

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 119

Short Title: Four-Year Terms. (Public)

Sponsors: Senators Weinstein; Albertson, Bingham, Blake, Davis, Dorsett, Goss, Jacumin,
Jones, Kinnaird, Purcell, Snow, and Tillman.

Referred to: Ways and Means.

February 11, 2009

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

SECTION 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 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 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 ~~1972-2012~~ and every ~~two~~ four years thereafter, at the places and on the day prescribed by
law."

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

"(1) **Election and term.** The Governor and Lieutenant Governor shall be elected by the
qualified voters of the State in ~~1972-2012~~ and every four years thereafter, at the ~~same time and~~
~~places as members of the General Assembly are elected.~~ places and on the day prescribed by
law. Their term of office shall be four years and shall commence on the first day of January
next after their election and continue until their successors are elected and qualified."

SECTION 5. 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~~ first 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



1 General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the
2 office."

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

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

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

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

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

26 "**Sec. 19. Vacancies.**

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

40 **SECTION 9.** The amendments set out in Sections 1 through 8 of this act shall be
41 submitted to the qualified voters of the State at a statewide election to be held on the same date
42 as the general election in November of 2010, which election shall be conducted under the laws
43 then governing elections in the State. Ballots, voting systems, or both may be used in
44 accordance with Chapter 163 of the General Statutes. The question to be used in the voting
45 systems and ballots shall be:

46 "[] FOR [] AGAINST

47 Constitutional amendments making the term of members of the General Assembly
48 four years beginning with members elected in 2012 and making conforming amendments
49 concerning the election of other officers and the filling of vacancies."

50 **SECTION 10.** If a majority of votes cast on the question are in favor of the
51 amendments set out in Sections 1 through 8 of this act, the State Board of Elections shall certify

1 the amendments to the Secretary of State. The constitutional amendments shall become
2 effective beginning with persons elected in 2012. It does not affect the terms of office of
3 persons elected in 2010. The Secretary of State shall enroll the amendments so certified among
4 the permanent records of that office.

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