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COMMITTEE REPORT

May 21, 2014

**H. 4732**

Introduced by Reps. J.E. Smith and Clemmons

S. Printed 5/21/14--S.

Read the first time March 27, 2014.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4732) 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, etc., respectfully

**REPORT:**

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

GEORGE E. “CHIP” CAMPSEN III for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

ESTIMATED FISCAL IMPACT ON GENERAL FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

ESTIMATED FISCAL IMPACT ON FEDERAL & OTHER FUND EXPENDITURES:

$0 (No additional expenditures or savings are expected)

**EXPLANATION OF IMPACT:**

The State Election Commission indicates there is no impact with this bill.

**LOCAL GOVERNMENT IMPACT:**

Pursuant to 2-7-76, the State Budget Division surveyed counties to assess the impact of this bill. To date, no responses have been received and will be forwarded upon receipt.

*Approved By:*

Brenda Hart

Office of State Budget

**A** **BILL**

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:

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) ~~For the 2008 election cycle, if~~ 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 ~~for the 2008 election cycle~~ pursuant to the provisions of Section 7‑11‑25.”

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. ~~Except for the provisions of Section 7‑11‑20 related to presidential preference primaries, nothing~~ 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.”

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)~~(1)~~ This section does not apply to municipal primaries.

~~(2)~~ ~~This section does not apply to presidential preference primary elections for the Office of President of the United States, which are provided for in Section 7‑11‑20(B).~~

(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 ~~national~~ federal offices, excluding ~~the~~ a presidential preference ~~primaries~~ primary for the Office of President of the United States~~, which are~~ as provided ~~for in~~ 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.”

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

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