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S. 1046 Testimony, House Constitutional Laws Subcommittee

The League of Women Voters of South Carolina (LWVSC) appreciates the opportunity to address this committee. The independence of the judiciary from manipulation by other branches of government is fundamental to the integrity and health of our system of government and the confidence of the public in that system. That has been our focus in developing our position on this bill.

We believe that legislative election of judges is a better system than others available, although the system is far from perfect. However, we also believe that this role requires ensuring that the process minimize legislative intrusions into judicial independence by eliminating unnecessary participation in other aspects of the selection process by legislators, especially membership in the JMSC.

While S. 1046 does not address all of our concerns, especially the need to remove legislators from the JMSC, it represents a significant step forward.

Positive features include:

- The limitation of members of the JMSC to one term,
- Prohibition of General Assembly members acting for candidates prior to release of the JMSC report,
- Expansion of time for legislators to review and consider JMSC reports, and
- The expansion of the number of candidates submitted for consideration by the full General Assembly to six.

Our continuing concerns include:

- The bill does not require House and Senate officers to appoint any members of the public. While in theory they can do so, without a requirement it is realistic to expect a continued majority of legislators on JMSC. Legislators have no superior qualifications for this role and if allowed to serve, should be a minority of JMSC members to help protect judicial independence and increase public credibility.
- Demographic considerations are required only for appointments by the Governor, who accounts for only a third of appointments. A JMSC that is balanced in representation would help ensure a judiciary that has a balanced and informed perspective and deserves public confidence.

We appreciate the substantial effort that has gone into this issue in the past year, and we look forward to changes that will increase confidence in the independence of our judiciary.

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