**South Carolina General Assembly**

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**S. 20**

**STATUS INFORMATION**

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

Summary: Sheriff qualifications

**HISTORY OF LEGISLATIVE ACTIONS**

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\20_20201209.docx)

**A** **BILL**

TO AMEND SECTION 7‑13‑40, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO CANDIDATES’ QUALIFICATIONS, SO AS TO PROVIDE THAT A CANDIDATE FOR SHERIFF AND A CANDIDATE FOR CORONER MAY BE CERTIFIED BY A POLITICAL PARTY OR AUTHORITY TO WHICH A PETITION IS SUBMITTED IF THE CANDIDATE SUBMITS A SWORN FULLY COMPLETED AFFIDAVIT; TO AMEND SECTION 7‑13‑350, RELATING TO CERTIFICATION OF CANDIDATES, SO AS TO PROVIDE THAT A CANDIDATE FOR SHERIFF AND A CANDIDATE FOR CORONER MAY BE CERTIFIED BY A POLITICAL PARTY OR AUTHORITY TO WHICH A PETITION IS SUBMITTED IF THE CANDIDATE SUBMITS A SWORN FULLY COMPLETED AFFIDAVIT; TO AMEND SECTION 7‑13‑351, RELATING TO NOMINEES BY PETITION, SO AS TO PROVIDE THAT A CANDIDATE FOR SHERIFF AND A CANDIDATE FOR CORONER MAY BE CERTIFIED BY A POLITICAL PARTY OR AUTHORITY TO WHICH A PETITION IS SUBMITTED IF THE CANDIDATE SUBMITS A SWORN FULLY COMPLETED AFFIDAVIT; TO AMEND SECTION 17‑5‑130, AS AMENDED, RELATING TO CORONER QUALIFICATIONS, SO AS TO PROVIDE THAT A CANDIDATE FOR CORONER MAY BE CERTIFIED BY A POLITICAL PARTY OR AUTHORITY TO WHICH A PETITION IS SUBMITTED IF THE CANDIDATE SUBMITS A SWORN FULLY COMPLETED AFFIDAVIT AND, IN ADDITION, TO SPECIFY THAT A FORENSIC SCIENCE DEGREE OR CERTIFICATION PROGRAM TO BE COMPLETED WITHIN ONE YEAR OF BEING ELECTED TO THE OFFICE OF CORONER MUST BE POSTED ON THE SOUTH CAROLINA CORONERS ASSOCIATION WEBSITE AND, BEFORE ANY CHANGE TO THE APPROVED RECOGNIZED FORENSIC SCIENCE DEGREE OR CERTIFICATION PROGRAM TAKES PLACE, THE NEWLY RECOGNIZED FORENSIC SCIENCE DEGREE OR CERTIFICATION PROGRAM MUST BE APPROVED BY THE CRIMINAL JUSTICE ACADEMY AND POSTED ON THE SOUTH CAROLINA CORONERS ASSOCIATION WEBSITE; AND TO AMEND SECTION 23‑11‑110, AS AMENDED, RELATING TO THE QUALIFICATIONS THAT A SHERIFF MUST POSSESS, SO AS TO PROVIDE THAT A CANDIDATE FOR SHERIFF MAY BE CERTIFIED BY A POLITICAL PARTY OR AUTHORITY TO WHICH A PETITION IS SUBMITTED IF THE CANDIDATE SUBMITS A SWORN FULLY COMPLETED AFFIDAVIT.

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

SECTION 1. Section 7‑13‑40 of the 1976 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.

For purposes of this section, a candidate for coroner may be certified by a political party to the appropriate election commission if the candidate has submitted a fully completed sworn affidavit as required by Section 17‑5‑130.

For purposes of this section, a candidate for sheriff may be certified by a political party to the appropriate election commission if the candidate has submitted a fully completed sworn affidavit as required by Section 23‑11‑110.”

SECTION 2. Section 7‑13‑350 of the 1976 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.

(C) For purposes of this section, a candidate for coroner may be certified by a political party to the appropriate election commission if the candidate has submitted a fully completed sworn affidavit as required by Section 17‑5‑130.

(D) For purposes of this section, a candidate for sheriff may be certified by a political party to the appropriate election commission if the candidate has submitted a fully completed sworn affidavit as required by Section 23‑11‑110.”

SECTION 3. Section 7‑13‑351 of the 1976 Code is amended to read:

“Section 7‑13‑351. 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.

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.

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.

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.

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.

For purposes of this section, a petition candidate for coroner may be certified by the authority to whom the petition is submitted if the candidate has submitted a fully completed sworn affidavit as required by Section 17‑5‑130.

For purposes of this section, a petition candidate for sheriff may be certified by the authority to whom the petition is submitted if the candidate has submitted a fully completed sworn affidavit as required by Section 23‑11‑110.”

