

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 72

Short Title: Four-Year Terms Implementing Statute. (Public)

Sponsors: Representatives Goforth, Brubaker, Carney, Howard (Primary Sponsors); Adams, K. Alexander, Allen, Bell, Bordsen, Braxton, Brisson, Bryant, Coates, Cole, Cotham, Crawford, Current, Dockham, Earle, England, Farmer-Butterfield, Fisher, E. Floyd, Frye, Glazier, Goodwin, Guice, Haire, Hall, Harrell, Hill, Holliman, Hughes, Jackson, Jeffus, Johnson, Jones, Justice, Lucas, Mackey, McGee, McLawhorn, Michaux, Mobley, Owens, Parmon, Pierce, Rapp, Sager, Spear, Sutton, Tolson, Tucker, Underhill, Wainwright, E. Warren, R. Warren, West, Wilkins, Williams, Womble, Wray, and Yongue.

Referred to: Rules, Calendar, and Operations of the House.

February 5, 2009

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT A CONSTITUTIONAL AMENDMENT PROVIDING FOR  
FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY BY  
PROVIDING NECESSARY STATUTORY CHANGES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 7A-140 reads as rewritten:

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

There shall be at least one district judge for each district. Each district judge shall be elected by the qualified voters of the district court district in which he or she is to serve at the time of the election for members of the General Assembly. specified by Chapter 163 of the General Statutes. The number of judges for each district shall be determined by the General Assembly. Each judge shall be a resident of the district for which elected, and shall serve a term of four years, beginning on the first day in January next after election.

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

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

**SECTION 2.** G.S. 147-4 reads as rewritten:

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

The executive department shall consist of a Governor, a Lieutenant Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Insurance, and a Commissioner of Labor, who shall be elected for a term of four years, by the qualified electors of the State, ~~at the same time and places, and in the same manner, as members of the General Assembly are elected~~ as provided by Chapter 163 of the General Statutes. Their term of office shall commence on the first day of January next after their election and continue until their successors are elected and qualified. The persons having the highest number of votes, respectively, shall be declared duly elected, but if two or more be equal and highest in votes for the same office, then one of them



1 shall be chosen by joint ballot of both houses of the General Assembly. Contested elections  
2 shall be determined by a joint ballot of both houses of the General Assembly in such manner as  
3 shall be prescribed by law."

4 **SECTION 3.** G.S. 152-1 reads as rewritten:

5 **"§ 152-1. Election; vacancies in office; appointment by clerk in special cases.**

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

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

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

26 **SECTION 4.** G.S. 161-1 reads as rewritten:

27 **"§ 161-1. Election and term of office.**

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

31 **SECTION 5.** G.S. 162-1 reads as rewritten:

32 **"§ 162-1. Election and term of office.**

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

36 **SECTION 6.** G.S. 163-1 is amended in the table by rewriting the "DATE OF

37 ELECTION" entries for State Senator and member of the State House of Representatives to  
38 read: "Tuesday next after the first Monday in November 2010 and every four years thereafter."

39 **SECTION 7.** G.S. 163-1 is further amended in the table by rewriting the "TERM

40 OF OFFICE" entries for State Senator and member of the State House of Representatives to  
41 read: "Four years."

42 **SECTION 8.** G.S. 163-1 is further amended in the table by rewriting the "DATE

43 OF ELECTION" entries for justices and judges of the Appellate Division, judges of the  
44 superior courts, judges of the district courts, district attorney, county commissioners, clerk of  
45 superior court, register of deeds, sheriff, and coroner to read: "At the next regular statewide  
46 election for Governor or for members of the General Assembly, whichever comes first,  
47 immediately preceding the termination of each regular term."

