



2023-2024 General Assembly

SENATE BILL 382: Disaster Relief-3/Budget/Various Law Changes, Sec. 3C.1: Modify the Appointment Process to Fill Supreme Court and Court of Appeals Vacancies

Committee:		Date:	January 22, 2025
Introduced by:		Prepared by:	Kristen L. Harris
Analysis of:	Sec. 3C.1 of S.L. 2024-57		Staff Attorney

OVERVIEW: Section 3C.1 of S.L. 2024-57 modifies the Governor's appointment of persons to fill vacancies occurring in the offices of Justice of the Supreme Court, judge of the Court of Appeals, and judge of the superior court.

This bill was vetoed by the Governor on November 26, 2024, and that veto was overridden by the General Assembly on December 11, 2024. This section became effective December 11, 2024, and applies to appointments made on or after that date.

BILL ANALYSIS: Section 3C.1 of S.L. 2024-57 requires the Governor to appoint persons to fill vacancies occurring on the Supreme Court and the Court of Appeals from a list of three qualified persons recommended by the political party executive committee of the political party with which the vacating judge was affiliated when elected. If a political party fails to make recommendations within 30 days of the vacancy occurring, or if the vacating judge was not affiliated with a political party at the time of the judge's election, the Governor must appoint a "qualified person." Meaning a person who is a resident of the State who is duly authorized to practice law in the State.

To fill vacancies in superior court, the Governor must appoint qualified persons. All appointees will hold office until the next election of members of the General Assembly that is held more than 60 days after the vacancy occurs. If the appointee is from a district with only one resident judge or a district in which no county is subject to section 5 of the Voting Rights Act of 1965, an election will be held to fill an eight-year term. For all other appointees, an election will be held to fill the unexpired term of office.

If a vacancy requiring a nomination by a political party executive committee, pursuant to modifications made by this section, occurred prior to this section becoming effective and is vacant on the date this section becomes effective, the political party executive committee must have 30 days from the date this section becomes effective to make recommendations to the Governor.

Section 3C.1 of S.L. 2024-57 applies to appointments made on or after the effective date of this act.

EFFECTIVE DATE: This bill was vetoed by the Governor on November 26, 2024, and that veto was overridden by the General Assembly on December 11, 2024. This section became effective December 11, 2024, and applies to appointments made on or after that date.

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Director



Legislative Analysis
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