

Elaine F. Marshall, Secretary of State, Chair
Josh Stein, Attorney General, Member
Paul Y. Coble, Legislative Services Officer, Member

RIGHT TO HUNT AND FISH

OFFICIAL EXPLANATION

This amendment would acknowledge the right to hunt, fish and harvest wildlife, and to use traditional methods to hunt, fish and harvest wildlife. The amendment does not define "traditional methods."

This right would be subject to laws passed by the Legislature and rules (i) to promote wildlife conservation and management and (ii) to preserve the future of hunting and fishing. If it passes, the amendment will not affect any laws regarding trespassing, property rights or eminent domain. The amendment does not address its effect on local laws concerning public safety or on commercial hunting and fishing.

The amendment would also establish that public hunting and fishing are a preferred means of managing and controlling wildlife.

This is just a short summary of the amendment. To see the actual amendment before voting on it, go to:

<https://tinyurl.com/ncsos677>.

AMENDMENT TEXT

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROTECT THE RIGHT TO HUNT, FISH, AND HARVEST WILDLIFE.

(Session Law 2018-96)

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

"Sec. 38. Right to hunt, fish, and harvest wildlife.

The right of the people to hunt, fish, and harvest wildlife is a valued part of the State's heritage and shall be forever preserved for the public good. The people have a right, including the right to use traditional methods, to hunt, fish, and harvest wildlife, subject only to laws enacted by the General Assembly and rules adopted pursuant to authority granted by the General Assembly to (i) promote wildlife conservation and management and (ii) preserve the future of hunting and fishing. Public hunting and fishing shall be a preferred means of managing and controlling wildlife. Nothing herein shall be construed to modify any provision of law relating to trespass, property rights, or eminent domain."

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CHANGES TO CURRENT VICTIMS' RIGHTS AMENDMENT (1 OF 2)

OFFICIAL EXPLANATION

Currently, the North Carolina Constitution guarantees victims of certain crimes the following rights:

- The right to be informed of and present at proceedings related to the accused.
- The right to be heard at sentencing of the accused.
- The right to receive restitution.
- The right to information regarding the crime, how the criminal justice system works, and the rights and services available to victims.
- The right to be informed about the final result of the case.
- The right to be informed of an escape, release, or pardon.
- The right to express views to the Governor or appropriate agency considering release.
- The right to confer with the prosecutor.

If this amendment is adopted, the Constitution would also guarantee victims the following rights:

- To be treated with dignity and respect.
- Reasonable, accurate, and timely notice of a proceeding, upon request.
- To be present at any proceeding, upon request.
- To be reasonably heard at additional kinds of court hearings.
- Restitution in a reasonably timely manner, when ordered by the court.
- Information about the crime, upon request.
- To reasonably confer with the prosecutor.

Today, victims have legal rights if the crime was a major felony, certain domestic violence cases, or one of several other kinds of serious crimes. The amendment would expand the types of offenses that trigger victims' rights to include all crimes against the person and felony property crimes. These rights would also apply in these cases if committed by juveniles.

This amendment directs the Legislature to create a procedure, by motion to the court, for a victim to assert his or her rights. Nothing in this proposed amendment creates a claim against the State or allows the victim to challenge any decision the court makes. The defendant may not use failure to provide these rights as a ground for relief in any civil or criminal matter.

The public fiscal note that accompanied this legislation estimates that these changes to our justice system will cost about \$11 million per year.

This is just a short summary of the amendment. To see the actual amendment before voting on it, go to:

<https://tinyurl.com/ncsos551>.

AMENDMENT TEXT

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE BETTER
PROTECTIONS AND SAFEGUARDS TO VICTIMS OF CRIME.

(Session Law 2018-110)

SECTION 1. Section 37 of Article I of the North Carolina Constitution reads as rewritten:

"Sec. 37. Rights of victims of crime.

(1) Basic rights. Victims of ~~crime, as prescribed by law,~~ crime or acts of delinquency shall be treated with dignity and respect by the criminal justice system.

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CHANGES TO CURRENT VICTIMS' RIGHTS AMENDMENT (2 OF 2)

(1a) Enumerated rights. When the crime or act of delinquency is one against or involving the person of the victim or is equivalent to a felony property crime, the victim is entitled to the following basic rights:

(a) The right as prescribed by law to be informed of and to be present at upon request to reasonable, accurate, and timely notice of court proceedings of the accused.

(a1) The right upon request to be present at court proceedings of the accused.

