

March 12, 2007

S 678. ELECT DISTRICT JUDGES AT PRIMARY. Filed 3/12/07. *TO ELECT DISTRICT COURT JUDGES AT THE TIME OF THE PRIMARY ELECTION, WITH A RUNOFF IF NEEDED AT THE TIME OF THE SECOND PRIMARY, SO AS TO REDUCE THE LENGTH OF THE GENERAL ELECTION BALLOT.*

To be summarized in tomorrow's *Daily Bulletin*.

Intro. by Berger of Franklin.

GS 163

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(1) Amends GS 163-1 (which sets the time of regular elections and primaries) by changing the date of election for district court judges to the primary election immediately preceding the termination of a judge's regular term. Currently, the date of election is the date of the regular election preceding termination of a district court judge's regular term. (2) Enacts new GS 163-322.1 to provide for a new nonpartisan election and runoff election method for the election of district court judges. Under the new section, election is determined by a majority of votes cast; a majority is determined by dividing the total vote cast for all candidates by two, with any excess of that sum constituting a majority. If no candidate receives a majority, the candidate receiving the highest number of votes will be declared elected unless the candidate receiving the second highest number of votes requests a runoff election, which would be between the candidate with the highest number of votes and the candidate with the second highest number of votes. The date of the first election is the same day as the vote for the primary election and the timetable for requesting a runoff will be the same as that for requesting a second primary under GS 163-111(c). New GS 163-322.1 also provides for a method for determining the elected candidate in the case of tie votes, and caps the number of runoff elections that may be held for the office of district court judge at one. (3) Amends GS 163-322 (setting forth the method for electing judges) by providing that the section applies only to appellate and superior court judges. (4) Amends GS 163-328 to provide a procedure for determining the elected candidate for district court judge in the event of the death or disqualification of a candidate before the election, but after ballots have been printed. Also amends provisions dealing with death and disqualification of candidates for appellate or superior court judge and for vacancies for the offices of appellate or superior court judge to make clear that they do not apply to candidacies and vacancies for the office of district court judge.

Intro. by Berger of Franklin.

GS 163