**South Carolina General Assembly**

122nd Session, 2017-2018

**H. 5105**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Magnuson, Burns, Long, Elliott, Hamilton, G.R. Smith, Chumley, Bennett, Bryant, Loftis, Mace and Putnam

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Companion/Similar bill(s): 387

Introduced in the House on March 8, 2018

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

Summary: Judicial Merit Selection Commission's procedures

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

3/8/2018 House Introduced and read first time ([House Journal‑page 117](file:///h:\hj\20180308.docx))

3/8/2018 House Referred to Committee on **Judiciary** ([House Journal‑page 117](file:///h:\hj\20180308.docx))

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**VERSIONS OF THIS BILL**

[3/8/2018](file:///p:\pprever\2017-18\5105_20180308.docx)

**A** **BILL**

TO AMEND SECTION 2‑19‑10, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JUDICIAL MERIT SELECTION COMMISSION’S PROCEDURES, SO AS TO PROVIDE THAT THE JUDICIAL MERIT SELECTION COMMISSION SHALL CONSIST OF TWO MEMBERS FROM EACH OF THE SEVEN CONGRESSIONAL DISTRICTS WHO ARE RESIDENTS OF THEIR RESPECTIVE DISTRICTS AND ONE MEMBER FROM THE GENERAL PUBLIC, APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, WHO SHALL SERVE AS THE CHAIRMAN OF THE COMMISSION; TO PROVIDE THAT NO MEMBER MAY SERVE FOR MORE THAN TWO TERMS; TO PROVIDE THAT NO CURRENT MEMBER OF THE GENERAL ASSEMBLY MAY SERVE ON THE COMMISSION; AND TO PROVIDE THAT A FORMER MEMBER OF THE GENERAL ASSEMBLY MAY NOT SERVE ON THE COMMISSION UNTIL FIVE YEARS AFTER LEAVING OFFICE.

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

SECTION 1. Section 2‑19‑10 of the 1976 Code is amended to read:

“Section 2‑19‑10. (A) Whenever an election is to be held by the General Assembly in Joint Session, for members of the judiciary, a Judicial Merit Selection Commission, composed of ~~ten~~ fifteen members, shall be appointed, in the manner prescribed by this section, to consider the qualifications of the candidates. The Judicial Merit Selection Commission shall meet at least once annually and at other times as may be designated by the chairman. The chairman shall be appointed pursuant to subsection (B)(1)(b). 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 and elect officers necessary to serve 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 re‑election;

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

~~A member may succeed himself as chairman or vice chairman.~~ ~~Six members of the commission constitute a quorum at all meetings.~~

(B)(1) Notwithstanding any other provision of law, the Judicial Merit Selection Commission shall consist of the following individuals:

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

~~(a)~~ ~~three members must be serving members of the General Assembly; and~~

~~(b)~~ ~~two members must be selected from the general public;~~

~~(2)~~ ~~three members appointed by the Chairman of the Senate Judiciary Committee and two members appointed by the President Pro Tempore of the Senate and of these appointments:~~

~~(a)~~ ~~three members must be serving members of the General Assembly; and~~

~~(b)~~ ~~two members must be selected from the general public.~~

(a) two members from each of the seven congressional districts, who are residents of their respective districts, provided:

(i) the members of the legislative delegation shall nominate the two members to be appointed by the Governor, based upon weighted voting percentages of the legislative delegation. The Governor may reject a nomination of any appointee, and the delegation may submit another nominee for consideration;

(ii) one member must be a licensed attorney, and the other member must be a member of the community at large and must not be an attorney; and

(iii) if the congressional district is composed of more than two counties, each county delegation shall submit two names, one lawyer and one member of the community at large, for consideration, to be voted on by every county in the district by weighted vote; and

(b) one member from the general public, appointed by the Governor with the advice and consent of the General Assembly, who shall serve as the chairman of the commission.

(2) One member from each congressional district shall serve a term of two years. The two‑year term appointees will be allowed to serve for a total of six years. In Congressional Districts 1, 3, 5, and 7, the member that is an attorney will serve for a term of two years. In Congressional Districts 2, 4, and 6, the member of the community at large shall serve a term of two years.

(C) In making appointments to the commission, race, gender, national origin, and other demographic factors should be considered to ensure nondiscrimination to the greatest extent possible as to all segments of the population of the State.

(D) The term of office of a member of the commission ~~who is not a member of the General Assembly~~ shall be for four years ~~subject to a right of removal at any time by the person appointing him, and until his successor is appointed and qualifies~~, and no member may serve for more than two terms. ~~A member of the commission who is a serving member of the General Assembly shall serve for the term of office to which he has been elected.~~

(E) A vacancy on the Judicial Merit Selection Commission must be filled for the remainder of the unexpired term in the same manner as provided for the original selection.

(F) 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.

(G) No member of the Judicial Merit Selection Commission is eligible for nomination and appointment as a judge or justice of the state court system or administrative law judge division while serving on the commission and for a period of ~~one year~~ five years thereafter.

(H) No member of the General Assembly may serve on the commission. A former member of the General Assembly may not serve on the commission until five years after leaving office. A retired or active judge may not serve on the commission.”

SECTION 2. This act takes effect thirty days after approval by the Governor, at which time the terms of the current members of the Judicial Merit Selection Commission are terminated, and the new members must be appointed pursuant to Section 2‑19‑10 as amended by this act.

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