**South Carolina General Assembly**

125th Session, 2023-2024

**H. 5170**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Pope, W. Newton, Caskey, Jordan, Bailey, Guffey, Wooten, Alexander, Bamberg, Wetmore, Wheeler, Bauer, Elliott, Connell, Pedalino, Hager, Crawford, Bradley, Schuessler, McDaniel, Cobb-Hunter, M.M. Smith, Taylor, B.L. Cox, Leber, Brittain, Sessions, T. Moore, Mitchell, Guest, Yow, Gatch, Thayer, West, Thigpen, King, J.E. Johnson, Magnuson, B. Newton, Ligon, Felder, McGinnis, Hardee, Hyde, Bannister, Bernstein, Blackwell, B.J. Cox, Dillard, Erickson, Forrest, Gagnon, Haddon, Herbkersman, Hixon, Pendarvis, Sandifer, G.M. Smith, Ott, Carter and White

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Introduced in the House on February 28, 2024

Currently residing in the House

Summary: Judicial Merit Selection Commission, reform

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/28/2024 House Introduced and read first time ([House Journal‑page 20](h:\hj\20240228.docx))

2/28/2024 House Referred to Committee on **Judiciary** ([House Journal‑page 20](h:\hj\20240228.docx))

2/29/2024 House Member(s) request name added as sponsor: Carter

5/7/2024 House Member(s) request name added as sponsor: White

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**VERSIONS OF THIS BILL**

[02/28/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/5170_20240228.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS by amending chapter 19 of title 2, by renaming the chapter the “south carolina judicial merit selection commission, screening and election of justices and judges”, SO AS TO CREATE THE new SOUTH CAROLINA JUDICIAL MERIT SELECTION COMMISSION AND RESTRUCTURE THE PROCESS BY WHICH JUSTICES AND JUDGES ARE SCREENED AND ELECTED, to PROVIDE FOR THE MEMBERSHIP of the commission AND ITS LIMITED TERMS, to REQUIRE THE COMMISSION TO HAVE AN EXECUTIVE DIRECTOR AND OTHER NECESSARY STAFF, to require THE RELEASE OF ALL QUALIFIED JUDICIAL CANDIDATES, to CREATE A COMBINED BAR AND CITIZENS’ JUDICIAL QUALIFICATIONS COMMITTEE, to CREATE A MIDTERM JUDICIAL BALLOT BOX REVIEW, to give delegations the authority to reject a master-in-equity candidate in addition to the governor’s authority to do so, to create a subcommittee of the commission to screen magistrate candidates before the governor appoints, among other things and to make other conforming changes; BY AMENDING SECTION 22-1-10, RELATING TO THE APPOINTMENT OF MAGISTRATES, SO AS TO PROVIDE THAT A MAGISTRATE MAY SERVE IN HOLDOVER STATUS FOR NO MORE THAN FOURTEEN DAYS AT THE END OF HIS TERM, TO PROVIDE THAT THE GOVERNOR MAY APPOINT A TEMPORARY MAGISTRATE UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE THAT ANY MAGISTRATE OR MAGISTRATE CANDIDATE WHO HAS BEEN REPRIMANDED BY THE SUPREME COURT OR ANY OTHER DISCIPLINARY AUTHORITY MAY NOT BE APPOINTED OR REAPPOINTED UNLESS APPROVED BY A MAJORITY OF THE SENATE AFTER THE SENATE IS INFORMED OF THE REPRIMAND OR DISCIPLINARY ACTION; BY AMENDING SECTION 22-3-10, RELATING TO the CIVIL JURISDICTION OF THE MAGISTRATEs COURT, SO AS TO INCREASE THE CIVIL JURISDICTION FROM SEVEN THOUSAND FIVE HUNDRED DOLLARS TO twenty-five THOUSAND DOLLARS; and BY AMENDING SECTION 22-3-550, RELATING TO MAGISTRATES COURT criminal JURISDICTION OVER MINOR OFFENSES, SO AS TO INCREASE THE penalty to one year and increase the fine or forfeiture JURISDICTION FROM FIVE HUNDRED TO twenty-FIVE THOUSAND DOLLARS; and to direct the department of administration to conduct an analysis of office space and other relevant information and report to the general assembly the costs of the transfer of the judicial merit selection commission to independent office space when it converts to the south carolina judicial merit selection commission, and to provide that the standalone, independent agency must be created and functional by july 1, 2025.

