

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

FILED SENATE  
Mar 19, 2013  
S.B. 360  
PRINCIPAL CLERK

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SENATE DRS35172-LBx-103B (03/04)

Short Title: Judicial Elections Amendment. (Public)

Sponsors: Senator Brunstetter (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO ALLOW VOTERS  
TO ELECT TO RETAIN OR REJECT JUSTICES OR JUDGES UP FOR ELECTION.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Section 16 of Article IV of the North Carolina Constitution reads  
as rewritten:

**"Sec. 16. Terms of office and election of Justices of the Supreme Court, Judges of the  
Court of Appeals, and Judges of the Superior Court.**

Justices of the Supreme Court, Judges of the Court of Appeals, and regular Judges of the  
Superior Court shall be ~~elected~~ subject to an election by the qualified voters as to whether they  
shall be retained to serve the succeeding eight-year term of that office, and if a majority of  
those voting do not vote to end the term of office of that Justice or Judge, that Justice or Judge  
shall continue to hold office for terms of eight years ~~and until their successors are elected and~~  
~~qualified to begin January 1 following the election.~~ Justices of the Supreme Court and Judges  
of the Court of Appeals shall be elected by the qualified voters of the State. Regular Judges of  
the Superior Court ~~may~~ shall be elected and subject to rejection by the qualified voters of the  
State ~~or by the voters of their respective districts, as the General Assembly may~~  
~~prescribe districts.~~ If a Justice or Judge does not file for such election in a manner prescribed by  
law, or if a majority of those voting vote not to retain that Justice or Judge from serving the  
succeeding term of office, a vacancy is created at the end of the then-current term to be filled in  
accordance with Section 19 of this Article."

**SECTION 1.(b)** Section 19 of Article IV of the North Carolina Constitution reads  
as rewritten:

**"Sec. 19. Vacancies.**

Unless otherwise provided in this Article, all vacancies occurring in the offices provided for  
by this Article shall be filled by appointment of the Governor, and the appointees shall hold  
their places until the next election for members of the General Assembly that is held more than  
~~60~~ 90 days after the vacancy occurs, when ~~elections~~ an election shall be held ~~to fill the offices.~~  
on the question of whether the Justice or Judge shall be retained to serve the succeeding term of  
that office. If a Justice or Judge in office does not file for the election provided in Section 16 of  
this Article, or if the voters vote not to retain that Justice or Judge under Section 16 of this  
Article, that person may not be appointed to the same office for the term that begins on January  
1 following the election. When the unexpired term of any of the offices named in this Article of  
the Constitution in which a vacancy has occurred, and in which it is herein provided that the  
Governor shall fill the vacancy, expires on the first day of January succeeding the next election



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1 for members of the General Assembly, the Governor shall appoint to fill that vacancy for the  
2 unexpired term of the office. If any person elected or appointed to any of these offices shall fail  
3 to qualify, the office shall be appointed to, held and filled as provided in case of vacancies  
4 occurring therein. ~~All~~ Except for a person who is not retained under Section 16 of this Article  
5 or does not file for such election as provided by law, incumbents of these offices shall hold  
6 until their successors are qualified."

7 **SECTION 2.** The amendments set out in Section 1 of this act shall be submitted to  
8 the qualified voters of the State at an election on November 4, 2014, which election shall be  
9 conducted under the laws then governing elections in the State. Ballots, voting systems, or both  
10 may be used in accordance with Chapter 163 of the General Statutes. The question on the ballot  
11 shall be:

12  FOR  AGAINST

13 Constitutional amendment to allow Justices of the Supreme Court, Judges of the  
14 Appellate Division, and Judges of the Superior Court to continue to serve as such unless a  
15 majority of voters elect not to retain that Judge or Justice for a successive eight-year term."

16 **SECTION 3.** If a majority of votes cast on the question are in favor of the  
17 amendment set out in Section 1 of this act, the State Board of Elections shall certify the  
18 amendment to the Secretary of State. The amendment becomes effective upon this certification.  
19 The Secretary of State shall enroll the amendment so certified among the permanent records of  
20 that office.

21 **SECTION 4.** This act is effective when it becomes law.