**South Carolina General Assembly**

119th Session, 2011-2012

**H. 4185**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Bingham, Bikas, Hiott, Chumley, Bedingfield, Taylor, Barfield, Huggins, McCoy, Bowen, Parker, Pinson, Long, Allison, Quinn, Merrill, Tallon, Murphy, Hardwick, Corbin, Frye, V.S. Moss, Clemmons, Cole, Daning, Forrester, Henderson, Hixon, Loftis, Lowe, D.C. Moss, Owens, Sandifer, G.M. Smith, Toole and Willis

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Introduced in the House on May 5, 2011

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

Summary: Candidate qualifications to participate in a Presidential preference primary

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

5/5/2011 House Introduced and read first time ([House Journal‑page 6](file:///h:\hj%20archive\2011\05-05-11.docx))

5/5/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 6](file:///h:\hj%20archive\2011\05-05-11.docx))

**VERSIONS OF THIS BILL**

[5/5/2011](file:///p:\pprever\2011-12\4185_20110505.docx)

**A** **BILL**

TO AMEND SECTION 7‑11‑15, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CANDIDATE QUALIFICATIONS, SO AS TO PROVIDE THAT A CANDIDATE SEEKING TO PARTICIPATE IN A PRESIDENTIAL PREFERENCE PRIMARY MUST INCLUDE WITHIN HIS STATEMENT OF CANDIDACY A SWORN AFFIRMATION THAT HE MEETS ALL THE REQUIREMENTS FOR HOLDING THE OFFICE OF PRESIDENT OF THE UNITED STATES.

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

SECTION 1. Section 7‑11‑15 of the 1976 Code, as last amended by Act 3 of 2003, is further amended to read:

“Section 7‑11‑15. In order to qualify as a candidate to run in the general election, ~~all candidates~~ a candidate 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~~ A candidate seeking nomination for a statewide, congressional, or district office that includes more than one county must file ~~their statements~~ a statement of intention of candidacy with the state executive committee of ~~their~~ his respective party.

(2) ~~Candidates~~ A candidate seeking nomination for the State Senate or State House of Representatives must file ~~their statements~~ a statement of intention of candidacy with the county executive committee of ~~their~~ his respective party in the county of ~~their~~ his residence. The county ~~committees~~ committee must~~, within five days of the receipt of the statements,~~ transmit the ~~statements~~ statement, along with the applicable filing fees, to the respective state executive committees within five days of its receipt. However, the county committees must report all filings to the state committees no later than five p.m. on March thirtieth. The state executive committees must certify candidates pursuant to Section 7‑13‑40.

(3) ~~Candidates~~ A candidate seeking nomination for a countywide or less than countywide office ~~shall~~ must file ~~their statements~~ a statement of intention of candidacy with the county executive committee of ~~their~~ his respective party.

~~Except as provided herein,~~ The county executive committee of ~~any~~ a political party with ~~whom~~ which statements of intention of candidacy are filed must file~~, in turn,~~ all statements of intention of candidacy with the County Election Commission 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~~ a political party with ~~whom~~ which statements of intention of candidacy are filed must file~~, in turn,~~ all ~~the~~ statements of intention of candidacy with the State Election Commission 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~~ A candidate’s name may not 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~~. 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 with ~~whom~~ which 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~~.

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, in its discretion, 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~~ Senate, the discretion must be exercised by the state committee.

The provisions of this section do not apply to nonpartisan school trustee elections in ~~any~~ a 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.

(4) A candidate seeking to participate in a presidential preference primary pursuant to Section 7‑11‑20, or an advisory primary pursuant to Section 7‑11‑25, must file a statement of candidacy with the state executive committee of the party conducting the presidential preference primary, or advisory primary on a date set by the executive committee, at least one hundred twenty days prior to the primary being held. The statement of candidacy must include a sworn affirmation that the candidate seeking to participate in the presidential preference primary meets all requirements for holding the office of President of the United States.”

SECTION 2. This act takes effect upon approval by the Governor.

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