

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 74
PROPOSED COMMITTEE SUBSTITUTE H74-PCS10585-STy-68

Short Title: Constitutional Amendment/COS Vacancies.

(Public)

Sponsors:

Referred to:

February 9, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO MODIFY THE
3 PROCESS FOR FILLING A VACANCY IN THE OFFICE OF SECRETARY OF STATE,
4 AUDITOR, TREASURER, SUPERINTENDENT OF PUBLIC INSTRUCTION,
5 ATTORNEY GENERAL, COMMISSIONER OF AGRICULTURE, COMMISSIONER OF
6 LABOR, AND COMMISSIONER OF INSURANCE.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** Section 7(3) of Article III of the North Carolina Constitution reads as
9 rewritten:

10 "(3) Vacancies. If the office of any of these officers is vacated by death, resignation, or
11 otherwise, it shall be the duty of the Governor to appoint another to serve until ~~his~~^a successor is
12 elected and qualified. Every such vacancy shall be filled by election at the first election for
13 members of the General Assembly that occurs more than 60 days after the vacancy has taken
14 place, and the person chosen shall hold the office for the remainder of the unexpired term fixed
15 in this Section. When a vacancy occurs in the office of any of the officers named in this Section
16 and the term expires on the first day of January succeeding the next election for members of the
17 General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the
18 office. If the officer was elected as the nominee of a political party, the Governor shall appoint
19 from a list of three qualified persons recommended by the political party with which the vacating
20 officer was affiliated at the time of election, if that political party makes a recommendation within
21 30 days of the occurrence of the vacancy."

22 **SECTION 2.** The amendment set out in Section 1 of this act shall be submitted to
23 the qualified voters of the State at the statewide general election to be held on November 5, 2024,
24 which election shall be conducted under the laws then governing elections in the State. The
25 election shall be conducted in accordance with Chapter 163 of the General Statutes. The question
26 to be used in the voting systems and ballots shall be:

27 "[] FOR [] AGAINST

28 Constitutional amendment to require the Governor to fill a vacancy in the office of
29 Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General,
30 Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance by
31 selecting from a list of nominees submitted by the political party with which the vacating officer
32 was affiliated when elected, if applicable and submitted."

33 **SECTION 3.** The State Board of Elections shall certify the results of the referendum
34 conducted under Section 2 of this act. If a majority of votes cast on the question are in favor of
35 the amendment set out in Section 1 of this act, the Secretary of State shall enroll the amendment



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1 among the permanent records of that office. If a majority of votes cast on the question are against
2 the amendment set out in Section 1 of this act, the amendment shall have no effect.

3 **SECTION 4.** If the certification from the State Board of Elections under Section 3
4 of this act reflects that a majority of votes cast on the question are in favor of the amendment set
5 out in Section 1 of this act, the amendment set out in Section 1 of this act is effective upon
6 certification.

7 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
8 law.