

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 335

Short Title: Vacancies/NC Sup Ct/Ct of App/Superior Ct/DAs. (Public)

Sponsors: Representatives Burr, K. Hall, Saine, and Bumgardner (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Judiciary I

March 14, 2017

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE MANNER IN WHICH VACANCIES ARE FILLED IN THE OFFICES OF JUSTICE OF THE NORTH CAROLINA SUPREME COURT, JUDGE OF THE NORTH CAROLINA COURT OF APPEALS, JUDGE OF SUPERIOR COURT, AND DISTRICT ATTORNEY.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-9(a) reads as rewritten:

"(a) Vacancies occurring in the offices of Justice of the Supreme Court, judge of the Court of Appeals, and judge of the superior court for causes other than expiration of term shall be filled by appointment of the Governor. When filling a vacancy occurring in the office of Justice of the Supreme Court or judge of the Court of Appeals, the Governor shall appoint from a list of three persons recommended by State executive committee of the political party with which the vacating member was affiliated when elected, if any, if that party executive committee makes recommendations within 30 days of the occurrence of the vacancy. When filling a vacancy occurring in the office of judge of the superior court in a single-county judicial district, the Governor shall appoint from a list of three persons recommended by county executive committee of the political party with which the vacating member was affiliated when elected, if any, if that party executive committee makes recommendations within 30 days of the occurrence of the vacancy. When filling a vacancy occurring in the office of judge of the superior court in a multicounty judicial district, the Governor shall appoint from a list of three persons recommended by district executive committee of the political party with which the vacating member was affiliated when elected, if any, if that party executive committee makes recommendations within 30 days of the occurrence of the vacancy. An appointee to the office of Justice of the Supreme Court or judge of the Court of Appeals shall hold office until January 1 next following the election for members of the General Assembly that is held more than 60 days after the vacancy occurs, at which time an election shall be held for an eight-year term and until a successor is elected and qualified."

SECTION 2. G.S. 163-10 reads as rewritten:

"§ 163-10. Filling vacancy in office of district attorney.

Any vacancy occurring in the office of district attorney for causes other than expiration of term shall be filled by appointment of the Governor. An appointee shall hold his place until the next election for members of the General Assembly that is held more than 60 days after the vacancy occurs, at which time an election shall be held to fill the unexpired term of the office: Provided, that when the unexpired term of the office in which the vacancy has occurred expires on the first



1 day of January succeeding the next election for members of the General Assembly, the Governor
2 shall appoint to fill that vacancy for the unexpired term of the office.

3 The Governor shall appoint from a list of three persons recommended by prosecutorial district
4 committee of the political party with which the vacating member was affiliated when elected, if
5 any, if that prosecutorial district committee makes recommendations within 30 days of the
6 occurrence of the vacancy. The prosecutorial district committee shall consist of at least one
7 member appointed by the county executive committee of that political party from each county
8 included in that prosecutorial district. A county executive committee may elect more than one
9 member to the district committee, but in the event that more than one member is selected from that
10 county, each member shall cast an equal share of the votes allotted to the county."

11 **SECTION 3.** This act is effective when it becomes law and applies to vacancies filled
12 on or after that date.