

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 10

Short Title: Initiative.

(Public)

Sponsors: Representatives Allred, Decker, Daughtry, Hayes, Hiatt, Buchanan, Linney, Sexton, Sharpe; Aldridge, Arnold, Baker, Barbee, Berry, Bowie, Brawley, J. Brown, Cansler, Capps, Carpenter, Clary, Cocklereece, Creech, Culp, Cummings, Davis, Dickson, Dockham, Eddins, Edwards, Esposito, Gray, Ives, Justus, Lemmond, McComas, McCombs, McMahan, K. Miller, Miner, Mitchell, Neely, Nichols, Pate, Preston, Pulley, Rayfield, Reynolds, Robinson, Shubert, Snowden, Tallent, Thompson, Weatherly, C. Wilson, G. Wilson, and Wood.

Referred to: Judiciary I.

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 proposed

1 law or amendment to the Constitution and is certified to have been signed by qualified
2 voters not less in number than:

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

5 (b) Fifteen percent (15%) in the case of a law
6 of the votes for all candidates for Governor at the last gubernatorial election. In the case
7 of a law, the petition shall include from at least three-fourths of the counties the
8 signatures of qualified voters not less in number than fifteen percent (15%) of the votes
9 cast for Governor in each of those counties at the last gubernatorial election. In the case
10 of a constitutional amendment, the petition shall include from at least three-fourths of the
11 counties the signatures of qualified voters not less in number than twenty-five percent
12 (25%) of the votes cast for Governor in each of those counties at the last gubernatorial
13 election. In either such case, no more than twenty-five percent (25%) of the valid
14 signatures may be from any one county.

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

16 (a) The qualified voters in the case of a constitutional amendment or a law
17 contracting a debt which requires approval by the voters under Section
18 4(2) of this Constitution; or

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

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

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

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

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

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

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

