

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 177

Select Committee on Courts Committee Substitute Adopted 2/17/94

Short Title: Judicial Filing Period.

(Public)

Sponsors:

Referred to:

February 16, 1994

A BILL TO BE ENTITLED

1 AN ACT TO SET A FILING PERIOD FOR CANDIDACIES FOR POSITIONS AS
2 SUPERIOR COURT JUDGE, DISTRICT COURT JUDGE, AND DISTRICT
3 ATTORNEY RECENTLY PRECLEARED BY THE UNITED STATES
4 DEPARTMENT OF JUSTICE, AND FOR OTHER OFFICES IN DISTRICTS
5 AFFECTED BY THAT PRECLEARANCE.
6

7 Whereas, the General Assembly in Chapter 321 of the 1993 Session Laws
8 created new District 9A for superior court, district court, and district attorney, which
9 received preclearance from the United States Department of Justice on February 14,
10 1994; and

11 Whereas, the General Assembly in Chapter 321 of the 1993 Session Laws
12 created seven new superior court judgeships, which received preclearance from the
13 United States Department of Justice on February 14, 1994; and

14 Whereas, the General Assembly in Chapter 321 of the 1993 Session Laws
15 created several new district court judgeships to be effective for the 1994 election, only
16 one of which, in District Court District 6B, received preclearance from the United States
17 Department of Justice on February 14, 1994; and

18 Whereas, the filing period for district attorney ended on February 7, 1994,
19 and a filing period must be enacted for new District 9A; and

20 Whereas, the filing period for district court judgeships ended on February 7,
21 1994, and a filing period must be enacted for the additional judge in District 6B and in
22 District 9A, and filing fees refunded where a judgeship was transferred from District
23 Court District 17A to District Court District 9A; and

1 Whereas, the filing period for superior court judgeships is set to expire on
2 February 18, 1994, and an adequate filing period must be provided for the new seats in
3 Districts 9A, 10A, 20B, and 27B, and for the new two-seat Districts 3B, 15A, 17B, and
4 27B where one new seat was created in each district along with an existing judgeship
5 open this year; and

6 Whereas, the period for absentee voting in the 1994 primary election must be
7 reduced in order to allow an adequate time for candidate filing for offices covered by
8 this act; Now, therefore,

9 The General Assembly of North Carolina enacts:

10 Section 1. Notices of candidacy for district attorney in Prosecutorial District
11 9A must be filed with the State Board of Elections no earlier than 12:00 noon on the
12 business day after this act is effective under section 5 of the Voting Rights Act of 1965,
13 and not later than 12:00 noon on Friday, March 11, 1994.

14 Sec. 2. Notices of candidacy for district court judges in District Court
15 Districts 6B and 9A must be filed with the State Board of Elections no earlier than
16 12:00 noon on the business day after this act is effective under section 5 of the Voting
17 Rights Act of 1965, and not later than 12:00 noon on Friday, March 11, 1994.

18 Sec. 2.1. Notices of candidacy for superior court judge in Superior Court
19 District 9A must be filed with the State Board of Elections no earlier than 12:00 noon
20 on the business day after this act is effective under section 5 of the Voting Rights Act of
21 1965, and not later than 12:00 noon on Friday, March 11, 1994.

22 Sec. 3. In addition to any notices of candidacy for superior court which were
23 validly filed during the period previously provided for, notices of candidacy for
24 Superior Court Districts 3B, 9A, 10A, 15A, 17B, 20B, 25B, and 27B must be filed with
25 the State Board of Elections no earlier than 12:00 noon on the business day after this act
26 is effective under section 5 of the Voting Rights Act of 1965, and not later than 12:00
27 noon on Friday, March 11, 1994.

28 Sec. 4. (a) The provisions of G.S. 163-107.1 do not apply to any offices covered by
29 this act in the 1994 primary.

30 (b) Notwithstanding the provisions of Article 20 or Article 21 of Chapter 163 of
31 the General Statutes, the time by which absentee ballots are required to be printed and
32 distributed for the 1994 primary only is reduced from 50 days to 40 days before the
33 primary election. This subsection applies on a statewide basis and to all offices and to
34 all elections held on that date.

35 Sec. 5. Notices of candidacy for 1994 validly filed in:

- 36 (1) Superior Court Districts 3B, 9, 9A, 10A, 15A, 17B, 20B, 25B, and
37 27B prior to the filing deadline of February 18, 1994;
- 38 (2) Prosecutorial Districts 9 and 17A prior to the filing deadline of
39 February 7, 1994; and
- 40 (3) District Court District 17A prior to the filing deadline of February 7,
41 1994

42 are not voided, but shall continue to apply. Except as to Superior Court District 9,
43 Prosecutorial Districts 9 and 17A, and District Court District 17A, they may, however,
44 be withdrawn as provided in G.S. 163-106(e) if such withdrawal is made before the

1 filing deadline established by this act, and in such case the filing fee shall be refunded
2 as provided by G.S. 163-107(b). Provided, that notices of candidacy in District Court
3 District 17A for the seat which is reallocated from District 17A to District 9A by
4 Section 200.4(f) of Chapter 321 of the 1993 Session Laws are voided, and that person's
5 filing fee shall be credited to any new filing under this act or refunded if the candidate
6 does not file or is not eligible to file.

7 Sec. 6. This act is effective upon ratification, but may not be enforced except
8 as provided by section 5 of the Voting Rights Act of 1965.