**South Carolina General Assembly**

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**H. 3590**

**STATUS INFORMATION**

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

Summary: Qualifications for elected office

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 12/12/2024 House Prefiled

 12/12/2024 House Referred to Committee on **Judiciary**

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**VERSIONS OF THIS BILL**

[12/12/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3590_20241212.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING SECTION 7‑11‑17 SO AS TO PROVIDE THAT THE QUALIFICATIONS FOR ANY ELECTED OFFICE IN THIS STATE DO NOT INCLUDE ANY HIGHER EDUCATION REQUIREMENTS; BY AMENDING SECTION 14‑23‑1040, RELATING TO QUALIFICATIONS OF PROBATE JUDGES, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 23‑11‑110, RELATING TO QUALIFICATIONS OF SHERIFFS, SO AS TO MAKE CONFORMING CHANGES; AND BY REPEALING SECTION 59‑3‑10 RELATING TO THE APPOINTMENT, COMPENSATION, AND QUALIFICATIONS OF THE STATE SUPERINTENDENT OF EDUCATION.

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

SECTION 1. Article 1, Chapter 11, Title 7 of the S.C. Code is amended by adding:

 Section 7‑11‑17. A candidate for any elected office in this State is not required to complete any higher education requirements as a qualification to seek or hold office, and a candidate may not be denied access to the ballot on the basis the candidate did not attend or otherwise complete any higher education requirements.

SECTION 2. Section 14‑23‑1040 of the S.C. Code is amended to read:

 Section 14‑23‑1040. No person is eligible to hold the office of judge of probate who is not at the time of his election a citizen of the United States and of this State, has not attained the age of twenty‑one years upon his election, has not become a qualified elector of the county in which he is to be a judge, and has not received a four‑year bachelor's degree from an accredited post‑secondary institution or if he has received no degree he must have four years' experience as an employee in a probate judge's office in this State.

SECTION 3. Section 23‑11‑110 of the S.C. Code is amended to read:

 Section 23‑11‑110. (A) All sheriffs and candidates for sheriff in this State must have the following qualifications:

 (1) be a citizen of the United States;

 (2) be a resident of the county in which he seeks the office of sheriff for at least one year immediately preceding the date of the election for sheriff;

 (3) be a registered voter;

 (4) have attained the age of at least twenty‑one years prior to the date of his qualifying for election to the office;

 (5) have:

 (a) obtained a high school diploma, its recognized equivalent in educational training as established by the State Department of Education, and have at least five years experience as a Class 1 certified law enforcement officer; or

 (b) obtained a two‑year associate degree and three years experience as a Class 1 certified law enforcement officer; or

 (c) obtained a four‑year baccalaureate degree and one year experience as a Class 1 certified law enforcement officer; or

 (d)(b) served as a summary court judge for at least ten years.

 For purposes of this section, a “Class 1 certified law enforcement officer” is a person who has been issued a certificate as a Class 1 law enforcement officer by the South Carolina Law Enforcement Training Council. A sheriff holding office on the effective date of this section is not required to have obtained the necessary experience as a certified law enforcement officer in this State;

 (6) have not been convicted of or pled guilty to a violation of Section 56‑1‑460 or 56‑5‑2930, or both, within the past ten years or a felony in this State or another state;

 (7) have not been convicted of or pled guilty to a felony or a crime of moral turpitude in this State or another state;

 (8) be fingerprinted and have the State Law Enforcement Division make a search of local, state, and federal fingerprint files for any criminal record. Fingerprints are to be taken under the direction of any law enforcement agency and must be made available to SLED no later than one hundred thirty days prior to the general election. The results of the records search are to be filed with the county executive committee of the person’s political party. A person seeking nomination by petition must file the records search with the county election commission in the county of his residence; and

 (9) be eligible to be issued a certificate as a Class 1 law enforcement officer by the South Carolina Law Enforcement Training Council upon the commencement of the term of office. A sheriff holding office on the effective date of this section is exempt from the provisions in this item.

 (B)(1) A person offering his candidacy for the office of sheriff, shall file a sworn affidavit, 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 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 sworn affidavit with the county election commission in the county of his residence.

 (2) The affidavit must contain 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)(c) the number of years’ experience the person has had as a certified law enforcement officer when applicable;

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

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

 (C) Every newly‑elected sheriff in his first term is required to complete a training session to be determined pursuant to Chapter 23, Title 23 to be conducted by the Criminal Justice Academy or an otherwise approved academy or as may be selected by the South Carolina Sheriffs’ Association. This training must be completed during the first calendar year of the first term of the newly‑elected sheriff’s term of office. A newly‑elected sheriff who is unable to attend this training course when offered because of emergency or extenuating circumstances, within one year from the date the disability or cause terminates, shall complete the standard basic course of instruction required of newly‑elected sheriffs. A newly‑elected sheriff who does not fulfill the obligations of this subsection is subject to suspension by the Governor until the sheriff completes the course of instruction.

 (D)(1) After December 31, 1988, no person is eligible to hold the office of sheriff unless he attends a minimum of twenty hours’ training annually as may be selected by the South Carolina Sheriffs’ Association.

 (2) The basis for the minimum annual requirement of in‑service training is the calendar year. A sheriff who satisfactorily completes the basic course of training in accordance with the provisions of this section after April first in any calendar year is excused from the minimum annual training requirement for the calendar year during which the basic course is completed.

 (3) A waiver of the requirement of minimum annual in‑service training may be granted by the board of directors of the South Carolina Sheriffs’ Association, at its discretion, upon the presentation of evidence by a sheriff that he was unable to complete the training due to emergency or extenuating circumstances considered sufficient by the board.

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

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

SECTION 4. Section 59‑3‑10 of the S.C. Code is repealed.

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

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