

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH10258-LBx-198 (04/12)

Short Title: District Judge Retention Elections.

(Public)

Sponsors: Representative Harrell.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE THAT WHEN A DISTRICT COURT JUDGE IS COMPLETING A FOUR-YEAR ELECTIVE TERM OF OFFICE AND WISHES TO CONTINUE IN OFFICE, THE NEXT ELECTION SHALL BE BY VOTE OF THE PEOPLE FOR RETENTION FOR AN EIGHT-YEAR TERM.

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.

(1) 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 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.

(2) District Judges shall be elected for each district for a term of four years, except that a judge who has been elected to a four-year term or who has been retained for an eight-year term, who desires to continue in office shall be subject to approval by nonpartisan ballot by a majority of the votes cast on the issue of the District Judge's retention. A District Judge approved for retention is elected to an eight-year term. If the voters fail to approve the retention in office of a District Judge, the office shall become vacant at the end of the term of office, and the Governor shall appoint a person to serve until the next election for members of the General Assembly, at which time it shall be filled by election for a four-year term.

This subsection shall be implemented in a manner prescribed by law.

