South Carolina Legislature

H3557 found 1 time.

H*3557

Session 126 (2025-2026)

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H 3557 {Rat #178, Act #137 of 2026} General Bill, By B. Newton, Pedalino, Taylor, Guest, Crawford, Schuessler and Hixon

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 7-11-15, RELATING TO QUALIFICATIONS TO RUN AS A CANDIDATE IN GENERAL ELECTIONS, SO AS TO SHORTEN THE CANDIDATE FILING PERIOD, TO PROVIDE FILING FEES FOR CANDIDATES SEEKING NOMINATION BY POLITICAL PARTY PRIMARY OR CONVENTION, TO ALLOW POLITICAL PARTIES TO CHARGE CANDIDATES A CERTIFICATION FEE, AND TO PROVIDE PROCEDURES FOR A STATE OR COUNTY COMMITTEE TO ALLOW ENTRY OF OTHER CANDIDATES IN CERTAIN CIRCUMSTANCES AFTER A CANDIDATE HAS DIED OR WITHDRAWN; BY AMENDING SECTION 7-11-210, RELATING TO THE FILING OF PARTY PLEDGES BY CANDIDATES, SO AS TO MAKE CONFORMING CHANGES; BY AMENDING SECTION 7-13-40, RELATING TO THE CONDUCT OF PARTY PRIMARIES, SO AS TO DELETE LANGUAGE REGARDING THE TRANSMISSION AND USE OF CANDIDATE FILING FEES; AND BY AMENDING SECTION 7-13-190, RELATING TO SPECIAL ELECTIONS TO FILL VACANCIES IN OFFICE, SO AS TO AMEND THE APPLICABLE DATES FOR CANDIDATE FILING AND THE CONDUCT OF SPECIAL PRIMARIES, SPECIAL RUNOFF PRIMARIES, AND SPECIAL ELECTIONS. - 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 244)
1/14/2025	House	Referred to Committee on Judiciary (House Journal-page 244)
2/26/2025	House	Member(s) request name added as sponsor: Guest, Crawford
3/20/2025	House	Committee report: Favorable with amendment Judiciary (House J
3/26/2025	House	Member(s) request name added as sponsor: Schuessler, Hixon
3/26/2025	House	Requests for debate-Rep(s). Magnuson, Beach, Pace, Frank, White, Cromer, Gilreath, Ligon, Terribile, B Newton, Jordan, Guest (House Journal-page 25)
3/26/2025	House	Amended (House Journal-page 49)
3/26/2025	House	Read second time (House Journal-page 49)
3/26/2025	House	Roll call Yeas-87 Nays-18 (House Journal-page 51)
3/27/2025	House	Read third time and sent to Senate (House Journal-page 32)
3/27/2025		Scrivener's error corrected
4/1/2025	Senate	Introduced and read first time (Senate Journal-page 9)
4/1/2025	Senate	Referred to Committee on Judiciary (Senate Journal-page 9)
2/18/2026	Senate	Committee report: Favorable with amendment Judiciary (Senate
3/31/2026	Senate	Amended (Senate Journal-page 27)
3/31/2026	Senate	Read second time (Senate Journal-page 27)
3/31/2026	Senate	Roll call Ayes-40 Nays-1 (Senate Journal-page 27)
4/1/2026	Senate	Read third time and returned to House with amendments (Senate
4/1/2026		Scrivener's error corrected
4/15/2026	House	Concurred in Senate amendment and enrolled (House Journal-pag
4/15/2026	House	Roll call Yeas-85 Nays-22 (House Journal-page 82)

(C) Political parties may charge a certification fee of up to one hundred dollars to candidates seeking n general election. To implement a certification fee, a political party's state executive committee must not Director of the State Election Commission of its decision to charge the fee, and the amount of the fee, December first of the year preceding a general election. A certification fee must be submitted with the f retained by the applicable political party. A lieutenant governor candidate is not required to pay a certifi

(D) Except as provided in this section, the State Election Commission and county boards of voter regis elections must provide a copy of all statements of intention of candidacy, the party pledge, receipt, and appropriate political party executive committee within two days following the deadline for filing. If the se Saturday, Sunday, or a legal holiday, the statement of intention of candidacy, party pledge, and filing fe noon the following day that is not a Saturday, Sunday, or legal holiday. A candidate's name may not ap election ballot, convention slate of candidates, general election ballot, or special election ballot, except provided by law, if (1) the candidate's statement of intention of candidacy and party pledge has not bee county board of voter registration and elections or State Election Commission, as the case may be, as fee, by the deadline and (2) the candidate has not been certified by the appropriate political party as re 7-13-40 and 7-13-350, as applicable. The candidate's name must appear if the candidate produces the copy of his timely filed statement of intention of candidacy. An error or omission by a person seeking to candidate pursuant to this section who is not directly related to a constitutional or statutory qualificatior be construed in a manner that favors the person's access to the ballot.

