1   A BILL TO BE ENTITLED
2   AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE
3   THAT WHEN A DISTRICT COURT JUDGE IS COMPLETING A FOUR-YEAR
4   ELECTIVE TERM OF OFFICE AND WISHES TO CONTINUE IN OFFICE, THE
5   NEXT ELECTION SHALL BE BY VOTE OF THE PEOPLE FOR RETENTION
6   FOR AN EIGHT-YEAR TERM.
7   The General Assembly of North Carolina enacts:
8   **SECTION 1.** Section 10 of Article IV of the North Carolina Constitution
9   reads as rewritten:
10   "**Sec. 10. District Courts.**
11   (1)   The General Assembly shall, from time to time, divide the State into a
12   convenient number of local court districts and shall prescribe where the District Courts
13   shall sit, but a District Court must sit in at least one place in each county. ~~District Judges~~
14   ~~shall be elected for each district for a term of four years, in a manner prescribed by law.~~
15   When more than one District Judge is authorized and elected for a district, the Chief
16   Justice of the Supreme Court shall designate one of the judges as Chief District Judge.
17   Every District Judge shall reside in the district for which he is elected.
18   (2)   District Judges shall be elected for each district for a term of four years,
19   except that a judge who has been elected to a four-year term or who has been retained
20   for an eight-year term, who desires to continue in office shall be subject to approval by
21   nonpartisan ballot by a majority of the votes cast on the issue of the District Judge's
22   retention. A District Judge approved for retention is elected to an eight-year term. If
23   the voters fail to approve the retention in office of a District Judge, the office shall
24   become vacant at the end of the term of office, and the Governor shall appoint a person
25   to serve until the next election for members of the General Assembly, at which time it
26   shall be filled by election for a four-year term.
27   This subsection shall be implemented in a manner prescribed by law.
28   (3)   For each county, the senior regular resident Judge of the Superior Court
29   serving the county shall appoint from nominations submitted by the Clerk of the

1 Superior Court of the county, one or more Magistrates who shall be officers of the
2 District Court. The initial term of appointment for a magistrate shall be for two years
3 and subsequent terms shall be for four years.
4   <u>(4)</u>   The number of District Judges and Magistrates shall, from time to time, be
5 determined by the General Assembly. Vacancies in the office of District Judge shall be
6 filled for the unexpired term in a manner prescribed by law. Vacancies in the office of
7 Magistrate shall be filled for the unexpired term in the manner provided for original
8 appointment to the office, unless otherwise provided by the General Assembly."
9   **SECTION 2.** The amendment set out in Section 1 of this act shall be
10 submitted to the qualified voters of the State on November 7, 2006, which election shall
11 be conducted under the laws then governing elections in the State. Ballots, voting
12 systems, or both may be used in accordance with Chapter 163 of the General Statutes.
13 The question on the ballot shall be:
14   "[ ] FOR   [ ] AGAINST
15   Constitutional amendment to provide that an elected district court judge who
16 wishes to remain in office after the end of an elected term shall be subject to the
17 question of the district judge's retention in office being submitted for approval or
18 disapproval by nonpartisan vote of the people at a general election, and to serve an
19 eight-year term if the voters retain the district judge in office."
20   **SECTION 3.** If a majority of votes cast on the question are in favor of the
21 amendment set out in Section 1 of this act, the State Board of Elections shall certify the
22 amendment to the Secretary of State. The amendment becomes effective upon this
23 certification. The Secretary of State shall enroll the amendment so certified among the
24 permanent records of that office.
25   **SECTION 4.** This act is effective when it becomes law.