

GENERAL ASSEMBLY OF NORTH CAROLINA
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PROPOSED SENATE COMMITTEE SUBSTITUTE H717-PCS10476-BK-41

Short Title: Judicial Elections Changes.

(Public)

Sponsors:

Referred to:

April 11, 2017

A BILL TO BE ENTITLED

AN ACT TO REVISE THE JUDICIAL DIVISIONS; ALIGN THE SUPERIOR COURT, DISTRICT COURT, AND PROSECUTORIAL DISTRICTS IN CERTAIN JUDICIAL DISTRICTS; TO CLARIFY LISTING OF JUDICIAL SEATS ON THE BALLOT; AND TO LIMIT ROTATION OF SUPERIOR COURT JUDGES TO SIX MONTHS PER YEAR.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 7A-41(a) reads as rewritten:

"(a) The counties of the State are organized into judicial divisions and superior court districts, and each superior court district has the counties, and the number of regular resident superior court judges set forth in the following table, and for districts of less than a whole county, as set out in subsection (b) of this section:

Judicial Division	Superior Court District	Counties	No. of Resident Judges
First	1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	2
First	2	Beaufort, Hyde, Martin, Tyrrell, Washington	1
First	3A	Pitt	2
Second <u>First</u>	3B	Carteret, Craven, Pamlico	3
Second	4A	Duplin, Jones, Sampson	1
Second	4B	Onslow	1
Second	5A	(part of New Hanover, part of Pender see subsection (b))	1



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1		5B	(part of New Hanover,	1
2			part of Pender	
3			see subsection (b))	
4		5C	(part of New Hanover,	1
5			see subsection (b))	
6	First	6A	Halifax	1
7	First	6B	Bertie, Hertford,	1
8			Northampton	
9	First	7A	Nash	1
10	First	7B	(part of Wilson,	1
11			part of Edgecombe,	
12			see subsection (b))	
13	First	7C	(part of Wilson,	1
14			part of Edgecombe,	
15			see subsection (b))	
16	Second <u>First</u>	8A	Lenoir and Greene	1
17	Second <u>First</u>	8B	Wayne	1
18				
19	Third	9	Franklin, Granville,	2
20			Person, Vance, Warren	
21	Third	10A	(part of Wake,	1
22			see subsection (b))	
23	Third	10B	(part of Wake,	2
24			see subsection (b))	
25	Third	10C	(part of Wake,	1
26			see subsection (b))	
27	Third	10D	(part of Wake,	1
28			see subsection (b))	
29	Fourth <u>Third</u>	11A	Harnett,	1
30			Lee	
31	Fourth <u>Third</u>	11B	Johnston	1
32	Fourth <u>Second</u>	12A	(part of Cumberland,	1
33			see subsection (b))	
34	Fourth <u>Second</u>	12B	(part of Cumberland,	1
35			see subsection (b))	
36	Fourth <u>Second</u>	12C	(part of Cumberland,	2
37			see subsection (b))	
38	Fourth <u>Second</u>	13A	Bladen, Columbus	1
39	Fourth <u>Second</u>	13B	Brunswick	1
40	Third	14A	(part of Durham,	1
41			see subsection (b))	
42	Third	14B	(part of Durham,	3
43			see subsection (b))	
44	Third	15A	Alamance	2
45	Third	15B	Orange, Chatham	2
46	Fourth <u>Second</u>	16A	Anson, Richmond,	2
47			Scotland, Hoke	
48	Fourth <u>Second</u>	16B	Robeson	2
49	Fifth <u>Third</u>	17A	Caswell, Rockingham	3
50	Fifth <u>Fourth</u>	17B	Stokes, Surry	2
51	Fifth <u>Third</u>	18A	(part of Guilford,	1

