

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 728

Short Title: People's Veto.

(Public)

Sponsors: Senators Berger of Rockingham; Hunt and Tillman.

Referred to: Ways & Means.

March 24, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A PEOPLE'S VETO THAT ALLOWS ACTS OF THE
GENERAL ASSEMBLY TO BE SUSPENDED UNTIL APPROVED BY THE VOTERS
IN A REFERENDUM.

The General Assembly of North Carolina enacts:

SECTION 1. Article II of the North Carolina Constitution is amended by adding a
new sections to read:

"Sec. 25. Acts become effective in 90 days after recess; exception; emergency bill defined.

No act or joint resolution of the General Assembly, except such orders or resolutions as
pertain solely to facilitating the performance of the business of the General Assembly, of either
branch, or of any committee or officer thereof, or appropriate money therefor or for the
payment of salaries fixed by law, shall take effect until 90 days after the adjournment of the
General Assembly, either sine die or for more than 10 days, in which it was passed, unless in
case of emergency, which with the facts constituting the emergency shall be expressed in the
preamble of the act, the General Assembly shall, by a vote of 2/3 of all the members elected to
each House, otherwise direct. An emergency bill shall include only such measures as are
immediately necessary for the preservation of the public peace, health, or safety; and shall not
include (i) an infringement of the rights of municipalities, (ii) a franchise or a license to a
corporation or an individual to extend longer than one year, or (iii) provision for the sale or
purchase or renting for more than five years of real estate.

"Sec. 26. Proceedings for people's veto.

(1) Petition procedure; petition for people's veto. Upon written petition of registered
voters, the number of which shall not be less than ten percent (10%) of the total vote for
Governor cast in the last gubernatorial election preceding the filing of such petition, and
addressed to the Governor and filed in the office of the Secretary of State by the hour of 5:00
P.M., on or before the 90th day after the adjournment of the General Assembly, either sine die
or for more than 10 days, or if such 90th day is a Saturday, a Sunday, or a legal holiday, by the
hour of 5:00 P.M., on the preceding day which is not a Saturday, a Sunday, or a legal holiday,
requesting that one or more acts, joint resolutions, or part or parts thereof, passed by the
Legislature but not then in effect by reason of the provisions of the preceding section, be
referred to the people, such acts or joint resolutions, or part or parts thereof, as are specified in
such petition shall not take effect until 30 days after the Governor shall have announced by
public proclamation that the same have been ratified by a majority of the electors voting
thereon at a statewide or general election.

(2) Effect of referendum. The effect of any act, bill, resolve, or resolution, or part or
parts thereof, as are specified in such petition shall be suspended upon the filing of such
petition. If it is later finally determined, in accordance with any procedure enacted by the



1 General Assembly pursuant to the Constitution, that such petition was invalid, such act or joint
2 resolution, or part or parts thereof, shall then take effect upon the day following such final
3 determination.

4 (3) Referral to electors; proclamation by Governor. As soon as it appears that the effect
5 of any act or joint resolution, or part or parts thereof, has been suspended by petition in manner
6 aforsaid, the Governor by public proclamation shall give notice thereof and of the time when
7 such measure is to be voted on by the people, which shall be at the next statewide or general
8 election, whichever comes first, not less than 60 days after such proclamation. If the Governor
9 fails to order such measure to be submitted to the people at the next statewide or general
10 election, the Secretary of State shall, by proclamation, order such measure to be submitted to
11 the people at such an election, and such order shall be sufficient to enable the people to vote."

12 **SECTION 2.** The amendments set out in Section 1 of this act shall be submitted to
13 the qualified voters of the State at the general election in November 2010, which election shall
14 be conducted under the laws then governing elections in the State. Ballots, voting systems, or
15 both may be used in accordance with Chapter 163 of the General Statutes. The question to be
16 used in the voting systems and ballots shall be:

17 "[] FOR [] AGAINST

18 A constitutional amendment to provide a people's veto whereby laws and joint
19 resolutions shall with a petition of ten percent (10%) of the votes cast for Governor in the last
20 election be subject to approval by the voters in a referendum."

21 **SECTION 3.** If a majority of votes cast on the question are in favor of the
22 amendments set out in Section 1 of this act, the State Board of Elections shall certify the
23 amendments to the Secretary of State. The amendments become effective upon this
24 certification. The Secretary of State shall enroll the amendments so certified among the
25 permanent records of that office.

26 **SECTION 4.** This act is effective when it becomes law.