

# StrongerNC's Constitutional Amendments Presentation Notes

## Introduction

StrongerNC is a non-profit, non-partisan organization founded after the 2016 election, wanting to get more involved at a deeper level in effecting change locally.

We heard a lot of questions which all seemed to center around a common theme, “What can we do?” So we set to work on ways to increase civic engagement. Learn more at [StrongerNC.org](http://StrongerNC.org), follow us on [Facebook](#) and [Twitter](#), and sign up for our [Newsletter](#).

Voter education on these upcoming amendments is critical. It will take an army of voting volunteers to talk with friends, neighbors, community members and even strangers about why it's so important to learn the details and vote against them. Remember, not voting on them at all gives up your Power to someone who may vote for them. A good rule of thumb to share is “If you don't know, Vote NO”!

Unfortunately, the situation has gotten progressively worse in the General Assembly since the infamous “Carolina Coup” of December 2016, when lawmakers stripped Governor Cooper of many of the powers of the Executive Branch before he was even installed, and what was once considered “politics as usual” has now devolved into strategic **power politics** designed to keep an imbalance of power in place for the next decade.

At the heart of that strategy is an attack on voting rights, the judicial system and good governance in general. This should concern **all** of us, regardless of party affiliation. That's the message we need to share about these amendments.

[Recent polling](#) actually showed that only **8%** of North Carolinians have a good understanding of the amendments. What was also interesting, was that the **more** they learned about them, the **less** likely they were to vote for them.

**Two** of the amendments affect the separation of powers between the three branches of government. If all five living former governors, from **both** parties, and former Supreme Court Justices are opposed to them, they do so with good reason.

Other non-partisan groups including the League of Women Voters, the ACLU of NC and Democracy NC have also made statements opposing many, if not all, of the amendments.

### **Why will there be so many constitutional amendments on the 2018 midterm ballot in North Carolina?**

The answer is simple. The current majority party has enough votes, due to gerrymandering, to override any vetoes by the Governor. They will most likely lose that advantage after the November election, and are trying to secure additional forms of power before that happens, by taking away executive branch authority and moving it to the legislative branch.

In addition, amendments written into the Constitution are much harder to challenge in state court since they are deemed “constitutional”. Both the Voter ID law and a previous attempt to re-structure the State Board of Elections to 8 members were struck down in court, so by **re-writing** them into the constitution they would be “**protected**” from challenges for the most part.

Since our original constitution was created in 1776, we've had only two other occasions where more than 6 amendments were on a ballot at once.

In 1914 there were 10 – including one on hunting and fishing – and **every single one** was defeated that year. In 1970 there were 7, but that was preceded by a study commission which met for **two** years **and** created detailed implementation language so voters knew what they were voting on.

This year there is **NO** implementation language provided for any of the amendments, and a date has been set for Nov. 27th, 2018, **after** the election but **before** the new legislature is seated, to write the details of each one that passes by the current supermajority.

Voting for these amendments will give the **existing** leadership a blank check to write any policy they want to implement them, with full veto override power intact. Only ReallIDs for voting? Maybe. Could happen. We won't have any details upfront.

Our position is that these amendments have **no place in our constitution**. If they were presented as laws instead, they would be subject to debate and more transparency of the details upfront. Stakeholders should be consulted and unintended possibilities explored. And we would know the cost and process for implementing them before a vote.

Laws can also be updated or repealed much easier if it turns out they don't benefit the citizens of our state as intended, as we saw with HB2 and the Class Size Reduction bills. Constitutional amendments should exist to protect the rights of **all** citizens, and these amendments do not do that.

# Amendments:

## BiPartisan Ethics and Elections Enforcement

### *Legislature to Control Ethics and Elections Board Appointments; Eliminate Ninth Non-Partisan Member*

The Legislature should write the laws. But it is the **Governor's** responsibility to execute and enforce them through appointments to state boards, like the Board of Ethics and Elections.

We already have a **bipartisan** board of 9 members. This amendment eliminates the ninth Unaffiliated board member, whom the Governor currently appoints, causing potential deadlocked decisions on ethics and elections laws. The Governor would then have to select the 8 members from a list provided by the Legislature.

The board's responsibilities include enforcing ethics and elections laws, which include lobbying, campaign finance, and early voting, among other things. So, the board **oversees** the legislative leaders' actions. There is an argument that nominated members could even include members of the Legislature itself.

This Legislature's **prior** attempt to restructure the State Board of Elections to 8 members failed earlier this year in court as it was "unconstitutional" since the Governor was empowered to appoint members.

This is their way of going around that ruling and asking voters to agree to a "bipartisan" 8 member gridlocked board, which they select, and which will be unable to make decisions on the voters' behalf when decisions are deadlocked.

It is not a surprise that [former Justices and Governors of both parties](#) have publicly opposed this amendment.

At a time when our government needs a **strong** system of checks and balances, this amendment eliminates a key check on the General Assembly's power.

