**South Carolina General Assembly**

119th Session, 2011-2012

**S. 731**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Scott and Jackson

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Introduced in the Senate on March 24, 2011

Last Amended on March 20, 2012

Currently residing in the Senate

Summary: Time allowed for filling of mayor or councilman vacancy

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/24/2011 Senate Introduced and read first time ([Senate Journal‑page 4](file:///h:\sj%20archive\2011\03-24-11.docx))

3/24/2011 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 4](file:///h:\sj%20archive\2011\03-24-11.docx))

1/9/2012 Senate Referred to Subcommittee: Cleary (ch), Ford, S.Martin, Gregory

2/22/2012 Senate Committee report: Favorable with amendment **Judiciary** ([Senate Journal‑page 11](file:///h:\sj%20archive\2012\02-22-12.docx))

3/20/2012 Senate Committee Amendment Adopted ([Senate Journal‑page 91](file:///h:\sj%20archive\2012\03-20-12.docx))

3/20/2012 Senate Amended ([Senate Journal‑page 91](file:///h:\sj%20archive\2012\03-20-12.docx))

3/21/2012 Senate Read second time ([Senate Journal‑page 36](file:///h:\sj%20archive\2012\03-21-12.docx))

3/21/2012 Senate Roll call Ayes‑39 Nays‑2 ([Senate Journal‑page 36](file:///h:\sj%20archive\2012\03-21-12.docx))

**VERSIONS OF THIS BILL**

[3/24/2011](file:///p:\pprever\2011-12\731_20110324.docx)

[2/22/2012](file:///p:\pprever\2011-12\731_20120222.docx)

[3/20/2012](file:///p:\pprever\2011-12\731_20120320.docx)

~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE AMENDMENT ADOPTED AND AMENDED

March 20, 2012

**S. 731**

Introduced by Senators Scott and Jackson

S. Printed 3/20/12--S.

Read the first time March 24, 2011.

**A** **BILL**

TO AMEND SECTION 5‑7‑200, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO GROUNDS FOR FORFEITURE OF THE OFFICE OF MAYOR OR COUNCILMAN AND THE FILLING OF A VACANCY IN EITHER OFFICE, SO AS TO PROVIDE AN ADDITIONAL PERIOD OF TIME THAT MAY BE UTILIZED TO FILL A VACANCY IN EITHER OFFICE.

Amend Title To Conform

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

SECTION 1. Section 5‑7‑200 of the 1976 Code is amended to read:

“Section 5‑7‑200. ~~(a)~~(A) A mayor or councilman shall forfeit his office if he:

(1) lacks at any time during his term of office ~~any~~ a qualification for the office prescribed by the general law and the Constitution;

(2) violates ~~any~~ an express prohibition of Chapters 1 to 17; or

(3) is convicted of a crime involving moral turpitude.

~~(b)~~(B) A vacancy in the office of mayor or council ~~shall~~ must be filled for the remainder of the unexpired term either:

(1) at the next ~~regular~~ municipal election, or

(2) at a special election held pursuant to Section 7‑13‑190, if the vacancy occurs:

(a) one hundred eighty days or more, or

(b) ninety days or less

prior to the next ~~general~~ municipal election.”

SECTION 2. Section 7‑13‑35 of the 1976 Code, as last amended by Act 434 of 1996, is further amended to read:

“Section 7‑13‑35. The authority charged by law with conducting an election must publish two notices of general, municipal, special, and primary elections held in the county in a newspaper of general circulation in the county or municipality, as appropriate. Included in each notice must be a reminder of the last day ~~persons~~ a person may register to be eligible to vote in the election for which notice is given, the date the make‑up election will be held if the originally scheduled election must be postponed due to inclement weather or other emergency, notification of the date, time, and location of the hearing on ballots challenged in the election, a list of the precincts involved in the election, the location of the polling places in each of the precincts, and notification that the process of examining the return‑addressed envelopes containing absentee ballots may begin at ~~2:00 p.m.~~ 9:00 a.m. on election day at a place designated in the notice by the authority charged with conducting the election. The first notice must appear not later than sixty days before the election and the second notice must appear not later than two weeks after the first notice.”

SECTION 3. Section 7‑13‑40 of the 1976 Code, as last amended by Act 236 of 2000, is further 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 election commissions 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 election commission, whichever is responsible under law for preparing the ballot, not later than twelve o’clock noon on April ~~ninth~~ fifth, or if April ~~ninth~~ 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. Political parties must not accept the filing of ~~any~~ a 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 desires to file, and ~~such~~ the candidate’s name ~~shall~~ must 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.”

