

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 427

Short Title: Lt. Gov. Ex Officio Secretary of State. (Public)

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Sponsors: Senators Rand; Albertson, Cowell, Hoyle, Soles, and Weinstein.

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Referred to: Ways and Means.

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March 9, 2005

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO MAKE THE  
2 LIEUTENANT GOVERNOR EX OFFICIO SECRETARY OF STATE.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** Section 7(1) of Article III of the North Carolina Constitution  
5 reads as rewritten:

6 "(1) **Officers.** ~~A Secretary of State, an~~ An Auditor, a Treasurer, a Superintendent  
7 of Public Instruction, an Attorney General, a Commissioner of Agriculture, a  
8 Commissioner of Labor, and a Commissioner of Insurance shall be elected by the  
9 qualified voters of the State in 1972 and every four years thereafter, at the same time  
10 and places as members of the General Assembly are elected. Their term of office shall  
11 be four years and shall commence on the first day of January next after their election  
12 and continue until their successors are elected and qualified."

13 **SECTION 2.** Section 6 of Article III of the North Carolina Constitution  
14 reads as rewritten:

15 **"Sec. 6. Duties of the Lieutenant Governor.**

16 The Lieutenant Governor ~~shall be President of the Senate, but shall have no vote~~  
17 ~~unless may vote in the Senate if it is equally divided.~~ The Lieutenant Governor shall be  
18 ex officio Secretary of State. He shall perform such additional duties as the General  
19 Assembly or the Governor may assign to him. He shall receive the compensation and  
20 allowances prescribed by law."

21 **SECTION 3.** Section 13 of Article II of the North Carolina Constitution  
22 reads as rewritten:

23 **"Sec. 13. Lieutenant Governor. President of the Senate.**

24 The Lieutenant Governor ~~shall be President of the Senate and shall preside over the~~  
25 ~~Senate, but shall have no vote unless may vote in the Senate if it is equally divided."~~

26 **Sec. 14. ~~Other officers~~ Officers of the Senate.**

27 (1) ~~President Pro Tempore—succession to presidency. President.~~ The Senate  
28 shall elect from its membership a ~~President Pro Tempore, President to serve until the~~  
29

1 ~~expiration of the term as Senator and who shall become President of the Senate upon the~~  
2 ~~failure of the Lieutenant Governor elect to qualify, or upon succession by the~~  
3 ~~Lieutenant Governor to the office of Governor, or upon the death, resignation, or~~  
4 ~~removal from office of the President of the Senate, and who shall serve until the~~  
5 ~~expiration of his term of office as Senator.~~who shall preside over the Senate.

6 ~~(2) President Pro Tempore — temporary succession. During the physical or~~  
7 ~~mental incapacity of the President of the Senate to perform the duties of his office, or~~  
8 ~~during the absence of the President of the Senate, the President Pro Tempore shall~~  
9 ~~preside over the Senate.~~

10 (2) President Pro Tempore – succession to presidency. The Senate shall elect  
11 from its membership a President Pro Tempore to serve until the expiration of the term  
12 as Senator, who shall become President of the Senate upon the death, resignation, or  
13 removal from office of the President of the Senate, or upon succession of the President  
14 to the office of Governor.

15 (3) President Pro Tempore – temporary succession. During the physical or  
16 mental incapacity of the President of the Senate to perform the duties of his office, or  
17 during the absence of the President of the Senate, the President Pro Tempore shall  
18 preside over the Senate.

19 ~~(3)~~ (4) Other officers. The Senate shall elect its other officers.

20 **SECTION 4.** The amendments set out in this act shall be submitted to the  
21 qualified voters of the State at a statewide election to be held on the Tuesday after the  
22 first Monday in November of 2006, which election shall be conducted under the laws  
23 then governing elections in the State. Ballots, voting systems, or both may be used in  
24 accordance with Chapter 163 of the General Statutes. The question to be used in the  
25 voting systems and ballots shall be:

26 "[ ] FOR [ ] AGAINST

27 Constitutional amendments to provide that the Lieutenant Governor is ex  
28 officio Secretary of State."

29 **SECTION 5.** If a majority of the votes cast on the question are in favor of  
30 the amendments set out in this act, the State Board of Elections shall certify the  
31 amendments to the Secretary of State. The Secretary of State shall enroll the  
32 amendments so certified among the permanent records of that office. If approved, the  
33 amendments set out in this act become effective January 1, 2009, and apply to the 2008  
34 election cycle.

35 **SECTION 6.** This act is effective when it becomes law.