

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH30096-LBx-154 (03/15)

Short Title: Initiative.

(Public)

Sponsors: Representative Blust.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO
PROVIDE TO THE PEOPLE THE POWER OF INITIATIVE.

The General Assembly of North Carolina enacts:

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

"Sec. 5. Initiative.

(1) Procedure for proposal. The people may initiate a referendum on proposed amendments to this Constitution by presenting to the State Board of Elections a petition that sets forth the text of the proposed amendment to the Constitution and is certified to have been signed by qualified voters not less in number than twenty percent (20%) of the votes for all candidates for Governor at the last gubernatorial election. No more than fifteen percent (15%) of the signatures may be from any one congressional district. The petition shall ask that it be submitted to the qualified voters.

(2) Registration. A petition must be registered with the Secretary of State prior to circulation, and no signature shall be valid unless submitted to the State Board of Elections within one year after the date of registration.

(3) Submission to voters. The State Board of Elections shall submit the proposed constitutional amendment to the qualified voters of the State at the next statewide general election held not less than 150 days from the date of certification by the State Board of Elections that the petition is valid.

(4) Restricted subjects. No initiative measure may change the provisions of this subsection. No initiative measure defeated under this section may be considered again under this section until five years from the date of the election have elapsed.

(5) Effectiveness; effective date. An initiative to be effective must be approved by a majority of the qualified voters voting in the election thereon. An initiative takes

1 effect on the first day of January after the election, unless the proposed amendment
2 provides a different effective date.

3 (6) Implementation. The General Assembly shall provide by general law the
4 manner in which petitions shall be circulated, verified, presented, and certified. The
5 General Assembly shall provide by general law the manner in which measures are
6 submitted to the qualified voters.

7 (7) Unseverability. If any part of this section is held invalid or unenforceable by
8 any court of competent jurisdiction, this entire section is repealed."

9 **SECTION 2.** The amendment set out in Section 1 of this act shall be
10 submitted to the qualified voters of the State at the statewide general election in
11 November 2006, which election shall be conducted under the laws then governing
12 elections in the State. Ballots, voting systems, or both may be used in accordance with
13 Chapter 163 of the General Statutes. The question to be used in the voting systems and
14 ballots shall be:

15 FOR AGAINST

16 Constitutional amendment giving the people the power of initiative to adopt
17 or reject amendments to the Constitution."

18 **SECTION 3.** If a majority of the votes cast on the question are in favor of
19 the amendment set out in Section 1 of this act, the State Board of Elections shall certify
20 the amendment to the Secretary of State. The amendment becomes effective upon this
21 certification. The Secretary of State shall enroll the amendment so certified among the
22 permanent records of that office.

23 **SECTION 4.** This act is effective when it becomes law.