~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 22, 2012

**S. 731**

Introduced by Senators Scott and Jackson

S. Printed 2/22/12--S.

Read the first time March 24, 2011.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 731) to amend Section 5‑7‑200, Code of Laws of South Carolina, 1976, relating to grounds for forfeiture of the office of mayor or councilman and the filling, 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, page 1, by striking lines 33-37, in Section 5‑7‑200(B), as contained in SECTION 1, and inserting therein the following:

/ ~~(b)~~(B) A vacancy in the office of mayor or council ~~shall~~ must be filled for the remainder of the unexpired term either:

(1) at the next ~~regular~~ municipal election, or

(2) at a special election held pursuant to Section 7‑13‑190, if the vacancy occurs:

(a) one hundred eighty days or more, or

(b) ninety days or less

prior to the next ~~general~~ municipal election.” /

Renumber sections to conform.

Amend title to conform.

RAYMOND E. CLEARY III for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

Minimal (Some additional costs expected but can be absorbed)

**EXPLANATION OF IMPACT:**

There is no fiscal impact on the General Fund of the State or on federal and/or other funds.

**LOCAL GOVERNMENT IMPACT:**

The State Budget Division contacted municipal members of the FIST Network of local governments to determine the impact of this bill. Respondents indicated there is minimal impact with the adoption of this bill.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

TO AMEND SECTION 5‑7‑200, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GROUNDS FOR FORFEITURE OF THE OFFICE OF MAYOR OR COUNCILMAN AND THE FILLING OF A VACANCY IN EITHER OFFICE, SO AS TO PROVIDE AN ADDITIONAL PERIOD OF TIME THAT MAY BE UTILIZED TO FILL A VACANCY IN EITHER OFFICE.

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

SECTION 1. Section 5‑7‑200 of the 1976 Code is amended to read:

“Section 5‑7‑200. ~~(a)~~(A) A mayor or councilman shall forfeit his office if he:

(1) lacks at any time during his term of office ~~any~~ a qualification for the office prescribed by the general law and the Constitution;

(2) violates ~~any~~ an express prohibition of Chapters 1 to 17; or

(3) is convicted of a crime involving moral turpitude.

~~(b)~~(B) A vacancy in the office of mayor or council ~~shall~~ must be filled for the remainder of the unexpired term at the next ~~regular~~ municipal election, or at a special election held pursuant to Section 7‑13‑190, if the vacancy occurs one hundred eighty days or more, or ninety days or less, prior to the next ~~general~~ municipal election.”

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

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