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

SECTION 1. Chapter 19, Title 2 of the S.C. Code is amended to read:

CHAPTER 19

South Carolina Judicial Merit Selection Commission

Screening and Election of Justices and Judges

Section 2‑19‑5. (A) There is created the South Carolina Judicial Merit Selection Commission composed of thirteen members who must be appointed as follows:

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

(a) two members must be members of the House of Representatives; and

(b) two members must be selected from the South Carolina Bar who must be members of the Bar in good standing with ten years’ experience in the practice of law;

(2) four members appointed by the Senate and of these appointments:

(a) two members must be appointed by the President of the Senate one of whom must be a member of the Senate and one of whom must be selected from the South Carolina Bar and must be a member in good standing with ten years’ experience in the practice of law; and

(b) two members must be appointed by the Chairman of the Senate Judiciary Committee one of whom must be a member of the Senate and one of whom must be selected from the South Carolina Bar and must be a member in good standing with ten years experience in the practice of law; and

(3) five members appointed by the Governor:

(a) one of which must be a retired judge from the statewide judicial system who shall serve as chairman; and

(b) four of which must be members in good standing of the South Carolina Bar with at least ten years’ experience in the practice of law.

(B) No person is eligible for appointment if he individually contributed to a campaign of one of the appointing authorities in the most recent election. Nonlegislative members may not be a public employee or serve in another elected office.

(C) Members of the commission shall serve for a term of two years and may serve no more than two consecutive terms. However, a member of the House of Representatives or Senate who ceases to serve as a member of the General Assembly will have his service on the commission terminated upon the end of his service in the General Assembly. Additionally, a member appointed to fill a vacancy in an unexpired term may serve two full terms thereafter. The initial appointments must be made as follows:

(1) one member each appointed by the Speaker of the House of Representatives pursuant to subsection (A)(1)(a) and (b) shall serve an initial term of one year and may be reappointed to a following two‑year term;

(2) one member each appointed by the President of the Senate and the Chairman of the Senate Judiciary Committee pursuant to subsection (A)(2)(a) and (b) shall serve an initial term of one year and may be reappointed to a following two‑year term; and

(3) two members appointed by the Governor pursuant to subsection (A)(3)(b) shall serve an initial term of one year and may be reappointed to a following two‑year term.

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

(E) The chairman of the commission appointed pursuant to subsection (A)(3)(a) shall serve a two‑year term after which he may be reappointed. Other officers may be elected as the commission considers necessary.

(F) A vacancy on the commission must be filled for the remainder of the unexpired term in the same manner as provided for the original selection.

(G) Current members of the Judicial Merit Selection Commission who have served more than four years as a member of the commission are not eligible for appointment to the South Carolina Judicial Merit Selection Commission pursuant to the provisions of this chapter.

(H) 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.

(I) No member of the commission is eligible for nomination and appointment as a judge or justice of the state court system or administrative law court while serving on the commission and for a period of one year thereafter.

(J) The commission shall employ an executive director who shall be tasked with the day‑to‑day operations of the commission and other duties assigned by the commission. The executive director is responsible for employing and terminating other personnel as necessary.

(K) The commission is authorized to promulgate rules and regulations necessary to effectuate the provisions of this chapter including, but not limited to, rules and limits governing campaigning, ethics, and live-streaming of meetings.

