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**S. 38**

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**HISTORY OF LEGISLATIVE ACTIONS**

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**VERSIONS OF THIS BILL**

[12/11/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/38_20241211.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-13-190, RELATING TO SPECIAL ELECTIONS TO FILL VACANCIES IN OFFICE, SO AS TO REQUIRE SPECIAL ELECTIONS TO BE HELD ONLY ON CERTAIN ENUMERATED DATES.

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

SECTION 1. Section 7-13-190 of the S.C. Code is amended to read:

 Section 7-13-190. (A) Except as otherwise provided in this code as to specific offices, whenever a vacancy occurs in office by reason of death, resignation, or removal and the vacancy in office is one which is filled by a special election to complete the term of office, this section applies.

 (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 eight seven days later at twelve o'clock noon. If the filing period closes on a legal holiday, then the filing period is extended until noon on the next weekday that is not a legal holiday. 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 first eligible date provided in subsection (D) that is on or following the eleventh Tuesday after the vacancy occurs. A runoff primary, if necessary, must be held on the thirteenth Tuesday after the vacancy occurstwo weeks after the primary. TheA special election must be held on the twentieth Tuesday after the vacancy occursfirst eligible date provided in subsection (D) that is following the date of the primary. If the twentieth Tuesday after the vacancy occurs is no more than sixty days prior to the general election, the special election 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, the election must be set for the next succeeding Tuesday. For purposes of this section, state holiday does not mean the general election day.If there are more than thirty-five days from the eleventh Tuesday after a vacancy occurs in the office of House of Representatives of the Congress of the United States, State Senate, or State House of Representatives to the date provided for an eligible primary in subsection (D), then the schedule to fill a vacancy in one of those offices must be in accordance with the following:

 (a) a primary must be held on the eleventh Tuesday after the vacancy occurs;

 (b) a runoff primary, if necessary, must be held two weeks after the primary;

 (c) a special election must be held on the twentieth Tuesday after the vacancy occurs; and

 (d) if the date for a primary, runoff primary, or special election conflicts with the holding of a statewide primary, statewide general election, or presidential preference primary then the Governor, President of the Senate, or Speaker of the House of Representatives, as applicable, may establish a schedule to fill a vacancy in a manner that does not conflict with the holding of a statewide primary, statewide general election, or presidential preference primary.

 (C) If the office is not one for which there are partisan elections, then the filing must be opened at noon on the third Friday after the vacancy occurs for a period to close ten seven days later at noon. If the filing period closes on a legal holiday, then the filing period is extended until noon on the next weekday that is not a legal holiday. The filing must be made to the same entity to which the nonpartisan officeholders would normally file for office in a general election year. The election must be set for the first eligible date provided in subsection (D) that is on or following the thirteentheleventh Tuesday after the vacancy occurs. Both the filing date and the election date are subject to the provisions in subsection (B) of this section regarding holidays.

 (D) Provided, however, if a vacancy occurs in more than one office in the same county requiring separate special elections to be held within a period of twenty-eight days under the provisions of this section, the county board of voter registration and elections or other authority responsible for the conduct of the elections shall conduct all of the elections on the same date. The special elections must be held on the latest date required for an election during the twenty-eight-day period.A special election for any office, a primary for a special election, or for any matter for which a special election is called, unless otherwise provided in this section, must only be held on one of the following dates:

 (1) the fourth Tuesday in January;

 (2) the first Tuesday after the first Monday in April;

 (3) the second Tuesday in June in even-numbered years only and for only primaries for special elections;

 (4) the fourth Tuesday in August; and

 (5) the first Tuesday after the first Monday in November for only elections other than primaries for special elections.

 (E) If the date for a primary for a special election, runoff primary, or special election falls on a legal holiday, then the primary, runoff primary, or special election, as applicable, must be set for the next succeeding Tuesday that is not a legal holiday.

 (F) If the date for a special election to fill an unexpired term of office is one hundred days or less from the date a general election is to be held for the office, then no special election or primary must be held for the office. The provision of this subsection is not applicable to unexpired terms in the office of House of Representatives of the Congress of the United States.

SECTION 2. This act takes effect upon approval by the Governor.

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