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**HISTORY OF LEGISLATIVE ACTIONS**

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 12/11/2024 Senate Referred to Committee on **Judiciary**

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 1/16/2025 Senate Referred to Subcommittee: Campsen (ch), Johnson,
 Kimbrell, Devine, Blackmon, Sutton, Zell

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**VERSIONS OF THIS BILL**

[12/11/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/37_20241211.docx)

[01/15/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/37_20250115.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 5-15-45 SO AS TO PROVIDE FOR THE EXPIRATION OF THE TERMS OF OFFICE FOR CERTAIN MUNICIPAL OFFICEHOLDERS; BY AMENDING SECTION 5-15-50, RELATING TO THE TIME FOR MUNICIPAL GENERAL ELECTIONS, SO AS TO REQUIRE THAT MUNICIPAL GENERAL ELECTIONS BE HELD ONLY ON CERTAIN ENUMERATED DATES; BY AMENDING SECTION 5-15-100, RELATING TO THE FUNCTIONS, POWERS, AND DUTIES OF MUNICIPAL ELECTION COMMISSIONS, SO AS TO REQUIRE MUNICIPAL ELECTION COMMISSIONS CERTIFY RESULTS NOT LATER THAN THREE DAYS FOLLOWING AN ELECTION; BY AMENDING SECTION 5-15-120, RELATING TO MUNICIPAL ELECTION RESULTS, SO AS TO PROVIDE A CANDIDATE WHO IS DECLARED ELECTED BY CERTIFICATION OF THE ELECTION RESULTS HAS THE RIGHT TO TAKE THE OATH OF OFFICE AND TO PERFORM THE DUTIES OF THE OFFICE PENDING THE OUTCOME OF A CONTEST; BY AMENDING SECTION 5-15-130, RELATING TO PROCEDURES FOR CONTESTING THE RESULTS OF AN ELECTION, SO AS TO REVISE THE DATE IN WHICH A WRITTEN NOTICE OF CONTEST MUST BE PROVIDED; BY AMENDING SECTION 5-15-140, RELATING TO APPEALS FROM DECISIONS OF MUNICIPAL ELECTION COMMISSIONS, SO AS TO REQUIRE APPEALS BE GRANTED FIRST PRIORITY OF CONSIDERATION BY THE COURT; BY AMENDING SECTION 5-15-145, RELATING TO THE TRANSFER OF AUTHORITY TO CONDUCT MUNICIPAL ELECTIONS, SO AS TO UPDATE TERMS; BY AMENDING SECTION 7-3-25, RELATING TO THE DUTY OF THE STATE ELECTION COMMISSION TO DETERMINE AND CERTIFY THE OUTCOME OF CERTAIN ELECTIONS, SO AS TO REQUIRE THE STATE ELECTION COMMISSION TO DETERMINE AND CERTIFY THE OUTCOME OF CERTAIN MUNICIPAL ELECTIONS; BY AMENDING SECTION 7-13-1160, RELATING TO THE REPORTING OF ELECTION RESULTS TO THE STATE ELECTION COMMISSION, SO AS TO REQUIRE ELECTION RESULTS TO BE REPORTED CONTINUOUSLY AND WITHOUT UNDUE DELAY; AND BY AMENDING SECTION 7-15-420, RELATING TO THE TABULATION OF ABSENTEE BALLOTS, SO AS TO AUTHORIZE EARLY VOTING TABULATION DATA TO BE LOADED INTO THE ELECTION MANAGEMENT SYSTEM AT THE SAME TIME AS ABSENTEE BALLOT TABULATION DATA.

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

SECTION 1. Chapter 15, Title 5 of the S.C. Code is amended by adding:

 Section 5-15-45. (A) Notwithstanding Section 5-15-40, if the unexpired four-year term of a mayor or member of council began following a general election held:

 (1) in 2022 or 2023, other than a general election delayed from 2021 to 2022, then the term expires on the date terms begin for newly elected officers in the municipality following the general election to be held on April 6, 2027, or November 2, 2027, as applicable; or

 (2) in 2024 or 2025, then the term expires on the date terms begin for newly elected officers in the municipality following the general election to be held on April 3, 2029, or November 6, 2029, as applicable.

