

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

H.B. 1033  
Apr 28, 2020  
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10734-MMY-115A

Short Title: Extra Session/Statewide State of Emergency. (Public)

Sponsors: Representative Kidwell.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO REQUIRE THE  
3 GENERAL ASSEMBLY TO CONVENE AN EXTRA SESSION UPON A  
4 DECLARATION OF A STATEWIDE STATE OF EMERGENCY BY THE GOVERNOR.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) Section 11 of Article II of the Constitution of North Carolina reads  
7 as rewritten:

8 "Sec. 11. Sessions.

9 (1) Regular Sessions. The General Assembly shall meet in regular session in 1973 and  
10 every two years thereafter on the day prescribed by law. Neither house shall proceed upon public  
11 business unless a majority of all of its members are actually present.

12 (2) Extra sessions on legislative call. The President of the Senate and the Speaker of the  
13 House of Representatives shall convene the General Assembly in extra session by their joint  
14 proclamation as follows:

15 (a) ~~upon~~ Upon receipt by the President of the Senate of written requests therefor  
16 signed by three-fifths of all the members of the Senate and upon receipt by the  
17 Speaker of the House of Representatives of written requests therefor signed  
18 by three-fifths of all the members of the House of Representatives.

19 (b) Upon a declaration of a statewide state of emergency by the Governor  
20 applicable to all counties in this State if, as of the date of the declaration, the  
21 General Assembly has adjourned for more than 15 days jointly as provided  
22 under Section 20 of Article II of this Constitution and the General Assembly  
23 is not scheduled to reconvene in regular session within 15 days of the date of  
24 the declaration."

25 SECTION 1.(b) The amendment set out in this section shall be submitted to the  
26 qualified voters of the State at a statewide election to be held on the same date as the general  
27 election in November of 2020, which election shall be conducted under the laws then governing  
28 elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter  
29 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

30 "[ ] FOR [ ] AGAINST

31 Constitutional amendment providing that the General Assembly shall convene in  
32 extra session upon the declaration of a statewide state of emergency by the Governor."

33 SECTION 1.(c) If a majority of votes cast on the question are in favor of the  
34 amendment set out in this act, the State Board of Elections shall certify the amendment to the  
35 Secretary of State, and the amendment becomes effective January 1, 2021. The Secretary of State  
36 shall enroll the amendment so certified among the permanent records of that office.



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1                   **SECTION 2.** 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 3.** Except as otherwise provided, this act is effective when it becomes  
5 law.