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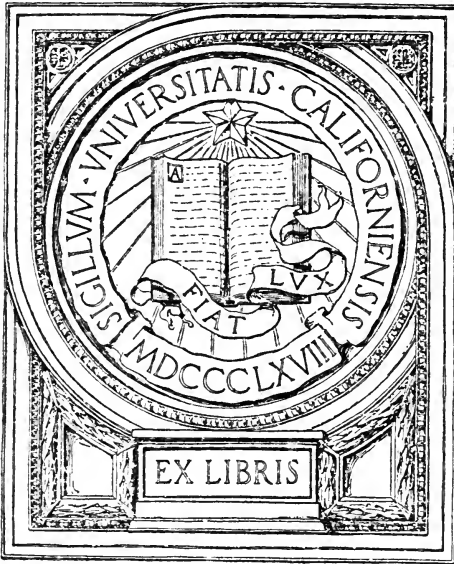
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The Sumter "City Manager" Plan and Charter.



Authorized by The Commission Form of
Government Act :: As Ratified by the
South Carolina Legislature, Session 1912.



Applicable to The City of Sumter, S. C.

PRICE 25 CENTS.

JS 1468
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Adoption of The "City Manager" Plan By Sumter, S. C.

In 1912 a Special Act of the South Carolina Legislature gave the people of Sumter their choice between the regular Commission Plan and the new City Manager Plan.³

The former vested all power in a commission of three members elected at large, all other officials being, of course, appointive, so as to provide unification of authority and a "short ballot," which every voter, careless or not, could easily cast with a complete knowledge of what he was doing. The mayor was to receive \$1,200 a year and each of the other two commissioners \$1,000, all being ex-officio department chiefs.

The City Manager plan gave the commissioners only nominal salaries (\$300 a year to the mayor and \$200 a year each to the other two) and left them free to pursue their private careers. They were authorized to hire a City Manager and fix his duties and salary.

During the brief campaign it was pointed out that the City Manager plan involved only one "high-salaried" officer, the difference in commissioners' salaries between the two plans allowing \$2,500 for a City Manager without entailing higher costs than the commission salaries without a manager.

The City Manager now receives \$3,300.00 Salary a year.

On June 12, 1912, Sumter voted by three to one for the City Manager plan.

The next step was the election of the first commission. The fact that members of the commission need not interrupt their private careers brought out an unusually high type of candidates, including some of the most progressive business men who had not previously felt able to enter public life. An excellent commission was elected on August 13th.

"1. Unlike the Des Moines type of Commission Plan, it gives complete unification of the administrative establishment.

"2. It makes it possible to have a permanent professional expert administrator.

"3. It abolishes the one-man power in the Mayor-and-Council plan (since this executive is under continuous control.)

"4. It leaves the people free to choose candidates simply

as representatives, unlimited by any implied requirement as to executive experience or capacity to earn a large salary. (This feature is of special interest to labor.)

"5. It abandons the unscientific plan of attempting to select executive experts by popular election for short terms.

"6. It keeps the vital Short Ballot feature of the commission plan.

"This plan is unlike the Staunton, Va., plan where the title "City Manager" is in use, inasmuch as that officer has behind him a Mayor and Council of the old type, who have voluntarily abdicated their executive duties in his favor. Staunton, in other words, has a City Manager, but not the City Manager plan. The Sumter City Manager plan is in effect a combination of the commission plan with the Staunton idea."

No. 453.

AN ACT to Regulate the Holding of Elections for the Commission Form of Government in Cities of Over Four Thousand Inhabitants, and to Provide for the Adoption of Said Form of Government in Cities of Over Ten Thousand and Less Than Twenty Thousand Inhabitants, and Cities of Over Fifty Thousand and Less Than One Hundred Thousand Inhabitants, and in Certain Cities Named Herein.

Section 1. **Be it enacted** by the General Assembly of the State of South Carolina, That before the election in any city of over four thousand inhabitants in this State on the adoption of the Commission Form of Government shall be held, the books of registration of electors, both municipal and county in which said city is situate, shall be open for the registration of electors for three months in cities of more than ten thousand inhabitants, and for three weeks in cities of less than ten thousand inhabitants; each day of the week except Sundays, at least five hours per day, and shall be closed after said three months at least thirty days before said election.

Sec. 2. That the County Supervisor of Registration be paid one hundred and fifty dollars each, in cities of more than ten thousand inhabitants and twenty-seven (\$27.00) dollars each in cities of less than ten thousand inhabitants, extra for holding said extra registration for the State and county registration.

Sec. 3. When the petitions, which are the prerequisites

to order such elections are filed with the proper officers, on written notice of the same by any citizen of the municipality in which such elections is to be held to the municipal and county registration officers, they shall immediately open the said books of registration and keep them open for the time herein prescribed.

