

NORTH CAROLINA GENERAL ASSEMBLY  
1981 SESSION

CHAPTER 504  
SENATE BILL 300

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY AND TO MAKE CONFORMING CHANGES TO OTHER SECTIONS OF THE CONSTITUTION CONCERNING ELECTIONS FOR OTHER OFFICERS AND FILLING VACANCIES.

The General Assembly of North Carolina enacts:

**Section 1.** Article II of the Constitution of North Carolina is amended:

(1) by rewriting Section 2 to read:

"Sec. 2. Number of Senators. The Senate shall be composed of 50 Senators, quadrennially chosen by ballot."

(2) by rewriting Section 4 to read:

"Sec. 4. Number of Representatives. The House of Representatives shall be composed of 120 Representatives, quadrennially chosen by ballot."

(3) by rewriting Section 8 to read:

"Sec. 8. Elections. The election for members of the General Assembly shall be held for the respective districts in 1982 and every four years thereafter, at the places and on the day prescribed by law."

**Sec. 2.** Article III of the Constitution of North Carolina is amended:

(1) by rewriting the first sentence of Section 2(1) to read:

"The Governor and Lieutenant Governor shall be elected by the qualified voters of the State in 1980 and every four years thereafter, at the places and on the day prescribed by law."

(2) by rewriting the first sentence of Section 7(1) to read:

"A Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance shall be elected by the qualified voters of the State in 1980 and every four years thereafter, at the same time and places as the Governor is elected."

(3) by rewriting Section 7(3) to read:

"(3) Vacancies. If the office of any of these officers is vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve until his successor is elected and qualified. Every such vacancy shall be filled by election at the first statewide general election that occurs more than 30 days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in this section. When a vacancy occurs in the office of any of the officers named in this section and the term expires on the first day of January succeeding the next statewide general election, the Governor shall appoint to fill the vacancy for the unexpired term of the office."

**Sec. 3.** Article IV of the Constitution of North Carolina is amended:

(1) by rewriting the first sentence of Section 9(3) to read:

"A clerk of the superior court for each county shall be elected for a term of four years by the qualified voters thereof, at the places and on the day prescribed by law."

(2) by rewriting the first sentence of Section 18(1) to read:

"The General Assembly shall, from time to time, divide the State into a convenient number of prosecutorial districts, for each of which a district attorney shall be chosen for a term of four years by the qualified voters thereof, at the places and on the day prescribed by law."

(3) by rewriting Section 19 to read:

"Sec. 19. Vacancies. Unless otherwise provided in this Article, all vacancies occurring in the offices provided for by this Article shall be filled by appointment of the Governor, and the appointees shall hold their places until the next statewide general election that is held more than 30 days after the vacancy occurs, when elections shall be held to fill the offices. When the unexpired term of any of the offices named in this Article of the Constitution in which a vacancy has occurred, and in which it is herein provided that the Governor shall fill the vacancy, expires on the first day of January succeeding the next statewide general election, the Governor shall appoint to fill that vacancy for the unexpired term of the office. If any person elected or appointed to any of these offices shall fail to qualify, the office shall be appointed to, held, and filled as provided in the case of vacancies occurring therein. All incumbents of these offices shall hold until their successors are qualified."

**Sec. 4.** The amendments set forth in Sections 1 through 3 shall be submitted to the qualified voters of the State at the next statewide primary election or statewide general election or at the next statewide election, whichever is earlier, which election shall be conducted under the laws then governing elections in the State. At that election, each qualified voter who desires to vote shall be provided a ballot on which shall be printed the following:

"[ ] FOR constitutional amendment making the term of members of the General Assembly four years, beginning with members elected in 1982; and conforming amendments concerning the election of other officers and the filling of vacancies.

"[ ] AGAINST constitutional amendment making the term of members of the General Assembly four years, beginning with members elected in 1982; and conforming amendments concerning the election of other officers and the filling of vacancies."

Those qualified voters favoring the amendments shall vote by marking an "X" or a check mark in the square beside the statement beginning "FOR", and those qualified voters opposed to the amendments shall vote by marking an "X" or a check mark in the square beside the statement beginning "AGAINST".

Notwithstanding the foregoing provisions of this section, voting machines may be used in accordance with rules and regulations prescribed by the State Board of Elections.

**Sec. 5.** If a majority of votes cast thereon are in favor of the constitutional amendments, the State Board of Elections shall certify the amendments to the Secretary of State who shall enroll the amendments so certified among the permanent records of his office. The constitutional amendments shall become effective upon certification and shall apply to members of the General Assembly elected in the 1982 general election so that they shall serve four-year terms.

