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Indicates New Matter

POLLED OUT OF COMMITTEE

March 7, 2018

**H. 4977**

Introduced by Reps. G.M. Smith, Simrill and Rutherford

S. Printed 3/7/18--S.

Read the first time February 27, 2018.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 4977) to amend the Code of Laws of South Carolina, 1976, by adding Section 1‑3‑125 so as to provide that beginning with the 2018 General Election , etc., respectfully

**REPORT:**

Has polled the Bill out of committee without report.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 1‑3‑125 SO AS TO PROVIDE THAT BEGINNING WITH THE 2018 GENERAL ELECTION, IF THE LIEUTENANT GOVERNOR RESIGNS OR IS REMOVED FROM OFFICE, THE GOVERNOR SHALL APPOINT, WITH THE ADVICE AND CONSENT OF THE SENATE, A SUCCESSOR FOR THE UNEXPIRED TERM; BY ADDING SECTION 7‑11‑12 SO AS TO ESTABLISH THE PROCEDURE BY WHICH A PERSON NOMINATED FOR THE OFFICE OF GOVERNOR SELECTS A LIEUTENANT GOVERNOR AS A JOINT TICKET RUNNING MATE; BY ADDING SECTION 7‑13‑315 SO AS TO REQUIRE THE STATE ELECTION COMMISSION TO ENSURE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR ARE ELECTED JOINTLY; BY ADDING SECTION 8‑13‑1301 SO AS TO PROVIDE THAT JOINTLY ELECTED CANDIDATES MUST BE CONSIDERED A SINGLE CANDIDATE FOR CONTRIBUTIONS AND ESTABLISHING A COMMITTEE; TO AMEND SECTION 8‑13‑1314, RELATING TO CONTRIBUTION LIMITATIONS, SO AS TO PROVIDE THAT WITHIN AN ELECTION CYCLE, CONTRIBUTIONS FOR JOINTLY ELECTED STATEWIDE CANDIDATES ARE THREE THOUSAND FIVE HUNDRED DOLLARS; TO AMEND SECTION 7‑11‑15, RELATING TO FILING AS A CANDIDATE FOR THE GENERAL ELECTION, SO AS TO PROVIDE, AMONG OTHER THINGS, IF MARCH THIRTIETH, THE DEADLINE FOR FILING IS ON A SATURDAY, SUNDAY, OR LEGAL HOLIDAY, THE TIME FOR FILING EXTENDS TO THE NEXT BUSINESS DAY; AND TO AMEND SECTION 7‑13‑45, RELATING TO THE ESTABLISHMENT OF HOURS FOR ACCEPTING CANDIDATE FILINGS, SO AS TO DELETE SPECIFIC REFERENCES TO THE NUMBER OF HOURS AND PROVIDE THAT FILINGS BE ACCEPTED DURING REGULAR BUSINESS HOURS ON REGULAR BUSINESS DAYS.

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

PART I

Joint Election of Governor and Lieutenant Governor

SECTION 1. Article 3, Chapter 3, Title 1 of the 1976 Code is amended by adding:

“Section 1‑3‑125. Beginning with the Lieutenant Governor elected in the 2018 General Election, in the case of the Lieutenant Governor’s impeachment, death, resignation, disqualification, disability, or removal from the State, the Governor, with the advice and consent of the Senate, shall appoint a successor to fulfill the unexpired term.”

SECTION 2. Article 1, Chapter 11, Title 7 of the 1976 Code is amended by adding:

“Section 7‑11‑12. (A) A person nominated for the Office of Governor by primary or convention, or seeking the Office of Governor as a petition candidate must designate a qualified elector to be elected jointly as Lieutenant Governor.

(B) A designee for Lieutenant Governor must possess all of the qualifications required to hold the Office of Governor.

(1) The appropriate political party shall determine if its gubernatorial candidate’s Lieutenant Governor designee is qualified.

(2) The State Election Commission shall determine whether a gubernatorial petition candidate’s Lieutenant Governor designee is qualified.

(C) No later than August first, a gubernatorial candidate’s designation for Lieutenant Governor must be in writing and filed either with the appropriate political party, or, in the case of a petition candidate, with the State Election Commission.

