

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

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HOUSE BILL 564

Short Title: Executive Order/Limitations. (Public)

Sponsors: Representatives Kidwell, Hanig, Brody, and McNeely (Primary Sponsors).  
*For a complete list of sponsors, refer to the North Carolina General Assembly web site.*

Referred to: Judiciary 1, if favorable, State Government, if favorable, Rules, Calendar, and Operations of the House

April 15, 2021

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO LIMIT THE LENGTH OF TIME GUBERNATORIAL EXECUTIVE ORDERS ARE IN EFFECT TO A MAXIMUM OF SIXTY DAYS WITH THE CONCURRENCE OF A MAJORITY OF THE COUNCIL OF STATE.

The General Assembly of North Carolina enacts:

**SECTION 1.** Section 5 of Article III of the North Carolina Constitution reads as rewritten:

**"Sec. 5. Duties of Governor.**

...

(12) Executive orders. The Governor may issue executive orders, as prescribed by law, for a maximum length of 30 days from the date of issuance if the executive order declares a statewide state of emergency or directs the spending of State funds without the expressed authorization by the General Assembly. After such time, any gubernatorial executive order shall expire, unless such executive order is approved and extended for an additional 30 days, for a maximum of 60 days, by a concurrence of a majority of the Council of State by recorded vote. The Governor may convene the General Assembly in extra session by his proclamation to extend such executive order past 60 days from the date of issuance."

**SECTION 2.(a)** The amendment set out in this section shall be submitted to the qualified voters of the State at a statewide election to be held on the same date as the general election in November of 2022, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used 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 providing that executive orders issued by the Governor shall expire after 30 days, unless approved by a majority of the Council of State, in which the executive order may be extended for an additional 30 days, and the Governor may convene the General Assembly in extra session if necessary to extend the executive order past 60 days from date of issuance."

**SECTION 2.(b)** If a majority of votes cast on the question are in favor of the amendment set out in this act, the State Board of Elections shall certify the amendment to the Secretary of State, and the amendment becomes effective January 1, 2023. The Secretary of State shall enroll the amendment so certified among the permanent records of that office.



1                   **SECTION 3.** Section 1 of this act becomes effective only upon the certification and  
2 enrollment of the amendment upon a majority of votes cast in favor of the amendment set out in  
3 Section 1 of this act.

4                   **SECTION 4.** Except as otherwise provided, this act is effective when it becomes  
5 law.