

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 83

Short Title: Constitutional Reform Amendments.

(Public)

Sponsors: Representative Perdue.

Referred to: Judiciary.

January 25, 1989

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION TO PROVIDE FOR A GUBERNATORIAL VETO, TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY, AND TO PROVIDE SIX-YEAR TERMS FOR THE GOVERNOR AND LIEUTENANT GOVERNOR.

The General Assembly of North Carolina enacts:

Section 1. Article II, Section 22 of the Constitution of North Carolina reads as rewritten:

"Sec. 22. Action on bills. ~~All bills and resolutions of a legislative nature shall be read three times in each house before they become laws, and shall be signed by the presiding officers of both houses.~~

(1) All bills proposing a new or revised Constitution or an amendment or amendments to this Constitution or calling a convention of the people of this State, and containing no other matters, shall be submitted to the qualified voters of this State after they shall have been read three times in each house, and signed by the presiding officers of both houses.

(2) All bills approving an amendment to the Constitution of the United States, or applying for a convention to propose amendments to the Constitution of the United States, and containing no other matters, shall be read three times in each house before they become laws, and shall be signed by the presiding officers of both houses.

(3) All bills making appointments to offices under:

a. Article III, Section 5(8);

b. Article IX, Section 8; or

1 c. Article IV, Section 9(1) of this Constitution, and containing no other
2 matters, shall be read three times in each house before they become
3 laws, and shall be signed by the presiding officers of both houses.

4 (4) Any other bill shall be read three times in each house and shall be signed by
5 the presiding officer of each house before being presented to the Governor. If the
6 Governor approves, he shall sign it and it shall become a law; but if not, he shall return
7 it with his objections to that house in which it shall have originated, which shall enter
8 the objections at large on its journal, and proceed to reconsider it. If after such
9 reconsideration two-thirds of all the members of that house shall agree to pass the bill, it
10 shall be sent, together with the objections, to the other house, by which it shall likewise
11 be reconsidered; and if approved by two-thirds of all the members of that house, it shall
12 become a law notwithstanding the objections of the Governor. In all such cases the
13 votes of both houses shall be determined by yeas and nays, and the names of the
14 members voting shall be entered on the journal of each house respectively.

15 (5) If any bill shall not be returned by the Governor within seven days (Sundays
16 excepted) after it shall have been presented to him the same shall be a law in like
17 manner as if he had signed it, unless the General Assembly shall by its adjournment:

18 a. **Sine die**; or

19 b. For more than 30 days, prevent its return, in which case it shall
20 become a law if approved by the Governor within 30 days after such
21 adjournment. In any case where adjournment **sine die** or for more than
22 30 days prevents the return of the bill, the Governor shall reconvene
23 that session as provided by Article III, Section 5(7) of this Constitution
24 for reconsideration of the bill.

25 (6) For purposes of return of bills not approved by the Governor, the General
26 Assembly shall be considered to be continuously in session until it adjourns **sine die** or
27 until it adjourns for more than 30 days; and the Principal Clerk of the House of
28 Representatives (or another officer designated by the House of Representatives) and the
29 Principal Clerk of the Senate (or another officer designated by the Senate) shall be
30 deemed proper recipients of such returned bills during recess or adjournment of the
31 General Assembly other than **sine die** or for more than 30 days.

32 (7) Every joint resolution shall be read three times in each house before it
33 becomes effective, and shall be signed by the presiding officers of both houses.

34 (8) Whenever the Governor reconvenes the session as provided by Article III,
35 Section 5(7) of this Constitution and subdivision (5) of this section, he shall return any
36 bill requiring the call of the session with his objections to that house in which it shall
37 have originated.

38 (9) This section does not apply to any appointments made by the General
39 Assembly to public office as allowed under:

40 a. Article III, Section 5(8);

41 b. Article IX, Section 8; or

42 c. Article IV, Section 9(1)

43 of this Constitution by joint action other than passage of a bill.

1 (10) This section does not apply to appointments made to public office as allowed
2 under:

- 3 a. Article III, Section 5(8);
- 4 b. Article IX, Section 8;
- 5 c. Article IV, Section 9(1); or
- 6 d. Article IX, Section 4(1)

7 of this Constitution when the appointments are made subject to confirmation by both
8 houses of the General Assembly."

9 Sec. 2. Section 5 of Article III of the Constitution of North Carolina is
10 amended by adding a new subdivision to read:

11 "(11) Reconvened sessions. The Governor shall, when required by Section 22 of
12 Article II of this Constitution, reconvene a session of the General Assembly for the
13 purpose of reconsideration of any bill which adjournment of that session:

- 14 a. Sine die; or
- 15 b. For more than 30 days

16 prevented his returning with his objections. At such reconvened session, the General
17 Assembly may only consider such bills as were returned by the Governor to that
18 reconvened session for reconsideration. Such reconvened session shall begin on a date
19 set by the Governor, but no later than 40 days after the General Assembly adjourned:

- 20 a. Sine die; or
- 21 b. For more than 30 days.

22 If the date of reconvening the session occurs after the expiration of the terms of
23 office of the members of the General Assembly, then the members serving for the
24 reconvened session shall be the newly-elected members."

