

March 23, 2005

**S 855. JUDICIAL APPOINTMENT/VOTER RETENTION. TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOR NOMINATION OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS, GUBERNATORIAL APPOINTMENT, AND RETENTION BY VOTE OF THE PEOPLE.** Amends Section 16, Article IV of NC Constitution as title indicates. Amendment will be submitted to voters at election to be held on November 8, 2005, to become effective January 1, 2006. Amendment provides that appellate judges appointed on or after that date will be appointed by Governor, to serve initial term of at least 18 months. After initial term, appellate judge will be subject to retention election (in which ballot asks whether that judge should be retained in office), and will be retained in office for eight-year term if simple majority votes for retention. Provides for transition provisions to exempt persons in office from gubernatorial requirement, and for one-time extension of terms by six months to make all appellate terms expire on July 1. Adds new Article 1A to GS Chapter 7A, providing for Judicial Nominating Commission, composed of 18 members from various appointing authorities specified in bill. Commission is to submit to Governor the names of 3 to 5 potential nominees for any appellate court vacancy; Governor may appoint from that list or may appoint person not on that list. Commission is also to issue report on justices and judges subject to retention elections 90 days before each retention election. Report must include information the commission believes to be helpful to voters, and any disciplinary action taken against that judge. It may include a recommendation about a judge's retention. Statutes are effective only if constitutional amendment passes.

**Intro. by Clodfelter.**

Ref. to Ways & Means

GS 7A, 143, 163, CONST