



# HOUSE BILL 478: Modify Appointment Process for DA Vacancies.

2025-2026 General Assembly

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<b>Committee:</b>	House State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 10, 2025
<b>Introduced by:</b>	Reps. Balkcom, Stevens, K. Hall, Biggs	<b>Prepared by:</b>	Karyl Smith
<b>Analysis of:</b>	Second Edition		Committee Co-Counsel

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**OVERVIEW:** *House Bill 478 would modify the appointment process to fill district attorney vacancies.*

**CURRENT LAW:** Section 19 of Article IV of the North Carolina Constitution provides for the filling of vacancies for Justice of the Supreme Court, Judge of the Court of Appeals, Superior Court Judge, and District Attorneys. In filling these vacancies, the Governor must appoint a person to fill that vacancy, and the appointee serves in that position until the next election for members of the General Assembly that is held more than 60 days after the vacancy occurs. At that time, an election is held to fill the remainder of the unexpired term. However, if the unexpired term expires on the first day of January succeeding the next election for members of the General Assembly, the Governor appoints an individual to serve the remainder of the unexpired term.

The General Assembly codified the requirements regarding filling a vacancy in the office of district attorney provided in Section 19 of Article IV of the North Carolina Constitution in G.S. 163-10.

**BILL ANALYSIS:** House Bill 478 would do the following:

- Require that an appointee to the office of district attorney hold office as follows:
  - If the unexpired term of office ends on the first day of January following the next election for members of the General Assembly, the Governor must appoint to fill the vacancy for the unexpired term of office, and the election must be for a four year term.
  - If the unexpired term of office ends on the first day of January two years following the next election for members of the General Assembly, the Governor must appoint to fill the vacancy until the election is certified, and the election must be for the unexpired term of office.
- Require that a vacancy in the office of district attorney be filled as follows:
  - If the vacating district attorney was elected as a nominee of a political party, the Governor must consult the district executive committee of the political party of the vacating district attorney before filling the vacancy, and must appoint from a list of up to three qualified persons recommended by the district executive committee of the appropriate political party if the district executive committee makes a recommendation within 30 days of the occurrence of the vacancy. The nominees selected must be selected by a vote of only those executive committee members who reside in the prosecutorial district of the vacating district attorney.

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# House Bill 478

Page 2

- If the vacating district attorney was not elected as a nominee of a political party, or if the district executive committee of the political party of the vacating district attorney is unable to make a recommendation or does not make a recommendation within 30 days of the occurrence of the vacancy, the Governor must appoint a qualified individual.
- Provide that if a vacancy occurred prior to the date this bill becomes effective, and if that vacancy remains vacant on the date this bill becomes effective, then the recommending entity shall have the full 30 days to submit recommendations to the Governor, as appropriate.

**EFFECTIVE DATE:** The bill would become effective when it becomes law and would apply to vacancies filled on or after that date.

*William Brewer, Staff Attorney with the Legislative Analysis Division, substantially contributed to this summary.*