

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 509
HOUSE BILL 589

AN ACT TO PROVIDE FOR CONTINUED COMPLIANCE WITH THE VOTING RIGHTS ACT AND TO IMPROVE THE ADMINISTRATION OF JUSTICE BY PROVIDING FOR THE ELIMINATION OF STAGGERED TERMS FOR SUPERIOR COURT JUDGES, CREATING MORE SUPERIOR COURT JUDICIAL DISTRICTS, ELIMINATING THE OFFICE OF SPECIAL SUPERIOR COURT JUDGE, AND MAKING CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

TITLE I. Division of Superior Court Districts
and Elimination of Staggered Terms.

Section 1. Effective beginning with the 1988 primaries and elections for election purposes and for terms of office, and effective January 1, 1989, for all other purposes, G.S. 7A-41 reads as rewritten:

"§ 7A-41. **Superior court divisions and districts; judges; ~~assistant district attorneys.~~** ~~(a)~~ The counties of the State are organized into four judicial divisions and 34 judicial districts, and each district has the counties, and the number of regular resident superior court judges, and the number of full time assistant district attorneys set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

<u>Judicial Division</u>	<u>Judicial District</u>	<u>Counties</u>	<u>No. of Resident Judges</u>	<u>No. of Full Time Ass't District Attorneys</u>
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2	5
	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1	4
	3	Carteret, Craven, <u>Pamlico, Pitt</u>	2	8
	<u>3A</u>	<u>Pitt</u>	<u>1</u>	
	<u>3B</u>	<u>Carteret, Craven</u> <u>Pamlico</u>	<u>1</u>	
	4	Duplin, Jones,	2	8

		Onslow, Sampson		
	<u>4A</u>	<u>Duplin, Jones,</u>	<u>1</u>	
		<u>Sampson</u>		
	<u>4B</u>	<u>Onslow</u>	<u>1</u>	
	5	New Hanover,	2	7
		Pender		
	6	Bertie, Halifax,	4	4
		Hertford,		
		Northampton		
	<u>6A</u>	<u>Halifax</u>	<u>1</u>	
	<u>6B</u>	<u>Bertie, Hertford</u>	<u>1</u>	
		<u>Northampton</u>		
	7	Edgecombe, Nash,	2	7
		Wilson		
	<u>7A</u>	<u>Nash</u>	<u>1</u>	
	<u>7B</u>	<u>(part of Wilson,</u>	<u>1</u>	
		<u>part of Edgecombe,</u>		
		<u>see subsection (b))</u>		
	<u>7C</u>	<u>(part of Wilson,</u>	<u>1</u>	
		<u>part of Edgecombe,</u>		
		<u>see subsection (b))</u>		
	8	Greene, Lenoir	2	8
		Wayne		
	<u>8A</u>	<u>Lenoir and Greene</u>	<u>1</u>	
	<u>8B</u>	<u>Wayne</u>	<u>1</u>	
Second	9	Franklin, Granville,	2	6
		Person,		
		Vance, Warren		
	10	Wake	4	15
	<u>10A</u>	<u>(part of Wake</u>	<u>1</u>	
		<u>see subsection (b))</u>		
	<u>10B</u>	<u>(part of Wake</u>	<u>2</u>	
		<u>see subsection (b))</u>		
	<u>10C</u>	<u>(part of Wake</u>	<u>1</u>	
		<u>see subsection (b))</u>		
	<u>10D</u>	<u>(part of Wake</u>	<u>1</u>	
		<u>see subsection (b)</u>		
	11	Harnett, Johnston,	1	5
		Lee		
	12	Cumberland, Hoke	3	12
	<u>12A</u>	<u>(part of Cumberland</u>	<u>1</u>	
		<u>see subsection (b))</u>		
	<u>12B</u>	<u>(part of Cumberland</u>	<u>1</u>	
		<u>see subsection (b))</u>		

