

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 12
Judiciary I Committee Substitute Adopted 4/26/99
Third Edition Engrossed 4/27/99
Corrected Copy 4/28/99
House Committee Substitute Favorable 6/22/99

Short Title: Judicial App./Voter Retention.

(Public)

Sponsors:

Referred to:

January 28, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR GUBERNATORIAL APPOINTMENT OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS AND RETENTION BY VOTE OF THE PEOPLE.

The General Assembly of North Carolina enacts:

Section 1. Section 16 of Article IV of the North Carolina Constitution reads as rewritten:

~~"Sec. 16. Terms of office and election of Justices of the Supreme Court, Judges of the Court of Appeals, and Judges of the Superior Court. Selection and tenure of Justices of the Supreme Court and Judges of the Court of Appeals; election of Judges of the Superior Court.~~

~~Justices of the Supreme Court, Judges of the Court of Appeals, and regular (1) Judges of the Superior Court shall be elected by the qualified voters and shall hold office for terms of eight years and until their successors are elected and qualified. Justices of the Supreme Court and Judges of the Court of Appeals shall be elected by the qualified~~

~~voters of the State.—Regular Judges of the Superior Court may shall be elected by the qualified voters of the State or by the voters of their respective districts, as the General Assembly may prescribe. districts.~~

(2) Appointment, retention election, and terms of justices and judges of the Appellate Division. On and after January 1, 2001, when a vacancy occurs in the office of Chief Justice, Associate Justice, or Judge of the Appellate Division, the Governor shall appoint a person to fill the vacancy. For the purposes of this section, creation of a new judgeship within the Appellate Division creates a vacancy.

The term of office by appointment as Chief Justice, Associate Justice, or Judge of the Appellate Division extends through December 31 after the next statewide election for members of the General Assembly that is held more than 18 months after the appointment. At that election, a person holding by appointment the office of Chief Justice, Associate Justice, or Judge of the Appellate Division who desires to continue in office shall be subject to approval by nonpartisan ballot, by a majority of the votes cast on the issue of the Justice's or Judge's retention. A Chief Justice, Associate Justice, or Judge of the Appellate Division then approved for retention serves a regular term.

The regular term of office of the Chief Justice, Associate Justices, and Judges of the Appellate Division is eight years and expires on December 31.

A Chief Justice, Associate Justice, or Judge of the Appellate Division who desires to continue in office shall be subject to approval by nonpartisan ballot, by a majority of the votes cast on the issue of the Justice's or Judge's retention during the next general election preceding December 31 of the year that the Justice's or Judge's eight-year term would expire.

If the voters fail to approve the retention in office of a Chief Justice, Associate Justice, or Judge of the Appellate Division serving an appointed or regular term, the office shall become vacant at the end of the term of office, and it shall be filled by appointment as prescribed in this section.

Voting in a retention election on the Chief Justice, Associate Justices, and Judges of the Appellate Division shall be the qualified voters of the whole State.

(3) Transition provisions. A person elected before January 1, 2001, to the office of Chief Justice, Associate Justice, or Judge of the Appellate Division for a term which extends beyond January 1, 2001, and who is in office on January 1, 2001, may continue to serve for the remainder of the term. That person may stand for retention in the office for a succeeding regular term as provided in this section, subject to the provisions of G.S. 7A-4.20. If the person continues to serve for the remainder of the term but does not stand for retention election, a vacancy is created in the office upon expiration of the term, and this vacancy shall be filled by appointment as provided in this section.

The term of office of a person who has been appointed before January 1, 2001, to the office of Chief Justice, Associate Justice, or Judge of the Appellate Division for a term which extends beyond January 1, 2001, and who is in office on January 1, 2001, shall end on December 31, 2002. If the person so appointed continues to serve for the remainder of the term, that person may stand for retention in the office for a regular term as provided

1 by this section at the statewide election for members of the General Assembly held in
2 2002.

3 Upon the death, resignation, removal, or retirement of any incumbent Justice or Judge
4 on or after January 1, 2001, and before the expiration of the Justice's or Judge's term of
5 office, the resulting vacancy shall be filled by appointment as provided in this section.

6 Vacancies in judicial offices in the Appellate Division occurring before January 1,
7 2001, and not filled by that date shall be filled by appointment as provided in this section.

