

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 448

Short Title: Appellate Court Electoral Reform

(Public)

Sponsors: Senators Cooper and Cochrane.

Referred to: Judiciary I/Constitution

March 21, 1995

A BILL TO BE ENTITLED

1 AN ACT TO IMPROVE THE ADMINISTRATION OF JUSTICE AND PROMOTE
2 JUDICIAL ECONOMY AND EFFICIENCY WITHIN THE APPELLATE
3 DIVISION OF THE GENERAL COURT OF JUSTICE BY PROVIDING FOR
4 FULL EIGHT-YEAR TERMS OF OFFICE WHEN VACANCIES ARISE AND AN
5 ELECTION IS HELD OTHER THAN AT THE EXPIRATION OF THE PRIOR
6 TERM.
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8 The General Assembly of North Carolina enacts:

9 Section 1. G.S. 163-9 reads as rewritten:

10 "**§ 163-9. Filling vacancies in State and district judicial offices.**

11 Vacancies occurring in the offices of Justice of the Supreme Court, judge of the Court
12 of Appeals, and judge of the superior court for causes other than expiration of term shall
13 be filled by appointment of the Governor. An appointee to the office of Justice of the
14 Supreme Court or judge of the Court of Appeals shall hold office until January 1 next
15 following the election for members of the General Assembly that is held more than 60
16 days after the vacancy occurs, at which time an election shall be held for an eight-year
17 term and until a successor is elected and qualified. An appointee to the office of judge of
18 superior court shall hold his place until the next election for members of the General
19 Assembly that is held more than 60 days after the vacancy occurs, at which time an
20 election shall be held to fill the unexpired term of the office: ~~Provided, that when office.~~

1 When the unexpired term of the office in which the vacancy has occurred expires on the
2 first day of January succeeding the next election for members of the General Assembly,
3 the Governor shall appoint to fill that vacancy for the unexpired term of the office.

4 Vacancies in the office of district judge which occur before the expiration of a term
5 shall not be filled by election. Vacancies in the office of district judge shall be filled in
6 accordance with G.S. 7A-142."

7 Sec. 2. The terms of office of all duly elected judges of the Supreme Court and
8 Judges of the Court of Appeals who are not already serving full eight-year terms of office
9 are as follows:

10 (1) For the Court of Appeals seat now occupied by Joseph R. John, Sr., no
11 election shall be held in 1998 for a full term, and the holder of that seat
12 shall serve until a successor is elected in 2000 and qualifies. The
13 succeeding term begins January 1, 2001.

14 (2) For the Court of Appeals seat now occupied by Ralph A. Walker, no
15 election shall be held in 1998 for a full term, and the holder of that seat
16 shall serve until a successor is elected in 2002 and qualifies. The
17 succeeding term begins January 1, 2003.

18 (3) For the Court of Appeals seat now occupied by Mark D. Martin, no
19 election shall be held in 1998 for a full term, and the holder of that seat
20 shall serve until a successor is elected in 2002 and qualifies. The
21 succeeding term begins January 1, 2003.

22 Sec. 3. If any provision of this act is held invalid by a court of competent
23 jurisdiction, such holding shall invalidate the remaining provisions of this act, so that its
24 provisions are inseparable.

25 Sec. 4. This act is effective upon ratification.