(E) The statement of intention of candidacy required in this section and in Section 7-13-190(B) must be designed and provided by the State Election Commission. This form, in addition to all other informatior affirmation that the candidate meets, or will meet by the time of the general election, or as otherwise re qualifications for the office sought. The candidate or his agent must file a signed statement of intention the election commission with whom it is filed must stamp the statement with the date and time receivec statement, provide a copy to the candidate, and provide a copy to the appropriate political party execut

(F) The candidate or his agent must file a signed party pledge, as required pursuant to Section 7-11-21 commission with which it is filed must stamp the party pledge with the date and time received, provide candidate, and provide a copy to the appropriate political party executive committee.

(G) The election commission with which the filing fee is filed must issue a receipt for the filing fee, stam the date and time the filing fee was received, provide a copy to the candidate or his agent, and provide appropriate political executive party. The filing fee must be made payable to the appropriate political pa

(H) If, after the closing of the time for filing the documents required pursuant to this section, there are n candidates for any one office and one or more of the candidates dies or withdraws, then the state or cc applicable, may afford an opportunity for the entry of other candidates for the office involved, provided Director of the State Election Commission confirms there is sufficient time for other candidates to be pl

(1) In order for a state or county committee to allow entry of other candidates for the office, the commit

(a) hold a public hearing within forty-eight hours of the death or withdrawal of the candidate or candida

(b) publicly vote to allow reopening of the time to file for the office.

(2) The additional filing period for the office shall consist of three business days following the vote auth of the time to file.

(3) Any withdrawal must be in writing to the director of the county board of voter registration and electic candidate filed, or to the Executive Director of the State Election Commission if the candidate filed with Commission.

(I) The county chairman of a political party and the chairman of the state executive committee of a polit designate a person to observe the filings made at the election commission pursuant to this section.

(J) The provisions of this section do not apply to nonpartisan school trustee elections in a school distric provisions provide for other dates and procedures for filing statements of candidacy or petitions, and tc provisions of this section and the local law provisions conflict, the local law provisions control.

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

Party pledge

SECTION 2.A. Section 7-11-210 of the S.C. Code is amended to read:

Section 7-11-210. (A) Every candidate for selection as a nominee of any political party for any state c Senator, member of Congress, or solicitor, to be voted for in any party primary election or political part file, pursuant to Section 7-11-15, a party pledge in the following form, the blanks being properly filled in pledge signed by the candidate: "I hereby file my notice as a candidate for the nomination as _____ election or convention to be held on _____ . I affiliate with the _____ Party, and I hereb abide by the results of the primary or convention. I shall not authorize my name to be placed on the ge by petition and will not offer or campaign as a write-in candidate for this office or any other office for wh nominee. I authorize the issuance of an injunction upon ex parte application by the party chairman, as should I violate this pledge by offering or campaigning in the ensuing general election for election to thi other office for which a nominee has been elected in the party primary election, unless the nominee for become deceased or otherwise disqualified for election in the ensuing general election. I hereby affirm meet by the time of the general or special election, or as otherwise required by law, the qualifications fc

(B) Every candidate for selection in a primary election as the nominee of any political party for member member of the House of Representatives, and all county and township offices shall file, pursuant to Se like party pledge.

(C) The party pledge required by this section to be filed by a candidate in a primary must be signed pe candidate, and the signature of the candidate must be signed in the presence of an individual authorize commission director. Any party pledge of any candidate signed by an agent on behalf of a candidate sh

(D) In the event that a person who was defeated as a candidate for nomination to an office in a party's shall thereafter offer or campaign as a candidate against any nominee for election to any office in the e election, the state chairman of the party which held the primary (if the office involved is one voted for ir election by the electors of more than one county), or the county chairman of the party which held the p of all other offices), shall forthwith institute an action in a court of competent jurisdiction for an order en from so offering or campaigning in the general election, and the court is hereby empowered upon proo issue an order.

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

Party primaries

SECTION 3.A. Section 7-13-15 of the S.C. Code is amended to read:

Section 7-13-15. (A) This section does not apply to municipal primaries.

