

# NC EXECUTIVE BRANCH



## North Carolina's Executive Branch

The executive power of the state is outlined in Article III of the North Carolina Constitution. The executive branch includes the Governor, the Council of State, the Governor's Cabinet, and more than 400 boards and commissions.

## GOVERNOR

[www.governor.nc.gov](http://www.governor.nc.gov)

The Governor is the state's chief executive officer and is granted all executive power by the NC Constitution.

The Governor is elected to 4-year terms and may not serve more than 2 consecutive terms in office. A qualified candidate must be at least 30 years old; a US citizen for at least 5 years; and a NC resident for at least 2 years immediately prior to the election. The Governor's primary duties include:

- Report to the General Assembly (legislature) on the affairs of the state
- Recommend a budget to the General Assembly and administer a balanced budget
- Ensure that laws are faithfully executed
- Serve as Commander-in-Chief of the state's national guard (except when it is called into action by the US)
- Grant reprieves and pardons
- Nominate and appoint state officers, some with the Senate's consent
- Sign public acts of the General Assembly into law or exercise the veto



## COUNCIL OF STATE

The NC Constitution establishes nine other elected offices within the executive branch. These elected officials act independently of the Governor and are called the Council of State.

Members of the Council of State are elected to 4-year terms. With the exception of the Lieutenant Governor, each member of the Council of State oversees a related state agency and appoints staff within that agency.

<b>Lieutenant Governor</b>	<a href="http://www.ltgov.nc.gov">www.ltgov.nc.gov</a>
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The NC Constitution provides the Lt. Governor with executive and legislative authority. The executive authority includes being first in line to assume the governorship, should that office become vacant, and the legislative authority includes serving as president of the state Senate (only voting to break ties.) The Lt. Governor has the same requirements for office/term limits as the Governor.

<b>Attorney General</b>	<a href="http://www.ncdoj.com">www.ncdoj.com</a>
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Provides legal counsel to state government, protects consumers, and prosecutes criminal cases on appeal from trial courts

<b>Commissioner of Agriculture</b>	<a href="http://www.ncagr.gov">www.ncagr.gov</a>
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Promotes and oversees the safety of agricultural products, livestock, food, drugs, and cosmetics

<b>Commissioner of Insurance</b>	<a href="http://www.ncdoi.com">www.ncdoi.com</a>
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Regulates how insurance companies do business in the state

<b>Commissioner of Labor</b>	<a href="http://www.nclabor.com">www.nclabor.com</a>
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Regulates worker safety and employment

<b>Secretary of State</b>	<a href="http://www.sosnc.com">www.sosnc.com</a>
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Facilitates business activity in the state and manages the state's official records

<b>State Auditor</b>	<a href="http://www.ncauditor.net">www.ncauditor.net</a>
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Reviews (audits) the finances and performance of other state departments

<b>State Treasurer</b>	<a href="http://www.nctreasurer.com">www.nctreasurer.com</a>
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Manages the state's money, including the retirement systems for government employees

<b>Superintendent of Public Instruction</b>	<a href="http://www.ncpublicschools.org">www.ncpublicschools.org</a>
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Oversees the public school system

# NC EXECUTIVE BRANCH



## GOVERNOR'S CABINET

The Cabinet is composed of the heads (or “Secretaries”) of state agencies that carry out certain executive branch functions at the direction of the Governor; these secretaries are appointed by and serve at the pleasure of the Governor (not elected by voters).

### Secretary of Administration

[www.doa.state.nc.us](http://www.doa.state.nc.us)

Oversees administrative functions of state government

### Secretary of Commerce

[www.nccommerce.com](http://www.nccommerce.com)

Leads the state’s business and industry development efforts and provides information and support to employers and employees

### Secretary of Cultural Resources

[www.ncdcr.gov](http://www.ncdcr.gov)

Promotes and preserves the arts, culture, and history

### Secretary of Environmental and Natural Resources

[www.ncdenr.gov](http://www.ncdenr.gov)

Implements environmental protection programs

### Secretary of Health and Human Services

[www.ncdhhs.gov](http://www.ncdhhs.gov)

Oversees public health, state hospitals, and health-related programs

### Secretary of Public Safety

[www.nccrimecontrol.org](http://www.nccrimecontrol.org)

Oversees state law enforcement, emergency management, corrections, and juvenile justice

### Secretary of Revenue

[www.dor.state.nc.us](http://www.dor.state.nc.us)

