

Article 26A.

Three-Judge Panel for Redistricting Challenges and for Certain Challenges to State Laws.

§ 1-267.1. Three-judge panel for actions challenging plans apportioning or redistricting State legislative or congressional districts; claims challenging the facial validity of an act of the General Assembly.

(a) Any action challenging the validity of any act of the General Assembly that apportions or redistricts State legislative or congressional districts shall be filed in the Superior Court of Wake County. Any action that is a facial challenge to the validity of an act of the General Assembly shall be, unless filed in the Superior Court of Wake County, transferred pursuant to G.S. 1A-1, Rule 42(b)(4), to the Superior Court of Wake County.

All actions referenced in this subsection shall be heard and determined by a three-judge panel of the Superior Court of Wake County organized as provided by subsection (b2) of this section.

(a1) Repealed by Session Laws 2023-134, s. 16.21(a), effective October 3, 2023.

(b) Repealed by Session Laws 2023-134, s. 16.21(a), effective October 3, 2023.

(b1) Repealed by Session Laws 2023-134, s. 16.21(a), effective October 3, 2023.

(b2) For each challenge referenced in subsection (a) of this section, the Chief Justice of the Supreme Court shall appoint three superior court judges to a three-judge panel of the Superior Court of Wake County to hear the challenge. The Chief Justice shall appoint a presiding judge of each three-judge panel. Should any member of a three-judge panel be disqualified or otherwise unable to serve on the three-judge panel or be removed from the panel at the discretion of the Chief Justice, the Chief Justice shall appoint as a replacement another superior court judge. No member of the panel on an action challenging the validity of any act of the General Assembly that apportions or redistricts State legislative or congressional districts may be a former member of the General Assembly.

(c) No order or judgment shall be entered affecting the validity of any act of the General Assembly that apportions or redistricts State legislative or congressional districts, or finds that an act of the General Assembly is facially invalid on the basis that the act violates the North Carolina Constitution or federal law, except by a three-judge panel of the Superior Court of Wake County organized as provided by subsection (b2) of this section. In the event of disagreement among the three superior court judges comprising a three-judge panel, then the opinion of the majority shall prevail.

(d) This section applies only to civil proceedings. Nothing in this section shall be deemed to apply to criminal proceedings, to proceedings under Chapter 15A of the General Statutes, to proceedings making a collateral attack on any judgment entered in a criminal proceeding, or to civil proceedings filed by a taxpayer pursuant to G.S. 105-241.17.

(e) For the purposes of this section, the position of superior court judge shall include regular, special, and emergency superior court judges. (2003-434, 1st Ex. Sess., s. 7(a); 2014-100, s. 18B.16(a); 2015-264, s. 1(a); 2018-145, s. 8(b); 2023-134, s. 16.21(a).)