48 **SECTION 9.** G.S. 163-8 reads as rewritten:

49 **"§ 163-8. Filling vacancies in State executive offices.**

50 If the office of Governor or Lieutenant Governor shall become vacant, the provisions of  
51 G.S. 147-11.1 shall apply. If the office of any of the following officers shall be vacated by

1 death, resignation, or otherwise than by expiration of term, it shall be the duty of the Governor  
2 to appoint another to serve until his successor is elected and qualified: Secretary of State,  
3 Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of  
4 Agriculture, Commissioner of Labor, and Commissioner of Insurance. Each such vacancy shall  
5 be filled by election at the first election for members of the General Assembly or Governor,  
6 whichever occurs first, that occurs more than 60 days after the vacancy has taken place, and the  
7 person chosen shall hold the office for the remainder of the unexpired four-year term: Provided,  
8 that when a vacancy occurs in any of the offices named in this section and the term expires on  
9 the first day of January succeeding the next election for members of the General Assembly or  
10 Governor, whichever comes first, the Governor shall appoint to fill the vacancy for the  
11 unexpired term of the office.

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

16 **SECTION 10.** G.S. 163-9 reads as rewritten:

17 **"§ 163-9. Filling vacancies in State and district judicial offices.**

18 (a) Vacancies occurring in the offices of Justice of the Supreme Court, judge of the  
19 Court of Appeals, and judge of the superior court for causes other than expiration of term shall  
20 be filled by appointment of the Governor. An appointee to the office of Justice of the Supreme  
21 Court or judge of the Court of Appeals shall hold office until January 1 next following the  
22 election for members of the General Assembly or Governor that is held more than 60 days after  
23 the vacancy occurs, whichever comes first, at which time an election shall be held for an  
24 eight-year term and until a successor is elected and qualified.

25 (b) Except for judges specified in the next paragraph of this subsection, an appointee to  
26 the office of judge of superior court shall hold his place until the next election for members of  
27 the General Assembly or Governor that is held more than 60 days after the vacancy occurs,  
28 whichever comes first, at which time an election shall be held to fill the unexpired term of the  
29 office.

30 Appointees for judges of the superior court from any district:

31 (1) With only one resident judge; or

32 (2) In which no county is subject to section 5 of the Voting Rights Act of 1965,  
33 shall hold the office until the next election of members of the General Assembly that is held  
34 more than 60 days after the vacancy occurs, at which time an election shall be held to fill an  
35 eight-year term.

36 (c) When the unexpired term of the office in which the vacancy has occurred expires on  
37 the first day of January succeeding the next election for members of the General Assembly, the  
38 Governor shall appoint to fill that vacancy for the unexpired term of the office.

39 (d) Vacancies in the office of district judge which occur before the expiration of a term  
40 shall not be filled by election. Vacancies in the office of district judge shall be filled in  
41 accordance with G.S. 7A-142."

42 **SECTION 11.** G.S. 163-10 reads as rewritten:

43 **"§ 163-10. Filling vacancy in office of district attorney.**

44 Any vacancy occurring in the office of district attorney for causes other than expiration of  
45 term shall be filled by appointment of the Governor. An appointee shall hold his place until the  
46 next election for members of the General Assembly or Governor, whichever comes first, that is  
47 held more than 60 days after the vacancy occurs, at which time an election shall be held to fill  
48 the unexpired term of the office: Provided, that when the unexpired term of the office in which  
49 the vacancy has occurred expires on the first day of January succeeding the next election for  
50 members of the General Assembly or Governor, whichever comes first, the Governor shall  
51 appoint to fill that vacancy for the unexpired term of the office."

1           **SECTION 12.** G.S. 163-12 reads as rewritten:

2   "**§ 163-12. Filling vacancy in United States Senate.**

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

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

17           **SECTION 14.** Sections 1 through 13 of this act shall take effect only upon  
18      approval of the voters of the constitutional amendments set forth in Sections 1 through 9 of AN  
19      ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOR  
20      FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY. If the  
21      constitutional amendments proposed in those sections are approved by the voters, Sections 1  
22      through 13 of this act shall become effective at the same time as the constitutional amendments,  
23      beginning with the election in 2010.

24           **SECTION 15.** This act is effective when it becomes law.