	<u>12C</u>	(part of Cumberland <u>see subsection (b))</u>	<u>2</u>	
	13	Bladen, Brunswick, Columbus	1	5
	14	Durham	3	8
	<u>14A</u>	(part of Durham <u>see subsection (b))</u>	<u>1</u>	
	<u>14B</u>	(part of Durham <u>see subsection (b))</u>	<u>3</u>	
	15A	Alamance	1	3
	15B	Orange, Chatham	1	3
	16	Robeson, Scotland	4	7
	<u>16A</u>	<u>Scotland, Hoke</u>	<u>1</u>	
	<u>16B</u>	<u>Robeson</u>	<u>1</u>	
Third	17A	Caswell, Rockingham	1	3
	17B	Stokes, Surry	1	3
	18	Guilford	4	14
	<u>18A</u>	(part of Guilford <u>see subsection (b))</u>	<u>1</u>	
	<u>18B</u>	(part of Guilford <u>see subsection (b))</u>	<u>1</u>	
	<u>18C</u>	(part of Guilford <u>see subsection (b))</u>	<u>1</u>	
	<u>18D</u>	(part of Guilford <u>see subsection (b))</u>	<u>1</u>	
	<u>18E</u>	(part of Guilford <u>see subsection (b))</u>	<u>1</u>	
	19A	Cabarrus, Rowan	2	5
	<u>19A</u>	<u>Cabarrus</u>	<u>1</u>	
	19B	Montgomery, Randolph	1	3
	<u>19C</u>	<u>Rowan</u>	<u>1</u>	
	20	Anson, Moore, Richmond, Stanly, Union	2	8
	<u>20A</u>	<u>Anson, Moore, Richmond</u>	<u>1</u>	
	<u>20B</u>	<u>Stanly, Union</u>	<u>1</u>	
	21	Forsyth	3	9
	<u>21A</u>	(part of Forsyth <u>see subsection (b))</u>	<u>1</u>	
	<u>21B</u>	(part of Forsyth <u>see subsection (b))</u>	<u>1</u>	
	<u>21C</u>	(part of Forsyth	<u>1</u>	

		<u>see subsection (b))</u>		
	<u>21D</u>	<u>(part of Forsyth</u>	<u>1</u>	
		<u>see subsection (b))</u>		
	22	Alexander, Davidson	2	7
		Davie, Iredell		
	23	Alleghany, Ashe,	1	3
		Wilkes, Yadkin		
Fourth	24	Avery, Madison,	1	3
		Mitchell,		
		Watauga, Yancey		
	25	Burke, Caldwell,	2	7
		Catawba		
	<u>25A</u>	<u>Burke, Caldwell</u>	<u>1</u>	
	<u>25B</u>	<u>Catawba</u>	<u>1</u>	
	26	Mecklenburg	5	19
	<u>26A</u>	<u>(part of Mecklenburg</u>	<u>2</u>	
		<u>see subsection (b))</u>		
	<u>26B</u>	<u>(part of Mecklenburg</u>	<u>2</u>	
		<u>see subsection (b))</u>		
	<u>26C</u>	<u>(part of Mecklenburg</u>	<u>2</u>	
		<u>see subsection (b))</u>		
	27A	Gaston	2	5
	27B	Cleveland, Lincoln	1	3
	28	Buncombe	2	5
	29	Henderson,	1	5
		McDowell, Polk,		
		Rutherford,		
		Transylvania		
	30	Cherokee, Clay,	2	5
		Graham,		
		Haywood, Jackson,		
		Macon,		
		Swain		
	<u>30A</u>	<u>Cherokee, Clay,</u>	<u>1</u>	
		<u>Graham, Macon,</u>		
		<u>Swain</u>		
	<u>30B</u>	<u>Haywood, Jackson</u>	<u>1</u>	

(b) For judicial districts of less than a whole county, or with part of one county with part of another, the composition of the district and the number of judges is as follows:

- (1) Judicial District 7B consists of County Commissioner Districts 1, 2 and 3 of Wilson County, Blocks 127 and 128 of Census Tract 6 of Wilson County, and Townships 12 and 14 of Edgecombe County. It has one judge.