## **Judicial Vacancy Sunshine Amendment**

### ***Legislature to Control Judicial Appointments***

This amendment takes away the Governor's ability to appoint judges for vacancies and gives selection authority to the legislature. In North Carolina, the **people** have a constitutional right to elect judges, but when there's a vacancy between elections, the Governor makes an appointment.

By taking this appointment power **from** the Executive Branch to give it **to** the already strong Legislative Branch, lawmakers are able to choose their **own** judges and Justices who could hear cases against their redistricting and voter suppression laws.

In addition, this amendment weakens voters' right to elect judges by **extending** the term an appointed judge will serve before an election is held. Today, appointed judges serve until the next election, which would be less than 2 years. If the amendment passes, appointed judges would serve up to 4 years before voters could elect or replace them.

Finally, the Legislature has authority to add **2** additional seats to the Supreme Court, which currently has 7 Justices. If this amendment passes, the Legislature could select **2 new Supreme Court Justices** to serve for up to **4 years** before voters could elect or replace them.

The merit commission they plan to create simply vets all nominees to make sure they meet minimum standards, and is not part of the selection process.

## **Require Photo ID to Vote**

*Gives the current legislature complete power to pick and choose who is allowed to vote in 2020.*

Requiring ID to vote may appeal to many voters on the surface. But there is no outline available yet of what **types** of ID they would approve this time around. It could be **even more restrictive** than their 2013 unconstitutional attempt which eliminated student IDs, government employee IDs, out of state and certain expired driver's licenses among others.

They've shown their intent in the past to discriminate using this method, and as with the Board of Elections amendment, they're trying to circumvent the court ruling by changing the constitution itself.

Issues with this Amendment:

- **No upfront description of what types of ID would be allowed.**
  - This amendment would allow the legislature to make a decision on types of ID *after* the election during a November 2018 session, choosing what types of voters they want to be eligible. This is just another form of gerrymandering.
- **Eliminates the power of the NC State Supreme Court to rule on the constitutionality of the amendment.**
  - Once it is in the constitution it is extremely difficult to challenge. This is why the supermajority will not present it as a law, which was already struck down in 2016.
- **Absentee Ballots do not require proof of identification**

- Absentee ballots by mail are not required to provide proof of photo ID, therefore the **message** that this amendment is to reduce fraud is false.
- **Limits future technological advances**
  - This could cause unnecessary costs and delays if a photograph is the only method approved in the constitution.
- **There is no official estimate of how much this proposal would cost if it is approved, or how free IDs would be provided to those in need.**

## **Cap Maximum State Income Tax at 7%**

The current maximum tax rate in our Constitution is 10%, as it's been since 1936. This proposed amendment makes the new limit **7%** and applies to state income taxes.

So it basically limits our state's resources to respond to emergencies, natural disasters, and significant infrastructure and education needs by reducing that flexibility.

Should there ever be a need for **more** income, property and sales taxes may be increased to make up any difference needed, affecting our citizens with lower income more. Core services could also be cut or increased borrowing required. There will be more pressure on local communities to raise funds.

The misleading summary on the ballot claiming to **reduce** the income tax rate makes it seem as if it would reduce your taxes, but it won't.

Further, it hurts our ability to raise taxes for necessary spending when **federal** funding dries up.

## Changes to Current Victims' Rights Amendment

This amendment mandates many of the **existing laws** for victims without offering a plan to implement or pay for it.

Today, victims have legal rights if the crime was a major felony, certain domestic violence cases, or other kinds of serious crimes. The amendment would expand the types of offenses to include **all crimes** against the person and felony property crimes.

These rights would also apply in these cases if committed by juveniles, creating privacy concerns for minors.

This amendment designates someone as a **victim** before the defendant has even been charged with a crime.

This could compromise the right to due process for defendants who are innocent until proven guilty.

## Right to Hunt & Fish

This Amendment gives lawmakers the **sole** power to regulate hunting and fishing, which they already have.

Essentially, this amendment provides **nothing new** of value to the citizens of NC since any right to hunt and fish is already at the mercy of the laws and rules of the legislature, and will remain so after the vote either way.

The NRA has pushed similar ballot initiatives in several other states with the goal of being **pro-active** in [protecting gun rights](#). The Raleigh based

conservative Civitas group admits that “...it’s possible its (sic) yet another way to help [bolster firearm protections](#) here.”

Their assumption is that if the right to hunt is constitutional, it protects the right to bear arms.

There has been **no** other request or need for this change to our constitution, which suggests it really doesn’t need to be in there.

### **In Summary:**

If you boil down the language of these amendments, it becomes clear that they are not **healthy** for the future of our state.

In essence, we can not allow:

- More power to be moved to the legislative branch,
- Legislators to pick and choose which voters would be qualified to vote in 2020,
- The judicial system to be packed with personal choices by legislators of judges and Justices who would hear cases against their laws.

### **Remember:**

**Turn the Ballot Over to Vote **Against** All Amendments**

**These resources and more are available at  
NixAllSix.com**