

GENERAL ASSEMBLY OF NORTH CAROLINA  
EXTRA SESSION 1994

CHAPTER 1  
SENATE BILL 177

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

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

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

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

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

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

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

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

The General Assembly of North Carolina enacts:

Section 1. Notices of candidacy for district attorney in Prosecutorial District 9A must be filed with the State Board of Elections no earlier than 12:00 noon on the

business day after this act is effective under section 5 of the Voting Rights Act of 1965, and not later than 12:00 noon on Friday, March 11, 1994.

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

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

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

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

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

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

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

are not voided, but shall continue to apply. Except as to Superior Court District 9, Prosecutorial Districts 9 and 17A, and District Court District 17A, they may, however, be withdrawn as provided in G.S. 163-106(e) if such withdrawal is made before the filing deadline established by this act, and in such case the filing fee shall be refunded as provided by G.S. 163-107(b). Provided, that notices of candidacy in District Court District 17A for the seat which is reallocated from District 17A to District 9A by Section 200.4(f) of Chapter 321 of the 1993 Session Laws are voided, and that person's filing fee shall be credited to any new filing under this act or refunded if the candidate does not file or is not eligible to file.

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

In the General Assembly read three times and ratified this the 17th day of February, 1994.

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Dennis A. Wicker  
President of the Senate

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Daniel Blue, Jr.  
Speaker of the House of Representatives