

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017**

**HOUSE BILL 717
RATIFIED BILL**

AN ACT TO REVISE THE JUDICIAL DIVISIONS; TO MAKE CERTAIN ADJUSTMENTS TO THE ASSIGNMENT OF COUNTIES TO THE SUPERIOR COURT, DISTRICT COURT, AND PROSECUTORIAL DISTRICTS; TO CLARIFY LISTING OF JUDICIAL SEATS ON THE BALLOT; AND TO LIMIT ROTATION OF SUPERIOR COURT JUDGES TO SIX MONTHS PER YEAR.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 7A-41, as amended by S.L. 2018-5, reads as rewritten:

"§ 7A-41. Superior court divisions and districts; judges.

(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2
Second	3B	Carteret, Craven, Pamlico	3
Second	4A 4	Duplin, Jones, <u>Onslow</u> , Sampson	4 2
Second	4B	Onslow	4
Second	5A	(part of New Hanover, part of Pender see subsection (b))	1
	5B	(part of New Hanover, part of Pender see subsection (b))	1
	5C	(part of New Hanover, see subsection (b))	1
First	6A	Halifax	1
First	6B	Bertie, Hertford,	1



		Northampton	
First	7A	Nash	1
First	7B	(part of Wilson, part of Edgecombe, see subsection (b))	1
First	7C	(part of Wilson, part of Edgecombe, see subsection (b))	1
Second	8A	Lenoir and Greene	1
Second	8B	Wayne	1
Third First	9	Franklin, Granville, Person, Vance, Warren	2
Third	10A	(part of Wake, see subsection (b))	1
Third	10B	(part of Wake, see subsection (b))	<u>2</u> <u>1</u>
Third	10C	(part of Wake, see subsection (b))	1
Third	10D	(part of Wake, see subsection (b))	1
<u>Third</u>	<u>10E</u>	<u>(part of Wake,</u> <u>see subsection (b))</u>	<u>1</u>
<u>Third</u>	<u>10F</u>	<u>(part of Wake,</u> <u>see subsection (b))</u>	<u>1</u>
Fourth Third	11A	Harnett, Lee	1
Fourth Third	11B	Johnston	1
Fourth Third	12A	(part of Cumberland, see subsection (b))	1
Fourth Third	12B	(part of Cumberland, see subsection (b))	1
Fourth Third	12C	(part of Cumberland, see subsection (b))	2
Fourth Second	13A	Bladen, Columbus	1
Fourth Second	13B	Brunswick	1
Third First	14A	(part of Durham, see subsection (b))	1
Third First	14B	(part of Durham, see subsection (b))	3
Third	15A	Alamance	2
Third Fourth	15B	Orange, Chatham	2
Fourth Third	16A	Anson, Richmond, Scotland, Hoke Scotland	2
Fourth Second	16B	Robeson	2
Fifth Fourth	17A	Caswell, Rockingham	2
Fifth Fourth	17B	Stokes, Surry	1
Fifth Fourth	18A	(part of Guilford, see subsection (b))	1
Fifth Fourth	18B	(part of Guilford, see subsection (b))	1
Fifth Fourth	18C	(part of Guilford,	1

Fifth <u>Fourth</u>	18D	see subsection (b) (part of Guilford, see subsection (b))	1
Fifth <u>Fourth</u>	18E	(part of Guilford, see subsection (b))	1
Sixth <u>Fourth</u>	19A	Cabarrus	1
Fifth <u>Third</u>	19B	Montgomery, Randolph	2
Sixth <u>Fourth</u>	19C	Rowan	1
Fourth <u>Third</u>	19D	<u>Hoke,</u> Moore	1 <u>2</u>
Sixth <u>Third</u>	20A	<u>Montgomery,</u> Stanly	1 <u>2</u>
Sixth <u>Third</u>	20B	Union	2
Fifth <u>Fourth</u>	21A	(part of Forsyth, see subsection (b))	1
Fifth <u>Fourth</u>	21B	(part of Forsyth, see subsection (b))	1
Fifth <u>Fourth</u>	21C	(part of Forsyth, see subsection (b))	1
Fifth <u>Fourth</u>	21D	(part of Forsyth, see subsection (b))	1
Sixth <u>Fourth</u>	22A	Alexander, Iredell	2
Sixth <u>Fourth</u>	22B	Davidson, Davie	2
Fifth <u>Fourth</u>	23	Alleghany, Ashe, Wilkes, Yadkin	1
Eighth <u>Fifth</u>	24	Avery, Madison, Mitchell, Watauga, Yancey	2
Seventh <u>Fifth</u>	25A	Burke, Caldwell	2
Seventh <u>Fifth</u>	25B	Catawba	2
Seventh <u>Fifth</u>	26A	(part of Mecklenburg, see subsection (b))	2
Seventh <u>Fifth</u>	26B	(part of Mecklenburg, see subsection (b))	3
Seventh <u>Fifth</u>	26C	(part of Mecklenburg, see subsection (b))	2
Seventh <u>Fifth</u>	27A	Gaston	2
Seventh <u>Fifth</u>	27B	Cleveland, Lincoln	2
Eighth <u>Fifth</u>	28	Buncombe	2
Eighth <u>Fifth</u>	29A	McDowell, Rutherford	1
Eighth <u>Fifth</u>	29B	Henderson, Polk, Transylvania	1
Eighth <u>Fifth</u>	30A	Cherokee, Clay, Graham, Macon, Swain	1
Eighth <u>Fifth</u>	30B	Haywood, Jackson	1

