ elected to four‑year terms in nonpartisan elections held at the same time as the election for members of the school board of trustees for the school district in which the fire control district lies. If the fire control district lies in two or more school districts, then the fire district shall be deemed located in the school district where the largest number of the fire control district’s residents reside. To place his name on the ballot, not less than sixty days before the date of an election, a candidate is required to file a statement of candidacy with the Spartanburg County Election Commission and pay a filing fee of one hundred dollars. ~~However, if at least twenty percent of the qualified electors residing in this district petition the commissioners of election by the first of September of any general election year, the commissioners shall call an election to be held at the following general election for the purposes of electing a member to the board to succeed the members whose term will expire during the year, for a six‑year term. Thereafter members must be elected in each succeeding general election for terms of six years.~~ However, the three members elected in 2009 who receive the highest number of the votes cast shall each serve a full four‑year term, the four members elected receiving the next highest number of votes cast shall serve a two‑year term. The members of the board serving as of the effective date of this act shall continue to serve until the members elected in the 2009 election qualify and take office, at which time the terms of the current members of the board shall expire. The members of the board shall serve without pay and shall file annually a report with the Spartanburg County Board of Control not later than November first of each year, showing all activities and disbursements made by the board during the year.”

SECTION 3. Section 4 of Act 318 of 1965, as amended by Act 531 of 1996, is further amended to read:

“Section 4. (A) There is established a board of fire control for the district to be composed of seven members ~~who must be~~ elected to four year terms in ~~a~~ nonpartisan ~~election~~ elections to be ~~conducted at the same time as the 1996 general election for terms of office of six years each.~~ held at the same time as the election for members of the school board of trustees for the school district in which the fire control district lies. If the fire control district lies in two or more school districts, then the fire district shall be deemed located in the school district where the largest number of the fire control district’s residents reside. However, the three members elected in ~~1996~~ 2009 who receive the highest number of the votes cast shall serve terms of ~~six~~ four years each, the ~~two~~ four members elected receiving the next highest number of votes cast shall ~~receive initial terms of~~ serve a ~~four years each~~ two‑year term~~, and the two members elected in 1996 receiving the lowest number of votes cast shall serve initial terms of two years each~~. ~~The successors to the members serving the four‑year terms must be elected in a nonpartisan election to be conducted at the same time as the general election four years thereafter, for terms of six years each. The successors to the members serving two‑year terms must be elected in a nonpartisan election to be conducted at the same time as the general election two years thereafter, for terms of six years each. All members of the board shall serve until their successors are elected and qualify. If a vacancy on the board occurs for any reason other than expiration of a term, the board shall call a special election to fill the unexpired term if the vacancy does not occur within ten months of a regular trustee election. In this case, the vacancy must be filled for the unexpired term or for a full term as appropriate at the next regular election.~~ The members of the board serving as of the effective date of this act shall continue to serve until the members elected in the 2009 election qualify and take office, at which time the terms of the current members of the board shall expire.

(B) The members of the board shall serve without pay and shall file annually a report with the Spartanburg County Board of Control, not later than the first of November of each year, showing all activities and disbursements made by the board during the year. (C) To place his name on the ballot, not less than sixty days before the date of an election, a candidate is required to file a statement of candidacy with the Spartanburg County Election Commission and pay a filing fee of one hundred dollars. 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 mutandis. 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. The commissioners shall advertise the date of the election ninety days preceding the election in a newspaper of general circulation published in the district and shall publish a second notice thirty days before the election. The costs of the election must be borne by the district.”

(D) The candidate receiving the highest number of the votes for each seat in the election must be declared elected.

(E) The members of the board elected in these nonpartisan elections shall take office one week following certification of their election.

