



# 2018 Constitutional Amendments

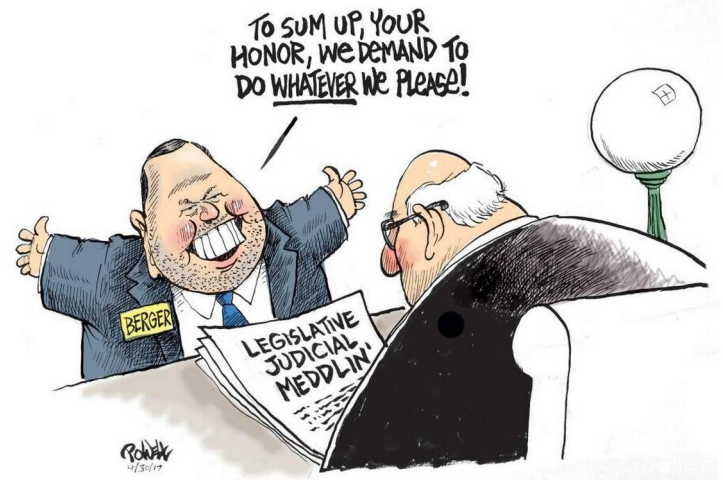
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# November 2018 Constitutional Amendments

*“The legislative, executive, and supreme judicial powers of the State government shall be forever separate and distinct from each other.”* NC State Constitution

- 6 amendments drafted in secret
- Strategy to disguise legislative intent with misleading ballot language
- Rushed through with little debate by legislators
- No involvement by stakeholders, inc. Bd of Elections
- No implementation language provided
- Designed to circumvent court challenges
- Opposed by five former governors as well as former Supreme Court Justices.



Dwane Powell, News & Observer 4/28/17

# Bipartisan Ethics and Elections Enforcement

*Constitutional amendment to establish an eight-member Bipartisan Board of Ethics and Elections Enforcement in the Constitution to administer ethics and elections law.*

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- Removes Governor's power to appoint ninth Unaffiliated member to Board of Ethics and Elections
- Misleading ballot language - we already have a bipartisan Board
- Reduces current 9 member BiPartisan Elections Board to 8 members; each party gets to appoint 4 members. An even number of members appointed by the majority and minority party may result in tie votes, creating dismissals on issues like voter challenges, early voting access and ethics disputes
- The Board of Elections and Ethics hears challenges to voting laws, election disputes, and ethics violations which can be brought against our legislative branch or members of it. By eliminating the Executive Branch's ability to appoint members to this board we lose an important check on the Legislative Branch
- Opposed by all living former Governors and former Supreme Court Justices

# Judicial Vacancy Sunshine Amendment

*Constitutional amendment to change the process for filling judicial vacancies that occur between judicial elections from a process in which the Governor has sole appointment power to a process in which the people of the State nominate individuals to fill vacancies by way of a commission comprised of appointees made by the judicial, executive, and legislative branches charged with making recommendations to the legislature as to which nominees are deemed qualified; then the legislature will recommend at least two nominees to the Governor via legislative action not subject to gubernatorial veto; and the Governor will appoint judges from among these nominees.*

- Removes Governor's power to appoint judges when there is an opening between elections
- Gives NC Legislature the power to appoint a commission which would simply confirm each nominee meets basic qualifications
- Gives NC Legislature the power to choose any two names to send to the Governor for approval of one appointment
- Increases the term of appointed judges and Justices to up to 4 years instead of potentially just 2
- Legislature could add two Supreme Court seats in a special session, potentially shifting the balance of the court
- Opposed by all living former Governors and Justices as well

# Require Photo ID to Vote

*Constitutional amendment to require voters to provide photo identification before voting in person.*

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- 381,000 eligible NC voters (5.6%) do not have photo ID, primarily seniors, youth, low income, people of color, people with disabilities
- Over 1270 citizens could not vote in the March 2016 Primary due to the ID law that was in place at that time (ruled unconstitutional in July 2016 due to racial targeting)
- There is no plan to ensure that all voters who need an ID get one
- Types of photo ID that would be allowed or exceptions to the law won't be decided until AFTER this is voted on - in a November session by the current supermajority
- A recent study found that, since 2000, there were only 31 credible allegations of voter impersonation across the entire country, with more than 1 billion ballots cast
- Attempts to circumnavigate lawsuits and avoid court challenges through amendment process

