**South Carolina General Assembly**

120th Session, 2013-2014

**S. 70**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Malloy

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Introduced in the Senate on January 8, 2013

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

Summary: Candidates' Statements of Intention

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/13/2012 Senate Prefiled

12/13/2012 Senate Referred to Committee on **Judiciary**

1/8/2013 Senate Introduced and read first time ([Senate Journal‑page 59](file:///h:\SJ%20Archive\2013\01-08-13.docx))

1/8/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 59](file:///h:\SJ%20Archive\2013\01-08-13.docx))

**VERSIONS OF THIS BILL**

[12/13/2012](file:///p:\pprever\2013-14\70_20121213.docx)

**A** **BILL**

TO AMEND SECTION 7‑11‑15 OF THE 1976 CODE, RELATING TO FILING TO RUN AS A CANDIDATE IN GENERAL ELECTIONS, TO PROVIDE ALL CANDIDATES SEEKING NOMINATION MUST FILE THEIR STATEMENTS OF INTENTION OF CANDIDACY WITH THE APPROPRIATE ELECTION COMMISSION AS PROVIDED IN THIS SECTION, TO PROVIDE THE STATE ELECTION COMMISSION MUST POST CANDIDATE FILINGS ON ITS WEBSITE THE NEXT BUSINESS DAY AFTER FILING OCCURS, AND TO PROVIDE THAT 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 THE CANDIDATE’S STATEMENT OF INTENTION OF CANDIDACY HAS NOT BEEN FILED WITH THE APPROPRIATE ELECTION COMMISSION BY THE DEADLINE AND THE CANDIDATE FAILS TO MEET THE QUALIFICATIONS FOR OFFICE AND PAY THE FILING FEE.

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

SECTION 1. 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~~ 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~~ election commission. ~~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.~~ The state election commission must post candidate filings on its website the next business day after filing occurs.

(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 with whom 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 political party 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 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~~ fails to meet the qualifications for office and has not paid the filing fee 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 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, 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, the discretion must be exercised by the state committee.

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

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