- (2) Judicial District 7C consists of the remainder of Edgecombe and Wilson Counties not in Judicial District 7B. It has one judge.
- (3) Judicial District 10A consists of Raleigh Precincts 12, 13, 14, 18, 19, 20, 22, 25, 26, 28, 34, 35, and 40, and St. Matthews #3, except that if the Wake County Board of Elections provides that the area in Raleigh Township which was incorrectly placed in a St. Mary's precinct shall be in Raleigh Precinct 40, that area shall be considered to be in Raleigh Precinct 40 for district purposes. It has one judge.
- (4) Judicial District 10B consists of Buckhorn Precinct, Cary Precincts 1, 2, 3, 4, 5, 6, and 7, Cedar Fork Precinct, Holly Springs Precinct, House Creek Precinct #1, Meredith Precinct, Middle Creek Township, Raleigh Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 16, 21, 23, 24, 27, 29, 31, 32, 33, 36, and 41, Swift Creek Precinct #1 and #2 and White Oak Township. It has two judges.
- (5) Judicial District 10C consists of Barton's Creek Precinct, Leesville Precinct, House Creek Precinct #2, Little River Township, Marks Creek Township, New Light Township, Panther Branch Township, St. Mary's Precincts #1, #2, #3, #4, #5, and #6, and Wake Forest Township. It has one judge.
- (6) Judicial District 10D consists of the remainder of Wake County not in Judicial Districts 10A, 10B or 10C. It has one judge.
- (7) Judicial District 12A consists of that part of Cross Creek Precinct #18 north of Raeford Road, Montclair Precinct, that part of Precinct 71-1 not in Judicial District 12B, Precinct 71-2, Morganton #2 Precinct, Cottonade Precinct, Cumberland Precincts 1 and 2, and Brentwood Precinct. It has one judge.
- (8) Judicial District 12B consists of all of State House of Representatives District 17, except for Westarea Precinct, and it also includes that part of Cross Creek Precinct #15 east of Village Drive. It has one judge.
- (9) Judicial District 12C consists of the remainder of Cumberland County not in Judicial Districts 12A or 12B. It has two judges.
- (10) Judicial District 14A consists of Durham Precincts 9, 11, 12, 13, 14, 15, 18, 34, 40, 41, and 42, and that part of Durham Precinct 39 east of North Carolina Highway #751. It has one judge.
- (11) Judicial District 14B consists of the remainder of Durham County not in Judicial District 14A. It has three judges.
- (12) Judicial District 18A consists of Greensboro Precincts 5, 6, 7, 8, 9, 19, 25, 29, 30, 44, and 45 and Clay and Fentress Precincts. It has one judge.
- (13) Judicial District 18B consists of High Point Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 20, and 21, Deep River Precinct, and Jamestown Precincts 1 and 3. It has one judge.
- (14) Judicial District 18C consists of Greensboro Precincts 20, 27, 31, 32, 34, 37, 38, 39, and 43, High Point Precinct 19, Stokesdale, Oak Ridge,

- Bruce, Friendship I, Friendship II, Jamestown II, South Center Grove, North Center Grove, and North Monroe Precincts. It has one judge.
- (15) Judicial District 18D consists of Greensboro Precincts 4, 11, 13, 14, 15, 16, 17, 18, 21, 22, 23, 24, 26, 36, and 42, and North and South Sumner Precincts. It has one judge.
- (16) Judicial District 18E consists of the remainder of Guilford County not in Judicial Districts 18A, 18B, 18C, or 18D. It has one judge.
- (17) Judicial District 21A consists of the Southwest Ward of Winston-Salem, and Precincts 80-6, 80-7, 80-8, 3-1, 9-1, 13-1, 13-2, 13-3, 7-1, 7-2, 7-3, 5-1, 5-2, 5-3, 12-2, and 12-3. It has one judge.
- (18) Judicial District 21B consists of the Northwest Ward, the South Ward, and the Southeast Ward of Winston-Salem, and Precincts 4-1 and 4-2. It has one judge.
- (19) Judicial District 21C consists of Precincts 80-1, 80-2, 80-3, 80-4, 80-5, 80-9, 10-2, 10-3, 3-2, 3-3, 11-1, 11-2, 2-1, 6-1, 6-2, 6-3, 6-4, 1-1, 1-2, and 1-3. It has one judge.
- (20) Judicial District 21D consists of the North Ward, the Northeast Ward, and the East Ward of Winston-Salem, and Precincts 8-2 and 8-3. It has one judge.
- (21) Judicial District 26A consists of Charlotte Precincts 11, 12, 13, 14, 15, 16, 22, 23, 24, 25, 26, 27, 31, 33, 39, 41, 42, 46, 52, 54, 55, 56, 58, 60, 77, 78, and 82, and Long Creek Precinct #2 of Mecklenburg County. It has two judges.
- (22) Judicial District 26B consists of Charlotte Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 17, 18, 20, 21, 28, 29, 30, 32, 34, 35, 36, 37, 38, 43, 44, 45, 47, 51, 61, 62, 63, 65, 66, 67, 68, 69, 71, 74, 83, 84, and 86, Crab Orchard Precincts 1 and 2, and Mallard Creek Precinct 1. It has two judges.
- (23) Judicial District 26C consists of the remainder of Mecklenburg County not in Judicial Districts 26A or 26B. It has two judges.
- (c) In subsection (b) above:
- (1) the names and boundaries of townships are as they were legally defined and in effect as of January 1, 1980, and recognized in the 1980 U.S. Census;
- (2) for Guilford County, precinct boundaries are as shown on maps in use by the Guilford County Board of Elections on April 15, 1987,
- (3) for Mecklenburg, Wake, and Durham Counties, precinct boundaries are as shown on the current maps in use by the appropriate county board of elections as of January 31, 1984, in accordance with G.S. 163-128(b); and
- (4) for Wilson County, commissioner districts are those in use for election of members of the county board of commissioners as of January 1, 1987.

