

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE BILL 969
Second Edition Engrossed 5/1/03

Short Title: Constit. Amend./Magistrates' Terms.

(Public)

Sponsors: Representative Warner.

Referred to: Judiciary II.

April 9, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO
3 CHANGE THE TERM OF OFFICE OF MAGISTRATES.

4 The General Assembly of North Carolina enacts:

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

7 "Sec. 10. District Courts.

8 The General Assembly shall, from time to time, divide the State into a convenient
9 number of local court districts and shall prescribe where the District Courts shall sit, but
10 a District Court must sit in at least one place in each county. District Judges shall be
11 elected for each district for a term of four years, in a manner prescribed by law. When
12 more than one District Judge is authorized and elected for a district, the Chief Justice of
13 the Supreme Court shall designate one of the judges as Chief District Judge. Every
14 District Judge shall reside in the district for which he is elected. For each county, the
15 senior regular resident Judge of the Superior Court serving the county shall appoint ~~for a~~
16 ~~term of two years,~~ from nominations submitted by the Clerk of the Superior Court of the
17 county, one or more Magistrates who shall be officers of the District Court. The initial
18 term of appointment for a magistrate shall be for two years and subsequent terms shall
19 be for four years. The number of District Judges and Magistrates shall, from time to
20 time, be determined by the General Assembly. Vacancies in the office of District Judge
21 shall be filled for the unexpired term in a manner prescribed by law. Vacancies in the
22 office of Magistrate shall be filled for the unexpired term in the manner provided for
23 original appointment to the ~~office.~~ office, unless otherwise provided by the General
24 Assembly."

25 SECTION 2. The amendment set out in Section 1 of this act shall be
26 submitted to the qualified voters of the State at the general election in November 2004,
27 which election shall be conducted under the laws then governing elections in the State.
28 Ballots, voting systems, or both may be used in accordance with Chapter 163 of the
29 General Statutes. The question to be used in the voting systems and ballots shall be:

1 and that a specified additional number, not to exceed the maximum quota established
2 for the county, is required. Within 15 days after the receipt of this certification the clerk
3 of superior court shall submit to the senior regular resident superior court judge of the
4 district or set of districts as defined in G.S. 7A-41.1(a) in which his county is located the
5 names of two (or more, if requested by the judge) nominees for each additional
6 magisterial office. Within 15 days after receipt of the nominations the senior regular
7 resident superior court judge shall from the nominations submitted appoint magistrates
8 in the number specified in the certification. A magistrate so appointed shall serve a term
9 commencing immediately and expiring on the same day as the terms of office of
10 magistrates appointed to fill the minimum quota for the county. If an additional
11 magisterial office for a county is approved to commence on January 1 of an
12 odd-numbered year, the new position shall be filled as provided in subsection (b) of this
13 section. If the additional position takes effect at any other time, it is to be filled as
14 provided in subsection (d) of this section.

15 (d) Within 30 days after a vacancy in the office of magistrate occurs the clerk of
16 superior court shall submit to the senior regular resident superior court judge the names
17 of two (or more, if so requested by the judge) nominees for the office vacated. Within
18 15 days after receipt of the nominations the senior regular resident superior court judge
19 shall appoint from the nominations received a magistrate who shall take office
20 immediately and shall serve ~~for the remainder of the unexpired term.~~ until December 31
21 of the even-numbered year, and thereafter the position shall be filled as provided in
22 subsection (b) of this section."

23 **SECTION 5.** Sections 1 through 3 of this act are effective when they
24 become law. Section 4 of this act becomes effective only upon approval by the voters of
25 the constitutional amendment proposed in Section 2 of this act. If the constitutional
26 amendment proposed in that section is approved by the voters, Section 4 of this act
27 becomes effective January 1, 2005, and applies to appointments that take effect after
28 that date.