Sec. 4. The provisions of this Act providing a form of government, known as the commission form for cities herein classified, shall be known as the Article VIII of Chapter XLIX of the Code of Laws of South Carolina, 1902. Any city which by the last preceding United States census heretofore or hereafter made and published may have more than ten thousand inhabitants and less than twenty thousand inhabitants, and any city which, by the last preceding United States census heretofore or hereafter made and published, may have more than fifty thousand inhabitants and less than one hundred thousand inhabitants, may adopt the form of government, known as Commission Form of Government, and become organized as a city under the provisions hereof retaining and exercising all the rights and powers, and remaining subject to all the duties and obligations heretofore otherwise granted or imposed by law not herein repealed specifically or by necessary implication.

Sec. 5. Upon the petition of registered electors, qualified to vote in such city, equal in number to twenty-five per centum of the votes cast for all candidates for mayor at the last preceding city election of any such city, showing the residence and occupation of each petitioner, and verified as hereinafter required for other petitions, the mayor shall, by proclamation, submit to a vote of the qualified registered electors of said city the question of adopting the form of government herein and organizing as a city under this article at a special election to be held at a time specified in said proclamation, not later than six (6) months, and not earlier than four (4) months, after said petition is filed. If the plan of government herein provided for be not adopted by the majority vote cast at the said special election, the question of adopting said plan shall not be resubmitted to the voters of said city for adoption within four years thereafter, but at the expiration of four years, the same question may be resubmitted upon the presentation of a petition as hereinabove provided for. The question shall be submitted by the mayor in his proclamation in the following form, to wit: "Shall the city of (name of city)

adopt the form of government provided in Article VIII, Chapter XLIX of the Code of Laws of South Carolina (cities of more than ten thousand inhabitants and less than twenty thousand inhabitants, and cities of more than fifty thousand inhabitants and less than one hundred thousand inhabitants)?”

Sec. 6. At such election there shall be provided by the Board of Commissioners of Elections ballots, upon which shall be written: “Shall the city of (name of city) adopt the form of government provided in Article VIII, Chapter XLIX of the Code of Laws of South Carolina (cities of more than ten thousand inhabitants and less than twenty thousand inhabitants, and cities of more than fifty thousand inhabitants and less than one hundred thousand inhabitants)? Yes. No. (Erase one answer.) Each qualified registered elector shall be allowed to vote one ballot; the said election being conducted and the vote canvassed and the result declared in the same manner as heretofore provided by law in respect to municipal elections, except as hereinafter provided. If the majority of the votes cast shall be “Yes.” (the word “No” being erased), the Board of Commissioners of Elections shall declare that the said city has adopted the form of government provided for herein. If there be not a majority of the ballots with the word “Yes” thereon, and the word “No” erased, the Board of Commissioners of Election shall declare that the said form of government has been rejected. Immediately after the result of said election is declared, if it be in favor the adoption of the said form of government, the mayor shall forthwith file with the Secretary of State a certificate stating the results of said vote, which certificate shall be recorded in the office of the Secretary of State, and shall be sufficient record and notice that the said city is thereafter operating under the said form of government: **Provided, however,** That the mayor and council and other officers then in office, shall continue and remain until their terms expire, and after their successors shall be elected and qualify as hereinafter provided; and all ordinances, resolutions, or other provisions theretofore of force and not inconsistent with the provisions of this article, shall remain until altered or repealed by the council elected as hereinafter provided. For the election on the adoption of this form of government the registered electors entitled to vote shall be those on the latest list that may have been registered, as pro-

vided in this Act; then registration for any and every election thereafter shall be made by the Board of Commissioners of Election herein provided for, with the requirements herein provided.

Sec. 7. After the filing of said certificate in the office of the Secretary of State, the mayor shall, by proclamation, publish in the daily newspapers of said city, up to the day of said election, order an election for one mayor and four councilmen, said election to be held at the date when the next election for mayor would be held, the mayor and four councilmen to be voted for at large, said election to be governed by the provisions hereinafter made with reference to regular elections for mayor and councilmen in such city or as otherwise provided by law: **Provided**, That the Board of Commissioners of Elections shall provide the ballots and shall put thereon the names of all candidates, of whom notice must have been given for at least two days: **Provided, further**, That no ballot shall be counted for any candidate for councilman unless it be for the full number of councilmen to be elected, and this rule shall apply to every election for councilman.

Sec. 8. In every such city there shall be a mayor and four councilmen elected for the term of four years: **Provided**, That of the four councilmen elected at the first election, the two receiving the highest number of votes shall serve for four years, and the remaining two shall serve for two years. And, thereafter, every two years from the time of the first election, an election shall be had for two councilmen, and every four years from the time of the first election an election shall be had for a mayor and two councilmen, and the said mayor and four councilmen shall constitute the City Council of said city. If any vacancy occur in the City Council, the remaining members, or a majority thereof, shall appoint a person to serve during the unexpired term.