(D) No later than August tenth, a Lieutenant Governor designee must provide:

(1) to the State Election Commission:

(a) a copy of the gubernatorial candidate’s written designation for Lieutenant Governor, and

(b) a completed statement of intention of candidacy; and

(2) to the State Ethics Commission:

(a) a copy of the completed statement of intention of candidacy; and

(b) a current filed statement of economic interests.

(E)(1) If after being designated and before the general election the Lieutenant Governor candidate dies, becomes disqualified, or resigns for a legitimate nonpolitical reason as defined in Section 7‑11‑50, the gubernatorial candidate must make a substitution for the Lieutenant Governor candidate no later than ten days after the death, disqualification, or resignation occurs in the format provided in subsection (C).

(2) If a Lieutenant Governor candidate is substituted as provided in item (1), the substituted Lieutenant Governor candidate must file the documents required in subsection (D) no later than ten days after the substitution is made.

(3) The substitutions authorized in items (1) and (2) may be made after the general election if the death, disqualification, or resignation occurs before the general election. If the death, disqualification, or resignation occurs after the general election, the vacancy must be filled as provided in Section 1‑3‑125 by the Governor-elect.

(F) If the Lieutenant Governor candidate is not designated as provided in this section, the party or petition candidate for Governor shall not have his name placed on the ballot for the general election.

(G) A Lieutenant Governor candidate is not required to pay a separate filing fee.

(H) The provisions of Sections 7‑11‑10 and 7‑11‑210 are not applicable to a Lieutenant Governor candidate.

(I) If a Lieutenant Governor candidate has solicited or received contributions for another elective office, he must comply with the provisions of Sections 8‑13‑1350 and 8‑13‑1352. A contribution transferred to the single candidate committee of the Governor and Lieutenant Governor elected jointly must comply with the requirements of Section 8‑13‑1314(A).”

SECTION 3. Article 3, Chapter 13, Title 7 of the 1976 Code is amended by adding:

“Section 7‑13‑315. The State Election Commission shall ensure that the Governor and Lieutenant Governor must be elected jointly so that each voter casts a single vote to elect a Governor and Lieutenant Governor.”

PART II

Campaign Contributions for Governor and Lieutenant Governor

SECTION 4. Article 13, Chapter 13, Title 8 of the 1976 Code is amended by adding:

“Section 8‑13‑1301. For purposes of this article, candidates elected jointly as provided in Section 8, Article IV of the South Carolina Constitution, 1895, must be considered a single candidate. The gubernatorial candidate is responsible for:

(1) establishing a single candidate committee for contributions solicited and received for the Governor and Lieutenant Governor elected jointly; and

(2) complying with the requirements of Article 13, Chapter 13, Title 8 for the committee established for the joint election.”

SECTION 5. Section 8‑13‑1314 of the 1976 Code is amended to read:

“Section 8‑13‑1314. (A) Within an election cycle, ~~no~~ a candidate or anyone acting on his behalf shall not solicit or accept, and ~~no~~ a person shall not give or offer to give to a candidate or person acting on the candidate’s behalf:

(1) a contribution which exceeds:

(a) three thousand five hundred dollars in the case of a candidate for statewide office; or

(b) three thousand five hundred dollars in the aggregate for statewide candidates elected jointly pursuant to Section 8, Article IV of the South Carolina Constitution, 1895; or

(c) one thousand dollars in the case of a candidate for any other office;

(2) a cash contribution from an individual unless the cash contribution does not exceed twenty‑five dollars and is accompanied by a record of the amount of the contribution and the name and address of the contributor;

(3) a contribution from, whether directly or indirectly, a registered lobbyist if that lobbyist engages in lobbying the public office or public body for which the candidate is seeking election;

(4) contributions for two elective offices simultaneously, except as provided in Section 8‑13‑1318.

(B) The restrictions on contributions in subsections (A)(1) and (A)(2) do not apply to a candidate making a contribution to his own campaign.”

