**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3473**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. B. Newton, Sandifer, W. Newton, Herbkersman, Erickson, Bradley, Pope, Forrest, M.M. Smith, Lowe, Hewitt, Thayer, Murphy, Gagnon, Hixon, Bustos, West, Crawford, Guest, Hiott, Mitchell, Yow, Davis, Leber, Ligon, Hyde, McGinnis, Bailey, Hardee, Gatch and B.J. Cox

Companion/Similar bill(s): 4066

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Introduced in the House on January 10, 2023

Currently residing in the House

Summary: Political parties and primaries

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/8/2022 House Prefiled

 12/8/2022 House Referred to Committee on **Judiciary**

 1/10/2023 Scrivener's error corrected

 1/10/2023 House Introduced and read first time (House Journal‑page 180)

 1/10/2023 House Referred to Committee on **Judiciary** (House Journal‑page 180)

 1/24/2023 House Member(s) request name added as sponsor:
 Sandifer, W. Newton, Herbkersman, Erickson,
 Bradley, Pope, Forrest

 1/25/2023 House Member(s) request name added as sponsor: M.M.
 Smith, Lowe, Hewitt, Thayer, Murphy,
 Gagnon, Hixon, Bustos, West, Crawford,
 Landing, Guest, Hiott

 1/31/2023 House Member(s) request name added as sponsor: Mitchell, Yow

 2/8/2023 House Member(s) request name added as sponsor: Davis, Leber

 2/9/2023 House Member(s) request name added as sponsor: Ligon

 2/15/2023 House Member(s) request name added as sponsor: Hyde,
 McGinnis, Hardee, Bailey, Gatch

 2/28/2023 House Member(s) request name added as sponsor: B.J. Cox

 3/15/2023 House Member(s) request name removed as sponsor: Landing

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**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3473_20221208.docx)

A bill

to amend the South Carolina Code of Laws by amending Sections 7‑9‑80 and 7‑9‑100, relating to the county and state conventions of a political party, respectively, so as to change the formula for determining how many delegates each county may elect to the state convention; by amending Section 7‑11‑15, relating to Qualifications to run as a candidate in general elections; so as to shorten the candidate filing period, to require all candidates from each political party in this state to pay a filing fee, and to authorize political parties to charge a certification fee to all candidates; by amending Section 7‑11‑210, relating to the filing of party pledges by candidates, so as to change the date by which a party pledge must be filed; by amending Section 7‑17‑560, relating to the authority of the State executive committee of a political party to hear certain primary protests and contests, so as to require the state executive committee to also hear protests and contests in the case of county officers, less than county officers, and municipal officers, to authorize the state executive committee to adopt a resolution to require the filing of any protest or contest to be accompanied by a bond with surety, and to provide for appeals from decisions by the state executive committee; by amending Section 7‑17‑570, relating to hearings of primary protests and contests, so as to extend the time in which the state executive committee muST conduct such hearings; and by amending Section 5‑15‑80, relating to municipal primary protests and contests, so as to provide that such protests and contests are to be filed, heard, and decided in the manner provided in sections 7‑17‑560 and 7‑17‑570; and by repealing sections 7‑17‑520, 7‑17‑530, 7‑17‑540, 7‑17‑550, 7‑17‑580, and 7‑17‑590 all relating to primary protests and contests for certain offices.

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

SECTION 1. Sections 7‑9‑80 and 7‑9‑100 of the S.C. Code are amended to read:

 Section 7‑9‑80. Each county convention shall be called to order by the county chairman and shall proceed to elect a temporary president, a temporary secretary and a committee on credentials for the purpose of organizing. When organized, it shall elect a permanent president, a secretary and treasurer. It shall also elect the county chairman, the county vice‑chairman and a member of the state committee from the county and as many delegates to the state convention as triple the number of members from the county in the House of Representatives, plus one permitted under Section 7‑9‑100. But county conventions at their discretion may elect double the number of delegates in which case each delegate shall have one‑half vote. The secretary of the convention shall keep a record of the proceedings in the minute book.

 All officers except delegates shall be reported to the clerk of court of the county and to the Secretary of State prior to the state convention. The reports shall be public record.

 Section 7‑9‑100. (A) The state convention shall meet at a location in this state determined by the state committee to have adequate facilities during a thirteen‑month period ending May fifteenth of every general election year on a day and at a time fixed by the state committee and announced publicly at least ten days before the meeting. The state committee shall notify the delegates to the state convention of the accommodations that are available for the delegates during the convention. This listing must be as complete as practicable and must include the accommodations in close proximity to the convention site as well as any other accommodations that are chosen by the state committee. This notice must include the name and location of the accommodations, the cost per day, and any discounts or surcharges that are applicable during the period of the convention. Should the state committee fix the date for the state convention in a nongeneral election year, it must be held for the purpose of reorganization only. The convention to be held for the purpose of nominating candidates for public office to be filled in the general election must be held in the general election year. At the time that the state committee sets the date for the state convention it shall set what month during the twelve‑month period ending March thirty‑first of every general election year that the county convention must be held. If it sets a month in a nongeneral election year for the county conventions to be held for the purpose of reorganization, it must set a month during the general election year for the county convention to be reconvened for the purpose of nominating candidates for public office to be filled in the general election. Sufficient advance notice of the month set for county conventions must be given to county executive committees so that the public notices required by law may be met.

 (B) The convention must be composed of no more than six hundred and thirty‑nine total delegates elected by the various county conventions. Each county is individually entitled to one delegate for each six thousand residents of the county, three delegates plus its pro rata share of five hundred and one delegates, to be allocated by the state executive committee to each county by population according to the latest official United States Census, plus two additional members. If a county has a fractional portion of population of at least three thousand residents above its last six thousand resident figure it is entitled to an additional delegate. A county convention may not elect more delegates than the number allocated pursuant to this section, and each delegate has one whole vote which may not be divided into any fraction thereof.

