

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE DRH30021-LB-21 (12/04)

Short Title: Four-Year Terms Implementing Statute. (Public)

Sponsors: Representatives Goforth, Brubaker, Carney, and Howard (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO IMPLEMENT A CONSTITUTIONAL AMENDMENT PROVIDING FOR  
3 FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY BY  
4 PROVIDING NECESSARY STATUTORY CHANGES.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 7A-140 reads as rewritten:

7 "§ 7A-140. Number; election; term; qualification; oath.

8 There shall be at least one district judge for each district. Each district judge shall be elected  
9 by the qualified voters of the district court district in which he or she is to serve at the time of  
10 ~~the election for members of the General Assembly specified by Chapter 163 of the General~~  
11 Statutes. The number of judges for each district shall be determined by the General Assembly.  
12 Each judge shall be a resident of the district for which elected, and shall serve a term of four  
13 years, beginning on the first day in January next after election.

14 Each district judge shall devote his or her full time to the duties of the office. He or she  
15 shall not practice law during the term, nor shall he or she during such term be the partner or  
16 associate of any person engaged in the practice of law.

17 Before entering upon his or her duties, each district judge, in addition to other oaths  
18 prescribed by law, shall take the oath of office prescribed for a judge of the General Court of  
19 Justice."

20 SECTION 2. G.S. 147-4 reads as rewritten:

21 "§ 147-4. Executive officers – election; term; induction into office.

22 The executive department shall consist of a Governor, a Lieutenant Governor, a Secretary  
23 of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a  
24 Commissioner of Agriculture, a Commissioner of Insurance, and a Commissioner of Labor,  
25 who shall be elected for a term of four years, by the qualified electors of the State, ~~at the same~~  
26 ~~time and places, and in the same manner, as members of the General Assembly are elected~~ as  
27 provided by Chapter 163 of the General Statutes. Their term of office shall commence on the  
28 first day of January next after their election and continue until their successors are elected and  
29 qualified. The persons having the highest number of votes, respectively, shall be declared duly  
30 elected, but if two or more be equal and highest in votes for the same office, then one of them  
31 shall be chosen by joint ballot of both houses of the General Assembly. Contested elections  
32 shall be determined by a joint ballot of both houses of the General Assembly in such manner as  
33 shall be prescribed by law."



1           **SECTION 3.** G.S. 152-1 reads as rewritten:

2   "**§ 152-1. Election; vacancies in office; appointment by clerk in special cases.**

3       In each county a coroner shall be elected by the qualified voters thereof ~~in the same manner~~  
4 ~~and at the same time as the election of members of the General Assembly~~ as provided by  
5 Chapter 163 of the General Statutes, and shall hold office for a term of four years, or until his  
6 successor is elected and qualified.

7       A vacancy in the office of coroner shall be filled by the county commissioners, and the  
8 person so appointed shall, upon qualification, hold office until his successor is elected and  
9 qualified. If the coroner were elected as the nominee of a political party, then the county  
10 commissioners shall consult with the county executive committee of that political party before  
11 filling the vacancy, and shall appoint the person recommended by that committee if the party  
12 makes a recommendation within 30 days of the occurrence of the vacancy; this sentence shall  
13 apply only to the counties of Alamance, Alleghany, Avery, Beaufort, Brunswick, Buncombe,  
14 Burke, Cabarrus, Caldwell, Cherokee, Clay, Cleveland, Davidson, Davie, Graham, Guilford,  
15 Haywood, Henderson, Jackson, Madison, McDowell, Mecklenburg, Moore, New Hanover,  
16 Polk, Randolph, Rockingham, Rutherford, Stanly, Stokes, Transylvania, Wake, and Yancey.

17       When the coroner shall be out of the county, or shall for any reason be unable to hold the  
18 necessary inquest as provided by law, or there is a vacancy existing in the office of coroner  
19 which has not been filled by the county commissioners and it is made to appear to the clerk of  
20 the superior court by satisfactory evidence that a deceased person whose body has been found  
21 within the county probably came to his death by the criminal act or default of some person, it is  
22 the duty of the clerk to appoint some suitable person to act as coroner in such special case."

23           **SECTION 4.** G.S. 161-1 reads as rewritten:

24   "**§ 161-1. Election and term of office.**

25       In each county there shall be elected biennially by the qualified voters thereof, as provided  
26 ~~for the election of members of the General Assembly~~ by Chapter 163 of the General Statutes, a  
27 register of deeds."

28           **SECTION 5.** G.S. 162-1 reads as rewritten:

29   "**§ 162-1. Election and term of office.**

30       In each county a sheriff shall be elected by the qualified voters thereof, as is prescribed ~~for~~  
31 ~~members of the General Assembly~~ by Chapter 163 of the General Statutes, and shall hold his  
32 office for four years."

33           **SECTION 6.** G.S. 163-1 is amended in the table by rewriting the "DATE OF

34 ELECTION" entries for State Senator and member of the State House of Representatives to  
35 read: "Tuesday next after the first Monday in November 2010 and every four years thereafter."

36           **SECTION 7.** G.S. 163-1 is further amended in the table by rewriting the "TERM

37 OF OFFICE" entries for State Senator and member of the State House of Representatives to  
38 read: "Four years."

39           **SECTION 8.** G.S. 163-1 is further amended in the table by rewriting the "DATE

40 OF ELECTION" entries for justices and judges of the Appellate Division, judges of the  
41 superior courts, judges of the district courts, district attorney, county commissioners, clerk of  
42 superior court, register of deeds, sheriff, and coroner to read: "At the next regular statewide  
43 election for Governor or for members of the General Assembly, whichever comes first,  
44 immediately preceding the termination of each regular term."

