

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE DRS15115-LBx-139 (3/9)

Short Title: Chief Justice Selection.

(Public)

Sponsors: Senator Clodfelter.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE
FOR THE SELECTION OF THE CHIEF JUSTICE OF THE SUPREME COURT
FROM AMONG THE ASSOCIATE JUSTICES.

The General Assembly of North Carolina enacts:

SECTION 1. Section 6(1) of Article IV of the North Carolina Constitution reads as rewritten:

"(1) Membership. The Supreme Court shall consist of ~~a Chief Justice and six~~
seven Associate Justices, but the General Assembly may increase the number of
Associate Justices to not more than ~~eight~~nine. ~~In the event the Chief Justice is unable,~~
~~on account of absence or temporary incapacity, to perform any of the duties placed upon~~
~~him, the senior Associate Justice available may discharge those duties.~~The General
Assembly shall provide by law for the designation of a Chief Justice from among the
Associate Justices."

SECTION 2. The amendment set out in this act shall be submitted to the
qualified voters of the State at a statewide general election to be held November 8,
2005, which election shall be conducted under the laws then governing elections in the
State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of
the General Statutes. The question to be used in the voting systems and ballots shall be:

"[] FOR [] AGAINST

Constitutional amendment to provide that the Chief Justice of the Supreme
Court shall be designated by the Governor from among the Associate Justices."

SECTION 3. If a majority of the votes cast on the question are in favor of
the amendment set out in this act, the State Board of Elections shall certify the
amendment to the Secretary of State, who shall enroll the amendment so certified
among the permanent records of that office. The amendment becomes effective upon
the next vacancy in the office of Chief Justice.

1 **SECTION 4.** G.S. 7A-10 reads as rewritten:

2 "**§ 7A-10. Organization; compensation of justices.**

3 (a) The Supreme Court shall consist of a ~~Chief Justice and six~~ seven associate
4 justices, elected by the qualified voters of the State for terms of eight years. Before
5 entering upon the duties of his office, each justice shall take an oath of office. Four
6 justices shall constitute a quorum for the transaction of the business of the court. Except
7 as otherwise provided in this subsection, sessions of the court shall be held in the city of
8 Raleigh, and scheduled by rule of court so as to discharge expeditiously the court's
9 business. The court may by rule hold sessions not more than twice annually in the Old
10 Chowan County Courthouse (1767) in the Town of Edenton, which is a State-owned
11 court facility that is designated as a National Historic Landmark by the United States
12 Department of the Interior.

13 (a1) The Governor shall designate one of the associate justices as Chief Justice, to
14 serve in such capacity for the lesser of four years or until the expiration of the term of
15 office that the Associate Justice is holding at the time of designation. If at the expiration
16 of the designation, the Chief Justice has served in that capacity for four consecutive
17 years or more, that person may not again be designated as Chief Justice until the
18 expiration of four more years.

19 (b) The ~~Chief Justice and each of the associate justices~~ justices shall receive the
20 annual salary provided in Current Operations Appropriations Act. Each justice is
21 entitled to reimbursement for travel and subsistence expenses at the rate allowed State
22 employees generally.

23 (c) In lieu of merit and other increment raises paid to regular State employees,
24 the Chief Justice and each of the Associate Justices shall receive as longevity pay an
25 annual amount equal to four and eight-tenths percent (4.8%) of the annual salary set
26 forth in the Current Operations Appropriations Act payable monthly after five years of
27 service, nine and six-tenths percent (9.6%) after 10 years of service, fourteen and
28 four-tenths percent (14.4%) after 15 years of service, and nineteen and two-tenths
29 percent (19.2%) after 20 years of service. "Service" means service as a justice or judge
30 of the General Court of Justice or as a member of the Utilities Commission. Service
31 shall also mean service as a district attorney or as a clerk of superior court."

32 **SECTION 5.** Section 4 of this act becomes effective only if the voters
33 approve the constitutional amendment set out in Section 1 of this act. If the voters
34 approve the constitutional amendment, Section 4 of this act becomes effective upon the
35 next vacancy in the office of Chief Justice.