

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

S

2

SENATE BILL 22
Corrected Copy 2/12/03

Short Title: Four-Year Terms.

(Public)

Sponsors: Senators Weinstein; Albertson, Apodaca, Carpenter, Clodfelter, Dalton, Dannelly, Forrester, Garrou, Garwood, Hagan, Hargett, Holloman, Hoyle, Kerr, Kinnaird, Malone, Metcalf, Moore, Pittenger, Purcell, Rand, Reeves, Rucho, Sloan, Smith, Thomas, and Tillman.

Referred to: Judiciary I.

February 11, 2003

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO
2 PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL
3 ASSEMBLY.
4

5 The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

19 The election for members of the General Assembly shall be held for the respective
20 districts in ~~1972-2004~~ and every ~~two~~four years thereafter, at the places and on the day
21 prescribed by law."

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

24 "(1) **Election and term.** The Governor and Lieutenant Governor shall be elected
25 by the qualified voters of the State in ~~1972-2004~~ and every four years thereafter, at the
26 ~~same time and places as members of the General Assembly are elected.~~ places and on

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

4 **SECTION 5.** Section 7(3) of Article III of the Constitution of North
5 Carolina reads as rewritten:

6 "(3) **Vacancies.** If the office of any of these officers is vacated by death,
7 resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve
8 until his successor is elected and qualified. Every such vacancy shall be filled by
9 election at the ~~first election for members of the General Assembly~~ first statewide
10 election for members of the United States House of Representatives that occurs more
11 than 60 days after the vacancy has taken place, and the person chosen shall hold the
12 office for the remainder of the unexpired term fixed in this Section. When a vacancy
13 occurs in the office of any of the officers named in this Section and the term expires on
14 the first day of January succeeding the next election for members of the General
15 Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the
16 office."

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

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

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

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

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

41 **"Sec. 19. Vacancies.**

42 Unless otherwise provided in this Article, all vacancies occurring in the offices
43 provided for by this Article shall be filled by appointment of the Governor, and the
44 appointees shall hold their places until the ~~next election for members of the General~~

1 ~~Assembly~~ next statewide election for members of the United States House of
2 Representatives that is held more than 60 days after the vacancy occurs, when elections
3 shall be held to fill the offices. When the unexpired term of any of the offices named in
4 this Article of the Constitution in which a vacancy has occurred, and in which it is
5 herein provided that the Governor shall fill the vacancy, expires on the first day of
6 January succeeding the ~~next election for members of the General Assembly~~ next
7 statewide election for members of the United States House of Representatives, the
8 Governor shall appoint to fill that vacancy for the unexpired term of the office. If any
9 person elected or appointed to any of these offices shall fail to qualify, the office shall
10 be appointed to, held and filled as provided in case of vacancies occurring therein. All
11 incumbents of these offices shall hold until their successors are qualified."

12 **SECTION 9.** The amendments set out in Sections 1 through 8 of this act
13 shall be submitted to the qualified voters of the State at a statewide election to be held
14 on the Tuesday after the first Monday in November of 2003, which election shall be
15 conducted under the laws then governing elections in the State. Ballots, voting systems,
16 or both may be used in accordance with Chapter 163 of the General Statutes. The
17 question to be used in the voting systems and ballots shall be:

18 " **FOR** **AGAINST**

19 Constitutional amendments making the term of members of the General
20 Assembly four years beginning with members elected in 2004 and making conforming
21 amendments concerning the election of other officers and the filling of vacancies."

22 **SECTION 10.** If a majority of votes cast on the question are in favor of the
23 amendments set out in Sections 1 through 8 of this act, the State Board of Elections
24 shall certify the amendments to the Secretary of State. The constitutional amendments
25 shall become effective upon certification. The Secretary of State shall enroll the
26 amendments so certified among the permanent records of that office.

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