**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 4505**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Funderburk and W. Newton

Document Path: l:\council\bills\ggs\22038zw18.docx

Introduced in the House on January 9, 2018

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

Summary: Municipal governing body's duty to enact ordinances for elections

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/13/2017 House Prefiled

12/13/2017 House Referred to Committee on **Judiciary**

1/9/2018 House Introduced and read first time ([House Journal‑page 137](file:///h:\hj\20180109.docx))

1/9/2018 House Referred to Committee on **Judiciary** ([House Journal‑page 137](file:///h:\hj\20180109.docx))

2/7/2018 House Member(s) request name added as sponsor: W.Newton

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4505&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/13/2017](file:///p:\pprever\2017-18\4505_20171213.docx)

**A** **BILL**

TO AMEND SECTION 5‑15‑70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO A MUNICIPAL GOVERNING BODY’S DUTY TO ENACT ORDINANCES REGARDING TIME REQUIREMENTS FOR NOMINATIONS, PRIMARIES, AND SIMILAR PROCEEDINGS, SO AS TO ESTABLISH STANDARDIZED PROVISIONS FOR MUNICIPAL CANDIDATE FILING.

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

SECTION 1. Section 5‑15‑70 of the 1976 Code is amended to read:

“Section 5‑15‑70. Each municipal governing body shall determine by ordinance the time for ~~filing nominating petitions,~~ holding primary elections or conventions, ~~the time for~~ entry of candidates for nominations in municipal party primary elections or conventions, ~~the time for~~ closing of entries, and the ~~time and~~ manner of filing by candidates in nonpartisan elections. The municipal governing body may determine by ordinance that either filing a statement of candidacy or a petition with the municipal election commission is required to place the name of the candidate on the ballot in nonpartisan general elections. However, ~~no~~ a candidate’s name may not be placed on the ballot by petition in a general election conducted in accordance with the provisions of Section 5‑15‑63. If the municipal governing body determines the statement of candidacy method is used, the municipal governing body may determine by ordinance a filing fee to be paid by candidates to the municipality at the time the candidate files for office. If the municipal council determines that the petition method is used, the percentage of electors required on these petitions may not be less than five percent of the qualified electors of the geographical area of the office for which ~~he~~ a person offers as a candidate.

When a candidate’s name is to be placed on the ballot by virtue of a primary election or convention, the party concerned shall certify the candidacy to the municipal election commission ~~not~~ no later than ~~sixty days prior to the election~~ twelve o’clock noon on August fifteenth or, if August fifteenth falls on Saturday or Sunday, no later than twelve o’clock noon on the following Monday. When ~~the~~ filing by statement of candidacy is authorized, the individual candidate shall file the statement with the commission ~~not later than sixty days prior to the election and the commission shall place the name of the candidate upon the ballot~~ along with any necessary filing fees during a period that opens at twelve o’clock noon on August first, and closes at twelve o’clock noon on August fifteenth or, if August fifteenth falls on Saturday or Sunday, the period closes at twelve o’clock noon on the following Monday. If the petition method is authorized, the candidate shall file the necessary petition with the municipal clerk ~~seventy‑five days prior to the general election concerned and the~~ no later than twelve o’clock noon, July fifteenth, or if July fifteenth falls on Saturday or Sunday, no later than twelve o’clock noon on the following Monday. The clerk shall deliver the petition to the commission. The commission shall examine the petition and determine its validity ~~not~~ no later than ~~sixty days prior to the general election concerned~~ twelve o’clock noon, August fifteenth, of if August fifteenth falls on Saturday or Sunday, no later than twelve o’clock noon on the following Monday, and when so validated, the commission shall place the name of the petition candidate upon the ballot.

For nonpartisan special elections, if the petition method is authorized, the candidate shall file the petition with the municipal clerk ~~not~~ no later than twelve o’clock noon, sixty days prior to the election. The commission shall determine the validity of the petition ~~not~~ no later than forty‑five days prior to the election and when so validated, shall place the candidate’s name on the ballot. If the statement of candidacy is authorized, these statements must be filed ~~not later than twelve o’clock noon, forty‑five days prior to the election~~ in the same manner as provided in Section 7‑13‑190(C).

For partisan special elections, petitions must be submitted pursuant to Section 7‑13‑190(B).”

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

‑‑‑‑XX‑‑‑‑