**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3167**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Chumley

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Introduced in the House on January 10, 2023

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

Summary: President and Vice President, candidate qualifications

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/8/2022 House Prefiled

12/8/2022 House Referred to Committee on **Judiciary**

1/10/2023 House Introduced and read first time ([House Journal‑page 83](h:\hj\20230110.docx))

1/10/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 83](h:\hj\20230110.docx))

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**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3167_20221208.docx)

A bill

to amend the South Carolina Code of Laws by adding Section 7-11-22 so as to require the filing of signed and notarized declaration of candidacy forms by candidates for president of the united states to appear on a political party's presidential preference primary ballot, and to prohibit a candidate who fails to file such statement or meet the qualifications for the office from being certified or having his name printed on the ballot; by adding Section 7-11-35 so as to require the filing of a signed and notarized statement of qualifications by a candidate seeking nomination for the office of president of the united states by a party that nominates by convention, and to prohibit a candidate who fails to file such statement or meet the qualifications for the office from being certified or having his name printed on the ballot; by adding Section 7-11-87 so as to require the filing of a signed and notarized statement of qualifications by a candidate seeking nomination for the office of president of the united states by petition, and to prohibit a candidate who fails to file such statement or meet the qualifications for the office from being certified or having his name printed on the ballot; by amending Section 7-13-350, relating to the certification of candidates nominated by party primary or party convention, so as to provide that a political party must not certify the name of a candidate for President or Vice President of the United States who does not or will not meet the qualifications for the office of president of the United States; and by amending Section 7-13-351, relating to the certification of petition candidates, so as to provide that the State Election Commission must not certify the name of a candidate for President or Vice President who does not or will not meet the qualifications for the office of president of the united states.

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

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

Section 7‑11‑22. (A) The filing requirements set by the state committee of a certified political party for candidates for President of the United States to appear on the party’s presidential preference primary ballots pursuant to Section 7‑11‑20(B) must include the filing of a statement of qualifications in the following form signed by the candidate and notarized:

“I swear under penalty of perjury that I meet the qualifications for the office of President of the United States pursuant to Article II, Section 1, Clause 5 of the United States Constitution which states: ‘No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.’”

(B) A copy of each candidate’s signed and notarized statement of qualifications must be filed by a political party with the State Election Commission as part of the written certification of candidate names required by Section 7‑11‑20(B).

(C) A political party must not certify the name of a candidate who does not file a statement of qualifications as required by this section, and such candidate’s name must not be printed on any ballot.

(D) A political party must not certify the name of a candidate who does not or will not at the time of the general election meet the qualifications for the office of President of the United States under Article II, Section 1, Clause 5 of the United States Constitution, and such candidate’s name must not be placed on any ballot.

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

Section 7‑11‑35. (A) A candidate seeking nomination for the office of President of the United States by a political party that nominates by convention must file a statement of qualifications with the political party in the following form signed by the candidate and notarized:

“I swear under penalty of perjury that I meet the qualifications for the office of President of the United States pursuant to Article II, Section 1, Clause 5 of the United States Constitution which states: ‘No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.’”

(B) A political party that nominates by convention shall set the deadline for a candidate to file the statement of qualifications required by this section, provided it must precede the deadline for the certification of candidates pursuant to Section 7‑13‑350. A political party must not certify the name of a candidate who does not file a statement of intention of qualifications as required by this section, and such candidate’s name must not be printed on the ballot.

(C) A copy of each candidate’s signed and notarized statement of intention of qualifications must be filed by a political party with the State Election Commission as part of the written certification of candidate names required by Section 7‑13‑350.

(D) A political party must not certify the name of a candidate who does not or will not at the time of the general election meet the qualifications for office of President of the United States under Article II, Section 1, Clause 5 of the United States Constitution, and such candidate’s name must not be placed on the ballot.

SECTION 3. Article 1, Chapter 11, Title 7 of the S.C. Code is amended by adding:

Section 7‑11‑87. (A) A candidate seeking nomination by petition for the office of President of the United States must, at the time the petition is submitted, file a statement of intention of qualifications with the State Election Commission in the following form signed by the candidate and notarized:

“I swear under penalty of perjury that I meet the qualifications for the office of President of the United States pursuant to Article II, Section 1, Clause 5 of the United States Constitution which states: ‘No Person except a natural born Citizen, or a Citizen of the United States, at the time of the Adoption of this Constitution, shall be eligible to the Office of President; neither shall any Person be eligible to that Office who shall not have attained to the Age of thirty five Years, and been fourteen Years a Resident within the United States.’”

(B) A candidate who fails to file the statement of intention of qualifications required by this section by the deadline for submitting the petition under Section 7‑13‑351 must not have his name placed on the ballot.

(C) The State Election Commission must verify the qualifications of a potential petition candidate for President of the United States prior to the certification of that candidate to be placed on the ballot and no later than the deadline for verifying petition signatures under Section 7‑13‑351. Any candidate who does not or will not at the time of the general election meet the qualifications for the office of President of the United States under Article II, Section 1, Clause 5 of the United States Constitution must not have his name placed on the ballot.

