

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 13

Short Title: Four-Year Terms.

(Public)

Sponsors: Representatives LaRoque; and Sauls.

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

January 31, 2005

A BILL TO BE ENTITLED

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

3 The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

19 The election for members of the General Assembly shall be held for the respective
20 districts in ~~1972-2006~~ and every ~~two~~ four years thereafter, at the places and on the day
21 prescribed by law."
22

23 **SECTION 4.** Section 14(1) of Article II of the North Carolina Constitution
24 reads as rewritten:

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

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

1 (b) The qualification of a new Lieutenant Governor whichever comes
2 first."

3 **SECTION 5.** Section 2(1) of Article III of the North Carolina Constitution
4 reads as rewritten:

5 "(1) Election and term. The Governor and Lieutenant Governor shall be elected by
6 the qualified voters of the State in ~~1972-2004~~ and every four years thereafter, ~~at the~~
7 ~~same time and places as members of the General Assembly are elected~~ at the places and
8 on the day prescribed by law. Their term of office shall be four years and shall
9 commence on the first day of January next after their election and continue until their
10 successors are elected and qualified."

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

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

14 (1) Officers. A Secretary of State, an Auditor, a Treasurer, a Superintendent of
15 Public Instruction, an Attorney General, a Commissioner of Agriculture, a
16 Commissioner of Labor, and a Commissioner of Insurance shall be elected by the
17 qualified voters of the State in ~~1972-2004~~ and every four years thereafter, at the same
18 time and places as ~~members of the General Assembly are~~ the Governor is elected. Their
19 term of office shall be four years and shall commence on the first day of January next
20 after their election and continue until their successors are elected and qualified.

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

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

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

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

40 (6) Determination of incapacity. The General Assembly shall by law prescribe
41 with respect to those officers, other than the Governor, whose offices are created by this
42 Article, procedures for determining the physical or mental incapacity of any officer to
43 perform the duties of his office, and for determining whether an officer who has been
44 temporarily incapacitated has sufficiently recovered his physical or mental capacity to

1 perform the duties of his office. Removal of those officers from office for any other
2 cause shall be by impeachment.

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

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

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

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

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

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

28 **"Sec. 19. Vacancies.**

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

42 **SECTION 10.** The amendments set out in Sections 1 through 9 of this act
43 shall be submitted to the qualified voters of the State at a general election to be held on
44 November 8, 2005, which election shall be conducted under the laws then governing

1 elections in the State. Ballots, voting systems, or both may be used in accordance with
2 Chapter 163 of the General Statutes. The question to be used in the voting systems and
3 ballots shall be:

4 **"[] FOR [] AGAINST**

5 Constitutional amendments making the term of members of the General
6 Assembly four years, beginning with members elected in 2006, and making conforming
7 amendments concerning the election of other officers and the filling of vacancies."

8 **SECTION 11.** If a majority of votes cast on the question are in favor of the
9 amendments set out in Sections 1 through 9 of this act, the State Board of Elections
10 shall certify the amendments to the Secretary of State. The constitutional amendments
11 shall apply to members of the General Assembly elected in the 2006 general election so
12 that they shall serve four-year terms. The Secretary of State shall enroll the
13 amendments so certified among the permanent records of that office.

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