



HOUSE BILL 335: Vacancies/NC Sup Ct/Ct of App/Superior Ct/DAs.

2017-2018 General Assembly

Committee:	House Judiciary I	Date:	April 23, 2017
Introduced by:	Reps. Burr, K. Hall, Saine, Bumgardner	Prepared by:	Bill Patterson
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: *House Bill 335 would change the procedure for filling vacancies occurring in the offices of Justice of the Supreme Court, judge of the Court of Appeals, judge of the superior court, and district attorney. It would require the Governor to appoint the replacement from a list of three persons recommended by the executive committee of the political party with which the vacating member was affiliated when elected, if any, provided that the recommendations are made within 30 days of the occurrence of the vacancy.*

CURRENT LAW: Vacancies occurring in the office of Justice of the Supreme Court, judge of the Court of Appeals, judge of the superior court, and district attorney for causes other than expiration of the term are currently filled by appointment of the Governor. G.S. 163-9(a); G.S. 163-10.

BILL ANALYSIS: **Section 1** of the bill would amend G.S. 163-9(a) to require the Governor to fill vacancies in the office of Justice of the Supreme Court, judge of the Court of Appeals, and judge of the superior court as follows:

- To fill a vacancy in the office of Justice of the Supreme Court or judge of the Court of Appeals the Governor would appoint one person from a list of three persons recommended by the State executive committee of the political party with which the vacating member was affiliated when elected, if any.
- To fill a vacancy in the office of superior court judge in a single-county judicial district the Governor would appoint one person from a list of three persons recommended by the county executive committee of the political party with which the vacating member was affiliated when elected, if any.
- To fill a vacancy in the office of superior court judge in a multicounty judicial district the Governor would appoint one person from a list of three persons recommended by the district executive committee of the political party with which the vacating member was affiliated when elected, if any.

The foregoing procedures would apply only if the applicable political party executive committee makes the recommendations within 30 days of the occurrence of the vacancy.

Section 2 would amend G.S. 163-10 to require the Governor to fill a vacancy in the office of district attorney by appointing one person from a list of three persons recommended by the prosecutorial district committee of the political party with which the vacating member was affiliated when elected, if any.

The prosecutorial district committee would comprise at least one member appointed by the county executive committee of that political party for each county included in the prosecutorial district. In the event that more than one member were to be appointed to the prosecutorial district committee by a

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county executive committee, each member appointed by that county executive committee would cast an equal share of the votes allotted to that county.

This procedure would apply only if the recommendations are made by the party prosecutorial district committee within 30 days of the occurrence of the vacancy.

EFFECTIVE DATE: This act is effective when it becomes law and applies to vacancies filled on or after that date.