

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 768
SENATE BILL 711

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO
PROVIDE FOR ELECTION OF STATEWIDE OFFICIALS IN THE FALL OF
THE ODD-NUMBERED YEARS.

The General Assembly of North Carolina enacts:

Section 1. Section 8 of Article II of the North Carolina Constitution is amended by deleting "1972 and every two years thereafter", and substituting "1986, and in 1989 and every two years thereafter".

Sec. 2. Section 2(1) of Article III of the Constitution of North Carolina is amended by deleting "1972 and every four years thereafter", and substituting "1988, and in 1993 and every four years thereafter".

Sec. 3. Section 2(1) of Article III of the Constitution of North Carolina is further amended by adding the following immediately before the period at the end, ", except that the term of office of those elected in 1988 shall be for five years".

Sec. 4. Section 7(1) of Article III of the Constitution of North Carolina is amended by deleting "1972 and every four years thereafter", and substituting "1988, and in 1993 and every four years thereafter".

Sec. 5. Section 7(1) of Article III of the Constitution of North Carolina is further amended by adding the following immediately before the period at the end, ", except that the term of office of those elected in 1988 shall be for five years".

Sec. 6. Section 16 of Article IV of the Constitution of North Carolina is amended by adding the following immediately before the period at the end of the first sentence: ", except that those elected in 1982, 1984, 1986 and 1988 shall hold office for terms of nine years".

Sec. 7. Section 18(1) of Article IV of the Constitution of North Carolina is amended by adding the following at the end of the first sentence immediately before the period: ", except that those elected in 1986 and 1988 shall serve for a term of five years".

Sec. 8. Section 10 of Article IV of the Constitution of North Carolina is amended by adding the following immediately before the period at the end of the second sentence: ", except that those elected in 1986 and 1988 shall serve for a term of five years".

Sec. 9. Section 9(3) of Article IV of the Constitution of North Carolina is amended by adding the following immediately before the period at the end of the first sentence: ", except that those elected in 1986 and 1988 shall serve for a term of five years".

Sec. 9.1. The Constitution of North Carolina is amended as follows:

(1) Section 2(1) and Section 7(1) of Article III and Section 9(3) and Section 18(1) of Article IV, are each amended by adding the following immediately before the period at the end of the first sentence ", except in 1988 at the same time and places as members of the United States House of Representatives are elected";

(2) Section 2 of Article VII is amended by inserting immediately after the words "General Assembly are elected", the words ", except in 1988 at the same time and places as members of the United States House of Representatives are elected,".

Sec. 10. Section 2 of Article VII of the Constitution of North Carolina is amended by adding the following immediately before the period at the end: ", except that those elected in 1986 or 1988 shall serve for terms of five years".

Sec. 11. Sections 2 and 4 of Article II of the Constitution of North Carolina are amended by adding at the end of each the words, "Except that there shall be no election in 1988, and elections shall be conducted in 1989 and biennially thereafter".

Sec. 12. Section 11(1) of Article II of the Constitution of North Carolina is amended by deleting "1973 and every two years thereafter", and substituting "1987, and in 1990 and every two years thereafter".

Sec. 13. The amendments set out in Sections 1 through 12 of this act shall be submitted to the qualified voters of the State at the primary election to be held in May 1986. The election shall be held and conducted under the laws then governing general elections in this State.

Sec. 14. At the primary election, each qualified voter presenting himself to vote shall be provided a ballot on which shall be printed the following:

[] FOR constitutional amendments providing for election of State and county officers in odd-numbered years.

[] AGAINST constitutional amendments providing for election of State and county officers in odd- numbered years."

Sec. 15. If a majority of the votes cast are in favor of the amendments set out in Sections 1 through 12 of this act, then the amendments shall be certified by the State Board of Elections to the Secretary of State, who shall enroll the amendments among the permanent records of his office, and the amendments shall become effective upon certification.

Sec. 16. The table in G.S. 163-1 is amended by deleting "1968" in the column "DATE OF ELECTION", beginning with the entry "Governor" and ending "All other State officers whose terms are not specified by law", and substituting "1993".

Sec. 17. The table in G.S. 163-1 is amended by deleting "1968" in the column "DATE OF ELECTION", beginning with the entry "State Senator", and ending at the end of the table, and substituting "1989", except that the entries under the columns "members of House of Representatives of the Congress of the United States" and "United States Senators" are not changed.

Sec. 17.1. The table in G.S. 163-1 for the Offices of Justices and Judges of Appellate Division, judges of the superior courts, judges of the district courts, District Attorney, clerk of superior court, and sheriff is amended in the column "DATE OF ELECTION" by deleting "At", and substituting "In 1988 at the regular election for

members of the United States House of Representatives if that is the election immediately preceding the termination of each regular term, and at".

Sec. 18. G.S. 163-12 is amended by deleting "General Assembly", and substituting "United States House of Representatives".

Sec. 19. G.S. 163-278.41(a) is amended by deleting "presidential", and "Presidential", and substituting "gubernatorial", and "Gubernatorial" each time those words appear.

