

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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SENATE BILL 94  
Judiciary I Committee Substitute Adopted 4/23/01

Short Title: Implement 4-Year Terms and Session Limits.

(Public)

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Sponsors:

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Referred to:

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February 7, 2001

A BILL TO BE ENTITLED

1  
2 AN ACT TO IMPLEMENT CONSTITUTIONAL AMENDMENTS PROVIDING  
3 FOR FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY  
4 AND FOR SESSION LENGTH LIMITS BY MAKING NECESSARY  
5 STATUTORY CHANGES.

6 The General Assembly of North Carolina enacts:

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

8 "**§ 7A-140. Number; election; term; qualification; oath.**

9       There shall be at least one district judge for each district. Each district judge shall be  
10 elected by the qualified voters of the district court district in which he is to serve at the  
11 ~~time of the election for members of the General Assembly specified by Chapter 163 of~~  
12 the General Statutes. The number of judges for each district shall be determined by the  
13 General Assembly. Each judge shall be a resident of the district for which elected, and  
14 shall serve a term of four years, beginning on the first Monday in December following  
15 his election.

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

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

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

23 "**§ 147-4. Executive officers – election; term; induction into office.**

24       The executive department shall consist of a Governor, a Lieutenant Governor, a  
25 Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an  
26 Attorney General, a Commissioner of Agriculture, a Commissioner of Insurance, and a  
27 Commissioner of Labor, who shall be elected for a term of four years, by the qualified  
28 electors of the State, ~~at the same time and places, and in the same manner, as members~~  
29 of the General Assembly are elected as provided by Chapter 163 of the General

1 Statutes. Their term of office shall commence on the first day of January next after their  
2 election and continue until their successors are elected and qualified. The persons  
3 having the highest number of votes, respectively, shall be declared duly elected, but if  
4 two or more be equal and highest in votes for the same office, then one of them shall be  
5 chosen by joint ballot of both houses of the General Assembly. Contested elections shall  
6 be determined by a joint ballot of both houses of the General Assembly in such manner  
7 as shall be prescribed by law."

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

9 **"§ 152-1. Election; vacancies in office; appointment by clerk in special cases.**

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

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

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

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

33 **"§ 161-1. Election and term of office.**

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

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

38 **"§ 162-1. Election and term of office.**

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

42 **SECTION 6.** G.S. 163-1 is amended in the table by rewriting the "DATE  
43 OF ELECTION" entries for State Senator and member of the State House of

1 Representatives to read: "Tuesday next after the first Monday in November 2002 and  
2 every four years thereafter".

3           **SECTION 7.** G.S. 163-1 is further amended in the table by rewriting the  
4 "TERM OF OFFICE" entries for State Senator and member of the State House of  
5 Representatives to read: "Four years".

6           **SECTION 8.** G.S. 163-1 is further amended in the table by rewriting the  
7 "DATE OF ELECTION" entries for justices and judges of the Appellate Division,  
8 judges of the superior courts, judges of the district courts, district attorney, county  
9 commissioners, clerk of superior court, register of deeds, sheriff, and coroner, to read:  
10 "At the next regular statewide election for Governor or for members of the General  
11 Assembly, whichever comes first, immediately preceding the termination of each  
12 regular term".

13           **SECTION 9.** G.S. 163-8 reads as rewritten:  
14 "**§ 163-8. Filling vacancies in State executive offices.**

15       If the office of Governor or Lieutenant Governor shall become vacant, the  
16 provisions of G.S. 147-11.1 shall apply. If the office of any of the following officers  
17 shall be vacated by death, resignation, or otherwise than by expiration of term, it shall  
18 be the duty of the Governor to appoint another to serve until his successor is elected and  
19 qualified: Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction,  
20 Attorney General, Commissioner of Agriculture, Commissioner of Labor, and  
21 Commissioner of Insurance. Each such vacancy shall be filled by election at the first  
22 election for members of the General Assembly or Governor, whichever occurs first, that  
23 occurs more than 60 days after the vacancy has taken place, and the person chosen shall  
24 hold the office for the remainder of the unexpired four-year term: Provided, that when a  
25 vacancy occurs in any of the offices named in this section and the term expires on the  
26 first day of January succeeding the next election for members of the General Assembly  
27 or Governor, whichever comes first, the Governor shall appoint to fill the vacancy for  
28 the unexpired term of the office.

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

34           **SECTION 10.** G.S. 163-9 reads as rewritten:  
35 "**§ 163-9. Filling vacancies in State and district judicial offices.**

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

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

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

7 (1) With only one resident judge; or

8 (2) In which no county is subject to section 5 of the Voting Rights Act of  
9 1965,

10 shall hold the office until the next election of members of the General Assembly that is  
11 held more than 60 days after the vacancy occurs, at which time an election shall be held  
12 to fill an eight-year term.

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

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

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

21 "**§ 163-10. Filling vacancy in office of district attorney.**

22 Any vacancy occurring in the office of district attorney for causes other than  
23 expiration of term shall be filled by appointment of the Governor. An appointee shall  
24 hold his place until the next election for members of the General Assembly or  
25 Governor, whichever comes first, that is held more than 60 days after the vacancy  
26 occurs, at which time an election shall be held to fill the unexpired term of the office:  
27 Provided, that when the unexpired term of the office in which the vacancy has occurred  
28 expires on the first day of January succeeding the next election for members of the  
29 General Assembly or Governor, whichever comes first, the Governor shall appoint to  
30 fill that vacancy for the unexpired term of the office."

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

32 "**§ 163-12. Filling vacancy in United States Senate.**

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

41 **SECTION 13.** Each statute and each local act which states that a vacancy in  
42 an elected office shall be filled until the next election for members of the General  
43 Assembly, or similarly relies on the date of General Assembly elections as determining

1 when an event is to take place or the duration of an appointment, shall be considered  
2 instead to use the date of the next statewide election for Governor or General Assembly,  
3 whichever comes first, as the determining date for whatever purpose the date of the  
4 General Assembly election is now used.

5 **SECTION 14.** G.S. 120-11.1 reads as rewritten:

6 "**§ 120-11.1. Time of meeting.**

7 The regular session of the Senate and House of Representatives shall be held  
8 biennially beginning at 12:00 noon on the ~~third Wednesday after the second Monday in~~  
9 ~~January~~ first Wednesday in December next after their ~~election~~ election or the election  
10 of the Governor."

11 **SECTION 15.** Sections 1 through 14 of this act shall take effect only upon  
12 approval of the voters of the constitutional amendments set forth in Sections 1 through  
13 11 of AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO  
14 PROVIDE FOR FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL  
15 ASSEMBLY AND TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS. If the  
16 constitutional amendments proposed in those sections are approved by the voters,  
17 Sections 1 through 14 of this act shall become effective at the same time as the  
18 constitutional amendments.

19 **SECTION 16.** This act is effective when it becomes law.