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INTRODUCED

May 9, 2012

**S. 1516**

Introduced by Judiciary Committee

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Read the first time May 9, 2012.

**A** **BILL**

TO AMEND SECTION 7‑11‑15 OF THE SC CODE OF LAWS, 1976, RELATING TO THE QUALIFICATIONS TO RUN AS A CANDIDATE IN GENERAL ELECTIONS, TO PROVIDE FOR THE ENTITY THAT A CANDIDATE SEEKING NOMINATION FOR AN OFFICE BY POLITICAL PARTY PRIMARY OR POLITICAL PARTY CONVENTION MUST FILE A STATEMENT OF INTENTION OF CANDIDACY; AND TO AMEND SECTION 8‑13‑1356(B) TO ALLOW A CANDIDATE’S STATEMENT OF ECONOMIC INTERESTS TO BE FILED IN PAPER OR ELECTRONICALLY.

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

SECTION 1. Section 7‑11‑15 of the 1976 Code is amended to read:

“Section 7‑11‑15. 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 between noon on March sixteenth and noon on March thirtieth as provided in this section.

(1) Candidates seeking nomination for a statewide, congressional, or district office that includes more than one county must file their statements of intention of candidacy with the ~~state executive committee of their respective party~~ State Election Commission.

(2) Candidates seeking nomination for the State Senate or House of Representatives must file their statements of intention of candidacy with the county ~~executive committee of their respective party~~ election commission in the county of their residence. The county ~~committees~~ election commission must, within five days of the receipt of the statements, transmit the statements along with the applicable filing fees to the ~~respective state executive committees~~ State Election Commission. However, the county ~~committees~~ election commission must report all filings to the ~~state committees~~ State Election Commission no later than five p.m. on March thirtieth. The ~~state executive committees~~ State Election Commission 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 with the county ~~executive committee of their respective party~~ election commission.

Except as provided herein, the county ~~executive committee of any political party~~ election commission with whom statements of intention of candidacy are filed must file, in turn, all statements of intention of candidacy with the county ~~election commission~~ executive committees of the appropriate political parties by noon on the tenth day following the deadline for filing statements by candidates. If the tenth day falls on Saturday, Sunday, or a legal holiday, the statements must be filed by noon the following day. The ~~state executive committee of any political party~~ State Election Commission with whom statements of intention of candidacy are filed must file, in turn, all the statements of intention of candidacy with the ~~State Election Commission~~ state executive committees of any political parties by noon on the tenth day following the deadline for filing statements by candidates. If the tenth day falls on Saturday, Sunday, or a legal holiday, the statements must be filed by noon the following day. No candidate’s name may appear on a primary election ballot, convention slate of candidates, general election ballot, or special election ballot, except as otherwise provided by law, if (1) the candidate’s statement of intention of candidacy has not been filed with the County Election Commission or State Election Commission, as the case may be, by the deadline, and (2) the candidate has not been certified by the ~~appropriate political party as required by Sections 7‑13‑40 and 7‑13‑350, as applicable~~ county election commission or State Election Commission at the time of the candidate’s filing, as applicable. The candidate’s name must appear if the candidate produces the signed and dated copy of his timely filed statement of intention of candidacy.

The statement of intention of candidacy required in this section and in Section 7‑13‑190(B) must be on a form designed and provided by the State Election Commission. This form, in addition to all other information, must contain an affirmation that the candidate meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office sought. It must be filed in triplicate by the candidate, and the ~~political party committee~~ county election commission or the State Election Commission with whom it is filed must stamp it with the date and time received, sign it, keep one copy, return one copy to the candidate, and send one copy to ~~either the county election commission or the State Election Commission, as the case may be~~ appropriate political party committee.

If, after the closing of the time for filing statements of intention of candidacy, 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~~ election commission, 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~~ State Election Commission.

The provisions of this section do not apply to nonpartisan school trustee elections in any school district where local law provisions provide for other dates and procedures for filing statements of candidacy or petitions, and to the extent the provisions of this section and the local law provisions conflict, the local law provisions control.”

SECTION 2. Section 8‑13‑1356(B) of the 1976 Code is amended to read:

“(B) A candidate must file a statement of economic interests for the preceding calendar year at the same time and with the same official with whom the candidate files a declaration of candidacy or petition for nomination. The statement of economic interests may be filed in paper or electronic form. If the statement of economic interests is filed in electronic form, the official with whom the candidate files must verify and certify the electronic filing.”

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

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