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AS PASSED BY THE SENATE

June 2, 2016

**H. 4944**

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

S. Printed 6/2/16--S.

Read the first time March 10, 2016.

**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.

Amend Title To Conform

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. The authority charged by law with conducting the election may cancel an election where only one person has filed for the office, under the conditions of subsection (E)(1).

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. Section 7-13-35 of the 1976 Code is amended to read:

“Section 7-13-35. (A) The authority charged by law with conducting an election must publish two notices of general, municipal, special, and primary elections held in the county in a newspaper of general circulation in the county or municipality, as appropriate. Included in each notice must be a reminder of the last day persons may register to be eligible to vote in the election for which notice is given, notification of the date, time, and location of the hearing on ballots challenged in the election, a list of the precincts involved in the election, the location of the polling places in each of the precincts, and notification that the process of examining the return‑addressed envelopes containing absentee ballots may begin at ~~2:00~~ two o’clock p.m. on election day at a place designated in the notice by the authority charged with conducting the election. The first notice must appear not later than sixty days before the election and the second notice must appear not later than two weeks after the first notice.

(B) A municipality charged by law with conducting an election must publish two additional notices of municipal election filing date requirements in a newspaper of general circulation in the county or municipality, as appropriate. The notices required under this subsection must appear prior to the opening of candidate filing.”

SECTION 3. This act takes effect upon approval by the Governor.

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