



HOUSE BILL 476: Judges in Stanly/Montgomery Counties.

2021-2022 General Assembly

Committee:	Senate State and Local Government. If favorable, re-refer to Rules and Operations of the Senate	Date:	August 25, 2021
Introduced by:	Reps. Moss, Sasser, R. Smith, Penny	Prepared by:	Jonathan Zator*
Analysis of:	Second Edition		Committee Counsel

OVERVIEW: *House Bill 476 would modify the residency requirement in District Court District 20A to require two district court judges to reside in Stanly County and one district court judge to reside in Montgomery County.*

CURRENT LAW: Election of the Superior and District Court Divisions of the General Court of Justice are by district, consisting of various territorial districts. The General Assembly determines the number of judges for each district. Each judge is a resident of the district to which he or she is elected. Sections 9 and 10 of Article IV of the North Carolina Constitution grant the General Assembly authority to divide the State, from time to time, into a convenient number of judicial districts and divisions. Superior Court judges serve eight-year terms, and district court judges serve four-year terms.

Three district court judges are currently assigned to District Court District 20A, which consists of Montgomery and Stanly Counties. The District is voted at large across the two counties, but residency requirements for the district require the following:

- One judgeship to be filled by a person residing in Montgomery County.
- The remaining two judgeships to be filled by persons who reside in either county.

All three district court judges for District 20A were last elected in 2018, with terms expiring in 2022. Two judges reside in Stanly County, and one judge resides in Montgomery County.

BILL ANALYSIS: House Bill 476 would modify the residency requirement in District Court District 20 to require the three district court seats in District 20A to be filled as follows:

- One judgeship to be filled by a resident of Montgomery County.
- Two judgeships to be filled by residents of Stanly County.

EFFECTIVE DATE: The act would become effective January 1, 2023 with the 2022 election for district court judges in District 20A held accordingly.

**Jessica Sammons, Staff Attorney, substantially contributed to this summary.*

Jeffrey Hudson
Director



Legislative Analysis
Division
919-733-2578