**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3734**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. B. Newton, Cobb-Hunter and Felder

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Introduced in the House on January 18, 2023

Introduced in the Senate on April 27, 2023

Last Amended on April 26, 2023

Currently residing in the House

Summary: Municipal elections

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 1/18/2023 House Introduced and read first time (House Journal‑page 15)

 1/18/2023 House Referred to Committee on **Judiciary** (House Journal‑page 15)

 1/26/2023 House Member(s) request name added as sponsor: Cobb-Hunter

 4/19/2023 House Member(s) request name added as sponsor: Felder

 4/19/2023 House Committee report: Favorable with amendment **Judiciary** (House Journal‑page 24)

 4/21/2023 Scrivener's error corrected

 4/26/2023 House Amended (House Journal‑page 31)

 4/26/2023 House Read second time (House Journal‑page 31)

 4/26/2023 House Roll call Yeas-111 Nays-0 (House Journal‑page 32)

 4/27/2023 House Read third time and sent to Senate (House Journal‑page 7)

 4/27/2023 Senate Introduced and read first time (Senate Journal‑page 6)

 4/27/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 6)

 10/12/2023 Senate Referred to Subcommittee: Campsen (ch), Hutto,
 Malloy, Garrett, Kimbrell

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**VERSIONS OF THIS BILL**

[01/18/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3734_20230118.docx)

[04/19/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3734_20230419.docx)

[04/21/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3734_20230421.docx)

[04/26/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/3734_20230426.docx)

Indicates Matter Stricken

Indicates New Matter

Amended

April 26, 2023

H. 3734

Introduced by Reps. B. Newton, Cobb-Hunter and Felder

S. Printed 04/26/23--H.

Read the first time January 18, 2023

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 5‑15‑10, RELATING TO THE CONDUCT OF MUNICIPAL PRIMARY, GENERAL, AND SPECIAL ELECTIONS, SO AS TO REQUIRE THAT ALL SUCH MUNICIPAL ELECTIONS BE CONDUCTED USING THE VOTING SYSTEM APPROVED AND ADOPTED BY THE STATE ELECTION COMMISSION; BY AMENDING SECTION 5‑15‑40, RELATING TO TERMS OF OFFICE OF MAYOR AND COUNCILMEN, SO AS TO PROVIDE THAT THE TERMS OF THE MAYOR AND COUNCILMEN COMMENCE the monday following CERTIFICATION OF THE ELECTION RESULTS; BY AMENDING SECTION 5‑15‑50, RELATING TO ESTABLISHMENT OF MUNICIPAL WARD LINES AND TIME FOR MUNICIPAL GENERAL AND SPECIAL ELECTIONS, SO AS TO, among other things, REQUIRE THAT MUNICIPAL GENERAL ELECTIONS BE HELD ON ONE OF CERTAIN ENUMERATED DATES, PROHIBIT THE TERMS OF INCUMBENT COUNCIL MEMBERS FROM BEING EXTENDED WHEN A NEW TIME FOR MUNICIPAL GENERAL ELECTIONS IS ESTABLISHED, AND REQUIRE MUNICIPAL SPECIAL ELECTIONS SCHEDULED TO OCCUR WITHIN CERTAIN TIME FRAMES OF the municipality’s GENERAL ELECTION TO BE HELD AT THE SAME TIME AS THE GENERAL ELECTION; BY AMENDING SECTION 5‑15‑100, RELATING TO FUNCTIONS, POWERS, AND DUTIES OF MUNICIPAL ELECTION COMMISSIONs, SO AS TO EXTEND THE TIME FRAME BY WHICH A MUNICIPAL ELECTION COMMISSION MUST MEET AND DECLARE THE RESULTS FOLLOWING AN ELECTION; BY AMENDING SECTION 5‑15‑120, RELATING TO VOTE COUNTING IN MUNICIPAL ELECTIONS, SO AS TO CHANGE THE TIME WHEN NEWLY ELECTED OFFICERS MAY BE QUALIFIED and their terms commence TO THE monday after certification of the election results; AND BY AMENDING SECTION 5‑15‑145, RELATING TO TRANSFER OF AUTHORITY TO CONDUCT MUNICIPAL ELECTIONS TO COUNTY ELECTION COMMISSIONS, SO AS TO REQUIRE COUNTY ELECTION COMMISSIONS TO CONDUCT MUNICIPAL ELECTIONS FOR MUNICIPALITIES THAT ELECT TO TRANSFER AUTHORITY.

 Amend Title To Conform

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

SECTION 1. Section 5‑15‑10 of the S.C. Code is amended to read:

 Section 5‑15‑10. (A) Municipal primary, general, and special elections shall must be conducted pursuant to Title 7, mutatis mutandis, except as otherwise provided for specifically in Chapters 1 through 17.

