South Carolina Legislature

H3556 found 1 time.

H*3556

Session 126 (2025-2026)

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H 3556 {Rat #177, Act #213 of 2026} General Bill, By B. Newton, Schuessler, Guest, Taylor and Hixon

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-17-560, RELATING TO THE AUTHORITY OF THE STATE EXECUTIVE COMMITTEE OF A POLITICAL PARTY TO HEAR CERTAIN PRIMARY PROTESTS AND CONTESTS, SO AS TO REQUIRE THE STATE EXECUTIVE COMMITTEE TO ALSO HEAR PROTESTS AND CONTESTS IN THE CASE OF COUNTY OFFICERS, LESS THAN COUNTY OFFICERS, AND MUNICIPAL OFFICERS, AND TO AUTHORIZE THE STATE EXECUTIVE COMMITTEE TO ADOPT A RESOLUTION TO REQUIRE THE FILING OF ANY PROTEST OR CONTEST TO BE ACCOMPANIED BY A REFUNDABLE DEPOSIT; BY AMENDING SECTION 7-17-570, RELATING TO HEARINGS OF PRIMARY PROTESTS AND CONTESTS, SO AS TO EXTEND THE TIME IN WHICH THE STATE EXECUTIVE COMMITTEE MUST CONDUCT SUCH HEARINGS, AND TO PROVIDE FOR APPEALS FROM DECISIONS BY THE STATE EXECUTIVE COMMITTEE; BY AMENDING SECTION 5-15-80, RELATING TO MUNICIPAL PRIMARY PROTESTS AND CONTESTS, SO AS TO PROVIDE THAT SUCH PROTESTS AND CONTESTS ARE TO BE FILED, HEARD, AND DECIDED IN THE MANNER PROVIDED IN SECTIONS 7-17-560 AND 7-17-570; BY REPEALING SECTIONS 7-17-520, 7-17-530, 7-17-540, 7-17-550, 7-17-580, AND 7-17-590 ALL RELATING TO PRIMARY PROTESTS AND CONTESTS FOR CERTAIN OFFICES; BY AMENDING SECTION 5-15-120, RELATING TO THE COUNTING OF VOTES IN MUNICIPAL ELECTIONS, SO AS TO ALLOW A MUNICIPAL GOVERNING BODY TO DETERMINE BY ORDINANCE WHEN THE TERMS OF ITS NEWLY ELECTED OFFICERS BEGIN; BY AMENDING SECTION 7-3-25, RELATING TO THE DUTY OF THE STATE ELECTION COMMISSION TO DETERMINE AND CERTIFY RESULTS WHEN A COUNTY BOARD OF VOTER REGISTRATION AND ELECTIONS FAILS TO DO SO, SO AS TO REQUIRE THE SAME WHEN A MUNICIPAL ELECTION COMMISSION FAILS TO DETERMINE AND CERTIFY RESULTS; BY ADDING SECTION 5-15-45 SO AS TO PROVIDE WHEN THE TERMS OF MUNICIPAL COUNCILMEMBERS IN OFFICE AS OF JANUARY 1, 2027 EXPIRE; BY AMENDING SECTION 5-15-50, RELATING TO THE ESTABLISHMENT OF THE TIME FOR GENERAL AND SPECIAL ELECTIONS WITHIN A MUNICIPALITY, SO AS TO REQUIRE MUNICIPAL GOVERNING BODIES TO CHOOSE ONE OF TWO DATES FOR SUCH ELECTIONS IN ODD-NUMBERED YEARS; BY AMENDING SECTION 5-15-60, RELATING TO MUNICIPALITIES ADOPTING METHODS OF NOMINATING CANDIDATES AND DETERMINING RESULTS OF ELECTIONS, SO AS TO ONLY PERMIT PARTISAN ELECTIONS IN MUNICIPALITIES WITH POPULATIONS UNDER A CERTAIN AMOUNT; BY AMENDING SECTION 5-15-100, RELATING TO THE FUNCTIONS, POWERS, AND DUTIES OF MUNICIPAL ELECTION COMMISSIONS, SO AS TO REMOVE CERTAIN FUNCTIONS, POWERS, AND DUTIES; BY AMENDING SECTION 5-15-130, RELATING TO PROCEDURES FOR CONTESTING RESULTS OF MUNICIPAL ELECTIONS, SO AS TO EXTEND THE DEADLINES FOR FILING A NOTICE OF CONTEST AND FOR CONDUCTING A HEARING ON THE CONTEST; BY AMENDING SECTION 5-15-140, RELATING TO APPEALS FROM DECISIONS ON MUNICIPAL ELECTION CONTESTS, SO AS TO DELETE LANGUAGE PROVIDING THE NOTICE OF APPEAL ACTS AS A STAY OF FURTHER PROCEEDINGS; AND BY ADDING SECTION 5-15-175 SO AS TO PROVIDE THAT MUNICIPAL ELECTION COMMISSIONS ONLY MAY BE ESTABLISHED FOR MUNICIPALITIES WITH POPULATIONS OVER A CERTAIN AMOUNT. - RATIFIED TITLE

