

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 717
Committee Substitute Favorable 6/26/17
Committee Substitute #2 Favorable 10/4/17
Committee Substitute #3 Favorable 10/4/17
Fifth Edition Engrossed 10/5/17
Senate Select Committee on Elections Committee Substitute Adopted 6/4/18
Corrected Copy 6/5/18

Short Title: Judicial Elections Changes. (Public)

Sponsors:

Referred to:

April 11, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO REVISE THE JUDICIAL DIVISIONS; ALIGN THE SUPERIOR COURT,
3 DISTRICT COURT, AND PROSECUTORIAL DISTRICTS IN CERTAIN JUDICIAL
4 DISTRICTS; TO CLARIFY LISTING OF JUDICIAL SEATS ON THE BALLOT; AND
5 TO LIMIT ROTATION OF SUPERIOR COURT JUDGES TO SIX MONTHS PER YEAR.

6 The General Assembly of North Carolina enacts:

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

8 "(a) The counties of the State are organized into judicial divisions and superior court
9 districts, and each superior court district has the counties, and the number of regular resident
10 superior court judges set forth in the following table, and for districts of less than a whole county,
11 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 First | 3B | Carteret, Craven, Pamlico | 3 |
| Second | 4A | Duplin, Jones, Sampson | 1 |
| Second | 4B | Onslow | 1 |
| Second | 5A | (part of New Hanover, part of Pender | 1 |



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

| | | | | |
|----|----------------------------------|-----|---|-----------------------|
| 1 | Fifth <u>Third</u> | 18A | (part of Guilford, see subsection (b)) | 1 |
| 2 | | | | |
| 3 | Fifth <u>Third</u> | 18B | (part of Guilford, see subsection (b)) | 1 |
| 4 | | | | |
| 5 | Fifth <u>Third</u> | 18C | (part of Guilford, see subsection (b)) | 1 |
| 6 | | | | |
| 7 | Fifth <u>Third</u> | 18D | (part of Guilford, see subsection (b)) | 1 |
| 8 | | | | |
| 9 | Fifth <u>Third</u> | 18E | (part of Guilford, see subsection (b)) | 1 |
| 10 | | | | |
| 11 | Sixth <u>Fourth</u> | 19A | Cabarrus | 1 <u>2</u> |
| 12 | Fifth <u>Third</u> | 19B | Montgomery, Randolph | 1 |
| 13 | Sixth <u>Fourth</u> | 19C | Rowan | 1 |
| 14 | Fourth <u>Third</u> | 19D | <u>Hoke, Moore</u> | 1 <u>2</u> |
| 15 | Sixth <u>Fourth</u> | 20A | Stanly | 1 |
| 16 | Sixth <u>Fourth</u> | 20B | Union | 2 |
| 17 | Fifth <u>Fourth</u> | 21A | (part of Forsyth, see subsection (b)) | 1 |
| 18 | | | | |
| 19 | Fifth <u>Fourth</u> | 21B | (part of Forsyth, see subsection (b)) | 1 |
| 20 | | | | |
| 21 | Fifth <u>Fourth</u> | 21C | (part of Forsyth, see subsection (b)) | 1 |
| 22 | | | | |
| 23 | Fifth <u>Fourth</u> | 21D | (part of Forsyth, see subsection (b)) | 1 |
| 24 | | | | |
| 25 | Sixth <u>Fourth</u> | 22A | Alexander, Iredell | 2 |
| 26 | Sixth <u>Fourth</u> | 22B | Davidson, Davie | 2 |
| 27 | Fifth <u>Fourth</u> | 23 | Alleghany, Ashe, Wilkes, Yadkin | 1 |
| 28 | | | | |
| 29 | Eighth <u>Fifth</u> | 24 | Avery, Madison, Mitchell, Watauga, Yancey | 2 |
| 30 | | | | |
| 31 | | | | |
| 32 | Seventh <u>Fifth</u> | 25A | Burke, Caldwell | 2 |
| 33 | Seventh <u>Fifth</u> | 25B | Catawba | 2 |
| 34 | Seventh <u>Fourth</u> | 26A | (part of Mecklenburg, see subsection (b)) | 2 |
| 35 | | | | |
| 36 | Seventh <u>Fourth</u> | 26B | (part of Mecklenburg, see subsection (b)) | 3 |
| 37 | | | | |
| 38 | Seventh <u>Fourth</u> | 26C | (part of Mecklenburg, see subsection (b)) | 2 |
| 39 | | | | |
| 40 | Seventh <u>Fifth</u> | 27A | Gaston | 2 |
| 41 | Seventh <u>Fifth</u> | 27B | Cleveland, Lincoln | 2 |
| 42 | Eighth <u>Fifth</u> | 28 | Buncombe | 2 |
| 43 | Eighth <u>Fifth</u> | 29A | McDowell, Rutherford | 1 |
| 44 | | | | |
| 45 | Eighth <u>Fifth</u> | 29B | Henderson, Polk, Transylvania | 1 |
| 46 | | | | |
| 47 | Eighth <u>Fifth</u> | 30A | Cherokee, Clay, Graham, Macon, Swain | 1 |
| 48 | | | | |
| 49 | | | | |
| 50 | Eighth <u>Fifth</u> | 30B | Haywood, Jackson | 1." |