Collects the state’s revenues and enforces tax laws

### Secretary of Transportation

[www.ncdot.org](http://www.ncdot.org)

Oversees the state’s transportation systems

## Boards and Commissions

More than 400 boards and commissions have been established by the NC Constitution, general statute, or a Governor’s executive order. Some boards and commissions oversee educational institutions (the UNC Board of Governors), while others have regulatory authority (the State Board of Elections). Other boards regulate professions and occupations (NC Board for Licensing of Geologists) or oversee the operations of state agencies (the Board of Transportation). Some special commissions have court-like powers to hear and decide certain cases such as property tax disputes or power companies’ rate changes. Members of boards and commissions are appointed by the Governor, the General Assembly, and other state officers.

*Adapted from NC Civic Education Consortium: Executive Branch and NC government websites. Find more information and educational resources at [www.generationnation.org/learn](http://www.generationnation.org/learn).*

**ARTICLE III  
EXECUTIVE**

**Section 1. Executive power.**

The executive power of the State shall be vested in the Governor.

**Sec. 2. Governor and Lieutenant Governor: election, term, and qualifications.**

(1) Election and term. The Governor and Lieutenant Governor shall be elected by the qualified voters of the State in 1972 and every four years thereafter, at the same time and places as members of the General Assembly are elected. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified.

(2) Qualifications. No person shall be eligible for election to the office of Governor or Lieutenant Governor unless, at the time of his election, he shall have attained the age of 30 years and shall have been a citizen of the United States for five years and a resident of this State for two years immediately preceding his election. No person elected to the office of Governor or Lieutenant Governor shall be eligible for election to more than two consecutive terms of the same office.

**Sec. 3. Succession to office of Governor.**

(1) Succession as Governor. The Lieutenant Governor-elect shall become Governor upon the failure of the Governor-elect to qualify. The Lieutenant Governor shall become Governor upon the death, resignation, or removal from office of the Governor. The further order of succession to the office of Governor shall be prescribed by law. A successor shall serve for the remainder of the term of the Governor whom he succeeds and until a new Governor is elected and qualified.

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

(3) Physical incapacity. The Governor may, by a written statement filed with the Attorney General, declare that he is physically incapable of performing the duties of his office, and may thereafter in the same manner declare that he is physically capable of performing the duties of his office.

(4) Mental incapacity. The mental incapacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of two-thirds of all the members of each house of the General Assembly. Thereafter, the mental capacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of a majority of all the members of each house of the General Assembly. In all cases, the General Assembly shall give the Governor such notice as it may deem proper and shall allow him an opportunity to be heard before a joint session of the General Assembly before it takes final action. When the General Assembly is not in session, the Council of State, a majority of its members concurring, may convene it in extra session for the purpose of proceeding under this paragraph.

(5) Impeachment. Removal of the Governor from office for any other cause shall be by impeachment.

**Sec. 4. Oath of office for Governor.**

The Governor, before entering upon the duties of his office, shall, before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States and of the State of North Carolina, and that he will faithfully perform the duties pertaining to the office of governor.

**Sec. 5. Duties of Governor.**

(1) Residence. The Governor shall reside at the seat of government of this State.

(2) Information to General Assembly. The Governor shall from time to time give the General Assembly information of the affairs of the State and recommend to their consideration such measures as he shall deem expedient.

(3) Budget. The Governor shall prepare and recommend to the General Assembly a comprehensive budget of the anticipated revenue and proposed expenditures of the State for the ensuing fiscal period. The budget as enacted by the General Assembly shall be administered by the Governor.

The total expenditures of the State for the fiscal period covered by the budget shall not exceed the total of receipts during that fiscal period and the surplus remaining in the State Treasury at the beginning of the period. To insure that the State does not incur a deficit for any fiscal period, the Governor shall continually survey the collection of the revenue and shall effect the necessary economies in State expenditures, after first making adequate provision for the prompt payment of the principal of and interest on bonds and notes of the State according to their terms, whenever he determines that receipts during the fiscal period, when added to any surplus remaining in the State Treasury at the beginning of the period, will not be sufficient to meet budgeted expenditures. This section shall not be construed to impair the power of the State to issue its bonds and notes within the limitations imposed in Article V of this Constitution, nor to impair the obligation of bonds and notes of the State now outstanding or issued hereafter.

(4) Execution of laws. The Governor shall take care that the laws be faithfully executed.

(5) Commander in Chief. The Governor shall be Commander in Chief of the military forces of the State except when they shall be called into the service of the United States.