8 From the date any incumbent described in this subsection is continued in office by
9 retention vote for a term next succeeding the term in progress on January 1, 2001, or is
10 succeeded in office by another person, the office is held subject to the provisions of this
11 section.

12 (4) The General Assembly may implement this section by general law."

13 Section 2. The amendment set out in Section 1 of this act shall be submitted to
14 the qualified voters of the State at the general election in November 2000, which election
15 shall be conducted under the laws then governing elections in the State. Ballots, voting
16 systems, or both may be used in accordance with Chapter 163 of the General Statutes.

17 **"[] FOR [] AGAINST**

18 Constitutional amendment to replace the present practice of partisan election of
19 justices and judges of the Appellate Division with a method by which justices and judges
20 of the Appellate Division will be appointed by the Governor and then serve for limited
21 terms after which the question of the justice's or judge's retention in office is regularly
22 submitted for approval or disapproval by nonpartisan vote of the people at general
23 elections."

24 Section 3. If a majority of votes cast on the question are in favor of the
25 amendment set out in Section 1 of this act, the State Board of Elections shall certify the
26 amendment to the Secretary of State. The amendment becomes effective upon this
27 certification. The Secretary of State shall enroll the amendment so certified among the
28 permanent records of that office.

29 Section 3.1. Chapter 7A of the General Statutes is amended by adding a new
30 Article to read:

31 **"ARTICLE 1A.**

32 **"APPOINTMENT OF JUSTICES AND JUDGES;**
33 **RETENTION ELECTIONS.**

34 **"§ 7A-4.1. Appointment of justices and judges by Governor.**

35 The offices of Chief Justice and Justice of the Supreme Court and Judge of the Court
36 of Appeals are filled by appointment by the Governor in accordance with Section 16 of
37 Article IV of the Constitution.

38 **"§ 7A-4.2. Governor to issue commissions to justices and judges.**

39 Every person appointed by the Governor as Chief Justice of the Supreme Court,
40 Associate Justice of the Supreme Court, or Judge of the Court of Appeals shall procure
41 from the Governor a commission attesting that fact.

1 When a judge is retained in office by vote of the people, the Governor shall issue a
2 commission attesting that fact, which the Governor shall issue upon receipt of a
3 certification by the Secretary of State of the results of the election.

4 **"§ 7A-4.3. No elections in 2001.**

5 No partisan election as previously provided by law for Chief Justice or Associate
6 Justice of the Supreme Court, or Judge of the Court of Appeals shall be held in 2001 or
7 thereafter.

8 **"§ 7A-4.4. Retention elections.**

9 (a) As provided by Section 16 of Article IV of the Constitution of North Carolina,
10 a Chief Justice or Associate Justice of the Supreme Court or Judge of the Court of
11 Appeals desiring to continue in office shall be subject to approval by nonpartisan ballot,
12 by a majority of votes cast on the issue of the justice's or judge's retention.

13 (b) A person subject to subsection (a) of this section shall indicate the desire to
14 continue in office by filing a notice to that effect with the State Board of Elections no
15 later than 12:00 noon on the first business day of July in the year of the election. The
16 notice shall be on a form approved by the State Board of Elections. Notice can be
17 withdrawn at any time prior to the deadline for filing notice under this subsection.

18 (c) Retention elections shall be conducted and canvassed in accordance with rules
19 of the State Board of Elections in the same general manner as general elections under
20 Chapter 163 of the General Statutes, except that the retention election is nonpartisan. The
21 form of the ballot shall be determined by the State Board of Elections.

22 (d) Retention elections shall be placed at the top of the ballot above all other
23 elections or matters for decision, whether partisan, nonpartisan, or otherwise.

24 (e) If a person who has filed a notice calling a retention election dies or is removed
25 from office prior to the time that the ballots are printed, the retention election is
26 cancelled. If a person who has filed a notice calling a retention election dies or is
27 removed from office after the ballots are printed, the State Board of Elections may cancel
28 the election if it determines that the ballots can be reprinted without significant expense.
29 If the ballots cannot be reprinted, then the results of the election shall be ineffective.