SECTION 4. Section 17‑5‑130 of the 1976 Code, as last amended by Act 183 of 2018, is further amended to read:

“Section 17‑5‑130. (A)(1) A coroner in this State shall have all of the following qualifications, the person shall:

(a) be a citizen of the United States;

(b) be a resident of the county in which the person seeks the office of coroner for at least one year before qualifying for the election to the office;

(c) be a registered voter;

(d) have attained the age of twenty‑one years before the date of qualifying for election to the office;

(e) have obtained a high school diploma or its recognized equivalent by the State Department of Education; and

(f) have not been convicted of a felony offense or an offense involving moral turpitude contrary to the laws of this State, another state, or the United States.

(2) In addition to the requirements of subsection (A)(1), a coroner in this State shall have at least one of the following qualifications, the person shall:

(a) have at least three years of experience in death investigation with a law enforcement agency, coroner, or medical examiner agency;

(b) have a two‑year associate degree and two years of experience in death investigation with a law enforcement agency, coroner, or medical examiner agency;

(c) have a four‑year baccalaureate degree and one year of experience in death investigation with a law enforcement agency, coroner, or medical examiner agency;

(d) be a law enforcement officer, as defined by Section 23‑23‑10(E)(1), who is certified by the South Carolina Law Enforcement Training Council with a minimum of two years of experience;

(e) have completed a recognized forensic science degree or certification program or be enrolled in a recognized forensic science degree or certification program to be completed within one year of being elected to the office of coroner;

(f) be a medical doctor; or

(g) have a bachelor of science degree in nursing.

(B)(1) A person who offers his candidacy for the office of coroner, no later than the close of filing, shall file a fully completed sworn affidavit on a form designed and provided by the South Carolina Election Commission with the county executive committee of the person’s political party.

(2) The county executive committee of a political party with whom a person has filed his affidavit must file a copy of the fully completed sworn affidavit with the appropriate county election commission by noon on the tenth day following the deadline for filing affidavits by candidates. If the tenth day falls on a Saturday, Sunday, or a holiday, the affidavit must be filed by noon the following day.

(3) A person who seeks nomination by petition for the office of coroner, no later than the close of filing, shall file a fully completed sworn affidavit with the county election commission in the county of his residence.

(4) The affidavit required by the provisions of this subsection must contain a statement that the person meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office of coroner and the following information:

(a) the person’s date and place of birth;

(b) the person’s citizenship;

(c) the county the person is a resident of, and how long the person has been a resident of that county;

(d) whether the person is a registered voter;

(e) the date the person obtained a high school diploma or its recognized equivalent by the State Department of Education;

(f) whether the person has been convicted of a felony offense or an offense involving moral turpitude contrary to the laws of this State, another state, or the United States;

(g) the date the person obtained an associate or baccalaureate degree, if applicable;

(h) the date the person completed a recognized forensic science degree or certification program, or information regarding the person’s enrollment in a recognized forensic science degree or certification program, if applicable; and

(i) the number of years of experience the person has as a death investigator, certified law enforcement officer, or licensed private investigator, if applicable.

(5)(a) Pursuant to Sections 7‑13‑40 and 7‑13‑350, a candidate for coroner may be certified by a political party to the appropriate election commission if the candidate has submitted a fully completed sworn affidavit as required by this subsection.

(b) Pursuant to Section 7‑13‑351, a petition candidate for coroner may be certified by the authority to whom the petition is submitted if the candidate has submitted a fully completed sworn affidavit as required by this subsection.

(C) Each person serving as coroner in the person’s first term is required to complete a ~~basic training session~~ recognized forensic science degree or certification program ~~to be determined~~ recommended by the Board of Directors of the South Carolina Coroners Association and approved by the South Carolina Criminal Justice Academy. The South Carolina Coroners Association must post information about the recognized forensic science degree or certification program with links to allow for registration on its website. Before any change to the approved recognized forensic science degree or certification program takes place, the new recognized forensic science degree or certification program must be approved by the Criminal Justice Academy and posted on the South Carolina Coroners Association website. This ~~basic training session~~ recognized forensic science degree or certification program must be completed no later than the end of the calendar year following the person’s election as coroner. A person appointed to fill the unexpired term in the office of coroner shall complete a ~~basic training session to be determined~~ recognized forensic science degree or certification program recommended by the Board of Directors of the South Carolina Coroners Association and approved by the South Carolina Criminal Justice Academy within one calendar year of the date of appointment. This section must not be construed to require an individual to repeat the ~~basic training session~~ recognized forensic science degree or certification program recommended by the Board of Directors of the South Carolina Coroners Association and approved by the South Carolina Criminal Justice Academy if the person has successfully completed the session prior to the person’s election or appointment as coroner. A coroner who is unable to attend this ~~training session~~ recognized forensic science degree or certification program when offered because of an emergency or extenuating circumstances, within one year from the date the disability or cause terminates, shall complete the ~~standard basic training session~~ recognized forensic science degree or certification program required of coroners. A coroner who does not fulfill the obligations of this subsection is subject to suspension by the Governor until the coroner completes the training session.

