

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 992  
SENATE BILL 458

1 AN ACT TO IMPLEMENT ARTICLE III, SECTION 12, OF THE CONSTITUTION OF  
2 NORTH CAROLINA, AS AMENDED.

3  
4 The General Assembly of North Carolina do enact:

5  
6 **Section 1.** Chapter 147 of the General Statutes is amended by inserting therein a  
7 new Section, which shall be designated § 147-11.1, and shall read as follows:

8 **"§ 147-11.1. Succession to office of Governor.** (a)(1) The Lieutenant-Governor-elect shall  
9 become Governor upon the failure of the Governor-elect to qualify. The Lieutenant-Governor  
10 shall become Governor upon the death, resignation, or removal from office of the Governor.  
11 The further order of succession to the office of Governor shall be prescribed by law.

12 A successor shall serve for the remainder of the term of the Governor whom he succeeds  
13 and until a new Governor is elected and qualified.

14 "(2) During the absence of the Governor from the State, or during the physical or  
15 mental incapacity of the Governor to perform the duties of his office, the  
16 Lieutenant-Governor shall be Acting Governor. The further order of  
17 succession as Acting Governor shall be prescribed by law.

18 "(b) (1) If, by reason of failure to qualify, death, resignation, or removal from office,  
19 there is neither a Governor nor a Lieutenant-Governor to discharge the  
20 powers and duties of the office of Governor, then the President of the Senate  
21 shall, upon his resignation as President of the Senate and as Senator, become  
22 Governor.

23 "(2) If, at the time when under paragraph (1) of this subsection the President of  
24 the Senate is to become Governor, there is no President of the Senate, or the  
25 President of the Senate fails to qualify as Governor, then the Speaker of the  
26 House of Representatives shall, upon his resignation as Speaker and as  
27 Representative, become Governor.

28 "(3) If, at the time when under paragraph (2) of this subsection the Speaker of the  
29 House of Representatives is to become Governor, there is no Speaker of the  
30 House of Representatives, or the Speaker of the House of Representatives  
31 fails to qualify as Governor, then that officer of the State of North Carolina  
32 who is highest on the following list, and who is not under disability to serve  
33 as Governor, shall, upon his resignation of the office which places him in the  
34 order of succession, become Governor: Secretary of State, Auditor,  
35 Treasurer, Superintendent of Public Instruction, Attorney General,  
36 Commissioner of Agriculture, Commissioner of Labor, and Commissioner  
37 of Insurance.

38 "(c) (1) If, by reason of absence from the State or physical or mental incapacity,  
39 there is neither a Governor nor a Lieutenant-Governor qualified to discharge  
40 the powers and duties of the office of Governor, then the President of the  
41 Senate shall become Acting Governor.

42 "(2) If, at the time when under paragraph (1) of this subsection the President of  
43 the Senate is to become Acting Governor, there is no President of the Senate,

1 or the President of the Senate fails to qualify as Acting Governor, then the  
2 Speaker of the House of Representatives shall become Acting Governor.

3 "(3) If, at the time when under paragraph (2) of this subsection the Speaker of the  
4 House of Representatives is to become Acting Governor, there is no Speaker of  
5 the House of Representatives, or the Speaker of the House of  
6 Representatives fails to qualify as Acting Governor, then that officer of the  
7 State of North Carolina who is highest on the following list, and who is not  
8 under disability to serve as Acting Governor, shall become Acting Governor:  
9 Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction,  
10 Attorney General, Commissioner of Agriculture, Commissioner of Labor,  
11 and Commissioner of Insurance.

12 "(d) An individual serving as Acting Governor under subsection (c) of this Section shall  
13 continue to act for the remainder of the term of the Governor whom he succeeds and until a  
14 new Governor is elected and qualified, except that:

15 "(1) If his tenure as Acting Governor is founded in whole or in part upon the  
16 absence of both the Governor and Lieutenant-Governor from the State, then  
17 he shall act only until the Governor or Lieutenant-Governor returns to the  
18 State; and

19 "(2) If his tenure as Acting Governor is founded in whole or in part upon the  
20 physical or mental incapacity of the Governor or Lieutenant-Governor, then  
21 he shall act only until the removal of the incapacity of the Governor or  
22 Lieutenant-Governor.

23 "(e) Subsections (b), (c), and (d) of this Section shall apply only to such officers as are  
24 eligible to the office of Governor under the Constitution of North Carolina, and only to officers  
25 who are not under impeachment by the House of Representatives at the time they are to become  
26 Governor or Acting Governor.

27 "(f) During the period that any individual serves as Acting Governor under subsection  
28 (c) of this Section, his compensation shall be at the rate then provided by law in the case of the  
29 Governor."

30 **Sec. 2.** All laws and clauses of laws in conflict with the provisions of this Act are  
31 hereby repealed.

32 **Sec. 3.** This Act shall take effect upon the certification by the Governor to the  
33 Secretary of State that the Constitutional Amendment proposed by Chapter 466 of the Session  
34 Laws of 1961 has been ratified by a majority of the qualified voters of the State who vote  
35 thereon; and in the event that the proposed amendment is not so ratified and certified by the  
36 Governor to the Secretary of State, then this Act shall not take effect.

37 In the General Assembly read three times and ratified, this the 17th day of June,  
38 1961.