~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

March 11, 2015

**S. 436**

Introduced by Senators Campsen, Setzler, L. Martin, Malloy, Hayes and Gregory

S. Printed 3/11/15--S. [SEC 3/12/15 12:40 PM]

Read the first time February 10, 2015.

**THE COMMITTEE ON JUDICIARY**

To whom was referred a Bill (S. 436) to amend Section 70(C), Chapter 19, Title 2, Code of Laws of South Carolina, 1976, by amending Section 70, so as to provide additional time for members, 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, lines 11 through 21, of the title and inserting therein the following:

/ TO AMEND SECTION 2-19-70(C), CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TIME PERIOD FOR SEEKING OR GIVING A PLEDGE, SO AS TO PROVIDE THAT PLEDGES FOR JUDICIAL CANDIDATES MAY NOT BE DIRECTLY OR INDIRECTLY SOUGHT OR GIVEN UNTIL TWELVE DAYS, RATHER THAN FORTY-EIGHT HOURS, AFTER THE INITIAL RELEASE OF THE REPORT CONCERNING NOMINEES TO MEMBERS OF THE GENERAL ASSEMBLY; AND TO AMEND SECTION 2-19-80(E), RELATING TO THE TIME BETWEEN THE RELEASE OF THE COMMISSION’S REPORT ON NOMINATIONS TO THE GENERAL ASSEMBLY AND THE ELECTION OF JUDGESHIPS, SO AS TO PROVIDE THAT THERE BE A PERIOD OF AT LEAST TWENTY-TWO DAYS, RATHER THAN TWO WEEKS, AFTER THE TIME THE REPORT IS PRINTED IN THE JOURNALS AND THE TIME OF THE ELECTION. /

Amend the bill further, as and if amended, page 2, by striking line 21, in SECTION 3, and inserting therein the following:

/ SECTION 3. 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**

All agencies surveyed indicated that this bill will have no expenditure impact on the general fund, federal funds, or other funds.

**Explanation of Fiscal Impact**

**State Expenditure**

Senate Bill 436 provides additional time for legislators to review the Judicial Merit Selection Committee’s initial report of judicial candidates before such candidates can obtain pledges or commitments. It also shortens the timeframe between the release of the committee’s official report and the election of judicial candidates.

**State Revenue**

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

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 70(C), CHAPTER 19, TITLE 2, CODE OF LAWS OF SOUTH CAROLINA, 1976, BY AMENDING SECTION 70, SO AS TO PROVIDE ADDITIONAL TIME FOR MEMBERS OF THE GENERAL ASSEMBLY TO REVIEW THE JUDICIAL MERIT SELECTION COMMISSION’S DRAFT REPORT OF JUDICIAL CANDIDATES BEFORE THE REPORT BECOMES FINAL AND JUDICIAL CANDIDATES CAN OBTAIN PLEDGES OR COMMITMENTS; BY AMENDING SECTION 80(E), SO AS TO SHORTEN THE TIME PERIOD FROM RELEASE OF THE OFFICIAL REPORT UNTIL THE TIME FOR THE ELECTION OF THE JUDICIAL CANDIDATES.

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

SECTION 1. Section 70, Chapter 19, Title 2 of the 1976 Code is amended to read:

“(C) ~~No candidate for judicial office~~ A person may not ~~seek~~ directly or indirectly seek the pledge of a member of the General Assembly’s vote or, directly or indirectly, contact a member of the General Assembly regarding screening for ~~the~~ any 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~~ A member of the General Assembly may not directly or indirectly offer his pledge 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~~ noon, on the twelfth day after the nominees have been initially released to members of the General Assembly. For purposes of this section, indirectly seeking a pledge means ~~the~~ a person, a candidate, or someone acting on behalf of and at the request of ~~the~~ a person or a candidate, requesting ~~a person~~ someone to contact a member of the General Assembly on behalf of ~~the~~ a person or a candidate 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 and statements by the candidate detailing the candidate’s qualifications.”

SECTION 2. Section 2-19-80(E) of the 1976 Code is amended to read:

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

SECTION 3. This act takes effect upon approval by the Governor.

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