

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 531

Short Title: District Judge's Term.

(Public)

Sponsors: Senator Hyde.

Referred to: Constitution and Election Laws.

March 23, 1993

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO MAKE THE TERMS OF OFFICE FOR DISTRICT COURT JUDGES CONSISTENT WITH THE TERMS FOR ALL OTHER JUDGES OF THE GENERAL COURT OF JUSTICE.

The General Assembly of North Carolina enacts:

Section 1. Section 10 of Article IV of the Constitution of North Carolina 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 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 appointments to the office."

1 Sec. 2. The amendment set out in Section 1 of this act shall be submitted to
2 the qualified voters of the State at the general election to be held on November 8, 1994.
3 The election shall be held and conducted under the laws then governing general
4 elections in this State. At that election each qualified voter who desires to vote shall be
5 provided a ballot on which shall be printed the following:

6 "[] FOR constitutional amendment providing that district judges' terms of
7 office shall be the same as terms of office for all other judges of the
8 General Court of Justice.

9 [] AGAINST constitutional amendment providing that district judges'
10 terms of office shall be the same as terms of office for all other judges
11 of the General Court of Justice."

12 Those qualified voters favoring the amendments shall vote by marking an
13 "X" or a check mark in the square beside the statement beginning "FOR", and those
14 qualified voters opposed to the amendments shall vote by marking an "X" or a check
15 mark in the square beside the statement beginning "AGAINST".

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

19 Sec. 3. If a majority of the votes cast thereon are in favor of the constitutional
20 amendments, the State Board of Elections shall certify the amendments to the Secretary
21 of State, who shall enroll the amendments so certified among the permanent records of
22 his office. The constitutional amendment shall become effective December 5, 1994,
23 and shall apply to all terms of district judges commencing on that date and thereafter so
24 that those terms will be eight years.

25 Sec. 3.1. G.S. 163-1(c) reads as rewritten:

26 "(c) On Tuesday next after the first Monday in November in the year 1968, and
27 every four years thereafter, or on such days as the Congress of the United States shall
28 direct, an election shall be held in all of the election precincts of the State for the
29 election of electors of President and Vice-President of the United States. The number of
30 electors to be chosen shall be equal to the number of Senators and Representatives in
31 Congress to which this State may be entitled. Presidential electors shall not be
32 nominated by primary election; instead, they shall be nominated in a State convention of
33 each political party as defined in G.S. 163-96 unless otherwise provided by the plan of
34 organization of the political party; provided, that in the case of a candidate for President
35 of the United States who has qualified to have his name printed on the general election
36 ballot as an unaffiliated candidate under G.S. 163-122, that candidate shall nominate
37 presidential electors. One presidential elector shall be nominated from each
38 congressional district and two from the state-at-large. OFFICE JURISDICTION
39 DATE OF ELECTION TERM OF OFFICE

40				
41	Governor State	Tuesday next after	Four years, from	
42			the first Monday	first day of
43			in November 1968	January next
44			and every four	after election

1			years thereafter	
2	Lieutenant	State	Tuesday next after	Four years, from
3	Governor		the first Monday	first day of
4			in November 1968	January next
5			and every four	after election
6			years thereafter	
7	Secretary of	State	Tuesday next after	Four years, from
8	State	the first Monday	first day of	
9			in November 1968	January next
10			and every four	after election
11			years thereafter	
12	Auditor	State	Tuesday next after	Four years, from
13		the first Monday	first day of	
14			in November 1968	January next
15			and every four	after election
16			years thereafter	
17	Treasurer	State	Tuesday next after	Four years, from
18		the first Monday	first day of	
19			in November 1968	January next
20			and every four	after election
21			years thereafter	
22	Superinten-	State	Tuesday next after	Four years, from
23	dent of		the first Monday	first day of
24	Public	in November 1968	January next	
25	Instruction		and every four	after election
26			years thereafter	
27	Attorney	State	Tuesday next after	Four years, from
28	General	the first Monday	first day of	
29			in November 1968	January next
30			and every four	after election
31			years thereafter	
32	Commissioner	State	Tuesday next after	Four years, from
33	of	the first Monday	first day of	
34	Agriculture		in November 1968	January next
35			and every four	after election
36			years thereafter	
37	Commissioner	State	Tuesday next after	Four years, from
38	of Labor		the first Monday	first day of
39			in November 1968	January next
40			and every four	after election
41			years thereafter	
42	Commissioner	State	Tuesday next after	Four years, from
43	of	the first Monday	first day of	
44	Insurance		in November 1968	January next