Section 2‑19‑10. (A) WheneverWhen an election is to be held by the General Assembly in Joint Session, for members of the judiciary, athe South Carolina Judicial Merit Selection Commission, composed of tenthirteen members, shall be appointed, in the manner prescribed by this section, to consider the qualifications of the candidates. The Judicial Merit Selection Commissioncommission shall meet at least once annually and at other times as may be designated by the chairman. The commission, 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 necessary to the purposes of the commission. These rules shall address, among other things:

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

(2) the conduct of proceedings before the commission;

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

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

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

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

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

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

(1) 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;

(2) three members, appointed by the Chairman of the Senate Judiciary Committee, who must be serving members of the Senate; and

(3) two members, appointed by the President of the Senate, who must be selected from the general public.

(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 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 year thereafter.

Section 2‑19‑20. (A) It is the responsibility of the South Carolina Judicial Merit Selection Commission to determine when judicial vacancies are to occur in the administrative law judge divisionAdministrative Law Court and on the family court, circuit court, court of appeals, or Supreme Court and to expeditiously investigate in advance the qualifications of those who seek nominationthe position. For purposes of this chapter, a vacancy is created in the administrative law judge division Administrative Law Court or on the family court, circuit court, court of appeals, or Supreme Court when any of the following occurs: a term expires; a new judicial position is created; or a judge can no longer serve due to resignation, retirement, disciplinary action, disability, or death.

(B) The commission, upon receiving notice of a judicial vacancy, ascertaining that a judicial vacancy shall occur, or receiving the decision of an incumbent judge regarding his seeking re‑electionreelection, shall notify the Supreme Court of the vacancy for publication in the advance sheets provided by the Clerk of the Supreme Court at least thirty days prior to closing applications for the vacancy. The commission shall, if practicable, also notify the South Carolina Bar, other professional legal organizations it considers appropriate, and each newspaper of this State with daily circulation of the vacancy at least thirty days prior to closing applications for the vacancy. This notice must include, but not be limited to, the judicial office in which the vacancy occurs, the address to which, and the date by which interested candidates may apply.

(C) The Judicial Merit Selection Commissioncommission shall announce and publicize vacancies and forthcoming vacancies in the administrative law judge division Administrative Law Court, on the family court, circuit court, court of appeals, and Supreme Court. A person who desires to be considered for nominationa position as justice or judge may make application to the commission. No person may concurrently seek more than one judicial vacancy. The commission shall announce the names of those persons who have applied.

(D) Any person wishing to seek a judicial office, which is elected by the General Assembly, shall file a notice of intention to seek the office with the Judicial Merit Selection Commissioncommission. Upon receipt of the notice of intention, the commission shall begin to conduct the investigation of the candidate as it considers appropriate and may in the investigation utilize the services of any agency of state government. This agency shall, upon request, cooperate fully with the commission.

Section 2‑19‑25. (A) The South Carolina Judicial Merit Selection Commission is authorized to investigate and obtain information relative to any candidate for an administrative law Administrative Law Court judgeship or a family court, circuit court, court of appeals, or Supreme Court judgeship from any state agency or other group including, but not limited to, court administration and any law enforcement agency, to the extent permitted by law. And, as part of the investigation, candidates for election to judicial office or reelection to judicial office must disclose any sanctions, including private reprimands, to the commission.

(B) There is created the Bar and Citizens’ Judicial Qualifications Committee. The chairman of the commission shall notify the president of the South Carolina Bar of the judgeships to be filled and of the candidates for those judgeships no later than four weeks before the scheduled date for the public hearing. The chairman of the commission shall also request the South Carolina Bar to form this committee to be made up of members of the South Carolina Bar and citizens for each geographic district set by the commission.

(C) The committee may utilize electronic ballot box survey polling or other forms of electronic surveys as it deems appropriate, and shall offer the commission an assessment of each candidate’s qualifications for the judgeship sought, and the date by which the assessment must be returned to the commission. This assessment must specify the bar'scommittee’s finding as to whether each candidate is qualified or unqualified for the judgeship sought and the reasons for that finding. The commission may receive the bar'scommittee’s assessment in that form and at that time it desires but shall attach the assessments to its findings of fact in such form as the commission considers appropriate. Failure of the barcommittee to return the assessment by the date requested is not a ground for delaying the applicable hearings or election.

