**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3585**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Thigpen

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Introduced in the House on January 10, 2023

Currently residing in the House

Summary: Sheriff, nonpartisan elections

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/15/2022 House Prefiled

 12/15/2022 House Referred to Committee on **Judiciary**

 1/10/2023 House Introduced and read first time (House Journal‑page 220)

 1/10/2023 House Referred to Committee on **Judiciary** (House Journal‑page 220)

 1/17/2023 House Member(s) request name removed as sponsor: Kilmartin

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**VERSIONS OF THIS BILL**

[12/15/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3585_20221215.docx)

A bill

TO AMEND THE south carolina code of laws BY ADDING ARTICLE 15 TO CHAPTER 9, TITLE 4 SO AS TO PROVIDE A PROCEDURE BY WHICH THE SHERIFF MAY BE ELECTED IN A NONPARTISAN ELECTION.

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

SECTION 1. Chapter 9, Title 4 of the S.C. Code is amended by adding:

Article 15

Nonpartisan Election for Sheriff

 Section 4‑9‑1410. (A) The provisions of this article only apply to the election of the sheriff.

 (B) A county may choose to elect its sheriff in a nonpartisan election by one of the following methods:

 (1) The governing body of each county in this State may adopt by ordinance one of the alternative methods of nominating candidates for and determining the results of its nonpartisan elections as provided in subsection (C) of this section; or

 (2) A referendum requesting that one of the two methods of nominating a candidate in a nonpartisan election be implemented in the county as provided in subsection (C) of this section may be called by a petition of not less than ten percent of the registered electors of the county. A petition must be certified as valid or rejected by the county board of registration within sixty days after it has been delivered to the board and, if certified, must be filed with the governing body which shall provide for a referendum not more than ninety days after it has been received. Referendums must be conducted by the county election commission and may be held in a general election or in a special election as determined by the governing body if the conditions of this section are met. No change from the current method of electing a sheriff becomes effective unless the proposed method receives a favorable vote of a majority of those persons voting in a referendum. After a referendum has been held and whether or not a change in the form results from it, no additional referendums may be held for a period of four years.

 (C) The two alternative methods of nominating candidates for and determining the results of its nonpartisan elections are:

 (1) the nonpartisan plurality method prescribed in Section 4‑9‑1420;

 (2) the nonpartisan election and runoff election method prescribed in Section 4‑9‑1430.

 (D) If nonpartisan elections are not provided for, nomination of candidates for sheriff may be by party primary, party convention, or by petition in accordance with the applicable provisions of the state election laws and the rules of county political party organizations not in conflict with this method.

 Section 4‑9‑1420. In conducting nonpartisan elections and using the plurality method, the candidate who receives the highest number of votes must be declared elected.

 Section 4‑9‑1430. (A) Except as otherwise provided in this section, results in nonpartisan county elections in counties using the election and runoff election method must be determined by a majority of the votes cast. A majority within the meaning of this section must be determined by dividing the total votes cast for all candidates by two. Any excess of the sum so ascertained must be a majority and the candidate who obtains a majority must be declared elected.

 (B) If no candidate for sheriff receives a majority of the votes cast in the first election, a runoff election must be conducted two weeks later between the two candidates receiving the highest number of votes in the first election who do not withdraw. The candidate receiving a majority of the votes cast in the runoff election must be declared elected.

 Section 4‑9‑1440. The county governing body may determine by ordinance that either filing a statement of candidacy or a petition with the county election commission is required to place the name of the candidate on the ballot in nonpartisan elections. If a petition initiates the nonpartisan election method, the petition must state wherein a statement of candidacy or a petition is required to place the name of the candidate on the ballot. If the county council determines, or if the petition states that the petition method be used, the percentage of electors required on these petitions may not be less than five percent of the qualified electors of the county.

 Section 4‑9‑1450. If a nonpartisan county sheriff election results in a tie, the county election commission shall conduct a runoff election to break the tie two weeks following that election. In the tie‑breaking runoff, the laws of this State apply, mutatis mutandis. If the date for the tie‑breaking runoff election falls on a legal holiday, it must be set for the same day of the first week following which is not a legal holiday.

SECTION 2. This act takes effect upon approval by the Governor.

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