Sec. 9. There shall be no party primary nominations of any person as a candidate for mayor or councilman, unless the said party primary election be conducted and the qualifications for suffrage therein be enforced as herein provided. The primary election of any party for nominating mayor and councilmen shall be held on the second Tuesday preceding the municipal election, and shall be conducted by the duly appointed Board of Commissioners of Election and Board of Managers of Elec-

tions for the said municipal election, who shall be paid as for the holding of said municipal election, and shall conduct the primary elections at the same places and in the same manner and with the enforcement of the same requirements of registration for suffrage as in the municipal election, having a separate box for each organized political party in said city, and for any violation of the law governing the same shall be subject to the same punishment as in violation of the law governing other elections: **Provided, however,** That no person shall be allowed to vote in any party primary election unless he be a member of said party and make oath to that effect, as provided by the rules of said party: **Provided, further,** That no primary election shall be held for any political party unless the chief officer or officers in the city organization, shall notify the mayor and the chairman of the Board of Commissioners of Elections for the municipal election at least five days before the time for the holding of the party primary election that the said political party desires a primary election, and at such primary election three members of such political party, duly appointed for the purpose by the proper officers of the party, shall have the right to be present at each polling precinct and advise the managers if any person offering to vote in said party primary be not a member of said party, and file protest as ground for legal contest in case such person be allowed to vote by the legal managers. No ballot cast in said primary election shall be counted for any person who shall not have filed with the chairman of the Board of Commissioners of Elections the pledge as to corrupt practices and the itemized statement as to expenditures, as provided in an Act making certain offenses in primary elections misdemeanors, and prescribing penalties therefor, approved March 6, 1905, Volume XXIV of the Statutes, at page 949. The Board of Commissioners of Elections shall cause the names of all candidates in the primary election, classed according to their party affiliation, to be published in the daily newspapers of the city from the time that they have become qualified as candidates up to and including the day of the primary election; and the said Board shall provide the printed ballots to be used in the said primary elections, the names of candidates for mayor, and also, seperately, the names of the candidates for councilmen, arranged alphabetically; the ballots in each case to bear the words: "Vote for (the number to be elected.)"

The candidate receiving the largest majority vote shall be declared elected. In case a primary election do not result in a majority and larger vote of the number of persons to be elected in the regular municipal election, a second primary shall be had on the seventh day after the first primary, in which second primary the ballot shall contain, for each position for which choice is to be made, the names of two persons—those receiving the highest vote at the preceding primary election.

Sec. 10. Any person who shall perform, or agree to perform, any service in the interest of any candidate for any office provided for in this Act (whether in connection with the primary election nomination or in connection with the municipal election, or in connection with the obtaining and filing of the petition required herein,) in consideration of any money or other valuable thing, or of further support in obtaining office, shall be punished by a fine not exceeding five hundred (\$500.00) dollars, or imprisonment not exceeding one (1) year, and any candidate, or other person, who shall solicit or contract for, or otherwise seek or obtain, such services in the interest of or against a candidacy for mayor or councilman, or for or against any question that may be submitted to an election, or shall pay any money for said service or promise any valuable thing for such service, or to influence any elector in his vote, shall be punished in the same manner, and any person making false answers to any of the provisions of this Act relative to his qualifications to vote at any election herein provided for, any person wilfully voting or offering to vote at such election when not qualified as herein provided, and any person knowingly procuring, aiding or abetting any violation of any of the provisions herein, shall be guilty of a misdemeanor, and, upon conviction, shall be fined not exceeding five hundred (\$500.00) dollars, or imprisoned not exceeding one (1) year, and other provisions of law now applying to bribery or corruption or other improper practices in connection with elections shall likewise apply to the elections herein referred to.

Sec. 11. The expenses of each and every election provided for in this article, including advertisement, provision of ballots and any other item, shall be paid out of the city treasury, upon the warrant of the chairman of the Board of Commissioners of Elections.

Sec. 12. The mayor and councilmen chosen as herein provided shall constitute the City Council of such city, and each

of them shall have the right to vote on all questions coming before the council, three of them constituting a quorum; and the affirmative vote of three members of said council shall be necessary to adopt any motion or pass any measure, other than with reference to meetings and adjournments. Upon every vote, the yeas and nays shall be called and recorded, and every ordinance or resolution, shall be reduced to writing and read before the vote is taken thereon, and every ordinance or resolution passed by council shall be signed by three members and be recorded before the same shall be in force. The mayor or, in his absence, one of the councilmen chosen as mayor **pro tem.**, shall preside at all meetings of the council, but shall have no power to veto any measure.

Sec. 13. The council shall have, possess and exercise all executive, legislative and judicial powers and duties conferred upon such city, or therefore belonging to it, with the power to establish such subordinate officers as they may see fit, and assign to them appropriate duties, subject to the council. Each member of the council shall give to the duties of his office all the time that may be needed for the most efficient conduct of the affairs of the city, and shall keep regular office hours, of not less than two hours daily except Sundays.