(D) The executive director of the commission shall forward the names of justices and judges who are at the midpoint in their terms to the committee in order for the committee to conduct midterm reviews utilizing the electronic ballot box survey polling or other forms of electronic surveys as it deems appropriate. The results of the midterm reviews must be forwarded to the Chief Justice of the Supreme Court and executive director of the commission who shall share the results of the reviews with the commission in a timely manner. Midterm reviews also must be provided to the commission at the next public screening of each judicial candidate.

Section 2‑19‑30. (A) Upon completion of the investigation, the chairman of the South Carolina Judicial Merit Selection Commission shall schedule a public hearing concerning the qualifications of the candidates. Any person who desires to testify at the hearing, including candidates, shall furnish a written statement of his proposed testimony to the commission no later than two weeks prior to the date and time set for the hearing unless sufficient cause is determined by the Judicial Merit Selection Commissioncommission for allowing the submitting individual’s testimony after the deadline. The commission shall determine the persons who shall testify at the hearing. All testimony, including documents furnished to the commission, must be submitted under oath and persons knowingly furnishing false information either orally or in writing are subject to the penalties provided by law for perjury and false swearing.

(B) During the course of the investigation, the commission may schedule an executive session at which each candidate, and other persons whom the commission wishes to interview, may be interviewed by the commission on matters pertinent to the candidate’s qualification for the office to be filled.

(C) AAt a reasonable time thereafter the commission 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.

(D) 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 must be transcribed and published 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 and anyone else upon request. A charge for these copies may be made as authorized in the Freedom of Information Act.

(E) A candidate may withdraw at any stage of the proceedings and in this event no further inquiry or consideration of his candidacy shall be made. All materials concerning that candidate including his report, transcript, application, materials, and other information gathered during the commission’s investigation must be kept confidential and destroyed as soon as possible after the candidate’s written notification to the commission of his withdrawal. The information concerning a withdrawn candidate also shall be exempt from disclosure pursuant to Chapter 4 of Title 30. However, once a public hearing begins and a candidate has been sworn in, a candidate may withdraw but all materials concerning the candidate as delineated in this subsection must be retained and may not be destroyed by the commission.

Section 2‑19‑35. (A) The responsibility of the South Carolina Judicial Merit Selection Commission is to investigate and consider the qualifications of the candidates for judicial office in the administrative law judge divisionAdministrative Law Court or on the family court, circuit court, court of appeals, or Supreme Court. Investigations and consideration of the commission should include, but are not limited to, the following areas:

(1) constitutional qualifications;

(2) ethical fitness;

(3) professional and academic ability;

(4) character pursuant to the canons of judicial conduct and legal ethics;

(5) reputation;

(6) physical health;

(7) mental stability;

(8) experience; and

(9) judicial temperament pursuant to the canons of judicial conduct and legal ethics.

(B) In making nominations, raceRace, gender, national origin, and other demographic factors shouldshall be considered by the commission to ensure nondiscrimination to the greatest extent possible as to all segments of the population of the State.

Section 2‑19‑40. Notwithstanding the provisions of this chapter, when there is no known opposition to a candidate, and there appears to be no substantial reason for having a public hearing, whether or not a candidate is an incumbent, and no request is made by at least six members of the Judicial Merit Selection Commission for a public hearing, the commission chairman upon recommendation of the commission may determine that the public hearing is unnecessary and it may not be held. Reserved.

Section 2‑19‑50. All records, information, and other material that the South Carolina Judicial Merit Selection Commission has obtained or used to make its findings of fact, except materials, records, and information presented under oath at the public hearing, must be kept strictly confidential. After the commission has reported its findings of fact, all records, information, and material required to be kept confidential must be destroyed. The information required to be kept confidential also shall be exempt from disclosure pursuant to Chapter 4 of Title 30.