1			see subsection (b))	
2	Fifth <u>Third</u>	18B	(part of Guilford,	1
3			see subsection (b))	
4	Fifth <u>Third</u>	18C	(part of Guilford,	1
5			see subsection (b))	
6	Fifth <u>Third</u>	18D	(part of Guilford,	1
7			see subsection (b))	
8	Fifth <u>Third</u>	18E	(part of Guilford,	1
9			see subsection (b))	
10	Sixth <u>Fourth</u>	19A	Cabarrus	1 <u>2</u>
11	Fifth <u>Third</u>	19B	Montgomery, Randolph	1
12	Sixth <u>Fourth</u>	19C	Rowan	1
13	Fourth <u>Third</u>	19D	Hoke, Moore	1 <u>2</u>
14	Sixth <u>Fourth</u>	20A	Stanly	1
15	Sixth <u>Fourth</u>	20B	Union	2
16	Fifth <u>Fourth</u>	21A	(part of Forsyth,	1
17			see subsection (b))	
18	Fifth <u>Fourth</u>	21B	(part of Forsyth,	1
19			see subsection (b))	
20	Fifth <u>Fourth</u>	21C	(part of Forsyth,	1
21			see subsection (b))	
22	Fifth <u>Fourth</u>	21D	(part of Forsyth,	1
23			see subsection (b))	
24	Sixth <u>Fourth</u>	22A	Alexander, Iredell	2
25	Sixth <u>Fourth</u>	22B	Davidson, Davie	2
26	Fifth <u>Fourth</u>	23	Alleghany, Ashe,	1
27			Wilkes, Yadkin	
28	Eighth <u>Fifth</u>	24	Avery, Madison,	2
29			Mitchell,	
30			Watauga, Yancey	
31	Seventh <u>Fifth</u>	25A	Burke, Caldwell	2
32	Seventh <u>Fifth</u>	25B	Catawba	2
33	Seventh <u>Fourth</u>	26A	(part of Mecklenburg,	2
34			see subsection (b))	
35	Seventh <u>Fourth</u>	26B	(part of Mecklenburg,	3
36			see subsection (b))	
37	Seventh <u>Fourth</u>	26C	(part of Mecklenburg,	2
38			see subsection (b))	
39	Seventh <u>Fifth</u>	27A	Gaston	2
40	Seventh <u>Fifth</u>	27B	Cleveland, Lincoln	2
41	Eighth <u>Fifth</u>	28	Buncombe	2
42	Eighth <u>Fifth</u>	29A	McDowell,	1
43			Rutherford	
44	Eighth <u>Fifth</u>	29B	Henderson, Polk,	1
45			Transylvania	
46	Eighth <u>Fifth</u>	30A	Cherokee, Clay,	1
47			Graham, Macon,	
48			Swain	
49	Eighth <u>Fifth</u>	30B	Haywood, Jackson	1."

50 **SECTION 1.(b)** The additional judge in District 19D, as established by Section 1(a)
51 of this act, shall take office on January 1, 2021, with an election in 2020 to be held accordingly.

1 **SECTION 1.(c)** The additional judge in District 19A, as established by Section 1(a)
2 of this act, shall take office on January 1, 2021, with an election in 2020 to be held accordingly.

3 **SECTION 1.(d)** Except as otherwise provided, this section becomes effective July
4 1, 2018.

5 **SECTION 2.(a)** G.S. 7A-133 reads as rewritten:

6 "**§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of**
7 **court, by counties.**

8 (a) Each district court district shall have the numbers of judges as set forth in the
9 following table:

District	Judges	County
1	5	Camden Chowan Currituck Dare Gates Pasquotank Perquimans
2	4	Martin Beaufort Tyrrell Hyde Washington
3A	5	Pitt
3B	6	Craven Pamlico Carteret
4	8	Sampson Duplin Jones Onslow
5	9	New Hanover Pender
6	4	Northampton Bertie Hertford Halifax
7	7	Nash Edgecombe Wilson
8	6	Wayne Greene Lenoir
9	5	Granville (part of Vance see subsection (b)) Franklin Person
9B	2	Warren (part of Vance see subsection (b))

