

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 1235
Jun 2, 2026
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH10656-MCy-333

Short Title: Restoring Separation of Powers & Leg. Transp. (Public)

Sponsors: Representative Rubin.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO SECURE THE PROTECTIONS AFFORDED BY OUR CONSTITUTIONAL
3 SYSTEM OF SEPARATION OF POWERS AND TO REQUIRE THE GENERAL
4 ASSEMBLY TO LEGISLATE IN A TRANSPARENT AND FAIR MANNER THAT
5 PROMOTES PUBLIC PARTICIPATION IN THE LEGISLATIVE PROCESS.

6 Whereas, the North Carolina Constitution protects liberty by dividing power among
7 separate branches of government so that each branch can serve as a check on the others and none
8 can dominate; and

9 Whereas, the General Assembly has weakened public trust by altering the powers and
10 responsibilities of constitutional officers, including the Governor, for partisan political reasons;
11 and

12 Whereas, North Carolinians expect the Governor elected by the people to retain the
13 practical authority necessary to faithfully carry out and enforce the laws of this State; and

14 Whereas, although the North Carolina Constitution already protects separation of
15 powers from interference, repeated encroachments by the General Assembly and the courts have
16 made it necessary to provide absolute clarity that separation of powers may not be dismantled
17 for partisan gain; and

18 Whereas, furthermore, the General Assembly's repeated practice of wholly rewriting
19 bills with new topics late in the legislative process, and advancing important legislation without
20 meaningful public notice or involvement, has weakened confidence in the legislative process;
21 and

22 Whereas, providing advance public notice before final votes are taken, as well as
23 requiring legislation to address only a single subject, would promote transparency,
24 accountability, and public participation in government; and

25 Whereas, the people of North Carolina can restore public trust and protect their
26 freedoms by amending the North Carolina Constitution to preserve separation of powers, limit
27 legislative overreach, and ensure the legislative process operates in a transparent and fair manner;
28 Now, therefore,

29 The General Assembly of North Carolina enacts:

30 **SECTION 1.(a)** Article III of the North Carolina Constitution reads as rewritten:

31 "**Section 1. Executive power.**

32 The executive power of the State shall be vested in the Governor. The General Assembly
33 shall have no power to enact any law that materially impairs the Governor's authority to
34 supervise, direct, and control the execution of the laws through administrative departments and
35 agencies of the State. This authority includes the necessary powers of majority appointment,



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1 removal, supervision, and administrative direction of entities intrinsic to the Governor's duty to
2 faithfully execute the laws of the State.

3 ...
4 **"Sec. 5. Duties of Governor.**

5 ...
6 (10) Administrative reorganization. The General Assembly shall prescribe the functions,
7 powers, and duties of the administrative departments and agencies of the State and may alter
8 them from time to time, ~~but the time;~~ provided that the General Assembly may not transfer
9 functions, powers, and duties between members of the Council of State unless (i) the transfer is
10 consistent with the nature of the office established by the Constitution to which the transfer is
11 made and (ii) the transfer is ratified into law no later than 90 days prior to the next election for
12 Council of State and will take effect no earlier than the commencement of the next term of office,
13 except as otherwise provided by a vote of approval by two-thirds of all the members of each
14 house. The Governor may make such changes in the allocation of offices and agencies and in the
15 allocation of those functions, powers, and duties as he considers necessary for efficient
16 administration. If those changes affect existing law, they shall be set forth in executive orders,
17 which shall be submitted to the General Assembly not later than the sixtieth calendar day of its
18 session, and shall become effective and shall have the force of law upon adjournment sine die of
19 the session, unless specifically disapproved by resolution of either house of the General
20 Assembly or specifically modified by joint resolution of both houses of the General Assembly.

21"

22 **SECTION 1.(b)** The amendments set out in this section shall be submitted to the
23 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 authority of the General Assembly to
28 reorganize executive powers in a manner that would impair the Governor's authority to faithfully
29 execute the laws of the State, including imposing restrictions on the authority of the General
30 Assembly to reorganize powers, duties, and functions of Council of State members."

31 **SECTION 1.(c)** The State Board of Elections shall certify the results of the
32 referendum conducted under subsection (b) of this section. If a majority of votes cast on the
33 question are in favor of the amendment set out in subsection (a) of this section, the Secretary of
34 State shall enroll the amendment among the permanent records of that office. If a majority of
35 votes cast on the question are against the amendment set out in subsection (a) of this section, the
36 amendment shall have no effect.

37 **SECTION 1.(d)** If the certification from the State Board of Elections under
38 subsection (c) of this section reflects that a majority of votes cast on the question are in favor of
39 the amendment set out in subsection (a) of this section, the amendment set out in subsection (a)
40 of this section is effective upon certification.

41 **SECTION 2.(a)** Article II of the North Carolina Constitution reads as rewritten:

42 "...

43 **"Sec. 21. Style and content of the acts.**

44 The style of the acts shall be: "The General Assembly of North Carolina enacts:". Each act
45 shall contain but one subject, which shall be clearly expressed in its title, except general
46 appropriation acts, revenue acts, and acts containing only technical corrections. If any subject is
47 embraced in an act but not expressed in the title, such act is void as to the unexpressed subject.

48 ...

49 **"Sec. 25. Legislative transparency and integrity.**

50 (1) Original purpose. No bill shall be altered or amended after first reading so as to
51 materially change its original purpose as reflected in its title. If any subject other than the

1 resolution of areas of dispute between the houses is adopted in a conference report, the act is void
2 as to that adopted subject.

3 (2) Public notice. Unless the bill is in response to a declared state of emergency and the
4 reading of the bill is approved by vote of two-thirds of all the members of the house, no bill shall
5 be read for the final time required for passage in the house until (i) the house has published at
6 least 24 hours earlier a calendar for the session noticing the session during which the bill is to be
7 read and (ii) the bill text to be read has been made available to the members of the house and to
8 the public for at least 48 consecutive hours."

9 SECTION 2.(b) The amendment set out in subsection (a) of this section shall be
10 submitted to the qualified voters of the State at the statewide general election to be held on
11 November 3, 2026, which election shall be conducted in accordance with the laws governing
12 elections at that time. The question to be used in the voting systems and ballots shall be:

13 "[] FOR [] AGAINST

14 Constitutional amendment limiting the number of subjects that can be in a bill to one,
15 except for appropriations bills, tax bills, and technical corrections bills, and requiring a minimum
16 amount of notice and publication of the text of bills to legislative members and the public prior
17 to final passage."

18 SECTION 2.(c) The State Board of Elections shall certify the results of the
19 referendum conducted under subsection (b) of this section. If a majority of votes cast on the
20 question are in favor of the amendment set out in subsection (a) of this section, the Secretary of
21 State shall enroll the amendment among the permanent records of that office. If a majority of
22 votes cast on the question are against the amendment set out in subsection (a) of this section, the
23 amendment shall have no effect.

24 SECTION 2.(d) If the certification from the State Board of Elections under
25 subsection (c) of this section reflects that a majority of votes cast on the question are in favor of
26 the amendment set out in subsection (a) of this section, the amendment set out in subsection (a)
27 of this section is effective upon certification.

28 SECTION 3. This act is effective when it becomes law.