**South Carolina General Assembly**

120th Session, 2013-2014

**S. 858**

**STATUS INFORMATION**

General Bill

Sponsors: Senator Shealy

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Introduced in the Senate on January 14, 2014

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

Summary: General Assembly member appearing as attorney before or voting for a judge prohibitions

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/10/2013 Senate Prefiled

12/10/2013 Senate Referred to Committee on **Judiciary**

1/14/2014 Senate Introduced and read first time ([Senate Journal‑page 48](file:///H:\SJ%20Archive\2014\01-14-14.docx))

1/14/2014 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 48](file:///H:\SJ%20Archive\2014\01-14-14.docx))

**VERSIONS OF THIS BILL**

[12/10/2013](file:///p:\pprever\2013-14\858_20131210.docx)

**A** **BILL**

TO AMEND SECTION 2‑19‑90 OF THE 1976 CODE, RELATING TO APPROVAL OF THE GENERAL ASSEMBLY IN JOINT SESSION, TO PROVIDE THAT A MEMBER OF THE GENERAL ASSEMBLY SHALL BE PROHIBITED FROM VOTING IN JOINT SESSION AND MUST EXCUSE HIMSELF FROM PARTICIPATION IN THE ELECTION OF JUDGES IF THE MEMBER REPRESENTS CLIENTS IN ANY COURT IN THE UNIFIED JUDICIAL SYSTEM OF THIS STATE; AND TO AMEND SECTION 22‑1‑40, RELATING TO APPEARANCE AS AN ATTORNEY IN A CASE BEFORE A MAGISTRATE, TO PROHIBIT A SENATOR FROM APPEARING AS AN ATTORNEY AT LAW BEFORE A MAGISTRATE THE SENATOR RECOMMENDED TO THE GOVERNOR FOR APPOINTMENT.

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

SECTION 1. Section 2‑19‑90 of the 1976 Code is amended to read:

“Section 2‑19‑90. (A) 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 of the General Assembly voting in joint session.

(B) A member of the General Assembly shall be prohibited from voting in joint session and must excuse himself from participation in the election of judges if the member represents a client in any court in the unified judicial system of this State.”

SECTION 2. Section 22‑1‑40 of the 1976 Code is amended to read:

“Section 22‑1‑40. (A) It shall be unlawful for any magistrate to appear as attorney at law in any of the courts of this State in any action which may have been before him in his official capacity as such magistrate. Any magistrate who violates the provisions of this section shall forfeit his office.

(B) A senator may not appear as an attorney at law before a magistrate that the member recommended to the Governor for appointment.”

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

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