Section 2‑19‑60. (A)The South Carolina Judicial Merit Selection Commission in the discharge of its duties may administer oaths and affirmations, take depositions, and issue subpoenas to compel the attendance of witnesses and the production of books, papers, correspondence, memoranda, and other records considered necessary in connection with the investigation of the candidate.

(B) No person shall be excused from attending and testifying or from producing books, papers, correspondence, memoranda, or other records before the Judicial Merit Selection Commissioncommission on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture. But no individual shall be prosecuted or subjected to any criminal penalty based upon testimony or evidence submitted or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self‑incrimination, to testify or produce evidence, documentary or otherwise, except that the individual so testifying shall not be exempt from prosecution and punishment for perjury and false swearing committed in so testifying.

(C) In case of contumacy by any person or refusal to obey a subpoena issued to any person, any circuit court of this State or circuit judge thereof within the jurisdiction of which the person guilty of contumacy or refusal to obey is found, resides, or transacts business, upon application by the Judicial Merit Selection Commissioncommission may issue to this person an order requiring him to appear before the commission to produce evidence if so ordered or to give testimony touching the matter under investigation. Any failure to obey an order of the court may be punished as a contempt hereof. Subpoenas shall be issued in the name of the South Carolina Judicial Merit Selection Commission and shall be signed by the commission chairman. Subpoenas shall be issued to those persons as the commission may designate.

Section 2‑19‑70. (A) No member of the General Assembly may be elected to a judicial office while he is serving in the General Assembly nor shall that person be elected to a judicial office for a period of one year after he either:

(1) ceases to be a member of the General Assembly; or

(2) fails to file for election to the General Assembly in accordance with Section 7‑11‑15.

(B) The privilege of the floor in either house of the General Assembly may not be granted to any candidate or any immediate family member of a candidate unless the family member is serving in the General Assembly, during the time the candidate’s application is pending before the commission and during the time his nomination by the commission for election to a particular judicial office is pending in the General Assembly.

(C) No candidate for judicial office may seek, directly or indirectly, the pledge of a member of the General Assembly’s vote or the assistance of a member in seeking another member’s vote, directly or indirectly, contact a member of the General Assembly regarding screening for the judicial office until the qualifications of all candidates for that office have been determined by the South Carolina 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, and until one week before the election. No member of the General Assembly may offer his pledge until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commissioncommission, and until the commission has formally released its report as to the qualifications of its nomineesof all qualified candidates to the General Assembly, and until one week before the election. The formal release of the report of qualifications shall occur no earlier than forty‑eight hours after the nominees have been initially released to members of the General Assembly. For purposes of this section, indirectly seeking a pledge means the candidate, or someone acting on behalf of and at the request of the candidate, requesting a person to contact a member of the General Assembly on behalf of the candidate before nominations for that office are formally made the report of all qualified candidates by the commission, and until one week before the election. 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.

(D) No member of the General Assembly may trade anything of value, including pledges to vote for legislation or for other candidates, in exchange for another member’s pledge to vote for a candidate for judicial office.

(E) Violations of this section may be considered by the merit selection commission when it considers the candidate’s qualifications. Violations of this section by members of the General Assembly shall be reported by the commission to the House or Senate Ethics Committee, as may be applicable. Violations of this section by nonlegislative commission members shall be reported by the commission to the State Ethics Commission. A violation of this section is a misdemeanor and, upon conviction, the violator must be fined not more than one thousand dollars or imprisoned not more than ninety days. Cases tried under this section may not be transferred from general sessions court pursuant to Section 22‑3‑545.

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. 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 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.

