JUDICIAL MERIT SELECTION COMMISSION
Policies and Procedures

Columbia, SC
July 1, 2026

Judicial Merit Selection Commission

July 1, 2026

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Introduction

Every elementary school student in South Carolina is taught that the essence of both our state and federal government is the system of checks and balances designed to maintain separation of powers and check any usurpation of power from one branch of government to another. Within this system, the judiciary is granted extraordinary and final authority to determine questions of law not only for the government, but for each citizen of South Carolina. Since Marbury v. Madison, 5 U.S. (1 Cranch) 137 2L.Ed. 60 (1803), the preeminence of the judiciary's authority in such matters has remained unquestioned.

The Judicial Merit Selection Commission is charged by law to consider the qualifications of candidates for the judiciary. When the commission receives notice that an individual intends to seek election or re-election to the Bench, the commission conducts a thorough investigation of the candidate. The commission's investigation focuses on the evaluative criteria provided by law. These evaluative criteria include: integrity and impartiality; legal knowledge and ability; professional experience; judicial temperament; diligence and industry; mental and physical capabilities; financial responsibilities; public service; and ethics. The commission expects each candidate to exhibit a strong adherence to codes of ethical behavior, including the Rules of Professional Conduct governing attorneys practicing in South Carolina, the Code of Judicial Conduct regulating the activities of all judges in South Carolina, and the more generally accepted, but unwritten, rules of fairness and respect which should govern interaction among all of this state's citizens.

The Judicial Merit Selection Commission is also concerned that since the decisions of our judiciary play such an important role in people's personal and professional lives that all South Carolinians should have a voice in the selection of those judges. It is this desire for broad-based grassroots participation that has led to the statutory creation (§ 2-19-120) of the Citizens Committees on Judicial Qualifications. These committees composed of people from across the societal spectrum (doctors, lawyers, teachers, businessmen, and advocates) will be asked to advise the commission on the judicial candidates in their region. These reports will be based upon interviews by committee members with people who know the judicial candidates personally and professionally. Their input will guide the commission's investigation of judicial candidates. The rules governing the operation of the Citizens Committees are located in this manual.

While the law provides that the commission is to make findings as to qualifications, the commission views its role as also including an obligation to consider candidates in the context of the judiciary on which, if elected, they will serve and, to some degree, govern. To that end, the commission inquires as to the quality of justice delivered in the courtrooms of South Carolina and seeks to impart, through its questioning, the view of the public it represents as to matters of judicial temperament, concern for an informed Bench, and the absoluteness of the Judicial Canons as to recusal for conflict of interest, prohibition of ex parte communication, and the disallowance of the acceptance of gifts. The commission also seeks to impart its view that good temperament is an essential quality of a judge. Justice can surely prevail when a judge is courteous to litigants and lawyers alike.

Familiarize yourself with this policies and procedures manual. Focus particularly on the nine evaluative criteria and be advised that candidates will be asked to demonstrate their abilities in each of these areas. Candidates are also advised to review the "no pledging rule" of S.C. Code § 2-19-70 and the criminal penalties provided for violators. The commission has consistently reiterated its displeasure with those candidates who strain the "no pledging rule" so as to come to the commission

with a "lock," albeit an informal one, on a judgeship. For more information, you may access the commission's web site at: www.scstatehouse.gov/html-pages/judmerit.html.

If you have questions about these materials or if we may otherwise be of assistance, contact the commission office at (803) 212-6623. We look forward to working with each of you during this important screening process.

Judicial Merit Selection Commission - Evaluative Criteria
(Updated January, 2007)

In the process of evaluating the qualifications of a judicial candidate, the Judicial Merit Selection Commission will consider all evidence properly presented and render a finding as to each candidate's qualifications to serve on the bench. Compliance with the South Carolina Code of Judicial Conduct is one standard by which the commission will measure the past conduct of sitting judges and the plans for future conduct of all candidates. In addition, candidates who are currently practicing law will be expected to have complied with the South Carolina Rules of Professional Conduct. The commission's evaluation of each candidate will be without regard to race, religion, color, national origin, age, sex, or disability and will be broadly based on the following categories of criteria:

1. **Constitutional Qualifications or Statutory Requirements:**

Candidates must meet the constitutional or statutory requirements of citizenship, residence, age, and professional experience.

Candidates for the Supreme Court, Court of Appeals, and Circuit Court must be: citizens of the United States and of the State of South Carolina; a resident of the State of South Carolina for at least five years prior to the judicial election; at least thirty-two years old; and a licensed attorney at law for at least eight years.

Candidates who are serving, or who have served, in the General Assembly must be out of office for a period established by law.

2. **Ethical Fitness:**

Candidates must have the ability to perform adjudicative duties impartially and to deal with litigants, lawyers, witnesses, and other courtroom participants objectively and without bias. Candidates should have a sense of humor and must exhibit trustworthiness, moral vigor, and strength of character. At a minimum, a sitting judge will be expected to have complied with the Code of Judicial Conduct's requirements to avoid impropriety, the appearance of impropriety, and partiality. The commission may, for example, consider as improper, or as raising an appearance of impropriety, letters of recommendation written on behalf of a sitting judge by attorneys who regularly appear before the judge or by past or future litigants in a matter before the court.

Although sitting judges may have accepted ordinary social hospitality, they must have complied with the Code of Judicial Conduct's prohibitions against the acceptance of gifts. The commission may inquire into a candidate's definition of ordinary social hospitality and of what constitutes a gift.

All candidates also must have complied with the rules against ex parte communication. The commission may inquire into a candidate's policy on ex parte communication and how he or she might handle a given situation.

A candidate's past actions and deeds should demonstrate consistent adherence to high ethical principles, and his or her reputation should be above reproach. The commission expects each candidate to strictly follow the ethical requirements of South Carolina law, and among other possible inquiries, the commission will look to make sure that candidates have made campaign expenditure

filings where required and have not violated laws against seeking or receiving pledges from members of the General Assembly. The commission expects candidates to follow the spirit as well as the letter of the ethics laws, and it will view violations or the appearance of impropriety as serious and potentially deserving of heavy weight in screening deliberations.

Chapter 19 of Title 2 and § 8-13-920 of the South Carolina Code of Laws apply and candidates must comply with the requirements of these provisions. Chapter 19 of Title 2 was last amended by Act 391 of 1996 and § 2-19-70 now prohibits the direct or indirect solicitation of pledges by a candidate or on his or her behalf before the commission has formally issued its screening report. Violations by candidates of § 2-19-70 are misdemeanors and must be reported by the commission to the State Ethics Commission. The commission may consider violations of § 2-19-70 when it considers a candidate's qualifications.

3. **Professional and Academic Ability:**

All candidates are expected to be well versed in fundamental legal principles and in procedural and evidentiary rules. A candidate must have the ability to communicate in a style that is both lucid and persuasive and must have the intellectual capacity to interpret established legal principles, apply them to specific factual situations, and clearly and logically communicate the reasoning leading up to his or her conclusion. The commission will review each candidate's academic record, participation in continuing legal education or other seminars, legal writing, and reputation among professional colleagues to evaluate legal knowledge and ability. The commission may elicit the opinions of professional colleagues with first-hand knowledge of a candidate's legal ability and general reputation.

It is important, especially on the appellate court level, that a candidate has the ability to work well with others and to build or reach consensus when appropriate. The commission also recognizes, however, that deliberation is important on the appellate level and expects candidates for such office to respect the importance of meaningful appellate review.

Each candidate, including both retired and sitting members of the judiciary, must be dedicated to continuing legal education and to keeping abreast of recent decisions and new ideas in the law and public policy. The commission will expect candidates to have, at a minimum, complied with the South Carolina rules for continuing legal education.

4. **Character:**

The integrity of the judiciary and the confidence of citizens in the judiciary system can only be maintained through the selection of judges with the highest personal and professional standards. The commission will look to the character of candidates regarding their ethical standards, work habits, and financial responsibility through a thorough investigation of any complaints, grievances, or criminal allegations made against a candidate.

The commission believes that financial responsibility demonstrates self-discipline and the ability to withstand pressures that might compromise independence and impartiality. The commission will therefore look for evidence of a troubled financial status such as tax liens, unsatisfied judgments, a poor credit rating, or bankruptcy proceedings.

The commission also believes that judges must recuse themselves when a matter presents an actual conflict of interest or the appearance of impropriety. The commission will therefore investigate to determine whether sitting judges have failed to recuse themselves in the past in circumstances where the Code of Judicial Conduct dictated or suggested recusal. The commission will also look at the economic interests of each candidate to determine whether they could pose conflict of interest dilemmas in the future.

The demands of rising caseloads have accentuated the importance of selecting diligent and industrious judges. The commission will look for character traits such as self-discipline, constancy, perseverance, attentiveness, and punctuality as evidence of diligence and industry. The commission will also look to ensure that a candidate can balance the personal demands of family and outside interests with the rigors of service on the bench.

5. **Reputation:**

Practicing lawyers and those who have constant exposure to the state's court system must have confidence in those who make up the state's judiciary. The commission will therefore solicit information from members of the Bar, Clerks of Court, and other pertinent individuals on each candidate through responses to questionnaires and interviews of members of the Bar.

Diversity in the backgrounds of judges is useful in giving the judiciary some familiarity with sensitivity to the range of social issues confronting courts today; therefore, the commission will consider non-legal experience in evaluating judicial qualifications. The commission will look with favor on a candidate's involvement in community affairs, public office, or pro bono service. The commission may also inquire into a candidate's views on social issues and his or her desire to affect public policy. The commission will, however, seek to ensure that all candidates follow the Code of Judicial Conduct's prohibitions against certain extra-judicial activities and its rules governing the use of judicial office. The commission will investigate to determine whether a sitting judge has misused his or her office for such purposes in the past.

6. **Physical Health:**

The demands of the judicial office require a high level of performance, and candidates must be both mentally and physically capable of performing the duties of the office sought with or without reasonable accommodation for any mental or physical impairment that substantially limits a major life activity. The commission will therefore seek to determine that each candidate can perform the functions of the job with or without reasonable accommodation.

7. **Mental Stability:**

The demands of the judicial office require a high level of performance, and candidates must be both mentally and physically capable of performing the duties of the office sought with or without reasonable accommodation for any mental or physical impairment that substantially limits a major life activity. The commission will therefore seek to determine that each candidate can perform the functions of the job with or without reasonable accommodation.

8. **Experience:**

The extent and variety of a candidate's experience as an attorney or as a judge or both should be considered in light of the nature of the judicial vacancy to be filled. Significant trial experience is desirable, although it is not a requirement, particularly in a candidate for the trial bench. The commission's most important consideration will be the depth and breadth of the professional experience and the competence with which it has been performed, rather than the candidate's particular type of experience. The commission may consider the candidate's expansive experience in one area as compensating for limited experience in other areas of practice. The commission may look to a candidate's Martindale-Hubbell rating, reputation among professional colleagues, or other evidence of professional experience. The length of time that a candidate has practiced should be long enough to provide a basis for the evaluation of the candidate's demonstrated performance and long enough to ensure that the candidate has had substantial exposure to a variety of legal problems and the judicial process.

9. **Judicial Temperament:**

The commission will place strong emphasis on each candidate's ability to consistently exhibit exemplary judicial temperament. Conduct that is disrespectful, arrogant, impatient, or arbitrary is an impediment to the administration of justice, and the commission may find that a candidate who has exhibited such unacceptable conduct is unfit for service on the bench. Among the qualities that comprise such temperament are patience, open-mindedness, courtesy, tact, firmness, understanding, compassion, and humility. Because the judicial function is essentially one of facilitating conflict resolution, judicial temperament requires the ability to deal with lawyers, litigants, jurors, witnesses, staff, and other courtroom participants calmly and courteously and the willingness to hear and consider the views of all sides. Factors that indicate a lack of judicial temperament include arrogance, impatience, pomposity, arbitrariness, and tyranny.

PROCEDURAL RULES FOR
THE JUDICIAL MERIT SELECTION COMMISSION

Revised: July 2025

1. The commission shall meet as soon after appointment as practicable and, thereafter, at least once annually for purposes of organization, election of a chairman and vice chairman, and to adopt rules necessary for the purposes of the commission. The chairman and vice chairman of the commission each must be a legislator. Each chairman shall select appropriate counsel and staff to serve the needs of the commission. The chairmanship and vice chairmanship of the commission shall alternate on a calendar-year basis between the House of Representatives and the Senate. However, the person acting as chairman at the times of the public hearings shall act as chairman for any matters related to that screening, including the publication of the commission's report and the judicial election in the joint assembly of the General Assembly. Both the House of Representatives and the Senate shall provide appropriate counsel and staff each year to perform the duties of the commission. If the chairman and vice-chairman positions are vacant, the most senior Senator shall preside until a chairman or vice chairman is elected.

2. The chairman may call a meeting of the commission by notifying the members of the commission and informing each member of the nature of the meeting. The chairman shall preside over all meetings and hearings of the commission. In his absence, the vice-chairman shall preside. In the absence of both the chairman and vice-chairman, the most senior legislator shall preside until the chairman or vice-chairman is present.

3. Commission staff will create a database in which the terms of every judge subject to screening by the commission will be stored. This database will be used by staff to monitor when judicial vacancies are to occur in accordance with the provisions of S.C. Code Section 2-19-20.

   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-election, shall notify the Supreme Court of the vacancy at least thirty days prior to closing applications for the vacancy. The information regarding the vacancy shall be provided to the Clerk of the Supreme Court for publication in the advance sheets 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 regarding 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, and the address to which, and the date by which interested candidates may apply.

4. The period within which a candidate must file a notice of intention to seek a particular judicial office shall be a minimum of three weeks, commencing on the date of publication of the public notice.

5. Candidates must specify the race and seat number in which they are interested in the letter of intent required to receive application materials. A separate letter of intent, as well as application materials, must be completed in full for each judicial seat sought. Additionally, the candidate must attend a separate public hearing for each seat sought. Pursuant to S.C. Code Section 2-19-20(D), once a person submits his or her letter of intent to the Judicial Merit Selection Commission, the person is considered a candidate for purposes of the applicable statutes and governing rules. Candidates may not contact members of the Judicial Merit Selection Commission regarding their candidacy until after the judicial election.

6. The Judicial Merit Selection Commission may not release, prior to the application filing deadline, the names of those individuals who have received an application package unless the individuals have submitted the written acknowledgement form or their application package.

7. Upon receipt of a written notice of intent to seek a judicial seat, and on the date set for distribution of applications, the Judicial Merit Selection Commission staff shall by electronic means transmit the application forms that the candidate must complete. Each candidate must use the same electronic means to complete the forms as well as return the forms by the deadline for applications. Each candidate also must submit a printed copy of each form containing the candidate's original signature by the deadline for applications. This rule also applies to the letters of recommendation that the candidate requests from five other people, unless extenuating circumstances exist beyond the candidate's control. A photocopy or electronic submission of a letter of recommendation will not be accepted.

8. Candidates must file all application materials with the Judicial Merit Selection Commission by the deadline for candidate applications. Failure to comply with the deadline shall be a complete bar to consideration of that candidate by the commission. No right of appeal exists for a missed deadline. The Chief Counsel of the Commission or his designee may reject a candidate's application at the deadline, if, on its face, the application does not meet the constitutional or statutory qualifications of: citizen of the United States and South Carolina, resident of the State of South Carolina for at least five years prior to the judicial election, at least 32 years old, and a licensed attorney at law for at least eight years.

9. The Judicial Merit Selection Commission is authorized to investigate and obtain information related to any candidate 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. 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.

10. During its investigation, the commission shall conduct an anonymous survey of the bench and bar and all clerks of court in South Carolina. The commission shall utilize an electronic survey polling or other forms of electronic survey as it deems appropriate. An individual is only allowed to complete one electronic ballot per judicial candidate.

11. Judicial Merit Selection Commission legal staff shall conduct an interview with each candidate and all witnesses at dates and times to be determined by the commission's legal staff.

