**South Carolina General Assembly**

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**S. 261**

**STATUS INFORMATION**

General Bill

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Summary: Election filings

**HISTORY OF LEGISLATIVE ACTIONS**

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12/12/2018 Senate Referred to Committee on **Judiciary**

1/8/2019 Senate Introduced and read first time ([Senate Journal‑page 157](file:///h:\sj\20190108.docx))

1/8/2019 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 157](file:///h:\sj\20190108.docx))

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**VERSIONS OF THIS BILL**

[12/12/2018](file:///p:\pprever\2019-20\261_20181212.docx)

**A** **BILL**

TO AMEND SECTION 7‑11‑15, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO FILING AS A CANDIDATE FOR THE GENERAL ELECTION, SO AS TO MOVE UP THE FILING PERIOD FOR CANDIDATES TO QUALIFY TO RUN IN THE GENERAL ELECTION AND TO REMOVE THE PROVISION DECLARING THAT SECTION 7‑11‑15 DOES NOT APPLY TO CERTAIN NONPARTISAN SCHOOL DISTRICT ELECTIONS; TO AMEND SECTION 7‑13‑15, RELATING TO PRIMARIES TO BE CONDUCTED ON THE SECOND TUESDAY IN JUNE, SO AS TO MOVE UP THE DATE OF THESE PRIMARIES TO THE SECOND TUESDAY IN MAY OF EACH GENERAL ELECTION YEAR; TO AMEND SECTION 7‑13‑40, RELATING TO THE TIME OF THE PARTY PRIMARY, THE CERTIFICATION OF NAMES, VERIFICATION OF CANDIDATES’ QUALIFICATIONS, AND FILING FEES, SO AS TO MOVE UP THE TIME OF THE PARTY PRIMARY TO THE SECOND TUESDAY IN MAY OF EACH GENERAL ELECTION YEAR AND MAKE OTHER CONFORMING CHANGES; TO AMEND SECTION 53‑5‑10, RELATING TO THE ENUMERATION OF LEGAL HOLIDAYS IN SOUTH CAROLINA, SO AS TO DESIGNATE THE SECOND TUESDAY IN MAY OF EACH GENERAL ELECTION YEAR “PRIMARY ELECTION DAY” AND THE FIRST TUESDAY FOLLOWING THE FIRST MONDAY IN NOVEMBER IN EACH EVEN‑NUMBERED YEAR “GENERAL ELECTION DAY” AS LEGAL HOLIDAYS.

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

SECTION 1. Section 7‑11‑15 of the 1976 Code, as last amended by Act 142 of 2018, is further amended to read:

“Section 7‑11‑15. (A) In order to qualify as a candidate to run in the general election, all candidates seeking nomination by political party primary or political party convention must file a statement of intention of candidacy and party pledge and submit any filing fees between twelve o’clock noon on ~~March sixteenth and noon on March thirtieth~~ February sixteenth and twelve o’clock noon on March second as provided in this section. If March ~~thirtieth~~ second is on a Saturday or Sunday, the time for filing extends to twelve o’clock noon on the next regular business day. For purposes of this section and Section 7‑13‑45, ‘next regular business day’ means a day that is not a Saturday, Sunday, or legal holiday.

(1) Except as otherwise provided in this section, candidates seeking nomination for a statewide, congressional, or district office that includes more than one county must file their statements of intention of candidacy, and party pledge and submit any filing fees with the State Election Commission.

(2) Candidates seeking nomination for the State Senate or House of Representatives must file their statements of intention of candidacy and party pledge and submit any filing fees with the State Election Commission or county board of voter registration and elections in the county of their residence. The state executive committees must certify candidates pursuant to Section 7‑13‑40.

(3) Candidates seeking nomination for a countywide or less than countywide office shall file their statements of intention of candidacy and party pledge and submit any filing fees with the county board of voter registration and elections in the county of their residence.

(B) Except as provided in this section, the board of voter registration and elections with whom the documents in subsection (A) are filed must provide a copy of all statements of intention of candidacy, the party pledge, receipt and filing fees, to the appropriate political party executive committee within two days following the deadline for filing. If the second day falls on Saturday, Sunday, or a legal holiday, the statement of intention of candidacy, party pledge, and filing fee must be filed by noon the following day that is not a Saturday, Sunday, or legal holiday. A candidate’s name may not appear on a primary election ballot, convention slate of candidates, general election ballot, or special election ballot, except as otherwise provided by law, if (1) the candidate’s statement of intention of candidacy and party pledge has not been filed with the county board of voter registration and elections or State Election Commission, as the case may be, as well as any filing fee, by the deadline and (2) the candidate has not been certified by the appropriate political party as required by Sections 7‑13‑40 and 7‑13‑350, as applicable. The candidate’s name must appear if the candidate produces the signed and dated copy of his timely filed statement of intention of candidacy. An error or omission by a person seeking to qualify as a candidate pursuant to this section who is not directly related to a constitutional or statutory qualification for that office must be construed in a manner that favors the person’s access to the ballot.

