

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2017

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**HOUSE BILL 717**  
**Committee Substitute Favorable 6/26/17**  
**Committee Substitute #2 Favorable 10/4/17**  
**Committee Substitute #3 Favorable 10/4/17**  
**Fifth Edition Engrossed 10/5/17**  
**Senate Select Committee on Elections Committee Substitute Adopted 6/4/18**  
**Corrected Copy 6/5/18**  
**PROPOSED SENATE COMMITTEE SUBSTITUTE H717-PCS10487-BK-43**

Short Title: Judicial Elections Changes.

(Public)

Sponsors:

Referred to:

April 11, 2017

A BILL TO BE ENTITLED  
AN ACT TO REVISE THE JUDICIAL DIVISIONS; TO CLARIFY LISTING OF JUDICIAL SEATS ON THE BALLOT; AND TO LIMIT ROTATION OF SUPERIOR COURT JUDGES TO SIX MONTHS PER YEAR.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2
<del>Second</del> First	3B	Carteret, Craven, Pamlico	3
Second	4A	Duplin, Jones, Sampson	1
Second	4B	Onslow	1
Second	5A	(part of New Hanover, part of Pender	1



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1			see subsection (b))	
2		5B	(part of New Hanover,	1
3			part of Pender	
4			see subsection (b))	
5		5C	(part of New Hanover,	1
6			see subsection (b))	
7	First	6A	Halifax	1
8	First	6B	Bertie, Hertford,	1
9			Northampton	
10	First	7A	Nash	1
11	First	7B	(part of Wilson,	1
12			part of Edgecombe,	
13			see subsection (b))	
14	First	7C	(part of Wilson,	1
15			part of Edgecombe,	
16			see subsection (b))	
17	<del>Second</del> First	8A	Lenoir and Greene	1
18	<del>Second</del> First	8B	Wayne	1
19	Third	9	Franklin, Granville,	2
20			Person, Vance, Warren	
21	Third	10A	(part of Wake,	1
22			see subsection (b))	
23	Third	10B	(part of Wake,	2
24			see subsection (b))	
25	Third	10C	(part of Wake,	1
26			see subsection (b))	
27	Third	10D	(part of Wake,	1
28			see subsection (b))	
29	<del>Fourth</del> Third	11A	Harnett,	1
30			Lee	
31	<del>Fourth</del> Third	11B	Johnston	1
32	<del>Fourth</del> Second	12A	(part of Cumberland,	1
33			see subsection (b))	
34	<del>Fourth</del> Second	12B	(part of Cumberland,	1
35			see subsection (b))	
36	<del>Fourth</del> Second	12C	(part of Cumberland,	2
37			see subsection (b))	
38	<del>Fourth</del> Second	13A	Bladen, Columbus	1
39	<del>Fourth</del> Second	13B	Brunswick	1
40	Third	14A	(part of Durham,	1
41			see subsection (b))	
42	Third	14B	(part of Durham,	3
43			see subsection (b))	
44	Third	15A	Alamance	2
45	Third	15B	Orange, Chatham	2
46	<del>Fourth</del> Second	16A	Anson, Richmond,	2
47			Scotland, Hoke	
48	<del>Fourth</del> Second	16B	Robeson	2
49	<del>Fifth</del> Third	17A	Caswell, Rockingham	3
50	<del>Fifth</del> Fourth	17B	Stokes, Surry	2
51	<del>Fifth</del> Third	18A	(part of Guilford,	1

1			see subsection (b))	
2	<u>FifthThird</u>	18B	(part of Guilford,	1
3			see subsection (b))	
4	<u>FifthThird</u>	18C	(part of Guilford,	1
5			see subsection (b))	
6	<u>FifthThird</u>	18D	(part of Guilford,	1
7			see subsection (b))	
8	<u>FifthThird</u>	18E	(part of Guilford,	1
9			see subsection (b))	
10	<u>SixthFourth</u>	19A	Cabarrus	1
11	<u>FifthThird</u>	19B	Montgomery, Randolph	1
12	<u>SixthFourth</u>	19C	Rowan	1
13	<u>FourthThird</u>	19D	Moore	1
14	<u>SixthFourth</u>	20A	Stanly	1
15	<u>SixthFourth</u>	20B	Union	2
16	<u>FifthFourth</u>	21A	(part of Forsyth,	1
17			see subsection (b))	
18	<u>FifthFourth</u>	21B	(part of Forsyth,	1
19			see subsection (b))	
20	<u>FifthFourth</u>	21C	(part of Forsyth,	1
21			see subsection (b))	
22	<u>FifthFourth</u>	21D	(part of Forsyth,	1
23			see subsection (b))	
24	<u>SixthFourth</u>	22A	Alexander, Iredell	2
25	<u>SixthFourth</u>	22B	Davidson, Davie	2
26	<u>FifthFourth</u>	23	Alleghany, Ashe,	1
27			Wilkes, Yadkin	
28	<u>EighthFifth</u>	24	Avery, Madison,	2
29			Mitchell,	
30			Watauga, Yancey	
31	<u>SeventhFifth</u>	25A	Burke, Caldwell	2
32	<u>SeventhFifth</u>	25B	Catawba	2
33	<u>SeventhFourth</u>	26A	(part of Mecklenburg,	2
34			see subsection (b))	
35	<u>SeventhFourth</u>	26B	(part of Mecklenburg,	3
36			see subsection (b))	
37	<u>SeventhFourth</u>	26C	(part of Mecklenburg,	2
38			see subsection (b))	
39	<u>SeventhFifth</u>	27A	Gaston	2
40	<u>SeventhFifth</u>	27B	Cleveland, Lincoln	2
41	<u>EighthFifth</u>	28	Buncombe	2
42	<u>EighthFifth</u>	29A	McDowell,	1
43			Rutherford	
44	<u>EighthFifth</u>	29B	Henderson, Polk,	1
45			Transylvania	
46	<u>EighthFifth</u>	30A	Cherokee, Clay,	1
47			Graham, Macon,	
48			Swain	
49	<u>EighthFifth</u>	30B	Haywood, Jackson	1."
50	<b>SECTION 1.(b)</b> This section becomes effective July 1, 2018.			