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

5 **SECTION 1.(d)** Except as otherwise provided, this section becomes effective July
 6 1, 2018.

7 **SECTION 2.(a)** G.S. 7A-133 reads as rewritten:
 8 "**§ 7A-133. Numbers of judges by districts; numbers of magistrates and additional seats of**
 9 **court, by counties.**

10 (a) Each district court district shall have the numbers of judges as set forth in the
 11 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 |
| 9B | 2 | Person Warren |

| | | | |
|----|------------|------------|---------------------|
| 1 | | | (part of Vance |
| 2 | | | see subsection (b)) |
| 3 | 10 | 19 | Wake |
| 4 | 11 | 11 | Harnett |
| 5 | | | Johnston |
| 6 | | | Lee |
| 7 | 12 | 10 | Cumberland |
| 8 | 13 | 6 | Bladen |
| 9 | | | Brunswick |
| 10 | | | Columbus |
| 11 | 14 | 7 | Durham |
| 12 | 15A | 4 | Alamance |
| 13 | 15B | 5 | Orange |
| 14 | | | Chatham |
| 15 | 16A | <u>64</u> | Scotland |
| 16 | | | Hoke |
| 17 | | | Anson |
| 18 | | | Richmond |
| 19 | 16B | 5 | Robeson |
| 20 | 17A | 4 | Caswell |
| 21 | | | Rockingham |
| 22 | 17B | 4 | Stokes |
| 23 | | | Surry |
| 24 | 18 | 14 | Guilford |
| 25 | 19A | <u>56</u> | Cabarrus |
| 26 | 19B | <u>74</u> | Montgomery |
| 27 | | | Moore |
| 28 | | | Randolph |
| 29 | 19C | 5 | Rowan |
| 30 | <u>19D</u> | <u>5</u> | <u>Hoke, Moore</u> |
| 31 | 20A | 2 | Stanly |
| 32 | 20B | 1 | (part of Union |
| 33 | | | see subsection (b)) |
| 34 | 20C | 2 | (part of Union |
| 35 | | | see subsection (b)) |
| 36 | 20D | 1 | Union |
| 37 | 21 | 11 | Forsyth |
| 38 | 22A | 5 | Alexander |
| 39 | | | Iredell |
| 40 | 22B | 6 | Davidson |
| 41 | | | Davie |
| 42 | 23 | 4 | Alleghany |
| 43 | | | Ashe |
| 44 | | | Wilkes |
| 45 | | | Yadkin |
| 46 | 24 | 4 | Avery |
| 47 | | | Madison |
| 48 | | | Mitchell |
| 49 | | | Watauga |
| 50 | | | Yancey |
| 51 | 25 | <u>910</u> | Burke |