1	10	19	Wake
2	11	11	Harnett
3			Johnston
4			Lee
5	12	10	Cumberland
6	13	6	Bladen
7			Brunswick
8			Columbus
9	14	7	Durham
10	15A	4	Alamance
11	15B	5	Orange
12			Chatham
13	16A	6	Scotland
14			Hoke
15			Anson
16			Richmond
17	16B	5	Robeson
18	17A	4	Caswell
19			Rockingham
20	17B	4	Stokes
21			Surry
22	18	14	Guilford
23	19A	5	Cabarrus
24	19B	7	Montgomery
25			Moore
26			Randolph
27	19C	5	Rowan
28	<u>19D</u>	<u>5</u>	<u>Hoke, Moore</u>
29	20A	2	Stanly
30	20B	1	(part of Union
31			see subsection (b))
32	20C	2	(part of Union
33			see subsection (b))
34	20D	1	Union
35	21	11	Forsyth
36	22A	5	Alexander
37			Iredell
38	22B	6	Davidson
39			Davie
40	23	4	Alleghany
41			Ashe
42			Wilkes
43			Yadkin
44	24	4	Avery
45			Madison
46			Mitchell
47			Watauga
48			Yancey
49	25	<u>9</u>	Burke
50			Caldwell
51			Catawba

1	26	21	Mecklenburg
2	27A	7	Gaston
3	27B	6	Cleveland
4			Lincoln
5	28	7	Buncombe
6	29A	34	McDowell
7			Rutherford
8	29B	4	Henderson
9			Polk
10			Transylvania
11	30	6	Cherokee
12			Clay
13			Graham
14			Haywood
15			Jackson
16			Macon
17			Swain.

18 ...

19 (b5) The qualified voters of District 25 shall elect all judges established for District 25 in
 20 subsection (a) of this section, but only persons who reside in Catawba County may be candidates
 21 for five of the judgeships and only persons who reside in Burke or Caldwell County may be
 22 candidates for the remaining judgeships.

23 (b6) The qualified voters of District 16A shall elect all judges established for District 16A
 24 in subsection (a) of this section, but only persons who reside in Richmond County may be
 25 candidates for two of the judgeships, only persons who reside in Anson County may be
 26 candidates for one of the judgeships, and only persons who reside in Scotland County may be
 27 candidates for the remaining judgeship.

28"

29 **SECTION 2.(b)** Notwithstanding G.S. 7A-133(b5), as enacted by this act, upon each
 30 of the first three district court judgeship vacancies occurring in District Court District 25 due to
 31 death, resignation, removal, or retirement of a person who is a resident of Catawba County
 32 holding a judgeship on the effective date of this section shall be filled according to law. However,
 33 at the next general election held for that judgeship, only persons who reside in Burke or Caldwell
 34 County may be candidates for that district court judgeship and any primary associated with that
 35 general election shall also be held accordingly.

36 **SECTION 2.(c)** Upon each of the first three district court judgeship vacancies
 37 occurring in District Court District 25 due to the death, resignation, removal, or retirement of a
 38 person who is a resident of Catawba County holding a judgeship on the effective date of this
 39 section, the Director of the Administrative Office of the Courts shall provide written notice of
 40 the vacancy to the State Board of Elections and Ethics Enforcement. The State Board of Elections
 41 and Ethics Enforcement shall ensure that only persons who reside in Burke or Caldwell County
 42 may file as candidates for that district court judgeship at the next general election held for that
 43 judgeship.

44 **SECTION 2.(d)** The additional judge in District 25, as established by this act, shall
 45 take office on January 1, 2021, with an election in 2020 to be held accordingly.

46 **SECTION 2.(e)** The additional judge in District 19A, as established by this act, shall
 47 take office on January 1, 2021, with an election in 2020 to be held accordingly.

48 **SECTION 2.(f)** The additional judge in District 29A, as established by this act, shall
 49 take office on January 1, 2021, with an election in 2020 to be held accordingly.

50 **SECTION 3.(a)** G.S. 7A-60 reads as rewritten:
 51 "§ 7A-60. District attorneys and prosecutorial districts.

(a) The State shall be divided into prosecutorial districts, as shown in subsection (a1) of this section. There shall be a district attorney for each prosecutorial district, as provided in subsections (b) and (c) of this section who shall be a resident of the prosecutorial district for which elected. A vacancy in the office of district attorney shall be filled as provided in Article IV, Sec. 19 of the Constitution.

