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Summary: Appointment by Governor of Family Court and Administrative Law Court Judges

**HISTORY OF LEGISLATIVE ACTIONS**

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**VERSIONS OF THIS BILL**

[2/18/2016](file:///p:\pprever\2015-16\1099_20160218.docx)

**A** **BILL**

TO AMEND SECTION 63‑3‑30 OF THE 1976 CODE, RELATING TO FAMILY COURT JUDGE QUALIFICATIONS AND TERMS, TO PROVIDE THAT FAMILY COURT JUDGES MUST BE APPOINTED BY THE GOVERNOR UPON THE APPROVAL OF THE APPOINTEE BY CONCURRENT RESOLUTION ADOPTED BY BOTH HOUSES OF THE GENERAL ASSEMBLY; TO AMEND SECTION 1‑23‑510, RELATING TO THE ELECTION OF ADMINISTRATIVE LAW COURT JUDGES, TO PROVIDE THAT ADMINISTRATIVE LAW COURT JUDGES MUST BE APPOINTED BY THE GOVERNOR UPON THE APPROVAL OF THE APPOINTEE BY CONCURRENT RESOLUTION ADOPTED BY BOTH HOUSES OF THE GENERAL ASSEMBLY; TO MAKE CONFORMING AMENDMENTS TO SECTIONS 1‑23‑525 AND 1‑23‑550; AND TO AMEND CHAPTER 19, TITLE 2, RELATING TO THE JUDICIAL MERIT SCREENING COMMISSION, TO CONFORM THE COMMISSION’S ACTIVITIES TO APPOINTMENT FOR JUDICIAL OFFICE RATHER THAN ELECTION.

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

SECTION 1. Section 63‑3‑30 of the 1976 Code is amended to read:

“Section 63‑3‑30. (A)(1) No person shall be eligible to the office of family court judge who is not at the time of his assuming the duties of such office a citizen of the United States and of this State, and has not attained the age of thirty‑two years, has not been a licensed attorney at law for at least eight years, and has not been a resident of this State for five years next preceding his election, and is not a resident of the circuit wherein the family court of which he is a judge is located. Notwithstanding any other provision of law, any former member of the General Assembly may be ~~elected~~ appointed to the office of family court judge.

(2) Any family court judge serving in office on the effective date of the provisions of this section requiring a family court judge to be at least thirty‑two years of age and to have at least eight years of service as a licensed attorney at law who is not of that age or who has not been licensed for this required period of time may continue to serve for the remainder of his current term and is considered to have the requisite age and years of service as a licensed attorney at law for purposes of future ~~re‑elections~~ reappointment to the office of family court judge.

(B) Family court judges must be ~~elected by the General Assembly~~ appointed by the Governor upon the approval of the appointee by Concurrent Resolution adopted by both houses of the General Assembly as provided in Chapter 19, Title 2, for terms of six years and until their successors are ~~elected and qualify~~ appointed and approved.

(C) The terms of all family court judges expire on the thirtieth day of June of the year in which their terms are scheduled to expire.

(D) For the purpose of ~~electing~~ appointing family court judges, if more than one judge is to be ~~elected~~ appointed from a circuit, each judgeship in that circuit shall be serially numbered beginning with the number (1) and the ~~General Assembly shall elect~~ Governor shall appoint a judge for each such judgeship. ~~Any candidate for the office of family court judge in a circuit shall specifically file and run for a serially‑numbered judgeship in that circuit.~~ When making appointments for a serially numbered judgeship, the Governor must identify which numbered judgeship for which the appointment is made.

(E) When a vacancy occurs for an unexpired term in an office of family court judge, the vacancy shall be filled for the unexpired term in the manner prescribed in subsection (B); provided, that if the unexpired term does not exceed one year the vacancy must be filled by the Governor, upon recommendation of the Chief Justice, ~~shall commission a temporary family court judge to fill such vacancy until such time as the General Assembly shall elect a successor who shall serve~~ for the remainder of the unexpired term. Such temporary family court judge shall receive as compensation for his services the salary paid to a regular family court judge and in addition thereto shall also receive the subsistence and mileage as authorized by law for family court judges.”

