**South Carolina General Assembly**

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**S. 1100**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Senator Shealy

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Introduced in the Senate on February 18, 2016

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

Summary: Amendment to the S.C. Constitution

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/18/2016 Senate Introduced and read first time ([Senate Journal‑page 6](file:///h:\SJ%20Archive\2016\02-18-16.docx))

2/18/2016 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 6](file:///h:\SJ%20Archive\2016\02-18-16.docx))

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**VERSIONS OF THIS BILL**

[2/18/2016](file:///p:\pprever\2015-16\1100_20160218.docx)

**A** **JOINT RESOLUTION**

TO AMEND ARTICLE V OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE JUDICIAL DEPARTMENT, TO PROVIDE THAT SUPREME COURT JUSTICES, JUDGES ON THE COURT OF APPEALS, AND CIRCUIT COURT JUDGES SHALL BE APPOINTED BY THE GOVERNOR WITH THE APPROVAL OF THE GENERAL ASSEMBLY RATHER THAN ELECTED BY THE GENERAL ASSEMBLY, AND TO CONFORM PROVISIONS CONCERNING THE JUDICIAL MERIT SCREENING COMMISSION TO THE APPOINTMENT PROCESS.

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

SECTION 1. A. It is proposed that Section 3, Article V of the Constitution be amended to read:

“Section 3. The members of the Supreme Court shall be ~~elected by a joint public vote of 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 by law, for a term of ten years, and shall continue in office until their successors shall be ~~elected and qualified~~ appointed and approved, and shall be classified so that the term of one of them shall expire every two years. ~~In any contested election, the vote of each member of the General Assembly present and voting shall be recorded.~~”

B. It is proposed that Section 9, Article V of the Constitution be amended to read:

“Section 9. The members of the Court of Appeals shall be ~~elected by a joint public vote of 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 by law, for a term of six years and shall continue in office until their successors shall be ~~elected and qualify~~ appointed and approved. ~~In any contested election, the vote of each member of the General Assembly present and voting shall be recorded. Provided, that for the first election of members of the Court of Appeals, the General Assembly shall by law provide for staggered terms.~~”

C. It is proposed that Section 13, Article V of the Constitution be amended to read:

“Section 13. The General Assembly shall divide the State into judicial circuits of compact and contiguous territory. For each circuit a judge or judges shall be ~~elected by a joint public vote of the General Assembly; provided, that in any contested election, the vote of each member of the General Assembly present and voting shall be recorded. He~~ appointed by the Governor, upon the approval of the appointee by Concurrent Resolution adopted by both houses of the General Assembly as provided by law, shall hold office for a term of six years, and at the time of his ~~election~~ appointment he shall be an elector of a county of, and during his continuance in office he shall reside in, the circuit of which he is judge.

The General Assembly may by law provide for additional circuit judges, to be assigned by the Chief Justice. Such additional circuit judges shall be ~~elected~~ appointed in the same manner and for the same term as provided in the preceding paragraph of this section for other circuit judges, except that residence in a particular county or circuit shall not be a qualification for office.”

D. It is proposed that Section 18, Article V of the Constitution be amended to read:

“Section 18. All vacancies in the Supreme Court, Court of Appeals, or Circuit Court shall be filled ~~by elections as~~ in the manner prescribed in Sections 3, 8, and 13 of this article; provided, that if the unexpired term does not exceed one year such vacancy may be filled by the Governor. When a vacancy is filled ~~by either appointment or election~~ pursuant to this section, the incumbent shall hold office only for the unexpired term of his predecessor.”

E. It is proposed that Section 27, Article V of the Constitution be amended to read:

“Section 27. In addition to the qualifications for circuit court and court of appeals judges and Supreme Court justices contained in this article, the General Assembly by law shall establish a Judicial Merit Selection Commission to consider the qualifications and fitness of candidates for all judicial positions on these courts and on other courts of this State which are filled by ~~election of the General Assembly~~ appointment of the Governor, upon the approval of the appointee by Concurrent Resolution adopted by both houses of the General Assembly as provided by law. The General Assembly must ~~elect~~ approve the judges and justices from among the ~~nominees of~~ appointees found qualified and fit for office by the commission to fill a vacancy on these courts.

No person may be ~~elected to~~ approved by the General Assembly for these judicial positions unless he or she has been found qualified by the commission. Before a sitting member of the General Assembly may ~~submit an application with the commission for his nomination~~ be appointed to a judicial office, and before the commission may ~~accept or~~ consider such an ~~application~~ appointment, the member of the General Assembly must first resign his office and have been out of office for a period established by law. Before a member of the commission may ~~submit an application with the commission for his nomination~~ be appointed to a judicial office, and before the commission may ~~accept or~~ consider such an ~~application~~ appointment, the member of the commission must not have been a member of the commission for a period to be established by law.”

SECTION 2. The proposed amendments in Section 1 must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Article V of the 1895 Constitution, relating to the Judicial Department, be amended to provide that Supreme Court Justices, judges on the Court of Appeals, and Circuit Court judges must be appointed by the Governor upon the approval of the General Assembly after being found qualified and fit for office by the Judicial Merit Screening Commission?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’ and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

SECTION 3. This joint resolution takes effect upon approval by the Governor.

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