Sec. 14. The executive and administrative powers and duties shall be by said council distributed among five departments, of which each of the members of council shall be the superintendent of one, the mayor making the assignment, and reassignments being made by a vote of council, when deemed necessary. The council shall have power to change or abolish any offices theretofore existing in said city, and to establish such offices with such salaries as may seem desirable, and shall, by a vote of three members, fill a position or remove any officer, except certain civil service positions and officers hereinafter provided for: **Provided, however.** That in cities of not less than fifty thousand inhabitants and not more than one hundred thousand inhabitants, all salaried city officials holding office, either by election of the former City Council or by appointment by the mayor at the time of the adoption of this form of government, and whose terms of office for which they have been elected or appointed shall not then have expired, shall continue to hold office without reduction of their then salaries for the balance of the unexpired term of their respective offices. In cities

of over ten thousand (10,000) inhabitants, and less than twenty thousand (20,000) inhabitants, the mayor shall be paid an annual salary of eighteen hundred (\$1,800) dollars, and each councilman an annual salary of twelve hundred (\$1,200.00) dollars, payable in equal monthly installments: **Provided**, That in cities of over fifty thousand inhabitants and less than one hundred thousand inhabitants, the mayor shall receive an annual salary of five thousand (\$5,000.00) dollars, and each councilman shall receive an annual salary of four thousand (\$4,000.00) dollars, payable in equal monthly installments. Regular meetings of the council shall be held at such times as may be provided for by ordinance, and at least once a month, and all meetings, whether regular or special, at which any person not a city officer is admitted, shall be open to the public.

Sec. 15. Every ordinance or resolution appropriating money or ordering any street improvement or sewer, or making or authorizing the making of any contract or granting any franchise or right to occupy or use the streets, highways, bridges or public places in the city for any purpose, shall be complete in the form in which it is finally passed, and in such form remain on file with the city clerk, open to public inspection at least one week before the final passage or adoption thereof. No franchise or right to occupy or use the streets, highways, bridges or public places in any city shall be granted, renewed or extended, except by ordinance passed three times on three separate days, and every franchise or grant for interurban or street railways waterworks, gas or electric light or power plants, heating plants, telegraph or telephone systems or other public service utilities within said city, must be authorized or approved by a majority of the electors voting thereon at an election which shall be ordered by council.

Sec. 16. No officer or employee elected or appointed in any such city shall be interested, directly or indirectly in any contract, or job, for work or materials, or the profits thereof, or any services to be furnished or performed for the city, or for any person, firm or corporation operating interurban or street railways, waterworks, gas works, electric light or power plants, heating plants, telegraph or telephone system, or other public utility within the territorial limits of said city, or doing business or proposing to do business in said city. No such officer or employer shall accept or receive, directly or indirectly, from any person, firm or

corporation operating within the territorial limits of said city any such public utilities company, or other business under a public franchise any frank, free ticket or free service, or any other service, upon terms more favorable than are granted to the public generally, or request or induce the granting of any such favor to any other person. Any violation of the provisions of this section shall be a misdemeanor punishable by a fine of not less than one hundred (\$100.00) dollars nor more than five thousand (\$5,000.00) dollars, or by imprisonment for not less than one (1) month nor more than five (5) years: **Provided, however,** That the policemen and firemen in uniform shall have the right to free transportation upon any street railway within the limits of said city.

Sec. 17. The mayor or any councilman may be removed from office in the following manner: Whenever qualified, registered electors of said city, equal in number to at least twenty per centum of the entire vote cast at the primary election which chose the candidates at the last preceding municipal election, file, with the Governor a petition demanding the removal of the mayor or any councilman, and stating the grounds for such demand, the signature to the said petition showing the place of residence and the occupation of each signer, and stating that he is a qualified registered elector of said city, said petition being duly verified as to these facts by one or more persons who make affidavits on said petition as to any stated number of said petitioners, the said Governor shall order an election for a day not later than thirty (30) days and not earlier than two (2) weeks after the filing of the said petition with the said Governor; said election to be conducted by the Board of Commissioners of Elections and the Managers of Elections, under the rules and regulations and penalties applying to other elections, at which election the said Board of Commissioners of Election shall provide ballots, on which shall be placed the name of the mayor or councilman whose removal the petitioners had demanded, and also the name or names of any other candidate, or candidates, for the position then held by the said mayor or councilman, the said ballot to be prepared at least five (5) days before the date of the election. The person receiving the majority of the votes cast in the said election shall hold the office during the unexpired term and the incumbent shall not be removed unless a majority vote is received by some other person; but in case there be

no election, a second election shall be held, at which the ballots shall contain only the names of the incumbent and of his opponent who received the highest vote at the preceding election; the said election to be held on the third day after the first election, unless delayed by a contest as to the result of the election, in which case the Board of Commissioners of Elections shall advertise a day for the second election, not later than ten (10) days after the first election.