~~(F)~~ ~~The current members of the board shall continue to be selected and serve as now provided by law until the members elected in the 1996 election qualify and take office, at which time the then current terms of the present members of the board shall expire.~~”

SECTION 4. Section 4 of Act 178 of 1963, as amended by Act 463 of 2000, is further amended to read:

“Section 4. After the creation of the Converse Area Fire District, there is established a board of fire control for the district to be composed of five members ~~who must be appointed by the Governor upon the recommendation of a majority of the Spartanburg County Legislative Delegation.~~ elected to four‑year terms in nonpartisan elections to be held at the same time as the election for members of the school board of trustees for the school district in which the fire control district lies. If the fire control district lies in two or more school districts, then the fire district shall be deemed located in the school district where the largest number of the fire control district’s residents reside. To place his name on the ballot, not less than sixty days before the date of an election, a candidate is required to file a statement of candidacy with the Spartanburg County Election Commission and pay a filing fee of one hundred dollars. ~~Provided, that of those first appointed one member shall serve for a term of two years, one member shall serve for a term of four years, and one member shall serve for a term of six years or until their successors are appointed and qualify.~~ However, the two members elected in 2009 who receive the highest number of the votes cast shall serve terms of four years each and the three members elected receiving the next highest number of votes cast shall serve a term of two years. The members of the board serving as of the effective date of this act shall continue to serve until the members elected in the 2009 election qualify and take office, at which time the terms of the current members of the board shall expire. The members of the board shall serve without pay and shall file annually a report with the Spartanburg County Board of Control not later than the first of November of each year, showing all activities and disbursements made by the board during the year.

~~If at least twenty percent of the qualified electors residing in the district petition the commissioners of election by the first of September of any general election year, the commissioners shall call an election to be held at the following general election for the purpose of electing a member to the board to succeed the member whose term will expire during that year, for a six‑year term. Thereafter, members must be elected in each succeeding general election for terms of six years.~~”

SECTION 5. Section 4 of Act 879 of 1960, as amended by Act 529 of 1996, is further amended to read:

“Section 4. After the creation of the Croft Fire District, there is established a Board of Fire Control for the district to be composed of five members ~~who must be appointed by the Governor upon the recommendation of a majority of the Spartanburg County Legislative Delegation.~~ elected to four‑year terms in nonpartisan elections to be held at the same time as the election for members of the school board of trustees for the school district in which the fire control district lies. If the fire control district lies in two or more school districts, then the fire district shall be deemed located in the school district where the largest number of the fire control district’s residents reside. To place his name on the ballot, not less than sixty days before the date of an election, a candidate is required to file a statement of candidacy with the Spartanburg County Election Commission and pay a filing fee of one hundred dollars. However, the two members elected in 2009 who receive the highest number of the votes cast shall serve terms of four years each, and the three members elected receiving the next highest number of votes cast shall serve a term of two years. The members of the board serving as of the effective date of this act shall continue to serve until the members elected in the 2009 election qualify and take office, at which time the terms of the current members of the board shall expire. The members of the board shall serve without pay and file annually a report with the Spartanburg County Board of Control not later than the first of November of each year, showing all activities and disbursements made by the board during the year.

~~If at least twenty percent of the qualified electors residing in the district petition the commissioners of election by the first of September of any general election year, the commissioners shall call an election to be held at the following general election for the purpose of electing a member to the board to succeed the member whose term will expire during the year, for a four‑year term. Members must be elected in each succeeding general election for terms of four years.~~”

SECTION 6. Section 4 of Act 321 of 1969 is amended to read:

“Section 4. After the creation of the Drayton Fire District, there shall be established a Board of Fire Control for the district composed of five members ~~appointed by the Governor upon the recommendation of a majority of the Spartanburg County Legislative Delegation.~~ elected to four‑year terms in nonpartisan elections to be held at the same time as the election for members of the school board of trustees for the school district in which the fire control district lies. If the fire control district lies in two or more school districts, then the fire district shall be deemed located in the school district where the largest number of the fire control district’s residents reside. To place his name on the ballot, not less than sixty days before the date of an election, a candidate is required to file a statement of candidacy with the Spartanburg County Election Commission and pay a filing fee of one hundred dollars. ~~Terms of office shall be for four years and until successors are appointed and qualify. Provided, however, that of those first appointed two shall serve a term of two years, two shall serve a term of three years and one shall serve a term of four years, the respective terms of office being designated by the Governor in his appointments.~~ However, the two members elected in 2009 who receive the highest number of the votes cast shall serve terms of four years each, and the three members elected receiving the next highest number of votes cast shall serve a term of two years. The members of the board serving as of the effective date of this act shall continue to serve until the members elected in the 2009 election qualify and take office, at which time the terms of the current members of the board shall expire. The members of the board shall serve without pay and shall file annually a report with the Spartanburg County Board of Control, not later than the first of November of each year, showing all activities and disbursements made by the board during the year.

