

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 1125

Short Title: Uniform Terms for Judges. (Public)

Sponsors: Representatives Hackney, Culpepper (Primary Sponsors); Stiller and McComas.

Referred to: Judiciary I.

April 10, 2003

A BILL TO BE ENTITLED

1
2 AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE
3 UNIFORM TERMS FOR ALL JUDGES OF THE GENERAL COURT OF
4 JUSTICE BY PROVIDING EIGHT-YEAR TERMS FOR DISTRICT COURT
5 JUDGES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Section 10 of Article IV of the North Carolina Constitution
8 reads as rewritten:

9 **"Sec. 10. District Courts.**

10 The General Assembly shall, from time to time, divide the State into a convenient
11 number of local court districts and shall prescribe where the District Courts shall sit, but
12 a District Court must sit in at least one place in each county. District Judges shall be
13 elected for each district for a term of ~~four~~eight years, in a manner prescribed by law.
14 When more than one District Judge is authorized and elected for a district, the Chief
15 Justice of the Supreme Court shall designate one of the judges as Chief District Judge.
16 Every District Judge shall reside in the district for which he is elected. For each county,
17 the senior regular resident Judge of the Superior Court serving the county shall appoint
18 for a term of two years, from nominations submitted by the Clerk of the Superior Court
19 of the county, one or more Magistrates who shall be officers of the District Court. The
20 number of District Judges and Magistrates shall, from time to time, be determined by
21 the General Assembly. Vacancies in the office of District Judge shall be filled for the
22 unexpired term in a manner prescribed by law. Vacancies in the office of Magistrate
23 shall be filled for the unexpired term in the manner provided for original appointment to
24 the office."

25 **SECTION 2.** The amendment set out in Section 1 of this act shall be
26 submitted to the qualified voters of the State at the next statewide election, primary or
27 otherwise, which election shall be conducted under the laws then governing elections in
28 the State. Ballots, voting systems, or both may be used in accordance with Chapter 163

1 of the General Statutes. The question to be used in the voting systems and ballots shall
2 be:

3 "[] FOR [] AGAINST

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

6 **SECTION 3.** If a majority of votes cast on the question are in favor of the
7 amendment set out in Section 1 of this act, the State Board of Elections shall certify the
8 amendments to the Secretary of State. Section 1 applies beginning with District Court
9 Judges elected in the 2004 general election. The Secretary of State shall enroll the
10 amendment so certified among the permanent records of that office.

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

12 "Article 14.

13 "District Judges.

14 **"§ 7A-140. Number; election; term; qualification; oath.**

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

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

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

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

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

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