12/5/2024 House Prefiled

12/5/2024	House	Referred to Committee on Judiciary
1/14/2025	House	Introduced and read first time (House Journal-page 243)
1/14/2025	House	Referred to Committee on Judiciary (House Journal-page 243)
3/20/2025	House	Committee report: Favorable with amendment Judiciary (House J
3/26/2025	House	Member(s) request name added as sponsor: Schuessler, Guest, Taylor, Hixon
3/26/2025	House	Amended (House Journal-page 19)
3/26/2025	House	Requests for debate-Rep(s). Pace, Edgerton, Magnuson, Frank, White, Beach, Cromer, Huff, Gilreath, Terribile, Morgan, Jordan, B Newton, Lowe, Ligon, Caskey, Oremus (House Journal-page 19)
3/26/2025	House	Read second time (House Journal-page 47)
3/26/2025	House	Roll call Yeas-91 Nays-15 (House Journal-page 48)
3/27/2025	House	Read third time and sent to Senate (House Journal-page 31)
3/27/2025		Scrivener's error corrected
4/1/2025	Senate	Introduced and read first time (Senate Journal-page 8)
4/1/2025	Senate	Referred to Committee on Judiciary (Senate Journal-page 8)
2/18/2026	Senate	Committee report: Favorable with amendment Judiciary (Senate
3/3/2026	Senate	Amended (Senate Journal-page 14)
4/1/2026	Senate	Read second time (Senate Journal-page 35)
4/1/2026	Senate	Roll call Ayes-41 Nays-4 (Senate Journal-page 35)
4/15/2026	Senate	Read third time and returned to House with amendments (Senate
4/21/2026	House	Debate adjourned (House Journal-page 30)
4/22/2026	House	Debate interrupted by adjournment (House Journal-page 156)
4/23/2026	House	Senate amendment amended (House Journal-page 134)
4/23/2026	House	Returned to Senate with amendments (House Journal-page 134)
5/5/2026	Senate	Concurred in House amendment and enrolled (Senate Journal-page
5/6/2026		Scrivener's error corrected
5/14/2026		Ratified R 177
5/19/2026		Signed By Governor
6/5/2026		Effective date See Act for Effective Date
6/2/2026		Act No. 213

H 3556 General Bill, By B. Newton, Schuessler, Guest, Taylor and Hixon

(Text matches printed bills. Document has been reformatted to meet World Wide Web speci

(A213, R177, H3556)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-17-560 THE AUTHORITY OF THE STATE EXECUTIVE COMMITTEE OF A POLITICAL PARTY TO HEAR C PROTESTS AND CONTESTS, SO AS TO REQUIRE THE STATE EXECUTIVE COMMITTEE TO ALS PROTESTS AND CONTESTS IN THE CASE OF COUNTY OFFICERS, LESS THAN COUNTY OFFI(MUNICIPAL OFFICERS, AND TO AUTHORIZE THE STATE EXECUTIVE COMMITTEE TO ADOPT A REQUIRE THE FILING OF ANY PROTEST OR CONTEST TO BE ACCOMPANIED BY A REFUNDAI AMENDING SECTION 7-17-570, RELATING TO HEARINGS OF PRIMARY PROTESTS AND CONTI EXTEND THE TIME IN WHICH THE STATE EXECUTIVE COMMITTEE MUST CONDUCT SUCH HE/ PROVIDE FOR APPEALS FROM DECISIONS BY THE STATE EXECUTIVE COMMITTEE; BY AMEI 15-80, RELATING TO MUNICIPAL PRIMARY PROTESTS AND CONTESTS, SO AS TO PROVIDE T PROTESTS AND CONTESTS ARE TO BE FILED, HEARD, AND DECIDED IN THE MANNER PROV 7-17-560 AND 7-17-570; BY REPEALING SECTIONS 7-17-520, 7-17-530, 7-17-540, 7-17-550, 7-17-5 ALL RELATING TO PRIMARY PROTESTS AND CONTESTS FOR CERTAIN OFFICES; BY AMEND 120, RELATING TO THE COUNTING OF VOTES IN MUNICIPAL ELECTIONS, SO AS TO ALLOW A GOVERNING BODY TO DETERMINE BY ORDINANCE WHEN THE TERMS OF ITS NEWLY ELECT BEGIN; BY AMENDING SECTION 7-3-25, RELATING TO THE DUTY OF THE STATE ELECTION C(