 (C) When the state convention assembles, it must be called to order by the chairman of the state committee. A temporary president must be nominated and elected by the convention, and after its organization the convention shall proceed immediately to the election of permanent officers and to the transaction of business. When the business has concluded it shall adjourn sine die, or may recess. The state chairman may recall the state convention into special session at any time he determines appropriate.

 (D) The officers of the state convention must be a president, vice president, two secretaries, and a treasurer. Each county delegation to a state convention may fill any vacancies therein. Any county failing or refusing to organize under the provisions of this title may not have representation in the state convention. The state officers must be reported to the Secretary of State and to the State Election Commission within fifteen days of their election and the reports must be public record.

SECTION 2. Section 7‑11‑15(A) of the S.C. Code is 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 twenty‑fifth as provided in this section. If March thirtieth twenty‑fifth 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, 2023, all candidates from each political party in this State shall pay a filing fee, including candidates from parties that choose not to conduct a primary election. In addition to the filing fee required pursuant to this subsection, political parties may also 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.

 (1) Except as otherwise provided in this section, candidates seeking nomination for a statewide, congressional, or district office that includes more than one county must file their statements of intention of candidacy, and party pledge and submit any filing fees with the State Election Commission.

 (2) Candidates seeking nomination for the State Senate or House of Representatives must file their statements of intention of candidacy and party pledge and submit any filing fees with the State Election Commission or county board of voter registration and elections in the county of their residence. 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 and party pledge and submit any filing fees with the county board of voter registration and elections in the county of their residence.

SECTION 3. Section 7‑11‑210 of the S.C. 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 twenty‑fifth 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. 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) 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 twenty‑fifth a like party pledge.

 (C) 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.

 (D) 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 4. Section 7‑17‑560 of the S.C. Code is amended to read:

 Section 7‑17‑560. (A) The state executive committee must meet in Columbia at such place as may be designated by the chairman to hear and decide protests and contests that may arise in the case of federal officers, state officers, State Senate, State House of Representatives, and officers involving more than one county, county officers, less than county officers, and municipal officers. Any protest or contest must be filed in writing with the chairman of the committee, together with a copy for each candidate in the race, not later than noon on Monday following the canvassing of the votes for these officers by the committee. However, service upon the chairman may be perfected by depositing at the office of the Chief of the State Law Enforcement Division a copy of the protest, together with a copy for each candidate in the race. The chief must take immediate steps to deliver these copies to the chairman. The protest must contain each ground thereof stated separately and concisely. The chairman of the committee must forthwith serve upon each candidate in the protested race a copy of the protest and serve a notice of the time and place of the meeting of the committee for the purposes of hearing the protest.

 (B) The state executive committee may, by resolution adopted prior to the conduct of a primary, require the filing of any protest or contest to be accompanied by a bond with surety as payment for the reasonable costs of hearing the protest in the event the election challenge is denied. However, the amount may not exceed five thousand dollars. If a protestant or contestant’s election challenge is granted, he shall receive a refund of the amount of the surety bond.

 (C) Appeals from decisions by the state executive committee must be taken directly to the Supreme Court on petition for a writ of certiorari only based on record of the state executive committee hearing and must be granted first priority of consideration by the Court. Notice of appeals must be served within ten days of the state executive committee’s decision.

SECTION 5. Section 7‑17‑570 of the S.C. Code is amended to read:

 Section 7‑17‑570. The executive committee shall hear the protest or contest on Thursday following within two weeks of the deadline for filing the same. Testimony at the hearing shall be limited to the grounds stated in the written protest.

 The protestant and each other candidate in the protested race shall have the right to be present at the hearing, to be represented by counsel, to examine and cross‑examine witnesses and to produce evidence relevant to the grounds of the protest. The chairman of the committee shall provide for and conduct the hearing as nearly as possible in accordance with the procedures and rules of evidence observed by the circuit courts of this State. The chairman shall have authority to administer oaths and subpoena witnesses. Upon the conclusion of the hearing of the protest the committee shall determine all issues by majority vote and forthwith certify the results of the election. The State Election Commission shall pay for the costs of the court reporter and the transcript of the hearing.

 The committee shall remain in session until a conclusion has been reached. All candidates in the protested or contested race shall be immediately notified of the committee's decision.

SECTION 6. Section 5‑15‑80 of the S.C. Code is amended to read:

 Section 5‑15‑80. The results of any political party primary shall be declared by the party conducting the election. Protests and contests shall be filed, heard, and decided in the manner set forth in Sections 7‑17‑560 and 7‑17‑570. writing with the municipal party chairman within two days after the day of the declaration of the results of the election and the municipal party executive committee shall determine such protests within five days after the filing thereof. From the decision of the municipal party committee an appeal may be made to the Board of State Canvassers of Municipal Primaries as provided in § 7‑17‑580. Notice and grounds of appeal must be filed in writing with the chairman of the Board of State Canvassers of Municipal Primaries within five days following the date on which the decision of the municipal committee is declared.

 Any appeal thereafter shall be to the court of common pleas of the county in which the municipality is situate. Notice and grounds of appeal shall be served on the opposing parties or their attorneys within ten days following the decision of the Board of State Canvassers of Municipal Primaries.

SECTION 7. Sections 7‑17‑520, 7‑17‑530, 7‑17‑540, 7‑17‑550, 7‑17‑580, and 7‑17‑590 are repealed.

SECTION 8. This act takes effect upon approval by the Governor.

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