Sec. 18. Any proposed ordinance may be submitted to the council by a petition signed by qualified registered electors of said city, equal in number to twenty per centum of the vote cast for mayor at the last preceding primary election, said petition stating the facts as to the petitioners and being verified as hereinafter provided for petitions; and within two weeks after the filing of said petitions, said council shall pass the said ordinance or call a special election, at which the adoption or rejection of such ordinance shall be submitted to the registered electors of said city, or said ordinance shall forthwith, upon the failure of council to act as hereinabove prescribed, become a valid ordinance of said city after the expiration of said two weeks. At such election the ballots shall contain the words, "For the Ordinance" (and state the title of the proposed ordinance,) and "Against the Ordinance." If the majority of the registered electors voting on the proposed ordinance shall vote in favor thereof, such proposed ordinance shall thereupon become a valid ordinance of said city; and any ordinance proposed by a petition or adopted by an election as herein provided, cannot be repealed or amended, except by an election as herein provided. Any number of proposed ordinances may be voted upon at the same election in accordance with the provisions of this section, but there shall not be more than one special election for such purpose in any period of six months. The council may submit a proposition for the repeal of any such ordinance, or for amendments thereto, to be voted upon at any succeeding general city election or at an election specially ordered, not earlier than (1) year thereafter, or at a special election ordered at any time upon the filing of a petition of the percentage of qualified registered electors hereinbefore referred to, requesting such election to repeal or amend said ordinance.

Sec. 19. When any ordinance is passed by council, its operation shall be suspended and its ratification or rejection shall be submitted to a vote of the qualified registered elec-

tors of the city at a special election, if a petition signed by qualified registered electors of the city, as hereinbefore required, shall be presented to council demanding the same; and after the filing of said petitions, such ordinance shall not be operative unless a majority of the ballots cast at such election shall be in favor of the same.

Sec. 20. The City Council, immediately after organizing under this Act, shall by ordinance appoint three Civil Service Commissioners, who shall hold office for two, four and six years, the successors of each to be thereafter appointed for the term of six years, at the expiration of the preceding term of service; such commissioners to be removed from office by council only for cause, four councilmen voting for such removal. Council shall have authority to fill any vacancy for the unexpired term. The said Civil Service Commissioners shall, twice a year, or oftener, if they deem it necessary under such rules and regulations as they may prescribe, hold examinations for the purpose of determining the qualifications of applicants for positions on the police force, in the fire department, in the department of public health, or in any other special line of service in the city government which by the City Council may be placed under the civil service regulations. The examination for each line of service to be practiced, fairly testing the fitness of persons examined to discharge efficiently the duties of the particular line of employment. The commissioners shall, as soon as practicable after such examination, certify to the council the persons who have satisfactorily passed such examination, stating the order of excellence: **Provided, however,** That the commissioners shall not certify the name of (and may deny the examination to) any person as to whose honesty and integrity, or general moral character, they have not reasonably satisfied themselves by a firmative investigation. Council shall choose employees in the civil service departments of the government, which shall always include the police department, the fire department, and the department of public health, only from persons so certified by the Civil Service Commissioners; and no appointee to a civil service position shall be removed from office by council except by and with the approval of a majority of the Civil Service Commissioners upon charges duly presented, as to which the said employee shall have the opportunity to make his defense: **Provided, however,** That the chief of police and the chief of the fire department, or

any superintendent or foreman in charge of municipal work, may peremptorily suspend or discharge any subordinate then under his direction for neglect of duty or disobedience of his orders, but shall within twenty-four hours thereafter report such suspension or discharge, and the reason therefor, to the member of council who may be the superintendent of said department, who shall thereupon affirm or revoke such discharge or suspension, which shall be final unless such employee shall, within five days, of such ruling, appeal therefrom to council, which shall, with the Civil Service Commissioners, fully hear and determine the matter, and shall not finally discharge the employee without the concurrence of two-thirds of the Civil Service Commissioners. It shall further be the duty of the Civil Service Commissioners to give attention to the work of all departments within the civil service of said city, and to make reports to council and such publications to the public as they may deem proper. Said Civil Service Commissioners may be removed upon petition and vote as hereinabove provided for members of council. Each Civil Service Commissioner shall be paid an annual salary of one hundred and fifty (\$150) dollars, payable quarterly: **Provided**, That in cities of over fifty thousand inhabitants and less than one hundred thousand inhabitants, each Civil Service Commissioner shall be paid an annual salary of two hundred and fifty (\$250) dollars, payable quarterly.

Sec. 21. The City Council shall appoint a city attorney, who must be a freeholder of the city, and for not less than five (5) years preceding his appointment a resident thereof. In addition to his general duties, which shall be prescribed by council, it shall be his special duty, upon knowledge, information, belief, or probable ground of suspicion, to cause investigation, and, if possible, indictments and prosecutions for each and every violation of any of the provisions of this article, or any other provision of law in respect to any of the inhibitions in this article contained, or any bribery, corruption, malfeasance, or other violation of law whatsoever in respect to the said city of any member of council or any employee, or any other person or persons.

