**A** **CONCURRENT RESOLUTION**

TO RESCIND THE CONCURRENT RESOLUTION SETTING A DATE AND TIME OF FEBRUARY 3, 2010, TO ELECT SUCCESSORS TO FILL CERTAIN VACANCIES IN JUDICIAL POSITIONS IS RESCINDED DUE TO THE PENDENCY OF A LAWSUIT CHALLENGING THE CONSTITUTIONALITY OF THE JUDICIAL MERIT SELECTION COMMISSION.

Whereas, a lawsuit has been filed in the South Carolina Supreme Court challenging the constitutionality of the composition of the Judicial Merit Selection Commission and the Court is currently considering whether to accept the suit in its Original Jurisdiction; and

Whereas, until the case is resolved, a cloud hangs over the entire process by which judges are nominated and elected in South Carolina; and

Whereas, it would be imprudent to continue with the election of the current slate of judicial candidates when the very process by which they are nominated for election is in question; and

Whereas, it would be manifestly unfair to those who were not reported out of the commission to be considered by the General Assembly if the method by which they were not reported out is purportedly unconstitutional; and

Whereas, it is important that judicial elections are free of taint of the potential unconstitutional composition of the commission and that the candidates for the judgeships are elected under a method beyond reproach. Now, therefore,

Be it resolved by the Senate, the House of Representatives concurring:

That the date and time for judicial elections on February 3, 2010, is rescinded and no judicial elections shall be held until such time as the process has been reviewed and determined by the Supreme Court.

Be it further resolved that the Judicial Merit Selection Commission’s report as to qualifications of those judicial candidates reported out of the commission, along with those who were found qualified but not nominated, is also rescinded.

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