

GENERAL ASSEMBLY OF NORTH CAROLINA

Session 2011

Legislative Fiscal Note

BILL NUMBER: House Bill 1220 (First Edition)

SHORT TITLE: Legislative Term Limits.

SPONSOR(S): Representative Pridgen

FISCAL IMPACT					
	Yes (X)	No ()	No Estimate Available ()		
	<u>FY 2012-13</u>	<u>FY 2013-14</u>	<u>FY 2014-15</u>	<u>FY 2015-16</u>	<u>FY 2016-17</u>
REVENUES					
EXPENDITURES					
State Board of Elections			See Assumptions & Methodology		
Secretary of State		\$600			
POSITIONS (cumulative):					
PRINCIPAL DEPARTMENT(S) & PROGRAM(S) AFFECTED: State Board of Elections, Secretary of State					
EFFECTIVE DATE: See Bill Summary					

BILL SUMMARY:

Subject to approval by the voters at the November 2012 general election, adds a new Section 25 to Article II of the North Carolina Constitution setting term limits for terms of office beginning after January 1, 2015, as follows: (1) no person may be elected to more than three consecutive four-term terms to the House of Representatives (House) and (2) no person may be elected to more than three consecutive four-year terms to the Senate. Also provides that if a person fills a vacancy and takes office during the first calendar year of the term, the filling of that vacancy is considered as election to a term for the purpose of the term limits proposed in new Section 25. Prohibits a person disqualified under proposed Section 25 from election to the next succeeding term from filling a vacancy in the succeeding term.

Amends Section 2 in Article II of the NC Constitution to provide that the Senators will be chosen every four years (rather than every two years), as follows: (1) the members in even-numbered districts will be elected to four-year terms, beginning in 2014; (2) the members in odd-numbered districts will be elected to two-year terms in 2014 and to four-year terms beginning in 2016. Makes corresponding changes to Section 4 (House of Representatives).

Amends Section 14(1) in Article II of the NC Constitution to limit the service of a member as President Pro Tempore to the earlier of (1) the end of that Senator's term of office, or (2) the qualification of a new Lieutenant Governor.

Makes the constitutional amendments effective January 1, 2013, and provides that the changes do not affect the terms of members elected in 2012.

(Source: *Bill Digest*)

ASSUMPTIONS AND METHODOLOGY:

Secretary of State

G.S. 147-54.10 requires the Constitutional Amendments Publications Commission, of which the Secretary of State is the Chair, to prepare an explanation of any proposed amendment, revision, or new Constitution. The Commission must send a copy of the summary along with a news release to each county board of elections and make a copy available to any registered voter or representative of the media. A proposed constitutional amendment that impacts voting rights or the voting process must be precleared by the U.S. Department of Justice and requires additional mailings by the Secretary of State.

The Department of the Secretary of State (SOS) estimates a cost of \$600 in FY 2012-13 for postage and supplies to mail notifications and news releases to the media and county boards of elections explaining the proposed amendment.

State Board of Elections

Under G.S. 163-33(8), the State Board of Elections is required to reimburse the county boards of elections for their reasonable additional costs in placing required notices, advertisements, and publications for amendments to the State Constitution. County boards of elections must give notice at least 20 days before the date on which the registration books or records are closed that there will be a general election. The notice must include the following information for that election:

- Date
- Hours the voting places will be open for voting
- A description of the nature and type of election
- The issues, if any, to be submitted to the voters

According to the State Board of Elections, county boards of elections would only incur additional advertising expense if the General Assembly enacts the legislation placing the item on the ballot after the county board of elections would ordinarily provide the required notice. Given that the proposed constitutional amendment would not be placed on the ballot until November 2012, action on this legislation and the required preclearance by the U.S. Department of Justice is likely to occur before the county boards of elections would ordinarily provide the required notices for the November 2012 general election.

In 2011, the State Board of Elections estimated that reimbursing counties for the cost to run a public notice three times in a newspaper for all one hundred counties could be up to \$450,000, if the counties are notified of the constitutional amendment after they would ordinarily provide the required notice and subsequently requested reimbursement. However, the State Board of Elections

reports that no counties have requested reimbursement for reasonable additional costs for placing required notices for the constitutional amendments that were placed on the ballot for the November 2010 general election and the May 2012 primary election. Thus the Board does not anticipate county requests for reimbursement due to the proposed legislation.

Local Impact

Candidate filing fees for state legislative offices are paid to county boards of election. This proposed legislation would change the payment of fees – and the associated county expenses – from once every two years to once every four years. This change does not impact State revenue and therefore is not reflected in the summary on the front page of this note.

SOURCES OF DATA: State Board of Elections, Secretary of State

TECHNICAL CONSIDERATIONS: None

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