**South Carolina General Assembly**

120th Session, 2013-2014

**H. 4350**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Gilliard

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Introduced in the House on January 14, 2014

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

Summary: Runoff elections

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/3/2013 House Prefiled

12/3/2013 House Referred to Committee on **Judiciary**

1/14/2014 House Introduced and read first time ([House Journal‑page 43](file:///H:\HJ%20Archive\2014\01-14-14.docx))

1/14/2014 House Referred to Committee on **Judiciary** ([House Journal‑page 43](file:///H:\HJ%20Archive\2014\01-14-14.docx))

**VERSIONS OF THIS BILL**

[12/3/2013](file:///p:\pprever\2013-14\4350_20131203.docx)

**A** **BILL**

TO AMEND SECTION 7‑11‑55, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO PRIMARY ELECTIONS TO FILL A PARTY NOMINEE VACANCY, SO AS TO PROHIBIT A RUNOFF ELECTION WHEN THE PARTY NOMINEE VACANCY OCCURS DURING A SPECIAL ELECTION PRIMARY; TO AMEND SECTION 7‑13‑50, AS AMENDED, RELATING TO RUNOFF PRIMARIES, SO AS TO APPLY ONLY TO GENERAL ELECTION PRIMARIES; TO AMEND SECTION 7‑13‑190, AS AMENDED, RELATING TO SPECIAL ELECTIONS, SO AS TO ELIMINATE RUNOFF PRIMARIES FOR SPECIAL ELECTIONS AND TO CHANGE SPECIAL ELECTION PRIMARY ELECTION DATE REQUIREMENTS; AND TO AMEND SECTION 7‑17‑600, RELATING TO VOTES REQUIRED TO DECLARE A CANDIDATE THE PARTY NOMINEE, SO AS TO REQUIRE THAT A CANDIDATE IN A SPECIAL ELECTION PRIMARY RECEIVE THE LARGEST NUMBER OF VOTES CAST TO BE DECLARED THE PARTY NOMINEE.

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

SECTION 1. Section 7‑11‑55 of the 1976 Code, as added by Act 81 of 1991, is amended to read:

“Section 7‑11‑55. (A) If a party nominee dies, becomes disqualified after his nomination, or resigns his candidacy for a legitimate nonpolitical reason as defined in Section 7‑11‑50 and was selected through a party ~~primary~~ general or special election primary, the vacancy must be filled in a special primary election to be conducted as provided in this section. The filing period for this special primary election opens the second Tuesday after the death, disqualification, or approval of the resignation for one week. The special primary election then must be conducted on the second Tuesday immediately following the close of the filing period. A runoff election, if necessary to declare a party nominee during a general election pursuant to this section, must be held two weeks after the first special primary election.

(B) The nomination must be certified not less than two weeks before the date of the general election. If the nomination is certified two weeks or more before the date of the general election, that office is to be filled at the general election. If the nomination is certified less than two weeks before the date of the general election, that office must not be filled at the general election but must be filled in a special election to be held on the second Tuesday in the month following the election, provided that the date of the special election to be conducted after the general election may be combined with other necessary elections scheduled to occur within a twenty‑eight day period in the manner authorized by Section 7‑13‑190(D).

(C) The procedures for resigning a candidacy under this section for legitimate nonpolitical reasons are the same as provided in Section 7‑11‑50.

(D) Where the party nominee was unopposed, each political party registered with the State Election Commission has the privilege of nominating a candidate for the office involved through a special primary election in the same manner and under the same procedures stipulated by this section.”

SECTION 2. Section 7‑13‑50 of the 1976 Code, as last amended by Act 253 of 1992, is further amended to read:

“Section 7‑13‑50. A second general election primary, when necessary to declare a nominee pursuant to Section 7‑17‑600(A), must be held two weeks after the first and is subject to the rules governing the first primary. At the second primary, the two candidates among those who do not withdraw their candidacies and who received more votes in the first primary than any other remaining candidate alone shall run for any one office and if only one candidate remains, he is considered nominated, except that if there are two or more vacancies for any particular office, the number of candidates must be double the number of vacancies to be filled if so many candidates remain. In all second general election primaries, the candidate receiving the largest number of votes cast for a given office must be declared the nominee for the office whether or not he has received a majority of the votes cast for that office, and when there are several candidates for several different offices, then the several candidates receiving the largest number of votes for the several ~~positions~~ offices are considered ~~as~~ nominated for the offices whether or not they received a majority of the votes cast. Other general election primaries, if necessary, must be ordered in a similar manner by the county election commission or the State Election Commission, as appropriate.”

SECTION 3. Section 7‑13‑190(B) of the 1976 Code, as last amended by Act 3 of 2003, is further amended to read:

“(B) 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.

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~~ sixteenth Tuesday after the vacancy occurs. If the ~~eighteenth~~ sixteenth 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 must be set for the next succeeding Tuesday. For purposes of this section, state holiday does not mean the general election day.”

SECTION 4. Section 7‑17‑600 of the 1976 Code is amended to read:

“Section 7-17-600. ~~No candidate shall be declared nominated in a first primary election unless he received a majority of the votes cast for the office for which he was a candidate.~~ (A) The candidate receiving the majority of the votes cast during a general election primary for a given office must be declared the nominee for the office. The question of a majority vote ~~shall be~~ is determined by the number of votes cast for ~~any~~ the particular office and not by the whole number of votes cast in the primary.

(B) The candidate receiving the largest number of votes cast during a special election primary for a given office must be declared the nominee for the office, whether or not the candidate received a majority of the votes cast for the office.”

SECTION 5. This act takes effect upon approval by the Governor.

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