25 Sec. 3. Section 2 of Article III of the Constitution of North Carolina reads as
26 rewritten:

27 "Sec. 2. Governor and Lieutenant Governor: election, term, and qualifications.

28 (1) Election and term. The Governor and Lieutenant Governor shall be elected
29 by the qualified voters of the State in 1972 and every four years thereafter, 1992 and every
30 six years thereafter. ~~at the same time and places as members of the General Assembly are~~
31 ~~elected.~~ The election shall be on the Tuesday next after the first Monday in November,
32 unless changed in accordance with law. Their term of office shall be four-six years and
33 shall commence on the first day of January next after their election and continue until
34 their successors are elected and qualified.

35 (2) Qualifications. No person shall be eligible for election to the office of
36 Governor or Lieutenant Governor unless, at the time of his election, he shall have
37 attained the age of 30 years and shall have been a citizen of the United States for five
38 years and a resident of this State for two years immediately preceding his election. ~~No~~
39 ~~person elected to the Office of Governor or Lieutenant Governor shall be eligible for election to~~
40 ~~more than two consecutive terms of the same office.~~ No person elected to either of these
41 offices shall be eligible for election to the next succeeding term of the same office,
42 except that the person elected Lieutenant Governor in 1988 shall be eligible for election
43 to the next succeeding term of that office."

1 Sec. 4. Section 2 of Article II of the Constitution of North Carolina reads as
2 rewritten:

3 "Sec. 2. Number of Senators. The Senate shall be composed of 50 Senators,
4 ~~biennially~~quadrennially chosen by ballot."

5 Sec. 5. Section 4 of Article II of the Constitution of North Carolina reads as
6 rewritten:

7 "Sec. 4. Number of Representatives. The House of Representatives shall be
8 composed of 120 Representatives, ~~biennially~~quadrennially chosen by ballot."

9 Sec. 6. Section 8 of Article II of the Constitution of North Carolina reads as
10 rewritten:

11 "Sec. 8. Elections. The election for members of the General Assembly shall be held
12 for the respective districts in ~~1972-1990~~ and every ~~two~~four years thereafter, ~~at the places~~
13 ~~and on the day prescribed by law.~~ The election shall be on the Tuesday next after the first
14 Monday in November, unless changed in accordance with law."

15 Sec. 7. Section 7(1) of Article III of the Constitution of North Carolina reads
16 as rewritten:

17 "Sec. 7. Other elective officers.

18 (1) Officers. A Secretary of State, an Auditor, a Treasurer, a Superintendent of
19 Public Instruction, an Attorney General, a Commissioner of Agriculture, a
20 Commissioner of Labor, and a Commissioner of Insurance shall be elected by the
21 qualified voters of the State in ~~1972-1992~~ and every four years thereafter, ~~at the same time~~
22 ~~and places as members of the General Assembly are the Governor is elected.~~ The election
23 shall be on the Tuesday next after the first Monday in November, unless changed in
24 accordance with law. Their term of office shall be four years and shall commence on
25 the first day of January next after their election and continue until their successors are
26 elected and qualified.

27 (2) Duties. Their respective duties shall be prescribed by law.

28 (3) Vacancies. If the office of any of these officers is vacated by death,
29 resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve
30 until his successor is elected and qualified. Every such vacancy shall be filled by
31 election at the first election for members of the General Assembly or for a full term of
32 Secretary of State, whichever comes first, that occurs more than 60 days after the
33 vacancy has taken place, and the person chosen shall hold the office for the remainder
34 of the unexpired term fixed in this Section. When a vacancy occurs in the office of any
35 of the officers named in this Section and the term expires on the first day of January
36 succeeding the next election for members of the General Assembly, the Governor shall
37 appoint to fill the vacancy for the unexpired term of the office.

38 (4) Interim officers. Upon the occurrence of a vacancy in the office of any one of
39 these officers for any of the causes stated in the preceding paragraph, the Governor may
40 appoint an interim officer to perform the duties of that office until a person is appointed
41 or elected pursuant to this Section to fill the vacancy and is qualified.

42 (5) Acting officers. During the physical or mental incapacity of any one of these
43 officers to perform the duties of his office, as determined pursuant to this Section, the

1 duties of his office shall be performed by an acting officer who shall be appointed by
2 the Governor.

3 (6) Determination of incapacity. The General Assembly shall by law prescribe
4 with respect to those officers, other than the Governor, whose offices are created by this
5 Article, procedures for determining the physical or mental incapacity of any officer to
6 perform the duties of his office, and for determining whether an officer who has been
7 temporarily incapacitated has sufficiently recovered his physical or mental capacity to
8 perform the duties of his office. Removal of those officers from office for any other
9 cause shall be by impeachment.

10 (7) Special qualifications for Attorney General. Only persons duly authorized to
11 practice law in the courts of this State shall be eligible for appointment or election as
12 Attorney General."

13 Sec. 8. Section 9(3) of Article 4 of the Constitution of North Carolina reads
14 as rewritten:

15 "(3) Clerks. A Clerk of the Superior Court for each county shall be elected for a
16 term of four years by the qualified voters thereof, at the same time and places as
17 members of the General Assembly or the Secretary of State for a full term are elected.
18 If the office of Clerk of the Superior Court becomes vacant otherwise than by the
19 expiration of the term, or if the people fail to elect, the senior regular resident Judge of
20 the Superior Court serving the county shall appoint to fill the vacancy until an election
21 can be regularly held."