**Sec. 6.** G.S. 7A-140 is amended by rewriting the second sentence to read:

"Each district judge shall be elected by the qualified voters of the district court district in which he is to serve, at the time specified in Chapter 163."

**Sec. 7.** G.S. 147-4 is amended by rewriting the first sentence to read:

"The executive department shall consist of a Governor, a Lieutenant Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Insurance, and a Commissioner of Labor, who shall be elected for a term of four years, by the qualified voters of the State, at the time and place and in the manner prescribed by the Constitution and by Chapter 163."

**Sec. 8.** G.S. 152-1 is amended by rewriting the first sentence to read:

"In each county a coroner shall be elected by the qualified voters thereof in the manner and at the time prescribed by Chapter 163, and shall hold office for a term of four years, or until his successor is elected and qualified."

**Sec. 9.** G.S. 161-1 is rewritten to read:

"§ 161-1. **Election and term of office.** — In each county there shall be elected biennially by the qualified voters thereof, as prescribed by Chapter 163, a register of deeds."

**Sec. 10.** G.S. 162-1 is rewritten to read:

"§ 162-1. **Election and term of office.** — In each county a sheriff shall be elected by the qualified voters thereof, as prescribed by Chapter 163, and shall hold his office for four years."

**Sec. 11.** G.S. 163-1 is amended in the table by rewriting the "DATE OF ELECTION" entries for State Senator and Member of the State House of Representatives to read: "Tuesday next after the first Monday in November 1982 and every four years thereafter".

**Sec. 12.** G.S. 163-1 is further amended in the table by rewriting the "TERM OF OFFICE" entries for State Senator and Member of the State House of Representatives to read: "Four years".

**Sec. 13.** G.S. 163-1 is further amended in the table by rewriting the "DATE OF ELECTION" entries for justices and judges of the Appellate Division, judges of the superior courts, judges of the district courts, district attorney, county commissioners, clerk of superior court, register of deeds, sheriff, and coroner, to read: "At the next regular statewide election, whether for Governor and other statewide offices or for members of the General Assembly, immediately preceding the termination of each regular term".

**Sec. 14.** G.S. 163-8 is amended by rewriting the last sentence of the first paragraph to read:

"Each such vacancy shall be filled by election at the first statewide general election that occurs more than 30 days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired four-year term: Provided, that when a vacancy occurs in any of the offices named in this section and the term expires on the first day of January succeeding the next statewide general election, the Governor shall appoint to fill the vacancy for the unexpired term of the office."

**Sec. 15.** G.S. 163-9 is amended by rewriting the second sentence of the first paragraph to read:

"An appointee shall hold his place until the next statewide general election that is held more than 30 days after the vacancy occurs, at which time an election shall be held to fill the unexpired term of the office: Provided, that when the unexpired term of the office in which the vacancy has occurred expires on the first day of January succeeding the next statewide general election, the Governor shall appoint to fill that vacancy for the unexpired term of the office."

**Sec. 16.** G.S. 163-10 is amended by rewriting the second sentence to read:

"An appointee shall hold his place until the next statewide general election that is held more than 30 days after the vacancy occurs, at which time an election shall be held to fill the unexpired term of the office: Provided, that when the unexpired term of the office in which the vacancy has occurred expires on the first day of January succeeding the next statewide general election, the Governor shall appoint to fill the vacancy for the unexpired term of the office."

**Sec. 17.** G.S. 163-11 is amended by adding the following new paragraph to the end of that section:

"The person appointed by the Governor shall hold that office until the next statewide general election that is held more than 30 days after the vacancy occurs, at which time an election shall be held to fill the unexpired term of the office. If, however, the next statewide general election is a regular election for members of the General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the office."

**Sec. 18.** G.S. 163-12 is amended by rewriting the second sentence to read:

"The Governor shall issue his writ for the election of a Senator to be held at the time of the first statewide general election that is held more than 30 days after the vacancy occurs."

**Sec. 19.** Each statute and each local act which states that a vacancy in an elected office shall be filled until the next election for members of the General Assembly, or similarly relies on the date of General Assembly elections as determining when an event is to take place or the duration of an appointment, shall be considered instead to use the date of the next statewide general election as the determining date for whatever purpose the date of the General Assembly election is now used.

**Sec. 20.** Sections 6 through 19 of this act shall take effect only upon approval of the voters of the constitutional amendments set forth in Sections 1 through 3. If the constitutional amendments proposed in those sections are approved by the voters, sections 6 through 19 of this act shall become effective at the same time as the constitutional amendments.

**Sec. 21.** This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 5th day of June, 1981.