

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1212

Short Title: Superior Court Division Elections.

(Public)

Sponsors: Representative Michaux.

Referred to: Judiciary.

April 12, 1989

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO
2 PROVIDE THAT SUPERIOR COURT JUDGES ARE TO BE NOMINATED BY
3 DISTRICT AND ELECTED BY DIVISION, AND TO REQUIRE THAT THERE
4 BE AT LEAST TEN SUPERIOR COURT DIVISIONS.
5

6 The General Assembly of North Carolina enacts:

7 Section 1. Section 16 of Article IV of the Constitution of North Carolina
8 reads as rewritten:

9 "Sec. 16. Terms of office and election of Justices of the Supreme Court, Judges of
10 the Court of Appeals, and Judges of the Superior Court. Justices of the Supreme Court,
11 Judges of the Court of Appeals, and regular Judges of the Superior Court shall be
12 elected by the qualified voters and shall hold office for terms of eight years and until
13 their successors are elected and qualified. Justices of the Supreme Court and Judges of
14 the Court of Appeals shall be elected by the qualified voters of the State. Regular
15 Judges of the Superior Court ~~may be elected by the qualified voters of the State or by the~~
16 ~~voters of their respective districts, as the General Assembly may prescribe~~ shall be elected by
17 the qualified voters of the judicial division in which their district is located, and shall be
18 nominated within their respective districts."

19 Sec. 2. Section 11 of Article IV of the Constitution of North Carolina reads
20 as rewritten:

21 "**Sec. 11. Assignment of Judges.** The Chief Justice of the Supreme Court, acting in
22 accordance with rules of the Supreme Court, shall make assignments of Judges of the
23 Superior Court and may transfer District Judges from one district to another for
24 temporary or specialized duty. The principle of rotating Superior Court Judges among

1 the various districts of a division is a salutary one and shall be observed. For this
2 purpose the General Assembly ~~may~~ shall divide the State into ~~a number of~~ not less than
3 10 judicial divisions. Subject to the general supervision of the Chief Justice of the
4 Supreme Court, assignment of District Judges within each local court district shall be
5 made by the Chief District Judge."

6 Sec. 3. The amendments set out in Sections 1 and 2 of this act shall be
7 submitted to the qualified voters of the State at the general election in November 1990,
8 which election shall be conducted under the laws then governing elections in the State.
9 At that election, each qualified voter desiring to vote shall be provided a ballot on which
10 shall be printed the following:

11 FOR Constitutional amendments providing that Superior Court Judges
12 shall be nominated within their district and elected within their judicial
13 division, and providing that the General Assembly shall divide the
14 State into at least 10 judicial divisions.

15 AGAINST Constitutional amendments providing that Superior Court
16 Judges shall be nominated within their district and elected within their
17 judicial division, and providing that the General Assembly shall divide
18 the State into at least 10 judicial divisions."

19 Those qualified voters favoring the amendments set out in Sections 1 and 2
20 of this act shall vote by making an X or a check mark in the square beside the statement
21 beginning "FOR", and those qualified voters opposed to those amendments shall vote
22 by making an X or check mark in the square beside the statement beginning
23 "AGAINST".

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

27 Sec. 4. If a majority of votes cast thereon are in favor of the amendments set
28 out in Sections 1 and 2 of this act, the State Board of Elections shall certify the
29 amendments to the Secretary of State, who shall enroll the amendments so certified
30 among the permanent records of his office, and the amendments shall become effective
31 January 1, 1991.

32 Sec. 5. This act is effective upon ratification.