...

(b1) The qualified voters of District 4 shall elect all judges established for District 4 in subsection (a) of this section, but only persons who reside in Onslow County may be candidates for one of the judgeships and only persons who reside in Duplin, Jones, or Sampson County may be candidates for the remaining judgeship.

...."

SECTION 1.(b) The additional judge in District 19D, as established by this section, shall take office on January 1, 2019, with an election in 2018 to be held accordingly.

SECTION 1.(c) The additional judge in District 20A, as established by this section, shall take office on January 1, 2021, with an election in 2020 to be held accordingly.

SECTION 1.(d) Except as provided in this section, this section becomes effective January 1, 2019, and elections in 2018 shall be held accordingly.

SECTION 2.(a) G.S. 7A-133 reads as rewritten:

"§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of court, by counties.

(a) Each district court district shall have the numbers of judges as set forth in the following table:

District	Judges	County
1	5	Camden Chowan Currituck Dare Gates Pasquotank Perquimans
2	4	Martin Beaufort Tyrrell Hyde Washington
3A	5	Pitt
3B	6	Craven Pamlico Carteret
4	8	Sampson Duplin Jones Onslow
5	9	New Hanover Pender
6	4	Northampton Bertie Hertford Halifax
7	7	Nash Edgecombe Wilson
8	6	Wayne Greene Lenoir
9	5	Granville (part of Vance see subsection (b)) Franklin Person
9B	2	Warren

		(part of Vance see subsection (b))
10	19	Wake
11	11	Harnett
		Johnston
		Lee
12	10	Cumberland
13	6	Bladen
		Brunswick
		Columbus
14	7	Durham
15A	4	Alamance
15B	5	Orange
		Chatham
16A	<u>64</u>	Scotland
		Hoke
		Anson
		Richmond
16B	5	Robeson
17A	4	Caswell
		Rockingham
17B	4	Stokes
		Surry
18	14	Guilford
19A	5	Cabarrus
19B	<u>75</u>	Montgomery
		Moore
		Randolph
19C	5	Rowan
<u>19D</u>	<u>4</u>	<u>Hoke, Moore</u>
20A	<u>23</u>	<u>Stanly, Montgomery, Stanly</u>
20B	1	(part of Union see subsection (b))
20C	2	(part of Union see subsection (b))
20D	1	Union
21	11	Forsyth
22A	5	Alexander
		Iredell
22B	6	Davidson
		Davie
23	4	Alleghany
		Ashe
		Wilkes
		Yadkin
24	4	Avery
		Madison
		Mitchell
		Watauga
		Yancey
25	9	Burke

		Caldwell
		Catawba
26	21	Mecklenburg
27A	7	Gaston
27B	6	Cleveland
		Lincoln
28	7	Buncombe
29A	3	McDowell
		Rutherford
29B	4	Henderson
		Polk
		Transylvania
30	6	Cherokee
		Clay
		Graham
		Haywood
		Jackson
		Macon
		Swain.

(b) For district court districts of less than a whole county, or with part or all of one county with part of another, the composition of the district is as follows:

...

(b5) The qualified voters of District 16A shall elect all judges established for District 16A in subsection (a) of this section, but only persons who reside in Anson County may be candidates for one of the judgeships, only persons who reside in Scotland County may be candidates for one of the judgeships, and only persons who reside in Richmond County may be candidates for the remaining judgeships. In order to implement this section the following shall apply in order to transition from at large seats to residency requirements:

- (1) In 2020, and every four years thereafter, the district court judgeship requiring a resident of Anson County shall be elected, and a district court judgeship requiring a resident of Richmond County shall be elected.
- (2) In 2022, and every four years thereafter, the district court judgeship requiring a resident of Scotland County shall be elected, and a district court judgeship requiring a resident of Richmond County shall be elected.

