

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

S

1

SENATE BILL 13

Short Title: Four-Year Terms. (Public)

Sponsors: Senators Weinstein; Albertson, Apodaca, Bingham, Dalton, Forrester,
Garwood, Holloman, Kinnaird, Pittenger, Purcell, and Smith.

Referred to: Ways and Means.

January 31, 2005

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO
2 PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL
3 ASSEMBLY.
4

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Section 2 of Article II of the Constitution of North Carolina
7 reads as rewritten:

8 "**Sec. 2. Number of Senators.**

9 The Senate shall be composed of 50 Senators, ~~biennially~~quadrennially chosen by
10 ballot."

11 **SECTION 2.** Section 4 of Article II of the Constitution of North Carolina
12 reads as rewritten:

13 "**Sec. 4. Number of Representatives.**

14 The House of Representatives shall be composed of 120 Representatives, ~~biennially~~
15 quadrennially chosen by ballot."

16 **SECTION 3.** Section 8 of Article II of the Constitution of North Carolina
17 reads as rewritten:

18 "**Sec. 8. Elections.**

19 The election for members of the General Assembly shall be held for the respective
20 districts in ~~1972-2008~~ and every ~~two~~four years thereafter, at the places and on the day
21 prescribed by law."

22 **SECTION 4.** Section 2(1) of Article III of the Constitution of North
23 Carolina reads as rewritten:

24 "(1) **Election and term.** The Governor and Lieutenant Governor shall be elected
25 by the qualified voters of the State in ~~1972-2008~~ and every four years thereafter, at the
26 ~~same time and places as members of the General Assembly are elected.~~ places and on
27 the day prescribed by law. Their term of office shall be four years and shall commence

1 on the first day of January next after their election and continue until their successors
2 are elected and qualified."

3 **SECTION 5.** Section 7(3) of Article III of the Constitution of North
4 Carolina reads as rewritten:

5 "(3) **Vacancies.** If the office of any of these officers is vacated by death,
6 resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve
7 until his successor is elected and qualified. Every such vacancy shall be filled by
8 election at the ~~first election for members of the General Assembly~~ first statewide
9 election for members of the United States House of Representatives that occurs more
10 than 60 days after the vacancy has taken place, and the person chosen shall hold the
11 office for the remainder of the unexpired term fixed in this Section. When a vacancy
12 occurs in the office of any of the officers named in this Section and the term expires on
13 the first day of January succeeding the next election for members of the General
14 Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the
15 office."

16 **SECTION 6.** Section 9(3) of Article IV of the Constitution of North
17 Carolina reads as rewritten:

18 "(3) **Clerks.** A Clerk of the Superior Court for each county shall be elected for a
19 term of four years by the qualified voters thereof, at the same time and places as
20 members of the ~~General Assembly~~ United States House of Representatives are
21 ~~elected~~ elected on a statewide basis. If the office of Clerk of the Superior Court becomes
22 vacant otherwise than by the expiration of the term, or if the people fail to elect, the
23 senior regular resident Judge of the Superior Court serving the county shall appoint to
24 fill the vacancy until an election can be regularly held."

25 **SECTION 7.** Section 18(1) of Article IV of the Constitution of North
26 Carolina reads as rewritten:

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

38 **SECTION 8.** Section 19 of Article IV of the Constitution of North Carolina
39 reads as rewritten:

40 **"Sec. 19. Vacancies.**

41 Unless otherwise provided in this Article, all vacancies occurring in the offices
42 provided for by this Article shall be filled by appointment of the Governor, and the
43 appointees shall hold their places until the ~~next election for members of the General~~
44 ~~Assembly~~ next statewide election for members of the United States House of

1 Representatives that is held more than 60 days after the vacancy occurs, when elections
2 shall be held to fill the offices. When the unexpired term of any of the offices named in
3 this Article of the Constitution in which a vacancy has occurred, and in which it is
4 herein provided that the Governor shall fill the vacancy, expires on the first day of
5 January succeeding the ~~next election for members of the General Assembly next~~
6 statewide election for members of the United States House of Representatives, the
7 Governor shall appoint to fill that vacancy for the unexpired term of the office. If any
8 person elected or appointed to any of these offices shall fail to qualify, the office shall
9 be appointed to, held and filled as provided in case of vacancies occurring therein. All
10 incumbents of these offices shall hold until their successors are qualified."

11 **SECTION 9.** The amendments set out in Sections 1 through 8 of this act
12 shall be submitted to the qualified voters of the State at a statewide election to be held
13 on the same date as the general election in November of 2006, which election shall be
14 conducted under the laws then governing elections in the State. Ballots, voting systems,
15 or both may be used in accordance with Chapter 163 of the General Statutes. The
16 question to be used in the voting systems and ballots shall be:

17 " **FOR** **AGAINST**

18 Constitutional amendments making the term of members of the General
19 Assembly four years beginning with members elected in 2008 and making conforming
20 amendments concerning the election of other officers and the filling of vacancies."

21 **SECTION 10.** If a majority of votes cast on the question are in favor of the
22 amendments set out in Sections 1 through 8 of this act, the State Board of Elections
23 shall certify the amendments to the Secretary of State. The constitutional amendments
24 shall become effective upon certification. The Secretary of State shall enroll the
25 amendments so certified among the permanent records of that office.

26 **SECTION 11.** This act is effective when it becomes law.