**South Carolina General Assembly**

120th Session, 2013-2014

**S. 1039**

**STATUS INFORMATION**

General Bill

Sponsors: Senator S. Martin

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Introduced in the Senate on February 19, 2014

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

Summary: Special elections

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/19/2014 Senate Introduced and read first time ([Senate Journal‑page 9](file:///H:\SJ%20Archive\2014\02-19-14.docx))

2/19/2014 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 9](file:///H:\SJ%20Archive\2014\02-19-14.docx))

3/25/2014 Senate Referred to Subcommittee: Campsen (ch), Sheheen, Scott, Shealy, Thurmond

**VERSIONS OF THIS BILL**

[2/19/2014](file:///p:\pprever\2013-14\1039_20140219.docx)

**A** **BILL**

TO AMEND SECTION 7‑13‑190 OF THE 1976 CODE, RELATING TO SPECIAL ELECTIONS TO FILL VACANCIES, TO PROVIDE FOR AN INCREASE IN THE NUMBER OF WEEKS FOR THE PRIMARY, RUNOFF PRIMARY, AND SPECIAL ELECTION FOR OFFICES IN WHICH THERE ARE PARTISAN ELECTIONS AS WELL AS FOR THE ELECTION FOR OFFICES IN WHICH THERE ARE NOT PARTISAN ELECTIONS FOLLOWING THE VACANCY.

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

SECTION 1. Section 7‑13‑190 of the 1976 Code is amended to read:

“Section 7‑13‑190. (A) Except as otherwise provided in this code as to specific offices, whenever a vacancy occurs in office by reason of death, resignation, or removal and the vacancy in office is one which is filled by a special election to complete the term of office, this section applies.

(B) In partisan elections, whether seeking nomination by political party primary or political party convention, filing by these candidates shall open for the office at twelve o’clock noon on the third Friday after the vacancy occurs for a period to close ten days later at twelve o’clock noon. If seeking nomination by petition, the petitions must be submitted not later than twelve o’clock noon, sixty days prior to the election. Verification of these petitions must be made not later than twelve o’clock noon forty‑five days prior to the election. If seeking nomination by political party primary or political party convention, filing with the appropriate official is the same as provided in Section 7‑11‑15 and if seeking nomination by petition, filing with the appropriate official is the same as provided in Section 7‑11‑70.

A primary must be held on the ~~eleventh~~ thirteenth Tuesday after the vacancy occurs. A runoff primary must be held on the ~~thirteenth~~ twenty‑second Tuesday after the vacancy occurs. The special election must be on the ~~eighteenth~~ thirty‑first Tuesday after the vacancy occurs. If the ~~eighteenth~~ thirty‑first Tuesday after the vacancy occurs is no more than sixty days prior to the general election, the special election shall be held on the same day as the general election. If the filing period closes on a state holiday, then filing must be held open through the succeeding weekday. If the date for an election falls on a state holiday, it must be set for the next succeeding Tuesday. For purposes of this section, state holiday does not mean the general election day.

(C) If the office is not one for which there are partisan elections, then the filing must be opened at noon on the third Friday after the vacancy occurs for a period to close ten days later at noon. The filing must be made to the same entity to which the nonpartisan officeholders would normally file for office in a general election year. The election must be set for the ~~thirteenth~~ twenty‑second Tuesday after the vacancy occurs. Both the filing date and the election date are subject to the provisions in subsection (B) of this section regarding holidays.

(D) Provided, however, if a vacancy occurs in more than one office in the same county requiring separate special elections to be held within a period of twenty‑eight days under the provisions of this section, the election commission or other authority responsible for the conduct of the elections shall conduct all of the elections on the same date. The special elections must be held on the latest date required for an election during the twenty‑eight‑day period.

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

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