22 Sec. 9. Section 18(1) of Article IV of the Constitution of North Carolina
23 reads as rewritten:

24 "(1) District Attorneys. The General Assembly shall, from time to time, divide the
25 State into a convenient number of prosecutorial districts, for each of which a District
26 Attorney shall be chosen for a term of four years by the qualified voters thereof, at the
27 same time and places as members of the General Assembly or the Secretary of State for
28 a full term are elected. Only persons duly authorized to practice law in the courts of this
29 State shall be eligible for election or appointment as a District Attorney. The District
30 Attorney shall advise the officers of justice in his district, be responsible for the
31 prosecution on behalf of the State of all criminal actions in the Superior Courts of his
32 district, perform such duties related to appeals therefrom as the Attorney General may
33 require, and perform such other duties as the General Assembly may prescribe."

34 Sec. 10. Section 19 of Article IV of the Constitution of North Carolina reads
35 as rewritten:

36 "Sec. 19. Vacancies. Unless otherwise provided in this Article, all vacancies
37 occurring in the offices provided for by this Article shall be filled by appointment of the
38 Governor, and the appointees shall hold their places until the next election for members
39 of the General Assembly or for a full term of Secretary of State, whichever comes first,
40 that is held more than 60 days after the vacancy occurs, when elections shall be held to
41 fill the offices. When the unexpired term of any of the offices named in this Article of
42 the Constitution in which a vacancy has occurred, and in which it is herein provided that
43 the Governor shall fill the vacancy, expires on the first day of January succeeding the
44 next election for members of the General Assembly or for a full term of Secretary of

1 State, whichever comes first, the Governor shall appoint to fill that vacancy for the
2 unexpired term of the office. If any person elected or appointed to any of these offices
3 shall fail to qualify, the office shall be appointed to, held and filled as provided in case
4 of vacancies occurring therein. All incumbents of these offices shall hold until their
5 successors are qualified."

6 Sec. 11. The amendments set forth in Sections 1 through 10 of this act shall
7 be submitted to the qualified voters of the State at the statewide general election to be
8 held in November of 1990, which shall be conducted under the laws then governing
9 elections in the State.

10 Sec. 12. At that election, each qualified voter desiring to vote shall be
11 provided a ballot on which shall be printed the following:

12 FOR constitutional amendments:

- 13 (1) Granting veto power to the Governor, provided such veto may
14 be overridden by vote of two-thirds of all the members of each
15 house of the General Assembly;
- 16 (2) Making the term of office the Governor and Lieutenant
17 Governor six years, beginning with the election of 1992, and
18 prohibiting a person from being elected to two successive terms
19 as Governor and Lieutenant Governor, except that the person
20 elected Lieutenant Governor in 1988 may be elected to another
21 term in 1992; and
- 22 (3) Providing that the term of office of members of the General
23 Assembly shall be four years, beginning with the election of
24 1990.

25 AGAINST constitutional amendments:

- 26 (1) Granting veto power to the Governor, provided such veto may
27 be overridden by vote of two-thirds of all the members of each
28 house of the General Assembly;
- 29 (2) Making the term of office the Governor and Lieutenant
30 Governor six years, beginning with the election of 1992, and
31 prohibiting a person from being elected to two successive terms
32 as Governor and Lieutenant Governor, except that the person
33 elected Lieutenant Governor in 1988 may be elected to another
34 term in 1992; and
- 35 (3) Providing that the term of office of members of the General
36 Assembly shall be four years, beginning with the election of
37 1990."

38 Those qualified voters favoring the amendments shall vote by marking an
39 "X" or a check mark in the square beside the statement beginning "FOR", and those
40 qualified voters opposed to the amendment shall vote by marking an "X" or a check
41 mark in the square beside the statement beginning "AGAINST".

42 Notwithstanding the foregoing provisions of this section, voting machines
43 may be used in accordance with rules and regulations prescribed by the State Board of
44 Elections.

1 Sec. 13. If a majority of votes cast thereon are in favor of the constitutional
2 amendments set out in Sections 1 through 10 of this act, then the State Board of
3 Elections shall certify those amendments to the Secretary of State who shall enroll that
4 amendment so certified among the permanent records of his office. The constitutional
5 amendments shall become effective as follows:

- 6 (1) Those proposed by Sections 1 and 2 of this act shall become effective
7 beginning with bills, resolutions, and orders passed in either house of
8 the General Assembly on or after January 1, 1993;
9 (2) That proposed by Section 3 of this act shall become effective for terms
10 of office beginning on or after January 1, 1993; and
11 (3) Those proposed by Sections 4 through 10 of this act shall become
12 effective upon certification and shall apply to members of the General
13 Assembly elected in the 1990 general election so they shall serve four-
14 year terms.

15 Sec. 14. G.S. 120-33 reads as rewritten:

16 **"§ 120-33. Duties of enrolling clerk.**

17 (a) All bills passed by the General Assembly shall be enrolled for ratification
18 under the supervision of the enrolling clerk.

