~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

April 22, 2015

**S. 55**

Introduced by Senator Campsen

S. Printed 4/22/15--S.

Read the first time January 13, 2015.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 55) to amend the Code of Laws of South Carolina, 1976, by adding Section 6‑1‑180 so as to require each political subdivision of the State whose governing board, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. Chapter 1, Title 7 of the 1976 Code is amended by adding:

“Section 7‑1‑110. (A)(1) Notwithstanding another provision of law, within three years of the adoption by the State of each official United States decennial census, each political subdivision of the State, other than a school district or constituent school district, whose governing board, commission, or council is popularly elected from single‑member election districts, residency requirements, or a combination of at‑large and single‑member districts must be reapportioned to a population variance of less than ten percent. A school district or constituent school district that is popularly elected from single‑member election districts or a combination of at‑large and single‑member districts must be reapportioned to a population variance of less than ten percent. The reapportionment plan becomes effective for the next regularly scheduled election after the adoption of the reapportionment plan.

(2)(a) Any popularly elected board, commission, or council member who is serving in a district that has been reapportioned shall be allowed to continue to serve the balance of his unexpired term representing the people in the new reapportioned district if he is an elector in such reapportioned district.

(b) In the event that two or more popularly elected members of a political subdivision’s governing board, commission, or council, elected by single‑member districts or residency requirements, because of reapportionment, become electors in the same district, if there are two or more years remaining on either of the affected member’s terms after the reapportionment becomes effective, their terms expire by the next general election and an election must be held to fill the remaining term for the seat with two or more members and for the seat for the district with the vacancy, if applicable.

(c) If a seat becomes vacant after election districts have been reapportioned, but prior to the expiration of the incumbent’s term of office due to death, resignation, removal, or any other cause, the resulting vacancy must be filled under the new reapportionment plan in the manner provided by law for the district that has the same district number as the district from which the council member whose office is vacant was elected.

(B) Each political subdivision of the State described in subsection (A) shall furnish the South Carolina Revenue and Fiscal Affairs Office a copy of the adopted version of the applicable reapportionment ordinance and its accompanying map and statistics.”

SECTION 2. Section 4-9-90 of the 1976 code is amended to read:

“Section 4‑9‑90. Election of council members; reapportionment of single‑member election districts; terms of office and vacancies; election at large of chairman; procedure for changing term of office; continuation in office after reapportionment.

Council members must be elected from defined single‑member election districts unless otherwise determined under the provisions of subsection (a), (b), or (c) of Section 4‑9‑10 or under the provisions of any plan ordered by a court of competent jurisdiction prior to May 1, 1986. In the event the members of the governing body are required to be elected from defined single‑member election districts, they must be elected by the qualified electors of the district in which they reside. ~~All districts must be reapportioned as to population by the county council within a reasonable time prior to the next scheduled general election which follows the adoption by the State of each federal decennial census. The population variance between defined election districts shall not exceed ten percent.~~

Members of the governing body of the county shall be elected in the general election for terms of two years or four years as the General Assembly may determine for each county commencing on the second of January next following their election. Vacancies on the governing body shall be filled in the manner of original election for the unexpired terms in the next general election after the vacancy occurs or by special election if the vacancy occurs one hundred eighty days or more prior to the next general election.

In those counties where the members are elected for four year terms, such terms shall be staggered. If necessary, in the initial election for members one‑half plus one of the members elected who receive the highest number of votes shall serve terms of four years and the remaining members elected shall initially serve terms of two years only. In those counties in which the chairman of the governing body was elected at large as a separate office prior to the adoption of one of the alternate forms of government provided for in this chapter, the chairman shall continue to be so elected.

In any county in which terms of county council members are for two years only, the council may by ordinance change such terms to four‑year staggered terms but such ordinance shall not become effective until approved by a favorable vote of the qualified electors of the county voting in a referendum conducted for that purpose. In the event the referendum is conducted at the time of the general election in which council members are elected, and the vote is favorable on the ordinance, the terms of council members shall automatically be changed to four‑year terms except that of those elected in that general election one half plus one of such members who receive the highest vote shall serve four‑year terms and the remaining members elected shall serve terms of two years only.

~~Any council member who is serving a four‑year term in a district that has been reapportioned and whose term does not expire until two years after reapportionment becomes effective shall be allowed to continue to serve the balance of his unexpired term representing the people in the new reapportioned district if he is an elector in such reapportioned district. In the event that two or more council members, because of reapportionment, become electors in the same district, an election shall then be required. Provided, however, that if any seat should become vacant after election districts have been reapportioned but prior to the expiration of the incumbent’s term of office due to death, resignation, removal, or any other cause, the resulting vacancy shall be filled under the new reapportionment plan in the manner provided by law for the district that has the same district number as the district from which the council member whose office is vacant was elected. For the purpose of this section, a council member will be deemed a resident of the district he represents as long as he resides in any part of the district as constituted at the time of his election.~~”

SECTION 3. This act takes effect upon approval by the Governor. Those districts that have not been reapportioned since the 2010 census, if required by terms of this act, must be reapportioned within two years of the effective date of this act. /

Renumber sections to conform.

