**South Carolina General Assembly**

118th Session, 2009-2010

**S. 58**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Ford

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Introduced in the Senate on January 13, 2009

Currently residing in the Senate Committee on **Judiciary**

Summary: Campaigning for judicial candidates

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/10/2008 Senate Prefiled

12/10/2008 Senate Referred to Committee on **Judiciary**

1/13/2009 Senate Introduced and read first time [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑98

1/13/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑98

**VERSIONS OF THIS BILL**

[12/10/2008](file:///p:\pprever\2009-10\58_20081210.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 2‑19‑75 SO AS TO PROHIBIT MEMBERS OF THE GENERAL ASSEMBLY FROM CAMPAIGNING FOR JUDICIAL CANDIDATES WITHIN TWO YEARS OF THE ELECTION, TO PROVIDE THAT THE STATE ETHICS COMMISSION SHALL INVESTIGATE COMPLAINTS, TO PROVIDE A PENALTY, AND TO PROVIDE AN EXCEPTION UNDER CERTAIN CIRCUMSTANCES FOR LEGISLATIVE MEMBERS OF THE JUDICIAL MERIT SELECTION COMMISSION.

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

SECTION 1. Chapter 19, Title 2 of the 1976 Code is amended by adding:

“Section 2‑19‑75. (A) In addition to the prohibitions contained in Section 2‑19‑70, a member of the General Assembly may not actively campaign for a judicial candidate within two years of the judicial election. For the purposes of this section, ‘actively campaign’ includes, but is not limited to, knowingly promoting a judicial candidate or potential judicial candidate or knowingly introducing a judicial candidate or potential judicial candidate to other members of the General Assembly.

(B) A member of the General Assembly who violates the provisions of this section must be disqualified from voting in the judicial election for the respective judicial position, and the judicial candidate also must be disqualified from the election for the respective position if he knowingly participated in a violation of this section.

(C) Violations of this section by a member of the General Assembly or a judicial candidate must be reported by the commission to the State Ethics Commission. A violation of the provisions of this section is a misdemeanor and, upon conviction, the violator must be fined not more than one thousand dollars or imprisoned not more than ninety days. Cases tried pursuant to this section may not be transferred from general sessions court pursuant to Section 22‑3‑545.

(D) The provisions of this section do not apply to legislative members of the commission to the extent that their actions in nominating and announcing judicial candidates are required by the provisions of this chapter.”

SECTION 2. The repeal or amendment by this act of any law, whether temporary or permanent or civil or criminal, does not affect pending actions, rights, duties, or liabilities founded thereon, or alter, discharge, release or extinguish any penalty, forfeiture, or liability incurred under the repealed or amended law, unless the repealed or amended provision shall so expressly provide. After the effective date of this act, all laws repealed or amended by this act must be taken and treated as remaining in full force and effect for the purpose of sustaining any pending or vested right, civil action, special proceeding, criminal prosecution, or appeal existing as of the effective date of this act, and for the enforcement of rights, duties, penalties, forfeitures, and liabilities as they stood under the repealed or amended laws.

SECTION 3. This act takes effect upon approval by the Governor.

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