

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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SENATE BILL DRS45503-TC-25 (10/13)

Short Title: Increase Voter Accountability of Judges. (Public)

Sponsors: Senator Rabon (Primary Sponsor).

Referred to:

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.

(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~~ two 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 (1) Justices of the Supreme Court, Judges of the Court of Appeals, and regular Judges
2 of the Superior Court shall be elected by the qualified voters and shall hold office for terms of
3 ~~eight-two~~ years and until their successors are elected and qualified. Justices of the Supreme
4 Court and Judges of the Court of Appeals shall be elected by the qualified voters of the State.
5 Regular Judges of the Superior Court may be elected by the qualified voters of the State or by
6 the voters of their respective districts, as the General Assembly may prescribe.

7 (2) All terms of office for persons elected prior to July 1, 2018, to the office of Justice
8 of the Supreme Court, Judge of the Court of Appeals, or regular Judge of the Superior Court
9 shall expire December 31, 2018.

10 (3) All Justices of the Supreme Court, Judges of the Court of Appeals, and regular
11 Judges of the Superior Court shall be elected to a two-year term of office beginning with the
12 general election held in 2018."

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

15 "**Sec. 19. Vacancies.**

16 (1) ~~Unless otherwise provided in this Article, all vacancies~~ Vacancies occurring in the
17 ~~offices provided for by this Article~~ office of District Attorney shall be filled by appointment of
18 the Governor, and the ~~appointees~~ appointee shall hold ~~their places~~ his or her place until the next
19 election for members of the General Assembly that is held more than 60 days after the vacancy
20 occurs, when elections shall be held to fill the ~~offices~~ office. When ~~the~~ an unexpired term of
21 ~~any of the offices named in this Article of the Constitution~~ the office of District Attorney in
22 which a vacancy has occurred, and in which it is herein provided that the Governor shall fill the
23 vacancy, expires on the first day of January succeeding the next election for members of the
24 General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the
25 office.

26 (2) All vacancies in the offices of Justice of the Supreme Court, Judge of the Court of
27 Appeals, and Judge of the Superior Court shall be filled by appointment of the Governor for the
28 remainder of the term of office.

29 (3) If any person elected or appointed to any of ~~these~~ the offices provided for by this
30 Article shall fail to qualify, the office shall be appointed to, held and filled as provided in case
31 of vacancies occurring therein. All incumbents of these offices shall hold until their successors
32 are qualified."

33 **SECTION 2.** The amendments set out in Section 1 of this act shall be submitted to
34 the qualified voters of the State at the statewide primary election in 2018, which election shall
35 be conducted under the laws then governing elections in the State. Ballots, voting systems, or
36 both may be used in accordance with Chapter 163 of the General Statutes. The question to be
37 used in the voting systems and ballots shall be:

38 "[] FOR [] AGAINST

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

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

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