 (B) Notwithstanding Section 5-15-40, if the current unexpired two-year term of a mayor or member of council began following a general election held:

 (1) in 2024 or 2025, then the term expires on the date terms begin for newly elected officers in the municipality following the general election to be held on April 6, 2027, or November 2, 2027, as applicable; or

 (C) The provisions of this section do not apply to a municipality whose general elections are held on the first Tuesday after the first Monday in April in even-numbered years or the first Tuesday after the first Monday in November in even-numbered years, as provided in Section 5-15-50(E).

SECTION 2. Section 5-15-50 of the S.C. Code is amended to read:

 Section 5-15-50. (A) Each municipal governing body may by ordinance establish municipal ward lines and the time for general and special elections within the municipality in accordance with the provisions of this section. Public notice of the elections shall be given at least sixty days prior to such elections.

 (B) The time for general elections within a municipality must be established in odd-numbered years:

 (1) on the first Tuesday after the first Monday in April; or

 (2) on the first Tuesday after the first Monday in November.

 (C) If the first Tuesday after the first Monday in November of odd-numbered years is the time for general elections within a municipality on or after the effective date of this section, then the municipal governing body must not establish a different time for its general elections.

 (D) If within ninety days of the effective date of this section a municipal governing body fails to establish by ordinance a time for its general elections as provided in subsection (B), then the time for the general elections within the municipality is the first Tuesday after the first Monday in November in odd-numbered years unless subsection (E) applies.

 (E) Notwithstanding another provision of this section, if the most recently held general elections within a municipality, as of the effective date of this section, were on the first Tuesday after the first Monday in April in even-numbered years or on the first Tuesday after the first Monday in November in even-numbered years, then the municipality may retain the first Tuesday after the first Monday in April in even-numbered years or the first Tuesday after the first Monday in November in even-numbered years, as applicable, for the date for its general elections.

SECTION 3. Section 5-15-100 of the S.C. Code is amended to read:

 Section 5-15-100. The municipal election commission shall be vested with the functions, powers and duties of Municipal Supervisors of Registration if no such supervisors have been appointed pursuant to § 7-5-640, and shall also have the functions, powers and duties of commissioners of election, as set forth in § 7-5-10 and other provisions of Title 7. The municipal election commission shall insure ensure proper books of registration are provided for each ward or precinct, shall prepare and distribute ballots and election materials, appoint managers of election for each polling place and otherwise supervise and conduct all municipal, special and general elections. The managers shall certify the results of the election to the commission within one day and the The commission shall declare certify the results not later than three days following the election.

 Nominees in a party primary or party convention and nominees by petition shall be certified to the municipal election commission within the time specified herein and when so certified, the commission shall place the names of such nominees upon the ballots.

SECTION 4. Section 5-15-120 of the S.C. Code is amended to read:

 Section 5-15-120. (A) Immediately upon the closing of the polls at any municipal election, the managers shall count publicly the votes cast and make a statement of the whole number of votes cast in such election together with the number of votes cast for each candidate for mayor and councilman and transmit this information to the municipal election commission. In partisan elections the person securing the highest number of votes for mayor shall be declared elected and the councilmen shall be selected by the following methods:

 (a)(1) When all councilmen are to be elected at large, the persons receiving the highest number of votes in number equal to the number to be chosen shall be declared elected.

 (b)(2) When the councilmen are to be elected from each ward and are required to be residents of that ward, the person receiving the highest number of votes in that ward shall be declared elected.

 (c)(3) When some councilmen are to be elected from each ward and required to be residents of that ward and the remainder of the councilmen to be elected at large, those persons receiving the highest number of votes in each ward shall be declared elected and those persons running at large who receive the highest number of votes in number equal to the number to be chosen at large shall be declared elected.

 (d)(4) When all councilmen are to be elected at large, but required to reside in a particular ward, the person receiving the highest number of votes for the seat to be filled shall be declared elected.