19 (b) Prior to enrolling any bill, the enrolling clerk shall substitute the
20 corresponding Arabic numeral(s) for any date or section number of the General Statutes
21 or of any act of the General Assembly which is written in words.

22 (c) All bills shall be typewritten and carefully proofread before enrollment.

23 (d) Upon ratification of an act or joint resolution, the enrolling clerk shall assign
24 in Arabic numerals a Chapter number to each session law and present one true ratified
25 copy:

- 26 (1) To the Governor of any act except acts not required to be presented to
27 the Governor under Article II, Section 22 of the Constitution; and
28 (2) To the Secretary of State of:
29 a. Acts not required to be presented to the Governor under Article
30 II, Section 22 of the Constitution; and
31 b. Joint resolutions.

32 ~~deposit the ratified laws and joint resolutions with one true copy of each with the~~
33 ~~Secretary of State.~~

34 (d1) The enrolling clerk shall present to the Secretary of State one true ratified
35 copy of:

- 36 (1) Any bill which has become law without the approval of the Governor
37 as provided by G.S. 120-29.2(b); and
38 (2) Any bill which has become law notwithstanding the objections of the
39 Governor, as provided by G.S. 120-29.2(c).

40 (d2) No bill required to be presented to the Governor under Article II, Section 22
41 of the Constitution shall be presented to him until the time for moving a reconsideration
42 shall have expired, unless expressly ordered by that house where such bill or joint
43 resolution originated.

1 (e) ~~The enrolling clerk shall furnish each member of the General Assembly with~~
2 ~~a legible conformed copy of all laws and joint resolutions of the General Assembly,~~
3 ~~which shall show the Chapter number of any law or the number of any joint resolution,~~
4 ~~in conformity with the number assigned to the enactment.~~

5 (f) The enrolling clerk upon completion of his duties after each session shall deposit
6 the original bills and resolutions enrolled for ratification by him with the Secretary of
7 State."

8 Sec. 15. G.S. 120-20 reads as rewritten:

9 **"§ 120-20. When acts take effect.**

10 Acts of the General Assembly shall be in force only from and after ~~30~~60 days after
11 the adjournment of the session in which they shall have passed, unless the
12 commencement of the operation thereof be expressly otherwise directed."

13 Sec. 16. G.S. 120-30.9B reads as rewritten:

14 **"§ 120-30.9B. Statewide statutes; State Board of Elections.**

15 The Executive Secretary-Director of the State Board of Elections shall submit to the
16 Attorney General of the United States within 30 days of ~~ratification~~the time they
17 become laws all acts of the General Assembly that amend, delete, add to, modify or
18 repeal any provision of Chapter 163 of the General Statutes or any other statewide
19 legislation, except relating to Chapter 7A of the General Statutes, which constitutes a
20 'change affecting voting' under Section 5 of the Voting Rights Act of 1965."

21 Sec. 17. G.S. 120-30.9C reads as rewritten:

22 **"§ 120-30.9C. The judicial system; Administrative Office of the Courts.**

23 The Administrative Officer of the Courts shall submit to the Attorney General of the
24 United States within 30 days of ~~ratification~~the time they become laws all acts of the
25 General Assembly that amend, delete, add to, modify or repeal any provision of Chapter
26 7A of the General Statutes of North Carolina which constitutes a 'change affecting
27 voting' under Section 5 of the Voting Rights Act of 1965."

28 Sec. 18. G.S. 120-30.9E reads as rewritten:

29 **"§ 120-30.9E. Counties; County Attorney.**

30 The County Attorney of any county covered by the Voting Rights Act of 1965 shall
31 submit to the Attorney General of the United States within 30 days of ~~ratification or~~
32 ~~adoption~~ any local acts of the General Assembly;

33 (1) Of the time they become laws any local acts of the General Assembly;

34 and

35 (2) Of adoption actions of the county board of commissioners, or the
36 county board of elections or any other county agency

37 which constitutes a 'change affecting voting' under Section 5 of the Voting Rights Act
38 of 1965 in that county."

39 Sec. 19. G.S. 120-30.9F reads as rewritten:

40 **"§ 120-30.9F. Municipalities; municipal attorney.**

41 The municipal attorney of any municipality covered by the Voting Rights Act of
42 1965 shall submit to the Attorney General of the United States within 30 days of
43 ~~ratification~~ any local acts of the General Assembly;

1 (1) Of the time they become laws any local acts of the General Assembly;
 2 and
 3 (2) Of adoption actions of the municipal governing body or municipal
 4 board of elections or any other municipal agency
 5 which constitutes a 'change affecting voting' under Section 5 of the Voting Rights Act
 6 of 1965 in that municipality."

7 Sec. 20. G.S. 120-30.9G reads as rewritten:

8 **"§ 120-30.9G. School Administrative Units; Boards of Education Attorney.**

9 The attorney for any local board of education where that school administrative unit
 10 is covered by the Voting Rights Act of 1965 shall submit to the Attorney General of the
 11 United States within 30 days ~~of ratification any local acts of the General Assembly;~~

12 (1) Of the time they become laws any local acts of the General Assembly;
 13 and

14 (2) Of adoption actions of the local boards of education
 15 which constitutes a 'change affecting voting' under Section 5 of the Voting Rights Act
 16 of 1965 in that school administrative unit. If the change affecting voting is a merger of
 17 two or more school administrative units, the change shall be submitted jointly by the
 18 attorneys of the school administrative units involved, or by one of them by agreement
 19 of the attorneys involved."