Sec. 22. Before entering upon the duties of his office the Mayor and each Councilman and each Civil Service Commissioner shall take and subscribe the oath of office prescribed in Section 26, Article III, of the Constitution; and, further, that he will at all times endeavor to secure and maintain

for the city an honest and efficient government in every particular, with an eye single to the public welfare. No member of council or of the Civil Service Commission shall hold or be a candidate for any other office without first resigning or at once forfeiting his said office in said government. No officer or candidate in connection with said government shall directly or indirectly pay for any publication in any newspaper in commendation of his services or in advocacy of his candidacy except under the caption, "Paid Advertisement," and no person, firm or corporation, publishing or managing a newspaper, shall publish for a consideration any commendation, advocacy, or condemnation of any officer or candidate for office of said city without stating in said publication the price paid therefor and the person paying for same. Any violation of any of these provisions shall be punished by fine not exceeding five hundred dollars or imprisonment not exceeding one year: **Provided, however,** That the City Council shall, each month, print in pamphlet form, a detailed, itemized statement of all receipts and expenses of the city and a summary of its proceedings during the preceding month, and furnish printed copies thereof to the State library, the city library, the daily newspapers of the city, and to persons who shall apply therefor at the office of the city clerk. At the end of each year the council shall cause a full and complete examination of all the books and accounts of the city to be made by competent accountants, and shall publish the result of such examination in the manner above provided for publication of statements of monthly expenditures, the expenses of all such publications to be paid out of the city treasury.

Sec. 23. Within five days after the filing of the requisite petition for the submission of the question of the adoption of the form of government herein provided for, the Governor of the State, upon the recommendation of the majority of the legislative delegation from the county in which said city is located, shall appoint from among the registered electors qualified to vote in said city three discreet and trustworthy men to serve as a Board of Commissioners of Election for said city for the term of two years, unless sooner removed by the Governor, and until their successors are appointed and have qualified, any vacancy to be filled by the Governor; their compensation to be one hundred dollars a year each, to be paid quarterly by the City Treasurer. Said commissioners shall take the oath of office as prescribed by

Section 26, Article III, of the Constitution, and shall organize as a Board by appointing one of their number chairman of the Board, and such chairman shall be empowered to administer oaths.

Sec. 24. The said Board of Commissioners of Election shall forthwith appoint, from among the registered electors qualified to vote in said city, three discreet and trustworthy men to serve as Managers of Election for each polling precinct in said city, for the term of two years, unless sooner removed by the said Board of Commissioners of Elections, and until their successors are appointed and have qualified. any vacancy to be filled by said Board of Commissioners of Elections, each manager to be paid three dollars for each election in which he serves, upon a warrant on the City Treasurer, drawn by the chairman of the Board of Commissioners of Elections. The managers of elections shall take the oath of office as prescribed by Section 26, Article III, of the Constitution, and that they will fairly and impartially conduct every election according to law and make a true return of the result thereof. They shall keep the polls open from eight in the morning till eight in the evening, and upon the closing of the same shall immediately proceed to count publicly the votes cast, and shall continue such count until the same is completed, and shall make a statement of the whole number of votes cast in such election, together with the number of votes cast for each person voted for mayor and for councilmen or for or against a proposition submitted, upon the completion of which they shall transmit such statement to the Board of Commissioners of Elections for said city, through the chairman of said Board of Commissioners or other member designed to receive said election returns, and shall at the same time deliver the ballot box, with the ballots which had been cast at said election sealed up therein; and said Board of Commissioners of Elections shall immediately, upon the receipt of such statement or report of the managers, open and publish the same and tabulate all the returns, and in case of a very close election or a seeming probability of error or for other cause, in the discretion of the said Board of Commissioners, shall recount the ballots, and on the second day succeeding the said election shall declare the result, and shall file a certified statement of the result of the balloting by precincts and in aggregate with the City Clerk, and also with the Clerk of the Court for the county, and in the case of an election to deter-

mine the question of adopting or of abandoning the form of government provided for in this article, the said Board of Commissioners of Elections shall file such statement of the result also with the Secretary of State for record in his office. The Board of Commissioners of Elections shall, as judicial officers, decide all protests or contests that may arise, and if necessary may adjourn from day to day and withhold the decision and the declaration of the result of the election for a period not exceeding five days from the second day after the election. No merely technical irregularities in any of the details hereinabove prescribed shall be held to vitiate an election, provided that it appear that the will of the registered electors was ascertained. The said Board of Commissioners of Elections shall also have charge of the registration of the electors of said city and shall allow registration for four days consecutively up to two days preceding the first primary election, and shall require as a prerequisite of registration proof of payment of city, as well as other taxes, if past due.

Sec. 25. The usual rule of law as to the interpretation of statutory provisions and the construction of statutory powers shall be reversed in respect to this article, which shall be construed liberally, the spirit always controlling the letter, and any technical deficiencies being supplied by the reasonable amendment of the article as a whole in the light of municipal needs.

Sec. 26. Any city, after operating for six years under the provisions of this article, may abandon the form of government herein provided and accept the provisions of the general law of the State applicable to it before the adoption of this form of government by procedure of petition and election on the question of abandonment in the manner provided hereinabove for adopting this form of government.

Sec. 27. All Acts and parts of Acts inconsistent with this Act are hereby repealed.

Sec. 28. When any city shall have adopted such form of government it shall go into effect at the termination of the term of office of the mayor in office when said election is held: **Provided**, That the provisions of this Act shall not apply to Georgetown and Orangeburg Counties.