SECTION 2. A. Section 1‑23‑510 of the 1976 Code is amended to read:

“Section 1‑23‑510. (A) The judges of the division must be ~~elected by the General Assembly in joint session~~ appointed by the Governor upon the approval of the appointee by Concurrent Resolution adopted by both houses of the General Assembly as provided in Chapter 19, Title 2, for a term of five years and until their successors are ~~elected and qualify~~ appointed and approved.~~; provided, that of those judges initially elected, the chief judge, elected to Seat 1 must be elected for a term of five years, the judge elected to Seat 2 must be elected for a term of three years, the judge elected to Seat 3 must be elected for a term of one year. The remaining judges of the division must be elected for terms of office to begin February 1, 1995, for terms of five years and until their successors are elected and qualify; provided, that those judges elected to seats whose terms of office are to begin on February 1, 1995, to Seat 4 must be initially elected for a term of five years, the judge elected to Seat 5 must be initially elected for a term of three years, and the judge elected to Seat 6 must be initially elected for a term of one year. The terms of office of the judges of the division for Seats 1, 2, and 3 shall begin on March 1, 1994. The terms of office of the judges of the division for Seats 4, 5, and 6 shall begin on February 1, 1995.~~ The terms of office of each of the seats shall terminate on the thirtieth day of June in the final year of the term for the respective seats.

(B) In ~~electing~~ appointing administrative law judges, race, gender, and other demographic factors including age, residence, type of practice, and law firm size should be considered to assure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of this State.

(C) Before ~~election~~ approval by the General Assembly as an administrative law judge, ~~a candidate~~ an appointee must undergo screening pursuant to the provisions of Section 2‑19‑10, et seq.

(D) Each seat on the division must be numbered. ~~Elections~~ Appointments are required to be for a specific seat. The office of chief administrative law judge is a separate and distinct office for the purpose of ~~an election~~ appointment.

(E) In the event that there is a vacancy in the position of the chief administrative law judge or for any reason the chief administrative law judge is unable to act, his powers and functions must be exercised by the most senior administrative law judge as determined by the date of their election to the division.”

B. Section 1‑23‑525 of the 1976 Code is amended to read:

“Section 1‑23‑525. No member of any General Assembly who is not otherwise prohibited from being ~~elected~~ appointed to an administrative law judge position may be ~~elected~~ appointed to such position while he is a member of the General Assembly and for a period of four years after he ceases to be a member of the General Assembly.”

C. Section 1‑23‑550 of the 1976 Code is amended to read:

“Section 1‑23‑550. All vacancies in the office of administrative law judge must be filled in the manner of original appointment. When a vacancy is filled, the judge ~~elected~~ appointed upon the approval of the appointee by Concurrent Resolution adopted by both houses of the General Assembly, shall hold office only for the unexpired term of his predecessor.”

SECTION 3. Chapter 19, Title 2 of the 1976 Code is amended to read:

CHAPTER 19

~~Election~~ Determination of Qualifications and Fitness for Office of Justices and Judges

Section 2‑19‑10. (A) Whenever ~~an election is to be held by the General Assembly in Joint Session, for members~~ the Governor appoints an individual to serve as a member of the judiciary, a Judicial Merit Selection Commission, composed of ten members, shall be appointed, in the manner prescribed by this section, to consider the qualifications of the ~~candidates~~ appointees. 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~~ appointees to 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~~ appointees;

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

(5) contacting the Governor in regards to appointing incumbent judges regarding their ~~desire to seek re‑election~~ reappointment;

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

A member may succeed himself as chairman or vice chairman. Six 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:~~ three members by the Chairman of the Senate Judiciary Committee, and two members by the President Pro Tempore of the Senate. All appointments must be from the general public. Members of the General Assembly may not serve on the commission.

