

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 550

Judiciary I/Constitution Committee Substitute Adopted 5/10/95

Short Title: Superior Court Electoral Reform.

(Public)

Sponsors:

Referred to:

April 3, 1995

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

(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. Except for judges specified in subsection (b) of this section, an appointee shall hold his place the office 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 office. When the unexpired term of the office in which the vacancy has occurred expires on the first day of January succeeding the next election for

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

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

6 (b) Appointees for judges of the superior court from any district:

7 (1) With only one resident judge; or

8 (2) In which no county is subject to section 5 of the Voting Rights Act of  
9 1965,

10 shall hold the office until the next election of members of the General Assembly that is  
11 held more than 60 days after the vacancy occurs, at which time an election shall be held  
12 to fill an eight-year term."

13 Sec. 2. If any provision of this act is held invalid by a court of competent  
14 jurisdiction, or is unenforceable under section 5 of the Voting Rights Act of 1965, the  
15 invalidity does not affect other provisions of this act that can be given effect without the  
16 invalid provision.

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