**South Carolina General Assembly**

120th Session, 2013-2014

**H. 4003**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Gagnon and Lucas

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Introduced in the House on April 23, 2013

Currently residing in the House Committee on **Judiciary**

Summary: Qualifications to run in general elections

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/23/2013 House Introduced and read first time ([House Journal‑page 84](file:///h:\HJ%20Archive\2013\04-23-13.docx))

4/23/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 84](file:///h:\HJ%20Archive\2013\04-23-13.docx))

**VERSIONS OF THIS BILL**

[4/23/2013](file:///p:\pprever\2013-14\4003_20130423.docx)

**A** **BILL**

TO AMEND SECTION 7‑11‑15, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE QUALIFICATIONS TO RUN AS A CANDIDATE IN GENERAL ELECTIONS, SO AS TO REVISE THE OPENING AND CLOSING DATES OF THE CANDIDATE FILING PERIOD; AND TO AMEND SECTION 7‑13‑45, RELATING TO FILING AS A CANDIDATE, SO AS TO REVISE THE PERIOD DURING WHICH THE COUNTY CHAIRMAN, OR HIS DESIGNEE, MUST BE PRESENT AT A DESIGNATED PLACE TO ACCEPT FILINGS.

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 3 of 2003, is further amended to read:

“Section 7‑11‑15. 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 between noon on the first Wednesday in March ~~sixteenth~~ and noon on the third Wednesday in March ~~thirtieth~~ as provided in this section.

(1) Candidates seeking nomination for a statewide, congressional, or district office that includes more than one county must file their statements of intention of candidacy with the state executive committee of their respective party.

(2) Candidates seeking nomination for the State Senate or House of Representatives must file their statements of intention of candidacy with the county executive committee of their respective party in the county of their residence. The county committees ~~must~~, within five days of the receipt of the statements, must transmit the statements along with the applicable filing fees to the respective state executive committees. However, the county committees must report all filings to the state committees no later than five p.m. on the third Wednesday in March ~~thirtieth~~. 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 with the county executive committee of their respective party.

Except as provided ~~herein~~ in this section, the county executive committee of ~~any~~a political party with whom statements of intention of candidacy are filed then must file~~, in turn,~~ all statements of intention of candidacy with the county election commission by noon on the ~~tenth~~ twelfth day following the deadline for filing statements by candidates. If the ~~tenth~~ twelfth day falls on ~~Saturday, Sunday, or~~ a legal holiday, the statements must be filed by noon the following day. The state executive committee of ~~any~~a political party with whom statements of intention of candidacy are filed then must file~~, in turn,~~ all the statements of intention of candidacy with the State Election Commission by noon on the ~~tenth~~ twelfth day following the deadline for filing statements by candidates. If the ~~tenth~~ twelfth day falls on ~~Saturday, Sunday, or~~ a legal holiday, the statements must be filed by noon the following day. ~~No~~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 the:

(1) ~~the~~ candidate’s statement of intention of candidacy has not been filed with the County Election Commission or State Election Commission, as ~~the case may be~~ appropriate, 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.

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. It must be filed in triplicate by the candidate, and the political party committee with whom it is filed must stamp it with the date and time received, sign it, keep one copy, return one copy to the candidate, and send one copy to either the county election commission or the State Election Commission, as ~~the case may be~~ appropriate.

If, after the closing of the time for filing statements of intention of candidacy, 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~~ appropriate, if the nomination is by political party primary or political party convention, only ~~may,~~ in its discretion, may 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.

The provisions of this section do not apply to nonpartisan school trustee elections in ~~any~~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 7‑13‑45 of the 1976 Code, as last amended by Act 434 of 1996, is further amended to read:

“Section 7‑13‑45. In every general election year, the county chairman shall:

(1) designate a specified place other than a private residence where persons may file a statement of intention of candidacy;

(2) designate a specified place other than a private residence where persons may file as candidates;

(3) establish regular hours of not less than four hours a day during the final ~~seventy‑two hours~~ three days of the filing period in which he or some person he designates must be present at the designated place to accept filings;

(4) place an advertisement at least five by seven inches in size to appear two weeks before the filing period begins in a newspaper of general circulation in the county ~~at least five by seven inches in size that~~ which notifies the public of the dates of the filing periods, the offices ~~which~~that may be filed for, the place and street address where filings may be made, and the hours that an authorized person will be present to receive filings.”

SECTION 3. This act takes effect upon approval by the Governor.

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