PART III

Time Extensions for Filing

SECTION 6. Section 7‑11‑15 of the 1976 Code is amended to read:

“Section 7‑11‑15. (A) 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 and party pledge and submit any filing fees between noon on March sixteenth and noon on March thirtieth as provided in this section. If March thirtieth is on a Saturday or Sunday, the time for filing extends to the next regular business day. For purposes of this section and Section 7‑13‑45, ‘next regular business day’ means a day that is not a Saturday, Sunday, or legal holiday.

(1) Except as otherwise provided in this section, candidates seeking nomination for a statewide, congressional, or district office that includes more than one county must file their statements of intention of candidacy, and party pledge and submit any filing fees with the State Election Commission.

(2) Candidates seeking nomination for the State Senate or House of Representatives must file their statements of intention of candidacy and party pledge and submit any filing fees with the State Election Commission or county board of voter registration and elections in the county of their residence. The state executive committees must certify candidates pursuant to Section 7‑13‑40.

(3) Candidates seeking nomination for a countywide or less than countywide office shall file their statements of intention of candidacy and party pledge and submit any filing fees with the county board of voter registration and elections in the county of their residence.

(B) Except as provided ~~herein~~ in this section, the ~~election commission~~ board of voter registration and elections with whom the documents in subsection (A) are filed must provide a copy of all statements of intention of candidacy, the party pledge, receipt and filing fees, to the appropriate political party executive committee within two days following the deadline for filing. If the second day falls on Saturday, Sunday, or a legal holiday, the statement of intention of candidacy, party pledge, and filing fee must be filed by noon the following day that is not a Saturday, Sunday, or legal holiday. ~~No~~ A candidate’s name may not 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 and party pledge has not been filed with the county board of voter registration and elections or State Election Commission, as the case may be, as well as any filing fee, by the deadline and (2) the candidate has not been certified by the appropriate political party 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. An error or omission by a person seeking to qualify as a candidate pursuant to this section ~~that~~ who is not directly related to a constitutional or statutory qualification for that office must be construed in a manner that favors the person’s access to the ballot.

(C) 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. The candidate or his agent must file ~~three~~ a signed ~~copies~~ statement of intention of candidacy and the election commission with whom it is filed must stamp ~~each copy~~ the statement with the date and time received, keep ~~one copy~~ the original statement, ~~return one~~ provide a copy to the candidate, and ~~send one~~ provide a copy to the appropriate political party executive committee.

(D) The candidate or his agent must file ~~three~~ a signed ~~copies of the~~ party pledge, as required pursuant to Section 7‑11‑210, and the election commission with ~~whom~~ which it is filed must stamp ~~each copy~~ the party pledge with the date and time received, ~~return one~~ provide a copy to the candidate, and ~~send one~~ provide a copy to the appropriate political party executive committee.

(E) The ~~candidate must sign a receipt for the filing fee, and the~~ election commission with ~~whom~~ which ~~it~~ the filing fee is filed must issue a receipt for the filing fee, stamp the receipt with the date and time the filing fee was received, provide ~~one~~ a copy to the candidate or his agent, and provide ~~one~~ a copy to the appropriate political executive party. The filing fee must be made payable to the appropriate political party.

(F) If, after the closing of the time for filing the documents required pursuant to this section, 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.

(G) The county chairman of a political party and the chairman of the state executive committee of a political party may designate a person to observe the filings made at the election commission pursuant to this section.

(H) The provisions of this section do not apply to nonpartisan school trustee elections in ~~any~~ a 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 7. Section 7‑13‑45 of the 1976 Code is amended to read:

“Section 7‑13‑45. ~~(A)~~ In every general election year, the Executive Director of the State Election Commission and the director of each county board of voter registration and elections shall:

(1) ~~establish regular hours of not less than four hours a day~~ accept filings during ~~the final seventy‑two hours~~ the regular business hours on the regular business days of the filing period ~~in which the director or some person he designates must be present to accept filings~~ as required by Section 7‑11‑15;

(2) place an advertisement to appear two weeks before the filing period begins in a newspaper of general circulation in the county at least five by seven inches in size that notifies the public of the dates of the filing periods, the offices ~~which~~ that may be filed for, the place and street address where filings may be made, and the hours that an authorized person will be present to receive filings.”

PART IV

Effective Dates

SECTION 8. This act takes effect upon approval by the Governor.

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