| | | | |
|----|-----|-----------|--------------|
| 1 | | | Caldwell |
| 2 | | | Catawba |
| 3 | 26 | 21 | Mecklenburg |
| 4 | 27A | 7 | Gaston |
| 5 | 27B | 6 | Cleveland |
| 6 | | | Lincoln |
| 7 | 28 | 7 | Buncombe |
| 8 | 29A | <u>34</u> | McDowell |
| 9 | | | Rutherford |
| 10 | 29B | 4 | Henderson |
| 11 | | | Polk |
| 12 | | | Transylvania |
| 13 | 30 | 6 | Cherokee |
| 14 | | | Clay |
| 15 | | | Graham |
| 16 | | | Haywood |
| 17 | | | Jackson |
| 18 | | | Macon |
| 19 | | | Swain. |

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

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

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

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

46 **SECTION 2.(d)** The additional judge in District 25, 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.(e)** The additional judge in District 19A, as established by this act, shall
 49 take office on January 1, 2021, with an election in 2020 to be held accordingly.

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

1 SECTION 3.(a) G.S. 7A-60 reads as rewritten:

2 "§ 7A-60. District attorneys and prosecutorial districts.

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

8 ...
 9 (a1) (Effective January 1, 2019) The counties of the State are organized into prosecutorial
 10 districts, and each district has the counties and the number of full-time assistant district attorneys
 11 set forth in the following table:

| 12 | | | No. of Full-Time |
|----|---------------|--|-----------------------|
| 13 | Prosecutorial | Counties | Asst. District |
| 14 | District | | Attorneys |
| 15 | 1 | Camden, Chowan, Currituck, | 11 |
| 16 | | Dare, Gates, Pasquotank, | |
| 17 | | Perquimans | |
| 18 | 2 | Beaufort, Hyde, Martin, | 8 |
| 19 | | Tyrrell, Washington | |
| 20 | 3 | Pitt | 12 |
| 21 | 4 | Carteret, Craven, Pamlico | 13 |
| 22 | 5 | Duplin, Jones, Onslow, Sampson | 19 |
| 23 | 6 | New Hanover, Pender | 19 |
| 24 | 7 | Bertie, Halifax, Hertford, | 11 |
| 25 | | Northampton | |
| 26 | 8 | Edgecombe, Nash, Wilson | 19 |
| 27 | 9 | Greene, Lenoir, Wayne | 14 |
| 28 | 10 | Franklin, Granville, Person | 13 |
| 29 | | Vance, Warren | |
| 30 | 11 | Wake | 42 |
| 31 | 12 | Harnett, Lee | 11 |
| 32 | 13 | Johnston | 10 |
| 33 | 14 | Cumberland | 25 |
| 34 | 15 | Bladen, Brunswick, Columbus | 14 |
| 35 | 16 | Durham | 18 |
| 36 | 17 | Alamance | 12 |
| 37 | 18 | Orange, Chatham | 10 |
| 38 | 19 | Scotland, Hoke | 7 |
| 39 | 20 | Robeson | 12 |
| 40 | 21 | Anson, Richmond <u>Richmond, Scotland</u> | 6 <u>9</u> |
| 41 | 22 | Caswell, Rockingham | 10 |
| 42 | 23 | Stokes, Surry | 8 |
| 43 | 24 | Guilford | 34 |
| 44 | 25 | Cabarrus | 9 |
| 45 | 26 | Montgomery, Randolph | 10 |
| 46 | 27 | Rowan | 9 |
| 47 | 28 | <u>Hoke, Moore</u> | 5 <u>9</u> |
| 48 | 29 | Stanly | 5 |
| 49 | 30 | Union | 11 |
| 50 | 31 | Forsyth | 27 |
| 51 | 32 | Alexander, Iredell | 12 |

