

# SOUTH CAROLINA SUMMARY COURT JUDGES ASSOCIATION, INCORPORATED

## CONSTITUTION

~~The South Carolina Summary Court Judges Association, Inc., is a voluntary, private, non-profit association formed for the advancement of professional and judicial improvement and administration of the Summary Courts of South Carolina. [SEE ARTICLE I] The Members of the Association include:~~

- ~~1. Regular Members~~
- ~~2. Regular Life Members~~
- ~~3. Honorary Members~~
- ~~4. Associate Members~~  
~~[SEE ARTICLE IV, 1]~~

~~All Members, except Honorary Members, pay annual dues which entitle them to a year's membership with the Association. [SEE ARTICLE VI] Also Regular Life Members are exempt from paying annual dues. [SEE ARTICLE IV, 1,A,(3) & ARTICLE VI, 3] All meetings shall be conducted under Roberts Rules of Order. [SEE ARTICLE V, 4] The South Carolina Summary Court Judges Association, Inc., serves as the coordinating agency for South Carolina Summary Courts and the Offices of South Carolina Court Administration. It also coordinates matters of interest to the Summary Courts with the Chief Justice of the South Carolina Supreme Court. [SEE ARTICLE I]~~

## BY-LAWS

### ARTICLE I - NAMES AND OBJECTIVE PURPOSE

~~This Association shall be called the South Carolina Summary Court Judges Association, Inc. The objective of the Association shall be for the advancement of Judicial Improvement and the administration of the Summary Court Judges of South Carolina. The name of this organization is the South Carolina Summary Court Judges Association, Inc. (the "Association"). The Association is a voluntary, private, non-profit association which serves as the coordinating agency for South Carolina Summary Courts and the Offices of South Carolina Court Administration and is designed to coordinate matters of interest with the Chief Justice of the South Carolina Supreme Court and others as appropriate. The Association is devoted to the improvement of the judiciary by the promotion of professionalism, education and legislation affecting the summary courts and the administration of fair and equal justice in accordance with the law.~~

[THIS NEW LANGUAGE INCORPORATES WHAT WAS PREVIOUSLY IN THE PREAMBLE AND ARTICLE I, BUT OMITTS CLASSIFICATION OF MEMBERS WHICH IS NOW FOUND IN ARTICLE IV]]

## **ARTICLE II - HEADQUARTERS**

The headquarters of the Association shall be the mailing address of the President or at any other place as the Executive Committee may select. The address shall be designated at the time the President takes office.

[NO CHANGE]

## **ARTICLE III - OFFICERS & DUTIES**

~~1. The officers shall be as follows: a President, a First Vice-President, two Vice-Presidents at large (one Magistrate Judge and one Municipal Judge), a Secretary, a Treasurer and a Representative from each of the sixteen (16) Judicial Districts. With all officers taking office on October 1.~~

[THIS LANGUAGE IS ESSENTIALLY REPEATED BELOW, EXCEPT THAT ARTICLE VIII, SECTION 7 PROVIDES THAT ALL OFFICERS TAKE OFFICE ON THE FIRST DAY OF JANUARY AFTER THEIR ELECTION.]

~~2. In the absence of the President or Vice Presidents, the Executive Committee shall appoint someone to conduct the business of the Association.~~

[THIS PROVISION IS NOW SUBSTANTIALLY FOUND IN SECTION 9, B. HEREIN]

~~3. The officers shall collectively constitute the Executive Committee of the Association.~~

[THIS PROVISION IS NOW FOUND IN SECTION 9 HEREIN]

~~4. The President may select and appoint an Executive Director. The Office of the Executive Director shall not be an elective office. The Executive Committee may make such rules regarding eligibility and responsibilities for the office of Executive Director as shall be desirable from the standpoint of the Association.~~

[THIS PROVISION IS NOW FOUND IN SECTION 7 HEREIN]

The officers of the Association shall be as follows: a President, a First Vice-President, two Vice-Presidents at large (one Magistrate Judge and one Municipal Judge), a Secretary, a Treasurer and a Representative from each of the sixteen (16) Judicial Districts (Judicial District Representatives).