(b) The right to be reasonably heard at sentencing of the accused in a manner prescribed by law, and at other times as prescribed by law or deemed appropriate by the court. any court proceeding involving the plea, conviction, adjudication, sentencing, or release of the accused.

(c) The right as prescribed by law to receive restitution. restitution in a reasonably timely manner, when ordered by the court.

(d) The right as prescribed by law to be given information about the ~~crime,~~ crime or act of delinquency, how the criminal justice system works, the rights of victims, and the availability of services for victims.

(e) The right as prescribed by law upon request to receive information about the ~~conviction-~~ conviction, adjudication, or final disposition and sentence of the accused.

(f) The right as prescribed by law upon request to receive notification of escape, release, proposed parole or pardon of the accused, or notice of a reprieve or commutation of the accused's sentence.

(g) The right as prescribed by law to present ~~their-~~ the victim's views and concerns to the Governor or agency considering any action that could result in the release of the accused, prior to such action becoming effective.

(h) The right as prescribed by law to reasonably confer with the prosecution.

(1b) Enforcement of rights. Except as otherwise provided herein, the General Assembly shall further provide, by general law, the procedure whereby a victim may assert the rights provided in this section. The victim or, if the victim is a minor, is legally incapacitated, or deceased, a family member, guardian, or legal custodian may assert the rights provided in this section. The procedure shall be by motion to the court of jurisdiction within the same criminal or juvenile proceeding giving rise to the rights. The victim, family member, guardian, or legal custodian have the right to counsel at this hearing but do not have the right to counsel provided by the State. If the matter involves an allegation that the district attorney failed to comply with the rights of a victim when obligated to so do by law, the victim must first afford the district attorney with jurisdiction over the criminal action an opportunity to resolve any issue in a timely manner.

(2) No money damages; other ~~enforcement-claims.~~ Nothing in this section shall be construed as creating a claim for money ~~damages-~~ damages, or any cause of action, against the State, a county, a municipality, or any of the agencies, instrumentalities, or officers and employees thereof. ~~The General Assembly may provide for other remedies to ensure adequate enforcement of this section.~~

(3) No ground for relief in criminal case. The failure or inability of any person to provide a right or service provided under this section may not be used by a defendant in a criminal case, an inmate, or any other accused as a ground for relief in any trial, appeal, postconviction litigation, habeas corpus, civil action, or any similar criminal or civil proceeding. Nothing in this section shall be construed to provide grounds for a victim (i) to appeal any decision made in a criminal or juvenile proceeding; (ii) to challenge any verdict, sentence, or adjudication; (iii) to participate as a party in any proceeding; or (iv) to obtain confidential juvenile records.

(4) No restriction of authority. Nothing in this section shall be construed to restrict the power of the district attorney, or the inherent authority of the court.

(5) Implementation. The General Assembly may prescribe general laws to further define and implement this section."

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CAP MAXIMUM STATE INCOME TAX AT 7%

OFFICIAL EXPLANATION

The current maximum personal and corporate income tax rate in our State Constitution is 10%. This proposed amendment makes the new limit 7%.

This proposed amendment does not reduce your current taxes. It does not change the current individual income tax rate of 5.499%, and it does not change the current corporate income tax rate of 3%. Instead, it limits how much the state income tax rate could go up.

This proposed amendment applies only to state income taxes. It does not affect sales taxes, property taxes, or federal taxes.

Income taxes are one of the ways State government raises the money to pay for core services such as public education, public health, and public safety.

The proposed amendment does not include any exceptions. Therefore, in times of disaster or recession, the State could have to take measures such as cutting core services, raising sales taxes or fees, or increasing borrowing.

This is just a short summary of the amendment. To see the actual amendment before voting on it, go to: <https://tinyurl.com/ncsos75>

AMENDMENT TEXT

AN ACT TO AMEND THE NORTH CAROLINA
CONSTITUTION TO PROVIDE THAT THE
MAXIMUM TAX RATE ON INCOMES CANNOT
EXCEED SEVEN PERCENT.

(Session Law 2018-119)

SECTION 1. Section 2 of Article V of the North Carolina Constitution reads as rewritten:

"Sec. 2. State and local taxation. ...

(6) Income tax. The rate of tax on incomes shall not in any case exceed ~~ten~~ seven percent, and there shall be allowed personal exemptions and deductions so that only net incomes are taxed."

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REQUIRE PHOTOGRAPHIC IDENTIFICATION TO VOTE

OFFICIAL EXPLANATION

This amendment requires you to show photographic identification to a poll-worker before you can vote in person. It does not apply to absentee voting.