 (e)(5) When all councilmen are to be elected at large, but some are required to be residents of particular wards and other councilmen may not be so required, the person receiving the highest number of votes for the seat to be filled shall be declared elected.

 (B) Newly elected officers shall not be qualified until at least forty-eight hours after the closing of the polls and in the case a contest is finally filed the incumbents shall hold over until the contest is finally determined.A municipal governing body may by ordinance determine when the terms of its newly elected officers begin, provided the terms must begin no earlier than forty-eight hours after the certification of the election results and no later than eighty days after the day of the election. If a municipality does not have an ordinance determining when the terms of its newly elected officers begin, then the terms of the newly elected officers in the municipality begin at the first regular meeting of its council in the month following the election.

 (C) A candidate who is declared elected by certification of the election results has the right to take the oath of office and to perform the duties of the office pending the outcome of a contest unless a court of competent jurisdiction directs otherwise.

SECTION 5. 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, anyA 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 not later than noon on the Monday following the certification of the results. If the deadline falls on a legal holiday, then the time for filing a written notice extends to noon on the next day that is not a legal holiday. Within forty-eight hours after the filing of such notice, theThe Municipal Election Commission shall, after due notice to the parties concerned, conduct a hearing on the contest, on the Thursday following the deadline for filing the contest. The commission must 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.

SECTION 6. Section 5-15-140 of the S.C. Code is amended to read:

 Section 5-15-140. Within ten days after notice of the decision of the municipal election commission, any party aggrieved thereby may appeal from such decision to the court of common pleas. Notice of appeal shall be served on the opposing parties or their attorneys and filed in the office of the clerk of court within ten days. The notice of appeal shall act as a stay of further proceedings pending the appeal.Appeals must be granted first priority of consideration by the court.

SECTION 7. Section 5-15-145 of the S.C. Code is amended to read:

 Section 5-15-145. (A) Municipalities areA municipality is authorized to transfer authority for conducting municipal elections to the county elections commissionboard of voter registration and elections. County elections commissionsboards of voter registration and elections are authorized toshall conduct municipal elections for municipalities that elect to transfer authority for conducting municipal elections pursuant to the provisions of this section.

 (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 whichthat by ordinance transfers authority for conducting municipal elections to the county election commissionboard 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 8. Section 7-3-25(B) of the S.C. Code is amended to read:

 (B) If a county board of voter registration and elections or a municipal election commission does not or cannot determine and certify the results of an election or referendum for which it is responsible by the time set for certification by applicable law, the responsibility to determine and certify the results is devolved upon the State Election Commission.

SECTION 9. Section 7-13-1160 of the S.C. Code is amended to read:

 Section 7-13-1160. Within twenty-four hours of the completion of the canvassing and counting of ballots, the persons in charge of each such election in each county shall notify the State Election Commission of the unofficial results of such election in each such county; provided, however, that failure to comply with the provisions of this section shall not invalidate the votes cast therein.The unofficial election results returned by the managers to the county boards of voter registration and elections must be reported continuously and without undue delay in the manner prescribed by the State Election Commission.

SECTION 10. Section 7-15-420 (D) and (E) of the S.C. Code is amended to read:

 (D) Beginning no earlier than 7:00 a.m. on election day, the absentee ballots may be tabulated, including any absentee ballots received on election day before the polls are closed and the tabulated data collected from those ballots and from the ballots cast during the early voting period may be loaded into the election management system. If any absentee ballot is challenged, the return-addressed envelope must not be opened, but must be put aside and the procedure set forth in Section 7-13-830 must be utilized; but the absentee voter must be given reasonable notice of the challenged ballot.

 (E) Results of the early voting period and absentee ballot tabulation must not be publicly reported until after the polls are closed. An election official, election worker, candidate, or watcher who intentionally violates the prohibition contained in this subsection is guilty of a felony and, upon conviction, must be fined not more than one thousand dollars or imprisoned not more than five years.

SECTION 11. This act takes effect upon approval by the Governor, except that Section 5-15-45, as added by this act, and Section 5-15-50, as amended by this act, take effect on January 1, 2026.

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