Amend title to conform.

GEORGE E. CAMPSEN III for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

This bill would have an expenditure impact on the general fund of $25,000 in FY 2015-16 and $17,000 in FY 2016-17 and each year thereafter. There would be no impact to federal or other funds.

There would be no additional expense to political subdivisions if RFA assists with the reapportionment proposed in this bill. If political subdivisions seek private assistance, this bill could have an expenditure impact on political subdivisions.

**Explanation of Fiscal Impact**

**State Expenditure**

This bill adds Section 6-1-180, which requires each political subdivision whose governing board, commission, or council is popularly elected from single member election districts, residency requirements, or a combination of at large and single member districts to be reapportioned to a population variance of less than ten percent within three years of the date on which the latest federal decennial census is adopted by the General Assembly. Additionally, this bill provides procedures for continuity of representation when reapportionment locates two or more elected members in the same election district. Each political subdivision affected by this bill is required to provide copies of the maps, ordinances, and statistics to the Revenue and Fiscal Affairs Office.

**Revenue and Fiscal Affairs Office.** The Revenue and Fiscal Affairs Office (RFA) provides redistricting services to political subdivisions when requested. RFA has identified sixty municipalities and school districts that would need to redistrict to comply with this legislation, and after the 2020 Census there will be forty-five counties, seventy-two municipalities, and fifty-five school districts required to redistrict. Compliance with the legislation will require additional resources in the amount of $4,000 for production of maps, including toner and mapping paper, $10,000 for increased digital data storage for archiving the maps and ordinances of state subdivisions, and $3,000 for increased travel costs. To facilitate with map production, the agency indicates a nonrecurring expenditure of $8,000 to purchase a large format plotter in FY 2015-16. Recurring expenses in FY 2015-16 and each year thereafter would total $17,000.

**State Election Commission.** The agency indicates there is no impact to the general fund, federal funds, or other funds.

**Local Expenditure**

The Revenue and Fiscal Affairs Office (RFA) estimates there would be no additional expense to political subdivisions as long as RFA assists with the reapportionment proposed in this bill. However, if political subdivisions seek private assistance for reapportionment, this bill could have an expenditure impact on political subdivisions.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 6‑1‑180 SO AS TO REQUIRE EACH POLITICAL SUBDIVISION OF THE STATE WHOSE GOVERNING BOARD, COMMISSION, OR COUNCIL IS POPULARLY ELECTED FROM SINGLE‑MEMBER ELECTION DISTRICTS, RESIDENCY REQUIREMENTS, OR A COMBINATION OF AT-LARGE AND SINGLE-MEMBER DISTRICTS TO BE REAPPORTIONED TO A POPULATION VARIANCE OF LESS THAN TEN PERCENT WITHIN THREE YEARS OF THE DATE ON WHICH THE LATEST OFFICIAL UNITED STATES DECENNIAL CENSUS IS ADOPTED BY THE GENERAL ASSEMBLY, TO PROVIDE PROCEDURES FOR CONTINUITY OF REPRESENTATION WHEN REAPPORTIONMENT LOCATES TWO OR MORE ELECTED MEMBERS IN THE SAME ELECTION DISTRICT, AND TO CLARIFY CERTAIN DUTIES AND RESPONSIBILITIES OF THE SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE REGARDING REAPPORTIONMENT.

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

SECTION 1. Article 1, Chapter 1, Title 6 of the 1976 Code is amended by adding:

“Section 6‑1‑180. (A)(1) Notwithstanding another provision of law, beginning with the adoption of the 2010 official United States decennial census, each political subdivision of the State whose governing board, commission, or council is popularly elected from single‑member election districts, residency requirements, or a combination of at‑large and single‑member districts must be reapportioned to a population variance of less than ten percent within three years of the date on which the latest federal decennial census is adopted by the General Assembly.

(2) In the event that two or more popularly elected members of a political subdivision’s governing board, commission, or council, elected by single‑member districts or residency requirements, because of reapportionment, become electors in the same district with two or more years remaining on each of the affected member’s terms, an election then must be required to fill the vacancy for the unexpired term. However, if a seat becomes vacant after election districts have been reapportioned, but prior to the expiration of the incumbent’s term of office due to death, resignation, removal, or any other cause, the resulting vacancy must be filled under the new reapportionment plan in the manner provided by law for the district that has the same district number as the district from which the council member whose office is vacant was elected. For purposes of this section, a board, commission, or council member will be considered a resident of the district he represents as long as he resides in any part of the district as constituted at the time of his election.

(B) Each political subdivision of the State described in subsection (A) shall furnish the South Carolina Revenue and Fiscal Affairs Office a copy of the adopted version of the applicable reapportionment ordinance and its accompanying map and statistics.”

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

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