

NORTH CAROLINA GENERAL ASSEMBLY

LEGISLATIVE FISCAL NOTE

BILL NUMBER: SB 12 Judicial Appt./Voter Retention

SHORT TITLE: Judicial Appt./Voter Retention

SPONSOR(S): Sen. Odom

FISCAL IMPACT

	Yes ()	No (X)	No Estimate Available ()		
	<u>FY 1999-00</u>	<u>FY 2000-01</u>	<u>FY 2001-02</u>	<u>FY 2002-03</u>	<u>FY 2003-04</u>

REVENUES

EXPENDITURES

General Assembly

No fiscal impact.

POSITIONS:

PRINCIPAL DEPARTMENT(S) &

PROGRAM(S) AFFECTED: State Board of Elections, General Assembly

EFFECTIVE DATE: effective when it becomes law.

BILL SUMMARY:

JUDICIAL APPT./VOTER RETENTION. TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR GUBERNATORIAL NOMINATION OF JUSTICES OF THE SUPREME COURT AND JUDGES OF THE COURT OF APPEALS, LEGISLATIVE CONFIRMATION, AND RETENTION BY VOTE OF THE PEOPLE. Amends Art. IV, sec. 16 of the NC Constitution as title indicates. Provides for submission of constitutional amendment to the vote of the people in the November 2000 general election. Provides that regular superior court judges will be elected in districts. Nomination, confirmation, and retention process applies to vacancies and new judgeships on the Court of Appeals and Supreme Court occurring on and after Jan. 1, 2001. Governor nominates a person to fill vacancy. General Assembly must confirm nomination by vote of three-fifths of members of each house present and voting. General Assembly must vote on confirmation within 60 calendar days of the date of nomination; excludes some between-session days from this time period. Permits Governor to convene the

General Assembly in extra session for purpose of considering confirmation of a nomination. Limits special session to a single day and this item of business.

A judge or justice who is nominated and confirmed is subject to voter retention on a nonpartisan ballot at the next statewide election for members of the General Assembly that is held more than 18 months after the nomination is confirmed. Upon retention, a judge or justice serves a regular term. A sitting judge or justice who desires to continue in office is subject to voter retention at the last statewide election for members of the General Assembly held before the expiration of the judge or justice's term of office. If voters do not approve retention, the judge or justice's office becomes vacant at the end of the term of office, and the vacancy is filled by the nomination, confirmation, and retention process described above. The Governor may nominate only a person of the same political affiliation as the judge or justice who was not retained. The political affiliation of a nominee is determined as of 24 months preceding the date of the vacancy for which the nomination is made.

Includes the following transitional provisions. A judge or justice elected to one of these courts before Jan. 1, 2001 for a term extending beyond that date and who is in office on that date has his or her term extended through June 30 of the year following the eighth year after the date the judge or justice was elected to office. At that time, the judge or justice is subject to voter retention if he or she desires to continue in office. A judge or justice appointed to one of these courts before Jan. 1, 2001 for a term extending beyond that date and who is in office on that date has his or her term ended on June 30, 2003, and is subject to voter retention in 2002 if he or she desires to continue in office. Any vacancies created on or after Jan. 1, 2001, are filled by the nomination, confirmation, and retention process described above. Vacancies created, but not filled, before that date are also subject to this process.

Enacts new GS Ch. 7A, Art. 1A, subject to passage of constitutional amendment. This article provides greater detail about nomination, confirmation, and retention. Provides that confirmation is by joint resolution. Permits Governor to withdraw nominations. Permits legislature to investigate nominees and gives a legislative committee access to the files of the Judicial Standards Commission. Provides that Governor will provide commissions to judges and justices who are nominated and confirmed, as well as to those who are retained. Provides rules for retention elections, including requirement that retention elections be placed at the top of the ballot over all other elections or matters for decision, whether partisan, nonpartisan, or otherwise. Makes conforming changes in GS Ch. 163, GS 7A-10, and GS 7A-16.

Source: Institute of Government, Daily Bulletin, January 28, 1999.

ASSUMPTIONS AND METHODOLOGY:

State Board of Elections

There would be a minimal fiscal impact from the changes proposed in the bill to have a separate paper ballot for a constitutional amendment. However, voting machines are used widely and therefore the impact would be minimal. The Fiscal Research Division believes that the impact can be absorbed with current resources.

General Assembly

If an extra one day session were called by the Governor to vote on confirmation of a nomination, it would cost \$55,000. If the vote on confirmation were held during a regular

session there would be no additional cost. The Fiscal Research Division believes that the impact can be absorbed with current resources.

TECHNICAL CONSIDERATIONS: none

FISCAL RESEARCH DIVISION 733-4910

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DATE: Monday, April 19, 1999



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