



THE LEAGUE OF WOMEN VOTERS OF SOUTH CAROLINA
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HOME RULE IN SOUTH CAROLINA

By Holley Ulbrich, PhD, LWVSC Director, November 2013

Home rule means the exercise of independent authority by a local government. There are three kinds of home rule: fiscal (control over taxes, budgets, spending); structural (forms of government, methods of election, boundaries, etc.); and powers of appointment. In 1975 the Constitution was amended to provide for independently elected county governments, but the transfer of power from the General Assembly to local government was far from complete.

School districts. School districts have very little independence from the legislature, which has a great deal of control over their revenue sources, demands a high level of accountability, and has the power to make significant decisions without input from the public or the district board of trustees. School districts were created by separate acts of the legislature for each county that spelled out their boundaries, the composition of the board(s) and method of selection, and the fiscal powers of the school board. Only the General Assembly has the power to change any of these, and within the General Assembly, the decision is delegated to the county delegation. This situation has created a lot of problems. Dillon County is frustrated by the inability to elect their district boards. Sumter County had a controversial consolidation. Fairfield County was subjected to a legislative change in structure. Pickens County lost its three at large members of the school board.

Two years ago, LWVSC created a statewide position calling for a referendum in the county to address any such changes in the structure (but not the fiscal autonomy) of school districts. While we are waiting for the General Assembly to deal with the process, we can urge them to remedy the particular situation in Pickens County. Two bills have been introduced that would add one at large position to the Pickens County School Board. The purpose of the at-large member (or members) is to more accurately reflect the population of the county as it changes between decennial censuses, so that faster growing areas of the county have more representation. The at-large member is also accountable to the entire county rather than one particular district and its schools. We urge you to take and circulate a petition in support of this change.

Counties. Prior to 1975, counties were run by their legislative delegations. The county budget was passed as a supply bill by the General Assembly for each county prior to home rule. Even under so-called home rule, many county officials are elected independently of the council, including the sheriff, coroner, probate judge, etc. The county must fund their offices and does not have the power to hire or fire their employees. The same is true of some boards and commissions that are appointed by the

delegation rather than the county council. If the board or commission is created by statute (General Assembly), those appointments are made at the state level, most commonly by the governor on recommendation of the county delegation. Election Commissions are one important example. Recent conflict in Richland County over the Richland County Recreation Commission's funding needs to staff new facilities raised this question. That Commission is appointed by the county delegation.

Another issue of home rule is the persistence of special purpose districts that pre-date home rule and provide specified local public services to areas primarily outside municipal boundaries, most often water and sewer, frequently fire protection, recreation, or street lights. Some of these SPDs have elected boards, others appointed boards. Counties are often called upon to collect taxes for these districts but have no power over them. Note: since home rule County Councils are authorized to create special tax districts to provide particular services, but they have more control over these districts and their boards. But the special purpose districts continue to provide services and collect revenue with little input or control from the elected council. There isn't even a clear count of how many SPDs there are in the state. The S.C. Association of Counties is looking for ways to strengthen home rule for counties and is collaborating with the League on encouraging the General Assembly to finish the work begun almost 40 years ago in creating genuine local government in the state.

The Constitution forbids local legislation—bills passed in the General Assembly that affect only one or a few named local governments, although the provision does not apply to school districts. It would actually be desirable if legislators could pass local legislation delegating powers of appointment to counties or addressing problems related to special purpose districts. It would also be desirable to have some input from county citizens (like a referendum) before making significant changes to school districts. The problem is complicated by the actual voting process on such local legislation. The legislators from the county vote while other legislators vote present. In the House, each member of the delegation has one vote regardless of how much of the county he or she represents. In the Senate, votes are allocated between senators in that county or school district based on the proportion of voters represented. In Pickens County, for example, Senator Martin represents 81% of the county and Senator Alexander represents 19%, so Senator Alexander's vote is irrelevant and his constituents in Pickens County have no voice. Neither system is satisfactory.

What can the League of Women Voters do?

- Talk to your county council members about which boards and commissions have their members appointed by the county delegation and which are appointed by the county council, and whether that needs to be changed. Does the delegation solicit input in to those appointments from the elected county council?
- Find out if there are any conflicts or unresolved issues with special purpose districts in your county.
- Make legislators aware of your concerns about excessive restrictions on county home rule.

The League of Women Voters, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy. Membership in the League is open to men and women of all ages.