



HOUSE BILL 717: Judicial Elections Changes.

2017-2018 General Assembly

Committee: Senate Rules and Operations of the Senate	Date: June 5, 2018
Introduced by: Reps. Burr, Stone, Destin Hall, Millis	Prepared by: Erika Churchill
Analysis of: Sixth Edition	Staff Attorney

OVERVIEW: *House Bill 717 would do the following:*

- *Re-establish judicial divisions, reducing the number of divisions to five from eight, 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.*
- *Add an additional Superior Court judge and an additional District Court judge to District 19A, Cabarrus County, effective January 1, 2021.*
- *Add an additional District Court judge to District 29A, McDowell and Rutherford Counties, effective January 1, 2021.*
- *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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Legislative Analysis
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BILL ANALYSIS:

Judicial Divisions, Section 1 of the PCS would re-establish the judicial divisions, reducing the number of divisions from eight to five, 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 10 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. Superior Court. Assigned two Superior Court judges, effective when the bill becomes law.
 - District 16A – Anson, Richmond, and Scotland. District Court. Assigned four District Court judges, effective when the bill becomes law, and establishes residency requirements for filing in District Court District 16A. 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 two judges to reside Richmond County, one judge to reside in Anson County, and one judge to reside in Scotland County.
 - 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.

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Cabarrus County. Sections 1 and 2.

- Would add an additional Superior Court judgeship, effective January 1, 2021, bringing the total number of superior court seats for District 19A to two.
- Would add an additional District Court judgeship, effective January 1, 2021, bringing the total number of district court seats for District 19A to six.

McDowell and Rutherford Counties. Section 2.

- Would add an additional District Court judgeship, effective January 1, 2021, bringing the total number of district court seats for District 29A to four.

Designation of Judicial Seats for Election Purposes. Section 4 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 the office of Justice or judge of the courts. 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.

Rotation of Superior Court Judges. Section 4.5 would provide that the Chief Justice strive to allow each resident superior court judge to serve in the district from which that judge was elected at least six months of the calendar year.

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