~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

May 9, 2012

**S. 1512**

Introduced by Senators Bryant, Leventis, Bright, Ryberg, Davis, Grooms, Gregory, Ford, Williams, Anderson, Fair, Coleman, Setzler and Cromer

S. Printed 5/9/12--S.

Read the first time May 3, 2012.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Joint Resolution (S. 1512) to provide any person prohibited from appearing on the June 2012 primary ballot as the result of their failure to file a Statement of Economic Interests with an opportunity to file, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the joint resolution, as and if amended, by striking the joint resolution in its entirety and inserting:

/ A BILL

TO AMEND SECTION 8‑13‑1356 OF THE 1976 CODE, RELATING TO THE FILING OF A STATEMENT OF ECONOMIC INTERESTS BY A CANDIDATE, TO PROVIDE THAT A CANDIDATE WHO IS NOT A PUBLIC OFFICIAL AND A CANDIDATE WHO IS A PUBLIC OFFICIAL SHALL ELECTRONICALLY FILE OR UPDATE A STATEMENT OF ECONOMIC INTERESTS, AS APPLICABLE, PRIOR TO FILING A STATEMENT OF INTENTION OF CANDIDACY OR NOMINATION FOR PETITION; TO AMEND SECTION 7-11-15 OF THE 1976 CODE, 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 PROVIDE THAT SECTION 1 OF THIS ACT APPLIES RETROACTIVELY WITH CERTAIN EXCEPTIONS.

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

SECTION 1. Section 8‑13‑1356 of the 1976 Code is amended to read:

“Section 8‑13‑1356. (A) ~~This section does not apply to a public official who has a current disclosure statement on file with the appropriate supervisory office pursuant to Sections 8‑13‑1110 or 8‑13‑1140.~~

~~(B)~~ A candidate must electronically 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~~ with the State Ethics Commission prior to filing a declaration of candidacy or petition for nomination. Notwithstanding the deadline for filing an updated statement of economic interests pursuant to Section 8‑13‑1140, a candidate who is a public official must electronically file an updated statement of economic interests for the previous calendar year with the State Ethics Commission prior to filing a declaration of candidacy or petition for nomination.

~~(C)~~ ~~The official with whom the candidate files a declaration of candidacy or petition for nomination, no later than five business days after candidacy books close, must file a copy of the statement with the appropriate supervisory office.~~

(B)~~(D)~~ An individual who becomes a candidate other than by filing must, no later than fifteen business days after becoming a candidate, electronically file a statement of economic interests for the preceding calendar year with the ~~appropriate supervisory office~~ State Ethics Commission.

(C)~~(E)~~ An officer authorized to receive declarations of candidacy and petitions for nominations under the provisions of Chapter 11 of Title 7 may not accept a declaration of candidacy or petition for nomination ~~declaration or petition is accompanied by a statement of economic interests~~ unless the officer verifies that the candidate has complied with subsection (A). If the candidate’s name inadvertently appears on the ballot, the officer authorized to receive declarations of candidacy or petitions for nomination must not certify the candidate subsequent to the election.

(D)~~(F)~~ If the candidate files for office before January first of the year in which the election is held, he must file a supplementary statement covering the preceding calendar year no later than April first of the year in which the election is held.

(E)~~(G)~~ A candidate who is not a public official otherwise filing a statement has the same disclosure requirements as a public official with the exception of reporting gifts.

(F)~~(H)~~ The State Ethics Commission must furnish to each clerk of court in the State forms on which the statement of economic interests shall be filed.”

SECTION 2. 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 3. The provisions of SECTION 1 are intended to apply retroactively to take effect March 1, 2012. Notwithstanding the specific intent that this act applies retroactively, a person is considered to have complied with the provisions of Section 8‑13‑1356 for the 2012 election cycle if: (1) the person provided a copy of his statement of economic interests with his declaration of candidacy or petition; (2) the person electronically filed a statement of economic interests or an updated statement of economic interests, as applicable, with the State Ethics Commission prior to the date required for public officials to update their statement of economic interests pursuant to Section 8‑13‑1140, including any administrative grace period; or (3) in the case of an person who becomes a candidate other than by filing, the person filed a copy of his statement of economic interests with the appropriate supervisory office or electronically with the State Ethics Commission within fifteen days of becoming a candidate.

SECTION 4. The provisions of SECTION 4 take effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

GEORGE E. CAMPSEN III JOHN M. KNOTTS, JR.

For Majority. ROBERT FORD

For Minority.

**A** **JOINT RESOLUTION**

TO PROVIDE ANY PERSON PROHIBITED FROM APPEARING ON THE JUNE 2012 PRIMARY BALLOT AS THE RESULT OF THEIR FAILURE TO FILE A STATEMENT OF ECONOMIC INTERESTS WITH AN OPPORTUNITY TO FILE A STATEMENT OF ECONOMIC INTERESTS AND APPEAR ON THE BALLOT.

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

SECTION 1. Notwithstanding the provisions contained in Section 8‑13‑1356(E), any person whose name will not appear on the June 2012 primary election ballot pursuant to the Supreme Court holding in Michael Anderson and Robert Barger v. South Carolina Election Commission, et. al. (Appellate Case No. 2012‑211366, Opinion No. 27120) may file a Statement of Economic Interests with the proper officials between 8:00 am and 8:00 pm on Friday, May 18, 2012.

SECTION 2. Any person that files a Statement of Economic Interests pursuant to SECTION 1 is deemed to have met the candidate filing requirements contained in Section 8‑13‑1356(E) and his name may appear on the June 2012 primary ballot provided that he has met all other requirements concerning ballot eligibility.

SECTION 3. This joint resolution takes effect upon approval by the Governor.

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