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**STATUS INFORMATION**

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**HISTORY OF LEGISLATIVE ACTIONS**

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**VERSIONS OF THIS BILL**

[12/12/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3589_20241212.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 7‑13‑200 SO AS TO ESTABLISH THE INSTANT RUNOFF METHOD OF CONDUCTING CERTAIN LOCAL ELECTIONS; BY AMENDING SECTION 5‑15‑20, RELATING TO METHODS OF ELECTION FOR MUNICIPAL COUNCILS, SO AS TO ALLOW FOR MULTIPLE MEMBER ELECTION DISTRICTS; BY AMENDING SECTION 5‑15‑60, RELATING TO METHODS FOR NOMINATING CANDIDATES FOR AND DETERMINING RESULTS OF NONPARTISAN MUNICIPAL ELECTIONS, SO AS TO ADD THE INSTANT RUNOFF METHOD; AND BY AMENDING SECTION 7‑17‑610, RELATING TO THE METHOD FOR DETERMINING WHAT CANDIDATES HAVE RECEIVED A MAJORITY VOTE FOR A PARTICULAR OFFICE, SO AS TO CLARIFY ITS APPLICATION TO ELECTIONS UNDER THE INSTANT RUNOFF VOTING METHOD.

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

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

Section 7‑13‑200. (A) As used in this section, “instant runoff voting” means a method of casting and counting votes in which voters rank candidates in order of preference and votes are counted in rounds.

(B) Any primary or general election for any general law or home rule city, county, or other local office may be conducted by instant runoff voting or multiwinner instant runoff voting, also known as the single transferable vote. Any local body that conducts its general election by instant runoff voting may do so without holding a separate primary or runoff election.

(C) In conducting elections using the instant runoff voting method, election results shall be determined in accordance with the following rules:

(1) When more than one person is seeking election to a single office, each voter’s ballot shall count in each round as one vote for its highest‑ranked remaining candidate. The candidate with the fewest votes is eliminated in each round. When two or fewer candidates remain, counting stops and the candidate with the greatest number of votes shall be elected or nominated.

(2) When more persons than there are offices to be filled are seeking election to two or more offices constituting a group, each voter’s ballot shall count in each round in whole or in part for the highest‑ranked remaining candidate. Candidates shall be elected, nominated, or eliminated in rounds. Candidates shall be elected or nominated if they receive the minimum whole number of votes needed to win a seat based on the number of seats to be filled. To determine this threshold, divide the total number of valid votes cast by the sum of one and the number of seats, round down to the nearest whole number, and then add one vote. If a candidate receives more votes than this threshold, a part of each of their votes shall count for each ballot’s next‑highest‑ranked‑remaining candidate instead. If no remaining candidate meets this threshold, the candidate with the fewest votes is eliminated and votes for that candidate shall count for each ballot’s next‑highest‑ranked‑remaining candidate. Counting ends when the number of candidates elected or nominated plus the number of candidates remaining is equal to or less than the number of offices to be filled and any remaining votes in excess of the threshold have been counted for each ballot’s next‑highest‑ranked‑remaining candidate.

(D) The State Election Commission shall adopt rules and regulations for the proper and efficient administration of instant runoff voting pursuant to this section, including:

(1) procedures for casting and counting votes, for the administration of instant runoff elections by counties charged with administering all local elections, and procedures for determining when a ballot is improperly marked, notwithstanding any other provision of law;

(2) procedures for determining winners in elections conducted under subsection (C);

(3) standards for ballots and ballot instructions, including whether to provide any analogue to straight‑ticket voting, notwithstanding any other provision of law;

(4) procedures for filling vacancies and conducting recall elections for elections conducted under subsection (C)(2), notwithstanding any other provision of law;

(5) procedures to provide for the release of unofficial preliminary round‑by‑round results starting on election night and continuing at regular intervals thereafter until final round‑by‑round results are released with the final certification of the results, notwithstanding any other provision of law; and

(6) procedures to provide for the release of unofficial preliminary ballot‑level‑ranking data on a contest‑by‑contest basis no later than the counting of ballots is complete and official final ballot‑level‑ranking data on a contest‑by‑contest basis with the final certification of the results, notwithstanding any other provision of law. Such data shall be released in a machine‑readable, open format that can be retrieved, downloaded, indexed, sorted, and searched by commonly used internet search applications and commonly used open format software.

