



HOUSE BILL 717: Judicial Elections Changes.

2017-2018 General Assembly

Committee:		Date:	June 15, 2018
Introduced by:	Reps. Burr, Stone, Destin Hall, Millis	Prepared by:	Erika Churchill Staff Attorney
Analysis of:	Conference Committee Substitute (H717-CCSST-7)		

OVERVIEW: *The conference committee substitute for House Bill 717 would do the following:*

- *Re-establish judicial divisions, reducing the number of divisions to five from eight, effective July 1, 2018.*
- *Combine Duplin, Jones, Onslow, and Sampson Counties into one district for Superior Court.*
- *Restructure the assignments of Burke, Caldwell, and Catawba Counties to establish two districts for Prosecutorial districts, and establish residency requirements for filing in district court.*
- *Restructure the assignment of Hoke and Moore Counties to establish a two county district consisting of those counties for Superior, District, and Prosecutorial districts.*
- *Restructure the assignment of Anson, Richmond, and Scotland Counties to establish a three county district consisting of those counties for Superior, District, and Prosecutorial districts.*
- *Require that official ballots contain a designation of the seat sought by a candidate when there are two or more vacancies for the office, to be determined by the State Board, provided that the designation is not an individual's name.*

CURRENT LAW: Prior to 1996, elections of judges in North Carolina were conducted in a partisan manner. In 1996, the law governing the elections of superior court judges was amended to make those elections nonpartisan. In 2001, the law governing the elections of district court judges was amended to make those elections nonpartisan. In 2002, the law governing the elections of appellate court judges was amended to make those elections nonpartisan, beginning with the 2004 elections. S.L. 2017-3 returns judicial elections to a partisan basis, effective with the 2018 elections. Superior Court judges serve eight-year terms, district court judges serve four-year terms.

Election of the Superior and District Court Divisions of the General Court of Justice are by district, consisting of various territorial districts, with at least one district judge in each district. The General Assembly determines the number of judges for each district. Each judge is a resident of the district to which he or she is elected. Article IV, Sec. 9 and 10, of the North Carolina Constitution grant the General Assembly authority to divide the State, from time to time, into a convenient number of judicial districts and divisions.

BILL ANALYSIS:

Judicial Divisions, Section 1 would re-establish the judicial divisions, reducing the number of divisions from eight to five, effective July 1, 2018. Please see the attached map for the proposed judicial divisions.

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Director



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Duplin, Jones, Sampson, Onslow. Section 1. Currently, Duplin, Jones, and Sampson Counties comprise Superior Court District 4A, with one judge whose term expires in 2020. Onslow County comprises Superior Court District 4B, with one judge whose term expires in 2022. G.S. 7A-41. Currently, Duplin, Jones, Onslow and Sampson Counties comprise one District Court district, with eight judges. G.S. 7A-133. And, the same four counties comprise one Prosecutorial district, with 19 assistant district attorneys. G.S. 7A-60.

The bill would combine Duplin, Jones, Onslow and Sampson Counties into one Superior Court district, with two judges. The bill would also establish a residency requirement for filing in Superior Court District 4. Judges would be voted at large across the district, with a requirement that a resident of Onslow County be a candidate for one of the seats, and a resident of Duplin, Jones, or Sampson Counties for one of the seats.

Burke, Caldwell, and Catawba Counties. Sections 2 and 3.

- Assign an additional district court judge in District 25, to be elected in 2020, and to take office on January 1, 2021.
- Establish residency requirements for filing in District Court District 25. The District would remain a three county district, voted at large across the three counties, but residency requirements would be established for filing, to require five judges to reside in Burke or Caldwell Counties and five judges to reside in Catawba County. This provision would be phased in over time, triggered by the first three occurrences of a death, resignation, removal, or retirement of a current District Court judge residing in Catawba County.
- Divide Prosecutorial District 36, effective January 1, 2023, into two separate districts, District 36\, consisting of Burke and Caldwell Counties, with 9 full-time ADAs and District 44, consisting of Catawba County, with 10 full-time ADAs.

Hoke and Moore Counties; Anson, Richmond, and Scotland Counties. Sections 1, 2, and 3.

- Effective January 1, 2019, for Superior Court and District Court, restructure the existing districts to provide for the following groupings:
 - **District 16A – Anson, Richmond, and Scotland.** Assigned two Superior Court judges, effective when the bill becomes law. Assigned four District Court judges, effective January 1, 2019.

Residency requirements would be established for filing in District Court District 16A. The District would remain a three county district, voted at large across the three counties but residency requirements would be established for filing, to require two judges to reside in Richmond County, one judge to reside in Anson County, and one judge to reside in Scotland County.
 - **District 19D – Hoke and Moore.** Assigned one Superior Court judge, effective when the bill becomes law, and a second Superior Court judge, effective January 1, 2021. Assigned five District Court judges, effective January 1, 2019.
 - **District 20A – Stanly and Montgomery.** Assigned one Superior Court judge, effective when the bill becomes law, and a second Superior Court judge, effective January 1, 2021. Assigned two District Court judges, effective when the bill becomes law, and a second District Court judge, effective January 1, 2019, with an election in 2020 to be held accordingly.

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- For Prosecutorial districts, restructure the existing districts to provide for the following groupings:
 - **District 21 – Anson, Richmond, and Scotland.** Assigned nine assistant district attorneys, effective January 1, 2021, with an election in 2020 to be held accordingly.
 - **District 29 – Hoke and Moore.** Assigned nine assistant district attorneys, effective January 1, 2021, with an election in 2020 to be held accordingly.
 - **District 28 – Stanly and Montgomery.** Assigned six assistant district attorneys, effective January 1, 2019.

Designation of Judicial Seats for Election Purposes. Section 4 would require that ballots and notices of candidacy contain a designation of the seat sought by the candidate when there are two or more vacancies for the office of Justice or judge of the courts. The designation used will be determined by the State Board of Elections & Ethics Enforcement, but may not be the name of any incumbent or any other individual.

Rotation of Superior Court Judges. Section 5 would provide that the Chief Justice strive to allow each resident superior court judge to serve in the district from which that judge was elected at least six months of the calendar year.

Filing Period for New Seats. The bill creates two new judgeships effective January 1, 2019. Section 6 establishes a filing period of July 9 – July 13 for the election for the office of judge for Superior Court District 19D and District Court District 20A.

Technical Changes. Sections 7 makes a technical change. Section 8 increases the budget of AOC to fund the costs of the judgeships created by this bill. Section 9 amends Senate Bill 757, if it becomes law, to correct the election cycle for Superior Court District 5. Section 10 repeals the assignment of the judicial divisions in G.S. 7A-41(a), as enacted by Senate Bill 757, if it becomes law.

EFFECTIVE DATE: Except as otherwise provided, effective when it becomes law.