Sec. 20. G.S. 163-278.41(c) is amended by deleting "In each year in which no general election is held", and substituting "In 1990 and biennially thereafter".

Sec. 21. G.S. 163-278.41(b) is amended by deleting "in a general election year in which there is not a presidential election", and substituting "In 1989 and in 1991 and quadrennially thereafter".

Sec. 22. G.S. 163-278.42(a) is amended by deleting "presidential", and substituting "presidential or gubernatorial".

Sec. 23. G.S. 163-278.42(b) is amended by deleting "In a general election year in which there is not a presidential election", and substituting "In years other than the years covered by subsection (a) of this section".

Sec. 24. G.S. 163-279(a)(2) is rewritten to read: "If the election is partisan, the election shall be held on Tuesday after the first Monday in November, the first primary shall be held on the date provided for the primary in G.S. 163-1, and the second primary shall be held on the date prescribed by G.S. 163- 111."

Sec. 25. G.S. 163-279(a)(3) is rewritten to read: "If the election is nonpartisan and the nonpartisan primary method is used, the election shall be held on Tuesday after the first Monday in November and the nonpartisan primary shall be held on the date of the primary election provided by G.S. 163-1."

Sec. 26. G.S. 163-279(a)(4) is rewritten to read: "If the election is nonpartisan and the election and runoff election method of election is used, the election shall be held on the date for the primary under G.S. 163-1, and the runoff election shall be held on the date of the second primary under G.S. 163- 111."

Sec. 27. G.S. 163-280 is repealed.

Sec. 28. G.S. 163-281 is repealed.

Sec. 29. G.S. 163-284(a) is amended by deleting "No later than 30 days after January 1, 1973, every municipality which conducts its election on a partisan basis", and substituting "No later than January 1, 1989, every municipality".

Sec. 30. G.S. 163-285 is repealed.

Sec. 31. G.S. 163-286(b) is repealed.

Sec. 32. The first sentence of G.S. 163-287 is rewritten to read: "Any city or any special district shall have authority to call special elections as permitted by law."

Sec. 33. G.S. 163-288 is rewritten to read:

"§ 163-288. Registration for city elections.—The registration records of the county board of elections shall be the official registration record for voters to vote in all elections, city, district, county, State or national."

Sec. 34. G.S. 163-288.1 is amended by deleting "or municipal".

Sec. 35. G.S. 163-289(c) is repealed.

Sec. 36. The first sentence of G.S. 163-291(2) is rewritten to read:

"(2) A candidate seeking party nomination for municipal or district office shall file his notice of candidacy during the same period provided for county officers under G.S. 163-106."

Sec. 37. The first paragraph of G.S. 163-294.2(c), as rewritten by Section 1 of Chapter 599, Session Laws of 1985, is rewritten to read:

"Candidates seeking municipal office shall file their notices of candidacy with the board of elections as follows:

- (1) In those municipalities which conduct partisan primaries and elections, candidates shall file in accordance with G.S. 163-291(2).
- (2) In those municipalities which conduct plurality elections in accordance with provisions in G.S. 163-292, candidates may file their notices of candidacy with the board of elections at any time after 12:00 noon on the fifteenth Friday and before 12:00 noon on the twelfth Friday preceding the election.
- (3) In those municipalities which conduct an election and runoff method in accordance with provisions in G.S. 163-293, and in those municipalities which conduct a nonpartisan primary and election method in accordance with provisions of G.S. 163-294, candidates may file their notice of candidacy during the same period provided for county officers under G.S. 163-106."

Sec. 38. G.S. 163-296 is amended by deleting "seventh", and substituting "twelfth".

Sec. 39. The first sentence of G.S. 163-298 is repealed.

Sec. 40. G.S. 163-299(c) is amended by deleting "60", and substituting "90".

Sec. 41. G.S. 163-299(g) is amended by deleting "or municipal".

Sec. 42. G.S. 163-301 is amended by deleting "or municipal".

Sec. 43. G.S. 163-302 is rewritten to read:

"§ 163-302. Absentee voting.—Absentee voting is permitted in municipal elections as provided by Articles 20 and 21 of this Chapter."

Sec. 44. G.S. 163-304 is amended by deleting "and municipal", and by deleting "municipal boards", and substituting "county boards".

Sec. 45. The term of any elected officer whose office is established by statute, whether public or local, whose term was to expire in 1988 is extended to expire on the same date in 1989. The term of any elected officer whose office is established by statute, whether public or local, whose term was to expire in 1990 is extended to expire on the same date in 1991. The term of any elected officer whose office is established by statute, whether public or local, whose term was to expire in 1992 is extended to expire on the same date in 1993.

Sec. 46. Sections 16 through 45 of this act shall become effective only if the constitutional amendments proposed by this act are approved by the qualified voters. If they are so approved, Sections 17, 17.1, and 18 of this act shall become effective January 1, 1987; Section 45 of this act shall become effective January 1, 1988, and

Section 16 and Sections 19 through 44 of this act shall become effective January 1, 1989.

Sec. 47. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.