

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 991\*

Short Title: Resign-to-Run.

(Public)

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Sponsors: Representatives Greenwood, Colton, Nesbitt, N. Crawford; Barbee, Barnhill, Beall, Bowman, Buchanan, Dawkins, Decker, Easterling, B. Ethridge, Flaherty, Fletcher, Foster, Holt, Sam Hunt, R. Hunter, Hurley, James, Lutz, McLaughlin, Mills, Privette, Stamey, Stewart, Warren, and Watkins.

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Referred to: Judiciary.

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April 3, 1989

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE A PERSON TO RESIGN FROM STATE OR LOCAL  
2 OFFICE IF HE OR SHE SEEKS ANOTHER PUBLIC OFFICE THE TERM OF  
3 WHICH RUNS CONCURRENTLY WITH THAT OF THE OFFICE HE IS  
4 HOLDING.  
5

6 The General Assembly of North Carolina enacts:

7 Section 1. Chapter 163 of the General Statutes is amended by adding a new  
8 Article to read:

9 **"ARTICLE 11A.**

10 **"RESIGN-TO-RUN.**

11 **"§ 163-125. Resignation required from one office to run for another in certain**  
12 **cases.**

13 (a) No individual may qualify as a candidate for elective public office who holds  
14 another elective office, whether State, district, county or municipal, more than 40 days  
15 of the term of which runs concurrently with the term of office for which he seeks to  
16 qualify without resigning from such office prior to the last day of qualifying for the  
17 office he intends to seek. Said resignation shall be effective on or before the last day of  
18 qualifying.

19 (b) For the purpose of determining the method of filling the vacancy, it shall be  
20 considered to have occurred on the date the resignation is submitted.

1       (c) A resignation required by this section requires the elected official to execute  
2 an instrument in writing directed, except as provided below, to the Governor,  
3 irrevocably resigning from the office he or she currently occupies. In case of a State  
4 officer resignation shall be presented to the Governor with a copy to the Secretary of  
5 State and to the Executive Secretary-Director of the State Board of Elections. In the  
6 case of a county, municipal, or special district public officer, the resignation shall be  
7 directed and presented to the clerk of or clerk to that unit of government, or the  
8 custodian of records of the unit if there is no clerk.

9       (d) A person who has resigned under the provisions of this section shall not hold  
10 over until a successor is elected or appointed and qualifies.

11       (e) This section does not apply to persons holding any elective federal office, nor  
12 does it apply to persons holding the office of judge or justice in the General Court of  
13 Justice who seek another office as a judge or justice in the General Court of Justice.

14       (f) For the purposes of this section, the phrase 'last day of qualifying' means in  
15 the case of a county, district, State, or federal election, the last day for filing under G.S.  
16 163-106 or G.S. 163-13, in the case of a partisan municipal election, the last day for  
17 filing under G.S. 163-291, and in the case of a nonpartisan municipal election, the last  
18 day for filing under G.S. 163-294.2.

19       (g) This section does not apply to candidacies under the Presidential Preference  
20 Primary Act."

21               Sec. 2. This act shall become effective with respect to elections held on or  
22 after January 1, 1990.