- (5) for Cumberland County, House District 17 is in accordance with the boundaries in effect on January 1, 1987. Precincts are in accordance with those as approved by the United States Department of Justice on February 28, 1986.
- (6) for Forsyth County, the boundaries of Wards and precincts are those in effect on 'WARD MAP 1985', published November 1985 by the City of Winston-Salem and Forsyth County.

If any changes in precinct boundaries, wards, commissioner districts, or House of Representative districts have been made since the dates specified, or are made, those changes shall not change the boundaries of the judicial districts.

(d) The several judges, their terms of office, and their assignments to districts are as follows:

- (1) In the first judicial district, J. Herbert Small and Thomas S. Watts serve terms expiring December 31, 1994.
- (2) In the second judicial district, William C. Griffin serves a term expiring December 31, 1994.
- (3) In the third-A judicial district, David E. Reid serves a term expiring on December 31, 1992.
- (4) In the third-B judicial district, Herbert O. Phillips, III, serves a term expiring on December 31, 1994.
- (5) In the fourth-A judicial district, Henry L. Stevens, III, serves a term expiring December 31, 1994.
- (6) In the fourth-B judicial district, James R. Strickland serves a term expiring December 31, 1992.
- (7) In the fifth judicial district, no election shall be held in 1992 for the full term of the seat now occupied by Bradford Tillery, and the holder of that seat shall serve until a successor is elected in 1994 and qualifies. The succeeding term begins January 1, 1995. In the fifth judicial district, Napoleon B. Barefoot serves a term expiring December 31, 1994.
- (8) In the sixth-A judicial district, Richard B. Allsbrook serves a term expiring December 31, 1990.
- (9) In the sixth-B judicial district, a judge shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.
- (10) In the seventh-A judicial district, Charles B. Winberry, serves a term expiring December 31, 1994.
- (11) In the seventh-B judicial district, a judge shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.
- (12) In the seventh-C judicial district, Franklin R. Brown serves a term expiring December 31, 1990.
- (13) In the eighth-A judicial district, James D. Llewellyn serves a term expiring December 31, 1994.
- (14) In the eighth-B judicial district, Paul M. Wright serves a term expiring December 31, 1992.

- (15) In the ninth judicial district, Robert H. Hobgood and Henry W. Hight, Jr., serve terms expiring December 31, 1994.
- (16) In the tenth-A judicial district, a judge shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.
- (17) In the tenth-B judicial district, Robert L. Farmer serves a term expiring December 31, 1992. In the tenth-B judicial district, no election shall be held in 1990 for the full term of the seat now occupied by Henry V. Barnette, Jr., and the holder of that seat shall serve until a successor is elected in 1992 and qualifies. The succeeding term begins January 1, 1993.
- (18) In the tenth-C judicial district, Edwin S. Preston, serves a term expiring December 31, 1990. In the tenth-D judicial district, Donald Stephens serves a term expiring December 31, 1988.
- (19) In the eleventh judicial district, Wiley F. Bowen serves a term expiring December 31, 1990.
- (20) In the twelfth-A judicial district, D.B. Herring, Jr., serves a term expiring December 31, 1990.
- (21) In the twelfth-B judicial district, a judge shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.
- (22) In the twelfth-C judicial district, no election shall be held in 1992 for the full term of the seat now occupied by Coy E. Brewer, Jr., and the holder of that seat shall serve until a successor is elected in 1994 and qualifies. The succeeding term begins January 1, 1995. In the twelfth-C judicial district, E. Lynn Johnson serves a term expiring December 31, 1994.
- (23) In the thirteenth judicial district, Giles R. Clark serves a term expiring December 31, 1994.
- (24) In the fourteenth-A judicial district, a judge shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.
- (25) In the fourteenth-B judicial district, no election shall be held in 1992 for the full term of the seat now occupied by Anthony M. Brannon, and the holder of that seat shall serve until a successor is elected in 1994 and qualifies. The succeeding term begins July 1, 1995.
- (26) In the fourteenth-B judicial district, no election shall be held in 1990 for the full term of the seat now occupied by Thomas H. Lee, and the holder of that seat shall serve until a successor is elected in 1994 and qualifies. The succeeding term begins January 1, 1995. In the fourteenth-B judicial district, J. Milton Read, Jr., serves a term expiring December 31, 1994.
- (27) In the fifteenth-A judicial district, J.B. Allen, Jr., serves a term expiring December 31, 1994.
- (28) In the fifteenth-B judicial district, F. Gordon Battle serves a term expiring December 31, 1994.