| | | | |
|----|---------------|-------------------------------------|---------------|
| 1 | 33 | Davidson, Davie | 12 |
| 2 | 34 | Alleghany, Ashe, Wilkes, Yadkin | 9 |
| 3 | 35 | Avery, Madison, Mitchell, | 8 |
| 4 | | Watauga, Yancey | |
| 5 | 36 | Burke, Caldwell, Catawba | 19 |
| 6 | <u>36A</u> | <u>Burke, Caldwell</u> | <u>10</u> |
| 7 | <u>36B</u> | <u>Catawba</u> | <u>10</u> |
| 8 | 37 | Mecklenburg | 58 |
| 9 | 38 | Gaston | 15 |
| 10 | 39 | Cleveland, Lincoln | 12 |
| 11 | 40 | Buncombe | 14 |
| 12 | 41 | McDowell, Rutherford | 8 |
| 13 | 42 | Henderson, Polk, Transylvania | 9 |
| 14 | 43 | Cherokee, Clay, Graham, | 12 |
| 15 | | Haywood, Jackson, Macon, Swain. | |

16 "

17 **SECTION 3.(b)** The office and term of the district attorney for Prosecutorial District
 18 19 formerly consisting of Hoke and Scotland Counties is terminated upon the expiration of the
 19 current term, December 31, 2020. Effective January 1, 2021, District 19 formerly consisting of
 20 Hoke and Scotland Counties is reassigned as provided in this section. All open investigations and
 21 pending cases for Prosecutorial District 19 formerly consisting of Hoke and Scotland Counties
 22 shall be transferred to either District 21 or District 28, as enacted by this section. Hoke County
 23 is added to District 28, as enacted by this section, and the total number of ADAs in that district
 24 is nine. Scotland County is added to District 21, and the total number of ADAs in that district is
 25 nine.

26 **SECTION 3.(c)** The office and term of the district attorney for Prosecutorial District
 27 36 formerly consisting of Burke, Caldwell, and Catawba Counties is terminated upon the
 28 expiration of the term expiring December 31, 2022. Effective January 1, 2023, District 36
 29 formerly consisting of Burke, Caldwell, and Catawba Counties is reassigned as provided in this
 30 section. All open investigations and pending cases for Prosecutorial District 36 formerly
 31 consisting of Burke, Caldwell, and Catawba Counties shall be transferred to either District 36A
 32 or District 36B, as enacted by this section. Burke and Caldwell Counties are added to District
 33 36A, as enacted by this section, and the total number of ADAs in that district is 10. Catawba
 34 County is added to District 36B, and the total number of ADAs in that district is 10.

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

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

- 38 (1) The heading prescribed by the State Board. The heading shall include the term
 39 "Official Ballot".
- 40 (2) The title of each office to be voted on and the number of votes allowed in each
 41 ballot item.
- 42 (3) The names of the candidates as they appear on their notice of candidacy filed
 43 pursuant to G.S. 163A-972, 163A-973, 163A-974, 163A-975, 163A-976,
 44 163A-977, and 163A-978, or on petition forms filed in accordance with
 45 G.S. 163A-1005. No title, appendage, or appellation indicating rank, status,
 46 or position shall be printed on the official ballot in connection with the
 47 candidate's name. Candidates, however, may use the title Mr., Mrs., Miss, or
 48 Ms. Nicknames shall be permitted on an official ballot if used in the notice of
 49 candidacy or qualifying petition, but the nickname shall appear according to
 50 standards adopted by the State Board. Those standards shall allow the
 51 presentation of legitimate nicknames in ways that do not mislead the voter or

1 unduly advertise the candidacy. In the case of candidates for presidential
2 elector, the official ballot shall not contain the names of the candidates for
3 elector but instead shall contain the nominees for President and Vice President
4 which the candidates for elector represent. The State Board shall establish a
5 review procedure that local boards of elections shall follow to ensure that
6 candidates' names appear on the official ballot in accordance with this
7 subdivision.

8 (4) Party designations in partisan ballot items.

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

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

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

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

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

22 **"§ 163A-975. Notice of candidacy for certain offices to indicate vacancy.**

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

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

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

37 **"§ 7A-47.3. Rotation and assignment; sessions.**

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

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

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

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

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