**South Carolina General Assembly**

121st Session, 2015-2016

**H. 4402**

**STATUS INFORMATION**

General Bill

Sponsors: Rep. Corley

Document Path: l:\council\bills\ggs\22807zw16.docx

Introduced in the House on January 12, 2016

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

Summary: Nominations for candidates for the office of family court judge

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/3/2015 House Prefiled

12/3/2015 House Referred to Committee on **Judiciary**

1/12/2016 House Introduced and read first time ([House Journal‑page 55](file:///h:\HJ%20Archive\2016\01-12-16.docx))

1/12/2016 House Referred to Committee on **Judiciary** ([House Journal‑page 55](file:///h:\HJ%20Archive\2016\01-12-16.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4402&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[12/3/2015](file:///p:\pprever\2015-16\4402_20151203.docx)

**A** **BILL**

TO AMEND SECTION 7‑11‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO METHODS OF NOMINATING CANDIDATES, SO AS TO PROVIDE CANDIDATES FOR THE OFFICE OF FAMILY COURT JUDGE MUST BE NOMINATED IN THE PARTISAN PRIMARY PRECEDING THE PARTISAN ELECTION IN WHICH THE CANDIDATES’ NAMES WILL BE LISTED ON THE BALLOT; TO AMEND SECTION 7‑13‑10, RELATING TO THE TIME OF THE GENERAL ELECTION, SO AS TO INCLUDE FAMILY COURT JUDGES AMONG THOSE WHO MUST BE ELECTED AT THE TIME OF THE GENERAL ELECTION; TO AMEND SECTION 7‑13‑15, AS AMENDED, RELATING TO THE DATE OF PRIMARY ELECTIONS, SO AS TO PROVIDE THAT THE OFFICE OF FAMILY COURT JUDGE MUST BE INCLUDED WITH THOSE OFFICES WHOSE CANDIDATES ARE NOMINATED IN THE POLITICAL PRIMARIES THAT ARE HELD ON THE SECOND TUESDAY IN JUNE OF EACH GENERAL ELECTION YEAR; TO AMEND SECTION 8‑13‑100, AS AMENDED, RELATING TO DEFINITIONS APPLICABLE TO THE ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT, SO AS TO INCLUDE THE OFFICE OF FAMILY COURT JUDGE WITHIN THE DEFINITION OF “ELECTIVE OFFICE”; TO AMEND SECTION 8‑13‑1300, AS AMENDED, RELATING TO THE DEFINITIONS APPLICABLE TO THE CAMPAIGN PRACTICES PROVISIONS OF THE ETHICS, GOVERNMENT ACCOUNTABILITY, AND CAMPAIGN REFORM ACT, SO AS TO INCLUDE THE OFFICE OF FAMILY COURT JUDGE WITHIN THE DEFINITION OF “ELECTIVE OFFICE”; TO AMEND SECTION 63‑3‑30, RELATING TO THE QUALIFICATIONS, ELECTION AND TERMS OF FAMILY COURT JUDGES, SO AS TO PROVIDE THAT FAMILY COURT JUDGES MUST BE POPULARLY ELECTED FROM THE JUDICIAL CIRCUITS BY THE QUALIFIED VOTERS OF EACH CIRCUIT FOR FOUR-YEAR TERMS IN A PARTISAN ELECTION AND TO PROVIDE THAT VACANCIES MUST BE FILLED BY APPOINTMENT BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE, FOR THE REMAINDER OF THE UNEXPIRED TERM; AND TO AMEND SECTION 63‑3‑40, AS AMENDED, RELATING TO THE ELECTION OF FAMILY COURT JUDGES, SO AS TO PROVIDE THAT THE AT-LARGE FAMILY COURT JUDGES WHO ARE ELECTED WITHOUT REGARD TO THEIR COUNTY OR CIRCUIT OF RESIDENCE MUST BE POPULARLY ELECTED BY THE QUALIFIED VOTERS OF THE STATE IN A PARTISAN ELECTION FOR FOUR-YEAR TERMS.

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

SECTION 1. Section 7‑11‑10 of the 1976 Code, as last amended by Act 61 of 2013, is further amended to read:

“Section 7‑11‑10. (A) Nominations for candidates for the offices to be voted on in a general or special election may be by political party primary, by political party convention, or by petition; however, a person who was defeated as a candidate for nomination to an office in a party primary or party convention ~~shall~~ may not have his name placed on the ballot for the ensuing general or special election, except that this section does not prevent a defeated candidate from later becoming his party’s nominee for that office in that election if the candidate first selected as the party’s nominee dies, resigns, is disqualified, or otherwise ceases to become the party’s nominee for that office before the election is held.

(B) A candidate for the office of family court judge must be nominated in the partisan primary preceding the partisan election in which the candidate’s name will be listed on the ballot.”

SECTION 2. Section 7‑13‑10 of the 1976 Code is amended to read:

“Section 7‑13‑10. General elections for federal, state, and county officers in this State, including elections for family court judges, ~~shall~~ must be held on the first Tuesday following the first Monday in November in each even‑numbered year at ~~such~~ voting places ~~as~~ that have been or may be established by law. All general or special elections held pursuant to the Constitution of this State ~~shall~~ must be regulated and conducted according to the rules, principles and provisions ~~herein~~ prescribed in this section.”

