

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 37

Short Title: Term Limits.

(Public)

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Sponsors: Senators Conder; Speed, Warren, Hoyle, Kerr, Odom, Plyler, Rand, and Plexico.

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Referred to: Judiciary I/Constitution.

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January 26, 1995

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE  
2 FOR TERM LIMITS FOR MEMBERS OF THE GENERAL ASSEMBLY,  
3 COUNCIL OF STATE, LOCAL OFFICIALS, AND MEMBERS OF THE  
4 CONGRESS OF THE UNITED STATES.  
5

6 The General Assembly of North Carolina enacts:

7 Section 1. Article II of the Constitution of North Carolina is amended by  
8 adding a new section to read:

9 "Sec. 25. Limitation of consecutive terms.

10 (1) Term limits. No person shall be eligible for election to more than six  
11 consecutive terms of office as a member of the House of Representatives, nor for election  
12 to more than six consecutive terms of office as a member of the Senate. If a person is not  
13 elected to a full term, service caused by filling of a vacancy shall not be considered as  
14 election to a term for the purpose of this section.

15 (2) Effectiveness. Terms of office commencing prior to January 1, 1996, shall be  
16 considered for the purpose of this section except that this sentence shall not forbid any  
17 person in office on that date from completing that term of office.

1       (3) Filling of vacancy. A person disqualified by this section from election to the  
2 next succeeding term as a member of the House or Senate may not fill a vacancy in that  
3 succeeding term."

4       Sec. 2. Section 2(2) of Article III of the Constitution of North Carolina reads  
5 as rewritten:

6       "(2) Qualifications. No person shall be eligible for election to the office of  
7 Governor or Lieutenant Governor unless, at the time of his election, he shall have  
8 attained the age of 30 years and shall have been a citizen of the United States for five  
9 years and a resident of this State for two years immediately preceding his election. No  
10 person elected to the Office of Governor or Lieutenant Governor shall be eligible for  
11 election to more than two consecutive terms of the same office.

12       No person elected to any other office established by this Article shall be eligible for  
13 election to more than three consecutive terms of the same office. Terms of office  
14 commencing prior to January 1, 1996, shall be considered for the purpose of this  
15 paragraph except that this sentence shall not forbid any person in office on that date from  
16 completing that term of office. Election to serve the remainder of a term under Section  
17 19 of this Article shall not be considered election to a term of office for the purpose of  
18 this paragraph. A person disqualified by this paragraph from election to the next  
19 succeeding term may not fill a vacancy in that succeeding term."

20       Sec. 3. The Constitution of North Carolina is amended by adding a new  
21 section to Article VI to read:

22       "Sec. 11. Limitation of terms in Congress.

23       (1) Term limits. No person shall be eligible for election to more than six  
24 consecutive terms of office as a member of the House of Representatives of the Congress  
25 of the United States. No person shall be eligible for election to more than two  
26 consecutive terms of office as a member of the Senate of the Congress of the United  
27 States.

28       (2) Effectiveness. Terms of office commencing prior to January 1, 1996, shall be  
29 considered for the purpose of this paragraph except that this sentence shall not forbid any  
30 person in office on that date from completing that term of office.

31       (3) Filling of vacancy. Election to fill a vacancy in the United States House of  
32 Representatives is not considered to be election to a term for the purpose of this section.  
33 Election or appointment to fill a vacancy in the United States Senate is not considered to  
34 be election to a term for the purpose of this section. A person disqualified by this section  
35 from election to the next succeeding term as a member of the House of Representatives  
36 or Senate may not fill a vacancy in that succeeding term."

37       Sec. 4. The Constitution of North Carolina is amended by adding a new  
38 section to Article VI to read:

39       "Sec. 12. Limitation of terms of other officers.

40       (1) No person shall be eligible for election to any office for the greater of election  
41 to three consecutive terms or election to consecutive terms of office totaling 12 years.

1       (2) This section does not apply to offices covered by Section 25 of Article II,  
2 Section 2 of Article III, or Section 11 of this Article of the Constitution. This section  
3 does not apply to offices created by Article IV of this Constitution.

4       (3) A person disqualified by this section from election to the next succeeding term  
5 of office may not fill a vacancy in that succeeding term. Terms of office commencing  
6 prior to January 1, 1996, shall be considered for the purpose of this paragraph except that  
7 this section shall not forbid any person in office on that date from completing that term of  
8 office.

9       (4) For the purpose of this section, a particular office for the same jurisdiction  
10 whether elected by district or at-large is the same office."

11       Sec. 5. The amendments set out in Sections 1 through 4 of this act shall be  
12 submitted to the qualified voters of the State at a statewide election on November 7,  
13 1995, which election shall be conducted under the laws then governing elections in the  
14 State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of  
15 the General Statutes. The question to be used in the voting systems and ballots shall be:

16                                   " FOR  AGAINST

17       Constitutional amendments limiting members to six consecutive terms in the  
18 Senate or House of Representatives, limiting members of the Council of State to three  
19 consecutive terms in the same office, limiting members of the United States House of  
20 Representatives to six consecutive terms, limiting members of the United States Senate to  
21 two consecutive terms, and limiting all other nonjudicial and local officers to the greater  
22 of three consecutive terms or election to 12 consecutive years in office."

23       Sec. 6. If a majority of votes cast on the question are in favor of the  
24 amendments set out in Sections 1 through 4 of this act, the State Board of Elections shall  
25 certify the amendments to the Secretary of State. The constitutional amendments shall  
26 become effective January 1, 1996. The Secretary of State shall enroll the amendments so  
27 certified among the permanent records of that office.

28       Sec. 7. This act is effective upon ratification.