**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3033**

**STATUS INFORMATION**

General Bill

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

Summary: Judicial Elections, lawyer-legislators

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/5/2024 House Prefiled

12/5/2024 House Referred to Committee on **Judiciary**

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**VERSIONS OF THIS BILL**

[12/05/2024](https://www.scstatehouse.gov/sess126_2025-2026/prever/3033_20241205.docx)

A bill

TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY AMENDING SECTION 2‑19‑5, RELATING TO SOUTH CAROLINA JUDICIAL MERIT SELECTION COMMISSION CREATION, APPOINTMENT, AND TERMS, 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 IN THE PRECEDING FIVE‑YEAR PERIOD; 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 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 IN THE PRECEDING FIVE‑YEAR PERIOD.

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

SECTION 1. Section 2‑19‑5 of the S.C. Code is amended to read:

Section 2‑19‑5. (A) There is created the South Carolina Judicial Merit Selection Commission composed of twelve members who must be appointed as follows:

(1) four members appointed by the Speaker of the House of Representatives and of these appointments:

(a) three members must be members of the House of Representatives; and

(b) one member must be selected from the South Carolina Bar who must be a member of the Bar in good standing with ten years’ experience in the practice of law;

(2) four members appointed by the Senate and of these appointments:

(a) two members must be appointed by the President of the Senate one of whom must be a member of the Senate and one of whom must be selected from the South Carolina Bar and must be a member in good standing with ten years’ experience in the practice of law; and

(b) two members must be appointed by the Chairman of the Senate Judiciary Committee both of whom must be members of the Senate; and

(3) four members appointed by the Governor all of which must be members in good standing of the South Carolina Bar with at least ten years’ experience in the practice of law.

(B) No person is eligible for appointment if he individually contributed to a campaign of one of the appointing authorities in the most recent election. Nonlegislative members may not be a public employee or serve in another elected office.

(C) Members of the commission shall serve for a term of two years and may serve no more than two consecutive terms. However, a member of the House of Representatives or Senate who ceases to serve as a member of the General Assembly will have his service on the commission terminated upon the end of his service in the General Assembly. Additionally, a member appointed to fill a vacancy in an unexpired term may serve two full terms thereafter. The initial appointments must be made as follows:

(1) one member each appointed by the Speaker of the House of Representatives pursuant to subsection (A)(1)(a) and (b) shall serve an initial term of one year and may be reappointed to a following two‑year term;

(2) one member each appointed by the President of the Senate and the Chairman of the Senate Judiciary Committee pursuant to subsection (A)(2)(a) and (b) shall serve an initial term of one year and may be reappointed to a following two‑year term; and

(3) two members appointed by the Governor pursuant to subsection (A)(3) shall serve an initial term of one year and may be reappointed to a following two‑year term.

(D) 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)(E) In making appointments to the commission, race, gender, national origin, and other demographic factors shall be considered to ensure nondiscrimination to the greatest extent possible as to all segments of the population of the State.

(E)(F) A vacancy on the commission must be filled for the remainder of the unexpired term in the same manner as provided for the original selection.

(F)(G) Members of the Judicial Merit Selection Commission serving on the effective date of this act who have served more than four years on the commission are not eligible for appointment to the commission pursuant to the provisions of this act except for the current chairman and vice chairman who can serve a two‑year term but then may not serve a successive term.

(G)(H) 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.

(H)(I) No member of the commission is eligible for nomination and appointment as a judge or justice of the state court system or administrative law court while serving on the commission and for a period of one year thereafter. If a candidate is a family member of a member of the commission, the member must resign. For the purposes of this subsection, “family member” means a spouse, parent, brother, sister, child, step‑child, mother‑in‑law, father‑in‑law, son‑in‑law, daughter‑in‑law, brother‑in‑law, sister‑in‑law, grandparent, or grandchild.

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 South Carolina 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 on July 1, 2025.

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