

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 419

Short Title: People Amend Constitution.

(Public)

Sponsors: Representatives Pope; Privette, Buchanan, Arnold, Brubaker, Craven, L. Etheridge, Grady, Hege, Loflin, Robinson, and Stam.

Referred to: Judiciary.

March 2, 1989

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO
PROVIDE THE PEOPLE THE POWER TO INITIATE AMENDMENT TO THE
NORTH CAROLINA CONSTITUTION BY PETITION.

The General Assembly of North Carolina enacts:

Section 1. Article XIII of the Constitution of North Carolina is amended by adding a new section to read:

“Sec. 5. Revision or amendment initiated by petition of the People. A proposal of a new or revised Constitution or amendment or amendments to this Constitution may be initiated by presenting to the Secretary of State a petition that sets forth the text of the proposed amendment to the Constitution which during a period of time not to exceed 365 consecutive days has been signed by qualified voters equal in number to ten percent (10%) of the votes for all candidates for Governor at the last gubernatorial election. The proposal shall be submitted at the next general election held at least 131 days after it qualifies or the Governor may call a special statewide election for the proposal. If a majority of the votes cast thereon are in favor of the proposed new or revised Constitution or constitutional amendment or amendments, it or they shall become effective January first next after approval by the voters unless a different date is prescribed in the petition submitting the proposal or proposals to the qualified voters.”

Sec. 2. Section 2 of Article XIII of the Constitution of North Carolina reads as rewritten:

"Sec. 2. Power to revise or amend Constitution reserved to people. The people of this State reserve the power to amend this Constitution and to adopt a new or revised

1 Constitution. This power may be exercised by ~~either~~ any of the methods set out
2 hereinafter in this Article, but in no other way."

3 Sec. 3. The amendments set out in Sections 1 through 2 of this act shall be
4 submitted to the qualified voters of the State at the general election in November 1990,
5 which election shall be conducted under the laws then governing elections in the State.
6 At that election, each qualified voter desiring to vote shall be provided a ballot on which
7 shall be printed the following:

8 "[] FOR Constitutional amendments giving the people the power to
9 initiate amendments to the Constitution by petition.

10 [] AGAINST Constitutional amendments giving the people the power to
11 initiate amendments to the Constitution by petition."

12 Those qualified voters favoring the amendments set out in Section 1
13 through 2 of this act shall vote by making an X or a check mark in the square beside the
14 statement beginning "FOR", and those qualified voters opposed to that amendments
15 shall vote by making an X or check mark in the square beside the statement beginning
16 "AGAINST".

17 Notwithstanding the foregoing provisions of this section, voting machines
18 may be used in accordance with rules and regulations prescribed by the State Board of
19 Elections.

20 Sec. 4. If a majority of votes cast thereon are in favor of the amendments set
21 out in Section 1 through 2 of this act, the State Board of Elections shall certify the
22 amendments to the Secretary of State, who shall enroll the amendments so certified
23 among the permanent records of his office, and the amendments shall become effective
24 upon such certification.

25 Sec. 5. This act is effective upon ratification.