

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE DRS35027-LBx-86 (02/04)

Short Title: Four-Year Terms.

(Public)

Sponsors: Senator Weinstein.

Referred to:

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



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1 Section. When a vacancy occurs in the office of any of the officers named in this Section and
2 the term expires on the first day of January succeeding the next election for members of the
3 General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the
4 office."

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

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

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

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

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

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

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

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

48 "[] FOR [] AGAINST

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

1 **SECTION 10.** If a majority of votes cast on the question are in favor of the
2 amendments set out in Sections 1 through 8 of this act, the State Board of Elections shall certify
3 the amendments to the Secretary of State. The constitutional amendments shall become
4 effective beginning with persons elected in 2012. It does not affect the terms of office of
5 persons elected in 2010. The Secretary of State shall enroll the amendments so certified among
6 the permanent records of that office.

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