

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 39

Short Title: Initiative, Referendum, Veto.

(Public)

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Sponsors: Representatives Brubaker; Arnold, J. Brown, Culp, Decker, Esposito, Flaherty, Hayes, Ives, Nichols, J. Preston, Russell, P. Wilson, and Wood.

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Referred to: Constitutional Amendments and Referenda.

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February 3, 1993

1 A BILL TO BE ENTITLED  
2 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO  
3 PROVIDE TO THE PEOPLE THE POWER OF INITIATIVE AND  
4 REFERENDUM, AND TO PROVIDE FOR A GUBERNATORIAL VETO.

5 The General Assembly of North Carolina enacts:

6 **PART I. INITIATIVE AND REFERENDUM**

7 Section 1. Article VI of the Constitution of North Carolina is amended by  
8 adding at the end three new sections to read:

9 "Sec. 11. Initiative.

10 (1) The initiative is the power of the electors to propose statutes and amendments  
11 to the Constitution and to adopt or reject them.

12 (2) An initiative measure may be proposed by presenting to the Secretary of State  
13 a petition that sets forth the text of the proposed statute or amendment to the  
14 Constitution and is certified to have been signed by qualified voters equal in number to  
15 five percent (5%) in the case of a statute, and eight percent (8%) in the case of an  
16 amendment to the Constitution, of the votes for all candidates for Governor at the last  
17 gubernatorial election.

18 (3) The measure shall be submitted in accordance with law at the next general  
19 election held at least 131 days after it qualifies or at any special statewide election held  
20 prior to that general election. The Governor may call a special statewide election for the  
21 measure.

22 (4) An initiative measure embracing more than one subject may not be submitted  
23 to the qualified voters or have any effect.

1       "Sec. 12. Referendum.

2       (1)   The referendum is the power of the electors to approve or reject statutes or  
3 parts of statutes except statutes calling elections and statutes providing for tax levies or  
4 appropriations for usual current expenses of the State.

5       (2)   A referendum measure may be proposed by presenting to the agency  
6 provided by law, within 90 days after the enactment date of the statute, a petition  
7 certified to have been signed by electors equal in number to five percent (5%) of the  
8 votes for all candidates for Governor at the last gubernatorial election, asking that the  
9 statute or part of it be submitted to the electors.

10       (3)   The measure shall be submitted in accordance with law at the next general  
11 election held at least 90 days after it qualifies or at a special statewide election held  
12 prior to that general election. The Governor may call a special statewide election for the  
13 measure.

14       "Sec. 13. Initiative and referendum; majority vote; effective date; conflicting  
15 measures; amendments and repeals; submission of petition to Attorney General;  
16 submission to electors.

17       (1)   An initiative statute or referendum approved by a majority of voters thereon  
18 takes effect upon certification by the agency provided by law to the Secretary of State.  
19 Qualification of a referendum filed under Section 12 of this Article suspends the  
20 operation of the statute until the results are determined, but if a referendum petition is  
21 filed against a part of a statute, the remainder shall not be delayed from going into  
22 effect.

23       (2)   If provisions of two or more measures approved at the same election conflict,  
24 those of the measure receiving the highest affirmative vote shall prevail.

25       (3)   The General Assembly may amend or repeal referendum statutes. It may  
26 amend or repeal an initiative statute by another statute that becomes effective only when  
27 approved by the electors unless the initiative statute permits amendment or repeal  
28 without their approval.

29       (4)   Prior to circulation of an initiative or referendum petition for signatures, a  
30 copy shall be submitted to the Attorney General, who shall prepare a title and summary  
31 of the measure as provided by law.

32       (5)   The General Assembly shall provide by law the manner in which petitions  
33 shall be circulated, presented, and certified, and measures submitted to the electors."

34       Sec. 2. The amendment set out in Section 1 of this act shall be submitted to  
35 the qualified voters of the State at the statewide general election in November of 1994.  
36 That election shall be conducted under the laws then governing elections in this State.

37       Sec. 3. At that election, each qualified voter presenting himself to vote shall  
38 be provided a ballot on which shall be printed the following:

39       "   FOR constitutional amendment giving the people the power of  
40       initiative and referendum to adopt or reject statutes and amendments to  
41       the Constitution.

42          AGAINST constitutional amendment giving the people the power of  
43       initiative and referendum to adopt or reject statutes and amendments to  
44       the Constitution."

1 Voting machines may be used in the election.

2 Sec. 4. If a majority of the votes cast thereon are in favor of the amendment  
3 set out in Section 1 of this act, the State Board of Elections shall certify the amendment  
4 to the Secretary of State, who shall enroll the amendment among the permanent records  
5 of his office. The amendment shall become effective upon such certification.

## 6 PART II. VETO

7 Sec. 5. Section 22 of Article II of the Constitution of North Carolina reads as  
8 rewritten:

9 "**Sec. 22. Action on bills.** ~~All bills and resolutions of a legislative nature shall be~~  
10 ~~read three times in each house before they become laws, and shall be signed by the~~  
11 ~~presiding officers of both houses.~~

12 (1) All bills proposing a new or revised Constitution or an amendment or  
13 amendments to this Constitution or calling a convention of the people of this State, and  
14 containing no other matters, shall be submitted to the qualified voters of this State after  
15 they shall have been read three times in each house, and signed by the presiding officers  
16 of both houses.