(b6) The qualified voters of District 20A shall elect all judges established for District 20A in subsection (a) of this section, but only persons who reside in Montgomery County may be candidates for one of the judgeships, and only persons who reside in Montgomery or Stanly County may be candidates for the remaining judgeships.

(b7) Subject to the provisions of this subsection, the qualified voters of District 25 shall elect all judges established for District 25 in subsection (a) of this section, but only persons who reside in Catawba County may be candidates for five of the judgeships, and only persons who reside in Burke or Caldwell County may be candidates for the remaining judgeships. In order to implement this section the following shall apply in order to transition from at large seats to residency requirements:

- (1) Transition of seats; regular elections. – For any district court judgeship that is held by a resident of Burke or Caldwell Counties on July 1, 2018, at the next general election after July 1, 2018, that district court judgeship shall be filled only by a person who is a resident of Burke or Caldwell Counties. Until such time as three district court judgeships transition under subdivision (2) of this subsection, for any district court judgeship that is held by a resident of Catawba County on July 1, 2018, that district court judgeship shall, at the next

general election after July 1, 2018, be filled only by a person who is a resident of Burke, Caldwell, or Catawba County.

- (2) Transition of seats; vacancies. – Upon each of the first three district court judgeship vacancies occurring in District Court District 25 after July 1, 2018, due to death, resignation, removal, or retirement of a person who is a resident of Catawba County holding a judgeship on July 1, 2018, that vacancy shall be filled according to law for the remainder of the unfilled term. At the next general election held for that district court judgeship, only persons who reside in Burke or Caldwell County may be candidates for that district court judgeship. Any primary associated with that general election for that district court judgeship after the completion of the term shall also be held accordingly, in accordance with this subsection.
- (3) Notification to State Board. – Upon each of the first three district court judgeship vacancies occurring after July 1, 2018, in District Court District 25 due to the death, resignation, removal, or retirement of a person who is a resident of Catawba County holding a judgeship on July 1, 2018, the Director of the Administrative Office of the Courts shall provide written notice of the vacancy to the State Board of Elections and Ethics Enforcement. During the filing period for that district court judgeship at the next general election held for that district court judgeship, the State Board of Elections and Ethics Enforcement shall ensure that only persons who reside in Burke or Caldwell County may file as candidates for that district court judgeship in accordance this subsection.
- (4) Final transition. – If a total of three district court judgeships have not transferred under subdivision (2) of this subsection to be eligible to be held by only persons who are residents of Burke or Caldwell Counties by January 1, 2030, a sufficient number of district court judgeships to total three district court judgeships shall be transferred to be held by only persons who are residents of Burke or Caldwell Counties on January 1, 2031, and the 2030 elections shall be held accordingly.

...."

SECTION 2.(b) The additional judge in District Court District 20A, as established by this section, shall take office on January 1, 2019, with an election in 2018 to be held accordingly. In implementing G.S. 7A-133(b6), as enacted by this section, State Board of Elections and Ethics Enforcement shall ensure that only residents of Montgomery County may be candidates for the additional judge in District Court District 20A in the 2018 election, and every four years thereafter.

SECTION 2.(c) G.S. 7A-133(b5) and G.S. 7A-133(b6), as enacted by this section, become effective January 1, 2021, with elections in 2020 to be held accordingly.

SECTION 2.(d) Except as otherwise provided, G.S. 7A-133, as enacted by this section, becomes effective January 1, 2019.

SECTION 3.(a) G.S. 7A-60 reads as rewritten:

"§ 7A-60. District attorneys and prosecutorial districts.

(a) The State shall be divided into prosecutorial districts, as shown in subsection (a1) of this section. There shall be a district attorney for each prosecutorial district, as provided in subsections (b) and (c) of this section who shall be a resident of the prosecutorial district for which elected. A vacancy in the office of district attorney shall be filled as provided in Article IV, Sec. 19 of the Constitution.

...

