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INTRODUCED

April 28, 2021

**H. 4241**

Introduced by Reps. Anderson and Hewitt

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Read the first time April 28, 2021.

**A** **BILL**

TO AMEND ACT 907 OF 1962, AS AMENDED, RELATING TO THE GEORGETOWN COUNTY SCHOOL DISTRICT AND THE GEORGETOWN COUNTY BOARD OF EDUCATION, SO AS TO, AMONG OTHER THINGS, CONFORM LOCAL ELECTION PROCEDURES FOR MEMBERS OF THE BOARD OF EDUCATION TO THE CONTROLLING 2008 CONSENT JUDGMENT AND DECREE; TO DEFINE RELEVANT TERMS; TO PROVIDE THAT THE GEORGETOWN COUNTY SCHOOL DISTRICT MUST BE GOVERNED BY A BOARD OF EDUCATION CONSISTING OF NINE MEMBERS WHO MUST BE ELECTED IN NONPARTISAN ELECTIONS CONDUCTED AT THE SAME TIME AS THE GENERAL ELECTION AND EVERY FOUR YEARS THEREAFTER, EXCEPT AS PROVIDED IN THIS ACT TO STAGGER THE MEMBERS’ TERMS; TO PROVIDE THAT WHEN A VACANCY OCCURS IN OFFICE, BY REASON OF DEATH, RESIGNATION, OR REMOVAL, THE VACANCY IN OFFICE SHALL BE FILLED BY A SPECIAL ELECTION FOR THE REMAINDER OF THE UNEXPIRED TERM; TO PROVIDE THAT PERSONS DESIRING TO QUALIFY AS A CANDIDATE FOR THE GEORGETOWN COUNTY BOARD OF EDUCATION SHALL FILE WRITTEN NOTICE OF CANDIDACY WITH THE GEORGETOWN COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS; TO ESTABLISH THE APPLICABLE CANDIDATE FILING PERIOD; TO PROVIDE THAT THE GEORGETOWN COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS SHALL CONDUCT AND SUPERVISE THE ELECTIONS FOR MEMBERS OF THE GEORGETOWN COUNTY BOARD OF EDUCATION IN THE MANNER GOVERNED BY THE ELECTION LAWS OF THIS STATE, MUTATIS MUTANDIS; AND TO REPEAL ACT 237 OF 1983.

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

SECTION 1. Act 907 of 1962, as last amended by Act 237 of 1983, is further amended by adding an appropriately numbered section to read:

“Section \_\_. (A) On March 31, 2008, the Georgetown County School District, the then members of the Georgetown County Board of Education (board) in their official capacity, and the Georgetown County Board of Election and Registration, entered into the Consent Judgment and Decree (consent order) with the United States of America to resolve a civil action under Section 2 of the Voting Rights Act of 1965, as amended, 42 U.S.C. Section 1973. The consent order:

(1) discontinued the then‑current at‑large method of electing members of the board and substituted a voting plan of two at‑large seats and seven single‑member seats coterminous with county council districts;

(2) discontinued the then‑current method of a direct popular election of the board chairperson and substituted selection of the board chairperson by the members of the board from board membership;

(3) provided for an implementation schedule beginning with the 2008 General Election for single-member districts 1, 3, 4, 5, and 6 and with the 2010 General Election for single-member districts 2 and 7 and the two at‑large seats; and

(4) provided that the terms of the consent order governed board elections and board chairperson selection until legislation embodying the terms of the consent order was enacted, and the court retained jurisdiction in the meantime.

(B) The parties have complied with the consent order, and board elections and board chairperson selection have been conducted in conformity with the consent order since 2008; however, no legislation has been enacted to conform with the consent order.

(C) The General Assembly, by the provisions of this act, has determined to enact a districting plan and other terms of the kind required by the consent order, meeting current legal standards under the Voting Rights Act and the United States Constitution.

(D) As used in this act, ‘coterminous’ means having a common geographical boundary.”

