

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 59

Short Title: Succession.

(Public)

Sponsors: Representatives Brawley; Buchanan.

Referred to: Judiciary.

January 23, 1989

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR MAY NOT SUCCEED THEMSELVES, AND PROVIDE FOR A LIMIT OF TWO SUCCESSIVE TWO-YEAR TERMS OF THE SPEAKER.

The General Assembly of North Carolina enacts:

Section 1. Section 2(2) of Article III of the Constitution of North Carolina reads as rewritten:

"(2) Qualifications. No person shall be eligible for election to the office of Governor or Lieutenant Governor unless, at the time of his election, he shall have attained the age of 30 years and shall have been a citizen of the United States for five years and a resident of this State for two years immediately preceding his election. No person elected to the office of Governor or Lieutenant Governor shall be eligible for election to ~~more than two consecutive terms of the same office.~~ the next succeeding term of the same office, except that a person elected to the office of Lieutenant Governor in 1988 shall be eligible for election to the same office in 1992."

Sec. 2. Section 15 of Article II of the Constitution of North Carolina reads as rewritten:

"Sec. 15. Officers of the House of Representatives. The House of Representatives shall elect its Speaker and other officers. No person elected to the office of Speaker shall be eligible for election to more than two consecutive terms of that office, providing that in calculating the limitations, elections prior to 1989 shall not be considered."

1           Sec. 3. The amendments set forth in Sections 1 and 2 of this act shall be  
2 submitted to the qualified voters of the State at the statewide general election to be held  
3 in November of 1990, which shall be conducted under the laws then governing elections  
4 in the State.

5           Sec. 4. At that election, each qualified voter desiring to vote shall be  
6 provided a ballot on which shall be printed the following:

7           "[] FOR constitutional amendments prohibiting future Governors and  
8 Lieutenant Governors from succeeding themselves, (except that the  
9 present Lieutenant Governor may be re-elected in the 1992 General  
10 Election) and providing that the Speaker of the House may not be  
11 elected to more than two consecutive terms.

12          [] AGAINST constitutional amendments prohibiting future Governors  
13 and Lieutenant Governors from succeeding themselves, (except that  
14 the present Lieutenant Governor may be re-elected in the 1992 General  
15 Election) and providing that the Speaker of the House may not be  
16 elected to more than two consecutive terms."

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

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

24           Sec. 4.1. If a majority of votes cast thereon are in favor of the constitutional  
25 amendments set out in Sections 1 and 2 of this act, then the State Board of Elections  
26 shall certify those amendments to the Secretary of State who shall enroll that  
27 amendment so certified among the permanent records of his office. The constitutional  
28 amendments shall be effective upon certification.

29           Sec. 5. G.S. 143-13 reads as rewritten:

30 **"§ 143-13. Printing copies of budget report and bills and rules for the introduction**  
31 **of the same.**

32           The Director shall cause to be printed one thousand copies each of the budget report,  
33 the Current Operations Appropriations Bill, Capital Improvement Appropriations Bill,  
34 and the Budget Revenue Bill. The Governor shall present copies thereof to the General  
35 Assembly, together with the biennial message, except incoming Governors may, at the  
36 first session of the General Assembly in their respective terms, submit the same after the  
37 biennial message has been presented to the General Assembly. The Current Operations  
38 Appropriations Bill and the Capital Improvement Appropriations Bill shall be  
39 introduced by the chairman of the committee on appropriations in each house of the  
40 General Assembly, and the Budget Revenue Bill shall be introduced by the chairmen of  
41 the finance committees in each branch of the General Assembly: Provided, that for the  
42 years in which the Governor is elected, ~~other than when a Governor is elected for a second~~  
43 ~~successive term~~—the Director shall deliver the budget report and the Current Operations  
44 Appropriations Bill and the Capital Improvement Appropriations Bill and the Budget

1 Revenue Bill to the Governor-elect, on or before the fifteenth day of December, and the  
2 said budget report, Appropriations, and Revenue Bills, shall be presented by the  
3 Governor to the General Assembly with such recommendations in the way of  
4 amendments, or other modifications, together with such criticism as he may determine.  
5 The provisions herein contained as to the introduction of the bills mentioned in this  
6 section shall be considered and treated as a rule of procedure in the Senate and House of  
7 Representatives until otherwise expressly provided for by a rule in either, or both, of  
8 said branches of the General Assembly."

9           Sec. 6. Section 5 of this act shall become effective only if the constitutional  
10 amendments proposed by Sections 1 and 2 of this act are approved as provided by  
11 Sections 3 through 4.1 of this act, and if so approved, Section 5 shall become effective  
12 January 1, 1992.

13           Sec. 7. This act is effective upon ratification.