

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023**

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**HOUSE BILL 74
Committee Substitute Favorable 6/26/24**

Short Title: Constitutional Amendment/COS Vacancies.

(Public)

Sponsors:

Referred to:

February 9, 2023

A BILL TO BE ENTITLED

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO MODIFY THE PROCESS FOR FILLING A VACANCY IN THE OFFICE OF SECRETARY OF STATE, AUDITOR, TREASURER, SUPERINTENDENT OF PUBLIC INSTRUCTION, ATTORNEY GENERAL, COMMISSIONER OF AGRICULTURE, COMMISSIONER OF LABOR, AND COMMISSIONER OF INSURANCE.

The General Assembly of North Carolina enacts:

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

"(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~~ a successor is elected and qualified. Every such vacancy shall be filled by election at the first election for members of the General Assembly that occurs more than 60 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 election for members of the General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the office. If the officer was elected as the nominee of a political party, the Governor shall appoint from a list of three qualified persons recommended by the political party with which the vacating officer was affiliated at the time of election, if that political party makes a recommendation within 30 days of the occurrence of the vacancy."

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

" [] FOR [] AGAINST

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

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



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.