INTRODUCED

May 25, 2011

**S. 920**

Introduced by Senator McGill

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Read the first time May 25, 2011.

**A** **BILL**

RELATING TO THE FLORENCE COUNTY SCHOOL DISTRICT NUMBER THREE BOARD OF TRUSTEES, SO AS TO PROVIDE THAT MEMBERS OF THE BOARD MUST BE ELECTED ON THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER EACH YEAR; TO PROVIDE THAT THE TERMS OF THE MEMBERS MUST BE THREE YEARS AND SHALL COMMENCE ON THE FIRST DAY OF JANUARY FOLLOWING THE ELECTION; TO PROVIDE FOR A CHANGE IN THE EXPIRATION OF TERMS OF MEMBERS WHOSE TERMS EXPIRE IN 2012 AND 2013; TO PROVIDE FOR THE CONDUCT OF THE ELECTIONS AND THE SETTING OF FILING DATES; TO MODIFY THE PROCEDURE FOR THE APPROVAL OF THE DISTRICT BUDGET AND PROVIDE FOR GREATER PUBLIC PARTICIPATION; AND TO REPEAL ACT 367 OF 2004.

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

SECTION 1. (A) The members of the Board of Trustees of Florence County School District Number Three shall consist of nine members to be elected as follows:

(1) five members to be elected from five single member districts with one member being elected from each single member district; and

(2) four members elected from two multi‑member districts with two members elected from each multi‑member district.

(B) A candidate for a seat on the board of trustees offering for a single member district seat must be a resident and qualified elector of the single member district. A candidate for a seat on the board of trustees from a multi‑member district must be a resident and qualified elector of the multi‑member district.

(C) Members of the Board of Trustees of Florence County School District Number Three (board) shall be elected for terms of three years which shall commence on January first of the year following election and continue until their successors are elected and qualify.

(D) Members of the board must be elected at a general election held on the first Tuesday after the first Monday in November in the year of the expiration of their respective terms. A person eighteen years of age or older may become a candidate for a seat on the school district board of trustees by filing a notice of candidacy for office with the county election commission in accordance with the provisions of this act. Filing for the election must open at noon seventy‑five days before the election and close at noon sixty days before the election. If the opening or closing day of the filing period falls on a weekend or legal holiday, the filing period begins or ends, respectively, on the next day which is not a weekend or legal holiday at the originally designated hour. The conduct of the election, including the publication of all notices, production of ballots, the design and content of necessary forms, and the receipt of all filings shall be the responsibility of the Florence County Election and Voter Registration Commission and the expenses must be paid for by Florence County School District Number Three. A notice of the election must be published in a newspaper of general circulation in the school district at least twice, thirty days before the opening date set for filing a notice of candidacy for election and must also be published on the web site operated by Florence County School District Number Three for a period of at least forty‑five days prior to the opening date set for filing a notice of candidacy for the election. The notices must state the purpose of the election, the method and time period for filing, the location of the office where the filing is made, the date of the election, and the voting places for the election.

The Commissioners of Election shall conduct the election at the regular Florence County polling places located within the district. The election must be conducted as nearly as practicable in accordance with the general law regulating elections in this State. The Commissioners of Election shall rule on any irregularity in the election.

SECTION 2. (A)(1) The single member election districts of Florence County School District Number Three are as follows:

District #1;

District #2;

District #3;

District #5; and

District #6.

(2) The multi‑member election districts of Florence County School District Number Three are as follows:

District #4 A and 4 B; and

District #7 A and 7 B.

(B) Members must be elected from the election districts set forth in subsection (A) which are recorded on the official map designated as S 41 03 04 prepared by and on file with the Office of Research and Statistics of the State Budget and Control Board. The Office of Research and Statistics of the State Budget and Control Board shall provide a certified copy of the map to the school district and the Florence County Election and Voter Registration Commission. The official map must not be changed except by an act of the General Assembly or by a court of competent jurisdiction.

(C) Each seat of trustee in Florence County School District Number Three constitutes a separate seat, including seats designated as seats A and B in the multi‑member districts. A person may not be declared elected unless he receives a majority of the votes cast in the election for the seat for which he is a candidate. In case no candidate receives a majority of the votes cast in the election for the seat, a runoff election between the two receiving the highest number of votes who do not withdraw must be held within forty‑five days after the first election. Notice of the runoff election must be advertised at least two weeks prior to the date of the runoff election and the runoff election must be conducted in the same manner as the first election. If only one candidate remains, he must be declared elected.

(D) Elections conducted after December 31, 2011, for seats on the Florence County School District Number Three Board of Trustees for members whose terms expire in and after 2012 shall be held in November of the respective years in which their term expires in accordance with the provisions of this act. The term of office for members elected pursuant to the provisions of Act 367 of 2004, whose terms expire in May 2012 and May 2013 pursuant to the provisions of Act 367 of 2004, shall be extended to December thirty‑first of the respective year in which their term expires.

SECTION 3. (A) On the first Saturday of May of each year, the Board of Trustees of Florence County School District Number Three shall hold a public meeting, open to all residents of the district who are registered electors, for the purpose of a vote on the approval of the proposed budget for the district for the ensuing fiscal year. The balloting must be held at a place within the school district and must commence not later than 8:30 a.m. and shall continue throughout the day until the poll is closed at 7:00 p.m. The vote 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 balloting. The vote and the location of the balloting must also be published on the web site operated by the district for a period of at least forty‑five days prior to the date set for the balloting.

(B) During the sixty‑day period prior to the public meeting provided for in item (A), the board of trustees of the district 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 must be available for review at the Lake City Library, at the district office, on the district’s web site as a downloadable file, and in other ways convenient to public access.

(C) 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 shall be open to comment and question from the citizens present and electors qualified to vote shall be allowed to offer amendments to the budget at any such hearing and any amendment must be considered by the Board of Trustees and acted on by the Board of Trustees at the meeting at which it is offered. The hearings shall be recorded and a transcript shall be made and be available for the public meeting.

(D) The budget and millage and any incorporated amendments must be formally submitted to a vote of the registered electors of Florence County School District Number Three on the first Saturday in May and may only 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. The Florence County Election and Voter Registration Commission shall be responsible for the conduct of the balloting and the expenses therefore shall be paid by Florence County School District Number Three. The Florence County Election and Voter Registration Commission shall use the most current voter registration information available in determining a voter’s eligibility to participate in the balloting. The budget offered by the Board of Trustees must maintain a tax millage levy equal to at least the level of per pupil financial effort established in the previous fiscal year.

SECTION 4. The Chairman of the Board of Trustees of Florence County School District Number Three, within one week after the approval of the budget and the millage as provided in Section 5, 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 Florence County shall collect the 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.

SECTION 5. The boundaries of Florence County School District Number Three in Florence County are not altered by the provisions of this act. These school district lines are as defined by law and any census blocks which may be divided are done so only for statistical purposes and to establish a population base.

SECTION 6. Sections 1 through 7 of Act 367 of 2004 are repealed effective January 1, 2012; Sections 1 through 6 of this act take effect January 1, 2012.

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