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, Sexton, Sharpe; Aldridge, Arnold, Baker, Barbee, Berry, Bowie, Ecansler, Capps, Carpenter, Clary, Cocklereece, Creech, Culp, Dickson, Dockham, Eddins, Edwards, Esposito, Gray, Ives, McComas, McCombs, McMahan, K. Miller, Miner, Mitchell, Ne Preston, Pulley, Rayfield, Reynolds, Robinson, Shubert, Snowden, Weatherly, C. Wilson, G. Wilson, and Wood.	Brawley, J. Brown, Cummings, Davis, Justus, Lemmond, tely, Nichols, Pate,
Referred to: Judiciary I.	
January 26, 1995	
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 VI of the Constitution of North Carolina is amended by	
adding at the end new sections to read:	
"Sec. 11. Initiative. (1) Initiative defined. The initiative is the power of the people	to propose:
(1) <u>Initiative defined.</u> The initiative is the power of the people to propose: (a) Amendments to the Constitution and bond issues and to adopt or reject	
them at the polls, independently of the General Assembly; and	
(b) Laws other than bond issues to the General Assembly and to enact or	
reject them at the polls if the General Assembly fails to enact them.	
(2) Procedure for proposal. An initiative measure may	y be proposed by

presenting to the agency provided by law a petition that sets forth the text of the proposed

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

- (a) Twenty-five percent (25%) in the case of an amendment to the Constitution; and
- of the votes for all candidates for Governor at the last gubernatorial election. In the case of a law, the petition shall include from at least three-fourths of the counties the signatures of qualified voters not less in number than fifteen percent (15%) of the votes cast for Governor in each of those counties at the last gubernatorial election. In the case of a constitutional amendment, the petition shall include from at least three-fourths of the counties the signatures of qualified voters not less in number than twenty-five percent (25%) of the votes cast for Governor in each of those counties at the last gubernatorial election. In either such case, no more than twenty-five percent (25%) of the valid signatures may be from any one county.
 - (3) **Contents.** The petition shall ask that it be submitted to:
 - (a) The qualified voters in the case of a constitutional amendment or a law contracting a debt which requires approval by the voters under Section 4(2) of this Constitution; or
 - (b) The General Assembly in the case of a law other than one contracting a debt which requires approval of the voters under Section 4(2) of the Constitution and to the voters if the General Assembly fails to enact it.
- (4) Registration. A petition must be registered with the Secretary of State, and no signature shall be valid unless gathered within 180 days after the date of registration. Such petition when registered shall designate the names of not less than three nor more than 10 natural persons who are residents of this State as the petitioners committee.
- (5) <u>Submission to voters.</u> As to any constitutional amendment or law covered by subdivision (3)(a) of this section, it shall be submitted to the qualified voters at the next statewide general election held at least 100 days after it qualifies.
- (6) Submission to General Assembly. As to any law covered by subdivision (3)(b) of this section, the petition shall be submitted to the General Assembly by the agency charged with certification within 10 days after it qualifies. If the General Assembly does not enact the law within 90 calendar days, it shall be submitted to the qualified voters at the next statewide general election held at least 100 days after that 90-calendar-day period expires, except that if the General Assembly passes a law which recites in it that it is the same law proposed by the petition, but with corrections, and if a majority of the petitioners committee agrees, then it shall not be submitted to the qualified voters.
 - (7) Single subject. No initiative measure may embrace more than one subject.
- (8) Local acts. Any limitation on enactment of local, private, special, or any requirement of general or uniform laws under this Constitution applies to laws under this section.
- "Sec. 12. Initiative; majority vote; effective date; submission of petition to Attorney General; submission to electors.

1 (1)takes effect upon certification by the Secretary of State, unless the law provides a 2 3 different effective date. 4

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Registration. An initiative petition shall, upon registration, be immediately submitted by the Secretary of State to the Attorney General, who shall within 10 days prepare a title and summary of the measure as provided by law. No petition may be circulated unless this title and summary is attached to the petition or made part of it. A copy of the full text of the proposal shall be available at each polling place on the day of the election.

Effective date. An initiative law approved by a majority of voters thereon

- **Implementation.** The General Assembly shall provide by law the manner in (3) which petitions shall be circulated, presented, and certified, and measures submitted to the qualified voters.
- **Financial disclosure.** The General Assembly shall provide by law for (4) financial disclosure of the receipts and expenditures of those circulating petitions under Section 11 of this Article and for campaign expenses for and against such propositions when they are submitted to the General Assembly and to the qualified voters under this Article.
- **Review.** The General Assembly shall provide by law a limited period of time for administrative or judicial review of compliance with laws relating to the circulation, presentation, and certification. No administrative or judicial order shall prevent a certified measure from appearing on the ballot because of noncompliance with subsection (7) or (8) of this section, or because of noncompliance with any provision of this Constitution other than this section or Section 11 of this Article."
- Sec. 2. The amendment set out in Section 1 of this act shall be submitted to the qualified voters of the State at the general election in November 1996, which election shall be conducted under the laws then governing elections in the State. Ballots, voting systems, or both may be used in accordance with Chapter 163 of the General Statutes. The question to be used in the voting systems and ballots shall be:

"[]FOR []AGAINST

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

- Sec. 3. If a majority of the votes cast on the question are in favor of the amendment set out in Section 1 of this act, the State Board of Elections shall certify the amendment to the Secretary of State. The amendment becomes effective upon this certification. The Secretary of State shall enroll the amendment so certified among the permanent records of that office.
 - Sec. 4. This act is effective upon ratification.