**South Carolina General Assembly**

125th Session, 2023-2024

**H. 4589**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. G.M. Smith, Robbins, Murphy, Gatch, Brewer and Wheeler

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Introduced in the House on January 9, 2024

Introduced in the Senate on March 5, 2024

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

Summary: Municipal election protests

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/16/2023 House Prefiled

 11/16/2023 House Referred to Committee on **Judiciary**

 1/9/2024 House Introduced and read first time (House Journal‑page 92)

 1/9/2024 House Referred to Committee on **Judiciary** (House Journal‑page 92)

 1/25/2024 House Member(s) request name added as sponsor: Robbins,
 Murphy, Brewer, Gatch

 2/28/2024 House Committee report: Favorable **Judiciary** (House Journal‑page 11)

 2/29/2024 House Member(s) request name added as sponsor: Wheeler

 2/29/2024 House Read second time (House Journal‑page 31)

 2/29/2024 House Roll call Yeas-110 Nays-0 (House Journal‑page 32)

 2/29/2024 House Unanimous consent for third reading on next legislative day (House Journal‑page 33)

 3/5/2024 Senate Introduced and read first time (Senate Journal‑page 7)

 3/5/2024 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 7)

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4589&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[11/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4589_20231116.docx)

[02/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4589_20240228.docx)

[02/28/2024-A](https://www.scstatehouse.gov/sess125_2023-2024/prever/4589_20240228a.docx)

Indicates Matter Stricken

Indicates New Matter

Committee Report

February 28, 2024

H. 4589

Introduced by Reps. G. M. Smith, Robbins, Murphy, Gatch and Brewer

S. Printed 02/28/24--H.

Read the first time January 09, 2024

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The committee on House Judiciary

To whom was referred a Bill (H. 4589) to amend the South Carolina Code of Laws by amending Section 5-15-120, relating to vote counting in municipal elections, so as to delete language providing that, etc., respectfully

Report:

That they have duly and carefully considered the same, and recommend that the same do pass:

W. NEWTON for Committee.

statement of estimated fiscal impact

Explanation of Fiscal Impact

State Expenditure

This bill removes a provision of code requiring incumbent elected municipal officials to hold over pending final determination of any contest filed. The bill also removes the requirement that a notice of an appeal of a municipal election outcome must act as a stay of further proceedings and requires appeals to be granted first priority consideration of the court.

The SEC provides oversight and funding for municipal election commissions in the state. The SEC indicates that all changes to municipal election law made by the bill will be managed within the commission’s existing resources. Judicial reports that granting first priority consideration to municipal election appeals will be managed by existing court staff and appropriations. Therefore, this bill will have no impact on the SEC nor Judicial.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

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A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 5-15-120, RELATING TO VOTE COUNTING IN MUNICIPAL ELECTIONS, SO AS TO DELETE LANGUAGE PROVIDING THAT INCUMBENTS HOLD OVER PENDING FINAL DETERMINATION OF ANY CONTESTS FILED; AND BY AMENDING SECTION 5-15-140, RELATING TO APPEALS FROM DECISIONS REGARDING MUNICIPAL ELECTION CONTESTS, SO AS TO DELETE LANGUAGE PROVIDING THAT A NOTICE OF APPEAL ACTS AS A STAY OF FURTHER PROCEEDINGS, AND TO PROVIDE THAT APPEALS ARE TO BE GIVEN FIRST PRIORITY OF CONSIDERATION BY THE COURT OF COMMON PLEAS.

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

SECTION 1. Section 5-15-120 of the S.C. Code is amended to read:

 Section 5-15-120. 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) 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) 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) 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) 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) 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.

 Newly elected officers shall not be qualified until at least forty-eight hours after the closing of the polls and in the case a contest is finally filed the incumbents shall hold over until the contest is finally determined.

SECTION 2. Section 5-15-140 of the S.C. Code is amended to read:

 Section 5-15-140. Within ten days after notice of the decision of the municipal election commission, any party aggrieved thereby may appeal from such decision to the court of common pleas. Notice of appeal shall be served on the opposing parties or their attorneys and filed in the office of the clerk of court within ten days. The notice of appeal shall act as a stay of further proceedings pending the appealAppeals shall be granted first priority of consideration by the court.

SECTION 3. This act takes effect upon approval by the Governor.

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