20 Sec. 21. G.S. 147-36 reads as rewritten:

21 **"§ 147-36. Duties of Secretary of State.**

22 It is the duty of the Secretary of State:

- 23 (1) ~~To attend at every session of the legislature for the purpose of receiving bills~~
 24 ~~which shall have become laws, and to perform such other duties as may~~
 25 then be devolved upon him by resolution of the two ~~Houses,~~ houses of
 26 the General Assembly or either of them;
 27 (2) To attend the Governor, whenever required by him, for the purpose of
 28 receiving documents which have passed the great seal;
 29 (3) To receive and keep all conveyances and mortgages belonging to the
 30 State;
 31 (4) To distribute annually the statutes and the legislative journals;
 32 (5) To distribute the acts of Congress received at his office in the manner
 33 prescribed for the statutes of the State;
 34 (6) To keep a receipt book, in which he shall take from every person to
 35 whom a grant shall be delivered, a receipt for the same; but he may
 36 enclose grants by mail in a registered letter at the expense of the
 37 grantee, unless otherwise directed, first entering the same upon the
 38 receipt book;
 39 (7) To issue charters and all necessary certificates for the incorporation,
 40 domestication, suspension, reinstatement, cancellation and dissolution
 41 of corporations as may be required by the corporation laws of the State
 42 and maintain a record thereof;
 43 (8) To issue certificates of registration of trademarks, labels and designs as
 44 may be required by law and maintain a record thereof;

- 1 (9) To maintain a Division of Publications to compile data on the State's
2 several governmental agencies and for legislative reference;
- 3 (10) To receive, enroll and safely preserve the Constitution of the State and
4 all amendments thereto;
- 5 (11) To serve as a member of such boards and commissions as the
6 Constitution and laws of the State may designate;
- 7 (12) To administer the Securities Law of the State, regulating the issuance
8 and sale of securities, as is now or may be directed;
- 9 (13) To receive and keep all oaths of public officials required by law to be
10 filed in his office, and as Secretary of State, he is fully empowered to
11 administer official oaths to any public official of whom an oath is
12 required; and
- 13 (14) To receive and maintain a journal of all appointments made to any
14 State board, agency, commission, council or authority which is filed in
15 the office of the Secretary of State."

16 Sec. 22. Chapter 120 of the General Statutes is amended by adding a new
17 section to read:

18 "**§ 120-29.2. Approval of acts.**

19 (a) If the Governor approves a bill presented to him, he shall write upon the
20 same, to the left of and below the signatures of the presiding officers of the two houses,
21 the fact, date, and time of his approval, as follows: 'Approved .m. this day of
22 , ' and shall sign the same as follows: 'Governor'. The Governor shall then deposit
23 the approved bill with the Secretary of State.

24 (b) If any bill becomes law because of the failure of the Governor to take any
25 action, it shall be the duty of the Governor to return the measure to the enrolling clerk,
26 who shall sign the following certificate on the measure and deposit it with the Secretary
27 of State: 'This bill having been presented to the Governor for his signature on the
28 day of , and the Governor having failed to return it within the time prescribed by
29 law, the same is hereby declared to have become a law.

30 This day of , , Enrolling Clerk.'

31 (c) If the Governor returns any bill to the house of origin with his objections, he
32 shall write such objections on the measure or cause the objections to be attached to the
33 measure. When any such bill becomes law after reconsideration of the two houses the
34 presiding officers shall, below the objections of the Governor, sign (including the date)
35 the following certificate: 'Became law notwithstanding the objections of the Governor,
36 .m. this day of , .' The second of them to sign shall fill in the time. The
37 enrolling clerk shall deposit the measure with the Secretary of State.'

38 Sec. 23. Rule 9(h) of the Rules of Civil Procedure, G.S. 1A-1, reads as
39 rewritten:

40 "(h) Private statutes. – In pleading a private statute or right derived therefrom it is
41 sufficient to refer to the statute by its title or the day of its ratification if ratified before
42 January 1, 1993, or the date it becomes law if it becomes law on or after January 1,
43 1993, and the court shall thereupon take judicial notice of it."

44 Sec. 24. G.S. 97-31.1 reads as rewritten:

1 **"§ 97-31.1. Effective date of legislative changes in benefits.**

2 Every act of the General Assembly that changes the benefits enumerated in this
3 Chapter shall ~~have a ratification date of~~ become law no later than June 1 and shall have an
4 effective date of no earlier than January 1 of the year after which it is ratified."

