

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 338

Short Title: District Court Vacancies.

(Public)

Sponsors: Senators Ballance and Carrington.

Referred to: Judiciary II/Election Laws

March 8, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE GOVERNOR MAY FILL DISTRICT COURT VACANCIES BY APPOINTMENT OF ANY LICENSED ATTORNEY WHO IS A RESIDENT OF THE DISTRICT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-142 reads as rewritten:

"§ 7A-142. Vacancies in office.

A vacancy in the office of district judge shall be filled for the unexpired term by appointment of the ~~Governor from~~ Governor. The Governor may appoint any resident of the district court district who is duly authorized to practice law in the district after considering nominations submitted by the bar of the judicial district as defined in G.S. 84-19-84-19 and any nominations submitted by other interested persons or organizations.

If the district court district is comprised of counties in more than one judicial district, the nominees shall be submitted jointly by the bars of those judicial districts, but only those members who reside in the district court district shall participate in the selection of the nominees. If the district court judge was elected as the nominee of a political party, then the district bar shall submit to the Governor the names of not fewer than three persons who are residents of the district court district who are duly authorized to practice law in the district and who are members of the same political party as the vacating judge; provided that if there are not three persons who are available, the bar shall submit the

1 names of two persons who meet the qualifications of this sentence. ~~Within 60 days after the~~
2 ~~district bar submits nominations for a vacancy, the Governor shall appoint to fill the vacancy. If~~
3 ~~the Governor fails to appoint a district bar nominee within 60 days, then the district bar nominee~~
4 ~~who received the highest number of votes from the district bar shall fill the vacancy. If the~~
5 district bar fails to submit nominations within 30 days from the date the vacancy occurs,
6 the Governor may appoint to fill the vacancy without waiting for nominations."

7 Sec. 2. This act is effective upon ratification and applies to all district court
8 vacancies occurring on or after that date.