**South Carolina General Assembly**

118th Session, 2009-2010

**H. 3196**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. A.D. Young, Harrison, M.A. Pitts, Umphlett, Merrill, Vick and Duncan

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Introduced in the House on January 13, 2009

Currently residing in the House Committee on **Judiciary**

Summary: Judicial candidates

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/16/2008 House Prefiled

12/16/2008 House Referred to Committee on **Judiciary**

1/13/2009 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑85

1/13/2009 House Referred to Committee on **Judiciary** [HJ](file:///h:\HJ%20Archive\2009\01-13-09.docx)‑85

1/27/2009 House Member(s) request name added as sponsor: Vick

2/11/2009 House Member(s) request name added as sponsor: Duncan

**VERSIONS OF THIS BILL**

[12/16/2008](file:///p:\pprever\2009-10\3196_20081216.docx)

**A** **BILL**

TO AMEND SECTION 2-19-80, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE PROCESS OF DETERMINING JUDICIAL CANDIDATES BY THE JUDICIAL MERIT SELECTION COMMISSION, SO AS TO REMOVE THE LIMITATION THAT THE COMMISSION MAY NOMINATE ONLY THREE CANDIDATES, AND TO REQUIRE THAT THE COMMISSION INSTEAD RELEASE A LIST OF THE NAMES OF ALL CANDIDATES THE COMMISSION FINDS QUALIFIED FOR OFFICE.

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

SECTION 1. Section 2‑19‑80 of the 1976 Code is amended to read:

“Section 2‑19‑80. (A) The commission shall ~~make nominations~~ provide to the General Assembly a list of candidates ~~and their qualifications~~ the commission screens and finds qualified for election to the Supreme Court, court of appeals, circuit court, family court, and the administrative law ~~judge division~~ court. If the commission finds a candidate not qualified, the commission must provide a written statement detailing the rationale for its finding. ~~It shall review the qualifications of all applicants for a judicial office and select therefrom and submit to the General Assembly the names and qualifications of the three candidates whom it considers best qualified for the judicial office under consideration. If fewer than three persons apply to fill a vacancy or if the commission concludes there are fewer than three candidates qualified for a vacancy, it shall submit to the General Assembly only the names and qualifications of those who are considered to be qualified, with a written explanation for submitting fewer than three names.~~

(B) The ~~nominations of the commission for any judgeship are~~ list of qualified candidates provided by the commission is binding on the General Assembly, and it ~~shall not~~ may elect only a person ~~not nominated~~ listed by the commission. Nothing shall prevent the General Assembly from rejecting all persons nominated. In this event, the commission shall submit ~~another group~~ additional groups of names and qualifications for that position~~. Further nominations 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~~ must not be submitted to the General Assembly for ~~re‑election~~ reelection and upon expiration of his then current term of office, he shall cease serving in that judicial position.

(2) If the commission finds an incumbent judge not qualified for the office sought, or if an incumbent judge dies, withdraws, or becomes otherwise disqualified for the office sought between the time he makes application for the office and the date of the election ~~therefor~~ for the office, the election ~~for the office may~~ must 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~~ list of qualified candidates the names and qualifications of persons other than the incumbent judge it included in its previous ~~nominations~~ list.

(D) The commission shall accompany its ~~nominations~~ list of qualified candidates to the General Assembly with reports or recommendations as to the qualifications of a particular ~~candidates~~ candidate.

(E) A period of at least two weeks must ~~elapse~~ lapse between the date ~~of the commission’s nominations~~ on which the commission releases its list of qualified candidates to the General Assembly and the date the General Assembly conducts the election for these judgeships.”

SECTION 2. This act takes effect upon approval by the Governor.

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