...

(a1) **(Effective January 1, 2019)** The counties of the State are organized into prosecutorial districts, and each district has the counties and the number of full-time assistant district attorneys set forth in the following table:

Prosecutorial District	Counties	No. of Full-Time Asst. District Attorneys
1	Camden, Chowan, Currituck, Dare, Gates, Pasquotank, Perquimans	11
2	Beaufort, Hyde, Martin, Tyrrell, Washington	8
3	Pitt	12
4	Carteret, Craven, Pamlico	13
5	Duplin, Jones, Onslow, Sampson	19
6	New Hanover, Pender	19
7	Bertie, Halifax, Hertford, Northampton	11
8	Edgecombe, Nash, Wilson	19
9	Greene, Lenoir, Wayne	14
10	Franklin, Granville, Person, Vance, Warren	13
11	Wake	42
12	Harnett, Lee	11
13	Johnston	10
14	Cumberland	25
15	Bladen, Brunswick, Columbus	14
16	Durham	18
17	Alamance	12
18	Orange, Chatham	10
19	Scotland, Hoke	7
20	Robeson	12
21	Anson, Richmond <u>Richmond, Scotland</u>	<u>69</u>
22	Caswell, Rockingham	10
23	Stokes, Surry	8
24	Guilford	34
25	Cabarrus	9
26	Montgomery, Randolph	10
27	Rowan	9
28	<u>Hoke, Moore</u>	<u>59</u>
29	Stanly	5
30	Union	11
31	Forsyth	27
32	Alexander, Iredell	12
33	Davidson, Davie	12
34	Alleghany, Ashe, Wilkes, Yadkin	9

1	35	Avery, Madison, Mitchell,	8
2		Watauga, Yancey	
3	36	Burke, Caldwell, Catawba	19
4	<u>36A</u>	<u>Burke, Caldwell</u>	<u>10</u>
5	<u>36B</u>	<u>Catawba</u>	<u>10</u>
6	37	Mecklenburg	58
7	38	Gaston	15
8	39	Cleveland, Lincoln	12
9	40	Buncombe	14
10	41	McDowell, Rutherford	8
11	42	Henderson, Polk, Transylvania	9
12	43	Cherokee, Clay, Graham,	12
13		Haywood, Jackson, Macon, Swain.	
14"		

SECTION 3.(b) The office and term of the district attorney for Prosecutorial District 19 formerly consisting of Hoke and Scotland Counties is terminated upon the expiration of the current term, December 31, 2020. Effective January 1, 2021, District 19 formerly consisting of Hoke and Scotland Counties is reassigned as provided in this section. All open investigations and pending cases for Prosecutorial District 19 formerly consisting of Hoke and Scotland Counties shall be transferred to either District 21 or District 28, as enacted by this section. Hoke County is added to District 28, as enacted by this section, and the total number of ADAs in that district is nine. Scotland County is added to District 21, and the total number of ADAs in that district is nine.

SECTION 3.(c) The office and term of the district attorney for Prosecutorial District 36 formerly consisting of Burke, Caldwell, and Catawba Counties is terminated upon the expiration of the term expiring December 31, 2022. Effective January 1, 2023, District 36 formerly consisting of Burke, Caldwell, and Catawba Counties is reassigned as provided in this section. All open investigations and pending cases for Prosecutorial District 36 formerly consisting of Burke, Caldwell, and Catawba Counties shall be transferred to either District 36A or District 36B, as enacted by this section. Burke and Caldwell Counties are added to District 36A, as enacted by this section, and the total number of ADAs in that district is 10. Catawba County is added to District 36B, and the total number of ADAs in that district is 10.