~~(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~~.

(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 only for malfeasance, misfeasance, incompetency, absenteeism, conflicts of interest, misconduct, persistent neglect of duty in office, or incapacity, 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 2‑19‑20. (A) It is the responsibility of the Judicial Merit Selection Commission to determine when judicial vacancies are to occur in the administrative law judge division and on the family court, circuit court, court of appeals, or Supreme Court and to expeditiously investigate ~~in advance~~ the qualifications of ~~those who seek nomination~~ the gubernatorial appointee to fill the vacancy. For purposes of this chapter, a vacancy is created in the administrative law judge division or on the family court, circuit court, court of appeals, or Supreme Court when any of the following occurs: a term expires; a new judicial position is created; or a judge can no longer serve due to resignation, retirement, disciplinary action, disability, or death.

(B) The commission, upon receiving notice of a judicial vacancy, ascertaining that a judicial vacancy shall occur, or receiving the decision of an incumbent judge regarding his seeking re‑election, shall notify the Governor and the Supreme Court of the vacancy for timely publication in the advance sheets provided by the Clerk of the Supreme Court ~~at least thirty days prior to closing applications for the vacancy~~. The commission shall, if practicable, also notify the South Carolina Bar, other professional legal organizations it considers appropriate, and each newspaper of this State with daily circulation of the vacancy. ~~at least thirty days prior to closing applications for the vacancy. This notice must include, but not be limited to, the judicial office in which the vacancy occurs, the address to which, and the date by which interested candidates may apply.~~

(C) The Judicial Merit Selection Commission shall announce and publicize vacancies and forthcoming vacancies in the administrative law judge division, on the family court, circuit court, court of appeals, and Supreme Court. A person who desires to be considered for ~~nomination~~ appointment as justice or judge may ~~make application to the commission. No person may concurrently seek more than one judicial vacancy. The commission shall announce the names of those persons who have applied~~ contact the Governor to express his desire for appointment to fill the vacancy.

~~(D)~~ ~~Any person wishing to seek a judicial office, which is elected by the General Assembly, shall file a notice of intention to seek the office with the Judicial Merit Selection Commission. Upon receipt of the notice of intention, the commission shall begin to conduct the investigation of the candidate as it considers appropriate and may in the investigation utilize the services of any agency of state government. This agency shall, upon request, cooperate fully with the commission.~~ The Governor shall transmit his appointee to fill a vacant judicial office to the Senate and the House of Representatives. Upon receipt of a gubernatorial appointment, the President and Speaker shall refer the appointment to the Judicial Merit Screening Committee who shall have thirty days to determine whether the appointee is qualified to serve in the judicial office to which he was appointed.

Section 2‑19‑25. The Judicial Merit Selection Commission is authorized to investigate and obtain information relative to any ~~candidate~~ appointee for an administrative law judgeship or a family court, circuit court, court of appeals, or Supreme Court judgeship from any state agency or other group including, but not limited to, court administration and any law enforcement agency, to the extent permitted by law. The chairman of the commission shall notify the president of the South Carolina Bar of the judgeships to be filled and of the ~~candidates~~ appointees for those judgeships ~~no later than four weeks before the scheduled date for the public hearing~~. The chairman of the commission shall also request the South Carolina Bar to offer the commission an assessment of each ~~candidate’s~~ appointee’s qualifications for the judgeship sought, and the date by which the assessment must be returned to the commission. This assessment must specify the bar’s finding as to whether each ~~candidate~~ appointee is qualified or unqualified for the judgeship sought and the reasons for that finding. The commission may receive the bar’s assessment in that form and at that time it desires but shall attach the assessments to its findings of fact in such form as the commission considers appropriate. Failure of the bar to return the assessment by the date requested is not a ground for delaying the applicable hearings or election.

