~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 3, 2016

**H. 4944**

Introduced by Reps. Funderburk, Kennedy, W.J. McLeod and Clemmons

S. Printed 3/3/16--H.

Read the first time February 11, 2016.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4944) to amend Section 7‑13‑190, as amended, Code of Laws of South Carolina, 1976, relating to special elections to fill vacancies in offices, so as to remove, etc., respectfully

**REPORT:**

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

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 7‑13‑190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL ELECTIONS TO FILL VACANCIES IN OFFICES, SO AS TO REMOVE A MUNICIPALITY’S AUTHORITY NOT TO CONDUCT GENERAL ELECTIONS UNDER CERTAIN CONDITIONS.

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

SECTION 1. Section 7‑13‑190(E) of the 1976 Code, as added by Act 3 of 2003, is amended to read:

“(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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