SECTION 4.(a) G.S. 163A-1112(a) reads as rewritten:

"(a) Except as provided in this section, each official ballot shall contain all the following elements:

- (1) The heading prescribed by the State Board. The heading shall include the term "Official Ballot".
- (2) The title of each office to be voted on and the number of votes allowed in each ballot item.
- (3) The names of the candidates as they appear on their notice of candidacy filed pursuant to G.S. 163A-972, 163A-973, 163A-974, 163A-975, 163A-976, 163A-977, and 163A-978, or on petition forms filed in accordance with G.S. 163A-1005. No title, appendage, or appellation indicating rank, status, or position shall be printed on the official ballot in connection with the candidate's name. Candidates, however, may use the title Mr., Mrs., Miss, or Ms. Nicknames shall be permitted on an official ballot if used in the notice of candidacy or qualifying petition, but the nickname shall appear according to standards adopted by the State Board. Those standards shall allow the presentation of legitimate nicknames in ways that do not mislead the voter or unduly advertise the candidacy. In the case of candidates for presidential elector, the official ballot shall not contain the names of the candidates for

1 elector but instead shall contain the nominees for President and Vice President
2 which the candidates for elector represent. The State Board shall establish a
3 review procedure that local boards of elections shall follow to ensure that
4 candidates' names appear on the official ballot in accordance with this
5 subdivision.

6 (4) Party designations in partisan ballot items.

7 (5) A means by which the voter may cast write-in votes, as provided in
8 G.S. 163A-1006. No space for write-ins is required unless a write-in candidate
9 has qualified under G.S. 163A-1006 or unless the ballot item is exempt from
10 G.S. 163A-1006.

11 (6) Instructions to voters, unless the State Board allows instructions to be placed
12 elsewhere than on the official ballot.

13 (7) The printed title and facsimile signature of the chair of the county board of
14 elections.

15 (8) The designation of vacancy sought, if there are two or more vacancies for the
16 office of justice or judge of the courts. The designation shall not be the name
17 or names of any incumbent or other individual but shall be designated as
18 determined by the State Board."

19 **SECTION 4.(b)** G.S. 163A-975 reads as rewritten:

20 **"§ 163A-975. Notice of candidacy for certain offices to indicate vacancy.**

21 In any primary in which there are two or more vacancies for associate justices for the Supreme
22 Court, two or more vacancies for the Court of Appeals, two or more vacancies for superior or
23 district court judge, or two vacancies for United States Senator from North Carolina, each
24 candidate shall, at the time of filing notice of candidacy, file with the State Board a written
25 statement designating the vacancy to which the candidate seeks nomination. The designation
26 shall not be the name or names of any incumbent or other individual but shall be designated as
27 determined by the State Board. A person seeking election for a specialized district judgeship
28 established under G.S. 7A-147 shall, at the time of filing notice of candidacy, file with the State
29 Board a written statement designating the specialized judgeship to which the person seeks
30 nomination. Votes cast for a candidate shall be effective only for nomination to the vacancy for
31 which the candidate has given notice of candidacy as provided in this section."

32 **SECTION 4.(c)** This section is effective when it becomes law and applies to
33 elections held on or after that date.

34 **SECTION 4.5.** G.S. 7A-47.3 reads as rewritten:

35 **"§ 7A-47.3. Rotation and assignment; sessions.**

36 (a) To effect the intent of Article IV, Section 11 of the North Carolina Constitution, each
37 regular resident superior court judge may, upon each rotation, be assigned to hold the courts
38 either of one of the districts or of one of the sets of ~~districts, as defined in G.S. 7A-41.1(a),~~
39 districts in that judge's judicial division.

40 (b) All sessions of superior court shall be for an entire county, whether that county
41 comprises or is located in a district or in a set of districts ~~as defined in G.S. 7A-41.1(a),~~ and at
42 each session all matters and proceedings arising anywhere in the county shall be heard.

43 (c) In making assignment of the Judges of the Superior Court, the Chief Justice of the
44 Supreme Court shall strive to allow each regular resident superior court judge to be assigned to
45 the district or set of districts from which that regular resident superior court judge was elected or
46 appointed no less than one half of the calendar year.

47 (d) For purposes of this section, "district or set of districts" shall have the same meaning
48 as in G.S. 7A-41.1(a)."

49 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
50 law.