



HOUSE BILL 443: Const. Amendment: Council of State Vacancies.

2025-2026 General Assembly

Committee:	House Judiciary 1. If favorable, re-refer to State and Local Government. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 1, 2025
Introduced by:	Reps. K. Hall, Blackwell, Stevens, Huneycutt	Prepared by:	Ike McRee
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: House Bill 443 would submit to the voters of North Carolina, the question of whether to amend the State Constitution to require that a vacancy in the office of Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance be filled by the Governor's appointment from a list of three qualified persons recommended by the political party with which the vacating officer was affiliated at the time of election.

CURRENT LAW: The State Constitution may be amended by either a constitutional convention or by legislative action. An amendment proposed by legislative action must be approved by a vote of three-fifths of each house and submitted to the voters of the State. If a majority of the voters of the State approve, the amendment becomes effective either the January following the public vote or the date provided in the enactment.

Section 7 of Article III of the North Carolina Constitution provides that if the office of Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance is vacated, the Governor shall appoint another to serve in the office until a successor is elected and qualified.

BILL ANALYSIS: House Bill 443 would submit to the voters of North Carolina, the question of whether to amend the State Constitution to require that a vacancy in the office of Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance be filled by the Governor's appointment from a list of three qualified persons recommended by the political party with which the vacating officer was affiliated at the time of election, if that political party makes a recommendation within 30 days of the vacancy.

The ballot question would be considered at the statewide general election to be held on November 3, 2026, and the ballot question would read:

"Constitutional amendment to require the Governor to fill a vacancy in the office of Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor and Commissioner of Insurance by selecting from a list of nominees submitted by the political party with which the vacating officer was affiliated when elected, if applicable and submitted."

EFFECTIVE DATE: If approved by a majority of the voters in the November 3, 2026 election, the amendment to the North Carolina Constitution will become effective upon certification of the referendum results.

Kara McCraw
Director



Legislative Analysis
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