

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 25
Second Edition Engrossed 5/5/93

Short Title: Veto Referendum.

(Public)

Sponsors: Senators Winner of Buncombe; Forrester, Cochrane, Carpenter, Plexico, Allran, Blackmon, Codington, and Hartsell.

Referred to: Constitution and Elections Laws.

February 1, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A REFERENDUM TO AMEND THE CONSTITUTION
TO PROVIDE FOR A GUBERNATORIAL VETO.

The General Assembly of North Carolina enacts:

Section 1. Section 22 of Article II of the Constitution of North Carolina reads as rewritten:

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

(1) Amendments to Constitution of North Carolina. Every bill proposing a new or revised Constitution or an amendment or amendments to this Constitution or calling a convention of the people of this State, and containing no other matter, shall be submitted to the qualified voters of this State after it shall have been read three times in each house, and signed by the presiding officers of both houses.

(2) Amendments to Constitution of the United States. Every bill approving an amendment to the Constitution of the United States, or applying for a convention to propose amendments to the Constitution of the United States, 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.

(3) Appointments by General Assembly. Every bill in which the General Assembly makes an appointment or appointments to public office and which contains

1 no other matter, shall be read three times in each house before it becomes law, and shall
2 be signed by the presiding officers of both houses.

3 (4) **Joint resolutions.** Every joint resolution shall be read three times in each
4 house before it becomes effective, and shall be signed by the presiding officers of both
5 houses.

6 (5) **State Senate redistricting.** Every bill revising the Senate districts and the
7 apportionment of Senators among those districts, and containing no other matter, shall
8 be read three times in each house before it becomes law and shall be signed by the
9 presiding officers of both houses.

10 (6) **State House redistricting.** Every bill revising the representative districts and
11 the apportionment of Representatives among those districts, and containing no other
12 matter, shall be read three times in each house before it becomes law and shall be signed
13 by the presiding officers of both houses.

14 (7) **Congressional redistricting.** Every bill revising the districts for the election
15 of members of the House of Representatives of the Congress of the United States and
16 the apportionment of Representatives among those districts, and containing no other
17 matter, shall be read three times in each house before it becomes law and shall be signed
18 by the presiding officers of both houses.

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

33 (9) **Time for action by Governor; reconvening of session.** If any bill shall not
34 be returned by the Governor within 10 days after it shall have been presented to him, the
35 same shall be a law in like manner as if he had signed it, unless the General Assembly
36 shall have adjourned:

37 (a) **Sine die; or**

38 (b) **For more than 30 days,**

39 in which case it shall become a law unless, within 30 days after such adjournment, it is
40 returned by the Governor with his objections and veto message to that house in which it
41 shall have originated. When the General Assembly has adjourned **sine die** or for more
42 than 30 days, the Governor shall reconvene that session as provided by Article III,
43 Section 5(11) of this Constitution for reconsideration of the bill, and if he does not

1 reconvene the session, the bill shall become law on the fortieth day after such
2 adjournment.

3 (10) **Return of bills after adjournment.** For purposes of return of bills not
4 approved by the Governor, each house shall designate its principal clerk or another
5 officer to receive returned bills during its adjournment."

6 Sec. 2. Section 5 of Article III of the Constitution of North Carolina is
7 amended by adding a new subdivision to read:

8 "(11) **Reconvened sessions.** The Governor shall, when required by Section 22
9 of Article II of this Constitution, reconvene a session of the General Assembly. At such
10 reconvened session, the General Assembly may only consider such bills as were
11 returned by the Governor to that reconvened session for reconsideration. Such
12 reconvened session shall begin on a date set by the Governor, but no later than 40 days
13 after the General Assembly adjourned:

14 (a) **Sine die;** or

15 (b) For more than 30 days.

16 If the date of reconvening the session occurs after the expiration of the terms of
17 office of the members of the General Assembly, then the members serving for the
18 reconvened session shall be the newly elected members."

19 Sec. 3. The amendments set forth in Sections 1 and 2 of this act shall be
20 submitted to the qualified voters of the State at the next statewide election, primary
21 election, or general election, whichever occurs first, which shall be conducted under the
22 laws then governing elections in the State.

23 Sec. 4. At that election, each qualified voter desiring to vote shall be
24 provided a ballot on which shall be printed the following:

25 "[] FOR constitutional amendment granting veto power to the Governor.

26 [] AGAINST constitutional amendment granting veto power to the
27 Governor."

28 Those qualified voters favoring the amendments shall vote by marking an "X" or a check
29 mark in the square beside the statement beginning "FOR", and those qualified voters
30 opposed to the amendment shall vote by marking an "X" or a check mark in the square
31 beside the statement beginning "AGAINST".

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

35 Sec. 5. If a majority of votes cast are in favor of the constitutional
36 amendments set out in Sections 1 and 2 of this act, then the State Board of Elections
37 shall certify the amendments set out in Sections 1 and 2 of this act to the Secretary of
38 State who shall enroll the amendments so certified among the permanent records of his
39 office. The constitutional amendments proposed by Sections 1 and 2 of this act become
40 effective January 1, 1995, except if the election is held prior to January 1, 1994, they
41 become effective January 1, 1994.

42 Sec. 6. This act is effective upon ratification.