**South Carolina General Assembly**

125th Session, 2023-2024

**S. 171**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Climer, Gustafson and Kimbrell

Companion/Similar bill(s): 3445

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Introduced in the Senate on January 10, 2023

Currently residing in the Senate

Summary: Judicial office

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/30/2022 Senate Prefiled

 11/30/2022 Senate Referred to Committee on **Judiciary**

 1/10/2023 Senate Introduced and read first time (Senate Journal‑page 93)

 1/10/2023 Senate Referred to Committee on **Judiciary** (Senate Journal‑page 93)

 1/16/2024 Senate Referred to Subcommittee: Talley (ch), Malloy,
 Campsen, Sabb, Senn

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**VERSIONS OF THIS BILL**

[11/30/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/171_20221130.docx)

A bill

to amend the South Carolina Code of Laws by amending Section 2‑19‑70, relating to THE PROHIBITION AGAINST DUAL OFFICE HOLDING, so as to EXTEND THE PROHIBITION TO THE IMMEDIATE FAMILY MEMBER OF A MEMBER OF THE GENERAL ASSEMBLY, AND TO DEFINE NECESSARY TERMS.

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

SECTION 1. Section 2‑19‑70 of the S.C. Code is amended to read:

 Section 2‑19‑70. (A) As used in this section, “immediate family member” means an individual who is:

 (1) a child residing in a member of the General Assembly’s household;

 (2) the spouse of a member of the General Assembly; or

 (3) a person who is claimed by a member of the General Assembly or his spouse as a dependent for income tax purposes.

 (B) No member of the General Assembly or immediate family member may be elected to a judicial office while he the member of the General Assembly is serving in the General Assembly nor shall that person may a member of the General Assembly or immediate family member be elected to a judicial office for a period of one year after he the member of the General Assembly either:

 (1) ceases to be a member of the General Assembly; or

 (2) fails to file for election to the General Assembly in accordance with Section 7‑11‑15.

 (B)(C) The privilege of the floor in either house of the General Assembly may not be granted to any a candidate or any an immediate family member of a candidate unless the family member is serving in the General Assembly, during the time the candidate’s application is pending before the commission and during the time his nomination by the commission for election to a particular judicial office is pending in the General Assembly.

 (C)(D) No candidate for judicial office may seek directly or indirectly the pledge of a member of the General Assembly’s vote or, directly or indirectly, contact a member of the General Assembly regarding screening for the judicial office until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and the commission has formally released its report as to the qualifications of all candidates for the vacancy to the General Assembly. No member of the General Assembly may offer his pledge until the qualifications of all candidates for that office have been determined by the Judicial Merit Selection Commission and until the commission has formally released its report as to the qualifications of its nominees to the General Assembly. The formal release of the report of qualifications shall occur no earlier than forty‑eight hours after the nominees have been initially released to members of the General Assembly. For purposes of this section, indirectly seeking a pledge means the candidate, or someone acting on behalf of and at the request of the candidate, requesting a person to contact a member of the General Assembly on behalf of the candidate before nominations for that office are formally made by the commission. The prohibitions of this section do not extend to an announcement of candidacy by the candidate and statements by the candidate detailing the candidate’s qualifications.

 (D)(E) No member of the General Assembly may trade anything of value, including pledges to vote for legislation or for other candidates, in exchange for another member’s pledge to vote for a candidate for judicial office.

 (E)(F) Violations of this section may be considered by the merit selection commission when it considers the candidate’s qualifications. Violations of this section by members of the General Assembly shall be reported by the commission to the House or Senate Ethics Committee, as may be applicable. Violations of this section by nonlegislative commission members shall be reported by the commission to the State Ethics Commission. A violation of this section is a misdemeanor and, upon conviction, the violator must be fined not more than one thousand dollars or imprisoned not more than ninety days. Cases tried under this section may not be transferred from general sessions court pursuant to Section 22‑3‑545.

SECTION 2. This act takes effect upon approval by the Governor.

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