

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 257

Short Title: District Judges Serve Eight Years.

(Public)

Sponsors: Senators Sands; Daniel, Barker, Odom, and Block.

Referred to: Constitution.

February 23, 1989

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO
PROVIDE THAT DISTRICT COURT JUDGES ARE ELECTED FOR EIGHT-
YEAR TERMS.

The General Assembly of North Carolina enacts:

Section 1. Section 10 of Article IV of the Constitution of North Carolina reads as rewritten:

"Sec. 10. District Courts. The General Assembly shall, from time to time, divide the State into a convenient number of local court districts and shall prescribe where the District Courts shall sit, but a District Court must sit in at least one place in each county. District Judges shall be elected for each district for a term of ~~four~~eight years, in a manner prescribed by law. When more than one District Judge is authorized and elected for a district, the Chief Justice of the Supreme Court shall designate one of the judges as Chief District Judge. Every District Judge shall reside in the district for which he is elected. For each county, the senior regular resident Judge of the Superior Court serving the county shall appoint for a term of two years, from nominations submitted by the Clerk of the Superior Court of the county, one or more Magistrates who shall be officers of the District Court. The number of District Judges and Magistrates shall, from time to time, be determined by the General Assembly. Vacancies in the office of District Judge shall be filled for the unexpired term in a manner prescribed by law. Vacancies in the office of Magistrate shall be filled for the unexpired term in the manner provided for original appointment to the office."

Sec. 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the general election in November 1990, which

1 election shall be conducted under the laws then governing elections in the State. At that
2 election, each qualified voter desiring to vote shall be provided a ballot on which shall
3 be printed the following:

4 "[] FOR Constitutional amendment providing that Judges of the district
5 court shall be elected for eight-year terms.

6 [] AGAINST Constitutional amendment providing that Judges of the
7 district court shall be elected for eight-year terms."

8 Those qualified voters favoring the amendment set out in Section 1 of this
9 act shall vote by making an X or a check mark in the square beside the statement
10 beginning "FOR", and those qualified voters opposed to that amendment shall vote by
11 making an X or check mark in the square beside the statement beginning "AGAINST".

12 Notwithstanding the foregoing provisions of this section, voting machines
13 may be used in accordance with rules and regulations prescribed by the State Board of
14 Elections.

15 Sec. 3. If a majority of votes cast thereon are in favor of the amendment set
16 out in Section 1 of this act, the State Board of Elections shall certify the amendment to
17 the Secretary of State, who shall enroll the amendment so certified among the
18 permanent records of his office, and the amendment shall become effective beginning
19 with elections held in 1990.

20 Sec. 4. G.S. 7A-140 reads as rewritten:

21 **"§ 7A-140. Number; election; term; qualification; oath.**

22 There shall be at least one district judge for each district. Each district judge shall be
23 elected by the qualified voters of the district court district in which he is to serve at the
24 time of the election for members of the General Assembly. The number of judges for
25 each district shall be determined by the General Assembly. Each judge shall be a
26 resident of the district for which elected, and shall serve a term of ~~four~~eight years,
27 beginning on the first Monday in December following his election.

28 Each district judge shall devote his full time to the duties of his office. He shall not
29 practice law during his term, nor shall he during such term be the partner or associate of
30 any person engaged in the practice of law.

31 Before entering upon his duties, each district judge, in addition to other oaths
32 prescribed by law, shall take the oath of office prescribed for a judge of the General
33 Court of Justice."

34 Sec. 5. The table in G.S. 163-1 is amended for the office of "Judges of the
35 district courts" by changing the entry under "TERM OF OFFICE" from "Four years,
36 from the first Monday in December next after election", to "Eight years, from the first
37 Monday in December next after election".

38 Sec. 6. Sections 4 and 5 of this act shall become effective only if the
39 constitutional amendment proposed by Section 1 of this act is approved, and if it is so
40 approved, those sections shall become effective beginning with elections held in 1990.

41 Sec. 7. This act is effective upon ratification.