Section 2‑19‑30. (A) Upon completion of the investigation, the chairman of the Judicial Merit Selection Commission shall schedule a public hearing concerning the qualifications of the ~~candidates~~ appointee. Any person who desires to testify at the hearing, including ~~candidates~~ an appointee, shall furnish a written statement of his proposed testimony to the commission no later than two weeks prior to the date and time set for the hearing unless sufficient cause is determined by the Judicial Merit Selection Commission for allowing the submitting individual’s testimony after the deadline. The commission shall determine the persons who shall testify at the hearing. All testimony, including documents furnished to the commission, must be submitted under oath and persons knowingly furnishing false information either orally or in writing are subject to the penalties provided by law for perjury and false swearing.

(B) During the course of the investigation, the commission may schedule an executive session at which ~~each candidate~~ an appointee, and other persons whom the commission wishes to interview, may be interviewed by the commission on matters pertinent to the ~~candidate’s~~ appointee’s qualification for the office to be filled.

(C) A reasonable time thereafter the commission shall render its tentative findings as to whether the ~~candidate~~ appointee is qualified for the office to be filled and its reasons therefor ~~as to each candidate~~.

(D) As soon as possible after the completion of the hearing, a verbatim copy of the testimony, documents submitted at the hearing, and findings of fact must be transcribed and published or otherwise made available in a reasonable number of copies to the members of both houses prior to the first date ~~of the scheduled election~~ upon which a vote may be held on a concurrent resolution approving the appointee, and a copy thereof shall be furnished to each ~~candidate~~ appointee and anyone else upon request. A charge for these copies may be made as authorized in the Freedom of Information Act.

(E) ~~A candidate~~ The Governor may withdraw an appointee at any stage of the proceedings and in this event no further inquiry or consideration of his ~~candidacy~~ qualifications for judicial office shall be made. All materials concerning that ~~candidate~~ appointee including his report, transcript, application, materials, and other information gathered during the commission’s investigation must be kept confidential and destroyed as soon as possible after the ~~candidate’s~~ Governor’s written notification to the commission of his withdrawal of the appointee. The information concerning a withdrawn ~~candidate~~ appointee also shall be exempt from disclosure pursuant to Chapter 4 of Title 30.

(F) The Governor shall withdraw the appointment of a candidate found not qualified by the screening committee and shall appoint another person to fill the vacancy.

Section 2‑19‑35. (A) The responsibility of the Judicial Merit Selection Commission is to investigate and consider the qualifications of ~~the candidates~~ appointees for judicial office in the administrative law judge division or on the family court, circuit court, court of appeals, or Supreme Court. Investigations and consideration of the commission should include, but are not limited to, the following areas:

(1) constitutional qualifications;

(2) ethical fitness;

(3) professional and academic ability;

(4) character;

(5) reputation;

(6) physical health;

(7) mental stability;

(8) experience; and

(9) judicial temperament.

(B) In ~~making nominations~~ considering appointees qualifications for judicial office, race, gender, national origin, and other demographic factors should be considered by the commission to ensure nondiscrimination to the greatest extent possible as to all segments of the population of the State.

~~Section 2‑19‑40.~~ ~~Notwithstanding the provisions of this chapter, when there is no known opposition to a candidate, and there appears to be no substantial reason for having a public hearing, whether or not a candidate is an incumbent, and no request is made by at least six members of the Judicial Merit Selection Commission for a public hearing, the commission chairman upon recommendation of the commission may determine that the public hearing is unnecessary and it may not be held.~~

Section 2‑19‑50. All records, information, and other material that the Judicial Merit Selection Commission has obtained or used to make its findings of fact, except materials, records, and information presented under oath at the public hearing, must be kept strictly confidential. After the commission has reported its findings of fact, all records, information, and material required to be kept confidential must be destroyed. The information required to be kept confidential also shall be exempt from disclosure pursuant to Chapter 4 of Title 30.

