

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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**SENATE BILL 21**

State Personnel and State Government Committee Substitute Adopted 6/1/93

Short Title: Constitutional Revision.

(Public)

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Sponsors:

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Referred to: Appropriations

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January 28, 1993

A BILL TO BE ENTITLED

1 AN ACT TO ESTABLISH THE CONSTITUTIONAL REVIEW COMMISSION TO  
2 STUDY PROPOSALS TO MAKE CHANGES IN THE STRUCTURE OF STATE  
3 GOVERNMENT IN NORTH CAROLINA, AND TO CREATE AN ELECTION  
4 LAWS REVIEW COMMISSION TO STUDY THE ELECTION LAWS OF THIS  
5 STATE, TO PROPOSE CHANGES TO CLARIFY THE PRESENT LAW AND  
6 OTHER NEEDED CHANGES, AND TO MAKE AN APPROPRIATION  
7 THEREFOR.  
8

9 The General Assembly of North Carolina enacts:

10 PART 1. CONSTITUTIONAL REVIEW COMMISSION.

11 Section 1. The Constitutional Revision Study Commission is created. The  
12 Commission shall consist of 30 members, to be appointed as follows:

- 13 (1) Six appointed by the Governor;
- 14 (2) Four appointed by the Lieutenant Governor;
- 15 (3) Four appointed by the President Pro Tempore of the Senate, no more  
16 than two of whom may, at the time of their appointment, be members  
17 of the General Assembly;
- 18 (4) Four appointed by the Speaker of the House of Representatives, no  
19 more than two of whom may, at the time of their appointment, be  
20 members of the General Assembly;
- 21 (5) Four appointed by the Chief Justice of the Supreme Court; and

1 (6) One appointed by each member of the Council of State other than the  
2 Governor and Lieutenant Governor, which appointment may be the  
3 Council of State member or that member's designee.

4 Sec. 2. The Commission shall study the following issues:

5 (1) Gubernatorial succession;

6 (2) Length of terms of office for the Governor and Lieutenant Governor;

7 (3) Legislative confirmation of gubernatorial appointments;

8 (4) Term limitations for members of the General Assembly and members  
9 of Congress;

10 (5) Length of terms of office of members of the General Assembly;

11 (6) Election of the Governor and Lieutenant Governor as a team either in  
12 the general election or both the general election and the nomination  
13 process;

14 (7) The role of the Lieutenant Governor, including:

15 a. Status as presiding officer of the Senate;

16 b. Role in appointing other officers; and

17 c. The need for the office itself;

18 (8) The continued election of members of the Council of State other than  
19 the Governor and Lieutenant Governor;

20 (9) Whether the Governor and other members of the Council of State  
21 should be elected in the same year as the President or on an off-year  
22 cycle;

23 (10) The division of power among Council of State members; and

24 (11) The manner of choosing the judiciary, including both the appellate and  
25 trial benches.

26 Sec. 3. The President Pro Tempore of the Senate shall designate a cochair of  
27 the Commission and the Speaker of the House of Representatives shall designate a  
28 cochair of the Commission.

29 Sec. 4. The Commission may provide for the selection of subcommittees to  
30 study the various areas it has been charged with reviewing.

31 Sec. 5. The Commission shall submit a final report of its findings and  
32 recommendations to the General Assembly no later than 30 days after convening of the  
33 1995 Session of the General Assembly by filing the report with the President Pro  
34 Tempore of the Senate and the Speaker of the House of Representatives. Upon filing its  
35 final report, the Commission shall terminate.

36 Sec. 6. The Commission, while in the discharge of official duties, may  
37 exercise all the powers provided for under the provisions of G.S. 120-19, and G.S. 120-  
38 19.1 through G.S. 120-19.4. The Commission may meet at any time upon the joint call  
39 of the cochairmen. The Commission may meet in the Legislative Building or the  
40 Legislative Office Building.

41 Sec. 7. Members of the Commission shall receive per diem, subsistence, and  
42 travel expenses at the rates provided by law.

43 Sec. 8. The Commission may contract for professional, clerical, or consultant  
44 services as provided by G.S. 120-32.02. The Commission may employ or contract for

1 the services of an executive director. The Legislative Services Commission, through the  
2 Legislative Administrative Officer, may assign professional staff to assist in the work of  
3 the Commission. The House of Representatives' and the Senate's Supervisors of Clerks  
4 may assign clerical staff to the Commission or committee, upon the direction of the  
5 Legislative Services Commission. The expenses relating to clerical employees and staff  
6 of the Commission shall be borne by the Commission.

7       Sec. 9. When a vacancy occurs in the membership of the Commission, the  
8 vacancy shall be filled by the same appointing officer who made the initial appointment.

9       Sec. 10. All State departments and agencies and local governments and their  
10 subdivisions shall furnish the Commission with any information in their possession or  
11 available to them.

