§ 7A-142. Vacancies in office.

(a) A vacancy in the office of district judge occurring for causes other than expiration of term shall be filled by appointment of the Governor. The appointee shall serve until an election is conducted at the same time as the next election for members of the General Assembly that is more than 60 days after the vacancy occurs, as provided in this section.

(b) An appointee shall hold office as follows:

(1) If the unexpired term of office ends on the first day of January following the next election for members of the General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of office, and the election shall be for a four-year term.

(2) If the unexpired term of office ends on the first day of January two years following the next election for members of the General Assembly, the Governor shall appoint to fill the vacancy until the election is certified, and the election shall be for the unexpired term of office.

(c) Prior to the appointment, the bar of the judicial district, as defined in G.S. 84-19, shall nominate five persons who are residents of the judicial district who are duly authorized to practice law in the district for consideration by the Governor. The nominees shall be selected by vote of only those bar members who reside in the district. In the event fewer than five persons are nominated, upon providing the nominations to the Governor, the bar shall certify that there were insufficient nominations in the district to comply with this section. Prior to filling the vacancy, the Governor shall give due consideration to the nominations provided by the bar of the judicial district.

(d) For any election held under this section, the following shall apply:

(1) If the vacancy occurs prior to the opening of the filing period for the office as provided in G.S. 163-106.2, the election shall be conducted in accordance with the general laws governing elections in Chapter 163 of the General Statutes.

(2) If the vacancy occurs after the opening of the filing period for the office as provided in G.S. 163-106.2, the election shall be conducted in accordance with the general laws governing elections in Chapter 163 of the General Statutes, except for the following:

a. Each political party executive committee for the district in which the vacancy occurs may nominate an individual to be listed on the general election ballots in accordance with G.S. 163-114. This nomination shall occur, and the nomination shall be submitted to the State Board of Elections, within seven calendar days of the vacancy occurring.

b. Individuals seeking to appear on the general election ballots as an unaffiliated candidate shall comply with G.S. 163-122, except that the State Board of Elections shall set the time for the filing of written petitions, provided that the time for filing of written petitions is open for at least three full business days and concludes within seven calendar days of the vacancy occurring.

c. In order to be listed on the general election ballots, individuals who are nominated by a political party executive committee or who file a written petition to appear on the general election ballots as an unaffiliated candidate must submit a statement of economic interest to the State Ethics Commission as required by G.S. 138A-22 no later than 10 calendar days of the vacancy occurring.

d. The State Board of Elections may delay the date by which a county board of elections must make absentee ballots available for voting

pursuant to G.S. 163-227.10 if the timing of the vacancy makes compliance with the 60-day deadline impossible. (1965, c. 310, s. 1; 1975, c. 441; 1981, c. 763, ss. 1, 2; 1985 (Reg. Sess., 1986), c. 1006, s. 1; 1987 (Reg. Sess., 1988), c. 1037, s. 16; c. 1056, s. 7; c. 1086, s. 112(b); 1991, c. 742, s. 16; 1999-237, s. 17.10; 2001-403, s. 2(a); 2002-159, s. 58; 2011-28, s. 2; 2013-387, s. 4; 2021-180, s. 16.6(a); 2022-72, s. 5.2(a); 2022-73, s. 7(a); 2023-46, s. 20(a).)