# Maximum Income Tax Rate

*Reduce the income tax rate in North Carolina to a maximum allowable rate of seven percent (7%)*

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- Decreases maximum allowable rate from 10% (since 1936) to 7% for all NC taxpayers
- Does NOT reduce the state tax rate you currently pay, which is 5.5%
- Could force property and sales taxes to increase, impacting the poor disproportionately
- Limits available funds in case of emergencies like natural disasters
- Limits options for improving infrastructure, education and other needs, especially as federal tax resources are decreasing

# Strengthen Victims' Rights

*Constitutional amendment to strengthen protections for victims of crime, to establish certain, absolute basic rights for victims, and to ensure the enforcement of these rights.*

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- Weakens defendants' due process rights by assuming guilt first instead of innocence
- Another unfunded mandate with estimated costs of up to \$30M annually; additional burden on the criminal justice system with little input from stakeholders
- No implementation language available to see how this would work; other states have had problems
- Some victim's rights are already established as law; could expand on that instead of an amendment
- Potential privacy issues, especially when juveniles are defendants

# Protect the Right to Hunt and Fish

*Constitutional amendment protecting the right of the people to hunt, fish, and harvest wildlife.*

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- These rights are already established by law, with no known threats. No value added with this addition.
- Meant to bring out conservative voters
- Establishes basis to block future gun safety measures by guaranteeing hunting rights
- Essentially says “you will have this right except when our laws say you don’t”

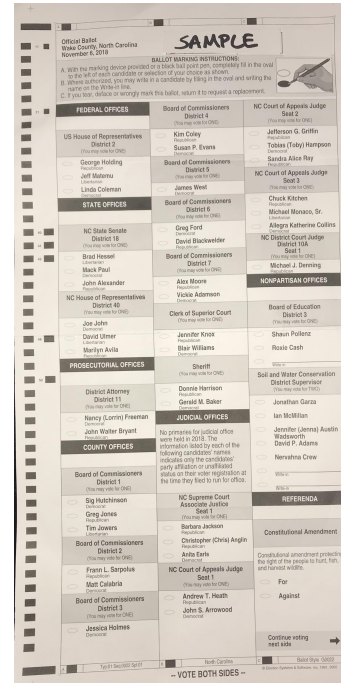


# Turn The Ballot Over

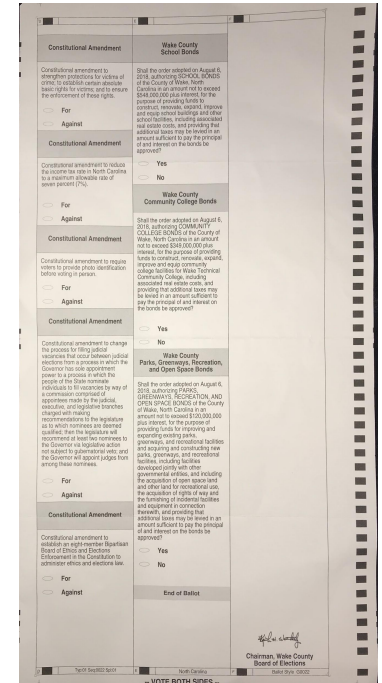
Vote *Against* All Amendments; and Vote For All Bonds\*

- Amendments need a simple majority to pass, so skipping them is not an option.
- With voter turnout typically less than 50% in midterm elections, that means a small number of voters will determine whether they pass or fail.
- Don't give the power of your vote to someone else by not voting!
- Look up your voter registration information and sample ballot at [www.ncsbe.gov](http://www.ncsbe.gov)

\*Bonds may not be on your ballot; check your sample ballot at the link above.



Front of Ballot



Back of Ballot

# #NixAllSix to Preserve Our Democracy

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This information and other resources are available at [NixAllSix.com](https://NixAllSix.com), including:

- Links to get yard signs
- Flyers to download and distribute
- Postcards to print at home or in bulk
- Social media graphics to share
- Donate for a bumper sticker at <https://social.fund/wgzjwa/>

