

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

1

HOUSE BILL 213

Short Title: Amend Constitution/Judicial Experience. (Public)

Sponsors: Representatives Stevens, Bryan, Floyd, and D. Hall (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Rules, Calendar, and Operations of the House.

March 12, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT CANDIDATES FOR
3 JUDGESHIPS MUST HAVE AT LEAST FIVE YEARS' EXPERIENCE AS LICENSED
4 ATTORNEYS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 22 of Article IV of the North Carolina Constitution reads as
7 rewritten:

8 "**Sec. 22. Qualification of Justices and Judges.**

9 Only persons duly authorized to practice law in the courts of this State who have at least
10 five years' experience as licensed attorneys in North Carolina shall be eligible for election or
11 appointment as a Justice of the Supreme Court, Judge of the Court of Appeals, Judge of the
12 Superior Court, or Judge of District Court. This section shall not apply to persons elected to or
13 serving in such capacities on or before January 1, 1981."

14 **SECTION 2.** The amendment set out in Section 1 of this act shall be submitted to
15 the qualified voters of the State at a statewide general election to be held on November 4, 2016,
16 which election shall be conducted under the laws then governing elections in the State. Ballots,
17 voting systems, or both may be used in accordance with Chapter 163 of the General Statutes.
18 The question to be used in the voting systems and ballots shall be:

19 "[] FOR [] AGAINST

20 Constitutional amendment providing that only persons duly authorized to practice
21 law in the courts of this State who have at least five years' experience as licensed attorneys are
22 eligible for election or appointment as Justice of the Supreme Court, Judge of the Court of
23 Appeals, Judge of the Superior Court, or Judge of District Court."

24 **SECTION 3.** If a majority of the 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, who shall enroll the amendment so certified among the
27 permanent records of that office. The amendment becomes effective January 1, 2017, and
28 applies to judicial appointments and elections on or after that date.

29 **SECTION 4.** G.S. 7A-142 reads as rewritten:

30 "**§ 7A-142. Vacancies in office.**

31 A vacancy in the office of district judge shall be filled for the unexpired term by
32 appointment of the Governor. The bar of the judicial district, as defined in G.S. 84-19, shall
33 nominate five persons who are residents of the judicial district who are duly authorized to
34 practice law in the district and who have at least five years' experience as licensed attorneys in
35 North Carolina for consideration by the Governor. The nominees shall be selected by vote of



1 only those bar members who reside in the district. In the event fewer than five persons are
2 nominated, upon providing the nominations to the Governor, the bar shall certify that there
3 were insufficient nominations in the district to comply with this section. Prior to filling the
4 vacancy, the Governor shall give due consideration to the nominations provided by the bar of
5 the judicial district."

6 **SECTION 5.** Section 4 of this act is effective only upon approval by the voters of
7 the constitutional amendment proposed in Section 1 of this act. If the constitutional amendment
8 proposed in Section 1 is approved by the voters, Section 4 of this act becomes effective January
9 1, 2017, and applies to judicial appointments and elections on or after that date. The remainder
10 of this act is effective when it becomes law.