~~If at least twenty per cent of the qualified electors residing in the district petition the commissioners of election by the first of September of any general election year, the commissioners shall call an election to be held at the following general election for the purpose of electing a member to the board to succeed the members whose terms will expire during such year, for a four‑year term. Thereafter members shall be elected in each succeeding general election for terms of four years.~~”

SECTION 7. Section 4 of Act 388 of 1969, as amended by Act 528 of 1996, is further amended to read:

“Section 4. After the creation of the Glendale Area Fire District, there is established a Board of Fire Control for the district composed of five members ~~appointed by the Governor upon the recommendation of a majority of the Spartanburg County Legislative Delegation.~~ elected to four‑year terms in nonpartisan elections to be held at the same time as the election for members of the school board of trustees for the school district in which the fire control district lies. If the fire control district lies in two or more school districts, then the fire district shall be deemed located in the school district where the largest number of the fire control district’s residents reside. To place his name on the ballot, not less than sixty days before the date of an election, a candidate is required to file a statement of candidacy with the Spartanburg County Election Commission and pay a filing fee of one hundred dollars. ~~Terms of office are for four years and until successors are appointed and qualify. Provided, however, that of those first appointed one shall serve a term of two years, one shall serve a term of three years, and one shall serve a term of four years, the respective terms of office being designated by the Governor in his appointments.~~ However, the two members elected in 2009 who receive the highest number of the votes cast shall serve terms of four years each, and the three members elected receiving the next highest number of votes cast shall serve a term of two years. The members of the board serving as of the effective date of this act shall continue to serve until the members elected in the 2009 election qualify and take office, at which time the terms of the current members of the board shall expire. The members of the board shall serve without pay and shall file annually a report with the Spartanburg County Board of Control, not later than the first of November of each year, showing all activities and disbursements made by the board during the year.

~~If at least twenty percent of the qualified electors residing in the district petition the commissioners of election by the first of September of any general election year, the commissioners shall call an election to be held at the following general election for the purpose of electing a member to the board to succeed the members whose terms will expire during that year, for a four‑year term. Thereafter, members must be elected in each succeeding general election for terms of four years.~~”

SECTION 8. Section 4 of Act 863 of 1966 is amended to read:

“Section 4. After creation of the Hilltop Area Fire District, there is established a board of fire control for the district to be composed of five members ~~who shall be appointed by the Governor upon the recommendation of a majority of the Spartanburg County Legislative Delegation.~~ elected to four year terms in nonpartisan elections to be held at the same time as the election for members of the school board of trustees for the school district in which the fire control district lies. If the fire control district lies in two or more school districts, then the fire district shall be deemed located in the school district where the largest number of the fire control district’s residents reside. To place his name on the ballot, not less than sixty days before the date of an election, a candidate is required to file a statement of candidacy with the Spartanburg County Election Commission and pay a filing fee of one hundred dollars. ~~Provided, that of those first appointed one member shall serve for a term of four years and two members shall serve for a term of four years, and one member shall serve for a term of six years or until their successors are appointed and qualify.~~ However, the two members elected in 2009 who receive the highest number of the votes cast shall serve terms of four years each and the three members elected receiving the next highest number of votes cast shall serve a two‑year term. The members of the board serving as of the effective date of this act shall continue to serve until the members elected in the 2009 election qualify and take office, at which time the terms of the current members of the board shall expire. The members of the board shall serve without pay and shall file annually a report with the Spartanburg County Board of Control not later than the first of November of each year, showing all activities and disbursements made by the board during the year.