12. A candidate may withdraw at any time prior to the public hearing or after the draft report is issued to members of the General Assembly. The information concerning a withdrawn candidate also shall be exempt from disclosure pursuant to Chapter 4 of Title 30 of the South Carolina Code. However, all materials concerning the candidate must be retained and may not be destroyed by the commission for at least seven years.

13. Upon the scheduling of a public hearing concerning the qualifications of judicial candidate(s), the commission staff shall inform the public of those candidates to be screened and the date, place, and time of the hearing through a news release to be sent to the media in each major market in South Carolina, applicable bar organizations, and the candidates at least two weeks prior to the date of the hearing.

14. Any person, organization, or association wishing to come before the commission, to testify at a hearing or submit documents for consideration by the Commission, must submit a sworn statement to the commission using the witness affidavit form provided by the commission by such deadline as the commission may establish prior to the hearing; but, 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 Commission for allowing the submitting individual's testimony after the deadline. The affidavit must either be mailed to the Commission or hand delivered, as provided by the Commission, and must be signed and notarized. The complaint must include only concerns or allegations regarding the candidate of which the complainant has direct personal knowledge. The complainant must also attach copies of any documentation, such as trial transcripts, orders, letters, or other materials that the complainant believes supports the affidavit. The documentation must be attached to and submitted with the affidavit in hard copy, and may not be submitted by electronic or other means.

Commission staff is charged with reviewing the affidavit of complaint to determine if the allegations, if true, appear to relate to the candidate's character, competency, or ethics. However, if staff determines that the affidavit of complaint, on its face, does not state allegations relating to the candidate's character, competency, or ethics, the complaint will be dismissed, and it will not be considered at the Public Hearing.

Also, the Judicial Merit Selection Commission may issue a subpoena at any time, in order to provide for necessary investigations. Sufficient cause could include, but is not limited to, allegations related to the character and fitness of the candidate which occurred on or after the deadline for filing a witness affidavit or allegations. Character and other affidavits filed in support of the candidate will not be permitted for consideration by the commission.

15. Each candidate shall be furnished a copy of all, if any, sworn statements and documents submitted in relation to his or her candidacy prior to the hearing, as soon after their receipt by the commission as practicable.

16. Unless indicated otherwise by the commission, the order of business for a hearing is as follows:

(a) The chairman will open the meeting and call for an executive session in which the chairman will brief the members regarding the hearing's procedures and subject matter.
(b) The commission will go into open session and the chairman will determine whether the candidates to be screened are present. Each candidate will in turn be sworn in and stand before the commission. Staff counsel and any commission member who wishes will review the personal data questionnaire and question the candidate in regard to that information and any other matter relating to the candidate's qualifications, after which the questionnaire will be made a part of the record. The candidate will be allowed to respond and to explain his or her answers to all inquiries.
(c) The chairman will call and swear in witnesses who have either submitted a sworn statement by the deadline established by the commission prior to the hearing or have been subpoenaed by the commission to appear. Staff counsel and commission members will question the witnesses, and the candidate may submit proposed questions to the commission for consideration. Upon the completion of testimony, the candidate may respond to the testimony given.
(d) Upon hearing all testimony, the commission shall meet in executive session to discuss and make findings regarding the qualifications of the candidate.
(e) A reasonable time thereafter, and at the discretion of the chairman, the commission shall render a decision as to whether each candidate screened is qualified for judicial office and the reasons for the decision. The commission shall review the qualifications of all candidates and select therefrom the names and qualifications of six candidates whom the commission considers best qualified for the judicial office under consideration along with a summary of those candidates who did not withdraw and whose names were not forwarded to the General Assembly for consideration. If fewer than six persons apply to fill a vacancy or if the commission concludes there are fewer than six candidates qualified for a vacancy, the commission 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 six names.

(f) Upon the completion of all business scheduled for the hearing, the chairman will adjourn the hearing; however, subsequent meetings may be scheduled should there be other matters the commission needs to address.

17. All of the commission's public hearings shall be live-streamed except for the portions of the hearings conducted in executive session. A candidate is prohibited from attending or watching any portion of the live-stream or recordings of the hearing until after all hearings are concluded. This prohibition applies only to the current screening cycle. No candidate may be in the room in which the hearings are conducted, or in the hallway or other close proximity to where the candidate might overhear the proceedings. This rule also applies to the candidate's relatives, employees, counsel, friends, or others who might be inclined to relay information about the proceedings to the candidate. The Judicial Merit Selection Commission may consider violations of this rule in deliberations on the candidate's fitness for service on the bench. The Judicial Merit Selection Commission staff will provide a place for candidates and their guests to wait and will notify each candidate of his or her turn before the Judicial Merit Selection Commission.

18. The commission will, in the process of evaluating the qualifications of a judicial candidate, consider all evidence presented and render a finding as to each candidate's qualifications to serve as a judge and the reasons for that finding. In evaluating a candidate's performance in a particular evaluative criterion, the commission shall consider whether the candidate's performance in that area meets expectations. The term "meets expectations" means that the commission believes that the candidate's performance in that particular area is sufficient for someone seeking election as a judge. If the commission finds a candidate does not meet expectations in one or more particular evaluative criteria, the commission may find the judicial candidate unqualified for the judicial seat sought.

19. These commission rules may be amended or suspended, except as provided for by law, upon a majority vote of all commission members, with said votes to be made either in person or by proxy.

20. A quorum for purposes of a screening hearing or commission meeting shall consist of at least seven commission members. In all instances, a written proxy must be used if that member is to be counted as if that member were present.

21. For votes regarding the findings of the commission and the reasons therefore relating to the qualifications of a judicial candidate, each commission member's vote shall be recorded. If a commission member recuses himself or herself from the vote or is absent without leaving a written proxy, the candidate found qualified and nominated must receive a majority of the votes of the members present and voting.

22. 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. The information required to be kept confidential also shall be exempt from disclosure pursuant to Chapter 4, Title 30. (For reference, see S.C. Code Section 2-19-50.)

23. Candidates and witnesses may be accompanied by counsel; however, counsel cannot participate in the hearings.

24. No person may seek, directly or indirectly, the pledge of a member of the General Assembly's vote

or, 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 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. No member of the General Assembly may offer his pledge to any person until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and until the commission has formally released its report as to the qualifications of its nominees to the General Assembly.

The formal release of the report of qualifications shall occur no earlier than twelve days 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 by the commission. Prior to the formal release of the report as to the qualifications of judicial candidates, a person may not request that a member of the General Assembly, nor may a member of the General Assembly offer to, act on behalf of a candidate in furtherance of the candidate's candidacy in any capacity including, but not limited to, acting as a vote counter for a candidate. The prohibitions of this section do not extend to an announcement of candidacy by a person and statements by the candidate detailing the candidate's qualifications.

The privilege of the floor in either house of the General Assembly may not be granted to a former member during the time his 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.

Any violations of the rules, including violations of this section may be considered by the commission when it considers the candidate's qualifications and until the time set for election of the candidates. 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. If the commission finds there is substance to an alleged violation, the violation shall be reported in the form of a formal complaint from the Judicial Merit Selection Commission to the Senate or House Ethics Committee or to the State Ethics Commission. The Ethics Committee or Ethics Commission shall respond to the Judicial Merit Selection Commission within ten days, as to the merit of the complaint. If the complaint is groundless, the election will be held as scheduled. If an investigation is required, the nature of that investigation will be included in the findings the commission makes to the General Assembly regarding qualifications of candidates. A violation of this section is a misdemeanor, and, upon conviction, the violator must be fined not more than $1,000 or imprisoned not more than 90 days. For reference, see Section 2-19-70 (E)

25. 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 commission in a similar manner as an active judge. A retired justice or judge must 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. See S.C. Code Section 2-19-100.

26. Unless expressly authorized by the commission, no candidate may contact any member of the commission concerning a candidate's qualification for judicial office. This prohibition extends until after the election. Violations of this rule will be considered by the commission when determining a candidate's fitness for judicial service.

27. No later than six months before the expiration of a judge's term, commission staff will contact the judge in writing by electronic communication (e-mail) to determine whether the judge intends to seek reelection for another term. The statement of intention made by the judge at that time shall not be considered binding on the judge.

28. The commission shall forward the names of justices and judges who are at the midpoint in their terms to the SC Bar's Judicial Qualifications Committee for the committee to conduct midterm reviews utilizing the electronic survey polling or other forms of electronic surveys as the committee deems appropriate. The results of the midterm reviews must be forwarded to the Chief Justice of the Supreme Court. Midterm review results also must be provided to the commission at the next public screening of each judicial candidate. For purposes of these procedural rules, "term" does not refer to partial terms—as when a candidate fills an unexpired term of office—but is defined as the full term of office of the judicial seat.

Edited 7/8/2025

CITIZENS COMMITTEES ON JUDICIAL QUALIFICATIONS

M I S S I O N S T A T E M E N T

The decisions of our state's judiciary affect the property and lives of every citizen even when they are not parties to an action in the courts. The Judicial Merit Selection Commission is concerned that since the decisions of our judiciary play such an important role in people's personal and professional lives that all South Carolinians should have a voice in the selection of those judges. It is this desire for broad-based grassroots participation that has led the Commission to create the Citizens Committees on Judicial Qualifications. These committees composed of people from across the societal spectrum (doctors, lawyers, teachers, businessmen, and advocates) will be asked to advise the Commission on the judicial candidates in their region. These reports will be based upon interviews by committee members with people who know the judicial candidates personally and professionally. Their input will guide the Commission's investigation of judicial candidates.

R U L E S
(Effective as of 4/27/15)

1. The state will be divided into five geographical districts each of which will contain one Citizens Committee on Judicial Qualifications. The districts shall be comprised as follows:

    (a) The Lowcountry District: shall comprise the first, ninth, and fourteenth judicial circuits;
    (b) The Pee Dee District: shall comprise the third, fourth, twelfth, and fifteenth judicial circuits;
    (c) The Midlands District: shall comprise the second, fifth, and eleventh judicial circuits;
    (d) The Piedmont District: shall comprise the sixth, eighth, and sixteenth judicial circuits; and
    (e) The Upstate District: shall comprise the seventh, tenth, and thirteenth judicial circuits.

2. The chairman and vice chairman of the Commission will select no more than ten public members for each of the five districts. Committee members serve at the will and pleasure of the chairman and vice chairman of the Commission.

3. In making his appointments, the chairman should consider that the diversity of our state is represented in the members for each district.

4. After appointment, the chairman and vice chairman of the Commission will select the chairman of each district. The chairman of each district will be responsible for scheduling meetings for the committee, arranging contacts by members of the committee of appropriate people during the review process, and preparing a report for each candidate to submit to the Commission for its consideration.

5. When presented a list of candidates from its area, the committee shall begin the process of reviewing that candidate's qualifications. The committee for each region shall divide into subcommittees of not less than three members to investigate the candidates for its region.

6. After receiving the names of judicial candidates in their region, committee members may ask each candidate to provide the names of a diverse group of people within the community who are familiar with the candidate's qualifications and character. The committee may interview other individuals as it shall choose.

7. If a committee member has any relationship with a candidate that may impair his ability to be objective or which may undermine the appearance of impartiality of the committee, the member shall inform the chairman of the committee of the potential conflict of interest. The chairman shall take the relationship of the member and candidate into account when appointing subcommittees to investigate candidates.

8. The committee's report will be due no later than five days prior to the beginning of public hearings unless otherwise provided by the Commission. However, if during the course of its investigation the committee discovers information that warrants further investigation by the full Commission, the committee shall forward its concerns as soon as possible along with the basis of those concerns to the Commission. If the committee has not finished its report prior to the beginning of public hearings, the Commission may proceed without the input of the committee.

9. The committee's reports should be constructed so as to evaluate each candidate according to the evaluative criteria used by the Commission. These criteria, as set forth in Section 2-19-35(A), include the following:
    (1) constitutional qualifications;
    (2) ethical fitness;
    (3) professional and academic ability;
    (4) character;
    (5) reputation;
    (6) physical health and mental stability;
    (7) experience; and
    (8) judicial temperament.

10. In making its report, the committee should endeavor to protect the confidentiality of its sources who request anonymity. If a source is cited in the report, and the source requests anonymity, the source should be assigned a witness number that is known only to the Commission Chairman and staff.

11. When forwarding the names of candidates to the committees for review, the Commission shall attach all non-confidential materials in its possession that will aid in the committee's review of judicial candidates. If a member of a committee discovers information that is probative of a candidate's qualifications or character and which will aid in the committee's investigation, the committee chairman shall notify the Commission of its existence and request that it be obtained.

12. No member of a regional committee may disclose any information, other than to a Commission member or Commission staff, regarding any phase of the committee's investigative process or the results therefrom. Likewise, the committee's report is a privileged communication produced solely for the benefit of the Commission and shall not be distributed except to the candidate and as determined by the Commission. All documents created by the committee during the course of investigation shall be turned over by the committee to the Commission to be either destroyed or filed in accordance with state law.

13. As a condition of appointment, each committee member agrees that:

(a) During his or her service on the committee, he or she will abstain from endorsing or participating in any judicial candidate's campaign for office, and will refrain from appearing before or voting on any other committee or commission involved in the judicial selection process (This prohibition shall not preclude any member from participating in a survey or interview process wherein the member's personal opinions about judicial candidates are solicited.); and

(b) Service on the committee results in a relationship between committee members that may create a conflict of interest if committee members who have served together later evaluate one another. Therefore, no committee member shall offer for or accept a nomination for a South Carolina judicial position that is screened by the Judicial Merit Selection Commission, while a member of that committee and for a minimum of one year after leaving the committee.

14. Each member of the committee must actively participate in the screening process. If a member misses two unexcused consecutive meetings of the committee within one year, they will be removed from membership on the

committee. The chairman of the committee must submit an attendance record of each member's participation at the completion of each screening.

15. The Chairman for each region is responsible for ensuring that the rules of the committee are followed by all members of the committee.

GUIDELINES FOR COMMITTEE INTERVIEW PROCESS

1. Absent unusual circumstances, the committee members charged with investigating a candidate's qualifications shall seek interviews with the following:

   (a) as broad a cross-section of members of the candidate's community as practicably possible;

   (b) members of the bench and bar in the county in which the candidate practices; and

   (c) the candidate, if such an interview would aid the committee members in determining the credibility or substance of allegations received by the committee regarding the candidate's qualification for office.

2. If the committee members choose to interview the candidate, the interviews should be conducted by at least three committee members and jointly if feasible.

3. After the interview, a candidate may submit to the committee additional information or material relevant to adverse allegations raised in the interview.

4. The form and manner of any individual committee member's report to the committee shall be left to the discretion of each committee member. However, each committee member shall report the number of interviews sought and held.

5. If a candidate whom the committee has recently evaluated offers or is nominated again for the same court, the committee shall decide whether to resubmit the report of the candidate. Prior to that decision, the committee shall proceed, as follows:

   (a) The committee will determine at the time whether it will investigate further or rely upon its earlier investigation. In determining whether to reinvestigate or confirm its prior action, the committee shall consider all relevant factors, including the following:

      (1) whether there may be facts or information not previously investigated or concerning acts or occurrences since the previous investigation;

(2) the extent to which additional facts or information would aid the committee as to determination of a material issue;

(3) the extent to which affording a candidate a further opportunity to rebut adverse information would assist the committee in determining a material issue or merely be cumulative; and

(4) the nature and extent of the previous investigation and its continuing applicability.

(b) A previously completed investigation should not be considered timely if more than twelve (12) months have lapsed between the time of the completion of the prior investigation and the filing for the subsequent judicial position.

6. This rule prohibits disclosure of any information of any nature that might compromise the confidentiality of the source of the information.

(a) All phases of the committee's activity, i.e., the results of interviews with any respondents, the vote or comments of any individual committee member or the vote of the committee as a whole, as well as any other matters connected with the investigation are absolutely confidential and shall not be disclosed to anyone not a member of the committee. Written reports to the Commission may be prepared with the assistance of clerical staff supporting the committee who shall be bound by the confidentiality provisions of these rules.

