~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

March 29, 2017

**H. 3150**

Introduced by Rep. Funderburk

S. Printed 3/29/17--H.

Read the first time January 10, 2017.

**A** **BILL**

TO AMEND SECTION 7‑13‑190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL ELECTIONS TO FILL VACANCIES IN OFFICES, SO AS TO REMOVE A MUNICIPALITY’S AUTHORITY NOT TO CONDUCT GENERAL ELECTIONS UNDER CERTAIN CONDITIONS.

Amend Title To Conform

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

SECTION 1. Section 7‑13‑190(E) of the 1976 Code, as added by Act 3 of 2003, is amended to read:

“(E)(1) A special election to fill a vacancy in an office is not required to be conducted if fourteen calendar days have elapsed since the filing period for that office has closed and:

(a) only one person has filed for the office; and

(b) no person has filed a declaration to be a write‑in candidate with the authority charged by law with conducting the election.

(2) In such an event, the candidate who filed for the office is deemed elected and shall take office on the Monday following certification.

~~(3)~~ ~~The provisions of this subsection also apply to municipal general elections.~~

When no person has filed a declaration to be a write‑in candidate pursuant to this section, the candidate who filed for the office must be declared the winner by the authority charged by law with conducting the election, and the votes for the election must not be counted or otherwise tabulated. Nothing in this section requires a ballot containing the name of a person who has been declared the winner pursuant to this section to be reprinted to delete the winning candidate’s name or candidates’ names from the ballot.”

SECTION 2. Section 7‑13‑10 of the 1976 Code is amended to read:

“Section 7‑13‑10. General elections for federal, state, ~~and~~ county, and municipal officers in this State ~~shall~~ must be held on the first Tuesday following the first Monday in November in each even‑numbered year at ~~such~~ the voting places ~~as~~ that have been or may be established by law. All general or special elections held pursuant to the Constitution of this State ~~shall~~ must be regulated and conducted according to the rules, principles, and provisions ~~herein prescribed~~ set forth in this chapter and, in the case of municipal elections, in Chapter 15, Title 5.”

SECTION 3. Section 7‑13‑40 of the 1976 Code, as last amended by Act 61 of 2013, is further amended to read:

“Section 7‑13‑40. In the event that a party nominates candidates by party primary, a party primary must be held by the party and conducted by the State Election Commission and the respective county boards of voter registration and elections and municipal election commissions on the second Tuesday in June of each general election year, and a second and third primary each two weeks successively ~~thereafter~~ after that, if necessary. Written certification of the names of all candidates to be placed on primary ballots must be made by the political party chairman, vice chairman, ~~or~~ secretary to the State Election Commission, ~~or~~ the county board of voter registration and elections,\_or the municipal election commission whichever is responsible under law for preparing the ballot, not later than twelve o’clock noon on April fifth, or if April fifth falls on a Saturday or Sunday, not later than twelve o’clock noon on the following Monday. Political parties nominating candidates by party primary ~~must~~ shall verify the qualifications of those candidates prior to certification to the appropriate election commission of the names of candidates to be placed on primary ballots. The written verification required by this section must contain a statement that each candidate certified meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for office for which he has filed. A political party must not certify ~~any~~ a candidate who does not or will not by the time of the general election, or as otherwise required by law, meet the qualifications for the office for which the candidate has filed, and ~~such~~ the candidate’s name ~~shall~~ must not be placed on a primary ballot. The filing fees for all candidates filing to run in all primaries, except municipal primaries, must be transmitted by the respective political parties to the State Election Commission and placed by the executive director of the commission in a special account designated for use in conducting primary elections and must be used for that purpose. The filing fee for each office is one percent of the total salary for the term of that office or one hundred dollars, whichever amount is greater.”

SECTION 4. Chapter 13, Title 7 of the 1976 Code is amended by adding:

“Article 2

Uniform Election Procedure Act

Section 7‑13‑210. (A) For purposes of this article, ‘governing body’ means the governing body of a municipality.

(B)(1) Notwithstanding another provision of law, beginning at the time of the general election of 2018, members of a governing body must be elected in elections conducted at the time of the general election.

(2) Terms of current members of a governing body expiring after December 31, 2017, must be extended until their successors are elected and qualify in the manner provided in this article at the general election.

Section 7‑13‑215. If a member of a governing body is elected at the time of the general election or on the first Tuesday following the first Monday in November, the provisions of this article control the election of that member.

Section 7‑13‑220. A member of a governing body elected in a nonpartisan election as provided by law must be elected in that manner except that the date of the nonpartisan election must be at the same time in the appropriate even‑numbered year as provided in Section 7‑13‑210(B).

Section 7‑13‑225. The terms for a member elected to a governing body are as provided by law for that governing body.

Section 7‑13‑230. Candidates for these offices, which are filled in nonpartisan elections on the effective date of this article, must be nominated by the method provided by law for the office affected with the appropriate authority conducting the election.

Section 7‑13‑235. The cost of elections held pursuant to this article must be borne by the governing bodies elected at the times specified in this article on a pro rata basis determined by the entity charged by law with conducting the election.

Section 7‑13‑240. Members of a governing body must be elected from the district at large, from specified election districts, or in another manner as provided by law for that governing body.

Section 7‑13‑245. Vacancies in these offices must be filled as provided by law.

Section 7‑13‑250. The results of these elections must be determined in the manner provided by law for that governing body.”

SECTION 5. This act takes effect upon approval by the Governor.

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