The Legislature would make laws providing the details of acceptable and unacceptable forms of photographic identification after passage of the proposed amendment. The Legislature would be authorized to establish exceptions to the requirement to present photographic identification before voting. However, it is not required to make any exceptions. There are no further details at this time on how voters could acquire valid photographic identification for the purposes of voting. There is no official estimate of how much this proposal would cost if it is approved.

This is just a short summary of the amendment. To see the actual amendment before voting on it, go to: <https://tinyurl.com/ncsos1092>.

AMENDMENT TEXT

AN ACT TO AMEND THE NORTH CAROLINA
CONSTITUTION TO REQUIRE PHOTO
IDENTIFICATION TO VOTE IN PERSON.

(Session Law 2018-128)

SECTION 1. Section 2 of Article VI of the Constitution of North Carolina is amended by adding a new subsection to read:

"(4) Photo identification for voting in person. Voters offering to vote in person shall present photographic identification before voting. The General Assembly shall enact general laws governing the requirements of such photographic identification, which may include exceptions."

SECTION 2. Section 3 of Article VI of the Constitution of North Carolina reads as rewritten:

"Sec. 3. ~~Registration.~~Registration; Voting in Person.

(1) Every person offering to vote shall be at the time legally registered as a voter as herein prescribed and in the manner provided by law. The General Assembly shall enact general laws governing the registration of voters.

(2) Voters offering to vote in person shall present photographic identification before voting. The General Assembly shall enact general laws governing the requirements of such photographic identification, which may include exceptions."

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LEGISLATURE TO CONTROL JUDICIAL APPOINTMENTS (1 OF 3)

OFFICIAL EXPLANATION

This proposed constitutional amendment would create a new process for filling judicial vacancies. The Legislature would play the dominant role in this process.

In North Carolina, the people have a constitutional right to elect judges. Currently, when a judge leaves office before the end of his or her term, the Governor appoints a new judge. In most instances, the person who is appointed by the Governor holds office for less than 2 years, until the next general election.

This proposed amendment would take away the Governor's current authority to select a replacement judge. The amendment would give the Legislature most of the control over judicial appointments.

Under the amendment, the Legislature chooses 2 or more finalists after they are reviewed by a commission to determine if they are qualified. A person is qualified to hold the office of Justice or Judge if the person is an attorney who is licensed to practice law in North Carolina, is registered to vote, and has not yet reached mandatory retirement age. The Governor then must choose one of the 2 or more finalists that the Legislature selected. If the Governor does not appoint someone from the Legislature's approved list within 10 days, the Legislature elects someone to fill the vacancy. Under the amendment, the Governor cannot veto any bill that recommends or selects the person to fill a judicial vacancy.

This proposed amendment weakens voters' constitutional right to elect judges by lengthening how long an appointed judge will serve before an election is held. Today, appointed judges serve until the next election. If the amendment passes, appointed judges would serve up to 4 years before voters could elect or replace them.

The amendment applies to judges on the State Supreme Court, Court of Appeals, and trial courts in each county.

The Legislature has the constitutional authority to add 2 additional seats to the Supreme Court. If this amendment passes, then the Legislature could use this newly granted power to choose unelected Supreme Court Justices for 2 newly created vacant seats. These legislatively-chosen judges would serve for up to 4 years before voters could elect or replace them.

This is just a short summary of the amendment. To see the actual amendment before voting on it, go to: <https://tinyurl.com/ncsos132>.

AMENDMENT TEXT

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR NONPARTISAN JUDICIAL MERIT COMMISSIONS FOR THE NOMINATION AND RECOMMENDATION OF NOMINEES WHEN FILLING VACANCIES IN THE OFFICE OF JUSTICE OR JUDGE OF THE GENERAL COURT OF JUSTICE AND TO MAKE OTHER CONFORMING CHANGES TO THE CONSTITUTION.

(Session Law 2018-132)

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

"Sec. 23. Merit selection; judicial vacancies.

(1) All vacancies occurring in the offices of Justice or Judge of the General Court of Justice shall be filled as provided in this section. Appointees shall hold their places until the next election following the election for members of the General Assembly held after the appointment occurs, when elections shall be held to fill those offices. When the vacancy occurs on or after the sixtieth day before the next election for members of the General Assembly and the term would expire on December 31 of that same year, the Chief Justice shall appoint to fill that vacancy for the unexpired term of the office.