 (B) All municipal primary, general, and special elections must be conducted using the voting system or systems approved and adopted by the State Election Commission pursuant to Section 7‑13‑1655.

SECTION 2.A. Section 5‑15‑50 of the S.C. Code is amended to read:

 Section 5‑15‑50. (A) Each municipal governing body may by ordinance establish municipal ward lines and the time for general and special elections within the municipality in accordance with the provisions of this section. Public notice of the elections shall be given at least sixty days prior to such elections.

 (B) The time for general elections within a municipality must be established on odd‑numbered years as follows:

 (1) on the third Tuesday in March;

 (2) on the first Tuesday in July; or

 (3) on the first Tuesday after the first Monday of November.

 (C) A municipal governing body which establishes, or has established, the first Tuesday after the first Monday of November of odd years as the time for its general elections may not subsequently establish a different time for its general elections.

 (D) In the event a municipal governing body must establish a new time for general elections to comply with the provisions of this section, the terms of incumbent council members elected in an even year may not be extended or lengthened beyond the terms for which the council members were elected to serve. For incumbent council members elected in an odd year, the terms may be extended to the new election date.

B. Each municipal governing body must establish by ordinance one of the three times for general elections permitted by Section 5‑15‑50 within ninety days of the effective date of this act. Any municipal governing body that fails to timely comply with this requirement is considered to have established its general elections on the first Tuesday after the first Monday of November of odd‑numbered years, the first of which must be held in November of 2025.

SECTION 3. Section 5‑15‑100 of the S.C. Code is amended to read:

 Section 5‑15‑100. (A) The municipal election commission shall be vested with the functions, powers and duties of Municipal Supervisors of Registration if no such supervisors have been appointed pursuant to §Section 7‑5‑640, and shall also have the functions, powers and duties of commissioners of election, as set forth in §Section 7‑5‑10 and other provisions of Title 7. The municipal election commission shall insure proper books of registration are provided for each ward or precinct, shall prepare and distribute ballots and election materials, appoint managers of election for each polling place and otherwise supervise and conduct all municipal, special and general elections. The managers shall certify the results of the election to the commission within one day. and The commission shall meet on the Friday next following the election and shall declare the results not later than three daysnoon on the Saturday next following the election.

 (B) Nominees in a party primary or party convention and nominees by petition shall be certified to the municipal election commission within the time specified herein and when so certified, the commission shall place the names of such nominees upon the ballots.

SECTION 4. Section 5‑15‑120 of the S.C. Code is amended to read:

 Section 5‑15‑120. (A) Immediately upon the closing of the polls at any municipal election, the managers shall count publicly the votes cast and make a statement of the whole number of votes cast in such election together with the number of votes cast for each candidate for mayor and councilman and transmit this information to the municipal election commission. In partisan elections the person securing the highest number of votes for mayor shall be declared elected and the councilmen shall be selected by the following methods:

 (a)(1) When all councilmen are to be elected at large, the persons receiving the highest number of votes in number equal to the number to be chosen shall be declared elected.

 (b)(2) When the councilmen are to be elected from each ward and are required to be residents of that ward, the person receiving the highest number of votes in that ward shall be declared elected.

 (c)(3) When some councilmen are to be elected from each ward and required to be residents of that ward and the remainder of the councilmen to be elected at large, those persons receiving the highest number of votes in each ward shall be declared elected and those persons running at large who receive the highest number of votes in number equal to the number to be chosen at large shall be declared elected.

 (d)(4) When all councilmen are to be elected at large, but required to reside in a particular ward, the person receiving the highest number of votes for the seat to be filled shall be declared elected.

 (e)(5) When all councilmen are to be elected at large, but some are required to be residents of particular wards and other councilmen may not be so required, the person receiving the highest number of votes for the seat to be filled shall be declared elected.

 (B) Newly elected officers shall not be qualified, and their terms do not commence, until at least forty‑eight hours after the closing of the polls the next regular meeting of the municipal council in the month following certification of the election results by the election commission. and In the case a contest is finally filed the incumbents shall hold over until the contest is finally determined. Officers shall serve their terms pursuant to Section 5-15-40 or until their successors are elected and qualified.

SECTION 5. Section 5‑15‑145(A) of the S.C. Code is amended to read:

 (A) Municipalities are authorized to transfer authority for conducting municipal elections to the county boards of voter registration and elections commission. County boards of voter registration and elections commissions are authorized toshall conduct municipal elections for municipalities that elect to transfer authority for conducting municipal elections pursuant to the provisions of this section.

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

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