30 **"§ 7A-4.5. Filing fees; refunds.**

31 A person filing a notice to continue in office shall pay to the State Board of Elections
32 at the time of filing a filing fee in the amount of one percent (1%) of the annual salary of
33 the office sought. If any person who has filed a notice under this section and paid the
34 filing fee withdraws his or her notice prior to the date on which the right to file for that
35 office expires, he or she shall be entitled to have the fee refunded. The chairman of the
36 State Board of Elections shall cause a warrant to be drawn on the State Treasurer for the
37 refund payment. If any person who has filed a notice under this section and paid the filing
38 fee dies prior to the date of the election, the personal representative of the estate shall be
39 entitled to have the fee refunded if application is made to the State Board of Elections no
40 later than one year after the date of death, and refund shall be made in the same manner
41 as in withdrawal of candidacy."

42 Section 3.2. G.S. 163-140(a) reads as rewritten:

1 "(a) Kinds of General Election Ballots; Right to Combine. – For purposes of
2 general elections, there shall be seven kinds of official ballots entitled:

- 3 (1) Ballot for presidential electors
- 4 (2) Ballot for United States Senator
- 5 (3) Ballot for member of the United States House of Representatives
- 6 (4) State ballot
- 7 (5) County ballot
- 8 (6) Repealed by Session Laws 1973, c. 793, s. 56.
- 9 (7) Ballot for constitutional amendments and other propositions submitted
10 to the people
- 11 (8) Judicial ballot for superior court.

12 Use of official ballots shall be limited to the purposes indicated by their titles. The
13 printing on all ballots shall be plain and legible but, unless large type is specified by this
14 section, type larger than 10-point shall not be used in printing ballots. All general election
15 ballots shall be prepared in such a way as to leave sufficient blank space beneath each
16 name printed thereon in which a voter may conveniently write the name of any person for
17 whom he may desire to vote.

18 Unless prohibited by this section, the board of elections, State or county, charged by
19 law with printing ballots may, in its discretion, combine any two or more official ballots.
20 Whenever two or more ballots are combined, the voting instructions for the State ballot
21 set out in subsection (b)(4) of this section shall be used, except that if the two ballots
22 being combined do not contain a multi-seat race, then the second sentence of instruction
23 b. shall not appear on the ballot.

24 Contests in the general election for seats in the State House of Representatives and
25 State Senate shall be on ballots that are separate from ballots containing non-legislative
26 contests, except where the voting system used makes separation of ballots impractical.
27 State House and State Senate contests shall be on the same ballot, unless one is a single-
28 seat contest and the other a multi-seat contest.

29 ~~All candidates for the Appellate Division shall appear on the same ballot."~~

30 Section 3.3. For the purpose of Section 1 of this act, terms of justices and
31 judges covered by Section 2 of Chapter 98 of the 1995 Session Laws are as provided by
32 that act.

33 Section 3.4. G.S. 7A-10(a) reads as rewritten:

34 "(a) The Supreme Court shall consist of a Chief Justice and six associate justices,
35 ~~elected by the qualified voters of the State for terms of eight years~~selected as provided by
36 Article 1A of this Chapter. Before entering upon the duties of his office, each justice shall
37 take an oath of office. Four justices shall constitute a quorum for the transaction of the
38 business of the court. Sessions of the court shall be held in the city of Raleigh, and
39 scheduled by rule of court so as to discharge expeditiously the court's business. The
40 court may by rule hold sessions not more than twice annually in the Old Chowan County
41 Courthouse (1767) in the Town of Edenton, which is a State-owned court facility that is
42 designated as a National Historic Landmark by the United States Department of the
43 Interior."

1 Section 3.5. G.S. 7A-16 reads as rewritten:

2 **"§ 7A-16. Creation and organization.**

3 ~~The Court of Appeals is created effective January 1, 1967. It shall consist initially of~~
4 ~~six judges, elected by the qualified voters of the State for terms of eight years. The Chief~~
5 ~~Justice of the Supreme Court shall designate one of the judges as Chief Judge, to serve in~~
6 ~~such capacity at the pleasure of the Chief Justice. Before entering upon the duties of his~~
7 ~~office, a judge of the Court of Appeals shall take the oath of office prescribed for a judge~~
8 ~~of the General Court of Justice.~~