17 (2) All bills approving an amendment to the Constitution of the United States, or  
18 applying for a convention to propose amendments to the Constitution of the United  
19 States, and containing no other matters, shall be read three times in each house before  
20 they become laws, and shall be signed by the presiding officers of both houses.

21 (3) Any other bill shall be read three times in each house and shall be signed by  
22 the presiding officer of each house before being presented to the Governor. If the  
23 Governor approves, he shall sign it and it shall become a law; but if not, he shall return  
24 it with his objections to that house in which it shall have originated, which shall enter  
25 the objections at large on its journal, and proceed to reconsider it. If after such  
26 reconsideration two-thirds of all the members of that house shall agree to pass the bill, it  
27 shall be sent, together with the objections, to the other house, by which it shall likewise  
28 be reconsidered; and if approved by two-thirds of all the members of that house, it shall  
29 become a law notwithstanding the objections of the Governor. In all such cases the  
30 votes of both houses shall be determined by yeas and nays, and the names of the  
31 members voting shall be entered on the journal of each house respectively.

32 (4) If any bill shall not be returned by the Governor within 10 days (Sundays  
33 excepted) after it shall have been presented to him the same shall be a law in like  
34 manner as if he had signed it, unless the General Assembly shall, by its adjournment,  
35 prevent its return, in which case it shall not become a law without the approval of the  
36 Governor.

37 (5) No bill shall become a law after adjournment of the General Assembly **sine**  
38 **die** unless approved by the Governor within 30 days after such adjournment.

39 (6) If any bill presented to the Governor contains items of appropriation of  
40 money, he may object to one or more of such items while approving of the other portion  
41 of the bill. In such a case he shall append to the bill, at the time of signing it, a  
42 statement of the items to which he objects; and the appropriations so objected to shall  
43 not take effect. If the General Assembly shall be in session, he shall transmit to the  
44 house in which the bill originated a copy of such statement, and the items objected to

1 shall be separately reconsidered. If after such reconsideration any such items be  
2 approved by two-thirds of all the members of that house, the item or items approved,  
3 together with the Governor's statement of objection thereto shall be transmitted to the  
4 other house and the item separately reconsidered; and if any item be approved by two-  
5 thirds of all the members of that house, the same shall be part of the law,  
6 notwithstanding the objections of the Governor.

7 (7) All the provisions of this section in relation to bills not approved by the  
8 Governor shall apply in cases in which he shall withhold his approval for any item or  
9 items contained in a bill appropriating money.

10 (8) For purposes of return of bills not approved by the Governor, the General  
11 Assembly shall be considered to be continuously in session until it adjourns **sine die**;  
12 and the Principal Clerk of the House of Representatives (or another officer designated  
13 by the House of Representatives) and the Principal Clerk of the Senate (or another  
14 officer designated by the Senate) shall be deemed proper recipients of such returned  
15 bills during recess or adjournment of the General Assembly other than **sine die**.

16 (9) Every joint resolution shall be read three times in each house before it  
17 becomes effective, and shall be signed by the presiding officers of both houses.

18 (10) Every order to which the concurrence of both houses of the General  
19 Assembly may be necessary shall be presented to the Governor and, before the same  
20 shall take effect, be approved by him or, being disapproved by him, shall be repassed by  
21 two-thirds of all the members of each house of the General Assembly, according to the  
22 rules and limitations prescribed in this section in case of a bill. 'Order' as used in this  
23 section is an appointment by the General Assembly to public office (except in the  
24 legislative branch) made other than by bill."

25 Sec. 6. The amendment set forth in Section 5 of this act shall be submitted to  
26 the qualified voters of the State at the general election in November of 1994, which  
27 shall be conducted under the laws then governing elections in the State.

28 Sec. 7. At that election, each qualified voter desiring to vote shall be  
29 provided a ballot on which shall be printed the following:

30  FOR constitutional amendment granting veto power to the Governor,  
31 provided such veto may be overridden by two-thirds vote of each  
32 house of the General Assembly.

33  AGAINST constitutional amendment granting veto power to the  
34 Governor, provided such veto may be overridden by two-thirds vote of  
35 each house of the General Assembly."

36 Those qualified voters favoring the amendment shall vote by marking an "X" or a check  
37 mark in the square beside the statement beginning "FOR", and those qualified voters  
38 opposed to the amendment shall vote by marking an "X" or a check mark in the square  
39 beside the statement beginning "AGAINST".

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

43 Sec. 8. If a majority of votes cast thereon are in favor of the constitutional  
44 amendment set out in Section 5 of this act, then the State Board of Elections shall

1 certify the amendment set out in Section 5 of this act to the Secretary of State who shall  
2 enroll that amendment so certified among the permanent records of his office. This  
3 constitutional amendment shall become effective beginning with bills and orders passed  
4 in either house of the General Assembly on or after January 1, 1995.

5           Sec. 9. This act is effective upon ratification.