(B) The nominations of the commission for any judgeship are binding on the General Assembly, and it shall not elect a person not nominatedfound qualified by the commission. Nothing shall prevent the General Assembly from rejecting all persons nominatedfound qualified by the commission for a judicial office under consideration. In this event, the commission shall submit another group of names and qualifications for that position. Further nominationsprocedures 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 nominationsarrangements 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 nominationslist of qualified candidates the names and qualifications of persons other than the incumbent judge it included in its previous nominationspreviously.

(D) The commission shall accompany its nominationslist of all qualified candidates to the General Assembly with reports or recommendations as to the qualifications of particular candidates. These reports must be released on the first day of the legislative session.

(E) A period of at least twofour weeks, but no more eight weeks, must elapse between the date of the commission’s nominationsrelease of the list of all qualified candidates to the General Assembly and the date the General Assembly conducts the election for these judgeships.

Section 2‑19‑90. (A) The General Assembly shall meet in joint session for the election of judges at least four weeks, but no more than eight weeks, after the date of the release of its list of qualified candidates and the reports. The date and time for the joint session shall be set by concurrent resolution upon the recommendation of the South Carolina Judicial Merit Selection Commission. The Chairman of the Judicial Merit Selection Commissionpresiding officer of the joint session shall announce the commission's nomineescandidates for each judicial race, and no further nominating or seconding speeches shall be allowed by members of the General Assembly. In order to be elected, a candidate must receive a majority of the vote of the members of the General Assembly voting in joint session.

(B) For judicial elections, at the end of each balloting when there is more than one candidate, the candidate, or candidates in the event of tie, having received the fewest total number of votes will be eliminated and will not be considered on the next ballot. This procedure will continue until only one candidate remains and is therefore elected.

Section 2‑19‑100. In order to be eligible for appointment by the Chief Justice to serve, any retired justice or judge of this State must have been reviewed by the South Carolina Judicial Merit Selection Commission under procedures it shall establish to review retired judges’ qualifications for continued judicial service and be found by the commission to be qualified to serve in these situations within four years of the date of his appointment to serve, except that if a justice or judge retired before the expiration of his then current term, no further review of that justice or judge is required until that term would have expired.

Section 2‑19‑110. Upon a vacancy in the office of master‑in‑equity, candidates therefor shall submit an application to the South Carolina Judicial Merit Selection Commission. Upon completion of reports and recommendations, the commission shall submit such reports and recommendations on all qualified master‑in‑equity candidates to the appropriate county legislative delegations. The county legislative delegations shall may then submit the name of a candidate to the Governor for consideration for appointment. Nothing shall prevent the delegation from rejecting a candidate and directing the commission to reopen the process. NothingAnd, nothing shall prevent the Governor from rejecting the person nominated by the delegation. In this event, the delegation shall submit another name for consideration. No person found not qualified by the commission may be appointed to the office of master‑in‑equity. For purposes of this section, a vacancy is created in the office of the master‑in‑equity when any of the following occurs: a term expires, a new judicial position is created, or a judge no longer can serve due to resignation, retirement, disciplinary action, disability, or death. The Judicial Merit Selection Commissioncommission may begin screening prior to the actual date of the vacancy in the case of an expiration of term, resignation, or retirement pursuant to written notice thereof.

Section 2‑19‑120. (A) The Chairman of the Judicial Merit Selection Commission, upon the advice of the commission, shall select members to serve on Citizens Committees on Judicial Qualifications for each geographic district set by the commission. These committees shall, under the rules adopted by the commission, advise the commission concerning judicial candidates. The committees shall report their findings to the commission in such form as prescribed by the commission.

(B) The members appointed to the Citizens Committees on Judicial Qualifications shall be compensated with an emolument of one hundred dollars per round of screening.

(A) There is created a Magistrates Review Subcommittee which must be comprised of nine members, five of which shall constitute a quorum, and which shall be comprised of the four members appointed by the President of the Senate and the Chairman of the Senate Judiciary Committee and the five members appointed by the Governor pursuant to the provisions of Section 2‑19‑5(A)(2) and (3).

