~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 11, 2015

**S. 374**

Introduced by Senator Campsen

S. Printed 3/11/15--S. [SEC 3/12/15 12:38 PM]

Read the first time January 28, 2015.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 374) to amend Section 30, Chapter 20, Title 2, Code of Laws of South Carolina, 1976, by amending Section 30, so as to provide a time for candidates, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, page 1, by striking lines 11 through 18 in the title and inserting therein the following:

/ TO AMEND SECTION 2-20-30, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE GENERAL ASSEMBLY’S PROCESS OF SCREENING NONJUDICIAL CANDIDATES, SO AS TO ELIMINATE THE REQUIREMENT THAT THE HEARING BE CONDUCTED NO LATER THAN TWO WEEKS PRIOR TO THE DATE SET FOR THE ELECTION, TO PROVIDE THAT CANDIDATES MAY NOT OBTAIN PLEDGES OR COMMITMENTS UNTIL THE TWELFTH DAY AFTER THE NAMES OF THE NOMINEES HAVE BEEN RELEASED, AND TO REQUIRE THAT A PERIOD OF TWENTY-TWO DAYS ELAPSE BETWEEN THE DATE THE REPORT OF NOMINATIONS IS RELEASED AND THE TIME SET FOR THE ELECTION. /

Amend the bill further, as and if amended, page 2, by striking line 8, in Section 2-20-30, as contained in SECTION 1, and inserting therein the following:

/ names of the nominees found qualified have been released in a report to members /

Amend the bill further, as and if amended, page 2, by striking line 24, in SECTION 2, and inserting therein the following:

/ SECTION 2. This act takes effect and applies to elections taking place after July 1, 2015. /

Renumber sections to conform.

Amend title to conform.

GEORGE E. CAMPSEN III for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Fiscal Impact Summary**

The Senate and House of Representatives indicate this bill will have no expenditure impact on the general fund, federal funds, or other funds.

**Explanation of Fiscal Impact**

**State Expenditure**

Senate Bill 374 amends Section 2-20-30 to provide a time, after publication of the joint committee’s findings on judicial candidates, for candidates to obtain pledges or commitments from members of the General Assembly and establishes a time for the election of the candidates.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 30, CHAPTER 20, TITLE 2, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTION 30, SO AS TO PROVIDE A TIME FOR CANDIDATES TO OBTAIN PLEDGES OR COMMITMENTS FROM MEMBERS OF THE GENERAL ASSEMBLY AFTER PUBLICATION OF THE JOINT COMMITTEE’S FINDINGS ON THE CANDIDATES AND TO SET A TIME FOR THE ELECTION OF THE CANDIDATES.

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

SECTION 1. Section 30, Chapter 20, Title 2 of the 1976 Code is amended to read:

“Section 2-20-30. Upon completion of the investigation, the chairman of the joint committee shall schedule a public hearing concerning the qualifications of the candidates. The hearing shall be conducted ~~no later than two weeks~~ prior to the date set in the election resolution for the election. Any person who desires to testify at the hearing, including candidates, shall furnish a written statement of his proposed testimony to the chairman of the joint committee. These statements shall be furnished no later than forty‑eight hours prior to the date and time set for the hearing. The joint committee shall determine the persons who shall testify at the hearing. All testimony, including documents furnished to the joint committee, shall be submitted under oath and persons knowingly furnishing false information either orally or in writing shall be subject to the penalties provided by law for perjury and false swearing. During the course of the investigation, the joint committee may schedule an executive session at which each candidate, and other persons whom the committee wishes to interview, may be interviewed by the joint committee on matters pertinent to the candidate’s qualification for the office to be filled. A reasonable time thereafter the committee shall render its tentative findings as to whether the candidate is qualified for the office to be filled and its reasons therefor as to each candidate. A candidate nominee may not obtain a pledge or commitment until noon, on the twelfth day after the nominees found qualified have been released in a report to members of the General Assembly.

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 shall be transcribed and published in the journals of both houses or otherwise made available in a reasonable number of copies to the members of both houses prior to the date of the scheduled election, and a copy thereof shall be furnished to each candidate. A period of at least twenty-two days must elapse between the date of the joint commission’s report of nominations to the General Assembly and the date the General Assembly conducts elections for these nonjudicial offices.

A candidate may withdraw at any stage of the proceedings, and in this event no further inquiry, report on, or consideration of his candidacy shall be made.”

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

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