**South Carolina General Assembly**

125th Session, 2023-2024

**S. 204**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Fanning

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Introduced in the Senate on January 10, 2023

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

Summary: County Council elections

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

11/30/2022 Senate Prefiled

11/30/2022 Senate Referred to Committee on **Judiciary**

1/10/2023 Senate Introduced and read first time ([Senate Journal‑page 106](h:\sj\20230110.docx))

1/10/2023 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 106](h:\sj\20230110.docx))

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**VERSIONS OF THIS BILL**

[12/01/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/204_20221201.docx)

A bill

TO AMEND the south carolina code of laws by adding chapter 2 to TITLE 4 so as TO PROVIDE THAT COUNTY COUNCIL ELECTIONS MAY BE CONDUCTED ON A PARTISAN OR NONPARTISAN BASIS, TO PROVIDE THAT PARTISAN ELECTIONS FOR COUNTY COUNCIL ARE THE DEFAULT, TO PROVIDE FOR TWO METHODS BY WHICH NONPARTISAN COUNTY COUNCIL ELECTIONS MAY BE IMPOSED, AND TO PROVIDE FOR THE MANNER IN WHICH THE NONPARTISAN ELECTIONS ARE HELD AND HOW CANDIDATES GAIN ACCESS TO THE BALLOT.

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

SECTION 1. Title 4 of the S.C. Code is amended by adding:

CHAPTER 2

Nonpartisan County Council Elections

Section 4‑2‑10. County council elections may be conducted on a partisan or nonpartisan basis.

Section 4‑2‑20. (A) All county council elections shall be conducted on a partisan basis unless:

(1) the legislative delegation representing the county, by resolution, designates that county council elections shall be conducted on a nonpartisan basis; or

(2) a majority of the qualified electors of the county choose, through a referendum held pursuant to Section 4‑2‑30, to hold county council elections on a nonpartisan basis.

(B) In a county that has chosen to elect members of the county council on a non‑partisan basis, the elections may revert to partisan elections through:

(1) a resolution adopted by the legislative delegation representing the county; or

(2) a referendum on that question held pursuant to Section 4‑2‑30 supported by a majority of the qualified electors voting in the referendum.

(C) A legislative delegation may exercise the authority provided in subsection (A)(1) or (B)(1) only once every four years.

(D) The nomination of candidates for partisan county council elections may be by party primary, by party convention, or by petition in accordance with the applicable provisions of the state election laws.

Section 4‑2‑30. (A) A referendum on the question of whether to hold county council elections on a partisan or nonpartisan basis may be called by the county council or upon petition of not less than ten percent of the registered electors of the county. Petitions shall be certified as valid or rejected by the county board of voter registration and elections within sixty days after they have been delivered to the board and, if certified, shall be filed with the county council which shall provide for a referendum.

(B) Referendums shall be conducted by the county board of voter registration and elections and must be held at the next general election. If a referendum is conducted, there shall be no change to the existing basis upon which county council elections are held unless the proposed change receives a favorable vote of a majority of those persons voting in the referendum. After a referendum has been held and regardless of whether a change in the basis upon which members are elected to the governing body results from the referendum, no additional referendums on that question shall be held for a period of four years.

Section 4‑2‑40. If a legislative delegation exercises its authority pursuant to Section 4‑2‑20(A)(1) or a referendum held on the question of whether to hold county council elections on a nonpartisan basis receives a favorable vote of a majority of those persons voting in a referendum, then the county council shall adopt by ordinance one of the following alternative methods of nominating candidates for and determining the results of its nonpartisan elections:

(1) the nonpartisan plurality method prescribed in Section 4‑2‑50;

(2) the nonpartisan election and runoff election method prescribed in Section 4‑2‑60; or

(3) the nonpartisan primary election and general election method prescribed in Section 4‑2‑70.

Section 4‑2‑50. In conducting nonpartisan elections and using the plurality method, the candidate who receives the highest number of votes shall be declared elected.

Section 4‑2‑60. (A) Except as otherwise provided in this section, results in nonpartisan county council elections in counties using the election and runoff election method shall be determined by a majority of the votes cast. A majority shall be ascertained by dividing the total votes cast for all candidates by two. Any excess of the sum so ascertained shall be a majority, and the candidate who obtains a majority shall be declared elected.

(B) If no candidate receives a majority of the votes cast in the first election, a runoff election shall be held two weeks later between the two candidates receiving the largest number of votes in the first election. The candidate receiving a majority of the votes cast in the runoff election shall be declared elected.

Section 4‑2‑70. (A) In counties whose county council elections are nonpartisan and that use the nonpartisan primary election and general election method, there shall be a primary election to reduce the field of candidates to two candidates for each county council seat to be filled. If only one or two candidates file for a county council seat, no primary election shall be held for that office, and the candidates shall be declared nominated.

(B) In the primary election, the two candidates receiving the highest number of votes shall be declared nominated.

(C) In the election, the names of those candidates declared nominated without a primary election or those candidates nominated in the primary election shall be placed on the ballot. The candidate for a single office receiving the highest number of votes shall be elected.

Section 4‑2‑80. The county council in a county whose county council elections are nonpartisan shall determine by ordinance the time and manner for filing by candidates.

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

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