

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 79
Feb 6, 2013
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH30031-LBx-41 (01/14)

Short Title: Annexation Amendment.

(Public)

Sponsors: Representatives Pittman and Hardister (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO RESTRICT
3 ANNEXATION BY MUNICIPALITIES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Section 1 of Article VII of the Constitution of North Carolina reads
6 as rewritten:

7 "Section 1. General Assembly to provide for local government.

8 The General Assembly shall provide for the organization and government and the fixing of
9 boundaries of counties, cities and towns, and other governmental subdivisions, and, except as
10 otherwise prohibited by this Constitution, may give such powers and duties to counties, cities
11 and towns, and other governmental subdivisions as it may deem advisable.

12 The General Assembly may not authorize any annexation initiated by a city, town, or other
13 government subdivision unless the eligible voters living within the proposed area of
14 annexation, and they alone, are allowed to vote, and the proposed annexation is approved by
15 two-thirds of those voting. Such election shall be placed on the ballot in accordance with law
16 within the proposed area of annexation for the general election next occurring after the
17 municipality proposes the annexation. This paragraph does not prohibit property owners from
18 requesting annexation if they so desire. No city, town, or other governmental subdivision may
19 exercise any jurisdiction beyond the corporate limits.

20 The General Assembly shall not incorporate as a city or town, nor shall it authorize to be
21 incorporated as a city or town, any territory lying within one mile of the corporate limits of any
22 other city or town having a population of 5,000 or more according to the most recent decennial
23 census of population taken by order of Congress, or lying within three miles of the corporate
24 limits of any other city or town having a population of 10,000 or more according to the most
25 recent decennial census of population taken by order of Congress, or lying within four miles of
26 the corporate limits of any other city or town having a population of 25,000 or more according
27 to the most recent decennial census of population taken by order of Congress, or lying within
28 five miles of the corporate limits of any other city or town having a population of 50,000 or
29 more according to the most recent decennial census of population taken by order of Congress.
30 Notwithstanding the foregoing limitations, the General Assembly may incorporate a city or
31 town by an act adopted by vote of three-fifths of all the members of each house."

32 SECTION 2. The amendment set out in Section 1 of this act shall be submitted to
33 the qualified voters of the State at the statewide general election on November 4, 2014, which
34 election shall be conducted under the laws then governing elections in the State. Ballots, voting



1 systems, or both may be used in accordance with Chapter 163 of the General Statutes. The
2 question to be used in the voting systems and ballots shall be:

3 " FOR AGAINST

4 Constitutional amendment requiring municipal annexations not requested by the
5 property owners to be approved by a two-thirds vote of the voters in the area to be annexed,
6 and prohibiting municipalities from exercising jurisdiction outside their borders."

7 **SECTION 3.** If a majority of the votes cast on the question are in favor of the
8 amendment set out in Section 1 of this act, the State Board of Elections shall certify the
9 amendment to the Secretary of State. The amendment becomes effective January 1, 2015. The
10 Secretary of State shall enroll the amendment so certified among the permanent records of that
11 office.

12 **SECTION 4.** This act is effective when it becomes law.