**South Carolina General Assembly**

125th Session, 2023-2024

**S. 130**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Hembree and Kimbrell

Companion/Similar bill(s): 178, 248, 444, 450, 872, 3022, 3447, 4179, 4183

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Introduced in the Senate on January 10, 2023

Currently residing in the Senate

Summary: Judicial Merit Selection Commission

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2022 Senate Prefiled

 11/30/2022 Senate Referred to Committee on **Judiciary**

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 74)

 1/10/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 74)

 1/16/2024 Senate Referred to Subcommittee: Talley (ch), Malloy,
 Campsen, Sabb, Senn

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**VERSIONS OF THIS BILL**

[12/02/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/130_20221202.docx)

A bill

to amend the South Carolina Code of Laws by amending Section 2-19-10, relating to THE JUDICIAL MERIT SELECTION COMMISSION AND THE COMMISSION’S APPOINTMENT, QUALIFICATIONS, AND TERM, so as to REVISE THE MEMBERSHIP AND TERMS OF THE COMMISSION; by amending Section 2-19-20, relating to Investigation by Commission and the publication of vacancies, so as to provide that the investigation shall include the South Carolina Bar assessment of the candidate, the Citizens Committee assessment of the candidate, and public testimony from any witness appearing before the commission; by amending Section 2-19-80, relating to THE NOMINATION OF QUALIFIED CANDIDATES BY THE JUDICIAL MERIT SELECTION COMMISSION, so as to CHANGE THE COMMISSION’S PROCESS FOR NOMINATING JUDICIAL CANDIDATES FROM THE NOMINATION OF THREE QUALIFIED CANDIDATES TO THE RELEASE OF A LIST OF ALL QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY; and by amending Section 2-19-90, relating to THE ELECTION OF JUDGES BY THE GENERAL ASSEMBLY, so as to REQUIRE A MAJORITY VOTE FROM EACH HOUSE OF THE GENERAL ASSEMBLY.

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

SECTION 1. Section 2‑19‑10(B) of the S.C. Code is amended to read:

 (B) Notwithstanding any other provision of law, the Judicial Merit Selection Commission shall consist of the following individuals:

 (1) five members appointed by the Speaker of the House of Representatives and of these appointments:

 (a) three members must be serving members of the General Assembly; and

 (b) two members must be selected from the general public;

 (2) three members, appointed by the Chairman of the Senate Judiciary Committee, who must be serving members of the Senate; and

 (3) two members, appointed by the President of the Senate, who must be selected from the general public.

 (1) two members each appointed by the Speaker of the House of Representatives and the President of the Senate, each appointing at least one member from the minority party:

 (2) one member each appointed by the Chairman of the Senate Judiciary Committee and the Chairman of the House of Representatives Judiciary Committee;

 (3) all appointments pursuant to item (1) and (2) must be members serving in the General Assembly;

 (4) one additional member must be appointed from the general public by the Chief Justice of the South Carolina Supreme Court;

 (5) five additional members must be appointed from the general public by the Governor. The Governor shall name a chairman each year from his list of appointees; and

 (6) one additional member must be appointed by the South Carolina Bar Association from within its membership, this member may not be a member serving in the General Assembly.

 No legislative member may serve more than four consecutive years on the commission. A legislative member may be reappointed to the commission having not served for four consecutive years. No legislative member may serve on the commission while a family member as defined in Section 8‑13‑100(15) is a candidate in a judicial race.

SECTION 2. Section 2-19-20(D) of the S.C. Code is amended to read:

 (D) Any person wishing to seek a judicial office, which is elected by the General Assembly, shall file a notice of intention to seek the office with the Judicial Merit Selection Commission. Upon receipt of the notice of intention, the commission shall begin to conduct the investigation of the candidate. The investigation shall include the South Carolina Bar assessment of the candidate, the Citizens Committee assessment of the candidate, and public testimony from any witness appearing before the commission. The commission may consider other information provided by any agency of state government but such information shall be provided to the candidate seeking office and described during a public hearing. If the commission utilizes anonymous surveys in its investigation, the results of the surveys will be provided to the candidate at least 24 hours prior to the time of their appearance before the commission. A candidate can not be found unqualified based upon the use of anonymous surveys.

SECTION 3. Section 2-19-80(A) of the S.C. Code is amended to read:

 (A) The commission shall make nominations to the General Assembly of candidates and their qualifications for election to the Supreme Court, court of appeals, circuit court, family court, and the administrative law judge division. It shall review the qualifications of all applicants for a judicial office and select therefrom and submit to the General Assembly the names and qualifications of the threeall candidates whom it considers best qualified for the judicial office under consideration. If fewer than three persons apply to fill a vacancy or if the commission concludes there are fewer than three candidates qualified for a vacancy, it shall submit to the General Assembly only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.

SECTION 4. Section 2‑19‑90 of the S.C. Code is amended to read:

 Section 2‑19‑90. The General Assembly shall meet in joint session for the election of judges. The date and time for the joint session shall be set by concurrent resolution upon the recommendation of the Judicial Merit Selection Commission. The Chairman of the Judicial Merit Selection Commission shall announce the commission’s nominees for each judicial race, and no further nominating or seconding speeches shall be allowed by members of the General Assembly. In order to be elected, a candidate must receive a majority of the vote of the members from each house of the General Assembly voting in joint session. No member of the General Assembly may cast a vote on a judicial race in which a nominee is a family member as defined in Section 8‑13‑100(15).

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

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