

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 550

Short Title: Superior Court Electoral Reform.

(Public)

Sponsors: Senator Cooper.

Referred to: Judiciary I/Constitution

April 3, 1995

A BILL TO BE ENTITLED

1 AN ACT TO IMPROVE THE ADMINISTRATION OF JUSTICE AND PROMOTE
2 JUDICIAL ECONOMY AND EFFICIENCY WITHIN THE SUPERIOR COURT
3 DIVISION OF THE GENERAL COURT OF JUSTICE BY PROVIDING FOR
4 FULL EIGHT-YEAR TERMS OF OFFICE WHEN VACANCIES ARISE AND AN
5 ELECTION IS HELD OTHER THAN AT THE EXPIRATION OF THE PRIOR
6 TERM.
7

8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 163-9 reads as rewritten:

10 **"§ 163-9. Filling vacancies in State and district judicial offices.**

11 Vacancies occurring in the offices of Justice of the Supreme Court, judge of the Court
12 of Appeals, and judge of the superior court for causes other than expiration of term shall
13 be filled by appointment of the Governor. An appointee to the office of judge of superior
14 court shall hold office until January 1 next following the election for members of the
15 General Assembly that is held more than 60 days after the vacancy occurs, at which time
16 an election shall be held for an eight-year term and until a successor is elected and
17 qualified. An appointee to the office of Justice of the Supreme Court or judge of the
18 Court of Appeals shall hold his place until the next election for members of the General
19 Assembly that is held more than 60 days after the vacancy occurs, at which time an
20 election shall be held to fill the unexpired term of the office: ~~Provided, that when office.~~

1 When the unexpired term of the office in which the vacancy has occurred expires on the
2 first day of January succeeding the next election for members of the General Assembly,
3 the Governor shall appoint to fill that vacancy for the unexpired term of the office.

4 Vacancies in the office of district judge which occur before the expiration of a term
5 shall not be filled by election. Vacancies in the office of district judge shall be filled in
6 accordance with G.S. 7A-142."

7 Sec. 2. If any provision of this act is held invalid by a court of competent
8 jurisdiction, such holding shall invalidate the remaining provisions of this act, so that its
9 provisions are inseparable.

10 Sec. 3. This act is effective upon ratification and applies to vacancies
11 occurring on or after that date.