

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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SENATE BILL 317

Short Title: District Judge 8-Year Terms.

(Public)

Sponsors: Senators Clodfelter; Atwater, Rand, Snow, and Weinstein.

Referred to: Ways and Means.

March 3, 2005

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

SECTION 1. Section 10 of Article IV of the North Carolina Constitution 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."

SECTION 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the statewide general election in November of 2006, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[] FOR [] AGAINST

1 Constitutional amendment providing eight-year terms for District Court
2 Judges, the same as for all other judges of the General Court of Justice."

3 **SECTION 3.** If a majority of votes cast on the question are in favor of the
4 amendment set out in Section 1 of this act, the State Board of Elections shall certify the
5 amendments to the Secretary of State. Section 1 applies beginning with District Court
6 Judges elected in the 2008 general election. The Secretary of State shall enroll the
7 amendment so certified among the permanent records of that office.

8 **SECTION 4.** G.S. 7A-140 reads as rewritten:

9 "**§ 7A-140. Number; election; term; qualification; oath.**

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

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

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

22 **SECTION 5.** G.S. 163-1 is amended in the table by rewriting the "TERM
23 OF OFFICE" entries for Judges of the District Courts to read: "Eight years".

24 **SECTION 6.** Sections 4 and 5 of this act shall take effect only upon
25 approval of the voters of the constitutional amendment set forth in Section 1 of this act.
26 If the constitutional amendment proposed in that section is approved by the voters,
27 Sections 4 and 5 of this act shall become effective at the same time as the constitutional
28 amendment.

29 **SECTION 7.** This act is effective when it becomes law.