

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

H.B. 758  
Apr 29, 2021  
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30364-MMY-12A

Short Title: Modify Process/Council of State Vacancies. (Public)

Sponsors: Representative K. Hall.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO MODIFY THE  
3 PROCESS FOR FILLING A COUNCIL OF STATE VACANCY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Section 7 of Article III of the North Carolina Constitution reads as  
6 rewritten:

7 "Sec. 7. Other elective officers.

8 ...  
9 (3) Vacancies. If the office of any of these officers is vacated by death, resignation, or  
10 otherwise, ~~it shall be the duty of the Governor to appoint another to serve until his successor is~~  
11 ~~elected and qualified. Every such vacancy shall be filled by election at the first election for~~  
12 ~~members of the General Assembly that occurs more than 60 days after the vacancy has taken~~  
13 ~~place, and the person chosen shall hold the office for the remainder of the unexpired term fixed~~  
14 ~~in this Section. When a vacancy occurs in the office of any of the officers named in this Section~~  
15 ~~and the term expires on the first day of January succeeding the next election for members of the~~  
16 ~~General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the~~  
17 ~~office.~~ the Governor shall, no later than seven days after receipt of a list of three nominees  
18 submitted by the State executive committee of the political party with which the vacating officer  
19 was affiliated when elected, appoint one person from the list to serve for the unexpired part of  
20 the term.

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

25 ...."

26 SECTION 2. The amendment set out in Section 1 of this act shall be submitted to  
27 the qualified voters of the State at the general election in 2022, which election shall be conducted  
28 under the laws then governing elections in the State. Ballots, voting systems, or both may be used  
29 in accordance with Chapter 163 of the General Statutes. The question to be used in the voting  
30 systems and ballots shall be:

31 "[ ] FOR [ ] AGAINST

32 Constitutional amendment to fill Council of State vacancies by having the Governor  
33 select from three nominees submitted by the State executive committee of the political party with  
34 which the vacating officer was affiliated when elected."

35 SECTION 3. If a majority of the votes cast on the question are in favor of the  
36 amendment set out in this act, the State Board of Elections shall certify the amendment to the



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1 Secretary of State. The amendment set out in Section 1 of this act becomes effective January 1,  
2 2023, and applies to vacancies occurring on or after that date. The Secretary of State shall enroll  
3 the amendment so certified among the permanent records of that office.  
4           **SECTION 4.** Except as otherwise provided, this act is effective when it becomes  
5 law.