SECTION 3. Section 7‑13‑15 of the 1976 Code, as last amended by Act 256 of 2014, is further amended to read:

“Section 7‑13‑15. (A) This section does not apply to municipal primaries.

(B) Except as provided in subsection (A) or unless otherwise specifically provided for by statute or ordinance, the following primaries must be conducted by the State Election Commission and the county boards of voter registration and elections on the second Tuesday in June of each general election year:

(1) primaries for federal offices, excluding a presidential preference primary for the Office of President of the United States as provided pursuant to Section 7‑11‑20(B); and

(2) primaries for:

(a) state offices;

(b) offices including more than one county;

(c) countywide and less than countywide offices, specifically including, but not limited to, all school boards and school trustees; ~~and~~

(d) family court judges; and

~~(d)~~(e) special purpose district offices~~, which~~ that include, but are not limited to, water, sewer, fire, soil conservation, and other similar district offices.

(C) Filing fees received from candidates filing to run in primary elections may be retained and expended by the State Election Commission to pay for the conduct of primary elections. ~~Any~~ A balance in ~~the~~ a filing fee ~~accounts~~ account or in ~~the~~ a primary and general election ~~accounts~~ account as of each June thirtieth may be carried forward in ~~these accounts~~ an account to the succeeding fiscal year and must be expended for the same purposes.”

SECTION 4. Section 8‑13‑100(13) of the 1976 Code is amended to read:

“(13) ‘Elective office’ means an office at the state, county, municipal, or political subdivision level. For ~~the~~ purposes of Articles 1 through 11, the term ‘elective office’ does not include an office under the unified judicial system except that for purposes of campaign practices, campaign disclosure, and disclosure of economic interests, ‘elective office’ includes the office of family court judge and probate judge.”

SECTION 5. Section 8‑13‑1300(11) of the 1976 Code is amended to read:

“(11) ‘Elective office’ means an office at the state, county, municipal or political subdivision level. For ~~the~~ purposes of this article, the term ‘elective office’ does not include an office under the unified judicial system except for purposes of campaign practices, campaign disclosure, and disclosure of economic interests. ‘Elective office’ includes the office of family court judge and probate judge.”

SECTION 6. Section 63‑3‑30 of the 1976 Code is amended to read:

“Section 63‑3‑30. (A)(1) ~~No~~ A person ~~shall be~~ is not eligible ~~to~~ for the office of family court judge who is not at the time of his assuming the duties of ~~such~~ that office a member in good standing with the South Carolina Bar, a citizen of the United States and of this State, and has ~~not~~ neither attained the age of thirty‑two years nor exceeded the age of seventy‑two years, has not been a licensed attorney at law in this State 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~~ where the family court of which he is a judge is located. Notwithstanding ~~any other~~ another provision of law, ~~any~~ a former member of the General Assembly may be elected to the office of family court judge.

(2) ~~Any~~ A 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~~ reelection to the office of family court judge.

(B) A family court ~~judges~~ judge must be elected ~~by the General Assembly for terms of six years and until their successors are elected and qualify.~~ from the judicial circuits divided by the General Assembly. One or more judges must be elected from each judicial circuit by popular vote of the qualified voters of the circuit in a partisan election. When the term of each judge who was elected by the General Assembly expires, his successor must be elected in the manner provided in this section. The term of a judge who was elected by the General Assembly whose term expires in an odd‑numbered year is hereby extended until June thirtieth of the next even‑numbered year. Family court judges shall hold office for a term of four years and until their successors are elected and qualify.

(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 family court judges, if more than one judge is to be elected from a circuit, each judgeship in that circuit ~~shall~~ must be serially numbered beginning with the number (1) and the ~~General Assembly~~ qualified voters of the circuit shall elect a judge for each ~~such~~ family court judgeship in a partisan election. ~~Any~~ A candidate for the office of family court judge in a circuit shall specifically file and run for a serially‑numbered judgeship in that circuit.

(E) When a vacancy occurs for an unexpired term in an office of family court judge, the Governor*,* ~~upon recommendation of the Chief Justice~~ with the advice and consent of the Senate, shall ~~commission~~ appoint a ~~temporary~~ family court judge to fill ~~such~~ the vacancy, ~~until such time as the General Assembly shall elect a successor~~ who shall serve for the remainder of the unexpired term. ~~Such~~ This 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~~ to this salary he also shall receive the subsistence and mileage as authorized by law for family court judges.”

SECTION 7. Section 63‑3‑40(D) of the 1976 Code, as added by Act 241 of 2012, is amended to read:

“(D) In addition to the judges authorized by this section, there must be six additional family court judges elected ~~by the General Assembly~~ from the State at large by a popular vote of the qualified voters of the State in a partisan election for terms of office of ~~six~~ four years. These additional judges must be elected without regard to county or circuit of residence. Each office of the at‑large judges is a separate office and is assigned numerical designations of Seat No. 1 through Seat No. 6, respectively.”

SECTION 8. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