**A** **BILL**

TO AMEND SECTION 58‑3‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE COMPOSITION OF THE PUBLIC SERVICE COMMISSION, SO AS TO PROVIDE THAT BEGINNING WITH THE 2022 GENERAL ELECTION, SEVEN MEMBERS OF THE PUBLIC SERVICE COMMISSION MUST BE PUBLICLY ELECTED BY THE QUALIFIED ELECTORS OF SOUTH CAROLINA.

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

SECTION 1. Section 58‑3‑20 of the 1976 Code is amended to read:

“Section 58‑3‑20. (A) The commission is composed of seven members to be elected by the ~~General Assembly~~ qualified electors of South Carolina in the same statewide election for constitutional officers in the manner prescribed by this chapter. Each member must have:

(1) a baccalaureate or more advanced degree from:

(a) a recognized institution of higher learning requiring face‑to‑face contact between its students and instructors prior to completion of the academic program;

(b) an institution of higher learning that has been accredited by a regional or national accrediting body; or

(c) an institution of higher learning chartered before 1962; and

(2) a background of substantial duration and an expertise in at least one of the following:

(a) energy issues;

(b) telecommunications issues;

(c) consumer protection and advocacy issues;

(d) water and wastewater issues;

(e) finance, economics, and statistics;

(f) accounting;

(g) engineering; or

(h) law.

(B) The review committee may find a candidate qualified although the candidate does not have a background of substantial duration and expertise in one of the eight enumerated areas contained in subsection (A)(2) of this section if three‑fourths of the review committee vote to qualify the candidate and provide written justification of their decision in the report as to the qualifications of the candidates.

(C) The qualification provisions of subsection (A) of this section do not apply to the reelection of a commissioner elected by the General Assembly on March 3, 2004, so long as there is no break in service.

(D)~~(1)~~ Beginning ~~in 2004~~ with the 2022 General Election, the members of the Public Service Commission must be elected to staggered terms. In ~~2004~~ 2022, the members representing the Second, Fourth, and Sixth Congressional Districts must be elected for two‑year terms ~~ending on June 30, 2006,~~ and until their successors are elected and qualify. Thereafter, members representing the Second, Fourth, and Sixth Congressional Districts must be elected to terms of four years and until their successors are elected and qualify. In ~~2004~~ 2022, the members representing the First, Third, ~~and~~ Fifth, and Seventh Congressional Districts ~~and the State at large~~ must be elected for four‑year terms ~~ending on June 30, 2008,~~ and until their successors are elected and qualify. Thereafter, members representing the First, Third, ~~and~~ Fifth, and Seventh Congressional Districts ~~and the State at large~~ must be elected to terms of four years and until their successors are elected and qualify. ~~Notwithstanding the provisions of this section, members representing the First, Third, and Fifth Congressional Districts shall serve until the expiration of their terms, and in 2013, members representing the First, Third, and Fifth Congressional Districts must be elected for terms ending on June 30, 2016, and until their successors are elected and qualified.~~

~~(2)~~ ~~In the event there are Seven Congressional Districts, the member elected from the State at large shall serve until the expiration of his term, and in 2013, a member representing the Seventh Congressional District must be elected for a term ending on June 30, 2016, and until his successor is elected and qualified. Thereafter, the member representing the Seventh Congressional District must be elected to terms of four years and until his successor is elected and qualified. Upon the election and qualification of the member representing the Seventh Congressional District, the at large member elected to satisfy the requirements of subsection (E) immediately shall cease to be a member of the commission.~~

(E) The ~~General Assembly must provide for the election of the seven‑member commission and~~ qualified electors of South Carolina shall elect ~~its~~ commission members based upon the congressional districts established by the General Assembly pursuant to the latest official United States Decennial Census. ~~If the number of congressional districts is less than seven, additional members must be elected at large to provide for a seven‑member commission.~~ In the event the congressional districts established by the General Assembly are under review by a court for compliance with statutory or constitutional requirements, an election scheduled pursuant to this section shall not be held until a final determination is made by the courts regarding the congressional districts. The inability to hold an election due to judicial review of the congressional districts does not constitute a vacancy on the commission and the commissioners serve until their successors are elected and qualify.

(F) The Governor may fill vacancies in the office of commissioner until the successor in the office for a full term or an unexpired term, as applicable, has been elected by the ~~General Assembly~~ qualified electors of South Carolina. In cases where a vacancy occurs on the commission ~~when the General Assembly is not in session~~, the Governor may fill the vacancy by an interim appointment. The Governor must report the interim appointment to the General Assembly and must forward a formal appointment at its next ensuing regular session.”

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

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