SECTION 2. Section 2 of Act 907 of 1962, as last amended by Act 237 of 1983, is further amended to read:

“Section 2. (A) All corporate powers, functions and duties of the School District of Georgetown County shall be exercised and performed by a board of trustees to be known as ‘The Georgetown County Board of Education.’ Hereinafter the School District of Georgetown County is referred to as the school district, and the Georgetown County Board of Education is referred to as the board.

~~The board shall be composed of eight members and a chairman who shall be elected by the qualified electors of the county. The office of chairman shall be a separate office and any person desiring to become chairman shall specifically file and run for such office. The chairman and the successors to the present four members of the board whose terms of office expire in 1976 shall be elected for terms of four years each commencing with the general election of 1976 and successors to the present four members of the board whose terms of office expire in 1978 shall be elected for terms of four years each commencing with the general election of 1978. All members of the board and the chairman shall serve until their successors are elected and qualify and all members of the board and the chairman shall take office on the Monday following the general election in which elected. The present members of the board shall continue to serve until their successors have been elected and qualify.~~

~~Any vacancy occurring on the board for any reason must be filled by general or special election in the same manner as provided for the original election, except that if a vacancy occurs in the office of chairman, until the general or special election can be held and until the person so elected qualifies for office, the members of the board may fill the vacancy by appointment by majority vote.~~

(B) Notwithstanding the provisions of Act 907 of 1962, Act 747 of 1966, or of subsequent acts of the General Assembly amending these acts, or of any other provision of law:

(1) The Georgetown County Board of Education shall be composed of nine persons who will be elected for terms of four years in nonpartisan elections to be conducted at the time of the general election.

(2) Seven board members shall be elected from single‑member districts in which they are residents, coterminous with county council districts and sharing the corresponding district numbers, updated consistently with the county council districts thereafter when county council districts change.

(3) Two board members, who are residents of Georgetown County, shall be elected at large with the two candidates receiving the highest number of votes declared elected.

(4) Elections for single-member districts 2 and 7 and the two at‑large seats shall be held in 2022 and every four years thereafter.

(5) Elections for single member districts 1, 3, 4, 5, and 6 shall be held in 2024 and every four years thereafter.

(6) The board’s chairperson shall be selected by the board according to board policy, from board membership.

(7) All current members, elected pursuant to the voting plan of the consent order, shall continue in office until their successors are elected and qualified.

(8) Whenever a vacancy occurs in office, by reason of death, resignation, or removal, the vacancy in office shall be filled by a special election to complete the term of office, which special election shall be held in accordance with Section 7‑13‑190.

(9) All persons desiring to qualify as a candidate for the Georgetown County School District Board of Education shall file written notice of candidacy with the Georgetown County Board of Voter Registration and Elections on forms furnished by the board. The filing period shall open at 12:00 p.m. on August first or, if August first falls on Saturday or Sunday, then 12:00 p.m. on the following Monday and shall run until 12:00 p.m. on August fifteenth or, if August fifteenth falls on Saturday or Sunday, no later than 12:00 p.m. on the following Monday. This notice of candidacy must be a sworn statement and shall include the candidate’s name, age, election district in which he resides and from which he seeks election, voting precinct, period of residence in the county and election district, and other information that the board requires. The Georgetown County Board of Voter Registration and Elections shall conduct and supervise the elections for members of the Georgetown County School District Board of Education in the manner governed by the election laws of this State, mutatis mutandis. The county board of voter registration and elections 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 county elections board also 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 3. Section 4 of Act 907 of 1962, as last amended by Act 831 of 1976, is further amended to read:

“Section 4. As soon as convenient following the appointment and qualification of the board, all members shall meet and organize, electing one of its members as chairman, another as vice‑chairman, and a third as secretary~~;~~. ~~provided, however, that upon the election and qualification in 1976 of the chairman of the board as provided in Section 2 of this act, the members of the board shall no longer elect a chairman and the term of the current chairman at that time shall expire. Except as provided above,~~ The terms of such offices shall be fixed by the board for periods of not exceeding two years and persons holding such offices shall be eligible to succeed themselves. The secretary shall keep proper records for the board, including the minutes of the meetings. The board shall hold regular monthly meetings, and special meetings at such other times as may be necessary, all of which shall be open to the public.”

SECTION 4. Act 237 of 1983 is repealed.

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

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