**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 3434**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Cobb‑Hunter

Document Path: l:\council\bills\cc\15363zw19.docx

Companion/Similar bill(s): 250

Introduced in the House on January 8, 2019

Currently residing in the House Committee on **Judiciary**

Summary: Elected position vacancy due to conviction

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/18/2018 House Prefiled

12/18/2018 House Referred to Committee on **Judiciary**

1/8/2019 House Introduced and read first time ([House Journal‑page 237](file:///h:\hj\20190108.docx))

1/8/2019 House Referred to Committee on **Judiciary** ([House Journal‑page 237](file:///h:\hj\20190108.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=3434&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/18/2018](file:///p:\pprever\2019-20\3434_20181218.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 8‑1‑200 SO AS TO PROVIDE THAT AN ELECTED LOCAL, STATE, OR FEDERAL PUBLIC OFFICIAL WHOSE OFFICE IS DECLARED VACANT DUE TO A CRIMINAL CONVICTION DURING THE OFFICIAL’S TERM OF OFFICE SHALL REIMBURSE THE APPROPRIATE STATE OR LOCAL ELECTIONS AUTHORITY FOR THE ACTUAL COSTS OF HOLDING THE ENSUING PRIMARY, RUNOFF PRIMARY, OR SPECIAL ELECTION NECESSITATED BY THE OFFICIAL’S REMOVAL FROM OFFICE PRIOR TO THE EXPIRATION OF HIS TERM; TO AUTHORIZE THE PRESIDING JUDGE BEFORE WHOM AN INCUMBENT ELECTED LOCAL, STATE, OR FEDERAL PUBLIC OFFICIAL WAS CONVICTED TO ORDER THE OFFICIAL TO PAY, COMPENSATE, OR REIMBURSE THE APPROPRIATE STATE OR LOCAL ELECTIONS AUTHORITY FOR THE ACTUAL COSTS OF HOLDING THE ENSUING PRIMARY, RUNOFF PRIMARY, OR SPECIAL ELECTION; AND TO REQUIRE THE ATTORNEY GENERAL OR THE CIRCUIT SOLICITOR TO ASK THE PRESIDING JUDGE TO INCLUDE AN ORDER REQUIRING THE ELECTED LOCAL, STATE, OR FEDERAL PUBLIC OFFICIAL TO PAY, COMPENSATE, OR REIMBURSE THE APPROPRIATE STATE OR LOCAL ELECTIONS AUTHORITY FOR THE ACTUAL COSTS OF HOLDING THE ENSUING PRIMARY, RUNOFF PRIMARY, OR SPECIAL ELECTION.

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

SECTION 1. Chapter 1, Title 8 of the 1976 Code is amended by adding:

“Section 8‑1‑200. (A) Notwithstanding another provision of law, an elected local, state, or federal public official whose office is declared vacant pursuant to the laws or Constitution of this State due to a criminal conviction during the official’s term of office shall pay, compensate, or reimburse the appropriate state or local elections authority for the actual costs of holding the ensuing primary, runoff primary, or special election necessitated by the official’s removal from office prior to the expiration of his term. If an elected local, state, or federal public official is convicted of a crime that will cause his office to be declared vacant prior to the expiration of his term, the presiding judge before whom the official was convicted, as part of his sentence, may order the official to pay, compensate, or reimburse the appropriate state or local elections authority for the actual costs of holding the ensuing primary, runoff primary, or special election pursuant to the provisions of this subsection.

(B) The Attorney General or the solicitor who prosecutes an incumbent elected local, state, or federal public official whose office must be declared vacant upon conviction shall ask the presiding judge to include an order requiring the elected public official to pay, compensate, or reimburse the appropriate state or local elections authority for the actual costs of holding the ensuing primary, runoff primary, or special election pursuant to the provisions of subsection (A).

(C) If an elected local, state, or federal public official is convicted in federal court of a crime that will cause his office to be declared vacant prior to the expiration of his term, then the South Carolina Attorney General shall petition the federal presiding judge to include an order requiring the official to pay, compensate, or reimburse the appropriate state or local elections authority for the actual costs of holding the ensuing primary, runoff primary, or special election pursuant to the provisions of subsection (A).”

SECTION 2. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