9 ~~The Governor on or after July 1, 1967, shall make temporary appointments to the six~~
10 ~~initial judgeships. The appointees shall serve until January 1, 1969. Their successors shall~~
11 ~~be elected at the general election for members of the General Assembly in November,~~
12 ~~1968, and shall take office on January 1, 1969, to serve for the remainder of the~~
13 ~~unexpired term which began on January 1, 1967.~~

14 ~~Upon the appointment of at least five judges, and the designation of a Chief Judge, the~~
15 ~~court is authorized to convene, organize, and promulgate, subject to the approval of the~~
16 ~~Supreme Court, such supplementary rules as it deems necessary and appropriate for the~~
17 ~~discharge of the judicial business lawfully assigned to it.~~

18 ~~Effective January 1, 1969, the number of judges is increased to nine, and the~~
19 ~~Governor, on or after March 1, 1969, shall make temporary appointments to the~~
20 ~~additional judgeships thus created. The appointees shall serve until January 1, 1971.~~
21 ~~Their successors shall be elected at the general election for members of the General~~
22 ~~Assembly in November, 1970, and shall take office on January 1, 1971, to serve for the~~
23 ~~remainder of the unexpired term which began on January 1, 1969.~~

24 ~~Effective January 1, 1977, the number of judges is increased to 12; and the Governor,~~
25 ~~on or after July 1, 1977, shall make temporary appointments to the additional judgeships~~
26 ~~thus created. The appointees shall serve until January 1, 1979. Their successors shall be~~
27 ~~elected at the general election for members of the General Assembly in November, 1978,~~
28 ~~and shall take office on January 1, 1979, to serve the remainder of the unexpired term~~
29 ~~which began on January 1, 1977.~~

30 The Court of Appeals shall consist of 12 judges, selected as provided in Article 1A of
31 this Chapter. The Chief Justice of the Supreme Court shall designate one of the judges as
32 Chief Judge to serve in such capacity at the pleasure of the Chief Justice. Before entering
33 upon the duties of his office, a judge of the Court of Appeals shall take the oath of office
34 prescribed for a judge of the General Court of Justice.

35 The Court of Appeals shall sit in panels of three judges each. The Chief Judge insofar
36 as practicable shall assign the members to panels in such fashion that each member sits a
37 substantially equal number of times with each other member. He shall preside over the
38 panel of which he is a member, and shall designate the presiding judge of the other panel
39 or panels.

40 Three judges shall constitute a quorum for the transaction of the business of the court,
41 except as may be provided in G.S. 7A-32.

42 In the event the Chief Judge is unable, on account of absence or temporary incapacity,
43 to perform the duties placed upon him as Chief Judge, the Chief Justice shall appoint an

1 acting Chief Judge from the other judges of the Court, to temporarily discharge the duties
2 of Chief Judge."

3 Section 3.6. G.S. 163-106(c) reads as rewritten:

4 "(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary
5 nominations for the following offices shall file their notice of candidacy with the State
6 Board of Elections no earlier than 12:00 noon on the first Monday in January and no later
7 than 12:00 noon on the first Monday in February preceding the primary:

8 Governor

9 Lieutenant Governor

10 All State executive officers

11 ~~Justices of the Supreme Court, Judges of the Court of Appeals~~

12 Judges of the district courts

13 United States Senators

14 Members of the House of Representatives of the United States

15 District attorneys

16 Candidates seeking party primary nominations for the following offices shall file their
17 notice of candidacy with the county board of elections no earlier than 12:00 noon on the
18 first Monday in January and no later than 12:00 noon on the first Monday in February
19 preceding the primary:

20 State Senators

21 Members of the State House of Representatives

22 All county offices."

23 Section 3.7. G.S. 163-106(d) reads as rewritten:

24 "(d) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any primary
25 in which there are ~~two or more vacancies for Chief Justice and associate justices of the~~
26 ~~Supreme Court, two or more vacancies for judge of the Court of Appeals, or two~~
27 ~~vacancies for United States Senator from North Carolina or two or more vacancies for the~~
28 office of district court judge to be filled by nominations, each candidate shall, at the time
29 of filing notice of candidacy, file with the State Board of Elections a written statement
30 designating the vacancy to which he seeks nomination. Votes cast for a candidate shall be
31 effective only for his nomination to the vacancy for which he has given notice of
32 candidacy as provided in this subsection.

