

How Judges Are Elected in South Carolina

(Updated Jan. 11, 2010)

Supreme Court:

According to Article V, Section 3 of the S.C. Constitution, the members of the Supreme Court shall be elected by a joint public vote of the General Assembly. In any contested election, the vote of each member of the General Assembly present and voting must be recorded. According to Article V, Section 27 of the S.C. Constitution, candidates for the Supreme Court must first be screened by the Judicial Merit Selection Commission prior to being presented for election by the General Assembly. The five justices are arranged and elected by seat. Candidates can be from any geographical region in the State.

Court of Appeals:

According to Article V, Section 8 of the S.C. Constitution, the members of the Court of Appeals shall be elected by a joint public vote of the General Assembly. In any contested election, the vote of each member of the General Assembly present and voting must be recorded. According to Article V, Section 27 of the S.C. Constitution, candidates for the Court of Appeals must first be screened and found qualified by the Judicial Merit Selection Commission prior to being presented for election by the General Assembly. The nine judges of the Court of Appeals are arranged and elected by seat. Candidates can be from any geographical region in the State.

Circuit Court:

According to Article V, Section 13 of the S.C. Constitution, the General Assembly has divided the State into judicial circuits. There are currently 33 resident judges and 13 at-large judges. For each circuit a judge or judges shall be elected by a joint public vote of the General Assembly. According to Article V, Section 27 of the S.C. Constitution, candidates for the Circuit Court must first be screened and found qualified by the Judicial Merit Selection Commission prior to being presented for election by the General Assembly.

Family Court:

According to § 2-19-80 of the S.C. Code of Laws, family court judges are elected by a joint public vote of the General Assembly. Additionally, candidates for the Family Court must first be screened and found qualified by the Judicial Merit Selection Commission prior to being presented for election by the General Assembly. The required number of family judges and resident family judges in each of the sixteen circuits differs. These requirements are outlined in § 63-3-40. Currently there are 52 family judges.

Administrative Law Court:

According to § 1-23-500(A), the South Carolina Administrative Law Court is an agency of the executive branch of the South Carolina government. The court consists of six administrative law judges. According to § 1-23-510(A) of the S.C. Code of Laws, the judges of the court must be elected by the General Assembly in joint session. According to § 1-23-510(C), candidates for the Administrative Law Court must be screened and found qualified by the Judicial Merit Selection Commission prior to being presented for election by the General Assembly. Administrative Law Judges are arranged and elected according to seat. Candidates can be from any geographical region in the State.

Master-in-Equity:

According to § 14-11-20, Masters-in-Equity must be appointed by the Governor with the advice and consent of the General Assembly. According to § 2-19-110, upon a vacancy in the office of master-in-equity, candidates therefor shall submit an application to the Judicial Merit Selection Commission. Upon completion of reports and recommendations, the commission shall submit such reports and recommendations on master-in-equity candidates to the appropriate county legislative delegations. The county legislative delegations shall then submit the name of a candidate to the Governor for consideration for appointment. 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.

Magistrates:

According to Article V, Section 26 of the S.C. Constitution, magistrates are appointed for each county by the Governor, by and with the advice and consent of the Senate. Recommendations for magistrates are given to the Governor by the county senatorial delegation. On and after July 1, 2001, persons seeking a magistrate position must pass an eligibility test, unless exempted, and must have at least two years education beyond a high school degree. On and after July 1, 2005, persons applying to be a magistrate must have a baccalaureate degree.

Municipal Judge:

According to § 14-25-15 of the S.C. Code of Laws, the municipal council appoints each municipal judge.

Probate Judge:

According to § 14-23-30 of the S.C. Code of Laws, the judges of the probate court shall be elected by the qualified electors of the respective counties for the term of four years. The election for such offices shall be held at each alternative general election, reckoning from the year 1890.