**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3606**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. B. Newton and Taylor

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Introduced in the House on January 11, 2023

Currently residing in the House

Summary: Primary runoffs, abolish

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/11/2023 House Introduced and read first time ([House Journal‑page 35](h:\hj\20230111.docx))

1/11/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 35](h:\hj\20230111.docx))

1/26/2023 House Member(s) request name added as sponsor: Taylor

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**VERSIONS OF THIS BILL**

[01/11/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3606_20230111.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 7‑13‑42 SO AS TO PROVIDE THAT THE CANDIDATE WHO RECEIVES THE LARGEST NUMBER OF VOTES CAST FOR A GIVEN OFFICE IN THE PRIMARY OF A POLITICAL PARTY IS CONSIDERED NOMINATED; BY AMENDING SECTIONS 7‑5‑150 and 7‑5‑220, both RELATING TO THE VOTER REGISTRATION DEADLINE PRECEDING AN ELECTION, both SO AS TO REMOVE REFERENCES TO RUNOFF ELECTIONS; BY AMENDING SECTION 7‑11‑55, RELATING TO SPECIAL PRIMARY ELECTIONS TO REPLACE A PARTY NOMINEE, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTIONS 7‑13‑25, 7‑13‑40, and 7‑13‑190, RELATING TO EARLY VOTING, THE DATE OF PARTY PRIMARY ELECTIONS, AND SPECIAL ELECTIONS TO FILL VACANCIES IN OFFICE, RESPECTIVELY, ALL SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 7‑17‑280, RELATING TO MANDATORY RECOUNTS, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 7‑17‑510, RELATING TO CANVASS AND CERTIFICATION OF PRIMARY RESULTS, SO AS TO MAKE CONFORMING CHANGES; AND by repealing SECTIONS 7‑13‑50, 7‑17‑600, AND 7‑17‑610 RELATING TO SECOND PRIMARIES OR RUNOFFS, THE REQUIREMENT THAT A CANDIDATE RECEIVE A MAJORITY OF VOTES CAST IN A FIRST PRIMARY TO BE DECLARED NOMINATED, AND METHODS OF DETERMINING WHAT CONSTITUTES A MAJORITY VOTE FOR A PARTICULAR OFFICE, RESPECTIVELY.

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

SECTION 1. Article 1, Chapter 13, Title 7 of the S.C. Code is amended by adding:

Section 7‑13‑42. The candidate who receives the largest number of votes cast for a given office in the primary of a political party held under the provisions of this title is considered nominated for that office whether or not the candidate receives a majority of the votes cast.

SECTION 2.A. Section 7‑5‑150 of the S.C. Code is amended to read:

Section 7‑5‑150. The registration books shall be closed thirty days before each election, but only as to that election or any second race or runoff resulting from that election, and shall remain closed until the election has taken place, anything in this article to the contrary notwithstanding; provided, that the registration books shall be closed thirty days before the June primary and shall remain closed until after the second primary and shall likewise be closed thirty days before the November general election. They shall thereafter be opened from time to time in accordance with the provisions of this article. Any person eligible to register who has been discharged or separated from his service in the Armed Forces of the United States, and returned home too late to register at the time when registration is required, is entitled to register for the purpose of voting in the next ensuing election after the discharge or separation from service, up to 5:00 p.m. on the day of the election. This application for registration must be made at the office of the board of voter registration and elections in the county in which the person wishes to register, and if qualified, the person must be issued a registration notification stating the precinct in which he is entitled to vote and a certification to the managers of the precinct that he is entitled to vote and should be placed on the registration rolls of the precinct. Persons who become of age during this period of thirty days shall be entitled to register before the closing of the books if otherwise qualified.

B. Section 7‑5‑220 of the S.C. Code is amended to read:

Section 7‑5‑220. Except as provided in Section 7‑5‑150, registration made thirty days or less before any election is not valid for that election or any second race or runoff resulting from that election but such registration shall be valid in any other election.

SECTION 3. Section 7‑11‑55 of the S.C. Code is amended to read:

Section 7‑11‑55. If a party nominee dies, becomes disqualified after his nomination, or resigns his candidacy for a legitimate nonpolitical reason as defined in Section 7‑11‑50 and was selected through a party primary election, the vacancy must be filled in a special primary election to be conducted as provided in this section. The filing period for this special primary election opens the second Tuesday after the death, disqualification, or approval of the resignation for one week. The special primary election then must be conducted on the second Tuesday immediately following the close of the filing period. A runoff, if necessary, must be held two weeks after the first primary. The nomination must be certified not less than two weeks before the date of the general election. If the nomination is certified two weeks or more before the date of the general election, that office is to be filled at the general election.

If the nomination is certified less than two weeks before the date of the general election, that office must not be filled at the general election but must be filled in a special election to be held on the second Tuesday in the month following the election, provided that the date of the special election to be conducted after the general election may be combined with other necessary elections scheduled to occur within a twenty‑eight day period in the manner authorized by Section 7‑13‑190(D).