2) In filling any vacancy in the office of Justice or Judge of the General Court of Justice, individuals shall be nominated on merit by the people of the State to fill that vacancy. In a manner prescribed by law, nominations shall be

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LEGISLATURE TO CONTROL JUDICIAL APPOINTMENTS (2 OF 3)

received from the people of the State by a nonpartisan commission established under this section, which shall evaluate each nominee without regard to the nominee's partisan affiliation, but rather with respect to whether that nominee is qualified or not qualified to fill the vacant office, as prescribed by law. The evaluation of each nominee of people of the State shall be forwarded to the General Assembly, as prescribed by law. The General Assembly shall recommend to the Governor, for each vacancy, at least two of the nominees deemed qualified by a nonpartisan commission under this section. For each vacancy, within 10 days after the nominees are presented, the Governor shall appoint the nominee the Governor deems best qualified to serve from the nominees recommended by the General Assembly.

(3) The Nonpartisan Judicial Merit Commission shall consist of no more than nine members whose appointments shall be allocated between the Chief Justice of the Supreme Court, the Governor, and the General Assembly, as prescribed by law. The General Assembly shall, by general law, provide for the establishment of local merit commissions for the nomination of judges of the Superior and District Court. Appointments to local merit commissions shall be allocated between the Chief Justice of the Supreme Court, the Governor, and the General Assembly, as prescribed by law. Neither the Chief Justice of the Supreme Court, the Governor, nor the General Assembly shall be allocated a majority of appointments to a nonpartisan commission established under this section.

(4) If the Governor fails to make an appointment within 10 days after the nominees are presented by the General Assembly, the General Assembly shall elect, in joint session and by a majority of the members of each chamber present and voting, an appointee to fill the vacancy in a manner prescribed by law.

(5) If the General Assembly has adjourned sine die or for more than 30 days jointly as provided under Section 20 of Article II of this Constitution, the Chief Justice shall have the authority to appoint a qualified individual to fill a vacant office of Justice or Judge of the General Court of Justice if any of the following apply:

(a) The vacancy occurs during the period of adjournment.

(b) The General Assembly adjourned without presenting nominees to the Governor as required under subsection (2) of this section or failed to elect a nominee as required under subsection (4) of this section.

(c) The Governor failed to appoint a recommended nominee under subsection (2) of this section.

(6) Any appointee by the Chief Justice shall have the same powers and duties as any other Justice or Judge of the General Court of Justice, when duly assigned to hold court in an interim capacity, and shall serve until the earlier of:

(a) Appointment by the Governor.

(b) Election by the General Assembly.

(c) The first day of January succeeding the next election of the members of the General Assembly, and such election shall include the office for which the appointment was made.

However, no appointment by the Governor or election by the General Assembly to fill a judicial vacancy shall occur after an election to fill that judicial office has commenced, as prescribed by law."

SECTION 2. Section 10 of Article IV of the North Carolina Constitution reads as rewritten:

"Sec. 10. District Courts.

(1) The General Assembly shall, from time to time, divide the State into a convenient number of local court districts and shall prescribe where the District Courts shall sit, but a District Court must sit in at least one place in each county. District Judges shall be elected for each district for a term of four years, in a manner prescribed by law. When more than one District Judge is authorized and elected for a district, the Chief Justice of the Supreme Court shall designate one of the judges as Chief District Judge. Every District Judge shall reside in the district for which he is elected.

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LEGISLATURE TO CONTROL JUDICIAL APPOINTMENTS (3 OF 3)

(2) For each county, the senior regular resident Judge of the Superior Court serving the county shall appoint from nominations submitted by the Clerk of the Superior Court of the county, one or more Magistrates who shall be officers of the District Court. The initial term of appointment for a magistrate shall be for two years and subsequent terms shall be for four years.

(3) The number of District Judges and Magistrates shall, from time to time, be determined by the General Assembly. ~~Vacancies in the office of District Judge shall be filled for the unexpired term in a manner prescribed by law.~~ Vacancies in the office of Magistrate shall be filled for the unexpired term in the manner provided for original appointment to the office, unless otherwise provided by the General Assembly."

SECTION 3. Section 18 of Article IV of the North Carolina Constitution is amended by adding a new subsection to read:

"(3) Vacancies. All vacancies occurring in the office of District Attorney shall be filled by appointment of the Governor, and the appointees shall hold their places until the next election for members of the General Assembly that is held more than 60 days after the vacancy occurs, when elections shall be held to fill the offices. When the unexpired term in which a vacancy has occurred expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office."