(b) A committee member, in respect of persons whose names are submitted to the committee for consideration of their qualifications for appointment to the bench, shall not disclose to others in any manner, except for the purposes of confidential inquiry in connection with the committee's consideration of such person:

(1) The discussion, deliberations, or actions of the committee concerning any such person;

(2) Any information concerning the person obtained during investigation or at a meeting of the committee; and

(3) The Personal Data Questionnaires of persons whose names have been submitted to the committee.

7. If a committee member has or has had any significant familial, professional, business, social, political, or other relationship, either adversarial or allied, direct or indirect, with a candidate, he or she shall immediately disclose to the committee Chair the nature and circumstances of the relationship.

   If the committee member having such a relationship determines that it would unduly influence his or her consideration of the candidate's qualifications, the committee member shall disqualify himself or herself from participating in the investigation, report, deliberation, and ultimate evaluation of the candidate involved in the conflict as well as other candidates for the same seat and refrain from attempting to influence other committee members evaluations of the candidates.

   If a committee member is disqualified pursuant to this section, the report of the committee shall reflect the identity of the member and the race in which he or she did not participate. The reason for the disqualification shall not be reported.

   If a committee member determines that a particular relationship does not require disqualification and the Chair determines that the relationship does require disqualification, the Chair's determination shall prevail.

8. As a condition of appointment, each committee member agrees that:

   (a) During his or her service on the committee, he or she will abstain from endorsing or participating in any judicial candidate's campaign for office, and will refrain from appearing before or voting on any other committee or commission involved in the judicial selection process (This prohibition shall not preclude any member from participating in a survey or interview process wherein the member's personal opinions about judicial candidates are solicited.); and

   (b) Service on the committee results in a relationship between committee members that may create a conflict of interest if committee members who have served together later evaluate one another. Therefore, no committee member shall offer for or accept a nomination for a South Carolina judicial position while a member of the committee and for a minimum of one year after leaving the committee.

9. The Chairman for each region is responsible for ensuring that the rules of the committee are followed by all members of the committee.

THIS LETTER WAS SENT TO CITIZENS COMMITTEE MEMBERS WHEN CONCERNS AROSE REGARDING PERMISSIBLE QUESTIONS TO ASK JUDGES AND JUDICIAL CANDIDATES

October 1, 1998

Merge Name
Merge Address
Merge City, State, Zip

Dear _____:

Several questions have been raised about what types of questions are permissible to ask judges and judicial candidates during the course of the Citizen Committee's (hereinafter "committee") interview sessions with the judge or judicial candidate. While the best scenario is to ask questions that gives the committee and subsequently the Commission a broad-based view of the candidate as a person and a professional, there are categories of questions that a judge or judicial candidate can not answer because of prohibitions contained in the Judicial Canons of Conduct.

Canon 3(B)(9) provides that "[a] judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or make any nonpublic comment that might substantially interfere with a fair trial or hearing." For purposes of this section, the prohibition against comment by the judge lasts after the trial until all appeals are concluded. The impact of this section on the work of the committees is clear: a judge can not be asked any question, no matter how tangential, about a current trial. We would therefore caution the committees that questions concerning pending cases are inappropriate.

The second Judicial Canon that impacts the committee's ability to question judicial candidates is Canon 5(A)(3)(D). That canon provides that a judge or a candidate for judicial office shall not "make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; make statements that commit or appear to commit the candidate with respect to cases, controversies, or issues that are likely to come before the court." The canon specifically applies to "statement[s] made in the process of securing judicial office." Generally, the canon tries to prevent a candidate from making statements that the public could view as committing a judge to a particular decision or course of conduct when a specific type of matter comes before him. However, the commission has a constitutional mandate to "consider the qualifications and fitness of candidates for all judicial positions. "Part of fulfilling this constitutional mandate lies with the committee asking judges appropriate questions that will enlighten the commission about the candidate's judicial views. Recent court decisions in other jurisdictions hold that the prohibitions contained in Canon 5 restricting candidate comments about pertinent issues violate the constitutional guarantee of Freedom of Speech. The committees should feel free to ask questions of judges that they feel are appropriate in ascertaining a fair overview of a judge's judicial philosophy. Also permissible are questions that tend to evaluate a candidate's role and stature within his community. However, please be sensitive to the fact that a candidate must weigh his forthrightness to the screening process with his compliance to judicial ethics. If a candidate refuses to answer a question that you feel is warranted, please contact the commission.

It is also important to note that the Judicial Canons are not the only limitation on your ability to question candidates within the context of your interviews. The American with Disabilities Act (hereinafter "ADA") also restricts the types of questions that may be asked. Generally, the ADA restricts questions in an employment setting about a candidate's physical health, mental health, and drug or alcohol treatment history.

I hope this letter has proven helpful. Thank you again for your important work on this project. If you have any questions about the scope of canons or about the permissibility of a particular question, please let me know. I look forward to hearing from you.

With warmest regards, I am

Sincerely,

Michael N. Couick

Current Law of Importance
to Judicial Candidates Who Are Screened by the
Judicial Merit Selection Commission

(Updated: July 1, 2026

S.C. Constitution, Article V: The Judicial Department

S.C. Constitution Article V, § 1. Judicial power vested in certain courts.

The judicial power shall be vested in a unified judicial system, which shall include a Supreme Court, a Court of Appeals, a Circuit Court, and such other courts of uniform jurisdiction as may be provided for by general law.

S.C. Constitution Article V, § 2. Supreme Court.

The Supreme Court shall consist of a Chief Justice and four Associate Justices, any three of whom shall constitute a quorum for the transaction of business. The Chief Justice shall preside, and in his absence the senior Associate Justice. In all cases decided by the Supreme Court, the concurrence of three of the Justices shall be necessary for a reversal of the judgment below.

S.C. Constitution Article V, § 3: Election of members of Supreme Court.

The members of the Supreme Court shall be elected by a joint public vote of the General Assembly for a term of ten years, and shall continue in office until their successors shall be elected and qualified, and shall be classified so that the term of one of them shall expire every two years. In any contested election, the vote of each member of the General Assembly present and voting shall be recorded.

S.C. Constitution Article V, § 8: Election of members of Court of Appeals.

The members of the Court of Appeals shall be elected by a joint public vote of the General Assembly for a term of six years and shall continue in office until their successors shall be elected and qualify. In any contested election, the vote of each member of the General Assembly present and voting shall be recorded. Provided, that for the first election of members of the Court of Appeals, the General Assembly shall by law provide for staggered terms.

S.C. Constitution Article V, § 13: Judicial circuits.

The General Assembly shall divide the State into judicial circuits of compact and contiguous territory. For each circuit a judge or judges shall be elected by a joint public vote of the General Assembly; provided, that in any contested election, the vote of each member of the General Assembly present and voting shall be recorded. He shall hold office for a term of six years, and at the time of his election he shall be an elector of a county of, and during his continuance in office he shall reside in, the circuit of which he is judge.

The General Assembly may by law provide for additional circuit judges, to be assigned by the Chief Justice. Such additional circuit judges shall be elected in the same manner and for the same term as provided in the preceding paragraph of this section for other circuit judges, except that residence in a particular county or circuit shall not be a qualification for office.

S.C. Constitution Article V, § 15: Qualifications of justices and judges.

No person shall be eligible to the office of Chief Justice, Associate Justice of the Supreme Court, judge of the court of appeals, or judge of the circuit court who is not at the time of his election a citizen of the United States and of this State, and has not attained the age of at least thirty two years, has not been a licensed attorney at law for at least eight years, and has not been a resident of this State for five years next preceding his election.

Any justice or judge serving in office on the effective date of the provisions of this section requiring a justice or judge to be at least thirty two years of age and to have at least eight years of service as a licensed attorney at law who is not of that age or who has not been licensed for this required period of time may continue to serve for the remainder of his current term and is considered to have the requisite age and years of service as a licensed attorney for purposes of future re elections to that judicial office.

S.C. Constitution Article V, § 16: Compensation of Justices and judges; practice of law and dual office holding.

The Justices of the Supreme Court and the judges of the Court of Appeals and Circuit Court shall each receive compensation for their services to be fixed by law, which shall not be diminished during the term. They shall not, while in office, engage in the practice of law, hold office in a political party, or hold any other office or position of profit under the United States, the State, or its political subdivisions except in the militia, nor shall they be allowed any fees or perquisites of office. Any such Justice or judge who shall become a candidate for a popularly elected office shall thereby forfeit his judicial office.

S.C. Constitution Article V, § 17. Removal or retirement of judges.

Within the unified court system, the Supreme Court shall have power, after hearing, to remove or retire any judge from office upon a finding of disability seriously interfering with the performance of his duties which is, or is likely to become, of a permanent character. A Justice shall not sit in any hearing involving his own removal or retirement. Implementation and enforcement of this section may be by rule or order of the Supreme Court.

S.C. Constitution Article V, § 18: Vacancies.

All vacancies in the Supreme Court, Court of Appeals, or Circuit Court shall be filled by elections as prescribed in Sections 3, 8, and 13 of this article; provided, that if the unexpired term does not exceed one year such vacancy may be filled by the Governor. When a vacancy is filled by either appointment or election, the incumbent shall hold office only for the unexpired term of his predecessor.

S.C. Constitution Article V, § 19. Disqualification of Justices and judges; temporary appointments.

The General Assembly shall specify the grounds for disqualification of Justices and judges to sit on certain cases. The General Assembly shall also provide for the temporary appointment of men learned in the law to sit as special Justices and judges when the necessity for such appointment shall arise.

S.C. Constitution Article V, § 27: Judicial Merit Selection Commission.

In addition to the qualifications for circuit court and court of appeals judges and Supreme Court justices contained in this article, the General Assembly by law shall establish a Judicial Merit Selection Commission to consider the qualifications and fitness of candidates for all judicial positions on these courts and on other courts of this State which are filled by election of the General Assembly. The General Assembly must elect the judges and justices from among the nominees of the commission to fill a vacancy on these courts.

No person may be elected to these judicial positions unless he or she has been found qualified by the commission. Before a sitting member of the General Assembly may submit an application with the commission for his nomination to a judicial office, and before the commission may accept or consider such an application, the member of the General Assembly must first resign his office and have been out of office for a period established by law. Before a member of the commission may submit an application with the commission for his nomination to a judicial office, and before the commission may accept or consider such an application, the member of the commission must not have been a member of the commission for a period to be established by law.

South Carolina Code

Note, Title 2 was significantly changed with passage in 2024 of Act No. 219, effective July 1, 2025.

SECTION 2-19-5. South Carolina Judicial Merit Selection Commission creation; appointment; terms.

(A) There is created the South Carolina Judicial Merit Selection Commission composed of twelve members who must be appointed as follows:

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

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

(b) one member must be selected from the South Carolina Bar who must be a member 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 both of whom must be members of the Senate; and

(3) four members appointed by the Governor all 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) 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) 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.

(F) Members of the Judicial Merit Selection Commission serving on the effective date of this act who have served more than four years on the commission are not eligible for appointment to the

commission pursuant to the provisions of this act except for the current chairman and vice chairman who can serve a two-year term but then may not serve a successive term.

(G) 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.

(H) 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. If a candidate is a family member of a member of the commission, the member must resign. For the purposes of this subsection, "family member" means a spouse, parent, brother, sister, child, step-child, mother-in-law, father-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, grandparent, or grandchild.

HISTORY: 2024 Act No. 219 (S.1046), Section 1, eff July 1, 2025.

SECTION 2-19-10. Meetings; rules.

When an election is to be held by the General Assembly in Joint Session, for members of the judiciary, the South Carolina Judicial Merit Selection Commission, composed of twelve members, shall consider the qualifications of the candidates. The commission 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 reelection;

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

(7) format and use of anonymous surveys by the commission.

Seven members of the commission constitute a quorum at all meetings.

HISTORY: 1975 (59) 122; 1996 Act No. 391, Part I, Section 1; 2019 Act No. 1 (S.2), Section 21, eff January 31, 2019; 2024 Act No. 219 (S.1046), Section 1, eff July 1, 2025.

Effect of Amendment

2019 Act No. 1, Section 21, in (B), rewrote (2) and inserted (3).

2024 Act No. 219, Section 1, rewrote the section.

SECTION 2-19-20. Investigation by Commission; publication of vacancies.

(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 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 the position. For purposes of this chapter, a vacancy is created in the

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 reelection, 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 commission shall announce and publicize vacancies and forthcoming vacancies in the Administrative Law Court, on the family court, circuit court, court of appeals, and Supreme Court. A person who desires to be considered for a position as justice or judge may make application to the commission. 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 commission. 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.

HISTORY: 1975 (59) 122; 1996 Act No. 391, Part I, Section 1; 1999 Act No. 32, Section 1; 2024 Act No. 219 (S.1046), Section 1, eff July 1, 2025.

Effect of Amendment

2024 Act No. 219, Section 1, in (A), in the first sentence, inserted "South Carolina" before "Judicial Merit Selection Commission", and substituted "Administrative Law Court" for "administrative law judge division" and "the position" for "nomination", and in the second sentence, substituted "Administrative Law Court" for "administrative law judge division"; rewrote (C); in (D), in the first sentence, substituted "commission" for "Judicial Merit Selection Commission"; and made a nonsubstantive change.

SECTION 2-19-25. Solicitation of Bar assessment.

(A) The South Carolina Judicial Merit Selection Commission is authorized to investigate and obtain information relative to any candidate for an 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) 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 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'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'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 bar to return the assessment by the date requested is not a ground for delaying the applicable hearings or election.

(C) 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. Midterm reviews also must be provided to the commission at the next public screening of each judicial candidate.

HISTORY: 1996 Act No. 391, Part I, Section 1; 2024 Act No. 219 (S.1046), Section 1, eff July 1, 2025.
Effect of Amendment
2024 Act No. 219, Section 1, rewrote the section.

SECTION 2-19-30. Hearings; executive session.

(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 commission 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) At 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 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 time prior to the public hearing or after the draft report is issued to members of the General Assembly. The information concerning a withdrawn candidate also shall be exempt from disclosure pursuant to Chapter 4 of Title 30. However, all materials concerning the candidate must be retained and may not be destroyed by the commission.

(F) All of the commission's public hearings shall be live streamed except for the portions of the hearings conducted in executive session.

HISTORY: 1975 (59) 122; 1993 Act No. 181, Section 28; 1996 Act No. 391, Part I, Section 1; 1998 Act No. 388, Section 1; 2008 Act No. 219, Section 1, eff May 15, 2008; 2024 Act No. 219 (S.1046), Section 1, eff July 1, 2025.

Effect of Amendment

The 2008 amendment, in subsection (A), added the provision at the end of the second sentence relating to the time for submitting written statements of proposed testimony and deleted the third sentence requiring that the statements be furnished no later than 48 hours before the hearing.

2024 Act No. 219, Section 1, in (A), in the first sentence, substituted "Chairman of the South Carolina Judicial Merit Selection Commission" for "chairman of the Judicial Merit Selection Commission", and in the second sentence, substituted "commission" for "Judicial Merit Selection Commission"; rewrote (E); added (F); and made nonsubstantive changes.

SECTION 2-19-35. Criteria for investigations and consideration of Commission.

(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 Administrative 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;
(5) reputation;
(6) physical health;
(7) mental stability;
(8) experience; and
(9) judicial temperament.

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

HISTORY: 1994 Act No. 413, Section 1; 1996 Act No. 391, Part I, Section 1; 2024 Act No. 219 (S.1046), Section 1, eff July 1, 2025.

Effect of Amendment

2024 Act No. 219, Section 1, in (A), in the first sentence, inserted "South Carolina" and substituted "Administrative Law Court" for "the administrative law judge division"; and in (B), substituted "Race," for "In making nominations, race," and "shall" for "should".

SECTION 2-19-40. Reserved.

HISTORY: Former Section, titled Exemption from hearing, had the following history: 1975 (59) 122; 1996 Act No. 391, Part I, Section 1. Reserved by 2024 Act No. 219, Section 1, eff July 1, 2025.

