**South Carolina General Assembly**

126th Session, 2025-2026

**H. 3526**

**STATUS INFORMATION**

Joint Resolution

Sponsors: Rep. Magnuson

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Prefiled in the House on December 5, 2024

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

Summary: Judicial Election Reform

**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/3526_20241205.docx)

A joint Resolution

TO AMEND Sections 3, 8, and 13, ARTICLE V OF THE CONSTITUTION OF SOUTH CAROLINA, 1895, RELATING TO THE election of supreme court justices, court of appeals judges, and circuit court judges, respectively, all SO AS TO PROVIDE THAT they SHALL BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY RATHER THAN BEING ELECTED BY THE GENERAL ASSEMBLY; to amend section 18, article V, relating to vacancies in these judgeships, so as to provide for appointment by the governor upon advice and consent of the general assembly and to delete provisions regarding unexpired terms not exceeding one year; AND TO REPEAL section 27, article v regarding PROVISIONS REQUIRING THE GENERAL ASSEMBLY TO ESTABLISH A JUDICIAL MERIT SCREENING COMMISSION.

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

SECTION 1. It is proposed that Section 3, Article V of the Constitution of this State be amended to read:

Section 3. The members of the Supreme Court shall be elected by a joint public vote of the General Assemblyappointed by the Governor, upon the advice and consent of the General Assembly, for a term of ten years, and shall continue in office until their successors shall be elected and qualifiedappointed and confirmed, and shall be classified so that the term of one of them shall expire every two years. In any contested election, the vote of each member of the General Assembly present and voting shall be recorded.

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 3, Article V of the Constitution of this State, relating to the election of members of the Supreme Court,be amended so as to provide that Supreme Court justices be appointed by the Governor upon the advice and consent of the General Assembly rather than being elected by the General Assembly?

Yes o

No o

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 8, Article V of the Constitution of this State be amended to read:

Section 8. The members of the Court of Appeals shall be elected by a joint public vote of the General Assemblyappointed by the Governor, upon the advice and consent of the General Assembly, for a term of six years and shall continue in office until their successors shall be elected and qualifyappointed and confirmed. In any contested election, the vote of each member of the General Assembly present and voting shall be recorded. Provided, that for the first election of members of the Court of Appeals, the General Assembly shall by law provide for staggered terms.

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 8, Article V of the Constitution of this State, relating to the election of the members of the Court of Appeals,be amended so as to provide that judges of the Court of Appeals be appointed by the Governor upon the advice and consent of the General Assembly rather than being elected by the General Assembly?

Yes o

No o

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 5. It is proposed that Section 13, Article V of the Constitution of this State be amended to read:

Section 13. The General Assembly shall divide the State into judicial circuits of compact and contiguous territory. For each circuit a judge or judges shall be elected by a joint public vote of the General Assembly; provided, that in any contested election, the vote of each member of the General Assembly present and voting shall be recorded. Heappointed by the Governor, upon the advice and consent of the General Assembly. A circuit court judge shall hold office for a term of six years, and at the time of his electionappointment he shall be an elector of a county of, and during his continuance in office he shall reside in, the circuit of which he is judge.

The General Assembly may by law provide for additional circuit judges, to be assigned by the Chief Justice. Such additional circuit judges shall be electedappointed in the same manner and for the same term as provided in the preceding paragraph of this section for other circuit judges, except that residence in a particular county or circuit shall not be a qualification for office.

SECTION 6. 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 13, Article V of the Constitution of this State, relating to the division of the State into circuits and election of circuit court judges,be amended so as to provide that circuit court judges be appointed by the Governor upon the advice and consent of the General Assembly rather than being elected by the General Assembly?

Yes o

No o

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 7. It is proposed that Section 18, Article V of the Constitution of this State be amended to read:

Section 18. All vacancies in the Supreme Court, Court of Appeals, or Circuit Court shall be filled by elections as prescribed in Sections 3, 8, and 13 of this article; provided, that if the unexpired term does not exceed one year such vacancy may be filled by the Governor upon the advice and consent of the General Assembly. When a vacancy is filled by either appointment or election, the incumbent shall hold office only for the unexpired term of his predecessor.

SECTION 8. 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 18, Article V of the Constitution of this State, relating to vacancies in the Supreme Court, Court of Appeals, or Circuit Court,be amended so as to provide for the filling of a vacancy by the Governor upon the advice and consent of the General Assembly, and delete provisions providing the Governor may only make appointments when an unexpired term does not exceed one year?

Yes o

No o

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 9. It is proposed that Section 27, Article V of the Constitution of this State be repealed, which reads:

Section 27. In addition to the qualifications for circuit court and court of appeals judges and Supreme Court justices contained in this article, the General Assembly by law shall establish a Judicial Merit Selection Commission to consider the qualifications and fitness of candidates for all judicial positions on these courts and on other courts of this State which are filled by election of the General Assembly. The General Assembly must elect the judges and justices from among the nominees of the commission to fill a vacancy on these courts.

No person may be elected to these judicial positions unless he or she has been found qualified by the commission. Before a sitting member of the General Assembly may submit an application with the commission for his nomination to a judicial office, and before the commission may accept or consider such an application, the member of the General Assembly must first resign his office and have been out of office for a period established by law. Before a member of the commission may submit an application with the commission for his nomination to a judicial office, and before the commission may accept or consider such an application, the member of the commission must not have been a member of the commission for a period to be established by law.

SECTION 10.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 27, Article V of the Constitution of this State, relating to the Judicial Merit Selection Commission,be amended so as to repeal the provisions requiring the General Assembly to create the Judicial Merit Selection Commission to review all judicial candidates and provide for its operations?

Yes o

No o

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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