

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 47*

Short Title: Initiative.

(Public)

Sponsors: Senators Carpenter, Cochrane, Ledbetter, Clark; Allran, Carrington, Davis, East, Forrester, Foxx, Hartsell, Little, McDaniel, McKoy, Shaw, Smith, and Webster.

Referred to: Judiciary I/Constitution.

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 VI of the Constitution of North Carolina is amended by
6 adding at the end new sections to read:

7 "Sec. 11. Initiative.

8 (1) **Initiative defined.** The initiative is the power of the people to propose:

9 (a) Amendments to the Constitution and bond issues and to adopt or reject
10 them at the polls, independently of the General Assembly; and

11 (b) Laws other than bond issues to the General Assembly and to enact or
12 reject them at the polls if the General Assembly fails to enact them.

13 (2) **Procedure for proposal.** An initiative measure may be proposed by
14 presenting to the agency provided by law a petition that sets forth the text of the proposed
15 law or amendment to the Constitution and is certified to have been signed by qualified
16 voters not less in number than:

17 (a) Twenty-five percent (25%) in the case of an amendment to the
18 Constitution; and

19 (b) Fifteen percent (15%) in the case of a law

1 of the votes for all candidates for Governor at the last gubernatorial election. In the case
2 of a law, the petition shall include from at least three-fourths of the counties the
3 signatures of qualified voters not less in number than fifteen percent (15%) of the votes
4 cast for Governor in each of those counties at the last gubernatorial election. In the case
5 of a constitutional amendment, the petition shall include from at least three-fourths of the
6 counties the signatures of qualified voters not less in number than twenty-five percent
7 (25%) of the votes cast for Governor in each of those counties at the last gubernatorial
8 election. In either such case, no more than twenty-five percent (25%) of the valid
9 signatures may be from any one county.

10 (3) **Contents.** The petition shall ask that it be submitted to:

11 (a) The qualified voters in the case of a constitutional amendment or a law
12 contracting a debt which requires approval by the voters under Section
13 4(2) of this Constitution; or

14 (b) The General Assembly in the case of a law other than one contracting a
15 debt which requires approval of the voters under Section 4(2) of the
16 Constitution and to the voters if the General Assembly fails to enact it.

17 (4) **Registration.** A petition must be registered with the Secretary of State, and no
18 signature shall be valid unless gathered within 180 days after the date of registration.
19 Such petition when registered shall designate the names of not less than three nor more
20 than 10 natural persons who are residents of this State as the petitioners committee.

21 (5) **Submission to voters.** As to any constitutional amendment or law covered by
22 subdivision (3)(a) of this section, it shall be submitted to the qualified voters at the next
23 statewide general election held at least 100 days after it qualifies.

24 (6) **Submission to General Assembly.** As to any law covered by subdivision
25 (3)(b) of this section, the petition shall be submitted to the General Assembly by the
26 agency charged with certification within 10 days after it qualifies. If the General
27 Assembly does not enact the law within 90 calendar days, it shall be submitted to the
28 qualified voters at the next statewide general election held at least 100 days after that 90-
29 calendar-day period expires, except that if the General Assembly passes a law which
30 recites in it that it is the same law proposed by the petition, but with corrections, and if a
31 majority of the petitioners committee agrees, then it shall not be submitted to the
32 qualified voters.

33 (7) **Single subject.** No initiative measure may embrace more than one subject.

34 (8) **Local acts.** Any limitation on enactment of local, private, special, or any
35 requirement of general or uniform laws under this Constitution applies to laws under this
36 section.

37 "Sec. 12. Initiative; majority vote; effective date; submission of petition to Attorney
38 General; submission to electors.

39 (1) **Effective date.** An initiative law approved by a majority of voters thereon
40 takes effect upon certification by the Secretary of State, unless the law provides a
41 different effective date.

42 (2) **Registration.** An initiative petition shall, upon registration, be immediately
43 submitted by the Secretary of State to the Attorney General, who shall within 10 days

1 prepare a title and summary of the measure as provided by law. No petition may be
2 circulated unless this title and summary is attached to the petition or made part of it. A
3 copy of the full text of the proposal shall be available at each polling place on the day of
4 the election.

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

8 (4) **Financial disclosure.** The General Assembly shall provide by law for
9 financial disclosure of the receipts and expenditures of those circulating petitions under
10 Section 11 of this Article and for campaign expenses for and against such propositions
11 when they are submitted to the General Assembly and to the qualified voters under this
12 Article.

13 (5) **Review.** The General Assembly shall provide by law a limited period of time
14 for administrative or judicial review of compliance with laws relating to the circulation,
15 presentation, and certification. No administrative or judicial order shall prevent a
16 certified measure from appearing on the ballot because of noncompliance with subsection
17 (7) or (8) of this section, or because of noncompliance with any provision of this
18 Constitution other than this section or Section 11 of this Article."

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

24 **"[] FOR [] AGAINST**

25 **Constitutional amendment giving the people the power of initiative to adopt or**
26 **reject laws and amendments to the Constitution."**

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

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