POLLED OUT OF COMMITTEE

MAJORITY FAVORABLE

January 16, 2020

**S. 999**

Introduced by Senators Rankin, Young and Sabb

S. Printed 1/16/20--S. [SEC 1/17/20 1:32 PM]

Read the first time January 14, 2020.

**THE COMMITTEE ON**

**OPERATIONS AND MANAGEMENT**

To whom was referred a Concurrent Resolution (S. 999) to fix noon on Wednesday, February 5, 2020, as the time to elect a successor to a certain Justice of the Supreme Court, Seat 5, whose term will, etc., respectfully

**REPORT:**

Has polled the Concurrent Resolution out majority favorable.

**A** **CONCURRENT RESOLUTION**

TO FIX NOON ON WEDNESDAY, FEBRUARY 5, 2020, AS THE TIME TO ELECT A SUCCESSOR TO A CERTAIN JUSTICE OF THE SUPREME COURT, SEAT 5, WHOSE TERM WILL EXPIRE JULY 31, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE COURT OF APPEALS, SEAT 7, WHOSE TERM WILL EXPIRE JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT LARGE, SEAT 11, WHOSE TERM WILL EXPIRE JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE CIRCUIT COURT, AT LARGE, SEAT 13, UPON HIS RETIREMENT ON OR BEFORE JUNE 30, 2020, AND THE SUCCESSOR WILL FILL A NEW TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2026; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRD JUDICIAL CIRCUIT, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2020, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FOURTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM WILL EXPIRE JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIFTH JUDICIAL CIRCUIT, SEAT 1, UPON HER RETIREMENT ON NOVEMBER 30, 2018, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2022; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, SIXTH JUDICIAL CIRCUIT, SEAT 2, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, NINTH JUDICIAL CIRCUIT, SEAT 5, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020, AND THE SUCCESSOR WILL FILL THE NEW TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2026; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, TENTH JUDICIAL CIRCUIT, SEAT 3, UPON HIS RETIREMENT ON OR BEFORE JUNE 30, 2019, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, THIRTEENTH JUDICIAL CIRCUIT, SEAT 5, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FOURTEENTH JUDICIAL CIRCUIT, SEAT 2, UPON HIS RETIREMENT ON OR BEFORE DECEMBER 31, 2019, AND THE SUCCESSOR WILL FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE ON JUNE 30, 2022; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, FIFTEENTH JUDICIAL CIRCUIT, SEAT 3, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT LARGE, SEAT 1, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE FAMILY COURT, AT LARGE, SEAT 2, TO FILL THE UNEXPIRED TERM OF THAT OFFICE WHICH WILL EXPIRE JUNE 30, 2025; TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 3, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020; AND TO ELECT A SUCCESSOR TO A CERTAIN JUDGE OF THE ADMINISTRATIVE LAW COURT, SEAT 4, WHOSE TERM WILL EXPIRE ON JUNE 30, 2020.

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

That in the absence of Joint Rules, the General Assembly by this resolution agrees to bind itself subject to the terms of this resolution and to the requirements of Article III, Section 20 and Section 22 of the South Carolina Constitution, 1895, and the provisions of Chapter 19, Title 2 of the South Carolina Code of Laws, 1976, relating to elections of members of the judiciary.