5 Sec. 25. G.S. 120-34(a) reads as rewritten:

6 "(a) The Legislative Services Commission shall publish all laws and joint
7 resolutions, except those bills that did not become effective because they were not
8 approved by the Governor and the bill did not become law notwithstanding the
9 objections of the Governor, passed at each session of the General Assembly. The laws
10 and joint resolutions shall be kept separate and indexed separately. Each volume shall
11 contain a certificate from the Secretary of State stating that the volume was printed
12 under the direction of the Legislative Services Commission from ratified acts and
13 resolutions on file in the Office of the Secretary of State. The Commission may publish
14 the Session Laws and House and Senate Journals of extra and special sessions of the
15 General Assembly in the same volume or volumes as those of regular sessions of the
16 General Assembly. In printing, the signatures of the presiding officers shall be omitted.
17 In the case of any laws which were assigned Chapter numbers by the enrolling clerk, but
18 which did not become law because of objections of the Governor, the Legislative
19 Services Office shall omit the Chapter and carry a note as to the reason for its omission.
20 In the case of any bill required to be presented to the Governor, and which became law,
21 the Session Laws shall carry, below the date of ratification, editorial notes as to what
22 time and what date the bill became law."

23 Sec. 26. G.S. 120-133 reads as rewritten:

24 **"§ 120-133. Redistricting communications.**

25 Notwithstanding any other provision of law, all drafting and information requests to
26 legislative employees and documents prepared by legislative employees for legislators
27 concerning redistricting the North Carolina General Assembly or the Congressional
28 Districts are no longer confidential and become public records upon the ~~ratification of the~~
29 act establishing the relevant district plan becoming law. Present and former legislative
30 employees may be required to disclose information otherwise protected by G.S. 120-
31 132 concerning redistricting the North Carolina General Assembly or the Congressional
32 Districts upon the ~~ratification of the~~ act establishing the relevant district plan becoming
33 law."

34 Sec. 27. G.S. 120-149.3 reads as rewritten:

35 "(c) If a legislative proposal receives a favorable report but ~~is not ratified~~ does not
36 become law during the biennial session in which it is introduced, a new assessment
37 report shall be required before the same or a substantially similar legislative proposal
38 may be considered after first reading or by any committee during a subsequent biennial
39 session of the General Assembly. If a proposal receives a favorable report but is not
40 introduced as a legislative proposal, the favorable report shall expire at the adjournment
41 of the biennial session coinciding with or following issuance of the final report."

42 Sec. 28. G.S. 130A-51(a) reads as rewritten:

43 "(a) When the General Assembly incorporates a city or town that includes within
44 its territory fifty percent (50%) or more of the territory of a sanitary district, the

1 governing body of the city or town shall become ex officio the governing board of the
2 sanitary district if the General Assembly provides for this action in the incorporation act
3 and if the existing sanitary district board adopts a final resolution pursuant to this
4 section. The resolution may be adopted at any time within the period beginning on the
5 day of ~~ratification of~~ the incorporation act becomes law and ending 270 days after ~~the~~
6 ~~effective~~ that date.

7 Sec. 29. G.S. 143-13 reads as rewritten:

8 **"§ 143-13. Printing copies of budget report and bills and rules for the introduction**
9 **of the same.**

10 The Director shall cause to be printed one thousand copies each of the budget report,
11 the Current Operations Appropriations Bill, Capital Improvement Appropriations Bill,
12 and the Budget Revenue Bill. The Governor shall present copies thereof to the General
13 Assembly, together with the biennial message, except incoming Governors may, at the
14 first session of the General Assembly in their respective terms, submit the same after the
15 biennial message has been presented to the General Assembly. The Current Operations
16 Appropriations Bill and the Capital Improvement Appropriations Bill shall be
17 introduced by the chairman of the committee on appropriations in each house of the
18 General Assembly, and the Budget Revenue Bill shall be introduced by the chairmen of
19 the finance committees in each branch of the General Assembly: Provided, that for the
20 years in which the Governor is elected, ~~other than when a Governor is elected for a second~~
21 ~~successive term~~ the Director shall deliver the budget report and the Current Operations
22 Appropriations Bill and the Capital Improvement Appropriations Bill and the Budget
23 Revenue Bill to the Governor-elect, on or before the fifteenth day of December, and the
24 said budget report, Appropriations, and Revenue Bills, shall be presented by the
25 Governor to the General Assembly with such recommendations in the way of
26 amendments, or other modifications, together with such criticism as he may determine.
27 The provisions herein contained as to the introduction of the bills mentioned in this
28 section shall be considered and treated as a rule of procedure in the Senate and House of
29 Representatives until otherwise expressly provided for by a rule in either, or both, of
30 said branches of the General Assembly."

31 Sec. 30. G.S. 7A-140 reads as rewritten:

32 **"§ 7A-140. Number; election; term; qualification; oath.**

33 There shall be at least one district judge for each district. Each district judge shall be
34 elected by the qualified voters of the district court district in which he is to serve at the
35 ~~time of the election for members of the General Assembly~~ specified by Chapter 163 of the
36 General Statutes. The number of judges for each district shall be determined by the
37 General Assembly. Each judge shall be a resident of the district for which elected, and
38 shall serve a term of four years, beginning on the first Monday in December following
39 his election.

40 Each district judge shall devote his full time to the duties of his office. He shall not
41 practice law during his term, nor shall he during such term be the partner or associate of
42 any person engaged in the practice of law.

1 Before entering upon his duties, each district judge, in addition to other oaths
2 prescribed by law, shall take the oath of office prescribed for a judge of the General
3 Court of Justice.”

