

NORTH CAROLINA GENERAL ASSEMBLY  
1965 SESSION

CHAPTER 877  
SENATE BILL 537

1 AN ACT TO AMEND ARTICLE IV OF THE CONSTITUTION OF NORTH CAROLINA  
2 TO AUTHORIZE WITHIN THE APPELLATE DIVISION OF THE GENERAL COURT  
3 OF JUSTICE AN INTERMEDIATE COURT OF APPEALS.

4  
5 The General Assembly of North Carolina do enact:

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7       **Section 1.** Article IV of the Constitution of North Carolina is amended as follows:

8       (a) Section 5 is rewritten to read as follows:

9       **"Sec. 5. Appellate Division.** The Appellate Division of the General Court of Justice shall  
10 consist of the Supreme Court and, when established by the General Assembly, an intermediate  
11 Court of Appeals."

12       (b) Immediately after Section 6, and before Section 7, a new "Section 6A" is  
13 inserted, to read as follows:

14       **"Sec. 6A. Court of Appeals.** The structure, organization, and composition of the Court of  
15 Appeals, if established, shall be determined by the General Assembly. The Court shall have not  
16 less than five members, and may be authorized to sit in divisions, or other than en banc.  
17 Sessions of the Court shall be held at such times and places as the General Assembly may  
18 prescribe. The General Assembly may provide for the retirement of members of the Court of  
19 Appeals and for the recall of such retired members to serve on that Court in lieu of any active  
20 member thereof who is, for any cause, temporarily incapacitated."

21       (c) In Section 10, immediately after subsection (1) and before subsection (2), a  
22 new subsection "(2)" is inserted, to read as follows:

23       (2) Court of Appeals. The Court of Appeals, if established, shall have such  
24 appellate jurisdiction as the General Assembly may provide.", and the  
25 present subsections (2) through (5) are renumbered "(3)" through "(6)"  
26 respectively.

27       (d) Section 14 is rewritten to read as follows:

28       **"Sec. 14. Terms of Office and Election of Justices of the Supreme Court, Judges of the  
29 Court of Appeals, and Judges of the Superior Court.** Justices of the Supreme Court, Judges  
30 of the Court of Appeals, and regular judges of the Superior Court shall be elected by the  
31 qualified voters and shall hold office for terms of eight years and until their successors are  
32 elected and qualified. Justices of the Supreme Court and judges of the Court of Appeals shall  
33 be elected by the qualified voters of the State. Regular Judges of the Superior Court may be  
34 elected by the qualified voters of the State or by the voters of their respective districts, as the  
35 General Assembly may provide."

36       (e) The caption and first sentence of subsection (1) of Section 15 is rewritten to  
37 read as follows:

38       "Justices of the Supreme Court, Judges of the Court of Appeals, and Judges of Superior  
39 Court. Any Justice of the Supreme Court, Judge of the Court of Appeals, or Judge of the  
40 Superior Court may be removed from office for mental or physical incapacity by Joint  
41 Resolution of two-thirds of both houses of the General Assembly."

42       **Sec. 2.** The amendments set out in Section 1 of this Act shall be submitted to the  
43 qualified voters of the State at a general election to be held on the Tuesday next after the first

1 Monday in November, 1965. Voting on these amendments shall be conducted under the laws  
2 now governing general elections in this State.

3       **Sec. 3.** In such election the voters favoring these amendments shall vote ballots on  
4 which shall be printed the words: "FOR constitutional amendments authorizing the General  
5 Assembly to create a Court of Appeals in the Appellate Division of the General Court of  
6 Justice"; and those opposed shall vote ballots on which shall be printed the words: "AGAINST  
7 the constitutional amendments authorizing the General Assembly to create a Court of Appeals  
8 in the Appellate Division of the General Court of Justice."

9       **Sec. 4.** If a majority of the votes cast thereon in such general election be in favor of  
10 the amendments, the Governor shall certify the amendments under the Great Seal of the State to  
11 the Secretary of State, who shall enroll the amendments so certified among the permanent  
12 records of his office, and the amendments so certified shall be in full force and effect from and  
13 after the date of certification.

14       **Sec. 5.** All laws and clauses of laws in conflict with this Act are hereby repealed.

15       **Sec. 6.** This Act shall be in full force and effect from and after its ratification.

16              In the General Assembly read three times and ratified, this the 9th day of June,  
17 1965.