



SOUTH CAROLINA REVENUE AND FISCAL AFFAIRS OFFICE
STATEMENT OF ESTIMATED FISCAL IMPACT
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This fiscal impact statement is produced in compliance with the South Carolina Code of Laws and House and Senate rules. The focus of the analysis is on governmental expenditure and revenue impacts and may not provide a comprehensive summary of the legislation.

Bill Number: S. 0099 Introduced on January 10, 2023
Author: Campsen
Subject: Judicial Candidates, Pledges and Elections
Requestor: Senate Judiciary
RFA Analyst(s): Miller
Impact Date: January 24, 2024

Fiscal Impact Summary

This bill expands who may not seek the pledge of a General Assembly member's vote for any judicial office to include any person, not just the candidate, until the qualifications of all candidates for that office have been determined. Violations are a misdemeanor, subject to a fine of no more than \$1,000 or imprisonment of no more than ninety days upon conviction. Also, this bill extends the time-period between the initial release of the Judicial Merit Selection Commission's (JMSC) report to the General Assembly and the formal release of the report as well as the minimum time-period between the initial release of the report to the General Assembly and the date the General Assembly elects the judges.

Based on previous responses to similar legislation, we anticipate that this bill will have no expenditure impact for the State Ethics Commission as any additional reported violations will be managed with existing staff and within existing appropriations.

This bill will have no expenditure impact for Judicial as any increase in caseload in general sessions court can be managed with existing staff and within existing appropriations.

This bill will have no expenditure impact for the House of Representatives (House) or the Senate as electing judges is within the normal course of business for the General Assembly.

This bill may result in an undetermined increase in local expenditures due to the possible increase in the local jail population for additional convictions and imprisonments for violations of the expanded provisions.

This bill may result in an undetermined increase to General Fund, Other Funds, and local revenue due to the potential increase in court fines and fees for violations of the provisions.

Explanation of Fiscal Impact

Introduced on January 10, 2023

State Expenditure

This bill specifies that no person may directly or indirectly seek the pledge of a General Assembly member's vote for any judicial office until the qualifications of all candidates for that

office have been determined. Currently, the restriction only applies to the candidate. This bill also changes the time periods required between release of JMSC reports and election of the judges. Currently, the formal release of JMSC's report may be no sooner than forty-eight hours after the nominees have been initially released to the General Assembly. The bill changes this to no sooner than noon on the twelfth day after the nominees have been initially released to the General Assembly. Further, the waiting period between the initial release of the commission's report to the General Assembly and the date the General Assembly elects the judges is extended from two weeks to twenty-two days.

Violations of these provision are reported to the House or Senate Ethics Committee, or the State Ethics Commission. Upon conviction, the violation is a misdemeanor, subject to a fine of no more than \$1,000 or imprisonment of no more than ninety days.

State Ethics Commission. Based on previous responses to similar legislation, we anticipate any additional violations due to this bill can be managed within existing resources by the State Ethics Commission and, therefore, will have no expenditure impact for the commission.

Judicial. Violations of seeking the pledge of a General Assembly member's vote prior to the qualification of all candidates for that office have been determined are tried in general sessions court. Judicial anticipates any increase in the caseload of general sessions court can be managed with existing staff and within existing appropriations and, therefore, will have no expenditure impact for Judicial.

House of Representatives and Senate. This bill extends the time-period between the initial release of JMSC's release of the nominees to the General Assembly and the formal release of the report and the minimum time-period between the initial release of the report and the date the General Assembly elects the judges.

This bill may impact the timing of the judicial elections within the General Assembly. However, both the House and the Senate anticipate that this will have no expenditure impact for the bodies as electing judges is within the normal course of business for the General Assembly.

State Revenue

This bill expands who may not seek the pledge of General Assembly member's vote for any judicial office to include any person, not just the candidate. This expansion may increase the number of violations, which, upon conviction, are subject to a fine of not more than \$1,000 or imprisonment. Court fines and fees are distributed to the General Fund, Other Funds, and local funds. Therefore, we anticipate this bill may result in an undetermined increase in General Fund and Other Funds revenue from fines and fees collections in court.

Local Expenditure

This bill may result in an undetermined increase in local expenditures due to the possible increase in the local jail population for additional convictions and imprisonments for violations of the provisions as noted above.

Local Revenue

This bill may result in an undetermined increase in local revenue from fines and fees collections in court due to the potential increase in violations as noted above.



Frank A. Rainwater, Executive Director