**South Carolina General Assembly**

124th Session, 2021-2022

**S. 594**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Corbin, Rice, Loftis, Hembree, Verdin, Shealy, Adams, Climer, Gambrell and Harpootlian

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Introduced in the Senate on February 23, 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

2/23/2021 Senate Introduced and read first time ([Senate Journal‑page 5](file:///h:\sj\20210223.docx))

2/23/2021 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 5](file:///h:\sj\20210223.docx))

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**VERSIONS OF THIS BILL**

[2/23/2021](file:///p:\pprever\2021-22\594_20210223.docx)

**A** **BILL**

TO AMEND SECTION 2‑19‑10 OF THE 1976 CODE, RELATING TO THE JUDICIAL MERIT SELECTION COMMISSION, TO PROVIDE THAT TWO MEMBERS OF THE COMMISSION MUST BE APPOINTED FROM EACH CONGRESSIONAL DISTRICT, TO PROVIDE THAT THE GOVERNOR MAY APPOINT ONE MEMBER FROM THE STATE AT LARGE, TO PROVIDE FOR THE APPOINTMENT OF MEMBERS BY LEGISLATIVE DELEGATIONS, TO LIMIT MEMBERSHIP ON THE COMMISSION TO TWO TERMS, TO PROHIBIT MEMBERS OF THE GENERAL ASSEMBLY FROM SERVING ON THE COMMISSION, TO PROVIDE THAT THE COMMISSION SHALL SELECT ITS OFFICERS, TO PROVIDE THAT FORMER MEMBERS OF THE GENERAL ASSEMBLY MUST BE OUT OF OFFICE FOR FIVE YEARS BEFORE SERVING ON THE COMMISSION, AND TO PROVIDE THAT PRACTICING ATTORNEYS, CURRENT JUDGES, AND FORMER JUDGES MAY NOT SERVE ON THE COMMISSION.

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)(1) ~~Whenever an election is to be held by the General Assembly in Joint Session, for members of the judiciary, a~~ 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 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)~~(a) the confidentiality of records and other information received concerning candidates for judicial office;

~~(2)~~(b) the conduct of proceedings before the commission;

~~(3)~~(c) receipt of public statements in support of or in opposition to any of the candidates;

~~(4)~~(d) procedures to review the qualifications of retired judges for continued judicial service;

~~(5)~~(e) contacting incumbent judges regarding their desire to seek re‑election;

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

(2) A member may succeed himself as chairman or vice chairman. ~~Six~~ Eight 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, 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~~

(a) two members from each of the seven congressional districts, who are residents thereof, appointed by the legislative delegation representing the congressional district, provided that at least one of the two members from each congressional district must be a member of the community at large and must not be an attorney; and

(b) one member appointed by the Governor from the State at large, who shall serve as chairman of the commission.

(2) For the purposes of appointing a commission member, a legislator shall vote only in the congressional district in which he resides.

(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 shall serve for more than two consecutive 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. The initial term of office of each member shall be two years or four years as determined by the legislative delegations of each respective congressional district.

SECTION 3. 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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