

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 399

Short Title: US Senate Vacancies.

(Public)

Sponsors: Representatives Blust; Current and E. Floyd.

Referred to: Election Law and Campaign Finance Reform, if favorable, Appropriations.

March 5, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR SPECIAL ELECTIONS WHEN VACANCIES IN THE  
UNITED STATES SENATE OCCUR.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 163-12 reads as rewritten:

"§ 163-12. **Filling vacancy in United States Senate.**

(a) Whenever there shall be a vacancy in the office of United States Senator from this State, whether caused by death, resignation, or otherwise than by expiration of term, the Governor shall appoint to fill the vacancy until an election shall be held to fill the office. The Governor shall issue his writ for the election of a Senator to be held ~~at the time of the first election for members of the General Assembly that is held more than 60 days after the vacancy occurs.~~ held, and by proclamation fix the date on which an election to fill the vacancy shall be held. Except as provided in subsection (b) of this section, the special election must be held within 90 days of the occurrence of the vacancy, except that if the vacancy occurs within 60 days of the mid-term general election at the end of the first two years or the first four years of the term, it may be held at any time within 60 days after that general election. The proclamation shall establish a special timetable for the election, including for absentee voting and a deadline for nominations under subsection (c) of this section and for notice of write-in and unaffiliated candidacies. The person elected shall hold the office for the remainder of the unexpired term. The election shall take effect from the date of the canvassing of the returns.

(b) Notwithstanding subsection (a) of this section, if the vacancy occurs after the first day of July in the last year of the term, no election shall be held and the person appointed by the Governor shall hold the office for the remainder of the unexpired term.

(c) Candidates for the special election to fill the vacancy shall not be nominated in primaries. Instead, nominations shall be made by the State political party executive committees. The chairman and secretary of the State executive committee nominating a candidate shall immediately certify the nominee's name and party affiliation to the State Board of Elections so that it may be printed on the special election ballots."

**SECTION 2.** This act is effective when it becomes law.