- (29) In the sixteenth-A judicial district, B. Craig Ellis serves a term expiring December 31, 1994.
- (30) In the sixteenth-B judicial district, a judge shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.
- (31) In the seventeenth-A judicial district, Melzer A. Morgan, Jr., serves a term expiring December 31, 1990.
- (32) In the seventeenth-B judicial district, James M. Long serves a term expiring December 31, 1994.
- (33) In the eighteenth-A judicial district, a judge shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.
- (34) In the eighteenth-B judicial district, Edward K. Washington's term expired December 31, 1986, but he is holding over because of a court order enjoining an election from being held in 1986. A successor shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.
- (35) In the eighteenth-C judicial district, W. Douglas Albright serves a term expiring December 31, 1990.
- (36) In the eighteenth-D judicial district, Thomas W. Ross's term expired December 31, 1986, but he is holding over because of a court order enjoining an election from being held in 1986. A successor shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.
- (37) In the eighteenth-E judicial district, Joseph John's term expired December 31, 1986, but he is holding over because of a court order enjoining an election from being held in 1986. A successor shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.
- (38) In the nineteenth-A judicial district, James C. Davis serves a term expiring December 31, 1992.
- (39) In the nineteenth-B judicial district, Russell G. Walker, Jr., serves a term expiring December 31, 1990.
- (40) In the nineteenth-C judicial district, Thomas W. Seay, Jr., serves a term expiring December 31, 1990.
- (41) In the twentieth-A judicial district, F. Fetzer Mills serves a term expiring December 31, 1992.
- (42) In the twentieth-B judicial district, William H. Helms serves a term expiring December 31, 1990.
- (43) In the twenty-first-A judicial district, William Z. Wood serves a term expiring December 31, 1990.
- (44) In the twenty-first-B judicial district, Judson D. DeRamus, Jr., serves a term expiring December 31, 1988.
- (45) In the twenty-first-C judicial district, William H. Freeman serves a term expiring December 31, 1990.
- (46) In the twenty-first-D judicial district, a judge shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.

- (47) In the twenty-second judicial district, no election shall be held in 1992 for the full term of the seat now occupied by Preston Cornelius, and the holder of that seat shall serve until a successor is elected in 1994 and qualifies. The succeeding term shall begin January 1, 1995. In the twenty-second judicial district, Robert A. Collier serves a term expiring December 31, 1994.
- (48) In the twenty-third judicial district, Julius A. Rousseau, Jr., serves a term expiring December 31, 1990.
- (49) In the twenty-fourth judicial district, Charles C. Lamm, Jr., serves a term expiring December 31, 1994.
- (50) In the twenty-fifth-A judicial district, Claude S. Sitton serves a term expiring December 31, 1994.
- (51) In the twenty-fifth-B judicial district, Forrest A. Ferrell serves a term expiring December 31, 1990.
- (52) In the twenty-sixth-A judicial district, no election shall be held in 1994 for the full term of the seat now occupied by W. Terry Sherrill, and the holder of that seat shall serve until a successor is elected in 1996 and qualifies. The succeeding term shall begin January 1, 1997. In the twenty-sixth-A judicial district, a judge shall be elected in 1988 to serve an eight-year term beginning January 1, 1989.
- (53) In the twenty-sixth-B judicial district, Frank W. Snapp, Jr., and Kenneth A. Griffin serve terms expiring December 31, 1990.
- (54) In the twenty-sixth-C judicial district, no election shall be held in 1992 for the full term of the seat now occupied by Chase Boone Saunders, and the holder of that seat shall serve until a successor is elected in 1994 and qualifies. The succeeding term shall begin January 1, 1995. In the twenty-seventh-C judicial district, Robert M. Burroughs serves a term expiring December 31, 1994.
- (55) In the twenty-seventh-A judicial district, no election shall be held in 1988 for the full term of the seat now occupied by Robert E. Gaines, and the holder of that seat shall serve until a successor is elected in 1990 and qualifies. The succeeding term begins January 1, 1991. In the twenty-seventh-A judicial district, Robert W. Kirby serves a term expiring December 31, 1990.
- (56) In the twenty-seventh-B judicial district, John M. Gardner serves a term expiring December 31, 1994.
- (57) In the twenty-eighth judicial district, Robert D. Lewis and C. Walter Allen serve terms expiring December 31, 1990.
- (58) In the twenty-ninth judicial district, Hollis M. Owens, Jr., serves a term expiring December 31, 1990.
- (59) In the thirtieth-A judicial district, James U. Downs serves a term expiring December 31, 1990.
- (60) In the thirtieth-B judicial district, Janet M. Hyatt serves a term expiring December 31, 1994.

