



HOUSE BILL 373: Elections

2015-2016 General Assembly

Committee:		Date:	September 23, 2015
Introduced by:	Reps. Riddell, Whitmire, Brockman, Iler	Prepared by:	R. Erika Churchill, Kara McCraw, and Kelly Tornow
Analysis of:	Conference Report		Committee Counsel

SUMMARY: *The conference report for House Bill 373 establishes procedures for the conduct of the 2016 primaries, including the presidential preference primary, and allows for the creation of an affiliated party committee under the campaign finance regulations.*

CURRENT LAW & BILL ANALYSIS:

Section 1 – Presidential Preference Primary: Article 18A of Chapter 163 establishes the Presidential Preference Primary Act. The presidential primary is held in presidential election years on the Tuesday after the first Monday in May, unless South Carolina holds its presidential primary before the 15th day of March. In that case, the North Carolina presidential preference primary is held on the Tuesday after the first South Carolina presidential preference primary of that year.

Section 1 of the conference report moves the date of the presidential preference primary to March 15, 2016. Requirements for the process and conduct of the election, including eligibility and qualification of voters, nominating process, voting process, and delegation process, remain as provided in Article 18A, with the following changes:

- The State Board of Elections (SBE) must receive lists of presidential candidates from the chair of each political party for nomination by December 16, 2015. The SBE must meet on January 5, 2016, to nominate candidates.
- Nominating petitions must be received by the SBE by January 4, 2016.
- The candidate receiving the highest number of votes in the presidential preference primary of each party will be nominated. Each political party must require the delegate positions appointed by that party to support the candidate certified as receiving the highest number of votes until one convention nominating ballot has been taken at the 2016 national party convention, unless that candidate has withdrawn from the race and has ceased to actively seek election to the office of President of the United States in more than one State at the time the first convention nominating ballot is taken at the 2016 national party convention.
- The State chair of each political party must notify the national committee no later than December 10, 2015, of the provisions contained in the conference report for HB 373.

Section 2 – General Primary Date: Article 1 of Chapter 163 provides for the time of primaries and elections. The general primary date is the Tuesday after the first Monday in May before each general election held in November.

Section 2 of the conference report moves the date of the primary election to March 15, 2016. Requirements for the process and conduct of the election remains the same, with the following changes:

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- Reduces the time that a candidate must be affiliated with a political party before filing as a candidate in a party primary for that party from 90 days to 75 days.
- Moves the filing period from noon on the second Monday in February through noon on the last business day in February to noon on Tuesday, December 1, 2015, through noon on Monday, December 21, 2015.
- Requires a candidate's statement of economic interest to be filed with the State Ethics Commission by February 1, 2016.
- Requires that the first quarter campaign finance reports are due Monday, March 7, 2016, and include the period through February 29, 2016 and that the report for the second quarter also covers March 2016.
- Sets the date of to May 24, 2016 (May 3, 2016, for office of U.S. Senate or U.S. House of Representatives). This conforms with existing law, which provides that any potential second primary is to be held 7 weeks after the first primary (10 weeks for office of U.S. Senate or U.S. House of Representatives).
- Provides that any special election authorized by statute or local act that is set for May 2016 must be placed on the ballot on March 15, 2016, unless the unit of government calling the special election affirmatively changes the date for the special election to another date in accordance with current law.

Section 2 also allows the SBE to issue temporary orders in order to accommodate the scheduling of the 2016 primary date to March 15, 2016. The temporary orders would only be effective for the 2016 primary elections, would expire 10 days after the final certification of all 2016 primary elections, and would not be rules subject to the provisions of the Administrative Procedure Act.

Section 3 – Affiliated Party Committees: Section 3 allows the leader of each political party caucus of the House of Representatives and Senate to establish a separate, affiliated party committee to support the election of candidates of that leader's political party. Each affiliated party committee must adopt bylaws, conduct campaigns for candidates who are members of the leader's political party or manage daily operations of the affiliated party committee, establish a bank account, and raise and expend funds at the authorization of the leader of the affiliated party committee. The "leader" means the currently elected President Pro Tempore of the Senate, the currently elected Speaker of the House of Representatives, or the currently elected minority leader of either house, until another person is designated by a political party caucus of members of either house to succeed one of those positions, at which time the newly designated person becomes the leader of that committee.

An affiliated party committee would be treated like a political party for purposes of the campaign finance laws. Under current law, the contribution limitation of \$5,100 per election per individual does not apply to a political party, and political parties may accept contributions from registered lobbyists. For limited purposes, if the funds are segregated, a political party may accept contributions from corporations, which other political committees may not do. By definition, a political action committee excludes a political party.

EFFECTIVE DATE: Sections 1 and 2 of this act are effective when this act becomes law and apply only to the 2016 primary cycle. The remainder of this act is effective when it becomes law and applies to contributions and expenditures made on or after that date.