

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH50019-LBx-14 (12/4)

Short Title: Four-Year Terms.

(Public)

Sponsors: Representatives Goforth, Brubaker, Carney, and Howard (Primary Sponsors).

Referred to:

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

4 The General Assembly of North Carolina enacts:

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

7 "Sec. 2. Number of Senators.

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

9 SECTION 2. Section 4 of Article II of the North Carolina Constitution reads as
10 rewritten:

11 "Sec. 4. Number of Representatives.

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

14 SECTION 3. Section 8 of Article II of the North Carolina Constitution reads as
15 rewritten:

16 "Sec. 8. Elections.

17 The election for members of the General Assembly shall be held for the respective districts
18 in ~~1972-2010~~ and every ~~two~~ four years thereafter, at the places and on the day prescribed by
19 law."

20 SECTION 4. Section 14(1) of Article II of the North Carolina Constitution reads
21 as rewritten:

22 "(1) President Pro Tempore – succession to presidency. The Senate shall elect from its
23 membership a President Pro Tempore, who shall become President of the Senate upon the
24 failure of the Lieutenant Governor-elect to qualify, or upon succession by the Lieutenant
25 Governor to the office of Governor, or upon the death, resignation, or removal from office of
26 the President of the Senate, and who shall serve ~~until the expiration of his term of office as~~
27 Senator until:

28 (a) The expiration of his term of office as Senator; or

29 (b) The qualification of a new Lieutenant Governor, whichever comes first."

30 SECTION 5. Section 2(1) of Article III of the North Carolina Constitution reads as
31 rewritten:

32 "(1) Election and term. The Governor and Lieutenant Governor shall be elected by the
33 qualified voters of the State in ~~1972-2010~~ and every four years thereafter, ~~at the same time and~~
34 places as members of the General Assembly are elected at the places and on the day prescribed



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1 by law. Their term of office shall be four years and shall commence on the first day of January
2 next after their election and continue until their successors are elected and qualified."

3 **SECTION 6.** Section 7 of Article III of the North Carolina Constitution reads as
4 rewritten:

5 **"Sec. 7. Other elective officers.**

6 (1) Officers. A Secretary of State, an Auditor, a Treasurer, a Superintendent of Public
7 Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor,
8 and a Commissioner of Insurance shall be elected by the qualified voters of the State in ~~1972~~
9 2010 and every four years thereafter, at the same time and places as ~~members of the General~~
10 ~~Assembly are the Governor is~~ elected. Their term of office shall be four years and shall
11 commence on the first day of January next after their election and continue until their
12 successors are elected and qualified.

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

14 (3) Vacancies. If the office of any of these officers is vacated by death, resignation, or
15 otherwise, it shall be the duty of the Governor to appoint another to serve until his successor is
16 elected and qualified. Every such vacancy shall be filled by election at the first election for
17 members of the General Assembly or Governor, whichever comes first, that occurs more than
18 60 days after the vacancy has taken place, and the person chosen shall hold the office for the
19 remainder of the unexpired term fixed in this Section. When a vacancy occurs in the office of
20 any of the officers named in this Section and the term expires on the first day of January
21 succeeding the next election for members of the General Assembly, the Governor shall appoint
22 to fill the vacancy for the unexpired term of the office.

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

27 (5) Acting officers. During the physical or mental incapacity of any one of these
28 officers to perform the duties of his office, as determined pursuant to this Section, the duties of
29 his office shall be performed by an acting officer who shall be appointed by the Governor.

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

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

39 **SECTION 7.** Section 9(3) of Article V of the North Carolina Constitution reads as
40 rewritten:

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

47 **SECTION 8.** Section 18(1) of Article IV of the North Carolina Constitution reads
48 as rewritten:

49 "(1) District Attorneys. The General Assembly shall, from time to time, divide the State
50 into a convenient number of prosecutorial districts, for each of which a District Attorney shall
51 be chosen for a term of four years by the qualified voters thereof, at the same time and places as

1 members of the General Assembly or the Governor are elected. Only persons duly authorized
2 to practice law in the courts of this State shall be eligible for election or appointment as a
3 District Attorney. The District Attorney shall advise the officers of justice in his district, be
4 responsible for the prosecution on behalf of the State of all criminal actions in the Superior
5 Courts of his district, perform such duties related to appeals therefrom as the Attorney General
6 may require, and perform such other duties as the General Assembly may prescribe."

7 **SECTION 9.** Section 19 of Article IV of the North Carolina Constitution reads as
8 rewritten:

9 **"Sec. 19. Vacancies.**

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

22 **SECTION 10.** The amendments set out in Sections 1 through 9 of this act shall be
23 submitted to the qualified voters of the State at the statewide primary election on May 4, 2010,
24 which election shall be conducted under the laws then governing elections in the State. Ballots,
25 voting systems, or both may be used in accordance with Chapter 163 of the General Statutes.
26 The question to be used in the voting systems and ballots shall be:

27 "[] FOR [] AGAINST

28 Constitutional amendments making the term of members of the General Assembly
29 four years, beginning with members elected in 2010, and making conforming amendments
30 concerning the election of other officers and the filling of vacancies."

31 **SECTION 11.** If a majority of votes cast on the question are in favor of the
32 amendments set out in Sections 1 through 9 of this act, the State Board of Elections shall certify
33 the amendments to the Secretary of State. The constitutional amendments shall apply to
34 members of the General Assembly elected in the 2010 general election so that they shall serve
35 four-year terms. The Secretary of State shall enroll the amendments so certified among the
36 permanent records of that office.

37 **SECTION 12.** This act is effective when it becomes law.