(a1) **(Effective January 1, 2019)** The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	11
2	Beaufort, Hyde, Martin, Tyrrell, Washington	8
3	Pitt	12
4	Carteret, Craven, Pamlico	13
5	Duplin, Jones, Onslow, Sampson	19
6	New Hanover, Pender	19
7	Bertie, Halifax, Hertford, Northampton	11
8	Edgecombe, Nash, Wilson	19
9	Greene, Lenoir, Wayne	14
10 <u>11</u>	Franklin, Granville, Person Vance, Warren	14 <u>15</u>
11 <u>10</u>	Wake	42
12	Harnett, Lee	11
13	Johnston	10
14	Cumberland	25
15	Bladen, Brunswick, Columbus	14
16	Durham	18
17	Alamance	12
18	Orange, Chatham	10
19	Scotland, Hoke	7
20	Robeson	12
21	Anson, Richmond <u>Richmond, Scotland</u>	6 <u>9</u>
22	Caswell, Rockingham	9 <u>8</u>
23	Stokes, Surry	8
24	Guilford	34
25	Cabarrus	9
26 <u>37</u>	Montgomery, Randolph	10
27	Rowan	9
28 <u>29</u>	Hoke, Moore	5 <u>9</u>
29 <u>28</u>	Montgomery, Stanly	5 <u>6</u>
30	Union	11
31	Forsyth	27
32	Alexander, Iredell	12
33	Davidson, Davie	12
34	Alleghany, Ashe, Wilkes, Yadkin	9
35	Avery, Madison, Mitchell, Watauga, Yancey	8
36	Burke, Caldwell, Catawba <u>Caldwell</u>	19 <u>9</u>
37 <u>26</u>	Mecklenburg	58
38	Gaston	15
39	Cleveland, Lincoln	12

40	Buncombe	14
41	McDowell, Rutherford	8
42	Henderson, Polk, Transylvania	9
43	Cherokee, Clay, Graham, Haywood, Jackson, Macon, Swain.	12
<u>44</u>	<u>Catawba</u>	<u>10</u>

...."

SECTION 3.(b) The office and term of the district attorney for Prosecutorial District 19 formerly consisting of Hoke and Scotland Counties is terminated upon the expiration of the current term, December 31, 2020. Effective January 1, 2021, District 19 formerly consisting of Hoke and Scotland Counties is reassigned as provided in this section. All open investigations and pending cases for Prosecutorial District 19 formerly consisting of Hoke and Scotland Counties shall be transferred to either District 21 or District 29, as enacted by this section. Hoke County is added to District 29, as enacted by this section, and the total number of ADAs in that district is nine. Scotland County is added to District 21, and the total number of ADAs in that district is nine.

SECTION 3.(c) The merging of Montgomery County into Prosecutorial District 28, as enacted by this section, becomes effective January 1, 2019. All open investigations and pending cases in Montgomery County are transferred to Prosecutorial District 28, effective January 1, 2019. The total number of ADAs in District 28 is nine.

SECTION 3.(d) The office and term of the district attorney for Prosecutorial District 36 formerly consisting of Burke, Caldwell, and Catawba Counties is terminated upon the expiration of the term expiring December 31, 2022. Effective January 1, 2023, District 36 formerly consisting of Burke, Caldwell, and Catawba Counties is reassigned as provided in this section. All open investigations and pending cases for Prosecutorial District 36 formerly consisting of Burke, Caldwell, and Catawba Counties shall be transferred to either District 36 or District 44, as enacted by this section. Burke and Caldwell Counties remain in District 36, as enacted by this section, and the total number of ADAs in that district is nine. Catawba County is added to District 44, and the total number of ADAs in that district is 10.

SECTION 4.(a) G.S. 163A-1112(a) reads as rewritten:

"(a) Except as provided in this section, each official ballot shall contain all the following elements:

- (1) The heading prescribed by the State Board. The heading shall include the term "Official Ballot".
- (2) The title of each office to be voted on and the number of votes allowed in each ballot item.
- (3) The names of the candidates as they appear on their notice of candidacy filed pursuant to G.S. 163A-972, 163A-973, 163A-974, 163A-975, 163A-976, 163A-977, and 163A-978, or on petition forms filed in accordance with G.S. 163A-1005. No title, appendage, or appellation indicating rank, status, or position shall be printed on the official ballot in connection with the candidate's name. Candidates, however, may use the title Mr., Mrs., Miss, or Ms. Nicknames shall be permitted on an official ballot if used in the notice of candidacy or qualifying petition, but the nickname shall appear according to standards adopted by the State Board. Those standards shall allow the presentation of legitimate nicknames in ways that do not mislead the voter or unduly advertise the candidacy. In the case of candidates for presidential elector, the official ballot shall not contain the names of the candidates for elector but instead shall contain the nominees for President and Vice President which the candidates for elector represent. The State Board shall establish a review procedure that local boards of elections shall follow to ensure that

candidates' names appear on the official ballot in accordance with this subdivision.