(D) A person holding the office of coroner or deputy coroner who was elected, appointed, or employed prior to January 1, 1994, and who has served continuously since that time shall attend a minimum of sixteen hours training annually as may be selected by the South Carolina Law Enforcement Training Council on or before December 31, 1995. Each year, all coroners and deputy coroners shall complete a minimum of sixteen hours training annually as selected by the council. Certification or records of attendance or training must be maintained as directed by the council.

(E)(1) The basis for the minimum annual requirement of in‑service training is the calendar year. A coroner who satisfactorily completes the basic training session in accordance with the provisions of subsection (C) is excused from the minimum annual training requirements of subsection (D) for the calendar year in which the basic training session is completed.

(2) The Board of Directors of the South Carolina Coroners Association, in its discretion, may grant a waiver of the requirements of the annual in‑service training upon presentation of evidence by a coroner that he was unable to complete the training due to an emergency or extenuating circumstances.

(3) A coroner who fails to complete the minimum annual in‑service training required by this section may be suspended from office, without pay, by the Governor for ninety days. The Governor may continue to suspend a coroner until the coroner completes the annual minimum in‑service training required in this section. The Governor shall appoint, at the time of the coroner’s suspension, a qualified person to perform as acting coroner during the suspension.

(F) A coroner in office on the effective date of this section is exempt from the provisions of this section except for the provisions of subsection (D).

(G)(1) The Director of the South Carolina Criminal Justice Academy shall appoint a Coroners Training Advisory Committee to assist in the determination of training requirements for coroners and deputy coroners and to determine those forensic science degree and certification programs that qualify as ‘recognized’ pursuant to the requirements of this section. Also, the committee shall assist in determining annual training requirements as set forth in this section. The committee must consist of no fewer than five coroners and at least one physician trained in forensic pathology as recommended by the South Carolina Coroners Association. The members of the committee shall serve without compensation.

(2) The Coroners Training Advisory Committee shall govern the qualifications of all coroners, deputy coroners, and candidates for coroner as set forth in this section. Also, the committee must certify all coroners. The committee may require a coroner or a deputy coroner to appear before it for performance review. Failure to appear before the committee or failure to follow state law relating to the performance of official duties may result in sanctioning in the form of a private or public reprimand. Also, the committee may recommend suspension to the Governor and loss of funding to the county council. A person may appeal an action of the committee pursuant to the provisions of Chapter 23, Title 1. The committee may hire an administrative assistant if it is determined necessary.

(H) Expenses of all training authorized or required by this section must be paid by the county the coroner or deputy coroner serves, and the South Carolina Law Enforcement Training Council is authorized to set and collect fees for this training.”

SECTION 5. Sections 23‑11‑110(B) of the 1976 Code are amended to read:

“(B)(1) A person offering his candidacy for the office of sheriff, shall file a fully completed sworn affidavit, on a form designed and provided by the South Carolina Election Commission, no later than the close of filing, with the county executive committee of the person’s political party. The county executive committee of any political party with whom a person has filed his affidavit must file a copy of the fully completed sworn affidavit with the appropriate county election commission by noon on the tenth day following the deadline for filing affidavits by candidates. If the tenth day falls on Saturday, Sunday, or a holiday, the affidavits must be filed by noon the following day. A person seeking nomination by petition must file a fully completed sworn affidavit with the county election commission in the county of his residence.

(2) The affidavit must contain a statement that the person meets, or will meet by the time of the general election, or as otherwise required by law, the qualifications for the office of sheriff and the following information:

(a) the date and place of the person’s birth;

(b) the date the person graduated from high school or the date the person obtained the recognized equivalent of a high school diploma;

(c) the date the person received any associate or baccalaureate degrees when applicable;

(d) the number of years’ experience the person has had as a certified law enforcement officer when applicable;

(e) the number of years the person has served as a summary court judge when applicable; and

(f) an affirmation that the person meets all of the qualification requirements of subsection (A).

(3)(a) Pursuant to Sections 7‑13‑40 and 7‑13‑350, a candidate for sheriff may be certified by a political party to the appropriate election commission if the candidate has submitted a fully completed sworn affidavit as required by this subsection.

(b) Pursuant to Section 7‑13‑351, a petition candidate for sheriff may be certified by the authority to whom the petition is submitted if the candidate has submitted a fully completed sworn affidavit as required by this subsection.”

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

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