

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 459
HOUSE BILL 29

1 AN ACT TO AMEND SECTION 5 OF ARTICLE II OF THE CONSTITUTION OF NORTH
2 CAROLINA FOR THE PURPOSE OF PROVIDING AN AUTOMATIC
3 REAPPORTIONMENT OF THE MEMBERS OF THE HOUSE OF REPRESENTATIVES
4 OF THE GENERAL ASSEMBLY OF NORTH CAROLINA.

5
6 The General Assembly of North Carolina do enact:

7
8 **Section 1.** The Constitution of the State of North Carolina is amended by striking
9 out Section 5 of Article II of said Constitution and by rewriting and inserting in lieu thereof the
10 following:

11 "Sec. 5. Regulations in relation to apportionment of Representatives. The House of
12 Representatives shall be composed of 120 Representatives, biennially chosen by ballot, to be
13 elected by the counties respectively, according to their population, and each county shall have
14 at least one Representative in the House of Representatives, although it may not contain the
15 requisite ratio of representation. This apportionment shall be made by the Speaker of the House
16 of Representatives at the first regular Session of the General Assembly convening after the
17 return of every enumeration by order of Congress. The formula set out in Section 6 of this
18 Article shall be applied by the Speaker and the new apportionment entered on the Journal of the
19 House of Representatives on or before the 60th calendar day of the Session. When so entered,
20 the new apportionment shall have the same force and effect as an Act of the General Assembly,
21 and shall become effective at the next election for members of the General Assembly."

22 **Sec. 2.** Section 1 of this Act shall be submitted at the next general election to the
23 qualified voters of the State in the same way and manner and under the same rules and
24 regulations governing general elections in this State.

25 **Sec. 3.** In such election the electors favoring the amendment in Section 1 of this Act
26 shall vote ballots on which shall be printed or written the words:

27 "For amendment providing for automatic and mandatory reapportionment of the members
28 of the House of Representatives of the General Assembly after the return of every enumeration
29 by order of Congress", and those opposed shall vote ballots on which shall be written or printed
30 the words "Against amendment providing for automatic and mandatory reapportionment of the
31 members of the House of Representatives of the General Assembly after the return of every
32 enumeration by order of Congress."

33 **Sec. 4.** The election upon this amendment shall be conducted in the same manner
34 and under the same rules and regulations as provided by the laws governing general elections,
35 and if a majority of the votes cast be in favor of this amendment it shall be the duty of the
36 Governor of the State to certify the amendment under the Seal of the State to the Secretary of
37 State, who shall enroll said amendment so certified among the permanent records of his office,
38 and the amendment so certified shall be in full force and every part thereof, from and after the
39 date of such certification.

40 **Sec. 5.** All laws and clauses of laws in conflict with the provisions of this Act are
41 hereby repealed.

42 **Sec. 6.** This Act shall be in full force and effect from and after its ratification.

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In the General Assembly read three times and ratified, this the 19th day of May,

2 1961.