SECTION 2-19-50. Confidentiality of records, information, and other material.

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. The information required to be kept confidential also shall be exempt from disclosure pursuant to Chapter 4, Title 30.

HISTORY: 1975 (59) 122; 1996 Act No. 391, Part I, Section 1; 1998 Act No. 388, Section 2; 2024 Act No. 219 (S.1046), Section 1, eff July 1, 2025.
Effect of Amendment
2024 Act No. 219, Section 1, in the first sentence, inserted "South Carolina", and deleted the second sentence, which provided that after the commission has reported its findings of fact, all records, information, and material required to be kept confidential must be destroyed.

SECTION 2-19-60. Powers of Commission.

(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 commission 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 within the jurisdiction of which the person guilty of contumacy or refusal to obey is found, resides, or transacts business, upon application by the commission 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. 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.

HISTORY: 1975 (59) 122; 1996 Act No. 391, Part I, Section 1; 2024 Act No. 219 (S.1046), Section 1, eff July 1, 2025.
Effect of Amendment
2024 Act No. 219, Section 1, made nonsubstantive changes throughout the section.

SECTION 2-19-70. Prohibition against dual offices, privileges of the floor, and pledges.

(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 person may seek, directly or indirectly, the pledge of a member of the General Assembly's vote or, 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 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. No member of the General Assembly may offer his pledge to any person until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and until the commission has formally released its report as to the qualifications of its nominees to the General Assembly. The formal release of the report of qualifications shall occur no earlier than twelve days 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 by the commission. Prior to the formal release of the report as to the qualifications of judicial candidates, a person may not request that a member of the General Assembly, nor may a member of the General Assembly offer to, act on behalf of a candidate in furtherance of the candidate's candidacy in any capacity including, but not limited to, acting as a vote counter for a candidate. The prohibitions of this section do not extend to an announcement of candidacy by a person 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 now or in the future, in exchange for another member's pledge to vote for a candidate for judicial office or as an inducement for a candidate to withdraw.

(E) Violations of this section may be considered by the merit selection commission when it considers the candidate's qualifications and until the time set for election of candidates. 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.

HISTORY: 1990 Act No. 610, Part IV, Section 6; 1993 Act No. 181, Section 29; 1996 Act No. 391, Part I, Section 1; 1998 Act No. 388, Section 3; 2024 Act No. 219 (S.1046), Section 1, eff July 1, 2025.

Effect of Amendment
2024 Act No. 219, Section 1, rewrote (C); in (D), inserted "now or in the future" and "or as an inducement for a candidate to withdraw"; and in (E), in the first sentence, inserted "and until the time set for election of candidates".

SECTION 2-19-80. Nomination of qualified candidates to the General Assembly.

(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 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 not more than six candidates whom it considers best qualified for the judicial office under consideration. If fewer than six persons apply to fill a vacancy or if the commission concludes there are fewer than six 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 six 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 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 procedures 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 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, 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 as to the qualifications of particular candidates and the particular reasons a candidate or candidates were not found qualified.

(E) The commission must formally release its report as to the qualifications of its nominees to the General Assembly not less than twenty-three days before the date the General Assembly conducts the election for these judgeships.

HISTORY: 1990 Act No. 610, Part IV, Section 7; 1996 Act No. 391, Part I, Section 1; 2001 Act No. 49, Section 1; 2024 Act No. 219 (S.1046), Section 1, eff July 1, 2025.
Effect of Amendment
2024 Act No. 219, Section 1, in (A), in the first sentence, substituted "Administrative Law Court" for "administrative law judge division", in the second sentence, substituted "not more than six" for "the three", and in the third sentence, substituted "six" for "three" in three places; in (B), in the fourth sentence, substituted "Further procedures" for "Further nominations"; made nonsubstanative changes

in (C); in (D), deleted "or recommendations" following "with reports", and inserted "and the particular reasons a candidate or candidates were not found qualified" at the end; and in (E), substituted "twenty-two days" for "two weeks".

SECTION 2-19-90. Approval of General Assembly in joint session.

The General Assembly shall meet in joint session for the election of judges on the first Wednesday of March at noon in the House of Representatives. The Chairman of the Judicial Merit Selection Commission shall announce the commission's nominees 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.

HISTORY: 1996 Act No. 391, Part I, Section 1; 2024 Act No. 219 (S.1046), Section 1, eff July 1, 2025.
Effect of Amendment
2024 Act No. 219, Section 1, in the second sentence, inserted "South Carolina".

SECTION 2-19-100. Eligibility of retired judges for appointment.

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.

HISTORY: 1996 Act No. 391, Part I, Section 1; 1997 Act No. 35, Section 1; 2024 Act No. 219 (S.1046), Section 1, eff July 1, 2025.
Effect of Amendment
2024 Act No. 219, Section 1, inserted "South Carolina".

SECTION 2-19-110. Vacancy in office of master-in-equity; recommendations by county legislative delegations.

Upon a vacancy in the office of master-in-equity, candidates 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 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. And, 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 commission 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.

HISTORY: 1996 Act No. 391, Part I, Section 1; 1997 Act No. 35, Section 2; 2024 Act No. 219 (S.1046), Section 1, eff July 1, 2025.
Effect of Amendment
2024 Act No. 219, Section 1, rewrote the section.
Cross references—
Appointment of masters-in-equity, term, see Section 14-11-20.

SECTION 2-19-120. Citizens Committees on Judicial Qualifications; membership; compensation. Section effective July 1, 2025. See, also, section 2-19-120 effective until July 1, 2025.

(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.

HISTORY: 1997 Act No. 35, Section 3; 2024 Act No. 219 (S.1046), Section 1, eff July 1, 2025.
Effect of Amendment
2024 Act No. 219, Section 1, reenacted the section with no apparent change.

Title 8, Chapter 13, Article 9: Ethics, Government Accountability, and Campaign Reform: Forms and Reports by Candidates for Election by the General Assembly

§ 8-13-910: Candidates elected or consented to by General Assembly to file statements of economic interests; authority with whom to file.

(A) No person who is a candidate for public office which is filled by election by the General Assembly may be voted upon by the General Assembly until at least ten days following the date on which the candidate files a statement of economic interests as defined in this chapter with the Chairman of the Senate Ethics Committee and the Chairman of the House of Representatives Ethics Committee. (emphasis added)

(B) No person who is appointed to an office which is filled with the advice and consent of the Senate or the General Assembly may be confirmed unless the appointment, when received by the Senate and/or the House, is accompanied by a current original copy of a statement of economic interests which has been filed with the appointing authority and is transmitted with the appointment and until at least ten days following the date on which the appointment, with the attached original economic interest statement, has been received by the Senate and/or the House.

§ 8-13-920: Report of campaign expenditures.

A person running for an office elected by the General Assembly must file a report with the Chairman of the Senate Ethics Committee and the Chairman of the House of Representatives Ethics

Committee of money in excess of one hundred dollars spent by him or in his behalf in seeking the office. The report must include the period beginning with the time he first announces his intent to seek the office. The report must not include travel expenses or room and board while campaigning. Contributions made to members of the General Assembly during the period from announcement of intent to election date must be included. The report must be updated quarterly with an additional report filed five days before the election and the final report filed thirty days after the election. Persons soliciting votes on behalf of candidates must submit expenses in excess of one hundred dollars to the candidate which must be included on the candidate's report. A copy of all reports received by the Senate Ethics Committee and the House of Representatives Ethics Committee must be forwarded to the State Ethics Commission within two business days of receipt.

§ 8-13-930: Seeking or offering pledges of votes for candidates.

No candidate for an office elected by the General Assembly may seek directly the pledge of a member of the General Assembly's vote until the qualifications of all candidates for that office have been determined by the appropriate joint committee to review candidates for that office. No member of the General Assembly may offer a pledge until the qualifications of all candidates for that office have been determined by the appropriate joint committee to review candidates for that office.

Title 2, Chapter 1: General Assembly: General Provisions

§ 2-1-100: Members shall not be eligible for office created by General Assembly.

No Senator or Representative shall, during the time for which he was elected, be elected by the General Assembly or appointed by any executive authority to any civil office under the dominion of this State which shall have been created during the time for which such Senator or Representative was elected to serve in the General Assembly.
See The Joint Legislative Committee for Judicial Screening v. Huff, et al., Op. No. 24348 (filed November 15, 1995).

Title 14, Chapter 1: Courts, General Provisions

§ 14-1-130. Disqualification of judge by reason of relationship to parties.

No judge or other judicial officer shall preside on the trial of any cause when he may be connected with either of the parties by consanguinity or affinity within the sixth degree.

§ 14-1-200. Establishment of salaries of Supreme Court Justices, Court of Appeals, Circuit Court, and Family Court judges, and circuit solicitors.

The General Assembly shall establish the salary of the Chief Justice and Associate Justices of the Supreme Court in the annual general appropriation act with the salary of the Chief Justice to be one hundred five percent of the salary fixed for Associate Justices of the Supreme Court and shall fix the salaries for the court of appeals, circuit court, and family court according to the following schedule:

(1) The chief judge of the court of appeals shall receive a salary in an amount equal to ninety nine percent of the salary fixed for Associate Justices of the Supreme Court;
(2) Judges of the court of appeals shall receive a salary in an amount equal to ninety seven and one half percent of the salary fixed for Associate Justices of the Supreme Court, and circuit court judges shall receive a salary in an amount equal to ninety five percent of the salary fixed for Associate Justices of the Supreme Court;
(3) Judges of the family court shall receive a salary in an amount equal to ninety five percent of the salary fixed for Associate Justices of the Supreme Court.

§ 14-1-215: Retired judges or justices may preside in certain courts.

A retired judge or justice from the Supreme Court, court of appeals, or circuit court of this State may be assigned by the Chief Justice of the Supreme Court to preside over any official proceeding in any circuit court of this State. A retired judge or justice from the Supreme Court or court of appeals of this State may be assigned by the Chief Justice of the Supreme Court to act as an associate justice or judge in any proceeding before the Supreme Court or court of appeals. A retired judge from the family court of this State may be assigned by the Chief Justice of the Supreme Court to preside over any official proceeding in any family court of this State.

In order to be eligible to be appointed by the Chief Justice to serve, any retired justice or judge of this State must have been reviewed in the manner provided in Section 2 19 10 et seq. and found by the commission to be qualified to serve in these situations within two 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.

Title 14, Chapter 3, Article 1: Supreme Court: Composition, Organization & Employees

§ 14-3-10: Composition of court and election of justices; term.

The Supreme Court shall consist of a Chief Justice and four associate justices, who shall be elected by a joint viva voce vote of the General Assembly for a term of ten years and shall continue in office until their successors are elected and qualified. They shall be so classified that one of them shall go out of office every two years. The successors of the Chief Justice and associate justices shall each be elected at the session of the General Assembly next preceding the expiration of their respective terms. The time for the commencement of their terms of office shall be the first day of August after their election.

§ 14-3-20: Qualification; administration of oath of office.

The justices of the Supreme Court shall qualify within twelve months after the date of their election by taking the constitutional oath or the office shall be declared vacant by the Governor. The oath shall be administered by a justice of said court or by a circuit judge.

§ 14-3-30: Salaries.

The Chief Justice shall receive such annual salary as may be provided by the General Assembly and the associate justices shall receive such annual salary as may be provided by the General Assembly. They shall not be allowed any fees or perquisites of office, nor shall they hold any other office of trust or profit under the State, the United States, or any other power.

§ 14-3-40: Vacancies; term of incumbent.

All vacancies in the Supreme Court shall be filled by elections as herein prescribed; provided, that if the unexpired term does not exceed one year such vacancy may be filled by executive appointment. When a vacancy is so filled by either appointment or election, the incumbent shall hold only for the unexpired term of his predecessor.

§ 14-3-50: Disqualification of justice by reason of interest or prior participation in case.

In addition to the cases mentioned in Section 14 1 130, no justice shall preside in any case or at the hearing thereof in which he may be interested or in which he may have been counsel or has presided in any inferior court.

§ 14-3-60: Procedure when justice cannot preside in cause; special justices.

In case all or any of the justices of the Supreme Court shall be disqualified or be otherwise prevented from presiding in any cause, the court, or the justices thereof, shall certify the same to the Governor of the State, and he shall immediately commission specially the requisite number of men learned in the law for the trial and determination thereof.

§ 14-3-70: Compensation and allowances for special justices.

When such appointments are made by the Governor, such person shall receive as compensation for his services while so acting as associate justice of the Supreme Court for the time actually engaged in performing such services the same salary allowance and expenses and stenographic hire as an associate justice of the Supreme Court would receive for the same period. Such salary and expense allowance shall be figured in the ratio that the number of days such acting associate justice is actually engaged in sitting with the court bears to the number of days that the court is actually in session during the year, except that in the event such acting associate justice shall sit and hear only one cause he shall receive only fifty per cent of the salary and allowances herein fixed.

§ 14-3-80: Presiding officer.

The Chief Justice shall preside. In the absence of the Chief Justice, the justice oldest in service and present shall preside.

Title 14, Chapter 8, Article 1: Court of Appeals: Composition, Organization & Employees

§ 14-8-10: Court of Appeals created; number of judges.

There is hereby created the Court of Appeals (the Court), which shall be a part of the unified judicial system. The Court shall consist of a Chief Judge and eight associate judges.

§ 14-8-20: Election of members of the court; terms of office.

(a) The members of the Court shall be elected by joint public vote of the General Assembly for a term of six years and until their successors are elected and qualify; provided, however, that of those judges initially elected, the Chief Judge (Seat 5) and the judge elected to Seat 6 shall be elected for terms of six years each, the judges elected to Seats 3 and 4 shall be elected for terms of four years each, and the judges elected to Seats 1 and 2 shall be elected for terms of two years each. The terms of office of the judges of the Court shall begin on July 1, 1985. Prior to such date, the General Assembly shall have authority to take such measures as necessary to secure accommodations, personnel, supplies, and equipment and such other matters as may be necessary to effect full implementation of the Court for operation by such date.

(b) Each seat on the Court shall be numbered. Candidates shall be required to file for a specific seat. Seat five shall be designated as the office of Chief Judge and shall be a separate and distinct office for the purpose of an election.

(c) In any contested election, the vote of each member of the General Assembly present and voting shall be recorded; provided, that the provisions of Chapter 19 of Title 2 shall be followed in the course of electing the members of the Court.

§ 14-8-30: Qualifications for office.

No person shall be eligible for the office of Chief Judge or associate judge of the Court who does not at the time of his election or appointment meet the qualifications for justices and judges as set forth in Article V of the Constitution of this State.

§ 14-8-40: Oath of office.

The judges of the Court shall qualify within twelve months after the date of their election by taking the constitutional oath or the office shall be declared vacant by the Governor. The oath shall be administered by a justice of the Supreme Court, a judge of the Court of Appeals, or by a circuit court judge.

§ 14-8-50: Salary; prohibition on holding other offices.

The Chief Judge and the associate judges shall receive such annual salary as may be provided by the General Assembly. They shall not be allowed any fees or perquisites of office, nor shall they hold any other office of honor, trust, or profit

§ 14-8-60: Vacancies.

All vacancies in the Court shall be filled in the manner of original election; provided, that if the unexpired term does not exceed one year such vacancy may be filled by executive appointment. When a vacancy is filled, the judge selected shall hold office only for the unexpired term of his predecessor.

Title 14, Chapter 5, Article 3: Circuit Courts: Judges and Special Judges

§ 14-5-110: Qualification by circuit judge.

The circuit judges of this State, upon their election, shall qualify by taking the oath required by the Constitution of this State before a justice of the Supreme Court, the President of the Senate, the Speaker or Speaker Emeritus of the House of Representatives, a circuit judge, a clerk of the Supreme Court, a clerk of the court of common pleas or a probate judge of the county, and shall forthwith enter upon their duties. Such oath must be filed in the office of the Secretary of State. Terms of office for all circuit judges elected after January 1, 1977, shall commence as of July first of the year in which they are elected.

