

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

S

2

SENATE BILL 104  
Judiciary I Committee Substitute Adopted 4/23/01

Short Title: Four-Year Terms and Session Length Limits.

(Public)

Sponsors:

Referred to:

February 8, 2001

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE  
FOR FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY  
AND TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS.

The General Assembly of North Carolina enacts:

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

**"Sec. 8. Elections.**

The election for members of the General Assembly shall be held for the respective  
districts in ~~1972-2002~~ and every ~~two~~ four years thereafter, at the places and on the day  
prescribed by law."

**SECTION 4.** Section 14(1) of Article II of the North Carolina Constitution  
reads as rewritten:

"(1) President Pro Tempore - succession to presidency. The Senate shall elect  
from its membership a President Pro Tempore, who shall become President of the  
Senate upon the failure of the Lieutenant Governor-elect to qualify, or upon succession  
by the Lieutenant Governor to the office of Governor, or upon the death, resignation, or  
removal from office of the President of the Senate, and who shall serve ~~until the~~  
~~expiration of his term of office as Senator.~~ until the first of:

1           (a) The expiration of the term of office as Senator; or

2           (b) The qualification of a new Lieutenant Governor."

3           **SECTION 5.** Section 2(1) of Article III of the North Carolina Constitution  
4 reads as rewritten:

5           "(1) Election and term. The Governor and Lieutenant Governor shall be elected by  
6 the qualified voters of the State in ~~1972-2000~~ and every four years thereafter, ~~at the~~  
7 ~~same time and places as members of the General Assembly are elected~~ at the places and  
8 on the day prescribed by law. Their term of office shall be four years and shall  
9 commence on the first day of January next after their election and continue until their  
10 successors are elected and qualified."

11           **SECTION 6.** Section 7 of Article III of the North Carolina Constitution  
12 reads as rewritten:

13           **"Sec. 7. Other elective officers.**

14           (1) Officers. A Secretary of State, an Auditor, a Treasurer, a Superintendent of  
15 Public Instruction, an Attorney General, a Commissioner of Agriculture, a  
16 Commissioner of Labor, and a Commissioner of Insurance shall be elected by the  
17 qualified voters of the State in ~~1972-2000~~ and every four years thereafter, at the same  
18 time and places as ~~members of the General Assembly are~~ the Governor is elected. Their  
19 term of office shall be four years and shall commence on the first day of January next  
20 after their election and continue until their successors are elected and qualified.

21           (2) Duties. Their respective duties shall be prescribed by law.

22           (3) Vacancies. If the office of any of these officers is vacated by death,  
23 resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve  
24 until ~~his-the~~ successor is elected and qualified. Every such vacancy shall be filled by  
25 election at the first election for members of the General Assembly or Governor,  
26 whichever comes first, that occurs more than 60 days after the vacancy has taken place,  
27 and the person chosen shall hold the office for the remainder of the unexpired term  
28 fixed in this Section. When a vacancy occurs in the office of any of the officers named  
29 in this Section and the term expires on the first day of January succeeding the next  
30 election for members of the General Assembly, the Governor shall appoint to fill the  
31 vacancy for the unexpired term of the office.

32           (4) Interim officers. Upon the occurrence of a vacancy in the office of any one of  
33 these officers for any of the causes stated in the preceding paragraph, the Governor may  
34 appoint an interim officer to perform the duties of that office until a person is appointed  
35 or elected pursuant to this Section to fill the vacancy and is qualified.

36           (5) Acting officers. During the physical or mental incapacity of any one of these  
37 officers to perform the duties of ~~his-the~~ office, as determined pursuant to this Section,  
38 the duties of ~~his-the~~ office shall be performed by an acting officer who shall be  
39 appointed by the Governor.

40           (6) Determination of incapacity. The General Assembly shall by law prescribe with  
41 respect to those officers, other than the Governor, whose offices are created by this  
42 Article, procedures for determining the physical or mental incapacity of any officer to  
43 perform the duties of ~~his-the~~ office, and for determining whether an officer who has

1 been temporarily incapacitated has sufficiently recovered ~~his~~the physical or mental  
2 capacity to perform the duties of ~~his~~the office. Removal of those officers from office  
3 for any other cause shall be by impeachment.

4 (7) Special qualifications for Attorney General. Only persons duly authorized to  
5 practice law in the courts of this State shall be eligible for appointment or election as  
6 Attorney General."

7 **SECTION 7.** Section 9(3) of Article V of the North Carolina Constitution  
8 reads as rewritten:

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

15 **SECTION 8.** Section 18(1) of Article IV of the North Carolina Constitution  
16 reads as rewritten:

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

27 **SECTION 9.** Section 19 of Article IV of the North Carolina Constitution  
28 reads as rewritten:

29 **"Sec. 19. Vacancies.**

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



1           **SECTION 14.** This act is effective when it becomes law.