

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 333

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

Sponsors: Senators Rabon (Primary Sponsor); and Goolsby.

Referred to: Rules and Operations of the Senate.

March 19, 2013

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

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

SECTION 2. 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 nominations submitted by the bar of the judicial district as defined in G.S. 84-19, except that in judicial District 9, when vacancies occur in District Court District 9 or 9B, only those members who reside in the district court district shall participate in the selection of the nominees. When vacancies occur in District Court District 18, all members who reside in the district court district shall participate in the selection of the nominees. 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 three persons who are residents of the district court district who are duly authorized to practice law in the ~~district and district~~, who are members of the same political party as the vacating ~~judge; judge,~~ and who were not unsuccessful candidates for any judicial office in the most recent general election; provided that if there are not three persons who are available, the bar shall submit the names of two persons who meet the qualifications of this sentence. If the district court judge was not elected as the nominee of a political party, then the district bar shall submit to the Governor the names of three persons who are residents of the district court ~~district and district~~, who are duly authorized to practice law in the ~~district; district,~~ and who were not unsuccessful candidates for any judicial office in the most recent general election; provided that if there are not three persons who are available, the bar shall submit the names of two persons who meet the qualifications of this sentence. Within 60 days after the district bar submits nominations for a vacancy, the Governor shall 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.