§ 14-5-120: Salaries of judges.

The circuit judges shall each receive such annual salary as may be provided by the General Assembly.

§ 14-5-130: Judges shall not absent themselves from State without permission.

No circuit judge shall absent himself from this State without leave first granted in writing by the Chief Justice or presiding associate justice.

§ 14-5-140: Neglect of duty as to holding terms, disobeying order of assignment, and other violations; proceedings.

If any circuit judge shall fail or neglect to hold a term of any court of general sessions or common pleas in any circuit to which he may be assigned until the business of such court shall have been disposed of or the end of the term arrives, shall fail to recognize and obey the order of assignment of the Chief Justice or presiding associate justice or shall violate any provisions of this chapter, the Attorney General shall, upon any reliable information of the same, by official communication bring such violations of this chapter to the notice of the General Assembly at its first session and such circuit judge shall be held amenable to proceedings for neglect of duty, as provided in the Constitution.

§ 14-5-150: Judges shall notify Chief Justice of inability or disability to hold court.

Each circuit judge, when disabled by sickness or other cause to hold any court to which he may be assigned, shall give or cause to be given prompt notice of such inability or disability to the Chief Justice so that his place may be temporarily filled and the court held according to law.

§ 14-5-160: Assignment of disengaged circuit judge to fill vacancy.

Whenever any circuit judge, pending his assignment to hold the courts of any circuit, shall die, resign, be disabled by illness or be excused for any other reason considered sufficient in the opinion of the Chief Justice of the Supreme Court or in case of a vacancy in the office of circuit judge of any circuit or if a special session of the court of general sessions or common pleas be ordered as provided for in Sections 14-5-910 to 14-5-950, the Chief Justice of the Supreme Court may assign any other disengaged circuit judge to hold the courts of any such circuit, to fill any appointment made necessary by such vacancy or to hold any special session of the circuit court that may be ordered by the Chief Justice.

§ 14-5-170: Appointment of special judge to fill vacancy.

In the event there be no other disengaged circuit judge available to hold such courts, then the Governor shall immediately commission as special judge some person learned in the law, as shall be recommended by the Supreme Court or by the Chief Justice thereof if the Supreme Court be not in session, to hold the courts of any such circuit or to hold any special session thereof which may be ordered by the Chief Justice as aforesaid. Whenever a special judge shall be appointed to hold any court he shall have and exercise all the powers and duties that a regular judge would have if presiding.

§ 14-5-180: Assignment of disengaged circuit judge or appointment of special judge when docket is overcrowded.

Whenever the time fixed for holding any of the courts of general sessions or common pleas of this State shall be found not sufficient for the trial of all cases before the court, a like assignment of a disengaged circuit judge or commission of a special judge may be had to hold the court to which the judge then holding such overcrowded court may have been in due course next assigned and the term of such overcrowded court shall proceed until the cases before it are disposed of.

§ 14-5-190: Assignment or appointment when Chief Justice is not available.

Should there be a vacancy in the office of Chief Justice of the Supreme Court or in case of his absence from the State or of his illness or incapacity from whatever cause, then the power and authority vested and the duties imposed upon the Chief Justice by the provisions of Sections 14-5-160 to 14-5-180 shall be exercised and discharged by the senior associate justice of the Supreme Court in point of service who is at the time within the State and is not ill or otherwise incapacitated and his acts in exercising such powers and discharging such duties shall be as effectual as though performed by the Chief Justice of the Supreme Court.

§ 14-5-200: Compensation of special judge.

The special judge shall be allowed for his services per diem of one hundred ($100.00) dollars and his necessary expenses and the same per diem for not exceeding five days for the preparation of his decrees.

§ 14-5-210: Clerk shall adjourn court in absence or indisposition of judge.

Whenever it shall so happen that any circuit court in this State cannot be held at the time appointed, in consequence of the absence or indisposition of the judge, the clerk of such court or his deputy shall open and adjourn the court from day to day until the court shall meet or until he may receive due notice that the judge will not be present, when he shall adjourn the court until the first day of the succeeding term.

§ 14-5-220: Clerk shall notify authorities and jurors of special terms.

When notified of the appointment of a special judge to hold a special term, the clerk of the court shall notify the proper authorities and the grand jury shall be summoned to attend, if it be a court of sessions, and a petit jury shall be drawn and summoned, if jury cases are to be tried, in the regular manner, for the purpose of such court and as the same may be necessary. The clerk shall notify the special judge of the time fixed for holding the special term of court.

Article 7
Circuits and Terms of Court

SECTION 14-5-610. Division of state into sixteen judicial circuits; number of judges to be elected from each circuit; election of additional judges without regard to county or circuit of residence.
(A) The State is divided into sixteen judicial circuits as follows:

(1) The first circuit is composed of the counties of Calhoun, Dorchester, and Orangeburg.

(2) The second circuit is composed of the counties of Aiken, Bamberg, and Barnwell.

(3) The third circuit is composed of the counties of Clarendon, Lee, Sumter, and Williamsburg.

(4) The fourth circuit is composed of the counties of Chesterfield, Darlington, Marlboro, and Dillon.

(5) The fifth circuit is composed of the counties of Kershaw and Richland.

(6) The sixth circuit is composed of the counties of Chester, Lancaster, and Fairfield.

(7) The seventh circuit is composed of the counties of Cherokee and Spartanburg.

(8) The eighth circuit is composed of the counties of Abbeville, Greenwood, Laurens, and Newberry.

(9) The ninth circuit is composed of the counties of Charleston and Berkeley.

(10) The tenth circuit is composed of the counties of Anderson and Oconee.

(11) The eleventh circuit is composed of the counties of Lexington, McCormick, Saluda, and Edgefield.

(12) The twelfth circuit is composed of the counties of Florence and Marion.

(13) The thirteenth circuit is composed of the counties of Greenville and Pickens.

(14) The fourteenth circuit is composed of the counties of Allendale, Hampton, Colleton, Jasper, and Beaufort.

(15) The fifteenth circuit is composed of the counties of Georgetown and Horry.

(16) The sixteenth circuit is composed of the counties of York and Union.

(B) Two judges must be elected from the second, fourth, sixth, and sixteenth circuits. Three judges must be elected from the first, seventh, eighth, tenth, eleventh, twelfth, and fourteenth circuits. Four judges must be elected from the third and fifteenth circuits. Five judges must be elected from the ninth and thirteenth circuits. Six judges must be elected from the fifth circuit.

(C) In addition to the above judges authorized by this section, there must be four additional circuit judges elected by the General Assembly from the State at large for terms of office of six years. These additional judges must be elected without regard to county or circuit of residence. Each office of the at-large judges is a separate office and is assigned numerical designations of Seat No. 1 through Seat No. 4, respectively.

2026 Act No. 154, provides as follows:

SECTION 2. (A) Upon the effective date of this act:

(1) At-large Circuit Court Seat 7 is converted to a resident seat and designated First Circuit Court Seat 3.

(2) At-large Circuit Court Seat 1 is converted to a resident seat and designated Third Circuit Court Seat 4.

(3) At-large Circuit Court Seat 4 is converted to a resident seat and designated Eighth Circuit Court Seat 3.

(B) Nothing in this act may be construed to require a judge currently serving in an at-large circuit court seat which is converted to a resident circuit court seat pursuant to this act to undergo additional screening until the end of the term for which they were screened and duly elected to an at-large circuit court seat.

Circuit court judge, Kershaw County

SECTION 3. The additional circuit court judge added in the fifth judicial circuit by this act must be a resident judge in Kershaw County.

Circuit court judge, Oconee County

SECTION 4. The additional circuit court judge added in the tenth judicial circuit by this act must be a resident judge in Oconee County.

Judicial Merit Selection Commission, screening

SECTION 5. The Judicial Merit Selection Commission shall begin the process of nominating candidates for the new judicial offices in the fifth and tenth circuit for election in 2027 as provided by law. The Judicial Merit Selection Commission shall begin the process of nominating candidates for the new judicial offices in the sixth and fifteenth circuit one year later for election in 2028 as provided by law. The General Assembly then shall elect these judges from the nominees of the commission; except that, the nominating process may not begin until funding for the additional judges is provided in the general appropriations act.

2025 Act No. 50, Section 2, provides as follows:

SECTION 2. (A) Upon the effective date of this act:

(1) At-large Circuit Court Seat 1 is converted to a resident seat and designated Third Circuit Court Seat 3;

(2) At-large Circuit Court Seat 4 is converted to a resident seat and designated Thirteenth Circuit Court Seat 5;

(3) At-large Circuit Court Seats 6 and 12 are converted to resident seats and designated Twelfth Circuit Court Seats 2 and 3, respectively;

(4) At-large Circuit Court Seats 8 and 10 are converted to resident seats and designated Fifth Circuit Court Seats 4 and 5, respectively;

(5) At-large Circuit Court Seat 9 is converted to a resident seat and designated Ninth Circuit Court Seat 5;

(6) At-large Circuit Court Seat 13 is converted to a resident seat and designated Eleventh Circuit Court Seat 3; and

(7) At-large Circuit Court Seat 14 is converted to a resident seat and designated Seventh Circuit Court Seat 3.

(B) Nothing in this act may be construed to require a judge currently serving in an at-large circuit court seat which is converted to a resident circuit court seat pursuant to this act to undergo additional screening until the end of the term for which they were screened and duly elected to an at-large circuit court seat.

Title 63, Chapter 3, Article 1: Family Court and Family Court Judges

§ 63-3-10: Family courts created.

There hereby are created courts of limited jurisdiction to be known and designated in this title as "family courts." The number and boundaries of such family courts shall be the same as the judicial circuits. Each court shall bear the name of "The Family Court of _ Judicial Circuit."

§ 63-3-20: Family court judges.

(A) Each family court shall have one or more family court judges who shall devote full time to their duties as judges, shall be prohibited from engaging directly or indirectly in the practice of law except in the performance of their judicial duties and shall be bound by the Code of Judicial Conduct.

(B) One family court judge in each circuit shall be designated chief family court judge which designation shall be made by the Chief Justice of the Supreme Court. Such chief family court judge, in addition to his other judicial duties, shall perform such administrative duties as may be prescribed by the Chief Justice.

(C) The family courts shall be courts of record, and each family court judge shall appoint a court reporter and a secretary who shall hold office at the pleasure of the judge. The court reporter shall take down and record the testimony and judge's rulings and charges, and transcribe such portion of the proceedings as may be required. The court reporter and the secretary shall perform such other duties as the judge may prescribe.

(D) Records in the family court concerning juveniles shall be kept confidential as prescribed in Sections 63-7-1990 and 63-19-2020.

§ 63-3-30: Judges' qualifications and terms.

(A) (1) No person shall be eligible to the office of family court judge who is not at the time of his assuming the duties of such office a citizen of the United States and of this State, and has not attained the age of thirty-two years, has not been a licensed attorney at law for at least eight years, and has not been a resident of this State for five years next preceding his election, and is not a resident of the circuit wherein the family court of which he is a judge is located. Notwithstanding any other provision of law, any former member of the General Assembly may be elected to the office of family court judge.

(2) Any family court judge serving in office on the effective date of the provisions of this section requiring a family court judge to be at least thirty-two years of age and to have at least eight years of service as a licensed attorney at law who is not of that age or who has not been licensed for this required period of time may continue to serve for the remainder of his current term and is considered to have the requisite age and years of service as a licensed attorney at law for purposes of future re-elections to the office of family court judge.

(B) Family court judges must be elected by the General Assembly for terms of six years and until their successors are elected and qualify.

(C) The terms of all family court judges expire on the thirtieth day of June of the year in which their terms are scheduled to expire.

(D) For the purpose of electing family court judges, if more than one judge is to be elected from a circuit, each judgeship in that circuit shall be serially numbered beginning with the number (1) and the General Assembly shall elect a judge for each such judgeship. Any candidate for the office of family court judge in a circuit shall specifically file and run for a serially numbered judgeship in that circuit.

(E) When a vacancy occurs for an unexpired term in an office of family court judge, the Governor, upon recommendation of the Chief Justice, shall commission a temporary family court judge to fill such vacancy until such time as the General Assembly shall elect a successor who shall serve for the remainder of the unexpired term. Such temporary family court judge shall receive as

compensation for his services the salary paid to a regular family court judge and in addition thereto shall also receive the subsistence and mileage as authorized by law for family court judges.

§ 63-3-40: Initial election.

(A) The General Assembly shall elect a number of family court judges from each judicial circuit as follows:

First Circuit Four Judges

Second Circuit Two Judges

Third Circuit Three Judges

Fourth Circuit Three Judges

Fifth Circuit Six Judges

Sixth Circuit Two Judges

Seventh Circuit Four Judges

Eighth Circuit Three Judges

Ninth Circuit Seven Judges

Tenth Circuit Four Judges

Eleventh Circuit Four Judges

Twelfth Circuit Four Judges

Thirteenth Circuit Six Judges

Fourteenth Circuit Four Judges

Fifteenth Circuit Three Judges

Sixteenth Circuit Three Judges

(B) In the following judicial circuits at least one family court judge must be a resident of each county in the circuit: fifth, seventh, tenth, twelfth, thirteenth, fifteenth, and sixteenth. In those judicial circuits made up of three or more counties, at least one family court judge must be a resident of one of the counties which does not have the largest population in the circuit. In the ninth circuit, both counties in the circuit must have at least two resident family court judges.

(C) No county in the sixth circuit shall have more than one resident family court judge.

(D) In addition to the judges authorized by this section, there must be four additional family court judges elected by the General Assembly from the State at large for terms of office of six years. These additional judges must be elected without regard to county or circuit of residence. Each office of the at-large judges is a separate office and is assigned numerical designations of Seat No. 1 through Seat No. 4, respectively.

2026 Act No. 154, provides as follows:

SECTION 7. (A) Upon the effective date of this act:

(1) At-large Family Court Seat 8 is converted to a resident seat and designated as Fifth Circuit Family Court Seat 5.

(2) At-large Family Court Seat 4 is converted to a resident seat and designated as Fifth Circuit Family Court Seat 6.

(3) At-large Family Court Seat 6 is converted to a resident seat and designated as Tenth Circuit Family Court Seat 4.

(4) At-large Family Court Seat 3 is converted to a resident seat and designated as Twelfth Circuit Family Court Seat 4.

(B) Nothing in this act may be construed to require a judge currently serving in an at-large family court seat which is converted to a resident family court seat pursuant to this act to undergo additional screening until the end of the term for which they were screened and duly elected to an at-large circuit court seat.

2025, Act. No. 7, Section 2, provides as follows:
"SECTION ***2. The Judicial Merit Selection Commission shall begin the process of nominating candidates for the judicial offices authorized by the provisions of SECTION 1. The General Assembly then shall elect these judges from the nominees of the commission; except that, the nominating process may not begin until funding for the additional judges is provided in the general appropriations act."***
Effect of amendment:
The 2025 amendment Section 1, in (A), in the "Ninth Circuit" row, substituted "Seven Judges" for "Six Judges", in the "Eleventh Circuit" row, substituted "Four Judges" for "Three Judges", and in the "Fourteenth Circuit" row, substituted "Four Judges" for "Three Judges".

§ 63-3-50: Compensation of judges.

Family court judges shall receive such compensation as shall be provided by the General Assembly. The compensation of a family court judge shall not be reduced during his term of office. All family court judges shall also receive such subsistence and mileage as may be authorized by law for circuit court judges while holding court without the county in which the judge resides.

§ 63-3-60: Retirement for abolished officers.

A judge or master whose judicial office is eliminated by the provisions of this act shall be given credit for state retirement purposes for the time in which he served as judge or master under a formula to be determined by rule and regulation of the Public Employee Benefit Authority.

Title 14, Chapter 11, Article 1: Masters and Referees: General Provisions

§ 14-11-10: Establishment of master in equity court.