SECTION 4. Section 7-13-350 of the S.C. Code is amended to read:

Section 7-13-350. (A) Except as otherwise provided in this section, the nominees in a party primary or party convention held under the provisions of this title by any political party certified by the commission for one or more of the offices, national, state, circuit, multi-county district, countywide, less than countywide, or municipal to be voted on in the general election, held on the first Tuesday following the first Monday in November, must be placed upon the appropriate ballot for the election as candidates nominated by the party by the authority charged by law with preparing the ballot if the names of the nominees are certified, in writing, by the political party chairman, vice-chairman, or secretary to the authority, for general elections held under Section 7-13-10, not later than twelve o'clock noon on August fifteenth or, if August fifteenth falls on Saturday or Sunday, not later than twelve o'clock noon on the following Monday; and for a special or municipal general election, by at least twelve o'clock noon on the sixtieth day prior to the date of holding the election, or if the sixtieth day falls on Sunday, by twelve o'clock noon on the following Monday. Political parties nominating candidates by primary or convention must verify the qualifications of those candidates prior to certification to the authority charged by law with preparing the ballot. The written certification required by this section must contain a statement that each candidate certified meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office for which he has filed. Any candidate who does not, or will not by the time of the general election, or as otherwise required by law, meet the qualifications for the office for which he has filed shall not be nominated and certified, and such candidate's name shall not be placed on a general, special, or municipal election ballot.

(B) Candidates for President and Vice President must be certified not later than twelve o'clock noon on the first Tuesday following the first Monday in September to the State Election Commission. A political party must not certify the name of a candidate for President or Vice President of the United States who does not or will not meet the qualifications for the office of President of the United States under Article II, Section 1, Clause 5 of the United States Constitution, and such candidate’s name must not be placed on the ballot.

SECTION 5. Section 7-13-351 of the S.C. Code is amended to read:

Section 7-13-351. (A) Any nominee by petition for one or more of the national, state, circuit, multi-county district, countywide, or less than countywide offices, to be voted on in the general election must be placed upon the appropriate ballot by the officer, commissioners, or other authority charged by law with preparing the ballot if the petition is submitted to the officer, commissioner, or other authority, as the case may be, for general elections held under Section 7-13-10, not later than twelve o'clock noon on July fifteenth or, if July fifteenth falls on Saturday or Sunday, not later than twelve o'clock noon on the following Monday. At the time the petition is submitted, the authority charged with accepting it shall issue a receipt to the person submitting the petition which must reflect the date it was submitted and the total number of signatures contained in the petition. The county board of voter registration and elections of each respective county must check the petition at the request of the authority charged with printing the ballot for that office and must certify the results to the authority not later than twelve o'clock noon August fifteenth or, if August fifteenth falls on Sunday, not later than twelve o'clock noon on the following Monday.

(B) The petition of any candidate in any special election, including municipal special elections, must be submitted to the authority charged with printing the ballot for those offices not later than twelve o'clock noon on the sixtieth day prior to the date of the holding of the election, or if the sixtieth day falls on Sunday, by not later than twelve o'clock noon on the following Monday. At the time a petition is submitted, the authority charged with accepting it must issue a receipt to the person submitting the petition which must reflect the date the petition was submitted and the total number of signatures contained in the petition. The candidate submitting the petition must certify, on a form designed and provided by the State Election Commission, that he meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office sought. The board of voter registration and elections of each respective county must check the petition at the request of the authority charged with printing of the ballots for that office and must certify the results thereof to the authority not later than twelve o'clock noon on the forty-fifth day prior to the date of holding the election, or if the forty-fifth day falls on Sunday, by twelve o'clock noon on the following Monday.

(C) Once submitted for verification, a petition for nomination of a candidate for any office may not be returned to the petitioner, but must be retained by the authority to whom the petition was submitted and must become a part of the records of the election for which the petition was submitted.

(D) In the event of an emergency declared by the Governor and the conditions precipitating the emergency declaration prevent a candidate from filing the nominating petition within the time required by this section, the candidate has an additional five days to submit the nominating petition to the appropriate office.

(E) The authority to whom a petition is submitted must verify that qualifications of each potential petition candidate prior to certification of that candidate to be placed on the ballot. The written certification required by this section must contain a statement that each candidate certified meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office for which the petition is submitted. Any candidate who does not, or will not by the time of the general election, or as otherwise required by law, meet the qualifications for the office sought shall not have his name placed on the ballot.

(F) The State Election Commission must not certify the name of a candidate for President or Vice President of the United States who does not or will not meet the qualifications for the office of President of the United States under Article II, Section 1, Clause 5 of the United States Constitution, and such candidate’s name must not be placed on the ballot.

SECTION 6. This act takes effect upon approval by the Governor.

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