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Indicates New Matter

COMMITTEE REPORT

January 29, 2020

**H. 5034**

Introduced by Reps. Stavrinakis, McCoy, Sottile, Brown, Cogswell, Mace, Bennett, Moore, Matthews, Pendarvis and Hewitt

S. Printed 1/29/20--H.

Read the first time January 28, 2020.

**THE CHARLESTON DELEGATION**

To whom was referred a Bill (H. 5034) to amend Act 340 of 1967, as amended, relating to the Charleston County School District, the governing body thereof, and the manner in which its members are elected, etc., respectfully

**REPORT:**

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

LEONIDAS E. STAVRINAKIS for the Delegation.

**A** **BILL**

TO AMEND ACT 340 OF 1967, AS AMENDED, RELATING TO THE CHARLESTON COUNTY SCHOOL DISTRICT, THE GOVERNING BODY THEREOF, AND THE MANNER IN WHICH ITS MEMBERS ARE ELECTED, SO AS TO REVISE THE AREAS FROM WHICH BOARD MEMBERS ARE ELECTED.

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

SECTION 1. Section 2 of Act 340 of 1967, as last amended by Act 161 of 1995, is further amended to read:

“Section 2. The governing body of the Charleston County School District shall be a board of trustees which shall be composed of nine members, each of whom shall be a qualified elector of the area he represents. The initial members shall be appointed by the Governor upon the recommendation of a majority of the Charleston County Legislative Delegation. One member shall be appointed from that portion of the of the county included in Moultrie School District No. 2 and St. James Santee School District No. 1; three members shall be appointed from that portion of the county included in St. Andrews District No. 10, St. John’s School District No. 9, St. Paul’s School District No. 23, and James Island School District No. 3; three members shall be appointed from that portion of the county included in Cooper River School District No. 4; and two members shall be appointed from that portion of the county included in School district No. 20. Of the members first appointed, one shall be from each of the foregoing portions of the county, all of whom shall serve through December 31, 1970; one shall be appointed from the portion of the county included in School District No. 20, two from the portion of the county included in St. Andrews School District No. 10, St. John’s School; District No, 9, St. Paul’s School District No. 23, and James Island School District No. 3, and two from the portion of the county included in Cooper River School District No. 4, each of whom shall serve through December 31, 1972.

~~Upon the expiration of the term of each member, each successor must be a qualified elector of the same area and must be elected in the general election preceding the expiration date by the qualified electors of the entire county for a term of four years and until a successor is elected and qualifies. Notwithstanding any appointment by the Governor, an election must be held at the time of the next ensuing general election and/or next ensuing countywide election to elect a member when the appointee has been appointed to an unexpired term which exceeds two years. Nothing in this paragraph may be construed to alter the staggering of terms established by this section.~~

Notwithstanding another provision of law, beginning with the 2020 general election, the nine members of the Charleston County School District, must be elected from each of the same nine defined single‑member election districts as are members of the Charleston County Council. The nine school district members’ numeric district designations shall match that of the corresponding county council district from which the school district board members are elected, and a school district board member must be a qualified elector of the election district from which he is elected. If the Charleston County Council single‑member election district boundaries are amended or redrawn subsequent to the 2020 general election, the members of the Charleston County School District Board of Trustees must continue to be elected from the same nine single‑member election districts in effect at the time of the 2020 general election. After the 2020 general election, the Charleston County Legislative Delegation is responsible for redrawing or reapportioning the nine single‑member election districts from which members of the Charleston County School District Board of Trustees are elected.

Notwithstanding another provision of law, the members of the Charleston County School District Board of Trustees must be elected at the general election beginning in 2020 for terms of four years, except that to provide for staggered terms of office, members of the board elected from Districts 1, 3, 5, 7, and 9 shall serve terms of four years each and until their successors are elected and qualify. Members of the board elected from Districts 2, 4, 6, and 8 shall serve terms of two years each and until their successors are elected and qualify. Successors to these members must be elected for four‑year terms at the general election every two or four years after that as appropriate. All members of the board shall serve until their successors are elected and qualify. Nothing in this act may be construed to alter the staggering of terms established by this section. The terms of the present members of the board shall expire when the members elected at the 2020 general election qualify and take office.

The Charleston County Board of Voter Registration and Elections shall conduct and supervise the elections for members of the Charleston County School District Board of Trustees in the manner governed by the election laws of this State, mutatis mutandis. The board 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 commission shall publish notices of the elections pursuant to Section 7‑13‑35. The results of the elections must be determined by the nonpartisan plurality method contained in Section 5‑15‑61. The members of the consolidated school district elected in these nonpartisan elections shall take office one week following certification of their election pursuant to Section 59‑19‑315.”

SECTION 2. All provisions of local acts concerning the election of members of the Charleston County School District Board of Trustees inconsistent with the provisions of this act are repealed; it being the intent of the General Assembly to have this act and the general law be the only provisions of law governing the election of members of the Charleston County School District Board of Trustees.

SECTION 3. If any provision of this act for any reason is held by a court of competent jurisdiction to be unconstitutional or invalid, that holding shall not affect the constitutionality or validity of the remaining portions of this act. The General Assembly declares that it would have passed this act and each and every provision in it, irrespective of the fact that any one or more provisions of it may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. This act takes effect upon approval by the Governor.

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