

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 64
Feb 5, 2025
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH40032-MCy-13

Short Title: Const. Amend. – Gubernatorial Clemency. (Public)

Sponsors: Representative Brody.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE NORTH CAROLINA CONSTITUTION TO LIMIT THE
3 GOVERNOR'S AUTHORITY TO GRANT CLEMENCY.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Section 5 of Article III of the North Carolina Constitution reads as
6 rewritten:

7 "Sec. 5. Duties of Governor.

8 ...

9 (6) Clemency. The Governor may grant reprieves, commutations, and pardons, after
10 ~~conviction, conviction and commencement of sentence,~~ for all offenses (except in cases of
11 impeachment), upon such conditions as ~~he~~ the Governor may think proper, subject to ~~regulations~~
12 ~~prescribed by law relative to the manner of applying for pardons.~~ concurrence by a majority of
13 the members of each house of the General Assembly. In all such cases, the votes of both houses
14 shall be determined by yeas and nays, and the names of the members voting shall be entered on
15 the journal of each house respectively. If the Governor grants clemency when the General
16 Assembly has adjourned sine die or for more than 30 days jointly as provided under Section 20
17 of Article II of this Constitution, the Governor shall reconvene that session as provided by Section
18 5(11) of Article III of this Constitution for consideration of the grant, and if the Governor does
19 not reconvene the session, the grant shall fail. The terms reprieves, commutations, and pardons
20 shall not include paroles.

21"

22 SECTION 2. The amendment set out in Section 1 of this act shall be submitted to
23 the qualified voters of the State at the statewide general election to be held on November 3, 2026,
24 which election shall be conducted in accordance with the laws governing elections at that time.
25 The question to be used in the voting systems and ballots shall be:

26 "[] FOR [] AGAINST

27 Constitutional amendment limiting the Governor's power to grant clemency by
28 requiring the concurrence of the Legislature."

29 SECTION 3. The State Board of Elections shall certify the results of the referendum
30 conducted under Section 2 of this act. If a majority of votes cast on the question are in favor of
31 the amendment set out in Section 1 of this act, the Secretary of State shall enroll the amendment
32 among the permanent records of that office. If a majority of votes cast on the question are against
33 the amendment set out in Section 1 of this act, the amendment shall have no effect.

34 SECTION 4. If the certification from the State Board of Elections under Section 3
35 of this act reflects that a majority of votes cast on the question are in favor of the amendment set



1 out in Section 1 of this act, the amendment set out in Section 1 of this act is effective upon
2 certification.
3 **SECTION 5.** Except as otherwise provided, this act is effective when it becomes
4 law.