As a part of the unified judicial system, there is established in each of the counties of this State having a population of at least one hundred thirty thousand, according to the latest official United States Decennial Census, a master-in-equity court. The master-in-equity for the court must be appointed pursuant to the provisions of Section 14-11-20. Nothing in this section prohibits a county or area with a population of less than one hundred thirty thousand, according to the latest official United States Decennial Census, from having a part-time master-in-equity. The governing bodies of any two or more counties may join together to fund the office of master-in-equity to serve two or more counties. Funding of this master-in-equity must be borne by each county included on a per capita population basis.

§ 14-11-15: Equity courts.

The equity court is considered a division of the circuit court, and the master-in-equity, as judge of the equity court, is entitled to all the benefits and subject to all the requirements of the South Carolina Bar and the rules of the Supreme Court in the same respect as circuit court and family court judges. This section may not be construed as providing retirement for masters-in-equity under the provisions of Chapter 8 of Title 9.

§ 14-11-20: Appointment of master in equity; term.

Pursuant to the provisions of Section 2-19-110, masters-in-equity must be appointed by the Governor with the advice and consent of the General Assembly for a term of six years and until their successors are appointed and qualify. No person is eligible to hold the office of master-in-equity who is not at the time of his appointment a citizen of the United States and of this State, has not attained the age of thirty-two years upon his appointment, has not been a licensed attorney for at least eight years upon his appointment, has not been a resident of this State for five years immediately preceding his appointment, and has not been found qualified by the Judicial Merit Selection Commission.

Each master-in-equity of this State qualifies by taking the oath required by the Constitution of this State before a justice of the Supreme Court, a judge of the Court of Appeals, the President of the Senate, the Speaker of the House of Representatives, a circuit judge, the Clerk of the Supreme Court, a clerk of the court of common pleas, or a probate judge of the county and immediately enters upon his duties. The oath must be filed in the office of the Secretary of State.

A full-time master-in-equity is prohibited from engaging in the practice of law. A part-time master-in-equity may practice law but is prohibited from appearing before another master-in-equity. A standing master-in-equity may not serve as the probate judge of any county.

§ 14-11-30: Compensation of master-in-equity.

The governing body of the county or counties in which a master-in-equity serves shall provide the salary, equipment, facilities, and supplies of the master-in-equity, together with the salaries of support personnel and all other costs for the necessary and proper operation of the master-in-equity's office. The salaries of the masters-in-equity are as follows:

(1) Where the area served has a population of up to thirty-four thousand, nine hundred ninety-nine, according to the latest official United States Decennial Census, the master-in-equity serving that area is part time and must be paid a salary equal to ten percent of that of a circuit judge.

(2) Where the area served has a population of between thirty-five thousand and forty-nine thousand, nine hundred ninety-nine, according to the latest official United States Decennial Census, the master-in-equity serving that area is part time and must be paid a salary equal to fifteen percent of that of a circuit judge.

(3) Where the area served has a population of between fifty thousand and seventy-nine thousand, nine hundred ninety-nine, according to the latest official United States Decennial Census, the master-in-equity serving that area is part time and must be paid a salary equal to twenty-five percent of that of a circuit judge.

(4) Where the area served has a population of between eighty thousand and ninety-nine thousand, nine hundred ninety-nine, according to the latest official United States Decennial Census, the master-in-equity serving that area is part time and must be paid a salary equal to forty-five percent of that of a circuit judge.

(5) Where the area served has a population of between one hundred thousand and one hundred twenty-nine thousand, nine hundred ninety-nine, according to the latest official United States Decennial Census, the master-in-equity serving that area is part time and must be paid a salary equal to fifty-five percent of that of a circuit judge.

(6) Where the area served has a population of between one hundred thirty thousand and one hundred forty-nine thousand, nine hundred ninety-nine, according to the latest official United States Decennial Census, the master-in-equity serving that area is full time and must be paid a salary equal to seventy-five percent of that of a circuit judge.

(7) Where the area served has a population of between one hundred fifty thousand and one hundred ninety-nine thousand, nine hundred ninety-nine, according to the latest official United States Decennial Census, the master-in-equity serving that area is full time and must be paid a salary equal to eighty percent of that of a circuit judge.

(8) Where the area served has a population of between two hundred thousand and two hundred forty-nine thousand, nine hundred ninety-nine, according to the latest official United States Decennial Census, the master-in-equity serving that area is full time and must be paid a salary equal to eighty-five percent of that of a circuit judge.

(9) Where the area served has a population of over two hundred fifty thousand, according to the latest official United States Decennial Census, or where the area served is located in a county which generates four million dollars or more in accommodations tax revenue, the master-in-equity serving that area is full time and must be paid a salary equal to ninety percent of that of a circuit judge.

No sitting master-in-equity, whether full time or part time, may have his salary reduced during his tenure in office. Tenure in office continues at the expiration of a term if the incumbent master-in-equity is reappointed.

§ 14-11-40: Accounting for fees and costs received.

All fees and costs received and recovered by any master-in-equity shall be accounted for and paid into the general fund of the county as directed by the governing body thereof.

§ 14-11-50: Vacancies.

All vacancies in the office of master from death, resignation, removal from the State or any cause whatsoever shall be filled in the manner of original appointment for the unexpired term.

§ 14-11-60: Appointment of special referee.

In case of a vacancy in the office of master-in-equity or in case of the disqualification or disability of the master-in-equity from interest or any other reason for which cause can be shown the presiding circuit court judge, upon agreement of the parties, may appoint a special referee in any case who as to the case has all the powers of a master-in-equity. The special referee must be compensated by the parties involved in the action.

§ 14-11-70: Limitation on practice of law.

No person while he holds the office of full time master shall practice or be a partner with anyone engaged in the practice of law in this State.

§ 14-11-80: General duties.

The master shall make all such sales as the circumstances may require or as the court may order him to make in granting equitable relief and shall execute all proper conveyances thereof. Such sales shall be conducted at the county courthouse or at such other public places in the county designated in the notice of sale. He shall execute and perform all orders of the court upon references to him conformably to the practice of the court.

§ 14-11-85: Appeals from final judgments of masters in equity.

When some or all of the causes of action in a case are referred to a master-in-equity or special referee, the master or referee shall enter final judgment as to those causes of action, and an appeal from an order or judgment of the master or referee must be to the Supreme Court or the court of appeals as provided by the South Carolina Appellate Court Rules. A matter may not be referred to a master or referee for the purpose of making a report to the circuit court.

§ 14-11-100: Authority to administer oaths, and to take testimony, depositions, renunciations of dower, affidavits, and other instruments; fees.

The masters in this State, while in office, may administer oaths, take depositions, affidavits and renunciation of dower, probate deeds and other instruments and take testimony by commission as fully and effectually as the clerks of courts and notaries public. Their fees therefor shall be the same as allowed by law to other officers for similar services.

Title 1, Chapter 23, Article 5: State Agency Rule Making and Adjudication of Contested Cases: South Carolina Administrative Law Court

§ 1-23-500: South Carolina Administrative Law Court created; number of judges.

There is created the South Carolina Administrative Law Court, which is an agency and a court of record within the executive branch of the government of this State. The court shall consist of a total of six administrative law judges. The administrative law judges shall be part of the state employees retirement system.

§ 1-23-505: Definitions.

As used in this article:

(1) "Administrative law judge" means a judge of the South Carolina Administrative Law Court created pursuant to Section 1-23-500.

(2) "Agency" means a state agency, department, board, or commission whose action is the subject of a contested case hearing or an appellate proceeding heard by an administrative law judge, or a public hearing on a proposed regulation presided over by an administrative law judge.

(3) "Contested case" means a proceeding including, but not restricted to, ratemaking, price fixing, and licensing, in which the legal rights, duties, or privileges of a party are required by law or by Article I, Section 22, Constitution of the State of South Carolina, 1895, to be determined by an agency or the Administrative Law Court after an opportunity for hearing.

(4) "License" includes the whole or part of any agency permit, franchise, certificate, approval, registration, charter, or similar form of permission required by law, but does not include a license required solely for revenue purposes.

(5) “Party” means each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party.

(6) “Person” means any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than an agency.

§ 1-23-510: Election of judges; terms.

(A) The judges of the division must be elected by the General Assembly in joint session, for a term of five years and until their successors are elected and qualify; provided, that of those judges initially elected, the chief judge, elected to Seat 1 must be elected for a term of five years, the judge elected to Seat 2 must be elected for a term of three years, the judge elected to Seat 3 must be elected for a term of one year. The remaining judges of the division must be elected for terms of office to begin February 1, 1995, for terms of five years and until their successors are elected and qualify; provided, that those judges elected to seats whose terms of office are to begin on February 1, 1995, to Seat 4 must be initially elected for a term of five years, the judge elected to Seat 5 must be initially elected for a term of three years, and the judge elected to Seat 6 must be initially elected for a term of one year. The terms of office of the judges of the division for Seats 1, 2, and 3 shall begin on March 1, 1994. The terms of office of the judges of the division for Seats 4, 5, and 6 shall begin on February 1, 1995. The terms of office of each of the seats shall terminate on the thirtieth day of June in the final year of the term for the respective seats.

(B) In electing administrative law judges, race, gender, and other demographic factors including age, residence, type of practice, and law firm size should be considered to assure nondiscrimination, inclusion, and representation to the greatest extent possible of all segments of the population of this State.

(C) Before election as an administrative law judge, a candidate must undergo screening pursuant to the provisions of Section 2 19 10, et seq.

(D) Each seat on the division must be numbered. Elections are required to be for a specific seat. The office of chief administrative law judge is a separate and distinct office for the purpose of an election.

(E) In the event that there is a vacancy in the position of the chief administrative law judge or for any reason the chief administrative law judge is unable to act, his powers and functions must be exercised by the most senior administrative law judge as determined by the date of their election to the division.

§ 1-23-520: Eligibility for office.

No person is eligible for the office of law judge of the division who does not at the time of his election meet the qualification for justices and judges as set forth in Article V of the Constitution of this State.

§ 1-23-525: Members of General Assembly disqualified for office of law judge.

No member of any General Assembly who is not otherwise prohibited from being elected to an administrative law judge position may be elected to such position while he is a member of the General Assembly and for a period of four years after he ceases to be a member of the General Assembly.

§ 1-23-530: Oath of office.

The judges of the division shall qualify after the date of their election by taking the constitutional oath of office.

§ 1-23-535: Official seal.

The Administrative Law Court shall have a seal with a suitable inscription, an impression of which must be filed with the Secretary of State.

§ 1-23-540: Compensation; full time position.

The chief judge (Seat 1) shall receive as annual salary equal to ninety percent of that paid to the circuit court judges of this State. The remaining judges shall receive as annual salary equal to eighty percent of that paid to the circuit court judges of this State. They are not allowed any fees or perquisites of office, nor may they hold any other office of honor, trust, or profit. Administrative law judges in the performance of their duties are also entitled to that per diem, mileage, expenses, and subsistence as is authorized by law for circuit court judges.

Each administrative law judge shall devote full time to his duties as an administrative law judge, and may not practice law during his term of office, nor may he during this term be a partner or associate with anyone engaged in the practice of law in this State.

§ 1-23-550: Vacancies.

All vacancies in the office of administrative law judge must be filled in the manner of original appointment. When a vacancy is filled, the judge elected shall hold office only for the unexpired term of his predecessor.

§ 1-23-560: Application of Code of Judicial Conduct; complaints against administrative law judges; attending judicial related functions.

Administrative law judges are bound by the Code of Judicial Conduct, as contained in Rule 501 of the South Carolina Appellate Court Rules. The sole grounds for discipline and sanctions for administrative law judges are those contained in the Code of Judicial Conduct in Rule 502, Rule 7 of the South Carolina Appellate Court Rules. The Commission on Judicial Conduct, under the authority of the Supreme Court, shall handle complaints against administrative law judges for possible violations of the Code of Judicial Conduct in the same manner as complaints against other judges. Notwithstanding another provision of law, an administrative law judge and the judge's spouse or

guest may accept an invitation to attend a judicial related or bar related function, or an activity devoted to the improvement of the law, legal system, or the administration of justice.

EXAMPLES OF FORMS PROVIDED TO CANDIDATES BY THE JUDICIAL MERIT SELECTION COMMISSION UPON WRITTEN NOTICE OF INTENT TO SEEK A PUBLICIZED JUDICIAL VACANCY BY THE PUBLICIZED DEADLINE.

PERSONAL INFORMATION

FULL NAME OF CANDIDATE:

NAME YOU WANT LISTED IN ALL PUBLICATIONS:

NAME(S) THAT YOU ARE KNOWN BY IF DIFFERENT FROM ABOVE:
(PLEASE INCLUDE MAIDEN NAME)

COURT, POSITION, AND SEAT # FOR WHICH YOU ARE APPLYING:

HAVE YOU BEEN SCREENED BY JMSC IN THE PAST?
IF SO, SPECIFY YEAR OF LAST SCREENING.

FULL NAME OF CURRENT SPOUSE AND DATE OF MARRIAGE:

LIST ALL FULL NAMES OF PAST SPOUSES AND DATES OF MARRIAGE/DIVORCE:

FULL NAME OF MOTHER:

FULL NAME OF FATHER:

HOME ADDRESS (CURRENT & PHYSICAL):

HOME ADDRESSES WITHIN THE PAST 10 YEARS:

HOME TELEPHONE:

BUSINESS ADDRESS (CURRENT):

BUSINESS ADDRESSES WITHIN THE PAST 10 YEARS:

BUSINESS TELEPHONE:

SAMPLE

CELL # **(FOR STAFF PURPOSES ONLY)**:

E-MAIL ADDRESS **(FOR STAFF PURPOSES ONLY)**:

DATE OF BIRTH:

PLACE OF BIRTH:

RACE:

SOCIAL SECURITY NUMBER:

VOTER REGISTRATION NUMBER:

SC DRIVERS LICENSE NUMBER:

LIST ALL SOUTH CAROLINA COUNTIES WHERE YOU HAVE RESIDED AND THE DATES OF YOUR RESIDENCE:

LIST ALL SOUTH CAROLINA COUNTIES IN WHICH YOU OWN PROPERTY: (NOT NECESSARILY WHERE YOU RESIDE):

LIST ALL SOUTH CAROLINA COUNTIES AND CITIES WHERE YOU CURRENTLY SERVE, OR PREVIOUSLY SERVED, AS A PUBLIC OFFICIAL OR PUBLIC MEMBER AND THE DATES OF YOUR SERVICE.

DO YOU HAVE A SECURITY FREEZE ON YOUR CREDIT REPORT INFORMATION?
Applicants with a security freeze will be contacted by telephone and asked that the freeze be lifted on a designated date for the sole purpose of accessing the credit report. Your report will be accessed on that date and you can reinstate your freeze. This applies only to the Equifax reporting service.

Your signature will be held to constitute a waiver of the confidentiality of any proceedings before a grievance committee, any information concerning your credit or any information reported by SLED. Further, you agree to do whatever necessary to help obtain such information.

I HEREBY CERTIFY THAT THE ANSWERS TO THE ABOVE QUESTIONS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Date: _____ Signature: _____

SAMPLE

JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE
2025

1. Judicial placement for which you are applying:
   Court:
   Circuit or Position:
   Seat:

2. Are you currently serving in some capacity as a judge (to include municipal, magistrate, etc.)? If so, state the position. If part-time, please indicate.

Personal

3. Name: Mr.
   Mrs.
   Ms.

   Name that you are known by, if different from above. (Example: A Nickname):

   Home Address:

   County of Residence:

   Business Address:

   E-Mail Address:

   Telephone Number: (home):
   (office):
   (cell):

4 Date of Birth:
   Place of Birth:

5. Are you a citizen of South Carolina?
   Have you been a resident of this state for at least the immediate past five years?

6. SCDL# or SCHD#:
   Voter Registration Number:

7. Have you served in the military? If so, give the dates, branch of service, highest rank attained, serial number (if applicable), present status, and the character of your discharge or release. Please provide a copy of your DD214 concerning your discharge.

SAMPLE

8. Family Status:
   (a) State whether you are single, married, widowed, divorced, or separated.

   (b) If married, state the date of your marriage and your spouse's full name and occupation.

