**South Carolina General Assembly**

120th Session, 2013-2014

**H. 3090**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Rep. Pitts

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Introduced in the House on January 8, 2013

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

Summary: Supreme Court Justices

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/11/2012 House Prefiled

12/11/2012 House Referred to Committee on **Judiciary**

1/8/2013 House Introduced and read first time ([House Journal‑page 80](file:///h:\HJ%20Archive\2013\01-08-13.docx))

1/8/2013 House Referred to Committee on **Judiciary** ([House Journal‑page 80](file:///h:\HJ%20Archive\2013\01-08-13.docx))

**VERSIONS OF THIS BILL**

[12/11/2012](file:///p:\pprever\2013-14\3090_20121211.docx)

**A** **JOINT RESOLUTION**

PROPOSING AN AMENDMENT TO SECTION 2, ARTICLE V OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE COMPOSITION OF THE SUPREME COURT, SO AS TO INCREASE FROM FIVE TO SEVEN THE NUMBER OF JUSTICES COMPRISING THE SUPREME COURT ON JULY 31, 2016; AND TO AMEND SECTION 3, ARTICLE V OF THE CONSTITUTION OF THIS STATE, RELATING TO THE ELECTION OF MEMBERS OF THE SUPREME COURT, SO AS TO CONFIGURE THE TERMS OF THE NEW AND EXISTING ASSOCIATE JUSTICES OF THE SUPREME COURT SO THAT, BEGINNING IN 2016, THE TERMS OF TWO ASSOCIATE JUSTICES SHALL EXPIRE EVERY TWO YEARS WITH ALL ASSOCIATE JUSTICES THEN BEING ELECTED TO SIX YEAR TERMS.

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

SECTION 1. It is proposed that Section 2, Article V of the Constitution of this State be amended to read:

“Section 2. On July 31, 2016, the Supreme Court shall consist of a Chief Justice and ~~four~~ six associate justices, any ~~three~~ four of whom shall constitute a quorum for the transaction of business. The Chief Justice shall preside, and in his absence the senior Associate Justice. In all cases decided by the Supreme Court, the concurrence of ~~three~~ four of the justices shall be necessary for a reversal of the judgment below.”

SECTION 2. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 2, Article V of the Constitution of this State be amended so as to increase the composition of the Supreme Court from five to seven justices on July 31, 2016?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

SECTION 3. It is proposed that Section 3, Article V of the Constitution of this State be amended to read:

“Section 3. (A) The ~~members~~ Chief Justice of the Supreme Court shall be elected by a joint public vote of the General Assembly for a term of ten years, and shall continue in office until ~~their~~ his or her ~~successors~~ successor shall be elected and qualified~~, and shall be classified so that the term of one of them shall expire every two years~~. In any contested election for justices of the Supreme Court, the vote of each member of the General Assembly present and voting shall be recorded.

(B)(1) The four associate justices of the Supreme Court serving in office on the effective date of the ratification of the provisions of this subsection shall continue to serve in office until their current terms of office expire. Successors to these four associate justices, including incumbents who succeed themselves, whose terms expire on or after July 31, 2016, shall be elected for terms of six years each and until their successors are elected and qualify.

(2) On July 31, 2016, two additional associate justices shall take office, one to serve for an initial term of two years, and one to serve for an initial term of four years, the initial terms of both justices to be designated by the General Assembly when electing such justices. Thereafter, successors to these two additional associate justices shall be elected for terms of six years each and until their successors are elected and qualify.”

SECTION 4. The proposed amendment must be submitted to the qualified electors at the next general election for representatives. Ballots must be provided at the various voting precincts with the following words printed or written on the ballot:

“Must Section 3, Article V of the Constitution of this State be amended so as to provide that beginning on July 31, 2016, two additional associate justices shall take office on the Supreme Court, and to configure the terms of the new and existing associate justices of the Supreme Court so that beginning in 2016, the terms of two associate justices shall expire every two years with all associate justices then being elected to six year terms?

Yes 

No 

Those voting in favor of the question shall deposit a ballot with a check or cross mark in the square after the word ‘Yes’, and those voting against the question shall deposit a ballot with a check or cross mark in the square after the word ‘No’.”

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