

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

FILED SENATE
Mar 14, 2013
S.B. 333
PRINCIPAL CLERK

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SENATE DRS75171-LL-87 (03/04)

Short Title: Limit Eligibility For Judicial Appointments. (Public)

Sponsors: Senator Rabon (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE THAT PERSONS WHO WERE UNSUCCESSFUL CANDIDATES
3 FOR A JUDICIAL OFFICE IN THE MOST RECENT GENERAL ELECTION SHALL
4 NOT BE APPOINTED TO SPECIAL SUPERIOR COURT JUDGESHIPS AND SHALL
5 NOT BE NOMINEES FOR APPOINTMENT BY THE GOVERNOR TO FILL
6 VACANCIES IN DISTRICT COURT JUDGESHIPS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 7A-45.1 is amended by adding a new subsection to read:

9 "(a8) No special superior court judge appointed by the Governor on or after July 1, 2013,
10 shall be a person who was an unsuccessful candidate for any judicial office in the most recent
11 general election."

12 **SECTION 2.** G.S. 7A-142 reads as rewritten:

13 **"§ 7A-142. Vacancies in office.**

14 A vacancy in the office of district judge shall be filled for the unexpired term by
15 appointment of the Governor from nominations submitted by the bar of the judicial district as
16 defined in G.S. 84-19, except that in judicial District 9, when vacancies occur in District Court
17 District 9 or 9B, only those members who reside in the district court district shall participate in
18 the selection of the nominees. When vacancies occur in District Court District 18, all members
19 who reside in the district court district shall participate in the selection of the nominees. If the
20 district court district is comprised of counties in more than one judicial district, the nominees
21 shall be submitted jointly by the bars of those judicial districts, but only those members who
22 reside in the district court district shall participate in the selection of the nominees. If the
23 district court judge was elected as the nominee of a political party, then the district bar shall
24 submit to the Governor the names of three persons who are residents of the district court district
25 who are duly authorized to practice law in the ~~district and~~ district, who are members of the
26 same political party as the vacating ~~judge;~~ judge, and who were not unsuccessful candidates for
27 any judicial office in the most recent general election; provided that if there are not three
28 persons who are available, the bar shall submit the names of two persons who meet the
29 qualifications of this sentence. If the district court judge was not elected as the nominee of a
30 political party, then the district bar shall submit to the Governor the names of three persons
31 who are residents of the district court ~~district and~~ district, who are duly authorized to practice
32 law in the ~~district;~~ district, and who were not unsuccessful candidates for any judicial office in
33 the most recent general election; provided that if there are not three persons who are available,
34 the bar shall submit the names of two persons who meet the qualifications of this sentence.
35 Within 60 days after the district bar submits nominations for a vacancy, the Governor shall
36 appoint to fill the vacancy. If the Governor fails to appoint a district bar nominee within 60



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1 days, then the district bar nominee who received the highest number of votes from the district
2 bar shall fill the vacancy. If the district bar fails to submit nominations within 30 days from the
3 date the vacancy occurs, the Governor may appoint to fill the vacancy without waiting for
4 nominations."

5 **SECTION 3.** This act becomes effective July 1, 2013.