## 12       PART 2. ELECTION LAWS REVIEW COMMISSION.

13       Sec. 11. (a) There is created an Election Laws Review Commission to be  
14 composed of 15 members appointed as follows:

- 15       (1) The President Pro Tempore of the Senate shall appoint five members:  
16       two from a list of four Senators submitted by the Senate Majority  
17       Leader, two from a list of four Senators submitted by the Senate  
18       Minority Leader, and a chair of a local board of elections;
- 19       (2) The Speaker of the House of Representatives shall appoint five  
20       members: two from a list of four Representatives submitted by the  
21       House Majority Leader, two from a list of four Representatives  
22       submitted by the House Minority Leader, and a local supervisor of  
23       elections; and
- 24       (3) The Governor shall appoint five members, two from a list of four  
25       submitted by the State Chair of the Democratic Party, two from a list  
26       of four submitted by the State Chair of the Republican Party, and a  
27       member of the State Board of Elections.

28 As used in this Part and unless otherwise clearly indicated, "Commission" shall refer to  
29 the Election Laws Review Commission.

30       (b) The President Pro Tempore of the Senate and the Speaker of the House of  
31 Representatives shall each designate a cochair of the Commission from their appointees.  
32 Either cochair may call the first meeting of the Commission.

33       (c) Members shall serve until the termination of the Commission or, in case of a  
34 State legislator member, until the member either does not file for reelection to the  
35 General Assembly or is not reelected, whichever occurs first. Vacancies shall be filled  
36 in the same manner as the original appointments were made.

37       Sec. 12. The Election Laws Review Commission shall study thoroughly the  
38 election laws, policies, and procedures of the State, including those relating to campaign  
39 finance regulation and the appropriateness of their sanctions; the administration of those  
40 laws, policies, and procedures at the State and local levels and the responsibilities of  
41 those administering these laws; and federal and state case rulings impinging on these  
42 laws, policies, and practices. The Commission shall recommend changes to the law  
43 which will:

- 1 (1) Clarify the present law by removing inconsistencies and outdated  
2 provisions, including those of dubious constitutionality;
- 3 (2) Incorporate in the law any desirable uncodified procedures, practices  
4 and rulings of a general nature which have been implemented by the  
5 State Board of Elections and its Executive Secretary-Director;
- 6 (3) Conform the law to State and federal case law and to any requirements  
7 of federal statutory law and regulation;
- 8 (4) Ensure the efficient and effective administration of elections in this  
9 State;
- 10 (5) Continue the impartial, professional administration of elections which  
11 the citizens of the State expect and demand; and
- 12 (6) Recodify the election laws, as necessary, to produce a comprehensive  
13 current statement of law and practice of elections in North Carolina.

14 Sec. 13. With the prior approval of the Legislative Services Commission, the  
15 Legislative Administrative Officer shall assign professional and clerical staff to assist in  
16 the work of the Election Laws Review Commission. Clerical staff shall be furnished to  
17 the Commission through the Offices of the House of Representatives and Senate  
18 Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne  
19 by the Commission. With the prior approval of the Legislative Services Commission,  
20 the Election Laws Review Commission may hold its meetings in the State Legislative  
21 Building or the Legislative Office Building.

22 Sec. 14. The Commission may submit an interim report of its findings and  
23 recommendations and the status of its work on or before the first day of the 1994  
24 Regular Session of the 1993 General Assembly. The Commission shall submit a final  
25 written report of its findings and recommendations on or before the convening of the  
26 1995 Session of the General Assembly. All reports shall be filed with the President Pro  
27 Tempore of the Senate and the Speaker of the House of Representatives, the Principal  
28 Clerks of the Senate and the House of Representatives, and the Legislative Librarian.  
29 Upon filing its final report, the Commission shall terminate.

30 Sec. 15. Members of the Commission shall be paid per diem, subsistence,  
31 and travel allowances as follows:

- 32 (1) Commission members who are also members of the General  
33 Assembly, at the rate established in G.S. 120-3.1;
- 34 (2) Commission members who are officials or employees of the State or  
35 local government agencies, at the rate established in G.S. 138-6;
- 36 (3) All other Commission members, at the rate established in G.S. 138-5.

37 Sec. 16. The State Board of Elections and its Executive Secretary-Director,  
38 local boards of election, and all other State departments and agencies, and local  
39 governments and their subdivisions shall cooperate with the Commission and, upon  
40 request, shall furnish to the Commission and its staff any information in their possession  
41 or available to them.

42 Sec. 17. There is appropriated from the General Fund to the Legislative  
43 Services Commission for the work of the Election Laws Review Commission the sum

1 of seventy-five thousand dollars (\$75,000) for the 1993-94 fiscal year and the sum of  
2 seventy-five thousand dollars (\$75,000) for the 1994-95 fiscal year.

3 PART 3. EFFECTIVE DATE.

4 Sec. 18. This act becomes effective July 1, 1993.