

NORTH CAROLINA GENERAL ASSEMBLY  
1977 SESSION

CHAPTER 80  
HOUSE BILL 90

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PERMIT A  
SURVIVING SPOUSE OF EITHER SEX TO RECEIVE THE BENEFIT OF THE  
HOMESTEAD EXEMPTION.

The General Assembly of North Carolina enacts:

**Section 1.** Article X, Section 2(3) of the Constitution of North Carolina is rewritten to read as follows:

"Sec. 2(3). Exemption for benefit of surviving spouse. If the owner of a homestead dies, leaving a surviving spouse but no minor children, the homestead shall be exempt from the debts of the owner, and the rents and profits thereof shall inure to the benefit of the surviving spouse until he or she remarries, unless the surviving spouse is the owner of a separate homestead."

**Sec. 2.** Article X, Section 2(4) of the Constitution of North Carolina is rewritten to read as follows:

"Sec. 2(4). Conveyance of homestead. Nothing contained in this Article shall operate to prevent the owner of a homestead from disposing of it by deed, but no deed made by a married owner of a homestead shall be valid without the signature and acknowledgement of his or her spouse."

**Sec. 3.** The amendment set out in Sections 1 and 2 of this act shall be submitted to the qualified voters of the State at the next general election or at the next statewide election, whichever is earlier. That election shall be conducted under the laws then governing elections in this State.

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

- "[ ] FOR constitutional amendment extending to a married man (as a married woman now has) the right to receive the homestead exemption, so that the homestead exemption is available to the surviving spouse of the owner of a homestead, if the owner dies leaving no minor children and the surviving spouse does not own a separate homestead.
- [ ] AGAINST constitutional amendment extending to a married man (as a married woman now has) the right to receive the homestead exemption, so that the homestead exemption is available to the surviving spouse of the owner of a homestead, if the owner dies leaving no minor children and the surviving spouse does not own a separate homestead."

Those qualified voters favoring the amendment set out in Sections 1 and 2 of this act shall vote by making an X or a check mark in the square beside the statement beginning "FOR", and those qualified voters opposing the amendment shall vote by making an X or a check mark in the square beside the statement beginning "AGAINST".

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

**Sec. 5.** If a majority of votes cast thereon are in favor of the amendment, the State Board of Elections shall certify the amendment to the Secretary of State, who shall enroll the

amendment so certified among the permanent records of his office, and the amendment shall become effective upon such certification.

**Sec. 6.** This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 14th day of March, 1977.