~~If at least twenty percent of the qualified electors residing in the district petition the commissioners of election by the first of September of any general election year, the commissioners shall call an election to be held at the following general election for the purpose of electing a member to the board to succeed the member whose term will expire during that year, for a six‑year term. Thereafter, members must be elected in each succeeding general election for terms of six years.~~”

SECTION 9. Section 4 of R. 361 of 1969, as amended by Act 341 of 1969, is further amended to read:

“Section 4. After creation of the Mayo Area Fire District, there shall be established a Board of Fire Control for the district composed of five members ~~who shall be appointed by the Governor upon the recommendation of a majority of the Spartanburg County Legislative Delegation.~~ elected to four‑year terms in nonpartisan elections to be held at the same time as the election for members of the school board of trustees for the school district in which the fire control district lies. If the fire control district lies in two or more school districts, then the fire district shall be deemed located in the school district where the largest number of the fire control district’s residents reside. To place his name on the ballot, not less than sixty days before the date of an election, a candidate is required to file a statement of candidacy with the Spartanburg County Election Commission and pay a filing fee of one hundred dollars. ~~Provided, that of those first appointed one member shall serve for a term of four years and two members shall serve for a term of four years, and one member shall serve for a term of six years or until their successors are appointed and qualify.~~ However, the two members elected in 2009 who receive the highest number of the votes cast shall serve terms of four years each, and the three members elected receiving the next highest number of votes shall serve a term of two years, The members of the board serving as of the effective date of this act shall continue to serve until the members elected in the 2009 election qualify and take office, at which time the terms of the current members of the board shall expire. The members of the board shall serve without pay and shall file annually a report with the Spartanburg County Board of Control not later than the first of November of each year, showing all activities and disbursements made by the board during the year.”

SECTION 10. Section 4 of Act 898, as amended by Act 396 of 2004, is further amended to read:

“Section 4. After creation of the Pacolet Area Fire District, there shall be established a Board of Fire Control for the district composed of five members ~~who shall be appointed by the Governor upon the recommendation of a majority of the Spartanburg County Legislative Delegation.~~ elected to four‑year terms in nonpartisan elections to be held at the same time as the election for members of the school board of trustees for the school district in which the fire control district lies. If the fire control district lies in two or more school districts, then the fire district shall be deemed located in the school district where the largest number of the fire control district’s residents reside. To place his name on the ballot, not less than sixty days before the date of an election, a candidate is required to file a statement of candidacy with the Spartanburg County Election Commission and pay a filing fee of one hundred dollars. However, the two members elected in 2009 who receive the highest number of the votes cast shall serve terms of four years each, the three members elected receiving the next highest number of votes cast shall serve a two‑year term, and the member elected receiving the lowest number of votes cast shall serve a term of two years. The members of the board serving as of the effective date of this act shall continue to serve until the members elected in the 2009 election qualify and take office, at which time the terms of the current members of the board shall expire. The members of the board shall serve without pay and shall file annually a report with the Spartanburg County Board of Control not later than the first of November of each year, showing all activities and disbursements made by the board during the year.

~~If at least twenty percent of the qualified electors residing in the district petition the commissioners of election by the first of September of any general election year, the commissioners shall call an election to be held at the following general election for the purpose of electing a member to the board to succeed the member whose term will expire during that year, for a six‑year term. Thereafter, members must be elected in each succeeding general election for terms of six years.~~”

SECTION 11. Section 4 of Act 248 of 1969 is amended to read:

“Section 4. After creation of the Startex Area Fire District, there shall be established a Board of Fire Control for the district composed of three members ~~who shall be appointed by the Governor upon the recommendation of a majority of the Spartanburg County Legislative Delegation.~~ elected to four‑year terms in nonpartisan elections to be held at the same time as the election for members of the school board of trustees for the school district in which the fire control district lies. If the fire control district lies in two or more school districts, then the fire district shall be deemed located in the school district where the largest number of the fire control district’s residents reside. To place his name on the ballot, not less than sixty days before the date of an election, a candidate is required to file a statement of candidacy with the Spartanburg County Election Commission and pay a filing fee of one hundred dollars. However, the member elected in 2009 who receives the highest number of the votes cast shall serve a term of four years, and the two members elected receiving the next highest number of votes cast shall serve a term of two years. The members of the board serving as of the effective date of this act shall continue to serve until the members elected in the 2009 election qualify and take office, at which time the terms of the current members of the board shall expire. The members of the board shall serve without pay and shall file annually a report with the Spartanburg County Board of Control not later than the first of November of each year, showing all activities and disbursements made by the board during the year.

~~If at least twenty percent of the qualified electors residing in the district petition the commissioners of election by the first of September of any general election year, the commissioners shall call an election to be held at the following general election for the purpose of electing a member to the board to succeed the member whose term will expire during that year, for a six‑year term. Thereafter, members must be elected in each succeeding general election for terms of four years.~~”

SECTION 12. Section 2 of Act 1195 of 1958, as amended by Act 500 of 1998, is further amended to read:

“Section 2. There is established a fire control board for the West View‑Fairforest Fire District in Spartanburg County to be composed of five members ~~who must be appointed by the Governor upon the recommendation of a majority of the Spartanburg County Legislative Delegation for a term of six years.~~ elected to four‑year terms in nonpartisan elections to be held at the same time as the election for members of the school board of trustees for the school district in which the fire control district lies. If the fire control district lies in two or more school districts, then the fire district shall be deemed located in the school district where the largest number of the fire control district’s residents reside. To place his name on the ballot, not less than sixty days before the date of an election, a candidate is required to file a statement of candidacy with the Spartanburg County Election Commission and pay a filing fee of one hundred dollars. ~~Provided, however, that if at least twenty percent of the qualified electors residing in the district petition the commissioners of election by the first of September of any general election year, the commissioners shall call an election to be held at the following general election for the purpose of electing a member to the board to succeed the member whose term will expire during that year, for a six‑year term. Thereafter members must be elected in each succeeding general election for terms of six years.~~ However, the two members elected in 2009 who receive the highest number of the votes cast shall serve terms of four years each and the three members elected receiving the next highest number of votes cast shall serve a two‑year term. The members of the board serving as of the effective date of this act shall continue to serve until the members elected in the 2009 election qualify and take office, at which time the terms of the current members of the board shall expire. The members of the board shall serve without pay and shall file annually a report with the Spartanburg County Board of Control not later than November first of each year, showing all activities and disbursements made by the board during the year.”

SECTION 13. Notwithstanding any provision of law to the contrary, there is created a uniform system of election for the members of the boards of fire control for Spartanburg County other than the boards of fire control contained in Sections 1 ‑ 13 of this act. Members of the boards of fire control subject to the provisions of this section shall be elected in the following manner:

“Members of boards of fire control in Spartanburg County must be elected in nonpartisan elections to be held at the same time as the election for members of the school board of trustees for the school district in which the fire control district lies. If the fire control district lies in two or more school districts, then the fire district shall be deemed located in the school district where the largest number of the fire control district’s residents reside. To place his name on the ballot, not less than sixty days before the date of an election, a candidate is required to file a statement of candidacy with the Spartanburg County Election Commission and pay a filing fee of one hundred dollars. The board members must serve for terms of four years. However, the two members elected in 2009 who receive the highest number of the votes cast shall serve a full four‑year term and the members elected that receive the next highest number of votes cast shall serve a term equal to two years. The members of a board of fire control subject to this section serving as of the effective date of this act shall continue to serve until the members elected in the 2009 election qualify and take office, at which time the terms of the current members of the board shall expire.”

SECTION 14. This act takes effect upon approval by the Governor.

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