Section 2‑19‑60. The Judicial Merit Selection Commission in the discharge of its duties may administer oaths and affirmations, take depositions, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records considered necessary in connection with the investigation of the ~~candidate~~ appointee.

No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, or other records before the Judicial Merit Selection Commission on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no individual shall be prosecuted or subjected to any criminal penalty based upon testimony or evidence submitted or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self‑incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury and false swearing committed in so testifying.

In case of contumacy by any person or refusal to obey a subpoena issued to any person, any circuit court of this State or circuit judge thereof within the jurisdiction of which the person guilty of contumacy or refusal to obey is found, resides, or transacts business, upon application by the Judicial Merit Selection Commission may issue to this person an order requiring him to appear before the commission to produce evidence if so ordered or to give testimony touching the matter under investigation. Any failure to obey an order of the court may be punished as a contempt hereof. Subpoenas shall be issued in the name of the Judicial Merit Selection Commission and shall be signed by the commission chairman. Subpoenas shall be issued to those persons as the commission may designate.

Section 2‑19‑70. (A) No member of the General Assembly may be ~~elected~~ appointed to a judicial office while he is serving in the General Assembly nor shall that person be ~~elected~~ appointed 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~~ appointee or any immediate family member of ~~a candidate~~ an appointee unless the family member is serving in the General Assembly, during the time the ~~candidate’s application~~ appointee’s appointment is pending before the commission and during the time his ~~nomination by the commission for election~~ appointment to a particular judicial office is pending in the General Assembly.

(C) No ~~candidate~~ appointee for judicial office may seek directly or indirectly the pledge of a member of the General Assembly’s vote in favor of a concurrent resolution approving his appointment or, 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 member of the General Assembly may offer his pledge to vote in favor of a concurrent resolution approving an appointee’s appointment to judicial office. ~~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. 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~~ vote means the ~~candidate~~ appointee, or someone acting on behalf of and at the request of the ~~candidate~~ appointee, requesting a person to contact a member of the General Assembly on behalf of the ~~candidate~~ appointee ~~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~~ appointment by the Governor and statements by the ~~candidate~~ Governor detailing the ~~candidate’s~~ appointee’s qualifications.

(D) No member of the General Assembly may trade anything of value, including pledges to vote for legislation or for ~~other candidates~~ another appointee, in exchange for another member’s pledge to vote for ~~a candidate~~ an appointee for judicial office.

(E) Violations of this section may be considered by the merit selection commission when it considers the ~~candidate’s~~ appointee’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 2‑19‑80. (A)(1) The commission shall ~~make nominations to the General Assembly~~ provide the President Pro Tempore of the Senate and the Speaker of the House of Representatives with written notice of its findings concerning the qualifications of appointees ~~of candidates and their qualifications for election~~ to the Supreme Court, court of appeals, circuit court, family court, and the administrative law judge division. ~~It shall review the qualifications of all applicants for a judicial office and select therefrom and submit to the General Assembly the names and qualifications of the three candidates whom it considers best qualified for the judicial office under consideration. If fewer than three persons apply to fill a vacancy or if the commission concludes there are fewer than three candidates qualified for a vacancy, it shall submit to the General Assembly only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.~~

(2) On the first legislative day following a determination by the Judicial Merit Screening Commission that an appointee is qualified to serve, a concurrent resolution approving the appointment in the name of the President Pro Tempore of the Senate and a concurrent resolution approving the appointment in the name of the Speaker of the House of Representatives shall be introduced in the respective houses of the General Assembly. There shall be a separate concurrent resolution for each judicial office for which an appointee was found qualified.

(B) The ~~nominations of the commission for any judgeship are binding on the~~ General Assembly~~, and it~~ shall not ~~elect a person not nominated~~ approve an appointee unless the appointee is found qualified by the commission. Nothing shall prevent the General Assembly from rejecting ~~all persons nominated~~ an appointee. In this event, the ~~commission shall submit another group of names and qualifications~~ Governor shall appoint another individual for that ~~position~~ judicial office. Further ~~nominations~~ appointments in the manner required by this chapter must be made until the office is filled.