   (c) If widowed, list the name(s) of spouse(s).

   (d) If you have ever been divorced or are in the process of obtaining a divorce, state the date, name of the moving party, court, and grounds.

   (e) State the names of your children and their ages. If your children are NOT full-time students, also include the occupation and employer of each child.

9. List each college and law school you attended, including the dates of your attendance, the degrees you received, and if you left an institution without receiving a degree, the reason for your departure.

10. List the significant activities in which you took part during your attendance at law school. Give the years you were involved in these activities and list any leadership positions you held.

11. What is your rating or membership status, if any, by any legal rating organization, such as, Best Lawyers, Chambers, Legal 500, Martindale-Hubbell, Who's Who Legal, Super Lawyers, Million Dollar Advocates Forum, etc.? If you are currently a member of the judiciary, list your last available rating, if any.

12. List all bar associations and professional organizations of which you are a member and give the titles and dates of any offices you have held in such groups.
    (a)
    (b)
    (c)

13. Are you active on or a member of a social media or Internet site such as Facebook, LinkedIn, Twitter, Instagram, etc.?

    If so, please list the account names for each account and the relevant platform.

    How would your use of social media or other similar types of Internet sites be affected if you were serving in a judicial capacity?

14. List all civic, charitable, educational, social, and fraternal organizations of which you are or have been a member during the past five years and include any offices held in such a group; and any professional honors, awards, or other forms of recognition received and not listed elsewhere.
    (a)
    (b)
    (c)

SAMPLE

15. Provide any other information that may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek. This information may include how your life experiences have affected or influenced the kind or type of judge you have been or plan to be.

16. List the names, addresses, and telephone numbers of 5 persons from whom you are providing references. Also, provide the Commission with **original letters** of recommendation from each person listed herein, including their signature (preferably in blue ink). **The Commission will not accept a photocopy or electronic submission of a letter of recommendation and failure to include all 5 original letters of recommendation in your packet when you submit it will render your packet incomplete**. Please **do not** have references mail your reference letters to the Commission directly. *You must return the 5 original letters of recommendation to the Commission with your application.*
(a)
(b)
(c)
(d)
(e)

Experience

17. List the states in which you have been admitted to practice law and the year of each admission. Also list any states in which you took the bar exam but were never admitted to the practice of law. Please indicate the number of times you took the exam in each state.

18. Describe chronologically, since graduation from law school, your legal experience. Please include a list of all positions held in which you worked in a legal capacity. Describe the general character of your practice and divide it into periods with dates if its character changed over the years. Please also describe the extent to which you were involved with the administrative and financial management of each of these entities, including management of trust accounts.

Justices/judges applying for re-election to their current position may omit Questions 19–25. If you are a full-time judge seeking a judgeship different than your current position, Questions 19-25 should be answered based on your experience *prior to serving on the bench*.

19. Please answer the following:

    (a) If you are a candidate for Family Court, please provide a brief written description of your experience within each of the following Family Court practice areas: divorce and equitable division of property, child custody, adoption, abuse and neglect, and juvenile justice. Include information about cases you have handled in each of these practice areas, or if you have not practiced in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Family Court

SAMPLE

judge. Please also indicate the frequency of your appearances before a Family Court judge within the past five years.

(b) If you are a candidate for Circuit Court, please provide a brief written description of your experience in criminal matters, including any cases handled over the past five years, and include a brief description of the issues involved. Further, please provide a brief written description of your experience in civil matters, including any cases handled over the past five years, and include a brief description of the types of matters handled, issues involved, and procedural history. Please include information such as the primary areas in civil court in which you practice, and whether you represent plaintiffs, defendants, or both. You may go back further than five years if you feel it would assist the Commission with its assessment of your experience. If you lack experience in an area, describe how your background and procedural knowledge has prepared you to preside over such matters as a Circuit Court judge, or how you would compensate for your lack of experience in this area. Please also indicate the frequency of your appearances before a Circuit Court judge within the past five years.

(c) If you are a candidate for Master-In-Equity, please provide a brief written description of your experience in the Master's court, including any cases handled over the past five years, and include a brief description of the issues involved. Please include the frequency of your appearances before a Master-In-Equity or a Circuit Court judge within the past five years.

(d) If you are a candidate for Administrative Law Court, please provide a brief written description of your experience before an Administrative Law Judge, including any issues discussed and the frequency of your appearances before the Administrative Law or Circuit Court within the past five years.

20. What was the frequency of your court appearances during the past five years or in the five years prior to your election to the bench?
(a) federal:
(b) state:

21. What percentage of your practice involved civil, criminal, domestic, and other matters during the past five years or in the five years prior to your election to the bench?
(a) civil:
(b) criminal:
(c) domestic:
(d) other:

22. During the past five years:
(a) What percentage of your practice was in trial court, including cases that settled prior to trial?
(b) What number of cases went to trial and resulted in a verdict?

SAMPLE

(c) What number of cases went to trial and resolved after the plaintiff's or State's case? For the purposes of this question, resolved includes settlement, plea, judge's order during a motion hearing, etc.
(d) What number of your cases settled after a jury was selected but prior to opening statements?
(e) Did you most often serve as sole counsel, chief counsel, second chair, or co-counsel?
(f) For sitting judges seeking a judgeship different than your current position, during the five years prior to your election to the bench, what percentage of your practice was in trial court, including matters that settled prior to trial?

23. List five of the most significant litigated matters you have personally handled in trial court, appellate court, or before a state or federal agency. Give citations if the cases were reported and describe why these matters were significant.
(a)
(b)
(c)
(d)
(e)

24. List up to five civil appeals you have personally handled. Give the case name, the court, the date of decision, and the citation if the case was reported.
(a)
(b)
(c)
(d)
(e)

25. List up to five criminal appeals you have personally handled. Give the case name, the court, the date of decision and the citation if the case was reported.
(a)
(b)
(c)
(d)
(e)

26. Have you ever held judicial office? If so, list the periods of your service, the courts involved, and whether you were elected or appointed. Describe the jurisdiction of each of the courts and note any limitations on the jurisdiction of each court.

27. If the answer to question 26 is yes, describe or list five of your most significant orders or opinions and give the citations if they were reported. Also, list citations to any appellate review of these orders or opinions.
(a)
(b)
(c)
(d)

SAMPLE

(e)

28. List all courts in which you have been admitted to practice and list the dates of your admission. Give the same information for administrative bodies that require a special admission to practice.

29. Have you taught law-related courses or lectured at bar association conferences, educational institutions, or continuing legal or judicial education programs? If so, briefly describe each course or lecture.

30. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.

31. List all published books and articles you have written and give citations and the dates of publication for each.

32. Please furnish, as a separate attachment, two examples of legal articles, briefs, orders, or other legal writings for which you can claim sole or primary authorship. If you cannot claim sole authorship, please explain the extent to which you are the primary author and include a description of the other authors and their contributions. The writing samples are for the Commission's use only and will not be published. (If you are a judge and <u>are not seeking a different type of judgeship</u>, this question is inapplicable.)

33. Have you ever held public office other than judicial office? If so, list the periods of your service, the office or offices involved, and whether you were elected or appointed. Also, state whether or not you have timely filed your report with the State Ethics Commission during the period you held public office. If not, were you ever subject to a penalty? If so, give details, including dates.

Personal Conduct

34. Have you ever been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any of the following: federal law or regulation; state law or regulation; county or municipal law, regulation, or ordinance; or any other law, including another country's law? If so, give details but <u>do</u> <u>not</u> include traffic violations subject to a penalty of $125 or less. You must include any and all arrests, including, but not limited to, offenses for driving under the influence or similar traffic offenses. Include all arrests that resulted in expungement, which will be redacted. If you have questions regarding whether to include an offense, please contact the Commission.

35. Have you, to your knowledge, ever been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain.

36. Have you ever been sued by a client? Have you ever been a named party (personally or professionally) in or had a pecuniary interest in any civil or criminal proceedings? If so, give details, including, but not limited to, dates, and resolutions.

SAMPLE

37. If you are in private practice, are you covered by malpractice insurance and, if so, how long have you carried malpractice insurance? If applicable, have you ever been covered by a tail policy? If so, please explain when you were covered by a tail policy.

38. Have you ever, as a lawyer, judge, or other professional, been cautioned, sanctioned, or disciplined for lawyer, judicial, or other professional misconduct with or with a finding of misconduct? Has any jurisdiction found that you committed any misconduct? If so, give the details and describe any final disposition. Include any and all confidential and public sanctions, disciplines, letters of caution, or findings of misconduct of any kind. Private or confidential dispositions will be redacted.

39. Have you ever been investigated by the Department of Social Services? If so, give the details and the resolution. Has your name ever been enrolled on the Central Registry of Child Abuse and Neglect? If so, give the details.

Financial

40. Provide, **as a separate attachment**, a complete, current financial net worth statement that itemizes the below in detail. Note that a net worth statement form is provided with this questionnaire and you must use this format for submission of your financial statement.
    (a) the identity and value of all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings; and
    (b) the identity and amount of each liability owed, directly or indirectly, which is in excess of $1,000, including, but not limited to, debts, mortgages, loans, and other financial obligations.

NOTE: The Commission may require written confirmation that financial obligations have been satisfied or that the parties have agreed upon a payment schedule.

41. (a) Have you filed state and federal income tax returns for the last 5 years? If no, please provide details.
    (b) Have you or any business with which you are associated been delinquent in any local, state, or federal taxes? If yes, please provide details.
    (c) Has a tax lien or other collection procedure ever been instituted against you by federal, state, or local authorities? If yes, please provide details.

42. Have you ever defaulted on a student loan? If so, please provide details.

43. Have you ever filed for bankruptcy? If so, please provide details, along with proof of satisfaction of any liens or defaults.

SAMPLE

Conflict of Interest

44. For sitting or former judges, list all employment you had while serving as a judge (whether full-time or part-time, contractual or at will, consulting or otherwise) other than elected judicial office. Specify your dates of employment, employer, major job responsibilities, and supervisor.

45. Have you ever been an unsuccessful candidate for elective, judicial, or other public office? If so, give details, including dates.

46. Have you ever been engaged in any occupation, business, or profession other than the practice of law, teaching of law, or holding judicial or other public office? If so, give details, including a description of your occupation, business, or profession, the dates of your employment, and the name of your business or employer.

47. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.

48. Are you now or have you ever been employed as a "lobbyist," as defined by S.C. Code Section 2-17-10(13), or have you acted in the capacity of a "lobbyist's principal," as defined by S.C. Code Section 2-17-10(14)? If so, give the dates of your employment or activity in such capacity and specify by whom you were directed or employed.

49. Since filing with the Commission your letter of intent to run for judicial office, have you accepted lodging, transportation, entertainment, food, meals, beverages, money, or any other thing of value as defined by S.C. Code Section 2-17-10(1) from a lobbyist or lobbyist's principal? If so, please specify the item or items you received, the date of receipt, and the lobbyist or lobbyist's principal involved.

50. Itemize (by amount, type, and date) all expenditures, other than those for travel and room and board, made by you or on your behalf in furtherance of your candidacy for the position you seek. If you have spent over $100, have you reported your expenditures to the House and Senate Ethics Committees?

51. List the recipient and amount of all contributions made by you, a member of your immediate family, or by a business with whom you are associated, to members of the General Assembly within the past 4 years. If you participate in any employer-mandated contributions to a PAC or any other political entity, please describe and note your personal involvement in contributions. If you are a sitting judge, please include such contributions since your last screening.

52. Have you or anyone acting on your behalf solicited or collected funds to aid in the promotion of your candidacy? If so, please specify the amount, solicitor, donor, and date of the solicitation.

53. Describe any financial arrangements or business relationships you have, or have had in the past, that could constitute or result in a possible conflict of interest in the position you seek or currently hold. Explain how you would resolve any potential conflict of interest.

SAMPLE

54. Describe any interest you or a member of your immediate family has in real property:
    (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
    (b) in which there have been public improvements of $200 or more that adjoins property in which there have been public improvements of $200 or more; or
    (c) which was sold, leased, or rented to a state or local public agency in South Carolina.

    List the interest you hold and the value and location of the property. Identify as applicable the:
    (a) nature of any potential conflict of interest;
    (b) nature and value of any public improvements; and
    (c) South Carolina state or local public agency which purchased or is leasing or renting such property.
    Attach a copy of any contract or agreement.

55. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency. Attach a copy of any contract or agreement.

56. For sitting judges, if you currently hold an interest in stock or other securities or have held such an interest, list each stock you currently own or owned during the prior calendar year. If you prefer, you may attach broker or account records containing the requested information instead of listing it here.

57. For sitting judges**,** have you ever accepted anything of value from an attorney or litigant in a matter currently or previously before you or your court? If so, please give the details, including the name of the attorney or litigant and the thing of value you received.

58. For sitting judges, have you used the services of your staff, for which you did not pay, while campaigning for this office?

59. Have you directly or indirectly requested the pledge of any member of the General Assembly as to your election for the position for which you are being screened, or have you been offered a conditional pledge of support by any legislator pending the outcome of your screening? Have you received the assurance of any public official or public employee that they will seek the pledge of any member of the General Assembly as to your election for the position for which you are being screened? If so, give details.

60. Have you requested any third parties to contact members of the General Assembly on your behalf before the final and formal screening report has been released? Describe the campaigning you have done for this election and include a list of those individuals you have asked to campaign on your behalf and, to the best of your knowledge, those who have campaigned for you on their own initiative.

61. Are you familiar with the 12 days' rule as provided by Section 2-19-25, which prohibits a candidate from seeking pledges until after the draft report becomes final, which occurs on the day and time specified on the Commission's published screening schedule?

SAMPLE

62. Since submitting your letter of intent to become a candidate, have you or anyone acting on your behalf contacted any member of the Judicial Merit Selection Commission about your candidacy or intention to become a candidate? If so, give details.

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature: _____

Sworn to before me this ____ day of _____, 2025.

_____
(Notary Signature)

_____
(Notary Printed Name)
Notary Public for South Carolina
My Commission Expires: _____

SAMPLE

JUDICIAL MERIT SELECTION COMMISSION
STATEMENT OF ECONOMIC INTERESTS

NOTICE:
Answer each of the questions below or indicate that the question is not applicable. Please note the disclosure year is 2024.

The completion of this form for the *Judicial Merit Selection Commission* does not satisfy the requirements of S.C. Code Section 8-13-910, and candidates should also complete the State Ethics Commission's Statement of Economic Interests Form E5A.2A. (SEI). S.C. Code Section 8-13-910 requires candidates to file a statement of economic interests with the Chairman of the Senate Ethics Committee and the Chairman of the House of Representatives Ethics Committee.

Court, Position, and Seat # for which you are applying: _____

1. Name: Mr.
   Mrs.
   Ms.

2. Itemize the income, expenses, fees, payments, or additional benefits exceeding $500, in the aggregate, received by you or a member of your immediate family from South Carolina state and local entities. List the type, source, and amount or value of the benefit. Be sure to list any expense reimbursement you received separately from your income.

3. Identify the name of each business with which you are associated which is regulated by a state agency with which you are associated. List each regulated business, your relationship to that business, and the regulatory involvement by your agency with that business.

4. Describe any interest you or a member of your immediate family has in real property:
   (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;

   (b) in which there have been public improvements of $200 or more that adjoins property in which there have been public improvements of $200 or more; or

   (c) which was sold, leased, or rented to a state or local public agency in South Carolina.

SAMPLE

List the interest you hold and the value and location of the property. Identify as applicable the:

(a) nature of any potential conflict of interest;

(b) nature and value of any public improvements; and

(c) South Carolina state or local public agency which purchased or is leasing or renting such property.

Attach a copy of any contract or agreement.

5. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency. Attach a copy of any contract or agreement.

6. Identify every business or entity in which you or a member of your immediate family holds or controls, in the aggregate, securities or interests constituting 5% or more of the total issued and outstanding securities and interests which constitute a value of more than $100,000. Describe the business and your relationship to that business.

