



HOUSE BILL 3: Ballot Designations/Referenda.

2017-2018 General Assembly

Committee:		Date:	August 10, 2018
Introduced by:		Prepared by:	Erika Churchill
Analysis of:	S.L. 2018-131		Staff Attorney

OVERVIEW: *S.L. 2018-131 provides that referendum questions be placed on the ballot without numerical or other reference of order, and removes the requirement of short descriptive captions printed on the ballot with respect to referendum questions for proposed amendments to the North Carolina Constitution.*

CURRENT LAW: Referenda questions on the ballot include proposed amendments to the NC Constitution, statewide bond referendums, local bond referendums, and other local measures. G.S. 163A-1114 provides for a consistent order of placement on the ballot:

1. Proposed amendments to the North Carolina Constitution, in the chronological order in which the proposals were approved by the General Assembly.
2. Statewide referenda, in the chronological order in which the proposals were approved by the General Assembly.
3. Local referenda, in the chronological order of the acts by which the referenda were properly authorized.

For proposed amendments to the North Carolina Constitution, the General Assembly establishes the wording of the proposed amendment and the ballot question for the referendum. When placed on the ballot, G.S. 163A- 1114 requires that proposed constitutional amendments be designated only by a short caption. The short caption is provided to the State Board of Elections and Ethics Enforcement by the Constitutional Amendments Publication Commission.

Since its establishment in 1983, the Constitutional Amendments Publication Commission has been charged with preparing an explanation of proposed amendments, revisions, or a new North Carolina Constitution in simple and commonly used language. Since 2016, that explanation must include a short caption reflecting the contents. The short caption cannot include a numerical or other reference of order. The short caption is to be used by the State Board of Elections and Ethics Enforcement on the ballot, as required by G.S. 163A-1114, and by the Constitutional Amendments Publication Commission in their printed summary. The summary must be printed by the Secretary of State and sent, along with a news release, to each county board of elections. Copies are to be available to any registered voter or representative of the print or broadcast media making request a to the Secretary of State. The Secretary of State may make copies available in such additional manner as the Secretary may determine.

The Constitutional Amendments Publication Commission consists of the Secretary of State, the Attorney General, and the Legislative Services Commission Officer. A quorum is all three members. The chair of the Commission is the Secretary of State.

Karen Cochrane-Brown
Director



Legislative Analysis
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BILL ANALYSIS: The act does the following:

- Clarifies that no numerical order or other order of reference could be used by the State Board of Elections and Ethics Enforcement when preparing referenda ballots.
- Requires the words "Constitutional Amendment" be placed on the ballot prior to setting forth the referendum question in lieu of a short caption.
- Eliminates the requirement for the Constitutional Amendments Publication Commission to prepare a short caption for use on the ballot.

EFFECTIVE DATE: Effective August 4, 2018, applying to the 2018 general election and all elections thereafter. If the Constitutional Amendments Publication Commission adopts a short caption pursuant to G.S. 147-54.10(a) prior to August 4, 2018, those short captions are null and void and shall not appear on the 2018 ballots.