33 A person seeking party nomination for a specialized district judgeship established
34 under G.S. 7A-147 shall, at the time of filing notice of candidacy, file with the State
35 Board of Elections a written statement designating the specialized judgeship to which he
36 seeks nomination."

37 Section 3.8. G.S. 163-107(a) reads as rewritten:

38 "(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate
39 shall pay to the board of elections with which he files under the provisions of G.S. 163-
40 106 a filing fee for the office he seeks in the amount specified in the following tabulation:

41 Office Sought Amount of Filing Fee

42

43 Governor One percent (1%) of the annual

1		salary of the office sought
2	Lieutenant Governor	One percent (1%) of the annual
3		salary of the office sought
4	All State executive offices	One percent (1%) of the annual
5		salary of the office sought
6	All Justices, Judges, and	One percent (1%) of the annual
7	salary of the office sought	
8		
9	<u>District Court Judges,</u>	
10	District Attorneys of the	
11	General Court of Justice	
12	—other than Superior Court Judge	
13	United States Senator	One percent (1%) of the annual
14		salary of the office sought
15	Members of the United States	One percent (1%) of the annual
16	House of Representatives	salary of the office sought
17	State Senator	One percent (1%) of the annual
18		salary of the office sought
19	Member of the State House of	One percent (1%) of the annual
20	Representatives	salary of the office sought
21	All county offices not	One percent (1%) of the annual
22	compensated by fees	salary of the office sought
23	County commissioners, if	Ten dollars (\$10.00)
24	compensated entirely by fees	
25	Members of county board of	Five dollars (\$5.00)
26	education, if compensated	
27	entirely by fees	
28	Sheriff, if compensated	Forty dollars (\$40.00), plus one
29	entirely by fees	percent (1%) of the income of the
30		office above four thousand
31		dollars (\$4,000)
32	Clerk of superior court, if	Forty dollars (\$40.00), plus one
33	compensated entirely by fees	percent (1%) of the income of the
34		office above four thousand
35		dollars (\$4,000)
36	Register of deeds, if	Forty dollars (\$40.00), plus one
37	compensated entirely by fees	percent (1%) of the income of the
38		office above four thousand
39		dollars (\$4,000)
40	Any other county office, if	Twenty dollars (\$20.00), plus one
41	compensated entirely by fees	percent (1%) of the income of the
42		office above two thousand dollars
43		(\$2,000)

1 All county offices compensated One percent (1%) of the first
2 partly by salary and partly annual salary to be received
3 by fees (exclusive of fees)."Section 3.9. G.S. 163-107.1(b) reads as rewritten:

4 "(b) If the candidate is seeking the office of United States Senator, Governor,
5 Lieutenant Governor, or any State executive officer, Justice of the Supreme Court or
6 ~~Judge of the Court of Appeals~~, the petition must be signed by 10,000 registered voters
7 who are members of the political party in whose primary the candidate desires to run,
8 except that in the case of a political party as defined by G.S. 163-96(a)(2) which will be
9 making nominations by primary election, the petition must be signed by ten percent
10 (10%) of the registered voters of the State who are affiliated with the same political party
11 in whose primary the candidate desires to run, or in the alternative, the petition shall be
12 signed by no less than 10,000 registered voters regardless of the voter's political party
13 affiliation, whichever requirement is greater. The petition must be filed with the State
14 Board of Elections not later than 12:00 noon on Monday preceding the filing deadline
15 before the primary in which he seeks to run. The names on the petition shall be verified
16 by the board of elections of the county where the signer is registered, and the petition
17 must be presented to the county board of elections at least 15 days before the petition is
18 due to be filed with the State Board of Elections. When a proper petition has been filed,
19 the candidate's name shall be printed on the primary ballot."

