**South Carolina General Assembly**

123rd Session, 2019-2020

**H. 5027**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Morgan, Hill, Magnuson, Haddon, Moore, Willis, Trantham, Jones, G.R. Smith, McDaniel, Chumley, Burns, Robinson, Gilliam, Long and Oremus

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Introduced in the House on January 28, 2020

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

1/28/2020 House Introduced and read first time ([House Journal‑page 15](file:///h:\hj\20200128.docx))

1/28/2020 House Referred to Committee on **Judiciary** ([House Journal‑page 15](file:///h:\hj\20200128.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=5027&session=123&summary=B) at the website

**VERSIONS OF THIS BILL**

[1/28/2020](file:///p:\pprever\2019-20\5027_20200128.docx)

**A** **BILL**

TO AMEND SECTION 2‑19‑70, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JUDICIAL MERIT SELECTION COMMISSION AND THE PROCESS OF PLEDGE‑SEEKING AND ELECTION OF CANDIDATES FOR JUDICIAL OFFICE, SO AS TO PROHIBIT MEMBERS OF THE GENERAL ASSEMBLY FROM OFFERING PLEDGES TO VOTE FOR A CANDIDATE FOR JUDICIAL OFFICE AT ANY TIME, AND TO PROHIBIT MEMBERS OF THE GENERAL ASSEMBLY FROM SUGGESTING, ENCOURAGING, OR PRESSURING CANDIDATES FOR JUDICIAL OFFICE TO WITHDRAW AT ANY STAGE OF THE PROCEEDINGS.

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

SECTION 1. Section 2‑19‑70 of the 1976 Code is amended to read:

“Section 2‑19‑70. (A) No member of the General Assembly may be elected to a judicial office while he is serving in the General Assembly nor shall that person be elected to a judicial office for a period of one year after he either:

(1) ceases to be a member of the General Assembly; or

(2) fails to file for election to the General Assembly in accordance with Section 7‑11‑15.

(B) The privilege of the floor in either house of the General Assembly may not be granted to any candidate or any immediate family member of a candidate unless the family member is serving in the General Assembly, during the time the candidate’s application is pending before the commission and during the time his nomination by the commission for election to a particular judicial office is pending in the General Assembly.

(C) No candidate for judicial office may seek directly or indirectly the pledge of a member of the General Assembly’s vote ~~or~~. A candidate for judicial office may not contact, directly or indirectly, ~~contact~~ a member of the General Assembly regarding screening for the judicial office until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and the commission has formally released its report as to the qualifications of all candidates for the vacancy to the General Assembly. ~~No~~ A member of the General Assembly may not offer his pledge ~~until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and until the commission has formally released its report as to the qualifications of its nominees to the General Assembly~~ to vote for a candidate for judicial office at any time. The formal release of the report of qualifications shall occur no earlier than forty‑eight hours after the nominees have been initially released to members of the General Assembly. For purposes of this section, indirectly seeking a pledge means the candidate, or someone acting on behalf of and at the request of the candidate, requesting a person to contact a member of the General Assembly on behalf of the candidate before nominations for that office are formally made by the commission. The prohibitions of this section do not extend to an announcement of candidacy by the candidate and statements by the candidate detailing the candidate’s qualifications.

(D)(1) ~~No~~ A member of the General Assembly may not trade anything of value, including pledges to vote for legislation or for other candidates, in exchange for another member’s pledge to vote for a candidate for judicial office.

(2) A member of the General Assembly may not suggest, encourage, or pressure a candidate for judicial office to withdraw at any stage of the proceedings. A candidate who is a victim of a violation of this item shall report the violation to the Judicial Merit Selection Commission which shall report the violation to the appropriate ethics committee.

(E) Violations of this section may be considered by the ~~merit selection commission~~ Judicial Merit Selection Commission when it considers the candidate’s qualifications. Violations of this section by members of the General Assembly shall be reported by the commission to the House or Senate Ethics Committee, as may be applicable. Violations of this section by nonlegislative commission members shall be reported by the commission to the State Ethics Commission. A violation 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 under this section may not be transferred from general sessions court pursuant to Section 22‑3‑545.”

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

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