

April 3, 2001

**S 787. JUDICIAL APP./VOTER RETENTION.** *TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR GUBERNATORIAL APPOINTMENT OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS SUBJECT TO CONFIRMATION BY THE GENERAL ASSEMBLY AND TO PROVIDE FOR RETENTION BY VOTE OF THE PEOPLE.* Proposes to rewrite Article IV, section 16, of Constitution as title indicates. After Dec 31, 2002, any vacancy (including first appointment to newly-created judgeship) in position on supreme court or court of appeals is to be filled by appointment by Governor, subject to approval by majority vote of each house of General Assembly. A person so appointed and confirmed is subject to a retention election at first statewide election for General Assembly held more than 60 months after appointment; a person retained by the voters is subject to retention election each 8 years thereafter. Provides that appellate judges and justices in office on Jan. 1, 2003, who were elected before that date, may serve remainder of term; such persons are then subject to retention election. Appellate judges and justices in office on Jan. 1, 2003, who were appointed to such office, must, by April 30, 2004, notify Governor whether they wish to be reappointed; such reappointment is subject to legislative confirmation and must take place before Dec. 31, 2004, and such justice or judge is subject to retention election provisions as set out above.

Proposed rewrite of Article IV, section 16 also requires that superior court judges be elected by district (current provision permits election by district or statewide, at discretion of General Assembly).

Directs that proposed amendment be submitted to voters at November 2002 general election. Enacts new Article 1A of GS Chapter 7A to implement rewrite of constitutional provision and makes conforming amendments to GS Chapters 7A and 163.

**Intro. by Odom.**

Ref. to Judiciary II	GS CONST, 7A, 163
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April 23, 2001

**S 787. JUDICIAL APP./VOTER RETENTION.** Intro. 4/3/01. Senate committee substitute makes the following changes to 1st edition. Deletes from bill's new GS 7A-4.5 a provision that would have required that judicial retention elections be placed at the top of the ballot above all other elections or matters for decision, whether partisan, nonpartisan, or otherwise.