DETERMINE AND CERTIFY RESULTS WHEN A COUNTY BOARD OF VOTER REGISTRATION AN FAILS TO DO SO, SO AS TO REQUIRE THE SAME WHEN A MUNICIPAL ELECTION COMMISSIOI DETERMINE AND CERTIFY RESULTS; BY ADDING SECTION 5-15-45 SO AS TO PROVIDE WHEN MUNICIPAL COUNCILMEMBERS IN OFFICE AS OF JANUARY 1, 2027 EXPIRE; BY AMENDING S RELATING TO THE ESTABLISHMENT OF THE TIME FOR GENERAL AND SPECIAL ELECTIONS MUNICIPALITY, SO AS TO REQUIRE MUNICIPAL GOVERNING BODIES TO CHOOSE ONE OF TW SUCH ELECTIONS IN ODD-NUMBERED YEARS; BY AMENDING SECTION 5-15-60, RELATING T ADOPTING METHODS OF NOMINATING CANDIDATES AND DETERMINING RESULTS OF ELECT ONLY PERMIT PARTISAN ELECTIONS IN MUNICIPALITIES WITH POPULATIONS UNDER A CER AMENDING SECTION 5-15-100, RELATING TO THE FUNCTIONS, POWERS, AND DUTIES OF MU ELECTION COMMISSIONS, SO AS TO REMOVE CERTAIN FUNCTIONS, POWERS, AND DUTIES; SECTION 5-15-130, RELATING TO PROCEDURES FOR CONTESTING RESULTS OF MUNICIPAL TO EXTEND THE DEADLINES FOR FILING A NOTICE OF CONTEST AND FOR CONDUCTING A H CONTEST; BY AMENDING SECTION 5-15-140, RELATING TO APPEALS FROM DECISIONS ON M ELECTION CONTESTS, SO AS TO DELETE LANGUAGE PROVIDING THE NOTICE OF APPEAL A FURTHER PROCEEDINGS; AND BY ADDING SECTION 5-15-175 SO AS TO PROVIDE THAT MUN COMMISSIONS ONLY MAY BE ESTABLISHED FOR MUNICIPALITIES WITH POPULATIONS OVEF AMOUNT.

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

Election protests heard by state executive committee

SECTION 1. Section 7-17-560 of the S.C. Code is amended to read:

Section 7-17-560. (A) The state executive committee must meet in Columbia at such place as may b chairman to hear and decide protests and contests that may arise in the case of federal officers, state Senate, State House of Representatives, officers involving more than one county, partisan county offic than county officers, and partisan municipal officers. Any protest or contest must be filed in writing with committee, together with a copy for each candidate in the race, not later than noon on Monday followin the votes for these officers. However, service upon the chairman may be perfected by depositing at the of the State Law Enforcement Division a copy of the protest, together with a copy for each candidate ir must take immediate steps to deliver these copies to the chairman. The protest must contain each grou separately and concisely. The chairman of the committee must forthwith serve upon each candidate in copy of the protest and serve a notice of the time and place of the meeting of the committee for the pur protest.

(B) The state executive committee may, by resolution adopted at least sixty days prior to the conduct o the filing of any protest or contest to be accompanied by a refundable deposit for hearing costs, not to hundred fifty dollars. The amount of the deposit must be refunded to a candidate who files a protest or

(1) the state executive committee upholds the protest or contest; or

(2) a petition to the Supreme Court under Section 7-17-570(D) is granted.

Procedures for hearing protests

SECTION 2. Section 7-17-570 of the S.C. Code is amended to read:

Section 7-17-570. (A) The executive committee shall hear the protest or contest within two weeks of the same. Testimony at the hearing shall be limited to the grounds stated in the written protest.

(B) The protestant and each other candidate in the protested race shall have the right to be present at represented by counsel, to examine and cross-examine witnesses and to produce evidence relevant to protest. The chairman of the committee shall provide for and conduct the hearing as nearly as possible the procedures and rules of evidence observed by the circuit courts of this State. The chairman shall h administer oaths and subpoena witnesses. Upon the conclusion of the hearing of the protest the comm

all issues by majority vote and forthwith certify the results of the election. The State Election Commissi costs of the court reporter and the transcript of the hearing.