- (4) Party designations in partisan ballot items.
- (5) A means by which the voter may cast write-in votes, as provided in G.S. 163A-1006. No space for write-ins is required unless a write-in candidate has qualified under G.S. 163A-1006 or unless the ballot item is exempt from G.S. 163A-1006.
- (6) Instructions to voters, unless the State Board allows instructions to be placed elsewhere than on the official ballot.
- (7) The printed title and facsimile signature of the chair of the county board of elections.
- (8) The designation of vacancy sought, for any vacancy for the office of Justice or judge of the courts. The designation shall not be the name or names of any incumbent or other individual but shall be designated as determined by the State Board."

SECTION 4.(b) G.S. 163A-975 reads as rewritten:

"§ 163A-975. Notice of candidacy for certain offices to indicate vacancy.

In any primary in which there are two or more vacancies for associate justices for the Supreme Court, two or more vacancies for the Court of Appeals, two or more vacancies for superior or district court judge, or two vacancies for United States Senator from North Carolina, each candidate shall, at the time of filing notice of candidacy, file with the State Board a written statement designating the vacancy to which the candidate seeks nomination. The designation shall not be the name or names of any incumbent or other individual but shall be designated as determined by the State Board. A person seeking election for a specialized district judgeship established under G.S. 7A-147 shall, at the time of filing notice of candidacy, file with the State Board a written statement designating the specialized judgeship to which the person seeks nomination. Votes cast for a candidate shall be effective only for nomination to the vacancy for which the candidate has given notice of candidacy as provided in this section."

SECTION 4.(c) This section is effective when it becomes law and applies to elections held on or after that date.

SECTION 5. G.S. 7A-47.3 reads as rewritten:

"§ 7A-47.3. Rotation and assignment; sessions.

(a) To effect the intent of Article IV, Section 11 of the North Carolina Constitution, each regular resident superior court judge may, upon each rotation, be assigned to hold the courts either of one of the districts or of one of the sets of ~~districts, as defined in G.S. 7A-41.1(a),~~ districts in that judge's judicial division.

(b) All sessions of superior court shall be for an entire county, whether that county comprises or is located in a district or in a set of districts ~~as defined in G.S. 7A-41.1(a),~~ and at each session all matters and proceedings arising anywhere in the county shall be heard.

(c) In making assignment of the judges of the superior court, the Chief Justice of the Supreme Court shall strive to allow each regular resident superior court judge to be assigned to the district or set of districts from which that regular resident superior court judge was elected or appointed no less than one-half of the calendar year.

(d) For purposes of this section, "district or set of districts" shall have the same meaning as in G.S. 7A-41.1(a)."

SECTION 6. Other than the filing period, the election for the office of judge for Superior Court District 19D and District Court District 20A shall be held in accordance with Section 4 of S.L. 2017-214, as amended. Candidates seeking the office of judge for Superior Court District 19D or District Court District 20A shall file their notice of candidacy with the State Board of Elections and Ethics Enforcement no earlier than 12:00 noon on July 9, 2018, and no later than 12:00 noon on July 13, 2018.

SECTION 7. Subsection 18B.6 of S.L. 2018-5 reads as rewritten:

"**SECTION 18B.6.** Effective January 1, 2019, ~~G.S. 7A-41(a1)~~ G.S. 7A-60(a1) reads as rewritten:

(a1) The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

...."

SECTION 8. The Director of the Budget shall increase the budget of the Administrative Office of the Courts from the unreserved fund balance set forth in S.L. 2018-5 in an amount sufficient to cover the costs of the judgeships created by this bill. These funds are hereby appropriated.

SECTION 9. If Senate Bill 757, 2018 Regular Session, becomes law, then Section 1(c) of that act reads as rewritten:

"**SECTION 1.(c)** In order to implement the superior court districts as enacted by this section, in 2018 and every eight years thereafter, elections shall be conducted for Districts ~~5A, 5B, 26C, 26E, 26F, and 26H~~; in 2020 and every eight years thereafter, elections shall be conducted for District 26A; and in 2022 and every eight years thereafter, elections shall be conducted for Districts 26B, 26D, and 26G; and in 2024 and every eight years thereafter, elections shall be conducted for ~~District 5C~~ Districts 5A and 5C."

SECTION 10. If Senate Bill 757, 2018 Regular Session, becomes law, the assignment of judicial divisions in G.S. 7A-41(a), as enacted by that act, shall be repealed.

SECTION 11. Except as otherwise provided, this act is effective when it becomes law.

In the General Assembly read three times and ratified this the 15th day of June, 2018.

s/ Bill Rabon
Presiding Officer of the Senate

s/ David R. Lewis
Presiding Officer of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2018