Sec. 29. That towns and cities whose population is between seven and ten thousand may adopt the provisions of this Act and enjoy the benefits of its privileges under the following conditions: 1, That the election for the adoption

of said Commission Form of Government may be held at the same time and place and under the direction of the managers of any regular election and the registration for any such election on whether or not said Commission Form of Government be adopted or not shall be the same as for the general election with which said question is proposed to be decided: **Provided**, That the notice of the proposal to hold such election shall be given by publication at least once a week for three months in some newspaper of general circulation in the city proposing to adopt it, and the notice of the opening of books of registration and the days on which they shall be opened shall also be published in the required advertisement. 2. That the governing commission of said city shall consist of a mayor and three councilmen, three being necessary to constitute a majority and also a quorum to do business, and that the business of said city shall be divided into four departments and that the salary for mayor and aldermen may be fixed by the acting City Council to be made a part of the provisions of this law upon its adoption, and before the election for the commissioners shall be ordered, in the event of failure to be fixed, the salary shall be for the mayor eighteen hundred (\$1,800.00) dollars and the members of council twelve hundred (\$1,200.00) dollars: **Provided**. The mayor of the city of Florence shall receive twenty-two hundred (\$2,200.00) dollars as salary. 3. That the monthly financial report and the proceedings of the Board shall be printed in some newspaper of general circulation in the city. 4. That the Commissioners of Election provided for in this Act for larger cities may be for smaller cities the same as the commissioners for the State election for the county in which such city is located and that for extra services for the city they shall be paid the same as commissioners for the State elections are now paid, and that they shall be paid for such extra services by the city, nor shall any Board of Election Commissioners, however appointed, be paid more than is paid to the commissioners for State elections. 5. That prior to voting in any election ordered by the City Council and before voting for or against the adoption of the Commission Form of Government the voters shall be required by the managers of the election to exhibit to them a certificate of registration from the city showing that his taxes have been duly paid and that he is a qualified elector of the State, and his ballot shall be deposited in a separate box from those

used for other questions in the election and plainly marked "For or Against Commission Form of Government for the City of" such registration certificates shall be issued by a City Supervisor of Registration, who shall be appointed by the City Council to hold office for four years, unless removed for cause, and who shall be paid an annual salary of one hundred (\$100) dollars, and he shall be provided with necessary books by the city and shall keep, subject to public inspection at all times, a permanent record of his transactions: **Provided**, That the provisions of this section until specifically amended shall apply only to the city of Florence.

Section 30. Is The Present Charter of City of Sumter, S. C.

Sec. 30. **Provided**, That there shall be held an election in the city of Sumter, S. C., on the second Tuesday in June, 1912, at which said election there shall be submitted a ballot of ballots to be provided as are ballots in other elections upon which shall be written or printed, "Shall the City of Sumter Adopt the Commission Form of Government? Yes. No." (Erase one answer.) "Shall the City of Sumter Adopt the Commission Form of Government With a City Manager? Yes. No." (Erase one answer.) The proper authorities to see that the two questions are intelligently and substantially submitted as herein provided, so that the electors of said city may select between the two questions. At the election provided to be held on the second Tuesday in August, 1912, a Commission Form of Government, having been established the officers provided for herein shall be voted by ballots to be furnished as provided by law. The form of government receiving a majority of the ballots cast at said election shall thereupon be established and thereby be and become the form of government of and for said city. That there shall be voted for at an election to be held on the second Tuesday in August, 1912, in the event of the adoption of a Commission Form of Government at the election to be held for the same, candidate for mayor and two councilmen for a term of four years: **Provided**, That of the two councilmen other than the mayor the one receiving the highest number of votes shall serve for a term of four years and the other for a term of two years, whose salary shall be as follows: Mayor, twelve hundred (\$1,200) dollars per annum; Councilmen, one thousand (\$1,000) dollars per annum each, if the form of government without the city manager feature be adopted; in the event that the majority of

the votes or ballots cast at the said election shall be in favor of the Commission Form of Government with a city manager, then in that event the salaries shall be as follows: Mayor, three hundred (\$300) dollars per annum, and Councilmen two hundred (\$200) dollars per annum each, said salaries to be paid in equal monthly installments. If a majority of the ballots cast at the election provided for herein shall be in favor of having a manager (city manager), then, in that event, the mayor and councilmen when elected shall not distribute the powers of said council among the members of the same; but shall employ a male person of sound discretion and of good moral character not of their number of such salary and upon such terms as they may decide, who shall be subject to such rules and regulations as may be provided by said councilmen. That the result of the said elections as to the form of government shall be filed with the Secretary of State, and such filing shall be sufficient notice that said city has adopted and is operating under the Commission Form of Government so adopted. If such election result in favor of adoption of either form of commission government herein referred to, that the mayor and councilmen elected or chosen as herein provided at the election to be held for that purpose shall be and constitute the City Council of said city. And each of them shall have the right to vote on all questions coming before the said council two of them constituting a quorum: **Provided, however,** That by unanimous consent the requirements as to order of business or procedure may be dispensed with. If the majority of the ballots cast at such election be in favor of the Commission Form of Government without a manager, then, in that event, the executive and administrative powers and all powers inhering in or devolved by law upon said council of which each of the members (including the mayor) who is also herein and hereby made a member of said council upon the same being elected as herein provided, shall be superintendent of one, the mayor making the first assignment and reassignments being made by a vote of the council when necessary. that the council of the said city of Sumter may exercise the powers, and provisions and the privileges set forth and enumerated in Sections twenty (20) and twenty-one (21) in this Act. That the council of the said city of Sumter may grant, renew or extend franchises for interurban or street railways or waterworks, gas or electric light or power plant, heating plants, telegraph or telephone systems or other public service utilities not prohibited by

