



# HOUSE BILL 717: Judicial Elections Changes.

**This Bill Analysis  
reflects the contents  
of the bill as it was  
presented in  
committee.**

2017-2018 General Assembly

<b>Committee:</b>	Senate Select Committee on Elections. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	June 4, 2018
<b>Introduced by:</b>	Reps. Burr, Stone, Destin Hall, Millis	<b>Prepared by:</b>	Jessica Sammons and Erika Churchill, Committee Co-Counsel
<b>Analysis of:</b>	PCS to Fifth Edition H717-CSST-49		

**OVERVIEW:** *The Proposed Committee Substitute to House Bill 717 would do the following:*

- *Re-establish judicial divisions, effective July 1, 2018.*
- *Restructure the assignments of Burke, Caldwell, and Catawba Counties to establish two districts for Prosecutorial districts, and establish residency requirements for filing in district court.*
- *Restructure the assignment of Hoke and Moore Counties to establish a two county district consisting of those counties for Superior, District, and Prosecutorial districts.*
- *Restructure the assignment of Anson, Richmond, and Scotland Counties to establish a three county district consisting of those counties for Superior, District, and Prosecutorial districts.*
- *Require that official ballots contain a designation of the seat sought by a candidate when there are two or more vacancies for the office, to be determined by the State Board, provided that the designation is not an individual's name.*

**CURRENT LAW:** 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. S.L. 2017-3 returns judicial elections to a partisan basis, effective with the 2018 elections. Superior Court judges serve eight-year terms, district court judges serve four-year terms.

Election of the Superior and District Court Divisions of the General Court of Justice are by district, consisting of various territorial districts, with at least one district judge in each district. The General Assembly determines the number of judges for each district. Each judge is a resident of the district to which he or she is elected. Article IV, Sec. 9 and 10, of the North Carolina Constitution grant the General Assembly authority to divide the State, from time to time, into a convenient number of judicial districts and divisions.

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# House PCS 717

Page 2

## **BILL ANALYSIS:**

**Judicial Divisions.** Section 1 of the PCS would re-establish the judicial divisions, effective July 1, 2018. Please see the attached map for the proposed judicial divisions.

### **Burke, Caldwell, and Catawba Counties.** Sections 2 and 3.

- Assign an additional district court judge in District 25, who will be elected in 2020, to take office on January 1, 2021.
- Establish residency requirements for filing in District Court District 25. The District would remain a three county district, voted at large across the three counties but residency requirements would be established for filing, to require five judges to reside in Burke or Caldwell Counties and five judges to reside in Catawba County.
- Divide Prosecutorial District 36, effective January 1, 2023, into two separate districts, District 36A, consisting of Burke and Caldwell Counties, with 10 full-time ADAs and District 36B, consisting of Catawba County, with 9 full-time ADAs.

### **Hoke and Moore Counties; Anson, Richmond, and Scotland Counties.** Sections 1, 2, and 3.

- For Superior Court and District Court, restructure the existing districts to provide for the following groupings:
  - District 16A – Anson, Richmond, and Scotland. Assigned two Superior Court judges, and four District Court judges, effective when the bill becomes law.
  - District 19D – Hoke and Moore. Assigned one Superior Court judge, effective when the bill becomes law and a second Superior Court Judge, effective January 1, 2021, and five District Court judges, effective when the bill becomes law.
- For Prosecutorial districts, restructure the existing districts to provide for the following groupings:
  - District 21 – Anson, Richmond, and Scotland. Assigned nine assistant district attorneys, effective January 1, 2021, with an election in 2020 to be held accordingly.
  - District 28 – Hoke and Moore. Assigned nine assistant district attorneys, effective January 1, 2021, with an election in 2020 to be held accordingly.

**Designation of Judicial Seats for Election Purposes.** Section 4 of the PCS would require that ballots and notices of candidacy contain a designation of the seat sought by the candidate when there are two or more vacancies for an elected office. The designation used will be determined by the State Board of Elections & Ethics Enforcement, but may not be the name of any incumbent or any other individual.

**EFFECTIVE DATE:** Except as otherwise provided, effective when it becomes law.