20 Section 3.10. G.S. 163-111(c)(1) reads as rewritten:

21 "(1) A candidate who is apparently entitled to demand a second primary,
22 according to the unofficial results, for one of the offices listed below,
23 and desiring to do so, shall file a request for a second primary in writing
24 or by telegram with the Executive Secretary-Director of the State Board
25 of Elections no later than 12:00 noon on the seventh day (including
26 Saturdays and Sundays) following the date on which the primary was
27 conducted, and such request shall be subject to the certification of the
28 official results by the State Board of Elections. If the vote certification
29 by the State Board of Elections determines that a candidate who was not
30 originally thought to be eligible to call for a second primary is in fact
31 eligible to call for a second primary, the Executive Secretary-Director of
32 the State Board of Elections shall immediately notify such candidate
33 and permit him to exercise any options available to him within a 48-
34 hour period following the notification:

35 Governor,

36 Lieutenant Governor,

37 All State executive officers,

38 ~~Justices, Judges, or District Court Judges or District~~

39 Attorneys of the General Court of Justice, other than
40 superior court judge,

41 United States Senators,

42 Members of the United States House of

43 Representatives,

1 State Senators in multi-county senatorial
2 districts, and
3 Members of the State House of Representatives
4 in multi-county representative districts."

5 Section 3.11. G.S. 163-177 reads as rewritten:

6 **"§ 163-177. Disposition of duplicate abstracts.**

7 Within six hours after the returns of a primary or election have been canvassed and
8 the results judicially determined, the chairman of the county board of elections shall mail,
9 or otherwise deliver, to the State Board of Elections the duplicate-original abstracts
10 prepared in accordance with G.S. 163-176 for all offices and referenda for which the
11 State Board of Elections is required to canvass the votes and declare the results including:

12 President and Vice-President of the United States

13 Governor, Lieutenant Governor, and all other State executive officers

14 United States Senators

15 Members of the House of Representatives of the United States Congress

16 ~~Justices, Judges, and Superior Court Judges, District Court Judges, and District~~

17 Attorneys of the General Court of Justice

18 State Senators in multi-county senatorial districts

19 Members of the State House of Representatives in multi-county representative
20 districts

21 Constitutional amendments and propositions submitted to the voters of the State.

22 One duplicate abstract prepared in accordance with G.S. 163-176 for all offices and
23 referenda for which the county board of elections is required to canvass the votes and
24 declare the results (and which are listed below) shall be retained by the county board,
25 which shall forthwith publish and declare the results; the second duplicate abstract shall
26 be mailed to the chairman of the State Board of Elections, to the end that there be one set
27 of all primary and election returns available at the seat of government.

28 All county offices

29 State Senators in single-county senatorial districts

30 Members of the State House of Representatives in single-county representative
31 districts

32 Propositions submitted to the voters of one county.

33 If the chairman of the county board of elections fails or neglects to transmit duplicate
34 abstracts to the chairman of the State Board of Elections within the time prescribed in this
35 section, he shall be guilty of a misdemeanor. Provided, that the penalty shall not apply if
36 the chairman was prevented from performing the prescribed duty because of sickness or
37 other unavoidable delay, but the burden of proof shall be on the chairman to show that his
38 failure to perform was due to sickness or unavoidable delay."

39 Section 3.12. G.S. 163-192 reads as rewritten:

40 **"§ 163-192. State Board of Elections to prepare abstracts and declare results of**
41 **primaries and elections.**

42 (a) After Primary. – At the conclusion of its canvass of the primary election, the
43 State Board of Elections shall prepare separate abstracts of the votes cast:

- 1 (1) For Governor and all State officers, ~~justices of the Supreme Court,~~
2 ~~judges of the Court of Appeals,~~ and United States Senators.
- 3 (2) For members of the United States House of Representatives for the
4 several congressional districts in the State.
- 5 (3) For district court judges for the several district court districts in the
6 State.
- 7 (3a) For superior court judges for the several superior court districts in the
8 State.
- 9 (4) For district attorney in the several prosecutorial districts in the State.
- 10 (5) For State Senators in the several senatorial districts in the State
11 composed of more than one county.
- 12 (6) For members of the State House of Representatives in the several
13 representative districts in the State composed of more than one county.

14 Abstracts prepared by the State Board of Elections under this subsection shall state
15 the total number of votes cast for each candidate of each political party for each of the
16 various offices canvassed by the State Board of Elections. They shall also state the name
17 or names of the person or persons whom the State Board of Elections shall ascertain and
18 judicially determine by the count to be nominated for each office.

19 Abstracts prepared under this subsection shall be signed by the members of the State
20 Board of Elections in their official capacity and shall have the great seal of the State
21 affixed thereto.

