**South Carolina General Assembly**

125th Session, 2023-2024

**S. 91**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Campsen

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Introduced in the Senate on January 10, 2023

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

Summary: Municipal elections, contesting results

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2022 Senate Prefiled

 11/30/2022 Senate Referred to Committee on **Judiciary**

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 56)

 1/10/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 56)

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**VERSIONS OF THIS BILL**

[12/01/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/91_20221201.docx)

A bill

to amend the South Carolina Code of Laws by amending Section 5‑15‑130, relating to Procedures for contesting the results of municipal elections, so as to extend the deadline for filing an election contest with the appropriate election authority; and by amending Section 5‑15‑145, relating to the transfer of authority to conduct municipal elections to county election commissions, so as to update references to county boards of voter registration and elections.

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

SECTION 1. Section 5‑15‑130 of the S.C. Code is amended to read:

 Section 5‑15‑130. (A)Within forty‑eight hours after the closing of the polls, any Any candidate may contest the result of the election as reported by the managers by filing a written notice of such contest together with a concise statement of the grounds therefor with the Municipal Election Commission appropriate election authority by noon Wednesday following the day of the declaration by the authority of the result of the election. Within forty‑eight hours after the filing of such notice, the Municipal Election Commission The authority shall, after due notice to the parties concerned, conduct a hearing on the contest on the Monday following the deadline for filing the contest, decide the issues raised, file its report together with all recorded testimony and exhibits with the clerk of court of the county in which the municipality is situated, notify the parties concerned of the decisions made, and when the decision invalidates the election the council shall order a new election as to the parties concerned.

 (B) Neither the mayor nor any member of council shall be eligible to pass on the issues arising in any contest in which he is a party.

 (C) For purposes of this section, “appropriate election authority” means the municipal election commission or the county board of voter registration and elections if the municipality has transferred the authority to conduct its elections in accordance with Section 5‑15‑145.

SECTION 2. Section 5‑15‑145 of the S.C. Code is amended to read:

 Section 5‑15‑145. (A) Municipalities are authorized to transfer authority for conducting municipal elections to the county boards of voter registration and elections commission. County boards of voter registration and elections commissions are authorized to conduct municipal elections.

 (B) As a condition of the transfer of authority to conduct elections pursuant to this section, the governing bodies of the municipality and the county must agree to the terms of the transfer and enact ordinances embodying the terms of that agreement. The municipal ordinance must state what authority is being transferred and the county ordinance must accept the authority being transferred.

 (C) When the total responsibility for the conduct of a municipal election is transferred to a county election commissionboard of voter registration and elections, pursuant to the provisions of this section, the municipal election commission is abolished.

 (D) If the municipality, by ordinance transfers a portion of the responsibilities for the conduct of a municipal election to a county election commissionboard of voter registration and elections, the municipality shall not abolish the municipal election commission.

 (E) A municipality which by ordinance transfers authority for conducting municipal elections to the county election commission board of voter registration and elections under this section may by ordinance set the filing dates for municipal offices, and the date by which candidates must be certified to the appropriate authority to be placed on the ballot, to run concurrently with the filing dates set by law for countywide and less than countywide offices or other filing dates as may be mutually agreed upon between the municipality and the county election commissionboard of voter registration and elections.

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

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