# GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2017

S SENATE BILL 698

Short Title:	Increase Voter Accountability of Judges.	(Public)
Sponsors:	Senator Rabon (Primary Sponsor).	
Referred to:	Rules and Operations of the Senate	

January 10, 2018

### A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO ALLOW FREQUENT ELECTION OF JUDGES BY CREATING TWO-YEAR TERMS OF OFFICE FOR JUSTICES AND JUDGES.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** Section 10 of Article IV of the North Carolina Constitution reads as rewritten:

#### "Sec. 10. District Courts.

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- (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 <u>four-two</u> 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) For each county, the senior regular resident Judge of the Superior Court serving the county shall appoint from nominations submitted by the Clerk of the Superior Court of the county, one or more Magistrates who shall be officers of the District Court. The initial term of appointment for a magistrate shall be for two years and subsequent terms shall be for four years.
- (3) The number of District Judges and Magistrates shall, from time to time, be determined by the General Assembly.
- (4) Vacancies Except as otherwise provided in this section, 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 appointment to the office, unless otherwise provided by the General Assembly.
- (5) All terms of office for persons elected prior to July 1, 2018, to the office of District Judge shall expire on December 31, 2018. All terms of office for persons appointed to fill a vacancy in an elected term for the office of District Judge shall expire December 31, 2018.
- (6) All District Judges shall be elected to a two-year term of office beginning with the general election held in 2018."
- **SECTION 1.(b)** Section 16 of Article IV of the North Carolina Constitution reads as rewritten:
- "Sec. 16. Terms of office and election of Justices of the Supreme Court, Judges of the Court of Appeals, and Judges of the Superior Court.



- (1) Justices of the Supreme Court, Judges of the Court of Appeals, and regular Judges of the Superior Court shall be elected by the qualified voters and shall hold office for terms of eight two years and until their successors are elected and qualified. Justices of the Supreme Court and Judges of the Court of Appeals shall be elected by the qualified voters of the State. Regular Judges of the Superior Court may be elected by the qualified voters of the State or by the voters of their respective districts, as the General Assembly may prescribe.
- (2) All terms of office for persons elected prior to July 1, 2018, to the office of Justice of the Supreme Court, Judge of the Court of Appeals, or regular Judge of the Superior Court shall expire December 31, 2018.
- (3) All Justices of the Supreme Court, Judges of the Court of Appeals, and regular Judges of the Superior Court shall be elected to a two-year term of office beginning with the general election held in 2018."

**SECTION 1.(c)** Section 19 of Article IV of the North Carolina Constitution reads as rewritten:

## "Sec. 19. Vacancies.

- (1) Unless otherwise provided in this Article, all vacancies Vacancies occurring in the offices provided for by this Article office of District Attorney shall be filled by appointment of the Governor, and the appointees appointee shall hold their places his or her place until the next election for members of the General Assembly that is held more than 60 days after the vacancy occurs, when elections shall be held to fill the offices office. When the an unexpired term of any of the offices named in this Article of the Constitution the office of District Attorney in which a vacancy has occurred, and in which it is herein provided that the Governor shall fill the vacancy, expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office.
- (2) All vacancies in the offices of Justice of the Supreme Court, Judge of the Court of Appeals, and Judge of the Superior Court shall be filled by appointment of the Governor for the remainder of the term of office.
- (3) If any person elected or appointed to any of these the offices provided for by this Article shall fail to qualify, the office shall be appointed to, held and filled as provided in case of vacancies occurring therein. All incumbents of these offices shall hold until their successors are qualified."
- **SECTION 2.** The amendments set out in Section 1 of this act shall be submitted to the qualified voters of the State at the statewide primary election in 2018, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

# "[]FOR []AGAINST

Hold more frequent election of judges by allowing North Carolina voters to vote on judges every two years instead of every four or eight years."

**SECTION 3.** If a majority of the votes cast on the question are in favor of the amendment set out in Section 2 of this act, the State Board of Elections shall certify the amendment to the Secretary of State, who shall enroll the amendment so certified among the permanent records of that office. The amendment becomes effective July 1, 2018.

**SECTION 4.** This act is effective when it becomes law.