7. Identify by name and address any creditor to whom you or a member of your immediate family owed a debt in excess of $500 at any time during the prior calendar year. List the original and outstanding amounts, the name and address of the creditor(s), and the rate of interest.
Do not include debt:

(a) on credit cards or retail installment contracts;

(b) promised or loaned by a bank, savings and loan, or other licensed financial institution which loans money in the ordinary course of business and on terms and interest rates generally available to a member of the general public without regard to status as a public official, public member, or public employee; or

(c) promised or loaned by a family member not acting as your agent or intermediary to a financial institution.

8. Identify any lobbyist who is a member of your immediate family or with whom you or a member of your immediate family is associated in business. Describe your relationship to that lobbyist.

SAMPLE

9. Identify any lobbyist or lobbyist's principal who has purchased goods or services in excess of $200 from you, a member of your household, or an individual or business with which you are associated. Identify the goods or services purchased, the amount, and the person from whom such goods or services were purchased.

10. Identify any compensation you received from an individual or business which contracts with a public agency with which you are associated. Disclose the name and address of the contractor, your relationship to such contractor, the agency contracted with, the nature of the contracts, and the amount of compensation you received from the contractor.

11. Identify all gifts (type or nature of the gift), their value, and the donor's relationship. Specifically, include transportation, lodging, food, and entertainment, given:
    (a) as a result of your public position;

    (b) by someone seeking a contractual or business relationship with your agency; or

    (c) by a donor whose activities are regulated by your agency and whose gifts to you exceed, in the aggregate, more than $25 in one day or $200 during the calendar year.

    I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature:_____ Date:_____

SAMPLE

CONFIDENTIAL FINANCIAL STATEMENT
NET WORTH

Name:_____

Provide a complete, current financial net worth statement that itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) and all liabilities (including debts, mortgages, loans, and other financial obligations).

ASSETS

Cash on hand in banks	
U.S. Government securities-(add schedule)	
Unlisted securities-(add schedule)	
Government Retirement Accounts (see separate instructions provided)	
Accounts and notes receivable: • Due from relatives and friends • Due from others • Doubtful	
Real estate owned-(add schedule)	
Real estate mortgages receivable	
Cash value-life insurance	
Other assets-itemized	
Total assets	

SAMPLE

LIABILITIES

Notes payable to banks-secured	
Notes payable to banks-unsecured	
Notes payable to relatives	
Notes payable to others	
Accounts and bills due	
Unpaid income tax	
Other unpaid tax and interest	
Real estate mortgages payable-(add schedule)	
Chattel mortgages and other liens payable	
Other debts-itemized	
Total liabilities	
Net worth	

CONTINGENT LIABILITIES

As endorser, co-maker or guarantor	
On leases or contracts	
Legal claims	
Provision for Federal Income Tax	
Other special debt	

SAMPLE

GENERAL INFORMATION

Are any assets pledged? (add schedule)	
Are you a defendant in any suits or legal actions?	
Have you ever taken bankruptcy?	

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND THAT STAFF MAY ASK ME TO SUPPLY DOCUMENTATION TO SUBSTANTIATE THE VALUES LISTED. SUCH DOCUMENTATION MIGHT INCLUDE, BUT IS NOT LIMITED TO, CERTIFIED COPIES OF THE FOLLOWING: BANK ACCOUNT STATEMENTS, BROKERAGE ACCOUNT STATEMENTS, INSURANCE POLICIES, TRUST AGREEMENTS, PROPERTY APPRAISALS (REAL AND PERSONAL), PROPERTY TAX RECORDS, NOTES, MORTGAGES, AND ANY OTHER RELEVANT DOCUMENTS TO SUBSTANTIATE THE VALUE LISTED FOR ANY ASSET, LIABILITY OR CONTINGENT LIABILITY.

Date:_____

Signature:_____

SAMPLE

JUDICIAL MERIT SELECTION COMMISSION
PERSONAL DATA QUESTIONNAIRE
FOR RETIRED JUDGES/JUSTICES

1. Judicial placement for which you are applying:
Court:
Position:
Seat #:

2. Name: The Honorable

Name that you are known by if different from above
(Example: A Nickname):

Home Address:

County of Residence:

Business Address:

E-Mail Address:

Telephone Number: (home):
(office):
(cell):

3. Date of Birth:

4. Are you a citizen of South Carolina?
Have you been a resident of this state for at least the immediate past five years?

5. SCDL# or SCHD#:

6. Family Status:
   (a) Are you single, married, widowed, divorced, or separated?
   (b) If married, state the date of your marriage and your spouse's full name.
   (c) If widowed, list the name(s) of spouse(s).
   (d) If you have ever been divorced, or are in the process of obtaining a divorce, state the date, name of the moving party, court, and grounds.
   (e) State the names of your children and their ages. If your children are NOT full-time students, also include the occupation and employer of each child.

7. List your positions of employment on and/or appointment to the bench chronologically. You are not required to list dates of employment or appointment prior to your last screening.

SAMPLE

8. Have you practiced law or served as a mediator or arbitrator since your retirement from the judiciary? If so, please describe.

9. Provide, as a separate attachment, your continuing legal or judicial education report from the past five years.

10. Are you now an officer or director or involved in the management of any business enterprise? Explain the nature of the business, your duties, and the term of your service.

11. A net worth statement is provided with this questionnaire and you must use this format for submission of your financial statement. Provide, **as a separate attachment**, a complete, **current,** financial net worth statement that itemizes in detail:
    (a) the identity and value of all financial assets held, directly or indirectly, including, but not limited to, bank accounts, real estate, securities, trusts, investments, and other financial holdings: and
    (b) the identity and amount of each liability owed, directly or indirectly, which is in excess of $1,000, including, but not limited to, debts, mortgages, loans, and other financial obligations.
    .

Note: The Commission may require written confirmation that financial obligations have been satisfied or that the parties have agreed upon a payment schedule.

12. Since your last screening:
    (a) Have you filed state and federal income tax returns for the intervening years? If no, please provide details.
    (b) Have you or any business with which you are associated been delinquent in any local, state, or federal taxes? If yes, please provide details.
    (c) Has a tax lien or other collection procedure been instituted against you by federal, state, or local authorities? If so, please provide details.
    (d) Have you defaulted on a student loan? If so, please provide details.
    (e) Have you filed for bankruptcy? If so, please provide details, as well as proof of satisfaction of any liens or defaults.

13. For the last fully completed calendar year, itemize the income, expenses, fees, payments, or additional benefits exceeding $500, in the aggregate, received by you or a member of your immediate family from South Carolina state and local entities. List the type, source, and amount or value of the benefit. Be sure to list any expense reimbursement you received separately from your income.

14. Describe your personal policy for the acceptance of food, meals, beverages, lodging, transportation, entertainment, social hospitality, or other things of value from an attorney, a group of attorneys, or from other individuals.

15. Have you ever accepted anything of value from an attorney or litigant in a matter currently or previously before you or your court? If so, please give the details, including the name of the

SAMPLE

attorney or litigant and the thing of value you received.

16. Describe any interest you or a member of your immediate family has in real property:
    (a) in which there is a potential conflict of interest with your involvement in a South Carolina state or local public agency;
    (b) in which there have been public improvements of $200 or that adjoins property in which there have been public improvements of $200; or
    (c) which was sold, leased, or rented to a state or local public agency in South Carolina.

    List the interest you hold and the value and location of the property. Identify as applicable the:
    (a) nature of any potential conflict of interest;
    (b) nature and value of any public improvements; and
    (c) South Carolina state or local public agency which purchased or is leasing or renting such property.

    Attach a copy of any contract or agreement.

17. Identify any personal property interest you or a member of your immediate family sold, leased, or rented to a South Carolina state or local public agency. Identify the property, its amount or value, and the name of the agency. Attach a copy of any contract or agreement.

18. Since your last screening, have you been arrested, charged, or held by federal, state, or other law enforcement authorities for violation or for suspicion of violation of any federal law or regulation, state law or regulation or county or municipal law, regulation or ordinance, or any other law, including another country's law? If so, give details but do not include traffic violations for which a fine of $125 or less was imposed.

19. Since your last screening, have you, to your knowledge, been under federal, state, or local investigation for possible violation of a criminal statute? If yes, explain.

20. Since your last screening, have you been sued, either personally or professionally? If so, give details.

21. Since your last screening, have you, as a lawyer, judge, or other professional, in South Carolina or any other jurisdiction, been sanctioned for lawyer, judicial, or other professional misconduct or been found to have committed such misconduct? If so, give the details and describe any final disposition.

22. Since your last screening, have you been criticized, whether informally or in a matter taken to a disciplinary authority, for the manner in which you treated litigants or attorneys before you on the bench? If so, give the details and the reasons why you believe you were the target of such criticism.

23. Are you active on or a member of a social media or Internet site or have you, to your knowledge, been featured or depicted on a social media or Internet site, such as, Facebook, LinkedIn, Twitter, etc.? If so, how would your use of social media or other similar types of

SAMPLE

Internet sites be affected if you were serving in a judicial capacity?

24. Provide any other information which may reflect positively or negatively on your candidacy, or which you believe should be disclosed in connection with consideration of you for nomination for the position you seek.

YOUR SIGNATURE WILL BE HELD TO CONSTITUTE A WAIVER OF THE CONFIDENTIALITY OF ANY PROCEEDING BEFORE A GRIEVANCE COMMITTEE OR ANY INFORMATION CONCERNING YOUR CREDIT.

I HEREBY CERTIFY THAT MY ANSWERS ARE TRUE AND COMPLETE TO THE BEST OF MY KNOWLEDGE.

Signature: _____

Sworn to before me this ____ day of _____, 2024.

_____
(Notary Signature)

_____
(Notary Printed Name)
Notary Public for South Carolina
My Commission Expires: _____

SAMPLE

AUTHORIZATION TO RELEASE INFORMATION TO THE JUDICIAL MERIT SELECTION COMMISSION

Deborah McKeown, Commission Counsel
Commission on Judicial Conduct and Commission on Lawyer Conduct
Via email: OCCmail@sccourts.org

Dear Ms. McKeown:

This letter authorizes the South Carolina Commission on Judicial Conduct, the Commission on Lawyer Conduct, the Office of Disciplinary Counsel, and the Supreme Court, as applicable, to furnish the Judicial Merit Selection Commission information regarding any and all complaints, disciplinary actions, or administrative actions (including those dismissed, whether formal or informal, pending or closed) for judicial, lawyer, or other professional misconduct.

I further authorize the Commission on Judicial Conduct, the Commission on Lawyer Conduct, the Office of Disciplinary Counsel, and the Supreme Court, as applicable, to release and provide to the Judicial Merit Selection Commission all records related to the complaints, disciplinary actions, or administrative actions.

I waive all rights to confidentiality concerning such information and I authorize you to provide to the Judicial Merit Selection Commission with the facts and records relating to any such misconduct. Please email the information to Erin Crawford, JMSC's Chief Counsel, at ErinCrawford@scsenate.gov.

_____ _____
Print Name DATE

_____
SIGNATURE

cc: Erin B. Crawford, Chief Counsel
Judicial Merit Selection Commission
Via email: JMS@scsenate.gov

SAMPLE

JUDICIAL MERIT SELECTION COMMISSION)
)

In the Matter of:)
Candidate for)
) **WITNESS AFFIDAVIT**
) **FORM**
)

I will appear to testify concerning the qualifications of the above-named candidate and will produce all documents in my possession, if any, which will further develop or corroborate my testimony.

I understand that this written statement and all supporting documentation, if any, must be completed and the hard copies of all such documents shall be returned to the Judicial Merit Selection Commission by the deadline for complaints in order for the Commission to hear my testimony, and that the deadline for complaints is **12:00 Noon**, **(DATE).** I understand I must be available to testify at the Public Hearing, and **failure to appear will result in a dismissal of my complaint.**

In regard to my intended testimony, I will state the following information:

(1) My full name, age, address, email address, and both home and work telephone numbers:

(2) The names, addresses, and email addresses and telephone numbers (if known) of other persons who have knowledge of the facts concerning my testimony:

(3) The nature of my testimony regarding the qualifications of the above-named judicial candidate, including:
   (a) specific facts relating to the candidate's character, competency, or ethics, including any and all allegations of wrongdoing or misconduct on the part of the candidate:

   (b) specific dates, places, and times at which or during which such allegations took place:

   (c) names of any persons present during such alleged actions or possessing evidence of such alleged actions:

   (d) how this information relates to the qualifications of the judicial candidate:

(4) The list of and a copy of any and all documents to be produced at the hearing which relate to my testimony regarding the qualifications of the judicial candidate.

(5) Here are any other facts I feel are pertinent to the screening of this judicial candidate.

SAMPLE

(6) Whether I have direct personal knowledge of the concerns or complaints alleged.

I understand that the information I have provided herein is confidential and is not to be disclosed to anyone except the Judicial Merit Selection Commission, the candidate, and counsel.

WAIVER

I further understand that my testimony before the Judicial Merit Selection Commission may require the disclosure of information that would otherwise be protected by the attorney-client privilege. Therefore, in order that my complaint may be fully investigated by the Commission, I hereby waive any right that I may have to raise the attorney-client privilege as that privilege may relate to the subject of my complaint. I further understand that by waiving the attorney-client privilege for this matter, I am authorizing the Commission to question other parties, including my attorney, concerning the facts and issues of my case.

_____
Signature

Sworn to me this ____ day of _____, (YEAR)

_____ L.S.
Notary Public of South Carolina

My commission expires: _____

SAMPLE

Judicial Merit Selection Commission
BallotBoxOnline Survey for Members of the Bench and Bar

You will be e-mailed an electronic ballot from BallotBoxOnline to complete on the judicial candidates. Thank you for your participation and assistance with this survey. Your responses will be kept strictly confidential. Please complete this survey by ***Noon on (date to be advised)*****.** Please note this Commission will not utilize responses to this questionnaire as a formal complaint**.** If you wish to testify concerning an area of concern about a candidate, you must file a formal complaint with the Commission on or before ***Noon on (date to be advised)***.

E X A M P L E
Candidate Review: Court, Circuit, and Seat
Candidate Name, Home City/Town:

1. Does the candidate meet the **Constitutional Qualifications**? Yes or No?

2. **Ethical Fitness:**
Is the candidate well-qualified, qualified, unqualified, or no opinion?

3. **Professional and Academic Ability**:
Is the candidate well-qualified, qualified, unqualified, or no opinion?

4. **Character**:
Is the candidate well-qualified, qualified, unqualified, or no opinion?

5. **Reputation**:
Is the candidate well-qualified, qualified, unqualified, or no opinion?

6. **Physical and Mental Health:**
Is the candidate well-qualified, qualified, unqualified, or no opinion?

7. **Experience Level**:
Is the candidate well-qualified, qualified, unqualified, or no opinion?

8. **Judicial Temperament**:
Is the candidate well-qualified, qualified, unqualified, or no opinion?

A box is provided for write-in answers on each candidate.

INFORMATON REGARDING WITHDRAWAL FROM A JUDICIAL RACE

Pursuant to SC Code Section 2-19-30(E), "A candidate may withdraw at any time prior to the public hearing or after the draft report is issued to members of the General Assembly. The information concerning a withdrawn candidate also shall be exempt from disclosure pursuant to Chapter 4 of Title 30. However, all materials concerning the candidate must be retained and may not be destroyed by the commission.

In accordance with Judicial Merit Selection Commission rules, a withdrawal from a judicial race is not official until the Judicial Merit Selection Commission receives a letter of withdrawal signed by the candidate and addressed to the Commission. The name of a candidate will appear on the election agenda unless the Commission receives official notification of withdrawal. A sample withdrawal letter is below:

DATE

Dear Chairman of the Judicial Merit Selection Commission and/or Erin Crawford, Chief Counsel:

I am writing to respectfully withdraw my name as a candidate for

_____. (Court Name and Seat #).

Sincerely,

Candidate's Name