The procedures for resigning a candidacy under this section for legitimate nonpolitical reasons are the same as provided in Section 7‑11‑50.

Where the party nominee was unopposed, each political party registered with the State Election Commission has the privilege of nominating a candidate for the office involved through a special primary election in the same manner and under the same procedures stipulated by this section.

SECTION 4.A. Section 7‑13‑25(F) of the S.C. Code is amended to read:

(F) The county board of voter registration and elections shall provide the hours of operation for the early voting center or centers in accordance with the following:

(1) for statewide general elections, the early voting centers must be open from 8:30 a.m. until 6:00 p.m. on each day of the early voting period;

(2) for any election that is not a statewide general election or runoff election, the early voting centers must be open Monday through Friday from 8:30 a.m. until 5:00 p.m. during the early voting period; and

(3) for any runoff election, the early voting centers must be open on the Wednesday through Friday immediately preceding the election and must be open from 8:30 a.m. until 5:00 p.m.; and

(4) for any election, the early voting centers must not be open on Sundays or on legal holidays.

B. Section 7‑13‑40 of the S.C. Code is amended to read:

Section 7‑13‑40. In the event that a party nominates candidates by party primary, a party primary must be held by the party and conducted by the State Election Commission and the respective county boards of voter registration and elections on the second Tuesday in June of each general election year, and a second and third primary each two weeks successively thereafter, if necessary. Written certification of the names of all candidates to be placed on primary ballots must be made by the political party chairman, vice chairman, or secretary to the State Election Commission or the county board of voter registration and elections whichever is responsible under law for preparing the ballot, not later than twelve o'clock noon on April fifth, or if April fifth falls on a Saturday or Sunday, not later than twelve o'clock noon on the following Monday. Political parties nominating candidates by party primary must verify the qualifications of those candidates prior to certification to the appropriate election commission of the names of candidates to be placed on primary ballots. The written verification 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 office for which he has filed. A political party must not certify 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 the candidate has filed, and such candidate's name shall not be placed on a primary ballot. The filing fees for all candidates filing to run in all primaries, except municipal primaries, must be transmitted by the respective political parties to the State Election Commission and placed by the executive director of the commission in a special account designated for use in conducting primary elections and must be used for that purpose. The filing fee for each office is one percent of the total salary for the term of that office or one hundred dollars, whichever amount is greater.

C. Section 7‑13‑190(B)(2) of the S.C. Code is amended to read:

(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.

SECTION 5. Section 7‑17‑280 of the S.C. Code is amended to read:

Section 7‑17‑280. Whenever the difference between the number of votes received by a candidate who has been declared nominated for an office in a primary election or who has been declared elected to an office in a general election and the number of votes received by any other candidate or candidate not declared so nominated or elected or whenever the difference between the number of votes received by a candidate who received the least number of votes to qualify for a runoff election and a candidate or candidates who did not so qualify shall be not more than one percent of the total votes which were cast for such office therein, the committee or board charged by law with canvassing such votes shall order a recount of such votes to be made forthwith unless such other candidate or candidates shall waive a recount in writing.

Whenever the difference between the number of votes cast in favor of and opposed to any constitutional amendment, question or other issue is not more than one percent of the total cast thereon, the Board of State Canvassers shall order a recount of such votes to be made forthwith.

SECTION 6. Section 7‑17‑510 of the S.C. Code is amended to read:

Section 7‑17‑510. The board of voter registration and elections for the counties shall convene a meeting on the Thursday next following the primary, before one o'clock p.m. of that day and shall organize as the county board of canvassers for primaries. They may appoint a competent person as secretary. The chairman shall administer the constitutional oath to each member of the board and to the secretary. The secretary shall administer to the chairman the same oath. Each county board of canvassers for primaries shall canvass the votes of the county and declare the results. The county board of canvassers for primaries shall make statements of the votes of the precincts of its county as the nature of the primary requires not later than twelve o'clock noon on the Saturday next following the primary and at that time transmit and certify to the Board of State Canvassers the results of its findings. This procedure must be repeated following every primary runoff. The Board of State Canvassers shall convene a meeting scheduled through the office of the State Election Commission and shall canvass the vote and declare the results of the primaries and the runoffs no later than twelve o'clock noon on the Saturday next following the primary in the State for state offices, federal offices, and offices involving more than one county. Nothing in this section prohibits any meeting required by this section from being conducted by using telephone conference or other means of telecommunication or electronic communication. Any meeting provided for in this section must be accessible and without cost to the public and must comply with the notice requirements of Chapter 4, Title 30, the Freedom of Information Act.

SECTION 7. Sections 7‑13‑50, 7‑17‑600, and 7‑17‑610 of the S.C. Code are repealed.

SECTION 8. This act takes effect upon approval by the Governor and applies to all primaries conducted after March 31, 2024.

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