**South Carolina General Assembly**

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**S. 113**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Campsen

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Introduced in the Senate on January 10, 2017

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

Summary: Intention of candidacy

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/13/2016 Senate Prefiled

12/13/2016 Senate Referred to Committee on **Judiciary**

1/10/2017 Senate Introduced and read first time ([Senate Journal‑page 66](file:///h:\sj\20170110.docx))

1/10/2017 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 66](file:///h:\sj\20170110.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=113&session=122&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/13/2016](file:///p:\pprever\2017-18\113_20161213.docx)

**A** **BILL**

TO AMEND SECTION 7-11-15, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE FILING OF THE STATEMENT OF INTENTION OF CANDIDACY AND PARTY PLEDGE, TO REDUCE THE NUMBER OF SIGNED COPIES THAT MUST BE FILED WITH THE ELECTION COMMISSION FROM THREE TO ONE, AND TO PERMIT A CANDIDATE FOR STATE SENATE OR HOUSE OF REPRESENTATIVES TO FILE THEIR STATEMENT OF INTENTION, PARTY PLEDGE, AND FILING FEE WITH THE STATE ELECTION COMMISSION OR THE COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS IN THE COUNTY OF THEIR RESIDENCE.

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

SECTION 1. Section 7-11-15 of the 1976 Code, last amended by Act 61 of 2013, is amended to read:

“Section 7-11-15 (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 as provided in this section.

(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 county board of voter registration and elections in the county of their residence or the State Election Commission. 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.

(B) Except as provided herein, the county board of voter registration and elections or the State Election Commission ~~election commission~~ with whom the documents in subsection (A) are filed must provide a copy of all statements of intention of candidacy, the party pledge, receipt and filing fees, to the appropriate political party executive committee within two days following the deadline for filing. If the second day falls on Saturday, Sunday, or a legal holiday, the statement of intention of candidacy, party pledge, and filing fee must be filed by noon the following day that is not a Saturday, Sunday, or legal holiday. 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 and party pledge has not been filed with the county board of voter registration and elections or State Election Commission, as the case may be, as well as any filing fee, 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. The candidate's name must appear if the candidate produces the signed and dated copy of his timely filed statement of intention of candidacy. An error or omission by a person seeking to qualify as a candidate pursuant to this section that is not directly related to a constitutional or statutory qualification for that office must be construed in a manner that favors the person's access to the ballot.

(C) 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. The candidate must file ~~three~~ a signed ~~copies~~ statement of intention of candidacy, and the county board of voter registration and elections or the State Election Commission ~~election commission~~ with whom it is filed must stamp ~~each copy~~ the statement with the date and time received, keep ~~one copy~~ the original statement, provide a ~~return one~~ copy to the candidate, and ~~send one~~ provide a copy to the appropriate political party executive committee.

(D) The candidate must file ~~three~~ a signed ~~copies of the~~ party pledge, as required pursuant to Section 7‑11‑210, and the county board of voter registration and elections or the State Election Commission ~~election commission~~ with whom it is filed must stamp ~~each copy~~ the party pledge with the date and time received, ~~return one~~ provide a copy to the candidate, and ~~send one~~ provide a copy to the appropriate political party executive committee.

(E) The ~~candidate must sign a receipt for the filing fee, and the election commission~~ county board of voter registration and elections or the State Elections Commission with whom ~~it~~ the filing fee is filed must issue a receipt for the filing fee, including ~~stamp the receipt with~~ the date and time the filing fee was received, provide ~~one~~ a copy to the candidate and provide ~~one~~ a copy to the appropriate political executive party. The filing fee must be made payable to the appropriate political party.

(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.

(G) The county chairman of a political party and the chairman of the state executive committee of a political party may designate a person to observe the filings made at the election commission pursuant to this section.

(H) 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. This act takes effect upon approval by the Governor.

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