(B) Except as provided in subsection (A) or unless otherwise specifically provided for by statute or ordi following primaries must be conducted by the State Election Commission and the county boards of vot elections on the second Tuesday in June of each general election year:

(1) primaries for federal offices, excluding a presidential preference primary for the Office of President as provided pursuant to Section 7-11-20(B); and

(2) primaries for:

(a) state offices;

(b) offices including more than one county;

(c) countywide and less than countywide offices, specifically including, but not limited to, all school boa trustees; and

(d) special purpose district offices, which include, but are not limited to, water, sewer, fire, soil conserva similar district offices.

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

Certification of candidates

SECTION 4.A. Section 7-13-40 of the S.C. Code is amended to read:

Section 7-13-40. In the event that a party nominates candidates by party primary, a party primary mu party and conducted by the State Election Commission and the respective county boards of voter regis elections on the second Tuesday in June of each general election year, and a second and third primary successively thereafter, if necessary. Written certification of the names of all candidates to be placed o must be made by the political party chairman, vice chairman, or secretary to the State Election Commi board of voter registration and elections whichever is responsible under law for preparing the ballot, no o'clock noon on April fifth, or if April fifth falls on a Saturday or Sunday, not later than twelve o'clock noc Monday. Political parties nominating candidates by party primary must verify the qualifications of those certification to the appropriate election commission of the names of candidates to be placed on primary written verification required by this section must contain a statement that each candidate certified meet the time of the general election, or as otherwise required by law, the qualifications for office for which h political party must not certify any candidate who does not or will not by the time of the general electior required by law, meet the qualifications for the office for which the candidate has filed, and such candic not be placed on a primary ballot.

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

Special elections

SECTION 5.A. 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 va office by reason of death, resignation, or removal and the vacancy in office is one which is filled by a sp complete the term of office, this section applies.

(B)(1) In partisan elections, whether seeking nomination by political party primary or political party conv these candidates shall open for the office at twelve o'clock noon on the third Friday after the vacancy o to close seven days later at twelve o'clock noon. If the filing period closes on a legal holiday, then the fi extended until noon on the next weekday that is not a legal holiday. If seeking nomination by petition, t be submitted not later than twelve o'clock noon, sixty days prior to the election. Verification of these pe made not later than twelve o'clock noon forty-five days prior to the election. If seeking nomination by p primary or political party convention, filing with the appropriate official is the same as provided in Sectic seeking nomination by petition, filing with the appropriate official is the same as provided in Section 7-

(2) A primary must be held on the first eligible date provided in subsection (D) that is on or following the after the vacancy occurs. A runoff primary, if necessary, must be held two weeks after the primary. A sp be held on the first eligible date provided in subsection (D) that is following the date of the primary.

(3) If there are more than twenty Tuesdays after a vacancy occurs in the office of House of Representa Congress of the United States to the date provided for an eligible special election in subsection (D), or than thirty-five days from the eleventh Tuesday after a vacancy occurs in the office of State Senate or S Representatives to the date provided for an eligible primary in subsection (D), then the schedule to fill a 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 p general election, or presidential preference primary then the Governor, President of the Senate, or Spe of Representatives, as applicable, may establish a schedule to fill a vacancy in a manner that does not 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 noor after the vacancy occurs for a period to close seven days later at noon. If the filing period closes on a h the filing period is extended until noon on the next weekday that is not a legal holiday. The filing must b same entity to which the nonpartisan officeholders would normally file for office in a general election ye must be set for the first eligible date provided in subsection (D) that is on or following the eleventh Tue: vacancy occurs.

(D) A special election for any office, a primary for a special election, or for any matter for which a speci 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 electio

(4) the fourth Tuesday in August; and

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

(E) If the date for a primary for a special election, runoff primary, or special election falls on a legal holi primary, runoff primary, or special election, as applicable, must be set for the next succeeding Tuesday holiday.

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

B. This SECTION takes effect on July 1, 2026, and is applicable to vacancies created on and after Ju

Special election

SECTION 6. Notwithstanding another provision of law, a special election required to fill a vacancy cre 2026, must be held on June 9, 2026.

Severability clause

SECTION 7. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or va remaining portions of this act, the General Assembly hereby declaring that it would have passed this ac every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irres that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, ph hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Time effective

SECTION 8. Except as otherwise provided in this act, this act takes effect upon approval by the Gov

Ratified the 14th day of May, 2026.

Approved the 15th day of May, 2026.

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