SECTION 2. Section 5‑15‑20 of the S.C. Code is amended to read:

Section 5‑15‑20. Each municipality in this State shall provide by ordinance for the election of its council. Councils shall select any one of the following methods of election of council:

(1) Members of the council elected from the municipality at large.

(2) One member elected from each ward of the municipality by the qualified electors of the ward. Candidates seeking office from a particular ward shall be residents of the ward during their entire terms of office.

(3) Some members elected from wards as provided for in (2) and the remainder elected from the municipality at large.

(4) Members required to be residents of particular wards but be elected from the municipality at large.

(5) Some members may be required to be residents of particular wards and others may be residents of the municipality without regard to a particular ward and all members shall be elected from the municipality at large.

(6) Notwithstanding any other provision of law, councils may choose to have members elected from wards in which each ward elects no fewer than three members, and members of each ward are elected by the qualified electors of the ward, provided members are elected pursuant to Section 7‑13‑200(C)(2). Candidates seeking office from a particular ward shall be residents of the ward during their entire terms of office.

(7) Notwithstanding any other provision of law, councils may choose to have some members elected from wards in which each ward elects no fewer than three members through the system prescribed by Section 7‑13‑200(C)(2), as provided in item (6). The remaining members, to equal no less than three every cycle such an election occurs, must be elected from the municipality at large through the system prescribed by Section 7‑3‑200(C)(2).

Regardless of the form adopted by the municipality, the mayor shall be elected at large.

Mayors and councilmen shall be qualified electors of the municipality and, if they are elected subject to residential or ward requirements as provided in this section, they shall be qualified electors of the ward prescribed for their election qualification.

SECTION 3. Section 5‑15‑60 of the S.C. Code is amended to read:

Section 5‑15‑60. (A) Each municipality in this State shall adopt by ordinance one of the following alternative methods of nominating candidates for and determining the results of its nonpartisan elections:

(1) The nonpartisan plurality method prescribed in § Section 5‑15‑61;

(2) The nonpartisan election and runoff election method prescribed in § Section 5‑15‑62;

(3) The nonpartisan primary election and general election method prescribed in § Section 5‑15‑63.; or

(4) The instant runoff voting method prescribed in Section 7‑13‑200.

(B) If nonpartisan elections are not provided for, nomination of candidates for municipal offices may be by party primary, party convention or by petition in accordance with the provisions of this chapter, the applicable provisions of the state election laws and the rules of municipal political party organizations not in conflict therewith.

SECTION 4. Section 7‑17‑610 of the S.C. Code is amended to read:

Section 7‑17‑610. It is the intent of the South Carolina General Assembly that the following method be used in determining what candidates have received a majority vote for a particular office and are thereby entitled to be nominated on the first ballot according to the terms of Sections 7‑17‑600 and 7‑13‑50.

(1) If a candidate for a single office is to be selected, and there is more than one person seeking nomination, the majority shall be ascertained by dividing the total vote cast for all candidates by two. Any excess of the sum so ascertained shall be a majority, and the candidate who obtains a majority shall be declared the nominee. In an election conducted pursuant to Section 7‑3‑200(C)(1), the candidate with the highest number of votes in the final round of counting shall be declared the nominees.

(2) If nominees for two or more offices (constituting a group) are to be selected, and there are more persons seeking nomination than there are offices, the majority shall be ascertained by dividing the total vote cast for all candidates by the number of positions to be filled, and by dividing the result by two. Any excess of the sum so ascertained shall be a majority, and the candidates who obtain a majority shall be declared the nominees in the first primary. If more candidates obtain a majority than there are positions to be filled, those having the highest vote (equal to the number of positions to be filled) shall be declared the nominees. In an election conducted pursuant to Section 7‑13‑200(C)(2), those candidates in the final round shall be declared the nominees.

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

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