(B) After a magistrate candidate is forwarded by the Senate to the subcommittee, the subcommittee will conduct the same review as other judicial candidates and may conduct a public hearing in the same manner as other judicial candidates if the subcommittee deems it necessary. The subcommittee will forward a report on a magistrate’s qualifications to the Senate and Governor prior to the time for the Governor’s appointment. The Governor’s appointment process followed by advice and consent of the Senate is pursuant to Section 22-1-10.

SECTION 2. Section 22‑1‑10(A) of the S.C. Code is amended to read:

(A)(1) The Governor, by and with the advice and consent of the Senate, may appoint magistrates in each county of the State for a term of four years and until their successors are appointed and qualified pursuant to item (2), or until their positions are terminated as provided in subsection (B), Section 22‑1‑30, or Section 22‑2‑40.

(2) A magistrate may serve in a holdover capacity for no more than fourteen days from the expiration of the magistrate’s term. If a magistrate is not appointed within this time because of the Senate’s failure to give advice and consent, then the Governor may make a temporary appointment until advice and consent is received for a permanent appointment. Any magistrate or magistrate candidate who has been reprimanded by the Supreme Court of South Carolina or any other disciplinary authority may not be appointed or reappointed unless approved by a majority of the Senate after the Senate is informed of the reprimand or disciplinary action.

(3) Magistrates serving the counties of Abbeville, Allendale, Bamberg, Beaufort, Calhoun, Cherokee, Chesterfield, Clarendon, Colleton, Dillon, Edgefield, Florence, Greenville, Hampton, Jasper, Lancaster, Lee, Marion, McCormick, Oconee, Pickens, Saluda, Sumter, and Williamsburg shall serve terms of four years commencing May 1, 1990. Magistrates serving the counties of Aiken, Anderson, Barnwell, Berkeley, Charleston, Chester, Darlington, Dorchester, Fairfield, Georgetown, Greenwood, Horry, Kershaw, Laurens, Lexington, Marlboro, Newberry, Orangeburg, Richland, Spartanburg, Union, and York shall serve terms of four years commencing May 1, 1991.

(4) At least ninety days before the date of the commencement of the terms provided in the preceding paragraph and every four years thereafter, each county governing body must inform, in writing, the Senators representing that county of the number of full‑time and part‑time magistrate positions available in the county, the number of work hours required by each position, the compensation for each position, and the area of the county to which each position is assigned. If the county governing body fails to inform, in writing, the Senators representing that county of the information as required in this section, then the compensation, hours, and location of the full‑time and part‑time magistrate positions available in the county remain as designated for the previous four years.

(5) Each magistrate’s number of work hours, compensation, and work location must remain the same throughout the term of office, except for a change (1) specifically allowed by statute or (2) authorized by the county governing body at least four years after the magistrate’s most recent appointment and after a material change in conditions has occurred which warrants the change. Nothing provided in this section prohibits the raising of compensation or hours and compensation during a term of office. No magistrate may be paid for work not performed except for bona fide illness or as otherwise provided by law.

(6) The number of magistrates to be appointed for each county and their territorial jurisdiction are as prescribed by law before March 2, 1897, for trial justices in the respective counties of the State, except as otherwise provided in this section.

SECTION 3. Section 22‑3‑10 of the S.C. Code is amended to read:

Section 22‑3‑10. Magistrates have concurrent civil jurisdiction in the following cases:

(1) in actions arising on contracts for the recovery of money only, if the sum claimed does not exceed seven twenty-five thousand five hundred dollars;

(2) in actions for damages for injury to rights pertaining to the person or personal or real property, if the damages claimed do not exceed seven twenty-five thousand five hundred dollars;

(3) in actions for a penalty, fine, or forfeiture, when the amount claimed or forfeited does not exceed seventwenty-five thousand five hundred dollars;

(4) in actions commenced by attachment of property, as provided by statute, if the debt or damages claimed do not exceed seven twenty-five thousand five hundred dollars;

