

April 18, 2000

MEMORANDUM

TO: Members of the General Assembly

FROM: Judicial Merit Selection Commission

RE: Letters of Introduction and Personal Introductions

Recently, the Judicial Merit Selection Commission has received questions concerning the propriety of members of the General Assembly preparing letters of introduction or personally introducing judicial candidates prior to the release of a screening report.

Section 2-19-70 (C) of the South Carolina Code contains strict prohibitions concerning candidates seeking, or legislators giving, their pledges of support or implied endorsement through an introduction prior to 48 hours after the release of the final report of the Judicial Merit Selection Commission. The purpose of this section was to insure that the General Assembly had full access to the report prior to a member being asked by a candidate to pledge his/her support. The final sentence of Section 2-19-70 (C) provides that "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."

The Commission met on April 5, 2000, and agreed that the Commission's interpretation of this law is and will continue to be that no member of the General Assembly should engage in **any** form of communication (written or verbal) concerning a candidate for a judicial office before the 48-hour period expires following the release of the Commission's report. Upon review of the Commission's November 12, 1999 letter concerning letters of support and recommendation, the Commission would like to **clarify and reiterate that until at least 48 hours has expired after the Commission has released its final report of candidate qualifications, only candidates, and not members of the General Assembly, are permitted to issue letters of introduction, announcements of candidacy, or statements detailing the candidates' qualifications.** (See letter of November 12, 1999, page 2). **In sum, no member of the General Assembly should, orally or by writing, communicate about a candidate's candidacy until 48 hours after release of the Judicial Merit Selection Commission's final report of candidate qualifications.**

The Commission would again like to caution members of the General Assembly that a violation of the screening law is likely a disqualifying offense and must be considered when determining a candidate's fitness for judicial office. Further, the law requires the Commission to report any violations of the pledging rules by members of the General Assembly to the House or Senate Ethics Committee, as may be applicable.

Should you have any questions regarding this letter or any other matter pertaining to the judicial screening process, please do not hesitate to call Chief Counsel to the Commission, Mike Couick, at 212-6610.

cc: Judicial Candidates