

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 180
Mar 9, 2015
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH40096-ST-4A (10/30)

Short Title: Legislative 4-Year Terms. (Public)

Sponsors: Representatives Warren, Hardister, Malone, and Glazier (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL
3 ASSEMBLY.

4 The General Assembly of North Carolina enacts:

5
6 **PART I. FOUR-YEAR LEGISLATIVE TERMS**

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

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

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

11 **SECTION 2.** Section 4 of Article II of the Constitution of North Carolina reads as
12 rewritten:

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

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

16 **SECTION 3.** Section 8 of Article II of the Constitution of North Carolina reads as
17 rewritten:

18 **"Sec. 8. Elections.**

19 The election for members of the General Assembly shall be held for the respective districts
20 in ~~1972-2020~~ and every ~~two~~ four years thereafter, at the places and on the day prescribed by
21 law."

22 **SECTION 4.** Section 7(3) of Article III of the Constitution of North Carolina reads
23 as rewritten:

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

35 **SECTION 5.** Section 9(3) of Article IV of the Constitution of North Carolina reads
36 as rewritten:



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

8 **SECTION 6.** Section 18(1) of Article IV of the Constitution of North Carolina
9 reads as rewritten:

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

20 **SECTION 7.** Section 19 of Article IV of the Constitution of North Carolina reads
21 as rewritten:

22 **"Sec. 19. Vacancies.**

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

36 **SECTION 8.** Section 2 of Article VII of the Constitution of North Carolina reads
37 as rewritten:

38 **"Sec. 2. Sheriffs.**

39 In each county a Sheriff shall be elected by the qualified voters thereof at the same time and
40 places as members of the ~~General Assembly~~ United States House of Representatives are elected
41 on a statewide basis and shall hold his office for a period of four years, subject to removal for
42 cause as provided by law. No person is eligible to serve as Sheriff if that person has been
43 convicted of a felony against this State, the United States, or another state, whether or not that
44 person has been restored to the rights of citizenship in the manner prescribed by law. Convicted
45 of a felony includes the entry of a plea of guilty; a verdict or finding of guilt by a jury, judge,
46 magistrate, or other adjudicating body, tribunal, or official, either civilian or military; or a plea
47 of no contest, nolo contendere, or the equivalent."

48 **SECTION 9.** The amendments set out in Sections 1 through 8 of this act shall be
49 submitted to the qualified voters of the State at the general election in November 2016, which
50 election shall be conducted under the laws then governing elections in the State. Ballots, voting

1 systems, or both may be used in accordance with Chapter 163 of the General Statutes. The
2 question to be used in the voting systems and ballots shall be:

3 "[] FOR [] AGAINST

4 Constitutional amendments making the term of members of the General Assembly
5 four years beginning with members elected in 2020, and making conforming amendments
6 concerning the election of other officers and the filling of vacancies."

7 **SECTION 10.** If a majority of the votes cast on the question are in favor of the
8 amendments set out in Sections 1 through 8 of this act, the State Board of Elections shall certify
9 the amendment to the Secretary of State. The amendments made by Sections 1 through 8 of this
10 act become effective with the members elected in 2020. The Secretary of State shall enroll the
11 amendments so certified among the permanent records of that office.

12 **PART II. SPEAKER/PRO TEM TERM LIMITS**

13 **SECTION 11.** Section 15 of Article II of the North Carolina Constitution reads as
14 rewritten:

15 **"Sec. 15. Officers of the House of Representatives.**

16 The House of Representatives shall elect its Speaker and other officers. No person may
17 serve as Speaker in more than two consecutive regular sessions of the General Assembly."

18 **SECTION 12.** Section 14(1) of Article II of the North Carolina Constitution reads
19 as rewritten:

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

26 No person may serve as President Pro Tempore in more than two consecutive regular
27 sessions of the General Assembly."

28 **SECTION 13.** The amendments set out in Sections 11 and 12 of this act shall be
29 submitted to the qualified voters of the State at the general election in November 2016, which
30 election shall be conducted under the laws then governing elections in the State. Ballots, voting
31 systems, or both may be used in accordance with Chapter 163 of the General Statutes. The
32 question to be used in the voting systems and ballots shall be:

33 "[] FOR [] AGAINST

34 Constitutional amendments providing that the Speaker of the House and the
35 President Pro Tempore of the Senate may not serve more than two terms."

36 **SECTION 14.** If a majority of the votes cast on the question are in favor of the
37 amendments set out in this act, the State Board of Elections shall certify the amendments to the
38 Secretary of State. The amendments shall become effective upon the convening of the General
39 Assembly next on or after January 1, 2021, and service as Speaker or President Pro Tempore
40 prior to that date shall not be considered for the purpose of the amendments. The Secretary of
41 State shall enroll the amendments so certified among the permanent records of that office.

42 **SECTION 15.** This act is effective when it becomes law.
43