



HOUSE BILL 717: Judicial Elections Changes.

2017-2018 General Assembly

Committee:

Introduced by: Reps. Burr, Stone, Destin Hall, Millis

Analysis of: Eighth Edition

Date: June 6, 2018

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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.*
- *Amend the schedule for elections of superior court judges in District 5A (Pender/New Hanover County), as provided in Senate Bill 757, if that bill becomes law.*
- *Require that official ballots contain a designation of the seat sought by a candidate when there is a vacancy for the office of Justice or judge of the courts, to be determined by the State Board, provided that the designation is not an individual's name.*
- *Provide that the Chief Justice should 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.*

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.

BILL ANALYSIS:

Judicial Divisions. Section 1 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.

Karen Cochrane-Brown
Director



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919-733-2578

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Implementation of Superior Court District 5A. Section 2 would amend Senate Bill 757, if that bill were to become law, to require elections for a superior court judge to be held in District 5B in 2018 and Districts 5A and 5C in 2024.

Designation of Judicial Seats for Election Purposes. Section 3 would require that ballots and notices of candidacy contain a designation of the seat sought by the candidate when there is a vacancy 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. Effective when the bill becomes law, and applies to election held on or after that date.

Rotation of Superior Court Judges. Section 4 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.