

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 868

Short Title: Filling of US Senate Vacancies. (Public)

Sponsors: Senators Nickel, Chaudhuri, and Searcy (Primary Sponsors).

Referred to: Rules and Operations of the Senate

June 26, 2020

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE A SPECIAL ELECTION TO FILL VACANCIES IN THE UNITED
3 STATES SENATE.

4 The General Assembly of North Carolina enacts:

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

6 "**§ 163-12. Filling vacancy in United States Senate.**

7 (a) Whenever there shall be a vacancy in the office of United States Senator from this
8 State, whether caused by death, resignation, or otherwise than by expiration of term, the Governor
9 shall appoint to fill the vacancy until ~~an~~ a special election shall be held to fill the office. If the
10 Senator was elected as the nominee of a political party, the Governor shall appoint from a list of
11 three persons recommended by the State executive committee of the political party with which
12 the vacating member was affiliated when elected if that party executive committee makes
13 recommendations within 30 days of the occurrence of the vacancy.

14 (b) The Governor shall issue a writ for the special election of a Senator to be held ~~at the~~
15 ~~time of the first election for members of the General Assembly that is held more than 60-90 days~~
16 but less than 180 days after the vacancy occurs. ~~occurs, and such election may coincide with~~
17 another scheduled election. If another scheduled election is within 30 days of the time frame set
18 out in this subsection, the Governor may lessen or extend the time frame to have the special
19 election coincide with another scheduled election. The person elected shall hold the office for the
20 remainder of the unexpired term. The election shall take effect from the date of the canvassing
21 of the returns."

22 **SECTION 2.** This act is effective when it becomes law and applies to vacancies
23 existing on or after that date.