1           **SECTION 2.** If Senate Bill 757, 2018 Regular Session, becomes law, then Section  
2 1(c) of that act reads as rewritten:

3           **"SECTION 1.(c)** In order to implement the superior court districts as enacted by this section,  
4 in 2018 and every eight years thereafter, elections shall be conducted for Districts ~~5A~~, 5B, 26C,  
5 26E, 26F, and 26H; in 2020 and every eight years thereafter, elections shall be conducted for  
6 District 26A; and in 2022 and every eight years thereafter, elections shall be conducted for  
7 Districts 26B, 26D, and 26G; and in 2024 and every eight years thereafter, elections shall be  
8 conducted for ~~District 5C~~. Districts 5A and 5C."

9           **SECTION 3.(a)** G.S. 163A-1112(a) reads as rewritten:

10          "(a) Except as provided in this section, each official ballot shall contain all the following  
11 elements:

- 12           (1) The heading prescribed by the State Board. The heading shall include the term  
13 "Official Ballot".
- 14           (2) The title of each office to be voted on and the number of votes allowed in each  
15 ballot item.
- 16           (3) The names of the candidates as they appear on their notice of candidacy filed  
17 pursuant to G.S. 163A-972, 163A-973, 163A-974, 163A-975, 163A-976,  
18 163A-977, and 163A-978, or on petition forms filed in accordance with  
19 G.S. 163A-1005. No title, appendage, or appellation indicating rank, status,  
20 or position shall be printed on the official ballot in connection with the  
21 candidate's name. Candidates, however, may use the title Mr., Mrs., Miss, or  
22 Ms. Nicknames shall be permitted on an official ballot if used in the notice of  
23 candidacy or qualifying petition, but the nickname shall appear according to  
24 standards adopted by the State Board. Those standards shall allow the  
25 presentation of legitimate nicknames in ways that do not mislead the voter or  
26 unduly advertise the candidacy. In the case of candidates for presidential  
27 elector, the official ballot shall not contain the names of the candidates for  
28 elector but instead shall contain the nominees for President and Vice President  
29 which the candidates for elector represent. The State Board shall establish a  
30 review procedure that local boards of elections shall follow to ensure that  
31 candidates' names appear on the official ballot in accordance with this  
32 subdivision.
- 33           (4) Party designations in partisan ballot items.
- 34           (5) A means by which the voter may cast write-in votes, as provided in  
35 G.S. 163A-1006. No space for write-ins is required unless a write-in candidate  
36 has qualified under G.S. 163A-1006 or unless the ballot item is exempt from  
37 G.S. 163A-1006.
- 38           (6) Instructions to voters, unless the State Board allows instructions to be placed  
39 elsewhere than on the official ballot.
- 40           (7) The printed title and facsimile signature of the chair of the county board of  
41 elections.
- 42           (8) The designation of vacancy sought, for any vacancy for the office of Justice  
43 or judge of the courts. The designation shall not be the name or names of any  
44 incumbent or other individual but shall be designated as determined by the  
45 State Board."

46           **SECTION 3.(b)** G.S. 163A-975 reads as rewritten:

47 **"§ 163A-975. Notice of candidacy for certain offices to indicate vacancy.**

48          In any primary in which there are two or more vacancies for associate justices for the Supreme  
49 Court, two or more vacancies for the Court of Appeals, two or more vacancies for superior or  
50 district court judge, or two vacancies for United States Senator from North Carolina, each  
51 candidate shall, at the time of filing notice of candidacy, file with the State Board a written

1 statement designating the vacancy to which the candidate seeks nomination. The designation  
2 shall not be the name or names of any incumbent or other individual but shall be designated as  
3 determined by the State Board. A person seeking election for a specialized district judgeship  
4 established under G.S. 7A-147 shall, at the time of filing notice of candidacy, file with the State  
5 Board a written statement designating the specialized judgeship to which the person seeks  
6 nomination. Votes cast for a candidate shall be effective only for nomination to the vacancy for  
7 which the candidate has given notice of candidacy as provided in this section."

8 **SECTION 3.(c)** This section is effective when it becomes law and applies to  
9 elections held on or after that date.

10 **SECTION 4.** G.S. 7A-47.3 reads as rewritten:

11 "**§ 7A-47.3. Rotation and assignment; sessions.**

12 (a) To effect the intent of Article IV, Section 11 of the North Carolina Constitution, each  
13 regular resident superior court judge may, upon each rotation, be assigned to hold the courts  
14 either of one of the districts or of one of the sets of ~~districts, as defined in G.S. 7A-41.1(a),~~  
15 districts in that judge's judicial division.

16 (b) All sessions of superior court shall be for an entire county, whether that county  
17 comprises or is located in a district or in a set of districts ~~as defined in G.S. 7A-41.1(a),~~ and at  
18 each session all matters and proceedings arising anywhere in the county shall be heard.

19 (c) In making assignment of the judges of the superior court, the Chief Justice of the  
20 Supreme Court shall strive to allow each regular resident superior court judge to be assigned to  
21 the district or set of districts from which that regular resident superior court judge was elected or  
22 appointed no less than one half of the calendar year.

23 (d) For purposes of this section, "district or set of districts" shall have the same meaning  
24 as in G.S. 7A-41.1(a)."

25 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes  
26 law.