**South Carolina General Assembly**

124th Session, 2021-2022

**S. 311**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Fanning

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Companion/Similar bill(s): 3521

Introduced in the Senate on January 12, 2021

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

Summary: Election position vacancy due to conviction

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 Senate Prefiled

12/9/2020 Senate Referred to Committee on **Judiciary**

1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 260](file:///h:\sj\20210112.docx))

1/12/2021 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 260](file:///h:\sj\20210112.docx))

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\311_20201209.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8‑1‑200 SO AS TO PROVIDE THAT AN ELECTED LOCAL, STATE, OR FEDERAL PUBLIC OFFICIAL WHOSE OFFICE IS DECLARED VACANT DUE TO A CRIMINAL CONVICTION DURING THE OFFICIAL’S TERM OF OFFICE SHALL REIMBURSE THE APPROPRIATE STATE OR LOCAL ELECTIONS AUTHORITY FOR THE ACTUAL COSTS OF HOLDING THE ENSUING PRIMARY, RUNOFF PRIMARY, OR SPECIAL ELECTION NECESSITATED BY THE OFFICIAL’S REMOVAL FROM OFFICE PRIOR TO THE EXPIRATION OF HIS TERM; TO AUTHORIZE THE PRESIDING JUDGE BEFORE WHOM AN INCUMBENT ELECTED LOCAL, STATE, OR FEDERAL PUBLIC OFFICIAL WAS CONVICTED TO ORDER THE OFFICIAL TO PAY, COMPENSATE, OR REIMBURSE THE APPROPRIATE STATE OR LOCAL ELECTIONS AUTHORITY FOR THE ACTUAL COSTS OF HOLDING THE ENSUING PRIMARY, RUNOFF PRIMARY, OR SPECIAL ELECTION; AND TO REQUIRE THE ATTORNEY GENERAL OR THE CIRCUIT SOLICITOR TO ASK THE PRESIDING JUDGE TO INCLUDE AN ORDER REQUIRING THE ELECTED LOCAL, STATE, OR FEDERAL PUBLIC OFFICIAL TO PAY, COMPENSATE, OR REIMBURSE THE APPROPRIATE STATE OR LOCAL ELECTIONS AUTHORITY FOR THE ACTUAL COSTS OF HOLDING THE ENSUING PRIMARY, RUNOFF PRIMARY, OR SPECIAL ELECTION.

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

SECTION 1. Chapter 1, Title 8 of the 1976 Code is amended by adding:

“Section 8‑1‑200. (A) Notwithstanding another provision of law, an elected local, state, or federal public official whose office is declared vacant pursuant to the laws or Constitution of this State due to a criminal conviction during the official’s term of office shall pay, compensate, or reimburse the appropriate state or local elections authority for the actual costs of holding the ensuing primary, runoff primary, or special election necessitated by the official’s removal from office prior to the expiration of his term. If an elected local, state, or federal public official is convicted of a crime that will cause his office to be declared vacant prior to the expiration of his term, the presiding judge before whom the official was convicted, as part of his sentence, may order the official to pay, compensate, or reimburse the appropriate state or local elections authority for the actual costs of holding the ensuing primary, runoff primary, or special election pursuant to the provisions of this subsection.

(B) The Attorney General or the solicitor who prosecutes an incumbent elected local, state, or federal public official whose office must be declared vacant upon conviction shall ask the presiding judge to include an order requiring the elected public official to pay, compensate, or reimburse the appropriate state or local elections authority for the actual costs of holding the ensuing primary, runoff primary, or special election pursuant to the provisions of subsection (A).

(C) If an elected local, state, or federal public official is convicted in federal court of a crime that will cause his office to be declared vacant prior to the expiration of his term, then the South Carolina Attorney General shall petition the federal presiding judge to include an order requiring the official to pay, compensate, or reimburse the appropriate state or local elections authority for the actual costs of holding the ensuing primary, runoff primary, or special election pursuant to the provisions of subsection (A).”

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

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