

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 817

Short Title: 4-Year Terms for GA/Limit Consecutive Terms. (Public)

Sponsors: Senators Daniel, Tarte, Rabin (Primary Sponsors); Hunt and Sanderson.

Referred to: Rules and Operations of the Senate.

May 21, 2014

A BILL TO BE ENTITLED

AN ACT AMENDING THE NORTH CAROLINA CONSTITUTION TO PROVIDE
FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY AND TO
LIMIT MEMBERS OF THE GENERAL ASSEMBLY TO FOUR CONSECUTIVE
TERMS IN A HOUSE.

The General Assembly of North Carolina enacts:

Part I. Four-Year Terms.

SECTION 1.1. Section 2 of Article II of the Constitution of North Carolina reads
as rewritten:

"Sec. 2. Number of Senators.

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

SECTION 1.2. Section 4 of Article II of the Constitution of North Carolina reads as
rewritten:

"Sec. 4. Number of Representatives.

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

SECTION 1.3. Section 8 of Article II of the Constitution of North Carolina reads
as rewritten:

"Sec. 8. Elections.

The election for members of the General Assembly shall be held for the respective districts
in ~~1972-2016~~ and every ~~two~~ four years thereafter, at the places and on the day prescribed by
law."

SECTION 1.4. Section 7(3) of Article III of the Constitution of North Carolina
reads as rewritten:

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



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SECTION 1.5. Section 9(3) of Article IV of the Constitution of North Carolina reads as rewritten:

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

SECTION 1.6. Section 18(1) of Article IV of the Constitution of North Carolina reads as rewritten:

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

SECTION 1.7. Section 19 of Article IV of the Constitution of North Carolina reads as rewritten:

Sec. 19. Vacancies.

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

SECTION 1.8. Section 2 of Article VII of the Constitution of North Carolina reads as rewritten:

Sec. 2. Sheriffs.

In each county a Sheriff shall be elected by the qualified voters thereof at the same time and places as members of the ~~General Assembly~~United States House of Representatives are elected on a statewide basis and shall hold his office for a period of four years, subject to removal for cause as provided by law. No person is eligible to serve as Sheriff if that person has been convicted of a felony against this State, the United States, or another state, whether or not that person has been restored to the rights of citizenship in the manner prescribed by law. Convicted of a felony includes the entry of a plea of guilty; a verdict or finding of guilt by a jury, judge, magistrate, or other adjudicating body, tribunal, or official, either civilian or military; or a plea of no contest, nolo contendere, or the equivalent."

Part II. Limitation of Consecutive Terms.

1 SECTION 2. Article II of the Constitution of North Carolina is amended by adding
2 a new section to read:

3 "**Sec. 25. Limitation of consecutive terms.**

4 (1) No person shall be eligible for election to more than four consecutive terms as a
5 member of the Senate. No person shall be eligible for election to more than four consecutive
6 terms as a member of the House of Representatives. If a person fills a vacancy, it shall be
7 considered as election to a term for the purpose of this section if the person takes office during
8 the first two calendar years of the term.

9 (2) Terms of office beginning before January 1, 2017, shall not be considered for the
10 purpose of this section.

11 (3) A person disqualified by this section from election to the next succeeding term as a
12 member of the House of Representatives may not fill a vacancy in that body in the succeeding
13 term. A person disqualified by this section from election to the next succeeding term as a
14 member of the Senate may not fill a vacancy in that body in the succeeding term."

15 Part III. Referendum and Effective Dates.

16 SECTION 3.1. The amendments set out in Sections 1 through 2 of this act shall be
17 submitted to the qualified voters of the State at the general election in November 2014, which
18 election shall be conducted under the laws then governing elections in the State. Ballots, voting
19 systems, or both may be used in accordance with Chapter 163 of the General Statutes. The
20 question to be used in the voting systems and ballots shall be:

21 "[] FOR [] AGAINST

22 Constitutional amendments making the term of members of the General Assembly
23 four years beginning with members elected in 2016, limiting members to four consecutive
24 terms in the Senate or House of Representatives, and making conforming amendments
25 concerning the election of other officers and the filling of vacancies."

26 SECTION 3.2. If a majority of the votes cast on the question are in favor of the
27 amendments set out in Sections 1 through 2 of this act, the State Board of Elections shall certify
28 the amendment to the Secretary of State. The amendments made by Part I of this act become
29 effective with the members elected in 2016. The amendment made by Part II of this act
30 becomes effective January 1, 2017. The Secretary of State shall enroll the amendments so
31 certified among the permanent records of that office.

32 SECTION 4. This act is effective when it becomes law.