**South Carolina General Assembly**

125th Session, 2023-2024

**H. 3006**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Chumley, Burns, Magnuson, Taylor, Pace, Beach, Harris, Guffey, Leber, Landing, S. Jones, McGinnis and White

Companion/Similar bill(s): 5039

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Introduced in the House on January 10, 2023

Currently residing in the House

Summary: Judicial Elections, lawyer-legislators

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/8/2022 House Prefiled

12/8/2022 House Referred to Committee on **Judiciary**

1/10/2023 House Introduced and read first time ([House Journal‑page 38](h:\hj\20230110.docx))

1/10/2023 House Referred to Committee on **Judiciary** ([House Journal‑page 38](h:\hj\20230110.docx))

1/12/2023 House Member(s) request name added as sponsor: Leber

2/1/2023 House Member(s) request name added as sponsor: Landing

2/8/2023 House Member(s) request name added as sponsor: S.
Jones, McGinnis

2/28/2023 House Member(s) request name added as sponsor: White

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**VERSIONS OF THIS BILL**

[12/08/2022](https://www.scstatehouse.gov/sess125_2023-2024/prever/3006_20221208.docx)

A bill

to amend the South Carolina Code of Laws by amending Section 2‑19‑10, relating to the Judicial Merit Selection Commission, its membership and functions, so as to require attorney‑legislators who serve on the commission to recuse themselves from the vote and screening process of judges or justices they appear before or have appeared before; and by amending Section 2‑19‑90, relating to election of judges and justices by the General Assembly in joint session, so as to require attorney‑legislators to recuse themselves from the vote and election process of judges or justices they appear before or have appeared before.

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

SECTION 1. Section 2‑19‑10 of the S.C. Code is amended to read:

Section 2‑19‑10. (A) Whenever an election is to be held by the General Assembly in Joint Session, for members of the judiciary, a Judicial Merit Selection Commission, composed of ten 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 necessary to the purposes of the commission. These rules shall address, among other things:

(1) the confidentiality of records and other information received concerning candidates for judicial office;

(2) the conduct of proceedings before the commission;

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

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

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

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

A member may succeed himself as chairman or vice chairman. Six members of the commission constitute a quorum at all meetings.

(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 AssemblyHouse of Representatives; 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.

(C) Members of the General Assembly who serve on the commission and who are attorneys licensed to practice law in this State may not vote or participate in any manner in the screening process of any judge or justice before whom that attorney appears or has appeared before in the preceding five ‑year‑period. Such member shall notify the commission of the potential conflict of interest and recuse himself from the vote and screening process on behalf of that particular judge or justice.

(D) 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)(E) 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. 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)(F) 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)(G) 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)(H) 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 thereafter.

SECTION 2. Section 2‑19‑90 of the S.C. Code is amended to read:

Section 2‑19‑90. (A) 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 of the General Assembly voting in joint session.

(B) Members of the General Assembly who are attorneys licensed to practice law in this State may not vote or participate in any manner in the election process of any judge or justice before whom that attorney appears or has appeared before in the preceding five ‑year‑period. Such member shall notify the respective body of the potential conflict of interest and recuse himself from the vote and election process on behalf of that particular judge or justice.

SECTION 3. This act takes effect upon approval by the Governor.

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