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COMMITTEE REPORT

March 22, 2017

**H. 3685**

Introduced by Rep. Quinn

S. Printed 3/22/17--H.

Read the first time February 8, 2017.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (H. 3685) to amend Section 7‑13‑190, as amended, Code of Laws of South Carolina, 1976, relating to special elections to fill vacancies, etc., respectfully

**REPORT:**

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

Amend the bill, as and if amended, by deleting all after the enacting words and inserting:

/ SECTION 1. Section 7‑13‑190(B) of the 1976 Code, as last amended by Act 412 of 1998, is further amended to read:

“(B)(1) In partisan elections, whether seeking nomination by political party primary or political party convention, filing by these candidates shall open for the office at twelve o’clock noon on the third Friday after the vacancy occurs for a period to close ~~ten~~ eight days later at twelve o’clock noon. If seeking nomination by petition, the petitions must be submitted not later than twelve o’clock noon, sixty days prior to the election. Verification of these petitions must be made not later than twelve o’clock noon forty‑five days prior to the election. If seeking nomination by political party primary or political party convention, filing with the appropriate official is the same as provided in Section 7‑11‑15, and if seeking nomination by petition, filing with the appropriate official is the same as provided in Section 7‑11‑70.

(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 ~~eighteenth~~ twentieth Tuesday after the vacancy occurs. If the ~~eighteenth~~ twentieth Tuesday after the vacancy occurs is no more than sixty days prior to the general election, the special election ~~shall~~ 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, ~~it~~ 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 2. This act takes effect upon approval by the Governor. /

Renumber sections to conform.

Amend title to conform.

F. GREGORY DELLENEY, JR. for Committee.

**A** **BILL**

TO AMEND SECTION 7‑13‑190, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO SPECIAL ELECTIONS TO FILL VACANCIES IN OFFICE, SO AS TO ADJUST THE DATES ON WHICH PRIMARIES, RUNOFF PRIMARIES, AND SPECIAL ELECTIONS MUST BE HELD IN ORDER TO COMPLY WITH THE “SOUTH CAROLINA UNIFORM MILITARY AND OVERSEAS VOTERS ACT”.

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

SECTION 1. Section 7‑13‑190(B) of the 1976 Code, as last amended by Act 412 of 1998, is further amended to read:

“(B)(1) In partisan elections, whether seeking nomination by political party primary or political party convention, filing by these candidates shall open for the office at twelve o’clock noon on the third Friday after the vacancy occurs for a period to close ten days later at twelve o’clock noon. If seeking nomination by petition, the petitions must be submitted not later than twelve o’clock noon, sixty days prior to the election. Verification of these petitions must be made not later than twelve o’clock noon forty‑five days prior to the election. If seeking nomination by political party primary or political party convention, filing with the appropriate official is the same as provided in Section 7‑11‑15, and if seeking nomination by petition, filing with the appropriate official is the same as provided in Section 7‑11‑70.

(2) A primary must be held on the ~~eleventh~~ twelfth Tuesday after the vacancy occurs. A runoff primary must be held on the ~~thirteenth~~ fourteenth Tuesday after the vacancy occurs. The special election must be on the ~~eighteenth~~ twenty‑first Tuesday after the vacancy occurs. If the ~~eighteenth~~ twenty‑first Tuesday after the vacancy occurs is no more than sixty days prior to the general election, the special election ~~shall~~ 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, ~~it~~ 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 2. This act takes effect upon approval by the Governor.

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