SECTION 4. Section 19 of Article IV of the North Carolina Constitution is repealed.

SECTION 5. Subsection (5) of Section 22 of Article II of the North Carolina Constitution reads as rewritten:

“(5) Other exceptions. Every bill:

- (a) In which the General Assembly makes an appointment or appointments to public office and which contains no other matter;
- (b) Revising the senate districts and the apportionment of Senators among those districts and containing no other matter;
- (c) Revising the representative districts and the apportionment of Representatives among those districts and containing no other matter; ~~or~~
- (d) Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of Representatives among those districts and containing no other ~~matter;~~matter;
- (e) Recommending a nominee or nominees to fill a vacancy in the office of Justice and Judge of the General Court of Justice, in accordance with Section 23 of Article IV of this Constitution and containing no other matter; or
- (f) Electing a nominee or nominees to fill a vacancy in the office of Justice or Judge of the General Court of Justice, in accordance with Section 23 of Article IV of this Constitution and containing no other matter,

shall be read three times in each house before it becomes law and shall be signed by the presiding officers of both houses."

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PARTY LEADERS IN LEGISLATURE TO CONTROL ETHICS AND ELECTIONS BOARD APPOINTMENTS; ELIMINATE NONPARTISAN REPRESENTATION ON BOARD (1 OF 2)

OFFICIAL EXPLANATION

Today, North Carolina has a 9-member Bipartisan Board of Ethics and Elections to administer ethics and elections law. The Governor appoints 8 of 9 members of this board from nominees provided by the 2 largest political parties. The Governor appoints the 9th member, who is not a member of a political party, from nominations provided by the other 8 members.

The Legislature passed a law in 2017 establishing an 8-member board to administer elections, ethics, and lobbying laws. The North Carolina Supreme Court struck that law down as unconstitutional because it took executive authority from the Governor. The 2017 law also lacked representation of unaffiliated voters.

This proposed amendment would overturn that Supreme Court decision. It would reduce the current board from 9 members to 8 by removing the only member who represents unaffiliated voters.

If the amendment passes, majority and minority political party leaders in the Legislature would nominate the potential members of the board. There is an argument that nominated members could include members of the Legislature itself. The Governor then would have to choose the 8 members from the finalists the legislative leaders selected. This process would likely create a board of 4 Democrats and 4 Republicans. If the amendment passes, there would be no 9th non-partisan member.

Removing the 9th board member may result in a 4-4 partisan deadlock vote. Under current law, a tie on this board could drastically restrict early voting opportunities.

The board's responsibilities would include enforcing ethics and elections laws, which includes lobbying, campaign finance, and early voting, among other things. So, the board would oversee the legislative leaders and the Governor who picked them.

If this Amendment passes, it would be only the 2nd board authorized in our constitution. The other is the State Board of Education.

This is just a short summary of the amendment. To see the actual amendment before voting on it, go to: <https://tinyurl.com/ncsos133> .

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PARTY LEADERS IN LEGISLATURE TO CONTROL ETHICS AND ELECTIONS BOARD APPOINTMENTS; ELIMINATE NONPARTISAN REPRESENTATION ON BOARD (2 OF 2)

AMENDMENT TEXT

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ESTABLISH A BIPARTISAN BOARD OF ETHICS
AND ELECTIONS ENFORCEMENT.

(Session Law 2018-133)

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

"Sec. 11. Bipartisan State Board of Ethics and Elections Enforcement.

- (1) The Bipartisan State Board of Ethics and Elections Enforcement shall be established to administer ethics and elections law, as prescribed by general law. The Bipartisan State Board of Ethics and Elections Enforcement shall be located within the Executive Branch for administrative purposes only and shall exercise all of its powers independently of the Executive Branch.
- (2) The Bipartisan State Board of Ethics and Elections Enforcement shall consist of eight members, each serving a term of four years, who shall be qualified voters of this State. Of the total membership, no more than four members may be registered with the same political affiliation, if defined by general law. Appointments shall be made by the Governor as follows:
 - (a) Four members upon the recommendation of the leader, as prescribed by general law, of each of the two Senate political party caucuses with the most members. The Governor shall not appoint more than two members from the recommendations of each leader.
 - (b) Four members upon the recommendation of the leader, as prescribed by general law, of each of the two House of Representatives political party caucuses with the most members. The Governor shall not appoint more than two members from the recommendations of each leader.
- (3) The General Assembly shall enact general laws governing how appointments shall be made if the Governor fails to appoint a member within 10 days of receiving recommendations as required by this section."