(C) The committee shall remain in session until a conclusion has been reached. All candidates in the p contested race shall be immediately notified of the committee's decision.

(D) Appeals from decisions by the state executive committee must be taken directly to the Supreme Cc writ of certiorari based only on the record of the state executive committee hearing. Notice of appeal m ten days of the state executive committee's decision. The Supreme Court may impose filing fees for ap pursuant to this subsection.

Municipal primary results and protests

SECTION 3. Section 5-15-80 of the S.C. Code is amended to read:

Section 5-15-80. The results of any political party primary shall be declared by the party conducting t and contests shall be filed, heard, and decided in the manner set forth in Sections 7-17-560 and 7-17-5

Repeal

SECTION 4. Sections 7-17-520, 7-17-530, 7-17-540, 7-17-550, 7-17-580, and 7-17-590 of the S.C. C

Commencement of terms

SECTION 5. Section 5-15-120 of the S.C. Code is amended to read:

Section 5-15-120. (A) Immediately upon the closing of the polls at any municipal election, the manag publicly the votes cast and make a statement of the whole number of votes cast in such election togeth of votes cast for each candidate for mayor and councilman and transmit this information to the municip commission. In partisan elections the person securing the highest number of votes for mayor shall be c the councilmen shall be selected by the following methods:

(1) When all councilmen are to be elected at large, the persons receiving the highest number of votes i the number to be chosen shall be declared elected.

(2) When the councilmen are to be elected from each ward and are required to be residents of that wai receiving the highest number of votes in that ward shall be declared elected.

(3) When some councilmen are to be elected from each ward and required to be residents of that ward of the councilmen to be elected at large, those persons receiving the highest number of votes in each v declared elected and those persons running at large who receive the highest number of votes in numb number to be chosen at large shall be declared elected.

(4) When all councilmen are to be elected at large, but required to reside in a particular ward, the perso highest number of votes for the seat to be filled shall be declared elected.

(5) When all councilmen are to be elected at large, but some are required to be residents of particular v councilmen may not be so required, the person receiving the highest number of votes for the seat to be declared elected.

(B) A municipal governing body may by ordinance determine when the terms of its newly elected office the terms must begin no earlier than forty-eight hours after the certification of the election results and n days after the day of the election. If a municipality does not have an ordinance determining when the te elected officers begin, then the terms of the newly elected officers in the municipality begin at the start meeting of its council in the month following the election.

(C) A candidate who is declared elected by certification of the election results has the right to take the c perform the duties of the office pending the outcome of a contest unless a court of competent jurisdicti

Failure to certify results of municipal elections

SECTION 6. Section 7-3-25(B) of the S.C. Code is amended to read:

(B) If a county board of voter registration and elections or a municipal election commission does not or and certify the results of an election or referendum for which it is responsible by the time set for certific law, the responsibility to determine and certify the results is devolved upon the State Election Commiss

Expiration of terms of current municipal council members

SECTION 7.A. Chapter 15, Title 5 of the S.C. Code is amended by adding:

Section 5-15-45. (A) Notwithstanding Section 5-15-40, if the unexpired four-year term of a mayor or r began following a general election held:

(1) in 2023, then the term expires on the date terms begin for newly elected officers in the municipality general election to be held on April 6, 2027, or November 2, 2027, as applicable;

(2) in 2024 or 2025, then the term expires on the date terms begin for newly elected officers in the mur the general election to be held on April 3, 2029, or November 6, 2029, as applicable; or

(3) in 2026, then the term expires on the date terms begin for newly elected officers in the municipality general election to be held on April 8, 2031, or November 4, 2031, as applicable.

(B) Notwithstanding Section 5-15-40, if the unexpired two-year term of a mayor or member of council b general election held:

(1) in 2025, then the term expires on the date terms begin for newly elected officers in the municipality general election to be held on April 6, 2027, or November 2, 2027, as applicable; or

(2) in 2026, then the term expires on the date terms begin for newly elected officers in the municipality general election to be held on April 3, 2029, or November 6, 2029, as applicable.

(C) The provisions of this section do not apply to a municipality whose general elections are held on th the first Monday in April in even-numbered years or the first Tuesday after the first Monday in Novembe years, as provided in Section 5-15-50(E).

B. This SECTION takes effect on January 1, 2027.

Time for municipal general elections

SECTION 8.A. Section 5-15-50 of the S.C. Code is amended to read:

Section 5-15-50. (A) Each municipal governing body may by ordinance establish municipal ward line general elections.

(B) The time for general elections within a municipality must be established in odd-numbered years as

(1) on the first Tuesday after the first Monday in April; or

(2) on the first Tuesday after the first Monday in November.

