**South Carolina General Assembly**

120th Session, 2013-2014

**A256, R306, H4732**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. J.E. Smith and Clemmons

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Introduced in the House on February 20, 2014

Introduced in the Senate on March 27, 2014

Passed by the General Assembly on May 29, 2014

Governor's Action: June 6, 2014, Signed

Summary: Party conventions or party primary elections

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/20/2014 House Introduced and read first time ([House Journal‑page 31](file:///H:\HJ%20Archive\2014\02-20-14.docx))

2/20/2014 House Referred to Committee on **Judiciary** ([House Journal‑page 31](file:///H:\HJ%20Archive\2014\02-20-14.docx))

3/20/2014 House Committee report: Favorable **Judiciary** ([House Journal‑page 4](file:///H:\HJ%20Archive\2014\03-20-14.docx))

3/26/2014 House Read second time ([House Journal‑page 44](file:///H:\HJ%20Archive\2014\03-26-14.docx))

3/26/2014 House Roll call Yeas‑106 Nays‑0 ([House Journal‑page 44](file:///H:\HJ%20Archive\2014\03-26-14.docx))

3/27/2014 House Read third time and sent to Senate ([House Journal‑page 16](file:///H:\HJ%20Archive\2014\03-27-14.docx))

3/27/2014 Senate Introduced and read first time ([Senate Journal‑page 10](file:///H:\SJ%20Archive\2014\03-27-14.docx))

3/27/2014 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 10](file:///H:\SJ%20Archive\2014\03-27-14.docx))

4/25/2014 Senate Referred to Subcommittee: Campsen (ch), Scott, Young

5/21/2014 Senate Committee report: Favorable **Judiciary** ([Senate Journal‑page 20](file:///H:\SJ%20Archive\2014\05-21-14.docx))

5/28/2014 Senate Read second time ([Senate Journal‑page 44](file:///H:\SJ%20Archive\2014\05-28-14.docx))

5/28/2014 Senate Roll call Ayes‑40 Nays‑0 ([Senate Journal‑page 44](file:///H:\SJ%20Archive\2014\05-28-14.docx))

5/29/2014 Senate Read third time and enrolled ([Senate Journal‑page 46](file:///H:\SJ%20Archive\2014\05-29-14.docx))

6/5/2014 Ratified R 306

6/6/2014 Signed By Governor

6/13/2014 Effective date 06/06/14

6/16/2014 Act No. 256

**VERSIONS OF THIS BILL**

[2/20/2014](file:///p:\pprever\2013-14\4732_20140220.docx)

[3/20/2014](file:///p:\pprever\2013-14\4732_20140320.docx)

[5/21/2014](file:///p:\pprever\2013-14\4732_20140521.docx)

(A256, R306, H4732)

**AN ACT TO AMEND SECTIONS 7‑11‑20, 7‑11‑25, AND 7‑13‑15, ALL AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING, RESPECTIVELY, TO THE CONDUCT BY THE STATE ELECTION COMMISSION OF PARTY CONVENTIONS OR PARTY PRIMARY ELECTIONS, THE AUTHORITY OF POLITICAL PARTIES TO CONDUCT ADVISORY PRIMARY ELECTIONS AT PARTY EXPENSE, AND THE DATE PROVIDED BY LAW FOR HOLDING PRIMARY ELECTIONS AND THE PRIMARIES NOT SUBJECT TO THAT DATE, SO AS TO DELETE OBSOLETE DATE REFERENCES, TO CLARIFY THE AUTHORITY OF A POLITICAL PARTY TO CONDUCT AN ADVISORY PRIMARY AT PARTY EXPENSE, TO CLARIFY THAT THE DATE OF A PRESIDENTIAL PREFERENCE PRIMARY CONDUCTED BY THE STATE ELECTION COMMISSION MUST BE SET BY THE PARTY RATHER THAN THE GENERAL STATE LAW DATE FOR PRIMARIES AND TO ALLOW THE STATE ELECTION COMMISSION TO CARRY FORWARD ANY YEAR-END BALANCES IN ITS FILING FEE AND PRIMARY AND GENERAL ELECTION ACCOUNTS TO THE SUCCEEDING FISCAL YEAR, AND TO PROVIDE THAT THESE CARRIED FORWARD FUNDS MUST BE EXPENDED FOR THE SAME PURPOSE.**

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

**Presidential preference primaries**

SECTION 1. Items (2) and (4) of Section 7‑11‑20(B) of the 1976 Code, as last amended by Act 81 of 2007, are further amended to read:

“(2) If the state committee of a certified political party which 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 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 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, including a certification fee. Political parties must verify the qualifications of candidates prior to 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 not certify any 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 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.

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

**Advisory primaries**

SECTION 2. Section 7‑11‑25 of the 1976 Code, as last amended by Act 81 of 2007, is further amended to read:

“Section 7‑11‑25. Nothing in this chapter nor any other provision of law may be construed as either requiring or prohibiting a political party in this State from conducting advisory primaries according to the party’s own rules and at the party’s expense.”

**Primaries to be conducted by State Election Commission, retention of fees**

SECTION 3. Section 7‑13‑15 of the 1976 Code, as last amended by Act 81 of 2007, is further amended to read:

“Section 7‑13‑15. (A) This section does not apply to municipal primaries.

(B) Except as provided in subsection (A) or unless otherwise specifically provided for by statute or ordinance, the following primaries must be conducted by the State Election Commission and the county election commissions on the second Tuesday in June of each general election year:

(1) primaries for federal offices, excluding a presidential preference primary for the Office of President of the United States as provided pursuant to Section 7‑11‑20(B); and

(2) primaries for:

(a) state offices;

(b) offices including more than one county;

(c) countywide and less than countywide offices, specifically including, but not limited to, all school boards and school trustees; and

(d) special purpose district offices, which include, but are not limited to, water, sewer, fire, soil conservation, and other similar district offices.

(C) Filing fees received from candidates filing to run in primary elections may be retained and expended by the State Election Commission to pay for the conduct of primary elections. Any balance in the filing fee accounts or in the primary and general election accounts as of each June thirtieth may be carried forward in these accounts to the succeeding fiscal year and must be expended for the same purposes.”

**Time effective**

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 5th day of June, 2014.

Approved the 6th day of June, 2014.

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