the Constitution of the State, within said city upon a petition for, against or in reference to the same, signed by two-thirds (2-3) of the qualified electors of the said city. That the books of registration, both of the city and county of Sumter, shall be opened for registration for three (3) weeks prior to the election ordered hereunder or to any election held hereunder, the said books to be closed thirty (30) days before each of said elections as required by law. The Supervisors of Registration to attend in their office at least five (5) hours per day during the three weeks prior to each election, and for such service the County Supervisors of Registrations shall receive the sum of fifty (\$50.00) dollars each for holding said State and county registration, that the elections herein provided to be held in the city of Sumter, shall be held and conducted in the same manner as elections are now held for mayor and aldermen of said city, unless otherwise in this section directed. If for any reason the election provided for to be held on second Tuesday in June, nineteen hundred and twelve (1912), on the question of Commission Form of Government, be not held, a petition signed by one-fourth (1-4) of the qualified electors of the said city, the mayor of the said city is directed to order by proclamation an election, and fix the date for the same, to be held, upon the question of adopting a Commission Form of Government, and if such election result in favor of establishing a Commission Form of Government, then, in that event, the mayor of said city shall order an election for the purpose of electing the officers herein provided for, and the mayor shall fix the time for holding such election, and such election shall be held in the manner as herein provided with the same provisions as to registering, keeping open and the closing of the books of registration, and the extra compensation to the Supervisor of Registration; the mayor and aldermen and all other officers of the said city then in office (referring to the time of election for same under tenure other than under this Act) are hereby continued in office until the election herein provided for shall be held; and if a Commission Form of Government is established, until the officer selected at the election for same shall have qualified; and all ordinances, resolutions and other provisions theretofore and now of force and not inconsistent with the provisions of this Act as modified by this section shall remain in force until altered or repealed by the council as herein provided. All the powers and privileges enumerated and set

THE CITY OF
SUNTER

COMMISSION FORM OF GOVERNMENT

forth in Section 13 of this Act shall apply to the city of Sumter; except that if the form of government with the feature of city manager be adopted that, in that event, the members of the council shall not be required to keep the office hours therein provided for, but shall keep such hours as may be necessary, that all other provisions not inconsistent with the provisions of this section shall apply to the city of Sumter. If any election results in a tie vote another election may be ordered by the mayor. The regular election for mayor and aldermen now provided by law to be held in April, 1912, is hereby postponed to August 13th, 1912, and the mayor and aldermen now in office shall continue in office until the mayor and aldermen then elected shall qualify: **Provided**, That in case the Commission Form of Government is adopted at the election herein provided for, there shall be no such election held.

This Act was presented to the Governor the 23d day of February A. D. 1912, and was not returned by him to the House in which it originated within three days, the General Assembly being in session.—Code Commissioner.

SUMTER, SOUTH CAROLINA.

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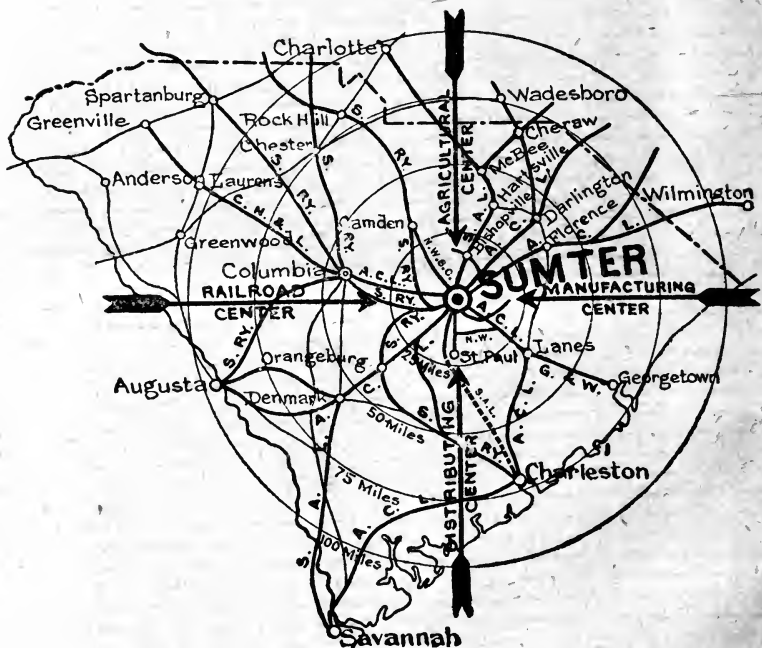
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