

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**HOUSE BILL 40**

Short Title: Session Limits/Four-Year Terms.

(Public)

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Sponsors: Representative Owens.

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Referred to: Rules, Calendar, and Operations of the House.

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February 20, 2003

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

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 11(1) of Article II of the Constitution of North Carolina reads as rewritten:

"(1) Regular sessions.

(a) The General Assembly shall meet in regular session ~~in 1973~~ after the terms of office for Senators and Representatives commence in 2004 and every two years thereafter on the day prescribed by law.

(b) Odd-numbered years. – Beginning with the regular session in 2005, during an odd-numbered year the General Assembly shall remain in session for no more than 135 calendar days, except that this period may be extended by joint resolution once per regular session for not more than 10 calendar days. The month of December beginning on the first Wednesday in the month in each preceding even-numbered year is also included in the calculation of the limit of days the General Assembly may meet in odd-numbered years. If the General Assembly, upon convening of the regular session, meets initially for not more than two consecutive calendar days and then adjourns for not less than 30 calendar days, that period of adjournment shall be excluded from the 135 calendar days.

(c) Even-numbered years. – If the regular session meets in even-numbered years, the General Assembly shall remain in session for no more than 60 calendar days, except that this period may be extended by joint resolution once per regular session for not more than 10 calendar days, but the month of December beginning on the first Wednesday in the month in each preceding even-numbered year is excluded from the

1 calculation of the maximum number of days the General Assembly can  
2 meet in that year.

3 (d) Any reconvened session called under Section 5 of Article III of this  
4 Constitution shall be excluded from the calculations of this section.

5 (e) Neither house shall proceed upon public business unless a majority of  
6 all of its members are actually present.

7 (f) No valid action, other than a resolution of adjournment, may be taken  
8 by the General Assembly after the time limits prescribed in this section  
9 have expired."

10 **SECTION 2.** Section 9 of Article II of the Constitution of North Carolina  
11 reads as rewritten:

12 **"Sec. 9. Term of office.**

13 The term of office of Senators and Representatives shall commence on the first day  
14 ~~of January~~ Wednesday in December next after their election."

15 **SECTION 3.** Section 2 of Article II of the Constitution of North Carolina  
16 reads as rewritten:

17 **"Sec. 2. Number of Senators.**

18 The Senate shall be composed of 50 Senators, ~~biennially~~ quadrennially chosen by  
19 ballot."

20 **SECTION 4.** Section 4 of Article II of the Constitution of North Carolina  
21 reads as rewritten:

22 **"Sec. 4. Number of Representatives.**

23 The House of Representatives shall be composed of 120 Representatives, ~~biennially~~  
24 quadrennially chosen by ballot."

25 **SECTION 5.** Section 8 of Article II of the Constitution of North Carolina  
26 reads as rewritten:

27 **"Sec. 8. Elections.**

28 The election for members of the General Assembly shall be held for the respective  
29 districts in ~~1972-2004~~ and every ~~two~~ four years thereafter, at the places and on the day  
30 prescribed by law."

31 **SECTION 6.** Section 2(1) of Article III of the Constitution of North  
32 Carolina reads as rewritten:

33 "(1) **Election and term.** The Governor and Lieutenant Governor shall be elected  
34 by the qualified voters of the State in ~~1972-2004~~ and every four years thereafter, at the  
35 ~~same time and places as members of the General Assembly are elected.~~ places and on  
36 the day prescribed by law. Their term of office shall be four years and shall commence  
37 on the first day of January next after their election and continue until their successors  
38 are elected and qualified."

39 **SECTION 7.** Section 7(3) of Article III of the Constitution of North  
40 Carolina reads as rewritten:

41 "(3) **Vacancies.** If the office of any of these officers is vacated by death,  
42 resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve  
43 until his successor is elected and qualified. Every such vacancy shall be filled by  
44 election at the ~~first election for members of the General Assembly~~ first statewide

1 election for members of the United States House of Representatives that occurs more  
2 than 60 days after the vacancy has taken place, and the person chosen shall hold the  
3 office for the remainder of the unexpired term fixed in this Section. When a vacancy  
4 occurs in the office of any of the officers named in this Section and the term expires on  
5 the first day of January succeeding the next election for members of the General  
6 Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the  
7 office."

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

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

17         **SECTION 9.** Section 18(1) of Article IV of the Constitution of North  
18 Carolina reads as rewritten:

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

30         **SECTION 10.** Section 19 of Article IV of the Constitution of North Carolina  
31 reads as rewritten:

32 **"Sec. 19. Vacancies.**

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

