

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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HOUSE DRH70026-LBx-53 (2/13)

Short Title: Session Limits/Four-Year Terms.

(Public)

Sponsors: Representative Owens.

Referred to:

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,

1 but the month of December beginning on the first Wednesday in the
2 month in each preceding even-numbered year is excluded from the
3 calculation of the maximum number of days the General Assembly can
4 meet in that year.

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

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

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

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

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

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

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

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

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

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

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

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

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

29 **"Sec. 8. Elections.**

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

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

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

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

43 "(3) **Vacancies.** If the office of any of these officers is vacated by death,
44 resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve

1 until his successor is elected and qualified. Every such vacancy shall be filled by
2 election at the ~~first election for members of the General Assembly~~ first statewide
3 election for members of the United States House of Representatives that occurs more
4 than 60 days after the vacancy has taken place, and the person chosen shall hold the
5 office for the remainder of the unexpired term fixed in this Section. When a vacancy
6 occurs in the office of any of the officers named in this Section and the term expires on
7 the first day of January succeeding the next election for members of the General
8 Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the
9 office."

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

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

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

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

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

34 "**Sec. 19. Vacancies.**

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

1 Governor shall appoint to fill that vacancy for the unexpired term of the office. If any
2 person elected or appointed to any of these offices shall fail to qualify, the office shall
3 be appointed to, held and filled as provided in case of vacancies occurring therein. All
4 incumbents of these offices shall hold until their successors are qualified."

5 **SECTION 11.** The amendments set out in Sections 1 through 10 of this act
6 shall be submitted to the qualified voters of the State at the next statewide election,
7 primary or otherwise, which election shall be conducted under the laws then governing
8 elections in the State. Ballots, voting systems, or both may be used in accordance with
9 Chapter 163 of the General Statutes. The question to be used in the voting systems and
10 ballots shall be:

11 FOR AGAINST

12 Constitutional amendments limiting the length of the legislative session,
13 making the term of members of the General Assembly four years beginning with
14 members elected in 2004 and making conforming amendments."

15 **SECTION 12.** If a majority of votes cast on the question are in favor of the
16 amendments set out in Sections 1 through 10 of this act, the State Board of Elections
17 shall certify the amendments to the Secretary of State. The constitutional amendments
18 shall become effective upon certification. The Secretary of State shall enroll the
19 amendments so certified among the permanent records of that office.

20 **SECTION 13.** This act is effective when it becomes law.