(C) If the first Tuesday after the first Monday in November of odd-numbered years is the time for gener municipality on or after the effective date of this subsection, then the municipal governing body must n different time for its general elections.

(D) If within ninety days of the effective date of this subsection a municipal governing body fails to esta time for its general elections as provided in subsection (B), then the time for the general elections withi

the first Tuesday after the first Monday in November in odd-numbered years unless subsection (E) app

(E) Notwithstanding another provision of this section, if the most recent general elections within a muni the effective date of this subsection were held on the first Tuesday after the first Monday in April in eve or on the first Tuesday after the first Monday in November in even-numbered years, then the municipal first Tuesday after the first Monday in April in even-numbered years, or the first Tuesday after the first M in even-numbered years, as applicable, for the date for its general elections.

B. This SECTION takes effect on January 1, 2027.

Partisan municipal elections

SECTION 9.A. 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 alte 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.

(B)(1) If nonpartisan elections are not provided for, nomination of candidates for municipal offices may party convention or by petition only in municipalities with populations under thirty-nine thousand accorc recent official United States census.

(2) Municipal party primaries, party conventions, and petition nominations must be conducted in accorc provisions of this chapter, the applicable provisions of the state election laws, and the rules of municipa organizations not in conflict therewith.

B. A municipality with a population over thirty-nine thousand according to the most recent official Unit that provides for the partisan nomination of candidates for municipal offices on the effective date of this April 1, 2027, adopt by ordinance a method of nominating candidates prescribed in Section 5-15-61, 5- the municipality does not adopt a new method by that date, then the method prescribed in Section 5-1 revised by ordinance.

C. This SECTION takes effect on January 1, 2027.

Duties of municipal election commissions

SECTION 10. Section 5-15-100 of the S.C. Code is amended to read:

Section 5-15-100. The municipal election commission shall ensure proper books of registration are p ward or precinct, shall prepare and distribute ballots and election materials, appoint managers of electi place, and otherwise supervise and conduct all municipal elections. The commission shall certify the re three days following the election.

Protesting municipal election results

SECTION 11. Section 5-15-130 of the S.C. Code is amended to read:

Section 5-15-130. (A) A candidate may contest the result of the election by filing a written notice of su with a concise statement of the grounds therefor, with the Municipal Election Commission not later thar Monday following the certification of the results. If the deadline falls on a legal holiday, then the time fo noon on the next day that is not a legal holiday. The Municipal Election Commission shall, after due no concerned, conduct a hearing on the contest not later than the Saturday following the deadline for filing commission must decide the issues raised, file its report together with all recorded testimony and exhit

court of the county in which the municipality is situated, notify the parties concerned of the decisions m decision invalidates the election the council shall order a new election as to the parties concerned.

(B) Neither the mayor nor any member of council shall be eligible to pass on the issues arising in any c a party.

Protest appeals

SECTION 12. Section 5-15-140 of the S.C. Code is amended to read:

Section 5-15-140. Within ten days after notice of the decision of the municipal election commission, a thereby may appeal from such decision to the court of common pleas. Notice of appeal shall be servec parties or their attorneys and filed in the office of the clerk of court within ten days.

Municipal election commissions

SECTION 13.A. Chapter 15, Title 5 of the S.C. Code is amended by adding:

Section 5-15-175. (A) Notwithstanding another provision of this chapter, a municipal election commis established for municipalities with a population of ten thousand or more, according to the most recent c census.

(B) Elections for municipalities with a population of less than ten thousand, according to the most recer States census, must be conducted and certified by the county boards of voter registration and election:

(1) If a municipality is located within only one county, its municipal elections must be conducted and ce board of voter registration and elections of the county in which the municipality is located.

(2) If a municipality is located within more than one county:

(a) its municipal elections must be conducted jointly by each county board of voter registration and elec portion of registered electors in the municipality; and

(b) its municipal elections must be certified by the county board of voter registration and elections of th main office is located.

(C) A municipality whose elections are conducted and certified pursuant to this section must reimburse voter registration and elections for the reasonable costs incurred in conducting and certifying its electio with a reimbursement schedule provided by the State Election Commission.

B. On the effective date of this SECTION, municipal election commissions for municipalities under te according to the most recent official United States census, are abolished. Their duties, responsibilities, devolved upon the county boards of voter registration and elections.

C. This SECTION takes effect on January 1, 2027.

Time effective

SECTION 14. Except as otherwise provided in this act, this act takes effect upon approval by the Go

Ratified the 14th day of May, 2026.

Approved the 19th day of May, 2026.

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