(e) In a district having more than one regular resident judge where the district consists of all of a county or all of several counties, the judge who has the most continuous service on the superior court is the senior regular resident superior court judge. If two judges are of equal seniority, the oldest judge is the senior regular resident judge. In a single-judge district, where the district consists of all of a county or all of several counties, the single judge is the senior regular resident judge.

In any county where there is more than one judicial district, but the districts include only territory from that county, then from all of the districts in that county, the judge who has the most continuous service on the superior court is the senior regular resident superior court judge for all of those districts and for the county. If two judges are of equal seniority, the oldest judge is the senior regular resident judge for all of those districts and for the county.

In any county where there is more than one judicial district, and the districts include part from that county, and part from another county, then from all of the districts in both those counties, the judge who has the most continuous service on the superior court is the senior regular resident superior court judge for all of those districts and for both counties. If two judges are of equal seniority, the oldest judge is the senior regular resident judge for all of those districts and for both counties.

Senior regular resident judges and regular resident judges possess equal judicial jurisdiction, power, authority and status, but all duties placed by the Constitution or statutes on the resident judge of a judicial district, including the appointment to and removal from office, which are not related to a case, controversy or judicial proceeding and which do not involve the exercise of judicial power, shall be discharged by the senior regular resident judge. A senior regular resident superior court judge in a multi-judge district, by notice in writing to the Administrative Officer of the Courts, may decline to exercise the authority vested in him by this section, in which event such authority shall be exercised by the regular resident judge next senior in point of service or age, respectively.

In the event the senior regular resident judge of a multi-judge district is unable, due to mental or physical incapacity, to exercise the authority vested in him by the statute, and the Chief Justice, in his discretion, has determined that such incapacity exists, the Chief Justice shall appoint an acting senior regular resident judge from the other regular resident judges of the district, to exercise, temporarily, the authority of the senior regular resident judge; provided that in any county where there is more than one judicial district, the appointment may be made of any of the other regular resident judges of any district in that county. Such appointee shall serve at the pleasure of the Chief Justice and until his temporary appointment is vacated by appropriate order."

Sec. 2. Effective January 1, 1989, Article 7 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 7A-47.2. Jurisdiction of superior court judges.— Notwithstanding any other provision of law, in addition to any other jurisdiction granted by law, a superior court judge of a district has jurisdiction in the entire county or counties in which the district is located, and a superior court judge holding court in a district has jurisdiction in the entire county or counties in which the district is located."

Sec. 3. Effective January 1, 1989, Article 7 of Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 7A-47.3. **Assignment of judges in certain districts.**—When a county is divided into more than one district, and judges are assigned to hold court, assignments shall be made for the county as a whole, for the superior court of that county."

TITLE II. Prosecutorial Districts Not Changed.

Sec. 4. Effective July 1, 1987, G.S. 7A-60(a) reads as rewritten:

"(a) Except as provided in subsection (b), effective January 1, 1971, the State shall be divided into prosecutorial districts, ~~the numbers and boundaries of which shall be identical with those of the superior and district court judicial districts, except as provided in this section, as shown in subsection (a1) of this section.~~ In the general election of November 1970, a district attorney shall be elected for a four-year term for each prosecutorial district. The district attorney shall be a resident of the district for which elected, and shall take office on January 1 following the election. A vacancy in the office of district attorney shall be filled as provided in Article IV, Sec. 19 of the Constitution."

