

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 6

Short Title: Term Limits for Legislature.

(Public)

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Sponsors: Representatives Aldridge; Hardy, Rayfield, Shubert, and G. Wilson.

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Referred to: Election Law and Campaign Reform.

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January 30, 1997

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR FOUR-YEAR TERMS FOR MEMBERS OF THE LEGISLATURE AND LIMIT THEM TO THREE CONSECUTIVE TERMS IN A HOUSE.

The General Assembly of North Carolina enacts:

Section 1. Article II of the Constitution of North Carolina is amended by adding a new section to read:

"Sec. 25. Limitation of consecutive terms.

(1) No person shall be eligible for election to more than three consecutive terms as a member of the House of Representatives, nor to more than three consecutive terms as a member of the Senate. If a person is not elected to a full term, service caused by filling of a vacancy shall be considered as a term for the purpose of this section if the person takes office during the first two calendar years of the term.

(2) Terms of office beginning before January 1, 2003, shall not be considered for the purpose of this section.

(3) A person disqualified by this section from election to the next succeeding term as a member of the House of Representatives or Senate may not fill a vacancy in that succeeding term."

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

1 "Sec. 2. Number of Senators.

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

4 Section 3. Section 4 of Article II of the Constitution of North Carolina reads as  
5 rewritten:

6 "Sec. 4. Number of Representatives.

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

9 Section 4. Section 8 of Article II of the Constitution of North Carolina reads as  
10 rewritten:

11 "Sec. 8. Elections.

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

15 Section 4.1. Section 14(1) of Article II of the Constitution of North Carolina  
16 reads as rewritten:

17 "(1) **President Pro Tempore - succession to presidency.** The Senate shall elect  
18 from its membership a President Pro Tempore, who shall become President of the Senate  
19 upon the failure of the Lieutenant Governor-elect to qualify, or upon succession by the  
20 Lieutenant Governor to the office of Governor, or upon the death, resignation, or removal  
21 from office of the President of the Senate, and who shall serve ~~until the~~ until:

22 (a) The expiration of his term of office as Senator; or

23 (b) The qualification of a new Lieutenant Governor whichever comes first.

24 A President Pro Tempore becoming President of the Senate under this section retains the  
25 same right to vote as any other Senator, and does not have an additional right to vote  
26 when the Senate is equally divided."

27 Section 4.2. Section 2(1) of Article III of the Constitution of North Carolina  
28 reads as rewritten:

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

35 Section 5. Section 7 of Article III of the Constitution of North Carolina reads  
36 as rewritten:

37 "Sec. 7. Other elective officers.

38 (1) **Officers.** A Secretary of State, an Auditor, a Treasurer, a Superintendent of  
39 Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner  
40 of Labor, and a Commissioner of Insurance shall be elected by the qualified voters of the  
41 State in ~~1972-2000~~ and every four years thereafter, at the same time and places as  
42 ~~members of the General Assembly are~~ the Governor is elected. Their term of office shall be

1 four years and shall commence on the first day of January next after their election and  
2 continue until their successors are elected and qualified.

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

4 (3) **Vacancies.** If the office of any of these officers is vacated by death,  
5 resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve  
6 until his successor is elected and qualified. Every such vacancy shall be filled by election  
7 at the first election for members of the General Assembly or Governor, whichever comes  
8 first, that occurs more than 60 days after the vacancy has taken place, and the person  
9 chosen shall hold the office for the remainder of the unexpired term fixed in this Section.  
10 When a vacancy occurs in the office of any of the officers named in this Section and the  
11 term expires on the first day of January succeeding the next election for members of the  
12 General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term  
13 of the office.

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

18 (5) **Acting officers.** During the physical or mental incapacity of any one of these  
19 officers to perform the duties of his office, as determined pursuant to this Section, the  
20 duties of his office shall be performed by an acting officer who shall be appointed by the  
21 Governor.

22 (6) **Determination of incapacity.** The General Assembly shall by law prescribe  
23 with respect to those officers, other than the Governor, whose offices are created by this  
24 Article, procedures for determining the physical or mental incapacity of any officer to  
25 perform the duties of his office, and for determining whether an officer who has been  
26 temporarily incapacitated has sufficiently recovered his physical or mental capacity to  
27 perform the duties of his office. Removal of those officers from office for any other  
28 cause shall be by impeachment.

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

32 Section 6. Section 9(3) of Article V of the Constitution of North Carolina  
33 reads as rewritten:

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

40 Section 7. Section 18(1) of Article IV of the Constitution of North Carolina  
41 reads as rewritten:

42 "(1) **District Attorneys.** The General Assembly shall, from time to time, divide the  
43 State into a convenient number of prosecutorial districts, for each of which a District

1 Attorney shall be chosen for a term of four years by the qualified voters thereof, at the  
2 same time and places as members of the General Assembly or the Governor are elected.  
3 Only persons duly authorized to practice law in the courts of this State shall be eligible  
4 for election or appointment as a District Attorney. The District Attorney shall advise the  
5 officers of justice in his district, be responsible for the prosecution on behalf of the State  
6 of all criminal actions in the Superior Courts of his district, perform such duties related to  
7 appeals therefrom as the Attorney General may require, and perform such other duties as  
8 the General Assembly may prescribe."

9 Section 8. Section 19 of Article IV of the Constitution of North Carolina reads  
10 as rewritten:

11 "Sec. 19. Vacancies.

12 Unless otherwise provided in this Article, all vacancies occurring in the offices  
13 provided for by this Article shall be filled by appointment of the Governor, and the  
14 appointees shall hold their places until the next election for members of the General  
15 Assembly or Governor, whichever comes first, that is held more than 60 days after the  
16 vacancy occurs, when elections shall be held to fill the offices. When the unexpired term  
17 of any of the offices named in this Article of the Constitution in which a vacancy has  
18 occurred, and in which it is herein provided that the Governor shall fill the vacancy,  
19 expires on the first day of January succeeding the next election for members of the  
20 General Assembly or Governor, whichever comes first, the Governor shall appoint to fill  
21 that vacancy for the unexpired term of the office. If any person elected or appointed to  
22 any of these offices shall fail to qualify, the office shall be appointed to, held and filled as  
23 provided in case of vacancies occurring therein. All incumbents of these offices shall  
24 hold until their successors are qualified."

25 Section 9. The amendments set out in Sections 1 through 8 of this act shall be  
26 submitted to the qualified voters of the State at the general election in November 1998,  
27 which election shall be conducted under the laws then governing elections in the State.  
28 Ballots, voting systems, or both may be used in accordance with Chapter 163 of the  
29 General Statutes. The question to be used in the voting systems and ballots shall be:

30 **"[ ] FOR [ ] AGAINST**

31 Constitutional amendments making the term of members of the General  
32 Assembly four years, beginning with members elected in 2002, limiting members to three  
33 consecutive terms in the Senate or House of Representatives, and making conforming  
34 amendments concerning the election of other officers and the filling of vacancies."

35 Section 10. If a majority of votes cast on the question are in favor of the  
36 amendments set out in Sections 1 through 8 of this act, the State Board of Elections shall  
37 certify the amendments to the Secretary of State. The constitutional amendments shall  
38 become effective January 1, 2000, and shall apply to members of the General Assembly  
39 elected in the 2002 general election so that they shall serve four-year terms. The  
40 Secretary of State shall enroll the amendments so certified among the permanent records  
41 of that office.

42 Section 11. This act is effective when it becomes law.