



The Veto Power in North Carolina

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Jeanette Doran

In 1995, the North Carolina General Assembly passed legislation authorizing the voters to approve amendments to the state Constitution granting the Governor new authority to take action on legislation ([S.L. 1995-5](#), amending Article 2, Section 22 of the Constitution). The voters subsequently approved those amendments and effective on January 1, 1997, North Carolina became the last state in the nation to grant its governor the veto power. The constitutional provisions giving the governor the option to veto most bills are found in Article II (“Legislative”), not Article III (“Executive”) of the North Carolina Constitution.

North Carolina historically opted for a weaker role for its governors, partially as a reaction to the harsh treatment that the state suffered under British royal governors during the colonial era. The governor wasn’t even popularly elected until 1835. Prior to that time, governors were elected by the state legislature.

Although most bills passed by the legislature are subject to the governor’s veto, some bills become law as soon as they are ratified, i.e., passed by both chambers of the General Assembly and signed by the presiding officers. The following types of bills become law after ratification:

- Joint resolutions
- Amendments to the U.S. Constitution: A bill that either (a) approves an amendment to the U.S. Constitution or (b) applies for a convention to propose amendments to the U.S. Constitution, *as long as the bill does not address any other matters.*
- Changes to the North Carolina Constitution: If a bill (a) proposes a new state Constitution, (2) proposes a state constitutional amendment, or (3) calls a convention of the people for the purpose of amending the state Constitution, the bill is not subject to the governor’s veto, *as long as the bill does not address any other matters.*

- Redistricting maps, *as long as the bill does not address any other matters*.
- Appointments: A bill that makes one or more appointments to public office, *as long as the bill does not address any other matters*. The veto was used for the first time in North Carolina history in 2002, when then-Governor Mike Easley vetoed a bill appointing people to various boards and commissions. This bill was subject to veto because it included matters, like board composition and terms, that went beyond appointments themselves. S.B. 1283 (2001-02 Session).
- Local bills: Most local bills (i.e., bills that apply in fewer than 15 counties). However, there are two important exceptions. The governor retains the authority to take action on a local bill if it (1) extends the application of a previous law enacted during the same biennium so that the law applies to more than half of the counties, or (2) enacts a law identical in effect to another law or laws enacted during the same biennium that would result in the law applying in more than half of the counties. Also, that the governor may veto a bill that enacts a general law that is classified by population or other criteria. These approaches are sometimes referred to as “local bills” because they affect only certain areas of the state, but they

technically are not local bills and are therefore subject to the Governor’s authority.

The length of time the governor has to take action depends on whether the legislature is still in session or has adjourned. If the General Assembly is in session, the governor has 10 days to either sign the bill or veto it. This time period is calculated by calendar, not business, days and it begins when the bill is presented to the governor (usually the day after the bill is ratified). If the General Assembly adjourns completely for the term, called “Sine Die,” or for more than 30 days, the governor has more time. If the Governor fails to take action within 30 days after adjournment, the bill becomes law on the thirtieth day.

If the Governor vetoes a bill, the bill must be returned to the chamber of the General Assembly where the bill was first introduced. The Governor must include a veto message that explains the reason for the veto. The veto may be overridden if three-fifths of the members present and voting in both chambers vote to approve of the bill. The majority required to override applies to those who are *present and voting, not to the total number of legislators in each chamber*. If three-fifths of each chamber votes to override the veto, the bill becomes law.

If the governor does not sign a bill or veto it, within the time specified by the Constitution, the bill becomes law. In some states, if a governor does not act on a bill, within a certain time, the bill is effectively vetoed, referred to as a “pocket veto.” But North Carolina does not give the governor the option of a pocket veto.

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- To promote liberty by encouraging a limited and transparent government and promoting free enterprise.

About the Author

Jeanette Doran is President and General Counsel of the North Carolina Institute for Constitutional Law (ncicl.org). She can be reached at jeanette.doran@ncicl.org



PO Box 30601
Raleigh, NC 27622
984.884.7451
www.ncicl.org

“A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.”

Constitution of 197, art. I, §35
Constitution of 1868, art. I, § 29
Constitution of 1176, Declaration of Rights, § 21