### 1. PRESIDENT

- A. The President shall preside at meetings of the Association and at meetings of the Executive Committee.
- B. The President shall have the power to appoint and designate the chairman and members of any committee he or she deems necessary to perform the business or operational duties of the Association, with the exception of the Elections Committee.
- C. The President shall have the power to appoint one or more chaplains, parliamentarians, and sergeants at arms.
- D. The President shall call regular meetings of the Executive Committee and he or she shall issue a call for a special meeting at any time upon the written request of three (3) members of the Executive Committee or written request of five (5) members in good standing of the Association.

- E. The President may remove any officer of the Association, for cause, at a special meeting of the Executive Committee called for that purpose, provided that at least two-thirds (2/3) of the Members of the Executive Committee shall be present, exclusive of the officer under trial. Unanimous agreement of the members of the Executive Committee present at the meeting shall be necessary for the removal of any officer.
- F. The President is a voting member of the Executive Committee.
- G. The President must be an Active Member in good standing of the Association.
- H. The President shall serve a term of two (2) years and cannot succeed the same position without a one (1) term break.

## 2. FIRST VICE-PRESIDENT

- A. The First Vice-President is a voting member of the Executive Committee.
- B. The First Vice-President holds all duties of the President in the absence of the President.
- C. The First Vice-President must be an active member in good standing of the Association.
- D. The First Vice-President shall serve a term of two (2) years and may succeed himself in said office.

## 3. VICE-PRESIDENTS AT LARGE (2)

- A. The Magistrate Vice President at Large is a Magistrate who represents the interests of magistrates.
- B. The Municipal Vice President at Large is a non-magistrate Municipal Judge who represents the interests of municipal judges.
- C. The Vice-Presidents At Large are voting members of the Executive Committee.
- D. The Vice-Presidents At Large shall serve a term of two (2) years and can succeed themselves in said office.
- E. The Vice-Presidents At Large must be active members in good standing of the Association.

## 4. TREASURER

- A. The Treasurer is a voting member of the Executive Committee.
- B. The Treasurer attends all meetings of the Association and the Executive Committee.
- C. The Treasurer maintains all books in accordance with standard bookkeeping procedures of all receivable and payable accounts.
- D. The Treasurer serves as the custodian of the Association's funds. The Treasurer shall submit to the Executive Committee at every regular meeting and to the Association at the annual meeting a statement of accounts.
- E. The Treasurer must be an active member in good standing of the Association.
- F. The Treasurer shall serve a term of two (2) years and can succeed himself or herself in said office.

5. SECRETARY

- A. The Secretary is a voting member of the Executive Committee.
- B. The Secretary attends all meetings of the Association and the Executive Committee to record and maintain minutes of the proceedings in each meeting.
- C. The Secretary maintains a roll of Association members and their status.
- D. The Secretary maintains an authenticated copy of the Constitution.
- E. The Secretary serves as a member of the Elections Committee.
- F. The Secretary must be an active member in good standing of the Association.
- G. The Secretary shall serve a term of two (2) years and can succeed himself or herself in said office.

6. JUDICIAL DISTRICT REPRESENTATIVES (16)

- A. Sixteen Judicial District Representatives will represent the interests of each of the sixteen (16) Judicial Districts.
- B. In the absence of a Judicial District Representative, the Alternate Judicial District Representative shall have all his or her voting rights and privileges.
- C. Judicial District Representatives shall promote the membership of the Association.
- D. Judicial District Representatives shall hold meetings at least twice a year to discuss general matters of concern and pending legislation that pertains to the Summary Court or such other problems that may exist in their districts. If the Judicial Representative fails to hold said meetings relating to his or her district, he or she may be removed from office and replaced by the Executive Committee.
- E. Judicial District Representatives are voting members of the Executive Committee.
- F. Judicial District Representatives and Alternate Judicial District Representative must be active members in good standing of the Association.
- G. Judicial District Representatives and Alternate Judicial District Representatives shall serve a term of two (2) years and can succeed themselves in said office.
- H. Judicial District Representatives serve as members of the Elections Committee.

