



HOUSE BILL 100: Restore Partisan Elections/Sup. & Dist. Court.

2017-2018 General Assembly

Committee:	House Elections and Ethics Law	Date:	February 16, 2017
Introduced by:	Reps. Burr, Saine, Bumgardner, Henson	Prepared by:	Erika Churchill
Analysis of:	First Edition		Jessica Sammons Committee Counsel

OVERVIEW: *House Bill 100 would provide that elections of superior court and district court judges be conducted in a partisan manner.*

CURRENT LAW: The Superior and District Court Divisions of the General Court of Justice consist of various trial courts organized in territorial districts. The General Assembly determines the number of judges for each district. Each judge must be a resident of the district to which he or she is elected. Superior court judges serve eight-year terms; district court judges serve four-year terms.

The provisions for nonpartisan judicial races are set out in Article 25 of Chapter 163 of the General Statutes. Candidates run in nonpartisan primaries by district, held on the same day in May as the party primaries. The primaries reduce the field to twice the number to be elected, eliminating additional candidates. Then, the reduced field runs in the November general election. The system is patterned after the nonpartisan primary and elections used by some cities to elect their mayors and city councils.

BILL ANALYSIS: House Bill 100 repeals Article 25 of Chapter 163 of the General Statutes, the current statutes governing the non-partisan process for conducting superior and district court races, and places superior and district court judges under partisan elections. As a result, if enacted, all judicial elections in North Carolina would be partisan, beginning with the 2018 election cycle. The bill also makes conforming changes necessary to implement the repeal of Article 25 of Chapter 163 of the General Statutes.

EFFECTIVE DATE: Effective for elections held on or after January 1, 2018.

BACKGROUND: Prior to 1996, elections of judges in North Carolina were conducted in a partisan manner. In 1996, the law governing the elections of superior court judges was amended to make those elections nonpartisan. In 2001, the law governing the elections of district court judges was amended to make those elections nonpartisan. In 2002, the law governing the elections of appellate court judges was amended to make those elections nonpartisan, beginning with the 2004 elections.

In the 2016 election, candidates for Court of Appeals judge were required to disclose their party affiliation, and the party affiliation was printed on the official ballot. S.L. 2015-292. However, these candidates were elected through a non-partisan method. In December 2016, the General Assembly re-established partisan elections for the North Carolina Supreme Court and Court of Appeals, effective with the 2018 elections. S.L. 2016-125.

Karen Cochrane-Brown
Director



Legislative Analysis
Division
919-733-2578