~~Indicates Matter Stricken~~

Indicates New Matter

AMENDED

May 2, 2017

**H. 3150**

Introduced by Rep. Funderburk

S. Printed 5/2/17--S.

Read the first time January 10, 2017.

**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 OFFICES, SO AS TO REMOVE A MUNICIPALITY’S AUTHORITY NOT TO CONDUCT GENERAL ELECTIONS UNDER CERTAIN CONDITIONS.

Amend Title To Conform

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

SECTION 1. Section 7-13-190(B) of the 1976 Code is 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. Section 7-13-190(E) of the 1976 Code is amended to read:

“~~(E)(1) A special election to fill a vacancy in an office is not required to be conducted if fourteen calendar days have elapsed since the filing period for that office has closed and:~~

~~(a) only one person has filed for the office; and~~

~~(b) no person has filed a declaration to be a write‑in candidate with the authority charged by law with conducting the election.~~

~~(2) In such an event, the candidate who filed for the office is deemed elected and shall take office on the Monday following certification.~~

~~(3) The provisions of this subsection also apply to municipal general elections.~~

~~When no person has filed a declaration to be a write‑in candidate pursuant to this section, the candidate who filed for the office must be declared the winner by the authority charged by law with conducting the election, and the votes for the election must not be counted or otherwise tabulated. Nothing in this section requires a ballot containing the name of a person who has been declared the winner pursuant to this section to be reprinted to delete the winning candidate's name or candidates' names from the ballot.~~”

SECTION 3. (A) For a federal special election for which the primary is held on May 2, 2017, the State Election Commission must provide a rank choice ballot to an individual who casts a ballot in accordance with the Uniformed and Overseas Citizens Absentee Voting Act.

(B) This SECTION applies to any federal special election for which the primary is May 2, 2017.

SECTION 4. SECTION 1 takes effect upon approval by the Governor and applies to elections for which candidate filings begin on or after that date.

SECTION 5. SECTION 2 takes effect on January 1, 2018 and applies to elections for which candidate filings begin on or after that date.

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