7. EXECUTIVE DIRECTOR

- A. The President of the Association may appoint an Executive Director.
- B. The Office of the Executive Director shall not be an elective office and will hold no voting powers.
- C. The Executive Committee may make rules regarding eligibility, responsibilities, salary and benefits for the office of Executive Director. The Executive Director, if appointed, shall conduct the ordinary business of the Association subject to the direction of the President. The Executive Director shall serve at the pleasure of the President.

8. PAST PRESIDENT

- A. The immediate Past President shall remain as a member of the Executive Committee for a two year term.
- B. The Past President shall have no voting powers.

## 9. EXECUTIVE COMMITTEE

- A. The elected officers, including the President, the First Vice-President, the two Vice-Presidents At Large, the sixteen Judicial District Representatives, the Secretary and the Treasurer, shall collectively constitute the Executive Committee of the Association.
- B. In the absence of the President and First Vice-President, the Executive Committee shall appoint someone to conduct the business of the Association.
- C. The Executive Committee is responsible for the management of all financial and administrative business of the Association.
- D. The Executive Committee shall have the power to employ and compensate such persons as it may deem necessary to conduct the affairs of the Association.
- E. The Executive Committee shall fill officer vacancies within the Association until the next annual meeting at which regular elections take place. In cases of prolonged absence or disability of any officer of the Association except the President, the Executive Committee shall have the power to declare the office vacant and to fill the vacancy as in the case of resignation.
- F. A quorum shall consist of at least a majority of the members of the Executive Committee, except as provided in section 1.E. of this Article.
- G. The Executive Committee shall adopt such By-Laws as it deems appropriate concerning the governance of the Association which are not inconsistent with this Constitution.

## **ARTICLE IV - MEMBERSHIP**

~~The Judicial Representative in each district shall be considered as part of any committee formed for membership in the Association.~~

1. Membership of the Association shall consist of the following classes:

### A. ~~Regular Members~~

#### Active Membership

1. This membership is available to all persons who are currently serving as Summary Court Judges.
2. All active members are entitled to vote and hold elective office in the Association, provided, however, that no member shall be entitled to vote or be elected unless they have been an active member of the Association for at least 60 days.
3. All Life Members of the Association who attained that status prior to January 1, 2005, and who are currently serving as a Summary Court Judge shall be transferred into this membership category. Life Membership shall no longer be available after December 31, 2004.

### B. ~~Regular Life Members~~

#### Retired Membership

1. This membership is available to all former Summary Court Judges upon approval of the Executive Committee.

2. Retired members are not entitled to vote or hold elective office in the Association.
3. All Life Members of the Association who are no longer serving as a Summary Court Judge shall be transferred into this membership category.

C. ~~Honorary Members~~

Honorary Membership

1. The Executive Committee may award honorary membership into the Association as it deems appropriate.
2. Honorary members are not entitled to vote or hold elective office in the Association.

~~D. Associate Members~~

- ~~2. Regular Membership in the Association shall be available to Summary Court Judges, Magistrate and Municipal Judges. [SEE 1., A., 1. ABOVE. SECTION 6 PROVIDES A DEFINITION FOR SUMMARY COURT JUDGES.]~~
- ~~3. Regular Life Members shall be available to Summary Court Judges, Magistrate and Municipal Judges.  
[THIS CATEGORY IS ELIMINATED]~~
- ~~3. Regular Life Members shall be available to Summary Court Judges, Magistrate and Municipal Judges.  
[THIS CATEGORY IS ELIMINATED. ARTICLE VI, SECTION 3, HOWEVER, PROVIDES THAT MEMBERS ALREADY IN THIS CLASSIFICATION ARE FOREVER EXEMPT FROM PAYING DUES. ]~~
- ~~4. Honorary Members in the Association may be awarded to any individual deemed appropriate by the Executive Committee.  
[SEE 1., C., 1. ABOVE. BASICALLY NO CHANGE]~~
- ~~5. Associate Membership in the Association shall be available only to the staff of the Summary Courts.  
[THIS CATEGORY IS ELIMINATED]~~
- ~~6. Regular Members and Regular Life Members in good standing shall be entitled to vote on any question before any meeting of the Association or before the Association as a whole. (SEE A.1. ABOVE) (SECTIONS B.2. & C.2. ABOVE PROVIDE THAT RETIRED MEMBERS AND HONORARY MEMBERS CANNOT VOTE OR HOLD ELECTIVE OFFICE)~~
- 7.2. The rights and privileges of every member membership in the Association of each class shall be are personal to himself and shall and not be transferable.
- 8.3. Every person admitted to membership in the Association shall be subject to its Constitution and By-Laws, including any amendements that may be made thereto from time to time.

