

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

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HOUSE BILL 478
Committee Substitute Favorable 5/13/25

Short Title: Modify Appointment Process for DA Vacancies.

(Public)

Sponsors:

Referred to:

March 24, 2025

A BILL TO BE ENTITLED
AN ACT TO MODIFY THE APPOINTMENT PROCESS TO FILL DISTRICT ATTORNEY
VACANCIES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-10 reads as rewritten:

"§ 163-10. Filling vacancy in office of district attorney.

(a) ~~Any~~ A vacancy occurring in the office of district attorney for causes other than expiration of term shall be filled by appointment of the ~~Governor~~. An Governor in accordance with this section. The appointee shall hold his place serve until the next election for members of the General Assembly that is held more than 60 days after the vacancy occurs, at which time an election shall be held to fill the unexpired term of the office: Provided, that when the unexpired term of the office in which the vacancy has occurred expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office: as provided in subsection (b) of this section.

(b) An appointee shall hold office as follows:

(1) If the unexpired term of office ends on the first day of January following the next election for members of the General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of office, and the election shall be for a four-year term.

(2) If the unexpired term of office ends on the first day of January two years following the next election for members of the General Assembly, the Governor shall appoint to fill the vacancy until the election is certified, and the election shall be for the unexpired term of office.

(c) The vacancy shall be filled as follows:

(1) If the vacating district attorney was elected as a nominee of a political party, the Governor shall consult the district executive committee of the political party of the vacating district attorney before filling the vacancy, and shall appoint from a list of up to three qualified persons recommended by the district executive committee of the appropriate political party if the district executive committee makes a recommendation within 30 days of the occurrence of the vacancy.

(2) If the vacating district attorney was not elected as a nominee of a political party, or if the district executive committee of the political party of the vacating district attorney is unable to make a recommendation or does not



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1 make a recommendation within 30 days of the occurrence of the vacancy, the
2 Governor shall appoint a qualified individual.

3 (3) The nominees selected pursuant to subdivision (1) of this subsection shall be
4 selected by a vote of only those executive committee members who reside in
5 the prosecutorial district of the vacating district attorney."

6 **SECTION 2.** If a vacancy requiring recommendations pursuant to G.S. 163-10, as
7 enacted by this act, occurred prior to the date this act becomes effective and is vacant on the date
8 this act becomes effective, the entity making recommendations as provided in G.S. 163-10, as
9 enacted by this act, shall have the full amount of time authorized by G.S. 163-10(c), as enacted
10 by this act, from the date this act becomes effective to make recommendations to the Governor.

11 **SECTION 3.** This act is effective when it becomes law and applies to vacancies
12 filled on or after that date.