**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 3175**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Clary, Clyburn, Elliott, Tallon, West, Daning and Crosby

Document Path: l:\council\bills\bh\7001ahb17.docx

Introduced in the House on January 10, 2017

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

Summary: Judicial Merit Selection Committee

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2016 House Prefiled

12/15/2016 House Referred to Committee on **Judiciary**

1/10/2017 House Introduced and read first time ([House Journal‑page 102](file:///h:\hj\20170110.docx))

1/10/2017 House Referred to Committee on **Judiciary** ([House Journal‑page 102](file:///h:\hj\20170110.docx))

1/11/2017 House Member(s) request name added as sponsor: Daning ([House Journal‑page 45](file:///h:\hj\20170111.docx))

1/18/2017 House Member(s) request name added as sponsor: Crosby

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**VERSIONS OF THIS BILL**

[12/15/2016](file:///p:\pprever\2017-18\3175_20161215.docx)

**A** **BILL**

TO AMEND SECTION 2‑19‑80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JUDICIAL MERIT SELECTION COMMISSION AND THE PROCESS OF NOMINATION OF QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY, SO AS TO CHANGE THE COMMISSION’S PROCESS FOR NOMINATING JUDICIAL CANDIDATES FROM THE NOMINATION OF THREE QUALIFIED CANDIDATES TO THE NOMINATION OF FIVE QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY.

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

SECTION 1. Section 2‑19‑80 of the 1976 Code is amended to read:

“Section 2‑19‑80. (A) The commission shall make nominations to the General Assembly of candidates and their qualifications for election to the Supreme Court, court of appeals, circuit court, family court, and the administrative law ~~judge division~~ court. 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~~ five candidates whom it considers best qualified for the judicial office under consideration. If fewer than ~~three~~ five persons apply to fill a vacancy or if the commission concludes there are fewer than ~~three~~ five 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~~ five names.

(B) The nominations of the commission for any judgeship are binding on the General Assembly, and it shall not elect a person not nominated by the commission. Nothing ~~shall prevent~~ prevents the General Assembly from rejecting all persons nominated. In this event, the commission shall submit another group of names and qualifications for that position. Further nominations 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~~ reelection 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) The commission shall accompany its nominations 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. This act takes effect upon approval by the Governor and applies to all judicial elections taking place after July 1, 2017.

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