4 Sec. 31. G.S. 147-4 reads as rewritten:

5 **"§ 147-4. Executive officers – election; term; induction into office.**

6 The executive department shall consist of a Governor, a Lieutenant Governor, a
7 Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an
8 Attorney General, a Commissioner of Agriculture, a Commissioner of Insurance, and a
9 Commissioner of Labor, who shall be elected for a term of four years, by the qualified
10 electors of the State, ~~at the same time and places, and in the same manner, as members of the~~
11 General Assembly are elected as provided by Chapter 163 of the General Statutes. Their
12 term of office shall commence on the first day of January next after their election and
13 continue until their successors are elected and qualified. The persons having the highest
14 number of votes, respectively, shall be declared duly elected, but if two or more be
15 equal and highest in votes for the same office, then one of them shall be chosen by joint
16 ballot of both houses of the General Assembly. Contested elections shall be determined
17 by a joint ballot of both houses of the General Assembly in such manner as shall be
18 prescribed by law.”

19 Sec. 32. G.S. 152-1 reads as rewritten:

20 **"§ 152-1. Election; vacancies in office; appointment by clerk in special cases.**

21 In each county a coroner shall be elected by the qualified voters thereof ~~in the same~~
22 ~~manner and at the same time as the election of members of the General Assembly~~ as provided
23 by Chapter 163 of the General Statutes, and shall hold office for a term of four years, or
24 until his successor is elected and qualified.

25 A vacancy in the office of coroner shall be filled by the county commissioners, and
26 the person so appointed shall, upon qualification, hold office until his successor is
27 elected and qualified. If the coroner were elected as the nominee of a political party,
28 then the county commissioners shall consult with the county executive committee of
29 that political party before filling the vacancy, and shall appoint the person
30 recommended by that committee if the party makes a recommendation within 30 days
31 of the occurrence of the vacancy; this sentence shall apply only to the counties of
32 Alamance, Alleghany, Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus,
33 Caldwell, Cherokee, Clay, Cleveland, Davidson, Davie, Graham, Guilford, Haywood,
34 Henderson, Jackson, Madison, McDowell, Mecklenburg, Moore, New Hanover, Polk,
35 Randolph, Rockingham, Rutherford, Stanly, Stokes, Transylvania, Wake, and Yancey.

36 When the coroner shall be out of the county, or shall for any reason be unable to
37 hold the necessary inquest as provided by law, or there is a vacancy existing in the
38 office of coroner which has not been filled by the county commissioners and it is made
39 to appear to the clerk of the superior court by satisfactory evidence that a deceased
40 person whose body has been found within the county probably came to his death by the
41 criminal act or default of some person, it is the duty of the clerk to appoint some
42 suitable person to act as coroner in such special case.”

43 Sec. 33. G.S. 161-1 reads as rewritten:

44 **"§ 161-1. Election and term of office.**

1 In each county there shall be elected biennially by the qualified voters thereof, as
2 provided ~~for the election of members of the General Assembly~~ by Chapter 163 of the
3 General Statutes, a register of deeds."

4 Sec. 34. G.S. 162-1 reads as rewritten:

5 **"§ 162-1. Election and term of office.**

6 In each county a sheriff shall be elected by the qualified voters thereof, as is
7 prescribed ~~for members of the General Assembly~~ by Chapter 163 of the General Statutes,
8 and shall hold his office for four years."

9 Sec. 35. G.S. 163-1 is amended in the table by rewriting the "DATE OF
10 ELECTION" entries for State Senator and members of the State House of
11 Representatives to read: "Tuesday next after the first Monday in November 1990 and
12 every four years thereafter".

13 Sec. 36. G.S. 163-1 is further amended in the table by rewriting the "TERM
14 OF OFFICE" entries for State Senator and member of the State House of
15 Representatives to read: "Four years".

16 Sec. 37. G.S. 163-1 is further amended in the table by rewriting the "DATE
17 OF ELECTION" entries for justices and judges of the Appellate Division, judges of the
18 superior courts, judges of the district courts, district attorney, county commissioners,
19 clerk of superior court, register of deeds, sheriff, and coroner, to read: "At the next
20 regular statewide election for full term of Secretary of State or for members of the
21 General Assembly, whichever comes first, immediately preceding the termination of
22 each regular term."

23 Sec. 38. G.S. 163-8 reads as rewritten:

24 **"§ 163-8. Filling vacancies in State executive offices.**

25 If the office of Governor or Lieutenant Governor shall become vacant, the
26 provisions of G.S. 147-11.1 shall apply. If the office of any of the following officers
27 shall be vacated by death, resignation, or otherwise than by expiration of term, it shall
28 be the duty of the Governor to appoint another to serve until his successor is elected and
29 qualified: Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction,
30 Attorney General, Commissioner of Agriculture, Commissioner of Labor, and
31 Commissioner of Insurance. Each such vacancy shall be filled by election at the first
32 election for members of the General Assembly or for a full term of Secretary of State,
33 whichever occurs first, that occurs more than 60 days after the vacancy has taken place,
34 and the person chosen shall hold the office for the remainder of the unexpired four-year
35 term: Provided, that when a vacancy occurs in any of the offices named in this section
36 and the term expires on the first day of January succeeding the next election for
37 members of the General Assembly or for a full term of Secretary of State, whichever
38 comes first, the Governor shall appoint to fill the vacancy for the unexpired term of the
39 office.

