

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 8

Judiciary II Committee Substitute Adopted 2/23/99

Third Edition Engrossed 2/24/99

Short Title: Session Limits Implementing.

(Public)

Sponsors:

Referred to:

January 28, 1999

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT AN ACT TO AMEND THE CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE SESSIONS AND TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE SENATE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 120-11.1 reads as rewritten:

"§ 120-11.1. Time of meeting.

The regular session of the Senate and House of Representatives shall be held biennially beginning at 12:00 noon on the ~~third Wednesday after the second Monday in January~~ first Wednesday in December next after their election."

Section 2. G.S. 163-1 is amended in the table by rewriting the "DATE OF ELECTION" entries for State Senator to read: "Tuesday next after the first Monday in November 2002 and every four years thereafter".

Section 3. G.S. 163-1 is further amended in the table by rewriting the "TERM OF OFFICE" entries for State Senator to read: "Four years".

Section 4. G.S. 163-11(a) reads as rewritten:

"(a) If a vacancy shall occur in the General Assembly by death, resignation, or otherwise than by expiration of term, the Governor shall immediately appoint for the

1 unexpired part of the term the person recommended by the political party executive  
2 committee provided by this section. The Governor shall make the appointment within  
3 seven days of receiving the recommendation of the appropriate committee. If the  
4 Governor fails to make the appointment within the required period, he shall be presumed  
5 to have made the appointment and the legislative body to which the appointee was  
6 recommended is directed to seat the appointee as a member in good standing for the  
7 duration of the unexpired term.

8 Notwithstanding the previous paragraph, if the vacancy in the Senate occurs more  
9 than 60 days prior to the next statewide election which is not the election at which a  
10 successor is to be elected for a full four-year term, then at that election a person shall be  
11 elected within the district as it was constituted at the original election to serve the  
12 remainder of the unexpired term, and the person appointed by the Governor under the  
13 previous paragraph shall serve only until the results of the election are certified."

14 Section 5. G.S. 163-115 reads as rewritten:

15 "**§ 163-115. Special provisions for obtaining nominations when vacancies occur in**  
16 **certain offices.**

17 (a) If a vacancy occurs in the office of the clerk of superior court, otherwise than  
18 by expiration of the term, or if the people fail to elect, the vacancy shall be filled as  
19 provided in Sec. 9(3) of Article IV of the North Carolina Constitution. If the vacancy  
20 occurs after the time for filing notice of candidacy in the primary has expired in a year  
21 when a regular election is not being held to elect a clerk of the superior court by  
22 expiration of term, then the county executive committee of each political party shall  
23 nominate a candidate whose name shall appear on the general election ballot. The  
24 candidate elected in the general election shall serve the unexpired portion of the term of  
25 the person causing the vacancy.

26 (b) In the event a special election is called to fill a vacancy in the State's  
27 delegation in the United States House of Representatives, the provisions of G.S. 163-13  
28 shall apply.

29 (c) If a vacancy occurs in an elective State or district office (other than member of  
30 the United States House of Representatives) during the period opening 10 days before the  
31 filing period for the office ends and closing 30 days before the ensuing general election, a  
32 nomination shall be made by the proper executive committee of each political party as  
33 provided in G.S. 163-114, and the names of the nominees shall be printed on the general  
34 election ballots.

35 (d) If a vacancy occurs on a county board of commissioners and G.S. 153A-27 or  
36 G.S. 153A-27.1 requires that a person shall be elected to the seat vacated for the  
37 remainder of the unexpired term, and the vacancy occurs:

38 (1) Beginning on the tenth day before the filing period ends under G.S. 163-  
39 106(c), a nomination shall be made by the county executive committee  
40 of each political party and the names of the nominees shall be printed on  
41 the general election ballots.

- 1 (2) Prior to the tenth day before the filing period ends under G.S. 163-  
2 106(c), nominations shall be made by primary election as provided by  
3 this Article.
- 4 (e) If a vacancy occurs in the office of United States Senator, and the vacancy  
5 occurs:
- 6 (1) Beginning on the tenth day before the filing period ends under G.S. 163-  
7 106(c), a nomination shall be made by the State executive committee of  
8 each political party and the names of the nominees shall be printed on  
9 the general election ballots.
- 10 (2) Prior to the tenth day before the filing period ends under G.S. 163-  
11 106(c), nominations shall be made by primary election as provided by  
12 this Article.
- 13 (f) If a vacancy occurs in the office of State Senator, and the vacancy occurs:
- 14 (1) Beginning on the tenth day before the filing period ends under G.S. 163-  
15 106(c), a nomination shall be made by the appropriate county (if the  
16 district consists of all of one county) or district executive committee of  
17 each political party, and the names of the nominees shall be printed on  
18 the general election ballots.
- 19 (2) Prior to the tenth day before the filing period ends under G.S. 163-  
20 106(c), nominations shall be made by primary election as provided by  
21 this Article."

22 Section 6.(a) Section 1 of this act shall take effect only upon approval of the  
23 voters of the constitutional amendments set forth in Sections 1 and 2 of AN ACT TO  
24 AMEND THE CONSTITUTION TO LIMIT THE LENGTH OF LEGISLATIVE  
25 SESSIONS AND TO PROVIDE FOUR-YEAR TERMS FOR MEMBERS OF THE  
26 SENATE. If the constitutional amendments proposed in those sections are approved by  
27 the voters, Section 1 of this act becomes effective with respect to members of the General  
28 Assembly elected in 2000.

29 Section 6.(b) Sections 2 through 5 of this act shall take effect only upon approval  
30 of the voters of the constitutional amendments set forth in Sections 3 through 5 of AN  
31 ACT TO AMEND THE CONSTITUTION TO LIMIT THE LENGTH OF  
32 LEGISLATIVE SESSIONS AND TO PROVIDE FOUR-YEAR TERMS FOR  
33 MEMBERS OF THE SENATE. If the constitutional amendments proposed in those  
34 sections are approved by the voters, Sections 2 through 5 become effective with respect  
35 to Senators elected in 2002.

36 Section 7. This act is effective when it becomes law.