

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 514

Short Title: District Judge's Term.

(Public)

Sponsors: Senator Hyde.

Referred to: Constitution and Election Laws.

March 22, 1993

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO MAKE THE TERMS OF OFFICE FOR DISTRICT COURT JUDGES CONSISTENT WITH THE TERMS FOR ALL OTHER JUDGES OF THE GENERAL COURT OF JUSTICE.

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 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 appointments to the office."

1 Sec. 2. The amendment set out in Section 1 of this act shall be submitted to
2 the qualified voters of the State at the general election to be held on November 8, 1994.
3 The election shall be held and conducted under the laws then governing general
4 elections in this State. At that election each qualified voter who desires to vote shall be
5 provided a ballot on which shall be printed the following:

6 " [] FOR constitutional amendment providing that district judges' terms of
7 office shall be the same as terms of office for all other judges of the
8 General Court of Justice.

9 [] AGAINST constitutional amendment providing that district judges'
10 terms of office shall be the same as terms of office for all other judges
11 of the General Court of Justice."

12 Those qualified voters favoring the amendments shall vote by marking an
13 "X" or a check mark in the square beside the statement beginning "FOR", and those
14 qualified voters opposed to the amendments shall vote by marking an "X" or a check
15 mark in the square beside the statement beginning "AGAINST".

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

19 Sec. 3. If a majority of the votes cast thereon are in favor of the constitutional
20 amendments, the State Board of Elections shall certify the amendments to the Secretary
21 of State, who shall enroll the amendments so certified among the permanent records of
22 his office. The constitutional amendment shall become effective December 5, 1994,
23 and shall apply to all terms of district judges commencing on that date and thereafter so
24 that those terms will be eight years.

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

26 **"§ 7A-140. Number; election; term; qualification; oath.**

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

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

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

39 Sec. 5. Section 4 of this act shall take effect only upon approval of the voters
40 of the constitutional amendment set forth in Section 1 of this act. If the constitutional
41 amendment proposed in that section is approved by the voters, then Section 4 of this act
42 becomes effective at the same time as the constitutional amendment.

43 Sec. 6. This act is effective upon ratification.