45           **SECTION 9.** G.S. 163-8 reads as rewritten:

46   "**§ 163-8. Filling vacancies in State executive offices.**

47       If the office of Governor or Lieutenant Governor shall become vacant, the provisions of  
48 G.S. 147-11.1 shall apply. If the office of any of the following officers shall be vacated by  
49 death, resignation, or otherwise than by expiration of term, it shall be the duty of the Governor  
50 to appoint another to serve until his successor is elected and qualified: Secretary of State,  
51 Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of

1 Agriculture, Commissioner of Labor, and Commissioner of Insurance. Each such vacancy shall  
2 be filled by election at the first election for members of the General Assembly or Governor,  
3 whichever occurs first, that occurs more than 60 days after the vacancy has taken place, and the  
4 person chosen shall hold the office for the remainder of the unexpired four-year term: Provided,  
5 that when a vacancy occurs in any of the offices named in this section and the term expires on  
6 the first day of January succeeding the next election for members of the General Assembly or  
7 Governor, whichever comes first, the Governor shall appoint to fill the vacancy for the  
8 unexpired term of the office.

9 Upon the occurrence of a vacancy in the office of any one of these officers for any of the  
10 causes stated in the preceding paragraph, the Governor may appoint an acting officer to  
11 perform the duties of that office until a person is appointed or elected pursuant to this section  
12 and Article III, Section 7 of the State Constitution, to fill the vacancy and is qualified."

13 **SECTION 10.** G.S. 163-9 reads as rewritten:

14 "**§ 163-9. Filling vacancies in State and district judicial offices.**

15 (a) Vacancies occurring in the offices of Justice of the Supreme Court, judge of the  
16 Court of Appeals, and judge of the superior court for causes other than expiration of term shall  
17 be filled by appointment of the Governor. An appointee to the office of Justice of the Supreme  
18 Court or judge of the Court of Appeals shall hold office until January 1 next following the  
19 election for members of the General Assembly or Governor that is held more than 60 days after  
20 the vacancy occurs, whichever comes first, at which time an election shall be held for an  
21 eight-year term and until a successor is elected and qualified.

22 (b) Except for judges specified in the next paragraph of this subsection, an appointee to  
23 the office of judge of superior court shall hold his place until the next election for members of  
24 the General Assembly or Governor that is held more than 60 days after the vacancy occurs,  
25 whichever comes first, at which time an election shall be held to fill the unexpired term of the  
26 office.

27 Appointees for judges of the superior court from any district:

28 (1) With only one resident judge; or

29 (2) In which no county is subject to section 5 of the Voting Rights Act of 1965,  
30 shall hold the office until the next election of members of the General Assembly that is held  
31 more than 60 days after the vacancy occurs, at which time an election shall be held to fill an  
32 eight-year term.

33 (c) When the unexpired term of the office in which the vacancy has occurred expires on  
34 the first day of January succeeding the next election for members of the General Assembly, the  
35 Governor shall appoint to fill that vacancy for the unexpired term of the office.

36 (d) Vacancies in the office of district judge which occur before the expiration of a term  
37 shall not be filled by election. Vacancies in the office of district judge shall be filled in  
38 accordance with G.S. 7A-142."

39 **SECTION 11.** G.S. 163-10 reads as rewritten:

40 "**§ 163-10. Filling vacancy in office of district attorney.**

41 Any vacancy occurring in the office of district attorney for causes other than expiration of  
42 term shall be filled by appointment of the Governor. An appointee shall hold his place until the  
43 next election for members of the General Assembly or Governor, whichever comes first, that is  
44 held more than 60 days after the vacancy occurs, at which time an election shall be held to fill  
45 the unexpired term of the office: Provided, that when the unexpired term of the office in which  
46 the vacancy has occurred expires on the first day of January succeeding the next election for  
47 members of the General Assembly or Governor, whichever comes first, the Governor shall  
48 appoint to fill that vacancy for the unexpired term of the office."

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

50 "**§ 163-12. Filling vacancy in United States Senate.**

1 Whenever there shall be a vacancy in the office of United States Senator from this State,  
2 whether caused by death, resignation, or otherwise than by expiration of term, the Governor  
3 shall appoint to fill the vacancy until an election shall be held to fill the office. The Governor  
4 shall issue his writ for the election of a Senator to be held at the time of the first election for  
5 members of the General Assembly or Governor, whichever comes first, that is held more than  
6 60 days after the vacancy occurs. The person elected shall hold the office for the remainder of  
7 the unexpired term. The election shall take effect from the date of the canvassing of the  
8 returns."

9 **SECTION 13.** Each statute and each local act which states that a vacancy in an  
10 elected office shall be filled until the next election for members of the General Assembly, or  
11 similarly relies on the date of General Assembly elections as determining when an event is to  
12 take place or the duration of an appointment, shall be considered instead to use the date of the  
13 next statewide election for Governor or General Assembly, whichever comes first, as the  
14 determining date for whatever purpose the date of the General Assembly election is now used.

15 **SECTION 14.** Sections 1 through 13 of this act shall take effect only upon  
16 approval of the voters of the constitutional amendments set forth in Sections 1 through 9 of AN  
17 ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE FOR  
18 FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY. If the  
19 constitutional amendments proposed in those sections are approved by the voters, Sections 1  
20 through 13 of this act shall become effective at the same time as the constitutional amendments,  
21 beginning with the election in 2010.

22 **SECTION 15.** This act is effective when it becomes law.