**South Carolina General Assembly**

124th Session, 2021-2022

**S. 192**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Hembree and Rice

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Companion/Similar bill(s): 3448, 4007

Introduced in the Senate on January 12, 2021

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

Summary: Judicial Merit Selection Commission

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/9/2020 Senate Prefiled

12/9/2020 Senate Referred to Committee on **Judiciary**

1/12/2021 Senate Introduced and read first time ([Senate Journal‑page 211](file:///h:\sj\20210112.docx))

1/12/2021 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 211](file:///h:\sj\20210112.docx))

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**VERSIONS OF THIS BILL**

[12/9/2020](file:///p:\pprever\2021-22\192_20201209.docx)

**A** **BILL**

TO AMEND SECTION 2‑19‑10, AS AMENDED, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE JUDICIAL MERIT SELECTION COMMISSION AND THE COMMISSION’S APPOINTMENT, QUALIFICATIONS, AND TERM, SO AS TO REVISE THE MEMBERSHIP AND TERMS OF THE COMMISSION; TO AMEND SECTION 2‑19‑80, RELATING TO THE NOMINATION OF QUALIFIED CANDIDATES BY THE JUDICIAL MERIT SELECTION COMMISSION, SO AS TO CHANGE THE COMMISSION’S PROCESS FOR NOMINATING JUDICIAL CANDIDATES FROM THE NOMINATION OF THREE QUALIFIED CANDIDATES TO THE RELEASE OF A LIST OF ALL QUALIFIED CANDIDATES TO THE GENERAL ASSEMBLY; AND TO AMEND SECTION 2‑19‑90, RELATING TO THE ELECTION OF JUDGES BY THE GENERAL ASSEMBLY, SO AS TO REQUIRE A MAJORITY VOTE FROM EACH HOUSE OF THE GENERAL ASSEMBLY.

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

SECTION 1. Section 2‑19‑10(B) of the 1976 Code, as last amended by Act 1 of 2019, is further amended to read:

“(B) 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, who must be serving members of the Senate; and~~

~~(3)~~ ~~two members, appointed by the President of the Senate, who must be selected from the general public.~~

(1) two members each appointed by the Speaker of the House of Representatives and the President of the Senate, each appointing at least one member from the minority party:

(a) one member each appointed by the Chairman of the Senate Judiciary Committee and the Chairman of the House of Representatives Judiciary Committee;

(b) all appointments pursuant to this item must be members serving in the General Assembly;

(2) three additional members must be appointed from the general public by the Chief Justice of the South Carolina Supreme Court;

(3) three additional members must be appointed from the general public by the Governor;

(4) one additional member must be appointed by the South Carolina Bar Association from within its membership, this member may not be a member serving in the General Assembly.

No legislative member may serve more than four consecutive years on the commission.”

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

“(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 judge division. 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~~ all 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.~~”

SECTION 3. Section 2‑19‑90 of the 1976 Code is amended to read:

“Section 2‑19‑90. The General Assembly shall meet in joint session for the election of judges. The date and time for the joint session shall be set by concurrent resolution upon the recommendation of the Judicial Merit Selection Commission. 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 from each house of the General Assembly voting in joint session.”

SECTION 4. This act takes effect upon approval by the Governor.

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