

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 10  
Committee Substitute Favorable 5/1/95

Short Title: Initiative.

(Public)

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Sponsors:

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Referred to:

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January 26, 1995

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE  
3 TO THE PEOPLE THE POWER OF INITIATIVE.

4 The General Assembly of North Carolina enacts:

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

7 "Sec. 5. Initiative.

8 (1) Procedure for proposal. The people may initiate a referendum on proposed  
9 amendments to this Constitution by presenting to the State Board of Elections a petition  
10 that sets forth the text of the proposed amendment to the Constitution and is certified to  
11 have been signed by qualified voters not less in number than twenty-five percent (25%)  
12 of the votes for all candidates for Governor at the last gubernatorial election. No more  
13 than twenty-five percent (25%) of the signatures may be from any one congressional  
14 district. The petition shall ask that it be submitted to the qualified voters.

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

18 (3) Submission to voters. The State Board of Elections shall submit the proposed  
19 constitutional amendment to the qualified voters of the State at the next statewide general

1 election held not less than 150 days from the date of certification by the State Board of  
2 Elections that the petition is valid.

3 (4) Restricted subjects. No initiative measure may:

4 (a) Relate to the Teachers' and State Employees' Retirement System;

5 (b) Relate to gambling;

6 (c) Provide that the right of any person to work shall be denied or abridged on  
7 account of membership or nonmembership in any labor union or  
8 organization; or

9 (d) Change the provisions of this subsection.

10 (5) Effectiveness; effective date. An initiative to be effective must be approved by  
11 a three-fifths of the qualified voters voting in the election thereon, and must in addition  
12 be approved by at least three-fifths of the qualified voters in at least three-fourths of the  
13 congressional districts in order to become effective. An initiative takes effect on the first  
14 day of January after the election, unless the law provides a different effective date.

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

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

21 Sec. 2. The amendment set out in Section 1 of this act shall be submitted to the  
22 qualified voters of the State at the general election in November 1996, which election  
23 shall be conducted under the laws then governing elections in the State. Ballots, voting  
24 systems, or both may be used in accordance with Chapter 163 of the General Statutes.  
25 The question to be used in the voting systems and ballots shall be:

26 **"[ ] FOR [ ] AGAINST**

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

29 Sec. 3. If a majority of the votes cast on the question are in favor of the  
30 amendment set out in Section 1 of this act, the State Board of Elections shall certify the  
31 amendment to the Secretary of State. The amendment becomes effective upon this  
32 certification. The Secretary of State shall enroll the amendment so certified among the  
33 permanent records of that office.

34 Sec. 4. This act is effective upon ratification.