Sec. 5. Effective July 1, 1987, G.S. 7A-60 is amended by adding a new subsection to read:

"(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Judicial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	5
2	Beaufort, Hyde, Martin, Tyrrell, Washington	4
3A	Pitt	4
3B	Carteret, Craven, Pamlico	4
4	Duplin, Jones, Onslow, Sampson	8
5	New Hanover, Pender	7
6	Bertie, Halifax, Hertford, Northampton	4
7	Edgecombe, Nash, Wilson	7
8	Greene, Lenoir, Wayne	8
9	Franklin, Granville, Person, Vance, Warren	6
10	Wake	15
11	Harnett, Johnston, Lee	5
12	Cumberland, Hoke	12

13	Bladen, Brunswick, Columbus	5
14	Durham	8
15A	Alamance	3
15B	Orange, Chatham	3
16	Robeson, Scotland	7
17A	Caswell, Rockingham	3
17B	Stokes, Surry	3
18	Guilford	14
19A	Cabarrus, Rowan	5
19B	Montgomery, Randolph	3
20	Anson, Moore, Richmond, Stanly, Union	8
21	Forsyth	9
22	Alexander, Davidson, Davie, Iredell	7
23	Alleghany, Ashe, Wilkes, Yadkin	3
24	Avery, Madison, Mitchell, Watauga, Yancey	3
25	Burke, Caldwell, Catawba	7
26	Mecklenburg	19
27A	Gaston	5
27B	Cleveland, Lincoln	3
28	Buncombe	5
29	Henderson, McDowell, Polk, Rutherford, Transylvania	5
30	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain."	5

TITLE III. Elimination of Special Superior Court Judges.

Sec. 6. Effective upon ratification, G.S. 7A-45 reads as rewritten:

"§ 7A-45. Special judges; appointment; removal; vacancies; authority.—(a) The Governor may appoint eight special superior court judges except as provided by this subsection. A special judge takes the same oath of office and is subject to the same requirements and disabilities as is or may be prescribed by law for regular judges of the superior court, save the requirement of residence in a particular district. Initial appointments made under this section shall be to terms of office beginning July 1, 1967, and expiring June 30, 1971. As the terms expire, the Governor may appoint successors for terms of four years each, except that terms beginning July 1, 1987, shall expire December 31, 1988; provided that if any judge serving as a special superior court judge on December 31, 1988, is to become first eligible for service retirement under G.S. 135-

57 between December 31, 1988, and July 1, 1989, the term of that judge shall expire on that eligibility date, and except that if any special superior court judge who is holding office on June 30, 1987, has five years of membership service under G.S. 135-53(12) on that date, or will have three years of such service on or before December 1, 1987 if continued in office, the term of office of that judge is extended through December 31, 1988. All incumbents shall continue in office until their successors are appointed and qualify.

(b) A special judge is subject to removal from office for the same causes and in the same manner as a regular judge of the superior court, and a vacancy occurring in the office of special judge is filled by the Governor by appointment for the unexpired term.

(c) A special judge, in any court in which he is duly appointed to hold, has the same power and authority in all matters whatsoever that a regular judge holding the same court would have. A special judge, duly assigned to hold the court of a particular county, has during the session of court in that county, in open court and in chambers, the same power and authority of a regular judge in all matters whatsoever arising in that judicial district that could properly be heard or determined by a regular judge holding the same session of court.

(d) A special judge is authorized to settle cases on appeal and to make all proper orders in regard thereto after the time for which he was commissioned has expired."

Sec. 7. Effective January 1, 1989, G.S. 7A-45 is repealed, except that as to any judge continuing to serve under the proviso of G.S. 7A-45(a) added by this act, G.S. 7A-45 is repealed on the eligibility date for retirement set forth in the proviso.

Sec. 8. Notwithstanding G.S. 7A-44.1, the provisions of Section 1 of this act, which have the effect of adding new positions of senior regular superior court judge, do not authorize any additional positions as judicial secretaries. Additional secretaries shall only be provided to the extent funds are appropriated.

TITLE IV. Conforming Election Law Changes.

Sec. 9. Effective upon ratification, Chapter 987, Session Laws of 1985, is repealed.

