**South Carolina General Assembly**

119th Session, 2011-2012

**S. 794**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Sheheen

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Introduced in the Senate on April 12, 2011

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

Summary: Presidential preference primaries

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/12/2011 Senate Introduced and read first time ([Senate Journal‑page 7](file:///h:\sj%20archive\2011\04-12-11.docx))

4/12/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 7](file:///h:\sj%20archive\2011\04-12-11.docx))

1/9/2012 Senate Referred to Subcommittee: Campsen (ch), Cleary, Scott

**VERSIONS OF THIS BILL**

[4/12/2011](file:///p:\pprever\2011-12\794_20110412.docx)

**A** **BILL**

TO AMEND SECTION 7‑11‑20, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRESIDENTIAL PREFERENCE PRIMARIES, SO AS TO PROVIDE THAT THE STATE ELECTION COMMISSION CONDUCT PRESIDENTIAL PREFERENCE PRIMARIES FOR CERTIFIED POLITICAL PARTIES THAT RECEIVED AT LEAST FIVE PERCENT OF THE POPULAR VOTE IN SOUTH CAROLINA FOR THE PARTY’S CANDIDATE FOR PRESIDENT OF THE UNITED STATES, EXCEPT WHEN A STATE COMMITTEE OF A POLITICAL PARTY DECIDES TO HOLD A PRESIDENTIAL PREFERENCE PRIMARY AS PROVIDED IN SECTION 7‑11‑25, AND IF MORE THAN ONE STATE COMMITTEE DECIDES TO HOLD A PRESIDENTIAL PREFERENCE PRIMARY, THE COMMITTEES MUTUALLY SHALL SET A SINGLE DATE FOR THE PRESIDENTIAL PREFERENCE PRIMARY THAT HAS A FILING DEADLINE NO LATER THAN SEVENTY‑FIVE DAYS BEFORE THE PRESIDENTIAL PREFERENCE PRIMARY DATE, TO BE AGREED UPON BY JANUARY FIRST OF THE YEAR THE PRESIDENTIAL ELECTION IS TO BE HELD AND SUBMITTED TO THE STATE ELECTION COMMISSION, AND IF THE STATE COMMITTEES ARE NOT ABLE TO REACH AGREEMENT ON THE DATE FOR THE PRESIDENTIAL PREFERENCE PRIMARY, THEN THE PRESIDENTIAL PREFERENCE PRIMARY MUST BE HELD AS PROVIDED IN SECTION 7‑13‑40.

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

SECTION 1. Section 7‑11‑20 of the 1976 Code, as last amended by Act 81 of 2007, is further amended to read:

“Section 7‑11‑20. (A) Except as provided in subsection (B), party conventions or party primary elections held by political parties certified as such by the State Election Commission pursuant to the provisions of this title to nominate candidates for any of the offices to be filled in a general or special election must be conducted in accordance with the provisions of this title and with party rules not in conflict with the provisions of this title or of the Constitution and laws of this State or of the United States.

(B)(1) Except as provided in item (2), a certified political party wishing to hold a presidential preference primary election may do so in accordance with the provisions of this title and party rules. However, notwithstanding ~~any other~~ another provision of this title, the state committee of the party shall set the date and the hours that the polls will be open for the presidential primary election and the filing requirements. If a party holds a presidential preference primary election on a Saturday, an absentee ballot must be provided to a person who signs an affirmation stating that for religious reasons he does not wish to take part in the electoral process on a Saturday.

(2) ~~For the 2008 election cycle,~~ If the state committee of a certified political party ~~which~~ that received at least five percent of the popular vote in South Carolina for the party’s candidate for President of the United States decides to hold a presidential preference primary election, the State Election Commission ~~must~~ shall conduct the presidential preference primary in accordance with the provisions of this title and party rules provided that a registered elector may cast a ballot in only one presidential preference primary. However, notwithstanding ~~any other~~ another provision of this title~~,~~:

(a) the State Election Commission and the authorities responsible for conducting the elections in each county shall provide for cost‑effective measures in conducting the presidential preference primaries including, but not limited to, combining polling places, while ensuring that voters have adequate notice and access to the polling places; and

(b) the state committee of the party shall set the ~~date and the~~ filing requirements in conformity with the provisions of this section, including a certification fee.

(3)(a) If more than one state committee of a political party that received at least five percent of the popular vote in South Carolina for the party’s candidate for President of the United States decides to hold a presidential preference primary election, the state committees mutually shall set a single date for the presidential preference primary, to be agreed upon and submitted to the State Election Commission no later than January first of the year the presidential election is held. A mutually agreed upon date for the presidential preference primary must provide for a filing deadline that is no later than seventy‑five days before the date of the presidential preference primary.

(b) If the state committees are not able to reach agreement on a date for the presidential preference primary by January first of the year the presidential election is held, then the presidential preference primary must be held as provided in Section 7‑13‑40.

(c) A mutually agreed upon date is not required if only one state committee of a political party that received at least five percent of the popular vote in South Carolina for the party’s candidate for President of the United States decides to hold a presidential preference primary election, or if one or more of these state committees decide to hold a presidential preference primary as provided in Section 7‑11‑25.

(d) If only one state committee of a political party that received at least five percent of the popular vote in South Carolina for the party’s candidate for President of the United States decides to hold a presidential preference primary, the state committee may set a date for the presidential preference primary, providing for a filing deadline that is no later than seventy‑five days before the date of the presidential preference primary, and submit the date to the State Election Commission no later than January first of the year the presidential election is held. If the state committee does not submit a date for the presidential preference primary to the State Election Commission by January first of the year the presidential election is held, then the presidential preference primary must be held as provided in Section 7‑13‑40. A state committee is not required to submit the date of a presidential preference primary to the State Election Commission if the state committee decides to hold a presidential preference primary as provided in Section 7‑11‑25.

(4) Political parties ~~must~~ shall verify the qualifications of candidates ~~prior to~~ before certifying to the State Election Commission the names of candidates to be placed on primary ballots. The written certification required by this section must contain a statement that each certified candidate meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications in the United States Constitution, statutory law, and party rules to participate in the presidential preference primary for which he has filed. Political parties ~~must~~ shall not certify ~~any~~ ~~a~~ candidate who does not or will not by the time of the general election meet the qualifications in the United States Constitution, statutory law, and party rules for the presidential preference primary for which the candidate desires to file, and ~~such~~ the candidate’s name must not be placed on a primary ballot. Political parties may charge a certification fee to persons seeking to be candidates in the presidential preference primary for the political party. A filing fee not to exceed twenty thousand dollars, as determined by the State Election Commission, for each candidate certified by a political party must be transmitted by the respective political party to the State Election Commission and must be used for conducting the presidential preference primaries.

~~(3)~~(5) The political party shall give written notice to the State Election Commission of the date set for the party’s presidential preference primary no later than ninety days before the date of the primary.

~~(4)~~(6) Nothing in this section prevents a political party from conducting a presidential preference primary ~~for the 2008 election cycle~~ pursuant to the provisions of Section 7‑11‑25.”

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

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