SECTION 4. Section 7‑13‑190 of the 1976 Code, as last amended by Act 3 of 2003, is further amended by adding:

“(F) In the event the Governor declares a state of emergency covering an entire jurisdiction holding an election, the election must be postponed and held on the next Tuesday. This subsection does not apply to statewide primaries and general elections.”

SECTION 5. Section 7‑13‑350 of the 1976 Code, as last amended by Act 3 of 2003, is further 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~~ a political party certified by the commission for one or more of the offices, national, state, circuit, ~~multi‑county~~ multicounty 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~~ 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~~ A 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~~ must not be nominated and certified, and ~~such~~ the candidate’s name ~~shall~~ must not be placed on a general, special, or municipal election ballot.

(B) Candidates for President and Vice President must be certified to the State Election Commission not later than twelve o’clock noon on the first Tuesday following the first Monday in September ~~September tenth to the State Election Commission, or if September tenth falls on Sunday, not later than twelve o’clock noon on the following Monday~~.”

SECTION 6. Article 1, Chapter 13, Title 7 of the 1976 Code is amended by adding:

“Section 7‑13‑25. (A) Notwithstanding the provision of this chapter or Chapter 5 of this title, the authority charged by law with conducting an election shall establish a procedure by which a qualified elector may cast his ballot, without excuse, during an early voting period for all elections. The qualified elector may cast a ballot during an early voting period pursuant to this section.

(B) Early voting centers must be established and maintained to ensure that voters may cast only one ballot.

(C) A qualified elector may cast his ballot at an early voting center in the county in which he resides.

(D) Each county board of registration and elections must establish at least one early voting center and may establish up to three early voting centers. The county board of registration and elections will determine the location of the early voting center or centers. Each early voting center must be supervised by election commission employees.

(E) The early voting period begins eleven days before an election and ends three days prior to the election.

(F) The county board of registration and elections must determine the hours of operation and location for an early voting center. However, the early voting center must be open for two Saturdays within the early voting period for statewide primaries and general elections.

(G) In addition to the early voting centers established pursuant to Section 7‑13‑25, a county board of registration and elections may authorize up to two additional early voting centers if the county board of registration and elections finds there is a need for additional early voting centers after holding a public hearing on the matter. The county board of registration and elections will determine the location of the early voting center or centers.

(H) A sign must be posted prominently in an early voting center and must have printed on it, ‘VOTING MORE THAN ONCE IS A MISDEMEANOR AND, UPON CONVICTION, A PERSON MUST BE FINED IN THE DISCRETION OF THE COURT OR IMPRISONED NOT MORE THAN THREE YEARS’.”

SECTION 7. Section 7‑3‑20(C) of the 1976 Code, as last amended by Act 253 of 2006, is further amended to read:

“(C) The executive director shall:

(1) maintain a complete master file of all qualified electors by county and by precincts;

(2) delete the name of any elector:

(a) who is deceased;

(b) who is no longer qualified to vote in the precinct where currently registered;

(c) who has been convicted of a disqualifying crime;

(d) who is otherwise no longer qualified to vote as may be provided by law; or

(e) who requests in writing that his name be removed;

(3) enter names on the master file as they are reported by the county registration boards;

(4) furnish each county registration board with a master list of all registered voters in the county, together with a copy of all registered voters in each precinct of the county, at least ten days prior to each election. The precinct copies shall be used as the official list of voters;

(5) maintain all information furnished his office relating to the inclusion or deletion of names from the master file for four years;

(6) purchase, lease, or contract for the use of such equipment as may be necessary to properly execute the duties of his office, subject to the approval of the State Election Commission;

(7) secure from the United States courts and federal and state agencies available information as to persons convicted of disqualifying crimes;

(8) obtain information from any other source which may assist him in carrying out the purposes of this section;

(9) perform such other duties relating to elections as may be assigned him by the State Election Commission;

(10) furnish at reasonable price any precinct lists to a qualified elector requesting them;

(11) serve as the chief state election official responsible for implementing and coordinating the state’s responsibilities under the National Voter Registration Act of 1993; ~~and~~

(12) serve as the chief state election official responsible for implementing and enforcing the state’s responsibilities under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA), as set forth in the United States Code, Title 42, Section 1973ff, et seq; and

(13) enter into the master file a separate designation each for voters casting absentee ballots and early ballots in a general election.”

SECTION 8. Section 7‑15‑320 of the 1976 Code is amended by adding an appropriately numbered subsection at the beginning to read:

“( ) Any qualified elector may vote during the early voting period pursuant to Section 7-13-25.”

SECTION 9. This act takes effect upon approval by the Governor.

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