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Indicates New Matter

AMENDED

May 12, 2020

**H. 5034**

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

L. Printed 5/12/20--S.

Read the first time February 4, 2020.

**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.

Amend Title To Conform

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. For the 2020 general election, notwithstanding any provision of law to the contrary, candidates for election shall file a statement of candidacy with the Charleston County Board of Voter Registration and Elections as provided in Section 7-13-352 as the means to be placed on the ballot. Members of the Charleston County School District Board of Trustees elected at the 2020 general election shall be elected to a two-year term.

~~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.~~

(A)(1) After the 2020 United States Census and beginning with the 2022 general election, the Charleston County School District Board of Trustees shall be comprised of nine defined single‑member election districts, the composition of which shall correspond with the composition of the Charleston County Council election districts, unless the Charleston County Legislative Delegation apportions the election districts differently. Each district shall be assigned a numeric district designation.

(2) One member of the Charleston County School District Board of Trustees must be elected from each of the nine defined single‑member election districts. A school district board member must be a qualified elector of the election district from which he is elected. Candidates for election shall file a statement of candidacy with the Charleston County Board of Voter Registration and Elections as provided in Section 7-13-352.

(B)(1) In the 2022 general election, the members of the Charleston County School District Board of Trustees elected from:

(a) districts 1, 3, 5, 7, and 9 shall serve terms of four years each and until their successors are elected and qualify; and

(b) districts 2, 4, 6, and 8 shall serve terms of two years each and until their successors are elected and qualify.

(2) Members of the Charleston County School District Board of Trustees elected at the general election of 2024, and thereafter, shall be elected to four-year terms. All members of the board shall serve until their successors are elected and qualify.

(C) 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 of results. The board 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. If a person establishes a new residence in Charleston County and the school to which the new residence is assigned is fifteen or more road miles away from his new residence, then the receiving constitutent school district must accept a child residing in the newly established residence.

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, then such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

SECTION 4. 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 5. 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 6. This act takes effect upon approval by the Governor.

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