~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 18, 2021

**H. 3262**

Introduced by Reps. Fry, Huggins, Davis, B. Newton, G.R. Smith, Morgan, Burns, Erickson, Bennett, Thayer, Taylor, Bryant, Elliott, Willis, Felder, McGarry, V.S. Moss, Haddon, Long, Pope, Forrest, Hixon, Hewitt Bailey and Caskey

S. Printed 2/18/21--H. [SEC 2/19/21 4:06 PM]

Read the first time January 12, 2021.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3262) to amend Section 7‑11‑15, as amended, Code of Laws of South Carolina, 1976, relating to qualifications to run as a candidate in general elections, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, by striking all after the enacting words and inserting:

/ SECTION 1. The first paragraph of Section 7‑11‑15(A) of the 1976 Code, as last amended by Act 142 of 2018, is further amended to read:

“(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 noon on March sixteenth and noon on March thirtieth as provided in this section. If March thirtieth is on a Saturday or Sunday, the time for filing extends to 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. Notwithstanding another provision of law, beginning July 1, 2021, all candidates from each political party in this State shall pay a filing fee, including candidates from parties that are not required to conduct a primary election. In addition to the filing fee required pursuant to this subsection, political parties also may charge a certification fee not to exceed the sum of one hundred dollars to all candidates seeking nomination by political party primary or political party convention.”

SECTION 2. This act takes effect upon approval of the Governor. /

Renumber sections to conform.

Amend title to conform.

CHRIS MURPHY for Committee.

**A** **BILL**

TO AMEND SECTION 7‑11‑15, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO QUALIFICATIONS TO RUN AS A CANDIDATE IN GENERAL ELECTIONS, SO AS TO REQUIRE ALL CANDIDATES FROM EACH POLITICAL PARTY IN THIS STATE TO PAY A FILING FEE, INCLUDING CANDIDATES FROM PARTIES THAT ARE NOT REQUIRED TO CONDUCT A PRIMARY ELECTION, AND TO AUTHORIZE POLITICAL PARTIES TO CHARGE A CERTIFICATION FEE TO ALL CANDIDATES SEEKING NOMINATION BY POLITICAL PARTY PRIMARY OR POLITICAL PARTY CONVENTION; AND TO AMEND SECTION 7‑11‑210, RELATING TO THE NOTICE OF CANDIDACY AND PLEDGE, SO AS TO REQUIRE CANDIDATES TO AFFIRM THEIR PARTICIPATION IN AT LEAST THREE OF THE LAST FOUR STATEWIDE PARTY PRIMARIES, OR, IN THE ALTERNATIVE, IF PRECLUDED FROM PARTICIPATION DUE TO AGE, PERSONAL HEALTH, RESIDENCY, OR ACTIVE MILITARY SERVICE, CANDIDATES MAY PLEDGE THAT THEY ARE BONA FIDE MEMBERS OF THE POLITICAL PARTY WHOSE NOMINATION THEY ARE SEEKING, AND TO PROVIDE THAT THE STATE PARTY CHAIRMAN, IF PERMITTED BY PARTY RULE, MAY REQUIRE ADDITIONAL VERIFICATION WHEN A CANDIDATE’S AFFIRMATION OF BONA FIDE PARTY MEMBERSHIP IS DISPUTED, AND THAT THE STATE CHAIRMAN IS THE FINAL AUTHORITY TO RESOLVE QUESTIONS REGARDING BONA FIDE PARTY MEMBERSHIP.

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

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

“(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 noon on March sixteenth and noon on March thirtieth as provided in this section. If March thirtieth is on a Saturday or Sunday, the time for filing extends to 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. Notwithstanding another provision of law, beginning July 1, 2019, all candidates from each political party in this State shall pay a filing fee, including candidates from parties that are not required to conduct a primary election. In addition to the filing fee required pursuant to this subsection, political parties also may charge a certification fee to all candidates seeking nomination by political party primary or political party convention.”

SECTION 2. Section 7‑11‑210 of the 1976 Code is amended to read:

“Section 7‑11‑210. (A) Every candidate for selection as a nominee of any political party for any state office, United States Senator, member of Congress, or solicitor, to be voted for in any party primary election or political party convention, shall file with and place in the possession of the appropriate election commission, pursuant to Section 7‑11‑15 by twelve o’clock noon on March thirtieth a party pledge in the following form, the blanks being properly filled in and the party pledge signed by the candidate: ‘I hereby file my notice as a candidate for the nomination as \_\_\_\_\_\_\_\_\_\_ in the primary election or convention to be held on \_\_\_\_\_\_\_\_\_\_. I affiliate with the \_\_\_\_\_\_\_\_\_\_ Party, and I hereby pledge myself to abide by the results of the primary or convention. Furthermore, I affirm that I have voted in at least three of the last four statewide party primaries held by the political party with whom I affiliate; however, if age, personal health, residency, or active military service precluded me from voting in at least three of the last four statewide party primaries, I hereby pledge that I am a bona fide member of the political party with whom I affiliate and whose nomination I am seeking. I shall not authorize my name to be placed on the general election ballot by petition and will not offer or campaign as a write‑in candidate for this office or any other office for which the party has a nominee. I authorize the issuance of an injunction upon ex parte application by the party chairman, as provided by law, should I violate this pledge by offering or campaigning in the ensuing general election for election to this office or any other office for which a nominee has been elected in the party primary election, unless the nominee for the office has become deceased or otherwise disqualified for election in the ensuing general election. I hereby affirm that I meet, or will meet by the time of the general or special election, or as otherwise required by law, the qualifications for this office’.

(B) Notwithstanding another provision of law, if a candidate’s affirmation of bona fide party membership is disputed, the state chairman, if permitted by party rule, may require additional verification, and the state chairman is the final authority to resolve questions regarding bona fide party membership.

(C) Every candidate for selection in a primary election as the nominee of any political party for member of the Senate, member of the House of Representatives, and all county and township offices shall file with and place in the possession of the county board of voter registration and elections of the county in which they reside by twelve o’clock noon on March thirtieth a like party pledge.

(D) The party pledge required by this section to be filed by a candidate in a primary must be signed personally by the candidate, and the signature of the candidate must be signed in the presence of an individual authorized by the election commission director. Any party pledge of any candidate signed by an agent on behalf of a candidate shall not be valid.

(E) In the event that a person who was defeated as a candidate for nomination to an office in a party’s primary election shall thereafter offer or campaign as a candidate against any nominee for election to any office in the ensuing general election, the state chairman of the party which held the primary (if the office involved is one voted for in the general election by the electors of more than one county), or the county chairman of the party which held the primary (in the case of all other offices), shall forthwith institute an action in a court of competent jurisdiction for an order enjoining the person from so offering or campaigning in the general election, and the court is hereby empowered upon proof of these facts to issue an order.”

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

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