



SENATE BILL 3: Party Disclosure/2018 Judicial Races.

2017-2018 General Assembly

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| Committee: | House Rules, Calendar, and Operations of the House | Date: | July 24, 2018 |
| Introduced by: | Sens. Hise, Brown | Prepared by: | Jessica Sammons |
| Analysis of: | Second Edition | | Staff Attorney |

OVERVIEW: *Senate Bill 3 would revise the ballot language included prior to the races for Justices and judges of the State courts on the 2018 general election ballot, and would allow persons who have filed a notice of candidacy for these offices to withdraw that notice of candidacy at any time prior to August 8, 2018. The bill would be effective when it becomes law, and apply to the 2018 elections only.*

CURRENT LAW: S.L. 2017-214 eliminated the primary election for all Justices and judges of the State courts for the 2018 election. Justices of the Supreme Court and judges of the Court of Appeals and superior and district courts will be elected in the November 6, 2018 general election under a plurality election system. Filing for these offices was held in June and July 2018. Persons who filed a notice of candidacy during the filing period had the right to withdraw that notice of candidacy at any time prior to the close of business on the third business day prior to the last day of the filing period for that office.

At the time of filing a notice of candidacy, candidates were required to indicate on that notice of candidacy the political party with which the candidate was affiliated or any unaffiliated status. This party designation or unaffiliated status is to be verified by the county board of elections, and indicated on the general election ballot.

In S.L. 2018-13, the General Assembly found that additional ballot language was needed for the 2018 general election to clarify that the self-identification with a party by a candidate for judicial office was not an endorsement of that party. S.L. 2018-13 also required the four judicial offices be grouped together at the end of the partisan races on the 2018 general election ballot, and that immediately prior to those races, language be added to the ballot explaining that no primary was held for those offices, and that the party affiliation or unaffiliated status next to each candidate's name only reflects the candidate's affiliation at the time of filing.

BILL ANALYSIS: Senate Bill 3 would amend S.L. 2017-214 and S.L. 2018-13 to do the following:

- Find that the listed party affiliation for candidates for these four judicial offices should be the party affiliation or unaffiliated status of a candidate at least 90 days prior to the time of filing.
- Revise the language added to the ballot prior to the races for these four judicial offices to explain that the party information by each candidates' names is shown only if the candidates' party affiliation or unaffiliated status is the same as on their voter registration at the time of filing and 90 days prior to that filing.

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- Allow persons who have filed a notice of candidacy for one of these four judicial offices to withdraw that notice of candidacy at any time prior to August 8, 2018.
- Require the State Board of Elections and Ethics Enforcement to notify all candidates for Justices of the Supreme Court and judges of the Court of Appeals and superior and district courts who have changed party affiliation or unaffiliated status during the period between 90 days prior to filing for office and the date of filing of the requirements of this act. This notice must be given as expeditiously as possibly, and may be given in writing, by telephone, or by e-mail.

EFFECTIVE DATE: Effective when it becomes law and applies to the 2018 elections only.