- ~~9.4.~~ Membership shall continue until receipt of the member's ~~resignation in writing~~ written resignation, until membership is automatically terminated for non-payment of dues as provided for herein, or until the Executive Committee, as hereinafter provided for herein pursuant to the By-Laws, shall drop or otherwise remove the member's name from the roll. terminate the membership.
- ~~10.5.~~ New Judge Membership—The association at orientation shall grant membership to the association to all new judges for a period of one year. Such new member judge shall have all rights and privileges except the right to vote or run for office. If the new judge pays his/her dues to the association at the prescribed time by the by-laws of the association they shall be moved to the appropriate membership category and shall have all rights and privileges that are attached to the member in good standing with the association. The Association may grant limited free membership to all newly appointed judges who apply under such terms and conditions as provided by the By-Laws. Such new member judges shall have all rights and privileges except the right to vote and serve as an officer of the association. If otherwise qualified, such newly appointed judge shall be moved to active membership upon payment of dues.
6. Summary Court Judges are magistrates, municipal judges, ministerial recorders, or any other persons who exercise judicial authority in the magistrate and municipal courts of South Carolina.
7. Any Active Member who ceases to serve as a Summary Court Judge shall, upon approval of the Executive Committee, be moved to the Retired Member category. If deemed appropriate, however, the Executive Committee may instead terminate such membership.

## **ARTICLE V —ADMISSON OF MEMBERS MEETINGS**

~~Persons qualified for Membership under the preceding Article will be admitted upon application, and upon payment of dues for one full year.~~

1. The annual business meeting will be held at a time and place determined by the Executive Committee.
2. A special meeting of the Association may be called at any time or place at the discretion of the Executive Committee. The call for the meeting shall be issued at least **thirty (30) days** prior to the meeting with the agenda stated. No other business shall be transacted at such special meeting.
3. The president shall set the agenda for the annual meeting, which shall include the minutes of the previous annual meeting, a financial report, a membership report, and the election of officers if required.
4. All meetings shall be conducted in accordance with Robert's Rules of Order unless otherwise provided herein or in the By-laws.

## ARTICLE VI - FEES AND DUES

1. ~~There shall be no entrance fee but one full year's dues shall be payable upon joining the Association. Each application for membership into the Association shall be accompanied by payment of appropriate dues.~~
2. ~~The annual dues of all Members shall be due and payable on or before the first day of March January of each year. Annual dues pay for membership in the Association from January 1, through December 31. The Executive Committee may adopt additional payment plans and policies for dues as it deems appropriate. The amount of the annual dues shall be fixed by the Executive Committee and any change in the amount shall be announced to all of the members on the roll published at least three months in advance of the date when dues are payable.~~
3. ~~Bills for the annual dues shall be mailed to members at least one month in advance of the date when dues are payable, and any member who has not paid such dues within thirty (30) days after such date shall be subject to action in accordance with Article VII. All Lifetime Members of the association who attained that status prior to January 1, 2005, shall become Active Members, but shall not be required to ever pay any additional dues.~~
4. ~~The annual dues of Associate Members shall be payable on or before the first day of March of each year. The amount and other provisions shall meet with section (2) of Article VI Fees and Dues.~~

