

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

H

1

HOUSE BILL 206

Short Title: State Constitutional Convention.

(Public)

Sponsors: Representatives Blue; and Wood.

Referred to: Judiciary.

February 13, 1989

A BILL TO BE ENTITLED

1 AN ACT TO SUBMIT TO THE VOTERS OF THE STATE THE QUESTION OF
2 CALLING A STATE CONSTITUTIONAL CONVENTION ON THE ISSUE OF
3 STRUCTURAL REFORM OF THE BALANCE OF POWERS BETWEEN THE
4 EXECUTIVE AND LEGISLATIVE BRANCHES AND THE SELECTION OF
5 THE JUDICIAL BRANCH.
6

7 Whereas, Section 1 of Article XIII of the Constitution of North Carolina
8 provides that a Convention of the People of this State may be called to propose
9 amendments to that Constitution; and

10 Whereas, that section requires approval by two-thirds of all the members of
11 each house, and a referendum of the people, but allows the General Assembly to limit
12 the items which the convention may consider; and

13 Whereas, that section requires the act calling the convention to set forth
14 procedures for electing delegates to the convention; Now, therefore,
15 The General Assembly of North Carolina enacts:

16 Section 1. (a) A Convention of the People of this State is called for the
17 purpose of considering amendments to the Constitution of this State, but such
18 convention may consider only the following topics:

- 19 (1) Gubernatorial Veto;
- 20 (2) The Governor and Lieutenant Governor being nominated and/or
21 elected as a team;
- 22 (3) Length of terms for members of the General Assembly;
- 23 (4) Number of members of each house of the General Assembly;
- 24 (5) Terms of office of the Governor, Speaker, and President Pro Tempore;

- 1 (6) Merit selection of justices and judges; and
2 (7) Size of the Council of State and election, appointment and filling of
3 vacancies in offices in the executive branch.

4 (b) The convention shall adjourn **sine die** no later than the time of convening of
5 the 1991 Regular Session of the General Assembly.

6 Sec. 2. Section 1 of this act shall be submitted to the qualified voters of the
7 State at a general election to be held on November 7, 1989, which election shall be
8 conducted under the laws then governing elections in the State. At that election, each
9 qualified voter desiring to vote shall be provided a ballot on which, as specifically
10 provided by the Constitution, shall be printed the following:

- 11 " Convention.
12 No Convention."

13 Those qualified voters favoring a Convention of the People of this State as
14 set forth in Section 1 of this act shall vote by making an X or a check mark in the square
15 beside the statement "Convention", and those qualified voters opposed to a Convention
16 of the People of this State as set forth in Section 1 of this act shall vote by making an X
17 or a check mark in the square beside the statement "No Convention".

18 Notwithstanding the foregoing provisions of this section, voting machines
19 may be used in accordance with rules and regulations prescribed by the State Board of
20 Elections.

21 Sec. 3. If a majority of votes cast thereon are in favor of a Convention of the
22 People of this State as set forth in Section 1 of this act, then delegates to that convention
23 shall be elected in the 1990 general election under the same provisions as election of
24 members of the House of Representatives, provided that notwithstanding G.S. 163-111,
25 nominations in primary elections for delegates shall be determined as follows:

- 26 (1) When more than one person is seeking election to a single office, the
27 candidate who receives the highest number of votes shall be declared
28 the nominee.
29 (2) When more persons are seeking nomination to two or more offices
30 (constituting a group) than there are offices to be filled, those
31 candidates receiving the highest number of votes, equal in number to
32 the number of offices to be filled, shall be declared the nominee.
33 (3) If two or more candidates receiving the highest number of votes
34 necessary to be nominated each receive the same number of votes, the
35 proper party executive committee shall, from among those candidates
36 receiving the same number of votes, select the party nominee in
37 accordance with G.S. 163-114.

38 Sec. 4. The Convention of the People of this State shall convene on
39 December 3, 1990. The convention shall adopt rules for its procedure. Any vacancies
40 in membership of the convention shall be filled as if they were vacancies in the
41 membership of the House of Representatives.

42 Sec. 5. Delegates to the convention shall receive no salary, but shall receive
43 travel and subsistence allowances under G.S. 120-3.1 as if they were members of the
44 House of Representatives.

1 Sec. 6. Notwithstanding G.S. 120-11.1, the 1991 Regular Session of the
2 Senate and House of Representatives shall be held beginning on the first Wednesday in
3 February of 1991, at noon.

4 Sec. 7. This act is effective upon ratification.