40 Upon the occurrence of a vacancy in the office of any one of these officers for any
41 of the causes stated in the preceding paragraph, the Governor may appoint an acting
42 officer to perform the duties of that office until a person is appointed or elected pursuant
43 to this section and Article III, Section 7 of the State Constitution, to fill the vacancy and
44 is qualified."

1 Sec. 39. G.S. 163-9 reads as rewritten:

2 **"§ 163-9. Filling vacancies in State and district judicial offices.**

3 Vacancies occurring in the offices of Justice of the Supreme Court, judge of the
4 Court of Appeals, and judge of the superior court for causes other than expiration of
5 term shall be filled by appointment of the Governor. An appointee shall hold his place
6 until the next election for members of the General Assembly, or for a full term of
7 Secretary of State, whichever comes first, that is held more than 60 days after the
8 vacancy occurs, at which time an election shall be held to fill the unexpired term of the
9 office: Provided, that when the unexpired term of the office in which the vacancy has
10 occurred expires on the first day of January succeeding the next election for members of
11 the General Assembly, or for a full term of Secretary of State, whichever comes first,
12 the Governor shall appoint to fill that vacancy for the unexpired term of the office.

13 Vacancies in the office of district judge which occur before the expiration of a term
14 shall not be filled by election. Vacancies in the office of district judge shall be filled in
15 accordance with G.S. 7A-142."

16 Sec. 40. G.S. 163-10 reads as rewritten:

17 **"§ 163-10. Filling vacancy in office of district attorney.**

18 Any vacancy occurring in the office of district attorney for causes other than
19 expiration of term shall be filled by appointment of the Governor. An appointee shall
20 hold his place until the next election for members of the General Assembly, or for a full
21 term of Secretary of State, whichever comes first, that is held more than 60 days after
22 the vacancy occurs, at which time an election shall be held to fill the unexpired term of
23 the office: Provided, that when the unexpired term of the office in which the vacancy
24 has occurred expires on the first day of January succeeding the next election for
25 members of the General Assembly or for a full term of Secretary of State, whichever
26 comes first, the Governor shall appoint to fill that vacancy for the unexpired term of the
27 office."

28 Sec. 41. G.S. 163-11(a) reads as rewritten:

29 "(a) If a vacancy shall occur in the General Assembly by death, resignation, or
30 otherwise than by expiration of term, the Governor shall immediately appoint ~~for the~~
31 ~~unexpired part of the term~~ the person recommended by the political party executive
32 committee provided by this section. The person so appointed shall hold office for the
33 remainder of the unexpired term, except if the next election for a full term of Secretary
34 of State which occurs more than 60 days after the effective date of the vacancy is:

35 (1) Before the date of the expiration date of the term; and

36 (2) Before the next regular statewide election for members of the General
37 Assembly,

38 the appointment shall be until the next election for a full term of Secretary of State, and
39 at that election, a person shall be elected to fill the remainder of the unexpired term. The

40 Governor shall make the appointment within seven days of receiving the
41 recommendation of the appropriate committee. If the Governor fails to make the
42 appointment within the required period, he shall be presumed to have made the
43 appointment and the legislative body to which the appointee was recommended is

1 directed to seat the appointee as a member in good standing for the duration of the
2 unexpired term."

3 Sec. 42. G.S. 163-12 reads as rewritten:

4 **"§ 163-12. Filling vacancy in United States Senate.**

5 Whenever there shall be a vacancy in the office of United States Senator from this
6 State, whether caused by death, resignation, or otherwise than by expiration of term, the
7 Governor shall appoint to fill the vacancy until an election shall be held to fill the office.
8 The Governor shall issue his writ for the election of a Senator to be held at the time of
9 the first election for members of the General Assembly or for a full term of Secretary of
10 State, whichever comes first, that is held more than 60 days after the vacancy occurs.
11 The person elected shall hold the office for the remainder of the unexpired term. The
12 election shall take effect from the date of the canvassing of the returns."

13 Sec. 43. Each statute and each local act which states that a vacancy in an
14 elected office shall be filled until the next election for members of the General
15 Assembly, or similarly relies on the date of General Assembly elections as determining
16 when an event is to take place or the duration of an appointment, shall be considered
17 instead to use the date of the next statewide election for a full term as Secretary of State
18 or General Assembly, whichever comes first, as the determining date for whatever
19 purpose the date of the General Assembly election is now used.

20 Sec. 44. Sections 14 through 43 of this act shall become effective only if the
21 constitutional amendments proposed by this act are approved as provided by Sections
22 11 through 13 of this act, and if so approved, they shall become effective as follows:

- 23 (1) Sections 14 through 28 shall become effective with respect to bills and
24 resolutions passed in either house of the General Assembly on or after
25 January 1, 1993;
- 26 (2) Section 29 shall become effective January 1, 1991; and
- 27 (3) Sections 30 through 42 shall become effective upon certification of the
28 constitutional amendments.

29 Sec. 45. This act is effective upon ratification.