~~(C)(1)~~ ~~If the commission does not find the incumbent justice or judge qualified for the judicial office held and sought, his name shall not be submitted to the General Assembly for re‑election and upon expiration of his then current term of office, he shall cease serving in that judicial position.~~

~~(2)~~ ~~If the commission finds an incumbent judge not qualified for the office sought, or if an incumbent judge dies, withdraws, or becomes otherwise disqualified for the office sought between the time he makes application for the office and the date of the election therefor, the election for the office may not be held at that scheduled time, and the commission shall proceed in accordance with the provisions of this chapter to make other nominations for the office as though a new vacancy without an incumbent exists in that office, including reopening the application process with all required notices. Nothing prevents the commission from including in its new nominations the names and qualifications of persons other than the incumbent judge it included in its previous nominations.~~

~~(D)~~(C) The commission shall ~~accompany its nominations~~ report its findings with regard to an appointee’s qualifications to the General Assembly ~~with reports or recommendations as to the qualifications of particular candidates~~.

~~(E)~~ ~~A period of at least two weeks must elapse between the date of the commission’s nominations to the General Assembly and the date the General Assembly conducts the election for these judgeships.~~

Section 2‑19‑90. ~~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.~~ A concurrent resolution approving an appointee shall be taken up and voted on by each house within ten legislative days of its introduction. A concurrent resolution approving an appointee must be adopted by the Senate and the House of Representatives for an appointee to take office. Upon a negative vote by either the Senate or the House of Representatives on a concurrent resolution approving the appointee and the notification in writing of the negative vote to the Speaker of the House of Representatives and the President of the Senate by the Clerk of the House of Representatives in which the negative vote occurred, the appointee shall not take office and the Governor shall appoint another person to fill the vacant judicial office.

Section 2‑19‑100. In order to be eligible for appointment by the Chief Justice to serve, any retired justice or judge of this State must have been reviewed by the Judicial Merit Selection Commission under procedures it shall establish to review retired judges’ qualifications for continued judicial service and be found by the commission to be qualified to serve in these situations within four years of the date of his appointment to serve, except that if a justice or judge retired before the expiration of his then current term, no further review of that justice or judge is required until that term would have expired.

Section 2‑19‑110. Upon a vacancy in the office of master‑in‑equity, candidates therefor shall submit an application to the Judicial Merit Selection Commission. Upon completion of reports and recommendations, the commission shall submit such reports and recommendations on master‑in‑equity candidates to the appropriate county legislative delegations. The county legislative delegations shall then submit the name of a candidate to the Governor for consideration for appointment. Nothing shall prevent the Governor from rejecting the person nominated by the delegation. In this event, the delegation shall submit another name for consideration. No person found not qualified by the commission may be appointed to the office of master‑in‑equity. For purposes of this section, a vacancy is created in the office of the master‑in‑equity when any of the following occurs: a term expires, a new judicial position is created, or a judge no longer can serve due to resignation, retirement, disciplinary action, disability, or death. The Judicial Merit Selection Commission may begin screening prior to the actual date of the vacancy in the case of an expiration of term, resignation, or retirement pursuant to written notice thereof.

Section 2‑19‑120. (A) The Chairman of the Judicial Merit Selection Commission, upon the advice of the commission, shall select members to serve on Citizens Committees on Judicial Qualifications for each geographic district set by the commission. These committees shall, under the rules adopted by the commission, advise the commission concerning judicial candidates. The committees shall report their findings to the commission in such form as prescribed by the commission.

(B) The members appointed to the Citizens Committees on Judicial Qualifications shall be compensated with an emolument of one hundred dollars per round of screening.”

SECTION 4. This act takes effect upon approval by the Governor.

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