**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 3746**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Clary and Elliott

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Introduced in the House on February 14, 2017

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

Summary: Judicial Merit Selection Commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/14/2017 House Introduced and read first time ([House Journal‑page 46](file:///h:\hj\20170214.docx))

2/14/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 46](file:///h:\hj\20170214.docx))

2/15/2017 House Member(s) request name added as sponsor: Elliott

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**VERSIONS OF THIS BILL**

[2/14/2017](file:///p:\pprever\2017-18\3746_20170214.docx)

**A** **BILL**

TO AMEND SECTION 2‑19‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE MEMBERSHIP, APPOINTMENT, AND TERMS OF THE JUDICIAL MERIT SELECTION COMMISSION, SO AS TO INCREASE THE MEMBERSHIP OF THE COMMISSION FROM TEN TO FIFTEEN BY PROVIDING THAT THE GOVERNOR SHALL APPOINT FIVE MEMBERS FROM THE GENERAL PUBLIC TO SERVE ON THE COMMISSION.

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

SECTION 1. Section 2‑19‑10 of the 1976 Code is amended to read:

“Section 2‑19‑10. (A) Whenever an election is to be held by the General Assembly in Joint Session, for members of the judiciary, a Judicial Merit Selection Commission, composed of ~~ten~~ fifteen members, shall be appointed, in the manner prescribed by this section, to consider the qualifications of the candidates. The Judicial Merit Selection Commission shall meet at least once annually and at other times as may be designated by the chairman. The commission, at its first meeting and then annually, shall elect a chairman and a vice chairman who shall serve for a term of one year and until their successors are elected and qualified, and adopt rules necessary to the purposes of the commission. These rules shall address, among other things:

(1) the confidentiality of records and other information received concerning candidates for judicial office;

(2) the conduct of proceedings before the commission;

(3) receipt of public statements in support of or in opposition to any of the candidates;

(4) procedures to review the qualifications of retired judges for continued judicial service;

(5) contacting incumbent judges regarding their desire to seek re‑election;

(6) prohibition against candidates communicating with individual members of the commission concerning the qualifications of candidates unless specifically authorized by the commission.

A member may succeed himself as chairman or vice chairman. ~~Six~~ Eight members of the commission constitute a quorum at all meetings.

(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 and two members appointed by the President Pro Tempore of the Senate 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;

(3) five members appointed by the Governor, all of whom must be selected from the general public.

(C) In making appointments to the commission, race, gender, national origin, and other demographic factors should be considered to ensure nondiscrimination to the greatest extent possible as to all segments of the population of the State.

(D) The term of office of a member of the commission who is not a member of the General Assembly shall be for four years subject to a right of removal at any time by the person appointing him, and until his successor is appointed and qualifies. A member of the commission who is a serving member of the General Assembly shall serve for the term of office to which he has been elected.

(E) A vacancy on the Judicial Merit Selection Commission must be filled for the remainder of the unexpired term in the same manner as provided for the original selection.

(F) No member of the commission shall receive any compensation for commission services, except those set by law for travel, board, and lodging expenses incurred in the performance of commission duties.

(G) No member of the Judicial Merit Selection Commission is eligible for nomination and appointment as a judge or justice of the state court system or administrative law judge division while serving on the commission and for a period of one year thereafter.”

SECTION 2. This act takes effect upon approval by the Governor.

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