

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 191

Short Title: Governor/Council of State Terms.

(Public)

Sponsors: Senator Cooper.

Referred to: Constitution.

February 27, 1991

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION TO SHIFT THE ELECTION OF THE GOVERNOR AND OTHER COUNCIL OF STATE OFFICERS TO THE CYCLE BEGINNING IN 1994.

The General Assembly of North Carolina enacts:

Section 1. 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 1992 at the places and on the day prescribed by law. Their term of office shall be two years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified. The Governor and Lieutenant Governor shall be elected by the qualified voters of the State in 1972-1994 and every four years thereafter, at the same time and places as members of the General Assembly are elected. 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. For the purpose of the last sentence of subdivision (2) of this section:

- a. In the case of any person elected to the same office for terms commencing January 1, 1985, and January 1, 1989, the term commencing January 1, 1993, shall be consecutive to the term commencing January 1, 1989; and
b. In all other cases, the term commencing January 1, 1993, shall not be considered, and the terms commencing January 1, 1989, and January 1, 1995, shall be considered consecutive."

1 Sec. 2. Section 7(1) of Article III of the Constitution of North Carolina reads
2 as rewritten:

3 "(1) **Officers.** A Secretary of State, an Auditor, a Treasurer, a Superintendent of
4 Public Instruction, an Attorney General, a Commissioner of Agriculture, a
5 Commissioner of Labor, and a Commissioner of Insurance shall be elected by the
6 qualified voters of the State in 1992, at the places and on the day prescribed by law.
7 Their term of office shall be two years and shall commence on the first day of January
8 next after their election and continue until their successors are elected and qualified. A
9 Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an
10 Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a
11 Commissioner of Insurance shall be elected by the qualified voters of the State in ~~1972~~
12 1994 and every four years thereafter, at the same time and places as members of the
13 General Assembly are elected. Their term of office shall be four years and shall
14 commence on the first day of January next after their election and continue until their
15 successors are elected and qualified."

16 Sec. 3. The amendments set forth in Sections 1 and 2 of this act shall be
17 submitted to the qualified voters of the State at a statewide election to be held on the
18 Tuesday after the first Monday in November of 1991, which shall be conducted under
19 the laws then governing elections in the State.

20 Sec. 4. At that election, each qualified voter desiring to vote shall be provided
21 a ballot on which shall be printed the following:

22 " FOR constitutional amendments providing that the Governor,
23 Lieutenant Governor, and other members of the Council of State shall
24 be elected in 1992 for a two-year term, and in 1994 and every four
25 years thereafter to a four-year term.

26 AGAINST constitutional amendments providing that the Governor,
27 Lieutenant Governor, and other members of the Council of State shall
28 be elected in 1992 for a two-year term, and in 1994 and every four
29 years thereafter to a four-year term."

30 Those qualified voters favoring the amendments shall vote by marking an "X" or check
31 mark in the square beside the statement beginning "FOR", and those qualified voters
32 opposed to the amendment shall vote by marking an "X" or check mark in the square
33 beside the statement beginning "AGAINST".

34 Notwithstanding the foregoing provisions of this section, voting machines
35 may be used in accordance with rules and regulations prescribed by the State Board of
36 Elections.

37 Sec. 5. If a majority of votes cast thereon are in favor of the constitutional and
38 statutory amendments set out in Sections 1 and 2 of this act, then the State Board of
39 Elections shall certify those amendments to the Secretary of State, who shall enroll the
40 amendments so certified among the permanent records of his office. The constitutional
41 amendments proposed in Sections 1 and 2 shall become effective January 1, 1993, and
42 shall also apply to the 1992 election.

43 Sec. 6. The table in G.S. 163-1 is amended for the offices of Governor,
44 Lieutenant Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public

1 Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor,
2 and Commissioner of Insurance by rewriting the entries under the columns "DATE OF
3 ELECTION", to read "Tuesday next after the first Monday in November 1992, and
4 Tuesday next after the first Monday in November 1994, and every four years
5 thereafter", by adding at the end of the column "TERM OF OFFICE", "except two
6 years, from first day of January next after the 1992 election".

7 Sec. 7. Section 6 of this act becomes effective beginning with the 1992
8 election, but only becomes effective if the constitutional amendments proposed by
9 Sections 1 and 2 of this act are approved.

10 Sec. 8. This act is effective upon ratification.