## ARTICLE VII - RESIGNATIONS, DELINQUENCIES AND EXPULSIONS

1. ~~Members~~ Anyone desiring to terminate their membership in the Association shall submit a resignation in writing to the President.
2. ~~Members delinquent more than thirty (30) days with their dues may, in the discretion of the Executive Committee, be suspended from all rights and privileges until such time unpaid dues are paid; and members who are delinquent in paying their dues more than ninety (90) days shall be subject to be dropped. The membership of anyone who has not paid his or her dues by March first shall be automatically terminated. Thereafter, anyone desiring to have their membership reinstated must pay the current year's dues along with any reinstatement fee required by the Executive Committee.~~
3. ~~When any member is~~
  - A. ~~Dismissed by the Governor of South Carolina from the office of Summary Court Judge, or~~
  - B. ~~Resigns from the office of Summary Court Judge at the request of the Governor of South Carolina under circumstances involving moral turpitude, or~~
  - C. ~~Is convicted of a crime, he shall at the discretion of the Executive Committee be dropped from the rolls of the Association.~~

3. ~~4~~ When it appears to the Executive Committee that the continued membership of any member is contrary to the best interest of the Association ~~and or the Judicial Office of South Carolina Summary Court Judge~~, the Executive Committee shall have the ~~A~~authority to ~~drop such member from the roll~~ terminate such membership. When any member of the Executive Committee is absent from more than two (2) consecutive meetings without good cause, he or she may be removed from office by the ~~President, with the advice and consent of the Executive Committee, and s~~Said office shall be filled by ~~appointment by the President upon the advice and consent of the Executive Committee.~~
4. Only Active Members are eligible to hold elective office in the Association. If any officer shall cease to hold a position as a Summary Court Judge, his or her status as an officer in the Association shall automatically be immediately terminated and the office declared vacant. The Executive Committee shall fill vacancies in the offices of the Association.

## **ARTICLE VIII - NOMINATION AND ELECTION OF OFFICERS** **ANNUAL AND SPECIAL MEETINGS**

1. The ~~Nomination Elections~~ Committee shall consist of the Judicial District Representatives (J.D.R.) and the ~~S~~ecretary, provided, however, that no person may serve on this committee once they announce their candidacy for any elective office other than J.D.R. or Alternate J.D.R.. The members of this committee shall elect a chairman.
2. At the Annual Convention, each Judicial District shall meet in caucus and elect one Representative and an Alternate to the Executive Committee. Each Judicial District shall elect one Representative and an Alternate to the Executive Committee. This election shall take place after the annual meeting at which the election of officers takes place, but before December 31, of the same year. Each District Representative shall be responsible for conducting the election in accordance with the By-Laws. All Active Members from each judicial district shall be entitled to vote, by secret ballot, whether or not they attend the annual meeting.
3. The duties of the ~~Nominating~~ Committee shall include selecting a slate for President, First Vice-President, two Vice-Presidents at large, Secretary and Treasurer consisting of two candidates per office if possible. This slate shall be published to the membership not later than **thirty (30) days** prior to the Annual Convention. Additional nominations may be made from the floor. The names submitted shall be listed on the Election Ballot which shall have a format showing the name of the office, the candidates, and a space for write in candidates. The Elections Committee shall prepare a slate for the election of the President, the First Vice- President, two Vice-Presidents At Large, the Secretary, and the Treasurer which shall be published to the members of the association at least thirty days before the annual meeting. The manner in which the slate shall be prepared, nominations shall be made, and the vote taken shall be provided for in the By-Laws.

4. Only Regular and Regular Life Members in good standing shall be eligible for election to the office of the Association. The Elections Committee shall be responsible for counting the votes and certifying the results of the election and any other matter submitted for a vote before the association at its annual meeting. The candidate who receives the greatest number of votes for each office shall be declared elected.
5. Members who are not present at the annual meeting, and have the constitutional right to vote, may vote by absentee ballot at such elections, and similarly upon proposed changes in the Constitution and By Laws, and upon such other questions as the Executive Committee may bring before the membership. Each absentee ballot must be contained in two (2) sealed envelopes with the member's identity on the outside of the first sealed envelope, and the ballot in the second unmarked envelope. If the absentee ballot is valid, the envelopes shall be separated in such a manner that the member's ballot remains secret. The ballot may be received by mail before the annual meeting, or be delivered at the annual meeting prior to election by a member in good standing of the association. Members who are not present at the annual meeting, and who have the constitutional right to vote, may vote by absentee ballot at such elections, and similarly upon proposed changes in the Constitution, and upon such other questions as the Executive Committee may bring before the membership.
6. Method of election shall be by secret ballot. The Executive Committee may make such other rules concerning the election process as it deems advisable.
7. The term of office for all elective offices shall be two years, beginning on the first day of January after the election.
- ~~7. The business session of the annual meeting shall consist of the following:
  - A. Minutes of previous meetings;
  - B. Report of Secretary and Treasurer, including financial statements For the proceeding year;
  - C. Report of Credential Committee
  - D. Election of Officers
  - E. Committee Reports
  - F. Old Business
  - G. New Business~~
- ~~8. A special meeting of the Association may be called any time or place at the discretion of the Executive Committee. The call for the meeting shall be issued at least **thirty (30) days** prior to the meeting with the agenda stated. No other business shall be transacted at such special meeting.~~
- ~~9. All candidates for office shall have no more than five minutes of campaign time during the business meeting.~~

