



HOUSE BILL 478: Modify Appointment Process for DA Vacancies.

2025-2026 General Assembly

Committee:	House Election Law. If favorable, re-refer to State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	May 13, 2025
Introduced by:	Reps. Balkcom, Stevens, K. Hall, Biggs	Prepared by:	William Brewer
Analysis of:	PCS to First Edition H478-CSST-4		Committee Co-Counsel

OVERVIEW: *The PCS for House Bill 478 would modify the process for filling vacancies in the office of district attorney so that it would mirror the process for filling judicial vacancies. The PCS would require the Governor to comply with recommendations made by the district executive committee of the political party or the bar of the judicial district of the vacating district attorney if those recommendations are timely made.*

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: The PCS would provide that if a vacancy occurs in the office of district attorney, the Governor would be required to consult with the district executive committee of the political party of the vacating district attorney before filling the vacancy if that district attorney was elected as a nominee of a political party. The district executive committee would be able to submit a list of up to three qualified persons to the governor. Qualified persons would only include qualified voters of the prosecutorial district who are authorized to practice law in this State.

In selecting nominees, only those who are members of the district executive committee of the political party of the vacating district attorney who reside within the prosecutorial district of the vacating district attorney would be eligible to participate in the selection process. If the Governor receives the recommendations within 30 days of the occurrence of the vacancy, the Governor would be required to appoint someone from the list of recommendations.

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 fails to make recommendations within 30 days of the occurrence of the vacancy, then the Governor would appoint a qualified person to fill the vacancy.

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The PCS would provide that any individual appointed to fill a vacancy in the office of district attorney shall be appointed as follows:

- If the unexpired term of office for the vacating district attorney ends on the first day of January following the next election for members of the General Assembly, then the Governor would be required to appoint to fill the vacancy for the remainder of the unexpired 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, then the Governor would be required to appoint to fill the vacancy until that election is certified. The following election would be for the remainder of the unexpired term.

The PCS would also provide that if a vacancy occurred prior to the date this act becomes effective, and if that vacancy remains vacant on the date this act becomes effective, then the recommending entity shall have the full 30 days to submit recommendations to the Governor, as appropriate.

EFFECTIVE DATE: Effective when it becomes law and applies to vacancies filled on or after that date.