(C) The statement of intention of candidacy required in this section and in Section 7‑13‑190(B) must be on a form designed and provided by the State Election Commission. This form, in addition to all other information, must contain an affirmation that the candidate meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office sought. The candidate or his agent must file a signed statement of intention of candidacy and the election commission with whom it is filed must stamp the statement with the date and time received, keep the original statement, provide a copy to the candidate, and provide a copy to the appropriate political party executive committee.

(D) The candidate or his agent must file a signed party pledge, as required pursuant to Section 7‑11‑210, and the election commission with which it is filed must stamp the party pledge with the date and time received, provide a copy to the candidate, and provide a copy to the appropriate political party executive committee.

(E) The election commission with which the filing fee is filed must issue a receipt for the filing fee, stamp the receipt with the date and time the filing fee was received, provide a copy to the candidate or his agent, and provide a copy to the appropriate political executive party. The filing fee must be made payable to the appropriate political party.

(F) If, after the closing of the time for filing the documents required pursuant to this section, there are not more than two candidates for any one office and one or more of the candidates dies, or withdraws, the state or county committee, as the case may be, if the nomination is by political party primary or political party convention only may, in its discretion, afford opportunity for the entry of other candidates for the office involved; however, for the office of State House of Representatives or State Senator, the discretion must be exercised by the state committee.

(G) The county chairman of a political party and the chairman of the state executive committee of a political party may designate a person to observe the filings made at the election commission pursuant to this section.

~~(H)~~ ~~The provisions of this section do not apply to nonpartisan school trustee elections in a school district where local law provisions provide for other dates and procedures for filing statements of candidacy or petitions, and to the extent the provisions of this section and the local law provisions conflict, the local law provisions control.~~”

SECTION 2. Section 7‑13‑15(B) of the 1976 Code is amended to read:

“(B) Except as provided in subsection (A) or unless otherwise specifically provided for by statute or ordinance, the following primaries must be conducted by the State Election Commission and the county boards of voter registration and elections on the second Tuesday in ~~June~~ May of each general election year:

(1) primaries for federal offices, excluding a presidential preference primary for the Office of President of the United States as provided pursuant to Section 7‑11‑20(B); and

(2) primaries for:

(a) state offices;

(b) offices including more than one county;

(c) countywide and less than countywide offices, specifically including, but not limited to, all school boards and school trustees; and

(d) special purpose district offices, which include, but are not limited to, water, sewer, fire, soil conservation, and other similar district offices.”

SECTION 3. Section 7‑13‑40 of the 1976 Code is amended to read:

“Section 7‑13‑40. In the event that a party nominates candidates by party primary, a party primary must be held by the party and conducted by the State Election Commission and the respective county boards of voter registration and elections on the second Tuesday in ~~June~~ May of each general election year, and a second and third primary each two weeks successively thereafter, if necessary. Written certification of the names of all candidates to be placed on primary ballots must be made by the political party chairman, vice chairman, or secretary to the State Election Commission or the county board of voter registration and elections whichever is responsible under law for preparing the ballot, not later than twelve o’clock noon ~~on April fifth, or if April fifth~~ forty‑five days prior to the subsequent election, and if that date falls on a Saturday or Sunday, not later than twelve o’clock noon on the following Monday. Political parties nominating candidates by party primary must verify the qualifications of those candidates prior to certification to the appropriate election commission of the names of candidates to be placed on primary ballots. The written verification required by this section must contain a statement that each candidate certified meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for office for which he has filed. A political party must not certify any candidate who does not or will not by the time of the general election, or as otherwise required by law, meet the qualifications for the office for which the candidate has filed, and such candidate’s name shall not be placed on a primary ballot. The filing fees for all candidates filing to run in all primaries, except municipal primaries, must be transmitted by the respective political parties to the State Election Commission and placed by the executive director of the commission in a special account designated for use in conducting primary elections and must be used for that purpose. The filing fee for each office is one percent of the total salary for the term of that office or one hundred dollars, whichever amount is greater.”

SECTION 4. Section 53‑5‑10 of the 1976 Code is amended to read:

“Section 53‑5‑10. The first day of January‑New Year’s Day, the third Monday of January‑Martin Luther King, Jr. Day, the third Monday in February‑George Washington’s birthday/President’s Day, the second Tuesday in May of each general election year‑Primary Election Day, the tenth day of May‑Confederate Memorial Day, the last Monday of May‑National Memorial Day, the fourth day of July‑Independence Day, the first Monday in September‑Labor Day, the first Tuesday after the first Monday in November in each even‑numbered year‑General Election Day, the eleventh day of November‑Veterans Day, National Thanksgiving Day and the day after, and the twenty‑fourth, twenty‑fifth, and twenty‑sixth days of December in each year are legal holidays.

The holiday schedules of public colleges and universities, including technical colleges, shall not be in violation of this section so long as the number of holidays provided for in this section are not exceeded.”

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

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