**ARTICLE IX — DUTIES OF OFFICERS AND THE EXECUTIVE COMMITTEE**

1. ~~The President shall preside at meetings of the Association and at meetings of the Executive Committee at which he may be present. If not present, the First Vice President shall preside. The President shall also have the power to appoint any Committee that he or she feels necessary to perform the duties of his or her office and the advancement of the association, with the exception of nomination committee.~~
2. ~~The Executive Committee shall consist of the President, the First Vice President, Two Vice Presidents at large, Judicial District Representatives (J.D.R.), the Secretary and the Treasurer. J.D.R. Alternate in the absent of the J.D.R. shall have all voting rights and privileges. The duties of the Executive Committee shall be the management of all financial and administrative business of the Association.~~
3. ~~The President shall call regular meetings of the Executive Committee, and he or she shall issue a call for a special meeting at any time upon the written request of three (3) members of the Executive Committee or written request of five (5) members in good standing of the Association. A quorum at such meetings shall consist of at least a majority of the members of the Executive Committee, except as provided in paragraph 6 of this article.~~
4. ~~The Executive Committee shall have the power to employ and compensate such persons as may deem necessary to conduct the affairs of the Association.~~
5. ~~Vacancies in the officers of the Association shall be filled by the Executive Committee until the next annual meeting.~~
6. ~~The President may remove any officer of the Association for cause, at a special meeting of the Executive Committee called for that purpose, provided that at least two-thirds (2/3) of the members of the Executive Committee shall be present, exclusive of the officer under trial. Unanimous agreement of the members of the Executive Committee present at the meeting shall be necessary for the removal of any officer.~~
7. ~~In case of prolonged absence or disability of any officer of the Association except the President, the Executive Committee shall have the power to declare the office vacant and to fill the vacancy as in case of resignation.~~
8. ~~The duties of the Secretary shall be as follows:~~
  - A. ~~Attend all meetings of the Association and the Executive Committee.~~
  - B. ~~Record and maintain minutes of preceding of each meeting.~~
  - C. ~~Maintain a roll of members and their status.~~
  - D. ~~Maintain an authenticated copy of the Constitution and current By Laws.~~
  - E. ~~Document and disburse all correspondence and give due notice of the Meetings of the Association and Executive Committee.~~
  - F. ~~Serves as member of the nominating committee.~~

