**South Carolina General Assembly**

125th Session, 2023-2024

**S. 450**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Corbin, Garrett, Kimbrell, Climer, Peeler, Shealy, M. Johnson, Cash, Rice, Loftis, Bennett, Davis, Grooms, Gambrell, Cromer and Verdin

Companion/Similar bill(s): 130, 178, 248, 444, 872, 3022, 3447, 4179, 4183

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Introduced in the Senate on January 25, 2023

Currently residing in the Senate

Summary: JMSC Reform

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/25/2023 Senate Introduced and read first time ([Senate Journal‑page 6](h:\sj\20230125.docx))

1/25/2023 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 6](h:\sj\20230125.docx))

1/16/2024 Senate Referred to Subcommittee: Talley (ch), Malloy,
Campsen, Sabb, Setzler

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**VERSIONS OF THIS BILL**

[01/25/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/450_20230125.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2‑19‑10, RELATING TO JUDICIAL MERIT SELECTION COMMISSION, APPOINTMENT, QUALIFICATIONS, AND TERM OF OFFICE, SO AS TO PROVIDE THAT TWO MEMBERS MUST BE APPOINTED FROM EACH CONGRESSIONAL DISTRICT AND ONE MEMBER MUST BE APPOINTED BY THE GOVERNOR, WHO SHALL SERVE AS CHAIRMAN; TO PROVIDE THAT MEMBERS ARE APPOINTED BY CONGRESSIONAL DISTRICT LEGISLATIVE DELEGATIONS; TO LIMIT COMMISSION MEMBERSHIP TO TWO TERMS; TO PROHIBIT MEMBERS OF THE GENERAL ASSEMBLY FROM SERVING ON THE COMMISSION; TO PROVIDE THAT THE COMMISSION SHALL ELECT OFFICERS; TO PROVIDE THAT FORMER MEMBERS OF THE GENERAL ASSEMBLY MUST BE OUT OF OFFICE FOR FIVE YEARS BEFORE SERVING ON THE COMMISSION; AND TO PROVIDE THAT CURRENT JUDGES AND FORMER JUDGES MAY NOT SERVE ON THE COMMISSION; AND BY AMENDING SECTION 2‑19‑80, RELATING TO THE NOMINATION OF QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY, SO AS TO PROVIDE THAT ALL QUALIFIED CANDIDATES MUST BE SUBMITTED TO THE GENERAL ASSEMBLY.

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

SECTION 1. Section 2‑19‑10 of the S.C. Code is amended to read:

Section 2‑19‑10. (A)(1) Whenever an election is to be held by the General Assembly in Joint Session, for members of the judiciary, a Judicial Merit Selection Commission, composed of ten members, shall be appointed, in the manner prescribed by this section, to consider the qualifications of the candidates. The Judicial Merit Selection Commission shall meet at least once annually and at other times as may be designated by the chairman. The commission shall, at its first meeting and then annually, shall elect a chairman and a vice chairman who shall serve for a term of one year and until their successors are elected and qualified, and adopt rules and elect officers necessary to serve the purposes of the commission. These rules shall address, among other things:

(1) (a) the confidentiality of records and other information received concerning candidates for judicial office;

(2) (b) the conduct of proceedings before the commission;

(3) (c) receipt of public statements in support of or in opposition to any of the candidates;

(4) (d) procedures to review the qualifications of retired judges for continued judicial service;

(5) (e) contacting incumbent judges regarding their desire to seek re‑election;

(6) (f) prohibition against candidates communicating with individual members of the commission concerning the qualifications of candidates unless specifically authorized by the commission.

(2) A member may succeed himself as chairman or vice chairman. Six members of the commission constitute a quorum at all meetings.

(B)(1) Notwithstanding any other provision of law, the Judicial Merit Selection Commission shall consist of the following individuals:

(1)(a) five members appointed by the Speaker of the House of Representatives and of these appointments:

(a) three members must be serving members of the General Assembly; and

(b) two members must be selected from the general public; two members from each of the seven congressional districts, who are residents thereof, appointed by the legislative delegation representing the congressional district, provided that at least one of the two members from each congressional district must be a member of the community at large and must not be an attorney; and

(2)(b) three members, appointed by the Chairman of the Senate Judiciary Committee, who must be serving members of the Senate; andone member appointed by the Governor from the State at‑large who shall serve as chairman.

(3)(2) two members, appointed by the President of the Senate, who must be selected from the general public.For the purposes of appointing a commission member, every legislator who represents a portion of the congressional district from which an appointment is made shall be eligible to vote. The vote for commissioner shall be by weighted voting.

(C) In making appointments to the commission, race, gender, national origin, and other demographic factors should be considered to ensure nondiscrimination to the greatest extent possible as to all segments of the population of the State.

(D) The term of office of a member of the commission who is not a member of the General Assembly shall be for four years, and until a successor is appointed and qualified. No member of the commission shall serve for more than two consecutive terms. subject to a right of removal at any time by the person appointing him, and until his successor is appointed and qualifies. A member of the commission who is a serving member of the General Assembly shall serve for the term of office to which he has been elected.

(E) A vacancy on the Judicial Merit Selection Commission must be filled for the remainder of the unexpired term in the same manner as provided for the original selection.

(F) No member of the commission shall receive any compensation for commission services, except those set by law for travel, board, and lodging expenses incurred in the performance of commission duties.

(G) No member of the Judicial Merit Selection Commission is eligible for nomination and appointment as a judge or justice of the state court system or administrative law judge division while serving on the commission and for a period of one yearfive years thereafter.

(H) No member of the General Assembly may serve on the commission. A former member of the General Assembly may not serve on the commission until five years after leaving office. A retired or active judge may not serve on the commission.

SECTION 2. Section 2‑19‑80(A) of the S.C. Code is amended to read:

(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. 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 threeall of the candidates whom it considers best qualified for the judicial office under consideration. If fewer than three persons apply to fill a vacancy or if the commission concludes there are fewer than three 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 names.

SECTION 3. The initial term of office of each member of the Judicial Merit Screening Commission shall be two years for members appointed from odd numbered congressional districts and shall be four years for members appointed from even numbered congressional districts.

SECTION 4. This act takes effect upon approval by the Governor, at which time all seats on the Judicial Merit Screening Commission are declared vacant. New members of the Judicial Merit Screening Commission must then be appointed pursuant to Section 2‑19‑10, as amended by this act.

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