

March 21, 2007

S 1363. GOVERNOR MAY SUSPEND DA FOR MISCONDUCT. Filed 3/21/07. *TO PROVIDE THAT THE GOVERNOR MAY SUSPEND A DISTRICT ATTORNEY IN CERTAIN CIRCUMSTANCES WHEN A FORMAL COMPLAINT ALLEGING MISCONDUCT OF THE DISTRICT ATTORNEY IS FILED WITH THE NORTH CAROLINA STATE BAR.*

Enacts new GS 7A-66A providing criteria and guidelines governing the suspension of a district attorney (DA) by the Governor. Allows the Governor to suspend DA if: (1) a complaint is filed against the DA with the NC State Bar alleging misconduct under GS 7A-66 (removal of district attorneys); (2) there is a determination by the Council of the NC State Bar that a disciplinary hearing is warranted and the DA is incapable of fulfilling the duties of office and that there is a necessity for prompt action; and (3) the governor finds that suspending the DA is required to protect the public interest. Requires the Governor to request the Attorney General to assign a special prosecutor to assume the duties of a suspended DA. Makes conforming change to GS 114-11.6. Effective July 1, 2007.

Intro. by Clodfelter.

GS 7A, 114

May 22, 2007

S 1363. NONPARTISAN ELECTION OF DAS (NEW). Filed 3/21/07. Senate committee substitute replaces first edition with new act *TO PROVIDE FOR THE NONPARTISAN ELECTION OF DISTRICT ATTORNEYS; AND TO PROVIDE THAT ANY CANDIDATE WHO RECEIVES A MAJORITY OF THE VOTE IN A NONPARTISAN PRIMARY FOR A DISTRICT ATTORNEY OR JUDICIAL SEAT IS THE SOLE NOMINEE AND WILL APPEAR AS THE SOLE CANDIDATE ON THE FINAL ELECTION BALLOT, SUBJECT ONLY TO WRITE-IN OPPOSITION.* Amends GS Chapter 163, Article 25, as title indicates. Amends GS 163-278.65(a) to provide that, subject to limited exceptions applicable to rescue funds under GS 163-278.67, funds from the North Carolina Public Campaign Fund will not be distributed to any candidate who is the sole candidate for a position by virtue of receiving a majority of the votes in a primary unless a write-in candidate becomes eligible. Makes technical changes (removing references to election of district attorneys in other statutes). Effective January 1, 2008, and applicable to all primaries and elections conducted on or after that date.

May 23, 2007

S 1363. NONPARTISAN ELECTION OF DAS. Filed 3/21/07. Senate amendment makes the following changes to 2nd edition. Amends GS 163-325 to include candidates for district attorney in those that must file a written petition with the State Board of Election no later than noon on Monday preceding the filing deadline before the primary. Amends GS 163-329 to provide that when vacancies in the office of district attorney occur after the filing period for the primary opens but more than 60 days before the general election and an election is required to be held under the NC Constitution, the election to fill the office for the remainder of the term must be conducted without a primary in a manner described in the statute. Also provides that if a vacancy is created in the office of district attorney before the filing period for the primary opens and an election is to be held under the NC Constitution, then the election to fill the office for the remainder of the term must be conducted in accordance with GS 163-322 (nonpartisan primary election method).