That the Senate and the House of Representatives shall meet in joint assembly in the Hall of the House of Representatives Wednesday, February 5, 2020, at noon to elect a successor to the Honorable George C. James, Jr., Justice of the Supreme Court, Seat 5, whose term will expire July 31, 2020; to elect a successor to the Honorable Stephanie Pendarvis McDonald, Judge of the Court of Appeals, Seat 7, whose term will expire June 30, 2020; to elect a successor to the Honorable Alison Renee Lee, Judge of the Circuit Court, at large, Seat 11, whose term will expire June 30, 2020; to elect a successor to the Honorable Larry B. Hyman, Jr., Judge of the Circuit Court, at large, Seat 13, upon his retirement on or before June 30, 2020, and the successor will serve a new term of that office which will expire June 30, 2026; to elect a successor to the Honorable Gordon B. Jenkinson, Judge of the Family Court, Third Judicial Circuit, Seat 3, upon his retirement on or before December 31, 2020, and the successor will serve the remainder of the unexpired term which will expire June 30, 2025; to elect a successor to the Honorable Michael S. Holt, Judge of the Family Court, Fourth Judicial Circuit, Seat 3, whose term will expire June 30, 2020; to elect a successor to the Honorable Dorothy Mobley Jones, Judge of the Family Court, Fifth Judicial Circuit, Seat 1, upon her retirement on November 30, 2018, and the successor will serve the remainder of the unexpired term of that office which will expire June 30, 2022; to elect a successor to the Honorable Debra A. Matthews, Judge of the Family Court, Sixth Judicial Circuit, Seat 2, whose term will expire June 30, 2020; to elect a successor to the Honorable Jocelyn B. Cate, Judge of the Family Court, Ninth Judicial Circuit, Seat 5, upon her retirement on or before June 30, 2020, and the successor will serve a new term of that office which will expire June 30, 2026; to elect a successor to the Honorable Tommy B. Edwards, Judge of the Family Court, Tenth Judicial Circuit, Seat 3, upon his retirement on or before June 30, 2019, and the successor will serve the remainder of the unexpired term of that office which will expire June 30, 2025; to elect a successor to the Honorable Tarita A. Dunbar, Judge of the Family Court, Thirteenth Judicial Circuit, Seat 5, whose term will expire June 30, 2020; to elect a successor to the Honorable Peter L. Fuge, Judge of the Family Court, Fourteenth Judicial Circuit, Seat 2, upon his retirement on or before December 31, 2019, and the successor will serve the remainder of the unexpired term of that office which will expire June 30, 2022; to elect a successor to the Honorable Ronald R. Norton, Judge of the Family Court, Fifteenth Judicial Circuit, Seat 3, whose term will expire June 30, 2020; to elect a successor to the Honorable Kelly Pope‑Black, Judge of the Family Court, at large, Seat 1, and the successor will serve the remainder of the unexpired term of that office which will expire June 30, 2025; to elect a successor to the late Honorable Tony M. Jones, Judge of the Family Court, at large, Seat 2, and the successor will serve the remainder of the unexpired term of that office which will expire June 30, 2025; to elect a successor to the Honorable Harold W. “Bill” Funderburk, Jr., Judge of the Administrative Law Court, Seat 3, whose term will expire June 30, 2020; and to elect a successor to the Honorable Deborah Brooks Durden, Judge of the Administrative Law Court, Seat 4, whose term will expire June 30, 2020.

Be it further resolved that the General Assembly agrees that all nominations must be made by the Chairman or Vice Chairman of the Judicial Merit Selection Commission and that pursuant to Section 2‑19‑90, no further nominating or seconding speeches may be made by members of the General Assembly on behalf of any candidate.

Be it further resolved that no remarks shall be in order during the pendency of the joint assembly by any member of the joint assembly unless those remarks relate directly to the specific qualifications of a specific candidate for an office that is to be elected during the joint assembly. A point of order raised by a member of the joint assembly alleging a violation of the provisions of this paragraph must be decided by the presiding officer immediately and without debate.

Be it further resolved that the General Assembly agrees that during the joint assembly the members of the House of Representatives shall vote electronically on all elections and on any other matter requiring a vote of the House.

Be it further resolved that the General Assembly agrees that upon motion by the Chairman or Vice Chairman of the Judicial Merit Selection Commission, uncontested judicial elections may be considered en banc either by voice vote or by a single roll call vote conducted pursuant to the provisions of this resolution and as provided in Article III, Section 20 of the South Carolina Constitution, 1895. If such motion is adopted by a majority of the joint assembly, members would vote once for the uncontested races and that vote would be applied as if the joint assembly had voted on each race and would be so recorded in the journals of the House and Senate. Any member who wishes to abstain or vote in the negative on any race considered en banc by the joint assembly shall be allowed to do so by informing the desk of his decision. The candidates elected en banc shall be introduced individually to the joint assembly.

Be it further resolved that the General Assembly agrees that any procedural motions made during the joint assembly shall be determined by voice vote unless the motion is seconded by the requisite numbers of Senators or House members provided in Article III, Section 22 of the South Carolina Constitution, 1895. If a sufficient number of seconds are received, there shall be a roll call vote.

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