(6) Clemency. The Governor may grant reprieves, commutations, and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to regulations prescribed by law relative to the manner of applying for pardons. The terms reprieves, commutations, and pardons shall not include paroles.

(7) Extra sessions. The Governor may, on extraordinary occasions, by and with the advice of the Council of State, convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

(8) Appointments. The Governor shall nominate and by and with the advice and consent of a majority of the Senators appoint all officers whose appointments are not otherwise provided for.

(9) Information. The Governor may at any time require information in writing from the head of any administrative department or agency upon any subject relating to the duties of his office.

(10) Administrative reorganization. The General Assembly shall prescribe the functions, powers, and duties of the administrative

departments and agencies of the State and may alter them from time to time, but the Governor may make such changes in the allocation of offices and agencies and in the allocation of those functions, powers, and duties as he considers necessary for efficient administration. If those changes affect existing law, they shall be set forth in executive orders, which shall be submitted to the General Assembly not later than the sixtieth calendar day of its session, and shall become effective and shall have the force of law upon adjournment sine die of the session, unless specifically disapproved by resolution of either house of the General Assembly or specifically modified by joint resolution of both houses of the General Assembly.

(11) Reconvened sessions. The Governor shall, when required by Section 22 of Article II of this Constitution, reconvene a session of the General Assembly. At such reconvened session, the General Assembly may only consider such bills as were returned by the Governor to that reconvened session for reconsideration. Such reconvened session shall begin on a date set by the Governor, but no later than 40 days after the General Assembly adjourned:

- (a) For more than 30 days jointly as provided under Section 20 of Article II of this Constitution; or
- (b) Sine die. If the date of reconvening the session occurs after the expiration of the terms of office of the members of the General Assembly, then the members serving for the reconvened session shall be the members for the succeeding term. (1969, c. 932, s. 1; 1977, c. 690, s. 1; 1995, c. 5, s. 2.)

#### **Sec. 6. Duties of the Lieutenant Governor.**

The Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate is equally divided. He shall perform such additional duties as the General Assembly or the Governor may assign to him. He shall receive the compensation and allowances prescribed by law.

#### **Sec. 7. Other elective officers.**

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

(2) Duties. Their respective duties shall be prescribed by law.

(3) Vacancies. If the office of any of these officers is vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve until his successor is elected and qualified. Every such vacancy shall be filled by election at the first election for members of the General Assembly that occurs more than 60 days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in this Section. When a vacancy occurs in the office of any of the officers named in this Section and the term expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the office.

(4) Interim officers. Upon the occurrence of a vacancy in the office of any one of these officers for any of the causes stated in the preceding paragraph, the Governor may appoint an interim officer to perform the duties of that office until a person is appointed or elected pursuant to this Section to fill the vacancy and is qualified.

(5) Acting officers. During the physical or mental incapacity of any one of these officers to perform the duties of his office, as determined pursuant to this Section, the duties of his office shall be performed by an acting officer who shall be appointed by the Governor.

(6) Determination of incapacity. The General Assembly shall by law prescribe with respect to those officers, other than the Governor, whose offices are created by this Article, procedures for determining the physical or mental incapacity of any officer to perform the duties of his office, and for determining whether an officer who has been temporarily incapacitated has sufficiently recovered his physical or mental capacity to perform the duties of his office. Removal of those officers from office for any other cause shall be by impeachment.

(7) Special Qualifications for Attorney General. Only persons duly authorized to practice law in the courts of this State shall be eligible for appointment or election as Attorney General.

#### **Sec. 8. Council of State.**

The Council of State shall consist of the officers whose offices are established by this Article.

#### **Sec. 9. Compensation and allowances.**

The officers whose offices are established by this Article shall at stated periods receive the compensation and allowances prescribed by law, which shall not be diminished during the time for which they have been chosen.

#### **Sec. 10. Seal of State.**

There shall be a seal of the State, which shall be kept by the Governor and used by him as occasion may require, and shall be called "The Great Seal of the State of North Carolina". All grants or commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "The Great Seal of the State of North Carolina", and signed by the Governor.

#### **Sec. 11. Administrative departments.**

Not later than July 1, 1975, all administrative departments, agencies, and offices of the State and their respective functions, powers, and duties shall be allocated by law among and within not more than 25 principal administrative departments so as to group them as far as practicable according to major purposes. Regulatory, quasi-judicial, and temporary agencies may, but need not, be allocated within a principal department.