**South Carolina General Assembly**

118th Session, 2009-2010

**S. 63**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Senator Ford

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Summary: Supreme Court

**HISTORY OF LEGISLATIVE ACTIONS**

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

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1/13/2009 Senate Referred to Committee on **Judiciary** [SJ](file:///h:\SJ%20Archive\2009\01-13-09.docx)‑101

**VERSIONS OF THIS BILL**

[12/10/2008](file:///p:\pprever\2009-10\63_20081210.docx)

**A** **JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO SECTION 2 OF ARTICLE V OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE COMPOSITION OF THE SUPREME COURT, SO AS TO INCREASE FROM FIVE TO SEVEN THE NUMBER OF JUSTICES COMPRISING THE SUPREME COURT ON JANUARY 1, 2013; TO SECTION 3, ARTICLE V, RELATING TO THE ELECTION OF MEMBERS OF THE SUPREME COURT, SO AS TO PROVIDE THAT ASSOCIATE JUSTICES OF THE SUPREME COURT SHALL BE POPULARLY ELECTED FROM CONGRESSIONAL DISTRICTS BY THE QUALIFIED VOTERS OF EACH DISTRICT BEGINNING IN 2012 AND THAT THE CHIEF JUSTICE OF THE SUPREME COURT SHALL BE ELECTED FROM THE STATE AT‑LARGE; TO SECTION 8, ARTICLE V, RELATING TO ELECTION OF MEMBERS OF THE COURT OF APPEALS, SO AS TO PROVIDE THAT JUDGES OF THE COURT OF APPEALS BEGINNING IN 2012 SHALL BE POPULARLY ELECTED FROM CONGRESSIONAL DISTRICTS BY THE QUALIFIED VOTERS OF EACH DISTRICT; AND TO SECTION 13, ARTICLE V, RELATING TO JUDICIAL CIRCUIT JUDGES, SO AS TO PROVIDE THAT BEGINNING IN 2012 CIRCUIT COURT JUDGES SHALL BE POPULARLY ELECTED FROM STATE SENATORIAL DISTRICTS BY THE QUALIFIED VOTERS OF EACH DISTRICT AND THAT THE CHIEF JUSTICE SHALL ASSIGN CIRCUIT JUDGES TO THE JUDICIAL CIRCUITS WITH REASONABLE EFFORTS MADE TO ACCOUNT FOR GEOGRAPHICAL LOCATION.

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

SECTION 1. It is proposed that Section 2, Article V of the Constitution of this State be amended to read:

“Section 2. On January 1, 2013, the Supreme Court shall consist of a Chief Justice and ~~four~~ six associate justices, any ~~three~~ four of whom shall constitute a quorum for the transaction of business. The Chief Justice shall preside, and in his absence the senior Associate Justice. In all cases decided by the Supreme Court, the concurrence of ~~three~~ four of the justices shall be necessary for a reversal of the judgment below.”

SECTION 2. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 2, Article V of the Constitution of this State be amended so as to increase the composition of the Supreme Court from five to seven justices on January 1, 2013?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

SECTION 3. It is proposed that Section 3, Article V of the Constitution of this State be amended to read:

“Section 3. Beginning in 2012, the Chief Justice of the Supreme Court shall be elected from the state at‑large by popular vote of the voters of this State for a term of ten years, and shall continue in office until a successor shall be elected and qualified. ~~The~~ ~~members~~ One associate justice of the Supreme Court shall be elected from each congressional district of this State by a ~~joint public~~ popular vote of the ~~General Assembly~~ qualified voters of that congressional district for a term of ten years, and shall continue in office until their successors shall be elected and qualified~~, and shall be classified so that the term of one of them shall expire every two years~~. ~~In any contested election, the vote of each member of the General Assembly present and voting shall be recorded.~~ The General Assembly by law shall provide for the manner in which these justices shall be elected including the authority to stagger the initial terms of popularly elected justices. The terms of all persons serving as justices at the time of the ratification of the provisions providing for the popular election of members of the court shall expire on December 31, 2012. A vacancy occurring prior to January 1, 2013, shall be filled in the manner provided by law as of that date.”

