**South Carolina General Assembly**

122nd Session, 2017-2018

**A15, R39, H3150**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Funderburk

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Introduced in the House on January 10, 2017

Introduced in the Senate on March 30, 2017

Last Amended on May 2, 2017

Passed by the General Assembly on May 3, 2017

Governor's Action: May 4, 2017, Signed

Summary: Special elections

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2016 House Prefiled

12/15/2016 House Referred to Committee on **Judiciary**

1/10/2017 House Introduced and read first time ([House Journal‑page 93](file:///h:\hj\20170110.docx))

1/10/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 93](file:///h:\hj\20170110.docx))

3/22/2017 House Committee report: Favorable **Judiciary** ([House Journal‑page 51](file:///h:\hj\20170322.docx))

3/28/2017 House Debate adjourned until Wed., 3‑29‑17 ([House Journal‑page 45](file:///h:\hj\20170328.docx))

3/29/2017 House Amended ([House Journal‑page 34](file:///h:\hj\20170329.docx))

3/29/2017 House Read second time ([House Journal‑page 34](file:///h:\hj\20170329.docx))

3/29/2017 House Roll call Yeas‑84 Nays‑23 ([House Journal‑page 36](file:///h:\hj\20170329.docx))

3/30/2017 House Read third time and sent to Senate ([House Journal‑page 15](file:///h:\hj\20170330.docx))

3/30/2017 Senate Introduced and read first time ([Senate Journal‑page 8](file:///h:\sj\20170330.docx))

3/30/2017 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 8](file:///h:\sj\20170330.docx))

3/30/2017 Scrivener's error corrected

3/31/2017 Senate Referred to Subcommittee: Campsen (ch), Young, Fanning

5/2/2017 Senate Recalled from Committee on **Judiciary** ([Senate Journal‑page 5](file:///h:\sj\20170502.docx))

5/2/2017 Senate Amended ([Senate Journal‑page 5](file:///h:\sj\20170502.docx))

5/2/2017 Senate Read second time ([Senate Journal‑page 5](file:///h:\sj\20170502.docx))

5/2/2017 Senate Roll call Ayes‑38 Nays‑0 ([Senate Journal‑page 5](file:///h:\sj\20170502.docx))

5/3/2017 Scrivener's error corrected

5/3/2017 Senate Read third time and returned to House with amendments ([Senate Journal‑page 27](file:///h:\sj\20170503.docx))

5/3/2017 House Concurred in Senate amendment and enrolled ([House Journal‑page 55](file:///h:\hj\20170503.docx))

5/3/2017 House Roll call Yeas‑101 Nays‑1 ([House Journal‑page 55](file:///h:\hj\20170503.docx))

5/4/2017 Ratified R 39

5/4/2017 Signed By Governor

5/9/2017 Effective date See Act

5/15/2017 Act No. 15

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**VERSIONS OF THIS BILL**

[12/15/2016](file:///p:\pprever\2017-18\3150_20161215.docx)

[3/22/2017](file:///p:\pprever\2017-18\3150_20170322.docx)

[3/29/2017](file:///p:\pprever\2017-18\3150_20170329.docx)

[3/30/2017](file:///p:\pprever\2017-18\3150_20170330.docx)

[5/2/2017](file:///p:\pprever\2017-18\3150_20170502.docx)

[5/3/2017](file:///p:\pprever\2017-18\3150_20170503.docx)

(A15, R39, H3150)

**AN ACT 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 ADJUST THE DATES ON WHICH PRIMARIES, RUNOFF PRIMARIES, AND SPECIAL ELECTIONS MUST BE HELD, AND TO REMOVE THE EXEMPTION FROM HOLDING CERTAIN SPECIAL AND GENERAL ELECTIONS; AND TO REQUIRE THE STATE ELECTION COMMISSION TO PROVIDE RANK CHOICE BALLOTS FOR A FEDERAL SPECIAL ELECTION FOR WHICH THE PRIMARY IS HELD ON MAY 2, 2017, TO INDIVIDUALS CASTING BALLOTS IN ACCORDANCE WITH THE UNIFORMED AND OVERSEAS CITIZENS ABSENTEE VOTING ACT.**

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

**Special elections to fill vacancies, procedures**

SECTION 1. Section 7‑13‑190(B) of the 1976 Code, as last amended by Act 412 of 1998, is further amended to read:

“(B)(1) In partisan elections, whether seeking nomination by political party primary or political party convention, filing by these candidates shall open for the office at twelve o’clock noon on the third Friday after the vacancy occurs for a period to close eight days later at twelve o’clock noon. If seeking nomination by petition, the petitions must be submitted not later than twelve o’clock noon, sixty days prior to the election. Verification of these petitions must be made not later than twelve o’clock noon forty‑five days prior to the election. If seeking nomination by political party primary or political party convention, filing with the appropriate official is the same as provided in Section 7‑11‑15 and if seeking nomination by petition, filing with the appropriate official is the same as provided in Section 7‑11‑70.

(2) A primary must be held on the eleventh Tuesday after the vacancy occurs. A runoff primary must be held on the thirteenth Tuesday after the vacancy occurs. The special election must be on the twentieth Tuesday after the vacancy occurs. If the twentieth Tuesday after the vacancy occurs is no more than sixty days prior to the general election, the special election must be held on the same day as the general election. If the filing period closes on a state holiday, then filing must be held open through the succeeding weekday. If the date for an election falls on a state holiday, the election must be set for the next succeeding Tuesday. For purposes of this section, state holiday does not mean the general election day.”

**Exemption from holding certain special elections removed**

SECTION 2. Section 7‑13‑190(E) of the 1976 Code, as added by Act 3 of 2003, is amended to read:

“(E) (Reserved)”

**State Election Commission requirements**

SECTION 3. (A) For a federal special election for which the primary is held on May 2, 2017, the State Election Commission must provide a rank choice ballot to an individual who casts a ballot in accordance with the Uniformed and Overseas Citizens Absentee Voting Act.

(B) This SECTION applies to any federal special election for which the primary is May 2, 2017.

**Time effective**

SECTION 4. SECTION 1 takes effect upon approval by the Governor and applies to elections for which candidate filings begin on or after that date.

**Time effective**

SECTION 5. SECTION 2 takes effect on January 1, 2018, and applies to elections for which candidate filings begin on or after that date.

Ratified the 4th day of May, 2017.

Approved the 4th day of May, 2017.

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