Sec. 10. Effective with respect to vacancies in nomination occurring on or after January 1, 1988, G.S. 163-114 reads as rewritten:

"§ 163-114. Filling vacancies among party nominees occurring after nomination and before election.—If any person nominated as a candidate of a political party for one of the offices listed below (either in a primary or convention or by virtue of having no opposition in a primary) dies, resigns, or for any reason becomes ineligible or disqualified before the date of the ensuing general election, the vacancy shall be filled by appointment according to the following instructions:

Position		Vacancy is to be filled by
Any elective State office		appointment of State
United States Senator		executive committee of
		political party in which
		vacancy occurs

A district office, including:
Member of the United States
House of Representatives
~~Judge of superior court~~
Judge of district court
Solicitor
State Senator in a multi-
county senatorial district
Member of State House of
Representatives in a multi-
county representative
district

Appropriate district executive
committee of political party
in which vacancy occurs

State Senator in a single-
county senatorial district
Member of State House of
Representatives in a
single-county
representative district
Any elective county office

County executive committee
of political party in which
vacancy occurs, but if the
vacancy arises from a cause
other than death, the
vacancy shall not be filled
unless the board of
elections in the
county in which the vacancy
occurs issues an order to
that effect, provided, in
the case of the State
Senator or State
Representative in a
single-county district where
not all the county is
located in that district,
then in voting, only those
members of the county
executive committee who
reside within the
district shall ~~vote.~~ vote

Judge of Superior Court in a
single-county judicial
district where the district
is the whole county or part
of the county

County executive committee
of political party in
which vacancy occurs;
provided, in the case of
a superior court judge in a
single-county district where
not all the county is
located in that district,

then in voting, only those
members of the county
executive committee who
reside within the
district shall vote

Judge of Superior Court in a
multi-county judicial
district
vacancy occurs.

| Appropriate district
| executive committee of
| political party in which

The party executive making a nomination in accordance with the provisions of this section shall certify the name of its nominee to the chairman of the board of elections, State or county, charged with the duty of printing the ballots on which the name is to appear. If at the time a nomination is made under this section the general election ballots have already been printed, the provisions of G.S. 163-139 shall apply.

In a county which is partly in a multi-county judicial district, in choosing that county's member or members of the judicial district executive committee for the multi-county district, only the county convention delegates or county executive committee members who reside within the area of the county which is within that multi-county district may vote.

In a county not all of which is located in one congressional district, in choosing the congressional district executive committee member or members from that area of the county, only the county convention delegates or county executive committee members who reside within the area of the county which is within the congressional district may vote.

In a county which is partly in a multi-county senatorial district or which is partly in a multi-county House of Representatives district, in choosing that county's member or members of the senatorial district executive committee or House of Representatives district executive committee for the multi-county district, only the county convention delegates or county executive committee members who reside within the area of the county which is within that multi-county district may vote."

Sec. 11. The Legislative Research Commission shall report to the 1987 General Assembly, Regular Session 1988, any necessary conforming amendments to implement this act.

Sec. 12. Except for Sections 4, 5, 6, 9, 12, 15 and 16, this act shall only become effective if funds are appropriated to implement this act. It is the intent of the General Assembly to review this question during consideration of the Expansion Budget request of the Administrative Office of the Courts.

Sec. 13. G.S. 163-106 is amended by adding a new subsection to read:

"(i) No person may file a notice of candidacy for superior court judge unless that person is at the time of filing the notice of candidacy a resident of the judicial district as it will exist at the time the person would take office if elected. No person may be nominated as a superior court judge under G.S. 163-114 unless that person is at the time of nomination a resident of the judicial district as it will exist at the time the person

would take office if elected. This subsection implements Article IV Section 9 (1) of the North Carolina Constitution which requires regular Superior Court Judges to reside in the district for which elected."

Sec. 14. G.S. 7A-130 reads as rewritten:

"§ 7A-130. Creation of district court division and district court districts; seats of court.—The district court division of the General Court of Justice is hereby created. It consists of various district courts organized in territorial districts. The numbers and boundaries of the districts are ~~identical to those of the superior court judicial districts~~ as provided by G.S. 7A-133. The district court shall sit in the county seat of each county, and at such additional places in each county as the General Assembly may authorize, except that sessions of court are not required at an additional seat of court unless the chief district judge and the Administrative Officer of the Courts concur in a finding that the facilities are adequate."

Sec. 15. If any provision of this act is held invalid by a court of competent jurisdiction, such holding shall not affect the validity of the remainder of this act, so that its provisions are severable.

Sec. 16. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 29th day of June, 1987.