1 and every four after election
 2 years thereafter
 3 All other State Tuesday next after Four years, from
 4 State the first Monday first day of
 5 officers in November 1968 January next
 6 whose terms and every four after election
 7 last for years thereafter
 8 four years
 9 All other State Tuesday next after Two years, from
 10 State the first Monday first day of
 11 officers in November 1968 January next
 12 whose terms and every two after election
 13 are not years thereafter
 14 specified
 15 by law
 16 State Senator Senatorial Tuesday next after Two years
 17 district the first Monday
 18 in November 1968
 19 and every two
 20 years thereafter
 21 Member of Representative Tuesday next after Two years
 22 State House district the first Monday
 23 of Repre- in November 1968
 24 sentatives and every two
 25 years thereafter
 26 Justices and State At the regular Eight years,
 27 Judges of the election for from first day
 28 Appellate members of the of January next
 29 Division General Assembly after election
 30 immediately preceding
 31 the termination of
 32 each regular term
 33 Judges of the State At the regular Eight years,
 34 superior election for from first day
 35 courts members of the of January next
 36 General Assembly after election
 37 immediately preceding
 38 the termination of
 39 each regular term
 40 Judges of the District court At the regular ~~Four~~ Eight years,
 41 district district election for from the first
 42 courts members of the Monday in
 43 General Assembly December next
 44 immediately preceding after election

1 the termination
 2 of each regular
 3 term
 4 District District At the regular Four years, from
 5 Attorney Attorney election for first day of
 6 district members of the January next
 7 General Assembly after election
 8 immediately preceding
 9 the termination
 10 of each regular
 11 term
 12 Members of Congressional Tuesday next after Two years
 13 House of district, the first Monday
 14 Representa- except as in November 1968
 15 tives of modified by and every two
 16 the G.S. 163-104 years thereafter
 17 Congress of
 18 the United
 19 States
 20 United States State At the regular Six years
 21 Senators election immed-
 22 iately preceding
 23 the termination
 24 of each regular
 25 term
 26 County County At the regular Two years, from
 27 commissioners election for the first
 28 members of the Monday in
 29 General Assembly December next
 30 immediately preceding after election
 31 the termination of
 32 each regular term
 33 Clerk of County At the regular Four years, from
 34 superior court members of the Monday in
 35 the first
 36 General Assembly December next
 37 immediately preceding after election
 38 the termination
 39 of each regular term
 40 Register of County At the regular Four years, from
 41 deeds election for the first
 42 members of the Monday in
 43 General Assembly December next
 44 immediately after election

1 preceding the
 2 termination of
 3 each regular term
 4 Sheriff County At the regular Four years, from
 5 election for the first
 6 members of the Monday in
 7 General Assembly December next
 8 immediately after election
 9 preceding the
 10 termination of
 11 each regular term
 12 Coroner County At the regular Four years, from
 13 election for the first
 14 members of the Monday in
 15 General Assembly December next
 16 immediately after election
 17 preceding the
 18 termination of
 19 a regular term
 20 County County Tuesday next after Two years, from
 21 treasurer the first Monday the first
 22 (in in November 1968 Monday in
 23 counties in and every two December next
 24 which years thereafter after election
 25 elected)
 26 All other County Tuesday next after Two years, from
 27 county the first Monday the first
 28 officers to in November 1968 Monday in
 29 be elected and every two December next
 30 by the years thereafter after election

31 people".Sec. 4. G.S. 7A-140 reads as rewritten:

32 **"§ 7A-140. Number; election; term; qualification; oath.**

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

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

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

1 Sec. 5. Sections 3.1 and 4 of this act shall take effect only upon approval of
2 the voters of the constitutional amendment set forth in Section 1 of this act. If the
3 constitutional amendment proposed in that section is approved by the voters, then
4 Sections 3.1 and 4 of this act become effective at the same time as the constitutional
5 amendment.

6 Sec. 6. This act is effective upon ratification.