(5) in actions upon a bond conditioned for the payment of money, not exceeding seventwenty-five thousand five hundred dollars, though the penalty exceeds that sum, the judgment to be given for the sum actually due, and when the payments are to be made by installments an action may be brought for each installment as it becomes due;

(6) in any action upon a surety bond taken by them, when the penalty or amount claimed does not exceed seventwenty-five thousand five hundred dollars;

(7) in any action upon a judgment rendered in a court of a magistrate or an inferior court when it is not prohibited by the South Carolina Rules of Civil Procedure;

(8) to take and enter judgment on the confession of a defendant in the manner prescribed by law when the amount confessed does not exceed seven twenty-five thousand five hundred dollars;

(9) in any action for damages or for fraud in the sale, purchase, or exchange of personal property, if the damages claimed do not exceed seven twenty-five thousand five hundred dollars;

(10) in all matters between landlord and tenant and the possession of land as provided in Chapters 33 through 41 of Title 27;

(11) in any action to recover the possession of personal property claimed, the value of which, as stated in the affidavit of the plaintiff, his agent, or attorney, does not exceed the sum of seven twenty-five thousand five hundred dollars;

(12) in all actions provided for in this section when a filed counterclaim involves a sum not to exceed seven twenty-five thousand five hundred dollars, except that this limitation does not apply to counterclaims filed in matters between landlord and tenant and the possession of land;

(13) in interpleader actions arising from real estate contracts for the recovery of earnest money, only if the sum claimed does not exceed seven twenty-five thousand five hundred dollars; and

(14) in actions for damages arising from a person’s failure to return leased or rented personal property within seventy‑two hours after the expiration of the lease or rental agreement, such damages to be based on the loss of revenue or replacement value of the property, whichever is less, if the damages claimed do not exceed seven twenty-five thousand five hundred dollars; however, the lease or rental agreement must set forth the manner in which the amount of the loss of revenue or replacement value of the item leased or rented is calculated.

SECTION 4. Section 22‑3‑550 of the S.C. Code is amended to read:

Section 22‑3‑550. (A) Magistrates have jurisdiction of all offenses which may be subject to the penalties of a fine or forfeiture not exceeding twenty-five hundredthousand dollars, or imprisonment not exceeding thirty days one year, or both. In addition, a magistrate may order restitution in an amount not to exceed the civil jurisdictional amount provided in Section 22‑3‑10(2). In determining the amount of restitution, the judge shall determine and itemize the actual amount of damage or loss in the order. In addition, the judge may set an appropriate payment schedule.

A magistrate may hold a party in contempt for failure to pay the restitution ordered if the judge finds the party has the ability to pay. In addition, a magistrate may convert any unpaid restitution, fines, costs, fees, surcharges, and assessments to a civil judgment as provided in Section 17‑25‑323(C).

(B) However, a magistrate does not have the power to sentence a person to consecutive terms of imprisonment totaling more than ninety days except for convictions resulting from violations of Chapter 11, Title 34, pertaining to fraudulent checks, or violations of Section 16‑13‑110(B)(1), relating to shoplifting. Further, a magistrate must specify an amount of restitution in damages at the time of sentencing as an alternative to any imprisonment of more than ninety days which is lawfully imposed. The provisions of this subsection do not affect the transfer of criminal matters from the general sessions court made pursuant to Section 22‑3‑545.

SECTION 5. The Department of Administration, upon the effective date of this act, shall conduct an analysis of the office space, supplies, services, information technology, FTE requirements, and any other relevant information and report to the General Assembly the costs of transferring the current Judicial Merit Selection Commission from its current location to independent state office space not contained in the buildings housing the members of the House of Representatives or Senate to house the South Carolina Judicial Merit Selection Commission. This report to the General Assembly is due no later than January 1, 2025, and the standalone, independent agency must be created and functional by July 1, 2025.

SECTION 6. This act takes effect upon approval by the Governor.

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