22 (b) After General Election. – At the conclusion of its canvass of the general
23 election, the State Board of Elections shall prepare abstracts of the votes cast:

- 24 (1) For President and Vice-President of the United States, when an election
25 is held for those offices.
- 26 (2) For Governor and all State officers, ~~justices of the Supreme Court,~~
27 ~~judges of the Court of Appeals,~~ and United States Senators.
- 28 (3) For members of the United States House of Representatives for the
29 several congressional districts in the State.
- 30 (4) For district court judges for the several district court districts as defined
31 in G.S. 7A-133 in the State.
- 32 (4a) For superior court judges for the several superior court districts in the
33 State.
- 34 (5) For district attorney in the several prosecutorial districts in the State.
- 35 (6) For State Senators in the several senatorial districts in the State
36 composed of more than one county.
- 37 (7) For members of the State House of Representatives in the several
38 representative districts in the State composed of more than one county.
- 39 (8) For and against any constitutional amendments or propositions
40 submitted to the people.

41 Abstracts prepared by the State Board of Elections under this subsection shall state
42 the names of all persons voted for, the office for which each received votes, and the
43 number of legal ballots cast for each candidate for each office canvassed by the State

1 Board of Elections. They shall also state the name or names of the person or persons
2 whom the State Board of Elections shall ascertain and judicially determine by the count
3 to be elected to each office.

4 Abstracts prepared under this subsection shall be signed by the members of the State
5 Board of Elections in their official capacity and shall have the great seal of the State
6 affixed thereto.

7 (c) Disposition of Abstracts of Returns. – The State Board of Elections shall file
8 with the Secretary of State the original abstracts of returns prepared by it under the
9 provisions of subsections (a) and (b) of this section, and also the duplicate county
10 abstracts transmitted to the State Board of Elections under the provisions of G.S. 163-
11 177. Upon the request of the Legislative Services Office, the Secretary of State shall
12 submit a copy of the original abstracts to that Office."

13 Section 3.13. G.S. 163-194 reads as rewritten:

14 **"§ 163-194. Governor to issue commissions to certain elected officials.**

15 Every person duly elected to one of the offices listed below, upon obtaining a
16 certificate of his election from the Secretary of State under the provisions of G.S. 163-
17 193, shall procure from the Governor a commission attesting his election to the specified
18 office, which the Governor shall issue upon production of the Secretary of State's
19 certificate:

20 Members of the United States House of Representatives,

21 ~~Justices, Judges, and Superior Court Judges, District Court Judges, and District~~
22 ~~Attorneys of the General Court of Justice."~~

23 Section 3.14. G.S. 163-1 is amended in the table by deleting the entries for
24 "Justices and Judges of the Appellate Division".

25 Section 3.15. G.S. 163-9 reads as rewritten:

26 **"§ 163-9. Filling vacancies in State and district judicial offices.**

27 (a) Vacancies occurring in the ~~offices of Justice of the Supreme Court, judge of~~
28 ~~the Court of Appeals, and office of judge of the superior court~~ for causes other than
29 expiration of term shall be filled by appointment of the Governor. An appointee to the
30 office of Justice of the Supreme Court or judge of the Court of Appeals shall hold office
31 until January 1 next following the election for members of the General Assembly that is
32 held more than 60 days after the vacancy occurs, at which time an election shall be held
33 for an eight-year term and until a successor is elected and qualified.

34 (b) Except for judges specified in the next paragraph of this subsection, an
35 appointee to the office of judge of superior court shall hold his place until the next
36 election for members of the General Assembly that is held more than 60 days after the
37 vacancy occurs, at which time an election shall be held to fill the unexpired term of the
38 office.

39 Appointees for judges of the superior court from any district:

40 (1) With only one resident judge; or

41 (2) In which no county is subject to section 5 of the Voting Rights Act of
42 1965,

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

4 (c) When the unexpired term of the office in which the vacancy has occurred
5 expires on the first day of January succeeding the next election for members of the
6 General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term
7 of the office.

8 (d) Vacancies in the office of district judge which occur before the expiration of a
9 term shall not be filled by election. Vacancies in the office of district judge shall be filled
10 in accordance with G.S. 7A-142."

11 Section 3.16. Sections 3.1 through 3.15 of this act are effective only if the
12 constitutional amendment proposed by Section 1 of this act is approved by the qualified
13 voters in accordance with Section 2 of this act.

14 Section 4. This act is effective when it becomes law.