9. ~~The duties of the Treasurer shall be as follows:
  - A. ~~Attend all meetings of the Association and the executive Committee.~~
  - B. ~~Maintain all books in accordance with standard bookkeeping procedures of all receivable and payable account.~~
  - C. ~~Duties of the Treasurer are the disbursing officer and the custodian of the Association's funds.~~
  - D. ~~All funds received by the Secretary and the Treasurer shall be deposited in such banks as shall be selected by the Executive Committee. The account name shall be the South Carolina Summary Court Judges Association, Inc. All disbursements shall be by check. The Treasurer shall submit to the Executive Committee at every regular meeting and to the Association at the annual meeting, a statement of accounts. The accounts shall be audited at such times and in such manner as the Executive Committee may determine.~~~~
10. ~~The Executive Director, if appointed, shall conduct the ordinary business of the Association subject to the direction of the Executive Committee. The Executive Director shall serve at the pleasure of the President.~~
11. ~~The duties of each Judicial District Representative shall be to promote the membership of the association. May hold meetings at least twice a year to discuss general matters of concern and pending legislation that pertains to the Summary Court or such other problems that may exist in their districts. If the Judicial Representative fails to hold said meeting, he shall be removed from office and shall be replaced by appointment of the President with the advice and consent of the Executive Committee. Judicial representatives being members of the membership and legislative committee.~~
12. ~~A Parliamentarian shall be appointed by the President, with the approval of the Executive Committee. The parliamentarian shall attend all called meetings of the association and perform duties according to Robert's Rules of Order. An Assistant parliamentarian shall be elected by members of each Judicial District, and each assistant parliamentarian shall serve as an assistant to the parliamentarian if needed at any called meeting.~~
13. ~~Once a committee has been created, it shall hold a meeting within **thirty (30) days** of its inception. Committee meetings shall be conducted in accordance with Robert's Rules of Order. The first order of business being the election of a chairman.~~

## **ARTICLE IX - INCOME AND PROPERTY**

All income and property of the Association, from whatever source, shall be applied solely towards the promotion of the objectives and purposes of the Association, now or hereafter expressed in ~~this~~ its Constitution and By-Laws. No portion thereof shall be paid or transferred, directly or indirectly by way of profit to persons now ~~and~~ or previously affiliated with the association without full prior disclosure to the Executive Board. ~~Provided that~~ [N]othing herein contained, however, shall prevent the payment in good faith of remuneration to any officers or employees of the Association, or to any member of the Association, or other person, in return for any services or assets rendered provided to the Association. The Association shall not lend any of its funds, make its services available to buy property from, sell property to, or engage in any transaction with any officer, director or members other than in compliance with the Constitution and authorization of the Association.

[MEMBERS AND FORMER MEMBERS CAN DO BUSINESS WITH THE ASSOCIATION ONLY AFTER FULL DISCLOSURE]

## **ARTICLE XI - AMENDMENTS TO CONSTITUTION ~~AND BY-LAWS~~**

1. Proposed amendments to, or changes in the Constitution ~~and By-Laws~~ must be submitted to all members entitled to vote at least thirty (30) days prior to the date the vote is taken when the change becomes effective, if approved. Every member in good standing shall be furnished a ballot on which to record their vote. No amendment to or change in the Constitution ~~and By-Laws~~ shall be made without favorable vote of two-third (2/3) of the members voting.

[ORIGINAL WORDING NOT LOGICAL]

2. Within six (6) months of approval of any changes to the Constitution ~~or By-Laws~~, the Association shall publish to all members in good standing a revised copy of the Constitution ~~and By-Laws as revised~~.

[ARTICLE XI NOW PROVIDES FOR THE ADOPTION OF BYLAWS]

3. The Secretary may correct punctuation, grammar, or numbering where appropriate in the Constitution and By-Laws if the correction does not change the meaning thereof.

[A CLOSE EXAMINATION OF PAST VERSIONS OF THIS DOCUMENT REVEALS THE NEED FOR THIS PROVISION]

## **ARTICLE XI - BY-LAWS**

The Executive Committee may adopt By-laws not inconsistent with this Constitution to further the administration of the Association. The By-laws shall be adopted, and may be amended, at any regular or special meeting of the Executive Committee by a majority of the members present at the meeting. Not later than 30 days before the meeting at which such an amendment or amendments will be considered, the substance of the proposed amendment shall be published to the active members of the Association.

[THIS IS NEW. IT GIVES THE EXECUTIVE COMMITTEE MORE FLEXIBILITY IN CHANGING THE BYLAWS, BUT ALERTS THE MEMBERSHIP OF PROPOSED CHANGES BEFORE THEY ARE MADE]

## **ARTICLE XII - EXPENSES AND REPORTING OF SAME**

1. ~~All expenses granted pursuant to Article IX, Section 4, shall be at the same rate of the State. For the purposes of the section, such expenses are to be summarily construed to be mileage, per diem, etc. The Executive Committee shall adopt such rules as it deems appropriate for mileage, per diem, and other expenses.~~  
[SEE ARTICLE II, SECTION 5 OF THE BYLAWS]
2. Records of ~~these~~ expenses shall be kept by the Secretary and the Treasurer and reported to the Association in the annual financial statements.

