**South Carolina General Assembly**

119th Session, 2011-2012

**H. 3135**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Funderburk and Clyburn

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Introduced in the House on January 11, 2011

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

Summary: Probate judges

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/7/2010 House Prefiled

12/7/2010 House Referred to Committee on **Judiciary**

1/11/2011 House Introduced and read first time ([House Journal‑page 59](file:///h:\hj%20archive\2011\01-11-11.docx))

1/11/2011 House Referred to Committee on **Judiciary** ([House Journal‑page 59](file:///h:\hj%20archive\2011\01-11-11.docx))

**VERSIONS OF THIS BILL**

[12/7/2010](file:///p:\pprever\2011-12\3135_20101207.docx)

**A** **BILL**

TO AMEND SECTION 14‑23‑1020, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE ELECTION OF PROBATE JUDGES, SO AS TO REQUIRE THE ELECTION OF PROBATE JUDGES TO BE NONPARTISAN, TO PROVIDE FOR NONPARTISAN SPECIAL ELECTIONS WHEN A VACANCY OCCURS, AND TO PROVIDE PROCEDURES FOR THE NOMINATION OF CANDIDATES AND THE CONDUCT OF THE NONPARTISAN ELECTIONS.

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

SECTION 1. Section 14‑23‑1020 of the 1976 Code is amended to read:

“Section 14‑23‑1020. (A) There ~~shall~~ must be a judge of probate for each probate court. The probate judge of each county holding office on June 30, 1976, ~~shall continue~~ continues to be ~~such~~ the judge of probate until the expiration of his term of office at which time his successor ~~shall~~ must be selected as provided by law for a term of four years and until his successor is elected and qualifies. ~~Except as otherwise provided by this section, any vacancy in the office of probate judge shall be filled as provided by law.~~

(B) The probate judge of each county must be elected in a nonpartisan election in accordance with the provisions of subsection (A). Notwithstanding another provision of law, a vacancy in the office of probate judge must be filled in a special election, and this special election must be nonpartisan as provided in this subsection.

(C) Nomination for the office of probate judge is by petition pursuant to the provisions of Section 7‑11‑70. The results of the election must be determined by the nonpartisan election and runoff election method prescribed in Section 5‑15‑62, mutatis mutandis.”

SECTION 2. This act takes effect upon approval of the Governor and applies to elections and special elections for the office of probate judge held after 2011.

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