**South Carolina General Assembly**

126th Session, 2025-2026

**S. 38**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Campsen and Zell

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Introduced in the Senate on January 14, 2025

Introduced in the House on February 13, 2025

Last Amended on February 11, 2025

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

Summary: Special Elections

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/11/2024 Senate Prefiled

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

 1/14/2025 Senate Introduced and read first time

 1/14/2025 Senate Referred to Committee on **Judiciary**

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

 2/5/2025 Senate Committee report: Favorable with amendment **Judiciary** (Senate Journal‑page 48)

 2/6/2025 Scrivener's error corrected

 2/11/2025 Senate Committee Amendment Adopted (Senate Journal‑page 14)

 2/11/2025 Senate Amended (Senate Journal‑page 14)

 2/11/2025 Senate Read second time (Senate Journal‑page 14)

 2/11/2025 Senate Roll call Ayes-40 Nays-0 (Senate Journal‑page 14)

 2/12/2025 Senate Read third time and sent to House (Senate Journal‑page 7)

 2/13/2025 House Introduced and read first time (House Journal‑page 47)

 2/13/2025 House Referred to Committee on **Judiciary** (House Journal‑page 47)

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**VERSIONS OF THIS BILL**

[12/11/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/38_20241211.docx)

[02/05/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/38_20250205.docx)

[02/06/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/38_20250206.docx)

[02/11/2025](https://www.scstatehouse.gov/sess126_2025-2026/prever/38_20250211.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Amendment Adopted and Amended

February 11, 2025

S. 38

Introduced by Senators Campsen and Zell

S. Printed 2/11/25--S.

Read the first time January 14, 2025

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-13-190, RELATING TO SPECIAL ELECTIONS TO FILL VACANCIES IN OFFICE, SO AS TO REQUIRE SPECIAL ELECTIONS TO BE HELD ONLY ON CERTAIN ENUMERATED DATES.

 Amend Title To Conform

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

SECTION 1. Section 7-13-190 of the S.C. Code is amended to read:

 Section 7-13-190. (A) Except as otherwise provided in this code as to specific offices, whenever a vacancy occurs in office by reason of death, resignation, or removal and the vacancy in office is one which is filled by a special election to complete the term of office, this section applies.

 (B)(1) In partisan elections, whether seeking nomination by political party primary or political party convention, filing by these candidates shall open for the office at twelve o'clock noon on the third Friday after the vacancy occurs for a period to close eight seven days later at twelve o'clock noon. If the filing period closes on a legal holiday, then the filing period is extended until noon on the next weekday that is not a legal holiday. If seeking nomination by petition, the petitions must be submitted not later than twelve o'clock noon, sixty days prior to the election. Verification of these petitions must be made not later than twelve o'clock noon forty-five days prior to the election. If seeking nomination by political party primary or political party convention, filing with the appropriate official is the same as provided in Section 7-11-15 and if seeking nomination by petition, filing with the appropriate official is the same as provided in Section 7-11-70.

 (2) A primary must be held on the first eligible date provided in subsection (D) that is on or following the eleventh Tuesday after the vacancy occurs. A runoff primary, if necessary, must be held on the thirteenth Tuesday after the vacancy occurstwo weeks after the primary. TheA special election must be held on the twentieth Tuesday after the vacancy occursfirst eligible date provided in subsection (D) that is following the date of the primary. If the twentieth Tuesday after the vacancy occurs is no more than sixty days prior to the general election, the special election must be held on the same day as the general election. If the filing period closes on a state holiday, then filing must be held open through the succeeding weekday. If the date for an election falls on a state holiday, the election must be set for the next succeeding Tuesday. For purposes of this section, state holiday does not mean the general election day.

 (3) If there are more than twenty Tuesdays after a vacancy occurs in the office of House of Representatives of the Congress of the United States to the date provided for an eligible special election in subsection (D), or if there are more than thirty-five days from the eleventh Tuesday after a vacancy occurs in the office of State Senate or State House of Representatives to the date provided for an eligible primary in subsection (D), then the schedule to fill a vacancy in one of those offices must be in accordance with the following:

 (a) a primary must be held on the eleventh Tuesday after the vacancy occurs;

 (b) a runoff primary, if necessary, must be held two weeks after the primary;

 (c) a special election must be held on the twentieth Tuesday after the vacancy occurs; and

 (d) if the date for a primary, runoff primary, or special election conflicts with the holding of a statewide primary, statewide general election, or presidential preference primary then the Governor, President of the Senate, or Speaker of the House of Representatives, as applicable, may establish a schedule to fill a vacancy in a manner that does not conflict with the holding of a statewide primary, statewide general election, or presidential preference primary.

 (C) If the office is not one for which there are partisan elections, then the filing must be opened at noon on the third Friday after the vacancy occurs for a period to close ten seven days later at noon. If the filing period closes on a legal holiday, then the filing period is extended until noon on the next weekday that is not a legal holiday. The filing must be made to the same entity to which the nonpartisan officeholders would normally file for office in a general election year. The election must be set for the first eligible date provided in subsection (D) that is on or following the thirteentheleventh Tuesday after the vacancy occurs. Both the filing date and the election date are subject to the provisions in subsection (B) of this section regarding holidays.

 (D) Provided, however, if a vacancy occurs in more than one office in the same county requiring separate special elections to be held within a period of twenty-eight days under the provisions of this section, the county board of voter registration and elections or other authority responsible for the conduct of the elections shall conduct all of the elections on the same date. The special elections must be held on the latest date required for an election during the twenty-eight-day period.A special election for any office, a primary for a special election, or for any matter for which a special election is called, unless otherwise provided in this section, must only be held on one of the following dates:

 (1) the fourth Tuesday in January;

 (2) the first Tuesday after the first Monday in April;

 (3) the second Tuesday in June in even-numbered years only and for only primaries for special elections;

 (4) the fourth Tuesday in August; and

 (5) the first Tuesday after the first Monday in November for only elections other than primaries for special elections.

 (E) If the date for a primary for a special election, runoff primary, or special election falls on a legal holiday, then the primary, runoff primary, or special election, as applicable, must be set for the next succeeding Tuesday that is not a legal holiday.

 (F) If the date for a special election to fill an unexpired term of office is one hundred days or less from the date a general election is to be held for the office, then no special election or primary must be held for the office. The provision of this subsection is not applicable to unexpired terms in the office of House of Representatives of the Congress of the United States.

SECTION 2. Section 7-11-15(F) of the S.C. Code is amended to read:

 (F) If, after the closing of the time for filing the documents required pursuant to this section, there are not more than two candidates for any one office and one or more of the candidates dies, or withdraws, the state or county committee, as the case may be, if the nomination is by political party primary or political party convention only may, in its discretion, afford opportunity for the entry of other candidates for the office involved; however, for the office of State House of Representatives or State Senator, the discretion must be exercised by the state committee.

 (1) In order for a state or county committee to allow entry of other candidates for the office, the committee must:

 (a) hold a public hearing within forty-eight hours of the death or withdrawal of the candidate or candidates; and

 (b) publicly vote to allow reopening of the time to file for the office.

 (2) The additional filing period for the office shall consist of three business days following the vote authorizing reopening of the time to file.

 (3) Any withdrawal must be in writing to the Director of the County Board of Voter Registration and Elections in which the candidate filed or to the Executive Director of the State Election Commission if the candidate filed with the State Election Commission.

SECTION 3. 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 start of 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 4. 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 5. This act takes effect upon approval by the Governor.

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