SECTION 4. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 3, Article V of the Constitution of this State be amended so as to provide that beginning in 2012 associate justices of the Supreme Court shall be popularly elected from each congressional district by the qualified voters of the district and for the election of the Chief Justice from the state at large?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

SECTION 5. It is proposed that Section 8, Article V of the Constitution of this State be amended to read:

“Section 8. ~~The members~~ Beginning in 2012, one member of the court of appeals shall be elected from each congressional district of this State by a ~~joint public~~ popular vote of the ~~General Assembly~~ qualified voters of that congressional district for a term of six years and shall continue in office until their successors shall be elected and qualify. ~~In any contested election, the vote of each member of the General Assembly present and voting shall be recorded. Provided, that for the first election of members of the Court of Appeals, the General Assembly shall by law provide for staggered terms.~~ The Chief Judge and two associate justices shall be elected from the state at large for terms of six years each and until their successors are elected and qualify. The General Assembly by law shall provide for the manner of election of these judges including the authority to stagger the initial terms of the popularly elected judges. The terms of members of the court of appeals serving in office on the effective date of the ratification of the provisions providing for the popular election of the members of the court shall expire on December 31, 2012. A vacancy occurring prior to January 1, 2013, shall be filled in the manner provided by law as of that date.”

SECTION 6. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 8, Article V of the Constitution of this State be amended so as to provide that beginning in 2012, six members of the court of appeals shall be popularly elected from each congressional district and the Chief Judge and two associate judges elected from the state at large?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

SECTION 7. It is proposed that Section 13, Article V of the Constitution of this State be amended to read:

“Section 13. The General Assembly shall divide the State into judicial circuits of compact and contiguous territory. ~~For each circuit a judge or judges shall be elected by a joint public vote of the General Assembly; provided, that in any contested election, the vote of each member of the General Assembly present and voting shall be recorded.~~ Beginning in 2012, circuit court judges shall be elected from judicial election districts, which shall be the same as the districts from which state senators are elected, by popular vote of the qualified voters of the district. The Chief Justice shall assign circuit court judges to the judicial circuits of this State and shall make reasonable efforts to assign judges to circuits according to geographical location. ~~He~~ A judge shall hold office for a term of six years, and at the time of his election he shall be an elector of ~~a county of,~~ and during his continuance in office he shall reside in, the ~~circuit~~ district of which he is judge. ~~The General Assembly may by law provide for additional circuit judges, to be assigned by the Chief Justice. Such additional circuit judges shall be elected in the same manner and for the same term as provided in the preceding paragraph of this section for other circuit judges, except that residence in a particular county or circuit shall not be a qualification for office.~~ The General Assembly shall provide for the manner of election of circuit judges including the authority to stagger the initial terms of popularly elected circuit judges. The terms of all persons serving as circuit court judges whose terms expire in 2011 or 2012 are extended to December 31, 2012. The terms of all persons serving as circuit court judges whose terms expire in 2013 or 2014 are extended to December 31, 2014. The terms of all persons serving as circuit court judges whose terms expire in 2015 or 2016 are extended to December 31, 2016. The elections for circuit court judges as provided in this section shall begin in the year 2012 and continue every two years thereafter. A vacancy occurring prior to January 1, 2013, shall be filled in the manner provided by law as of that date.”

SECTION 8. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 13, Article V of the Constitution of this State be amended so as to provide that circuit court judges beginning in 2012 shall be elected from judicial election districts, which are the same as the districts from which state senators are elected, by popular vote of the qualified voters of each district and to provide that the Chief Justice shall assign judges to judicial circuits, with reasonable efforts made to account for geographical location?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

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