



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

2017-2018 General Assembly

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<b>Committee:</b>	Senate Select Committee on Elections	<b>Date:</b>	February 28, 2017
<b>Introduced by:</b>	Reps. Burr, Saine, Bumgardner, Henson	<b>Prepared by:</b>	Erika Churchill and Jessica Sammons, Staff Attorneys
<b>Analysis of:</b>	Second Edition		

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

[As introduced, this bill was identical to S136, as introduced by Sens. Tillman, Randleman, Wade, which is currently in Rules and Operations of the Senate.]

**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. Currently, there are 97 elected judges of the Superior Court and 270 elected judges of the District Court. 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 election methods for conduct of their 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.

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# **House Bill 100**

*Page 2*

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, the Court of Appeals candidates were elected with the non-partisan method of election. 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.