## **ARTICLE XIII - DISOLUTION OF THE ASSOCIATION**

In the event of the dissolution of the Association, all debts, financial obligations and liabilities shall be satisfied. If after satisfaction of all debts, financial obligations and liabilities, there remains any property whatsoever, of any kind, the same shall not be paid or distributed among the members or officers of the Association, but shall be given or transferred to some other eleemosynary institution, organization, or corporation dedicated to similar purposes, as may be determined by the Executive Committee of the Association at or before the time of the dissolution of the Association.

[NO CHANGES]

## **ARTICLE XIV - TERMS OF OFFICES**

1. ~~The President shall serve a term of two (2) years and can not succeed him or herself in office, but can run again after one (1) term of the office of President has passed.~~
2. ~~The First Vice President shall serve a term of two (2) years, and can succeed him or herself in said office.~~
3. ~~The two Vice Presidents at large, shall serve a term of two (2) years, and can succeed him or herself. One Vice President at large shall be a Magistrate Judge the other Vice President at large shall be a Non Magistrate Municipal Judge.~~
4. ~~The Secretary and the Treasurer shall serve a term of two (2) years, and may succeed themselves.~~
5. ~~Judicial Representatives shall serve a term of two (2) years and may succeed themselves. This change in terms of office will take effect for officers elected for the year 1994-1995 year.~~

[THESE PROVISIONS ARE NOW FOUND IN ARTICLE III]

# BY-LAWS

## **Article I. Elections**

1. The names of candidates for elective office shall appear on the ballot in alphabetical order.
2. Each absentee ballot must be contained in two (2) sealed envelopes with the member's identity on the outside of the first sealed envelope, and the ballot in the second unmarked envelope. The outside envelope must be personally signed by the voting member. If the absentee ballot is valid, the envelopes shall be separated in such a manner that the member's ballot remains secret. The ballot shall be:
  - A. mailed to the chairman of the elections committee at least ten days before the date of the annual meeting, or
  - B. deposited in a receptacle designated for such purpose by the Elections Committee at the site of the annual meeting prior to the election.
3. All candidates for office shall have no more than five minutes of campaign time during the business meeting.

## **Article II. Finances**

1. All funds received shall be deposited in such banks as shall be selected by the Executive Committee. The account name shall be the South Carolina Summary Court Judges Association, Inc.
2. All disbursements shall be by check.
3. No member or officer of the Association shall expend or obligate more than \$500 of the Association's funds without prior approval of the Executive Committee.
4. No refunds shall be made for convention, seminar or meeting registration fees without prior approval of the Executive Committee.
5. Any tender of payment of annual dues shall not be accepted until all debts to the Association have been satisfied.
6. The Executive Committee shall cause an audit to be conducted of the Association's finances every four years and upon the election of a new treasurer.
7. All expenses for mileage, paid by the Association shall be at the State rate.
8. Annual dues for membership in the Association shall be \$50.00.

## **Article III. Scholarship Fund**

1. A scholarship fund is established for the purpose of providing funds to be used by members of the Association for educational purposes.
2. The Association will contribute to this fund each year an amount of money determined by the Executive Committee. The money in this fund shall be kept in a bank account which is separate from other bank accounts of the Association.
3. A Scholarship Committee, consisting of seven people, is established for the purpose of administering this fund. Six committee members will be members of the Association. One committee member will be the staff attorney assigned to the summary courts by the South Carolina Office of Court Administration. All members of the Scholarship Committee, except the staff attorney, shall serve a two year term and cannot succeed themselves in office without the passage of at least one two year term.
4. The Executive Committee shall determine a method of selecting the Association members of the Scholarship Committee and its chairman.

5. The Executive Committee shall establish staggered terms for Association members serving on the Scholarship Committee.
6. The Scholarship Committee shall promulgate such rules and regulations as it deems are fair and appropriate for the disbursement of scholarship funds.

**Upon approval, this Constitution and the By-laws will become effective on January 1, 2005.**