

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 1258
HOUSE BILL 231

1 AN ACT TO REVISE AND AMEND THE CONSTITUTION OF NORTH CAROLINA.

2 The General Assembly of North Carolina do enact:

3 **Section 1.** The Constitution of North Carolina is revised and amended to read as
4 follows:

5 "CONSTITUTION OF NORTH CAROLINA

6 "PREAMBLE

7 "We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign
8 Ruler of Nations, for the preservation of the American Union and the existence of our civil,
9 political and religious liberties, and acknowledging our dependence upon Him for the
10 continuance of those blessings to us and our posterity, do, for the more certain security thereof
11 and for the better government of this State, ordain and establish this Constitution.

12 "ARTICLE I

13 "DECLARATION OF RIGHTS

14 "That the great, general, and essential principles of liberty and free government may be
15 recognized and established, and that the relations of this State to the Union and government of
16 the United States and those of the people of this State to the rest of the American people may
17 be defined and affirmed, we do declare that:

18 **Section 1. The equality and rights of persons.** We hold it to be self-evident that all persons
19 are created equal; that they are endowed by their Creator with certain inalienable rights; that
20 among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of
21 happiness.

22 **"Sec. 2. Sovereignty of the people.** All political power is vested in and derived from the
23 people; all government of right originates from the people, is founded upon their will only, and
24 is instituted solely for the good of the whole.

25 **"Sec. 3. Internal government of the State.** The people of this State have the inherent, sole,
26 and exclusive right of regulating the internal government and police thereof, and of altering or
27 abolishing their Constitution and form of government whenever it may be necessary to their
28 safety and happiness; but every such right shall be exercised in pursuance of law and
29 consistently with the Constitution of the United States.

30 **"Sec. 4. Secession prohibited.** This State shall ever remain a member of the American Union;
31 the people thereof are part of the American nation; there is no right on the part of this State to
32 secede; and all attempts, from whatever source or upon whatever pretext, to dissolve this Union
33 or to sever this Nation, shall be resisted with the whole power of the State.

34 **"Sec. 5. Allegiance to the United States.** Every citizen of this State owes paramount
35 allegiance to the Constitution and government of the United States, and no law or ordinance of
36 the State in contravention or subversion thereof can have any binding force.

37 **"Sec. 6. Separation of powers.** The legislative, executive, and supreme judicial powers of the
38 State government shall be forever separate and distinct from each other.

39 **"Sec. 7. Suspending laws.** All power of suspending laws or the execution of laws by any
40 authority, without the consent of the representatives of the people, is injurious to their rights
41 and shall not be exercised.

1 **"Sec. 8. Representation and taxation.** The people of this State shall not be taxed or made
2 subject to the payment of any impost or duty without the consent of themselves or their
3 representatives in the General Assembly, freely given.

4 **"Sec. 9. Frequent elections.** For redress of grievances and for amending and strengthening the
5 laws, elections shall be often held.

6 **"Sec. 10. Free elections.** All elections shall be free.

7 **"Sec. 11. Property qualifications.** As political rights and privileges are not dependent upon or
8 modified by property, no property qualification shall affect the right to vote or hold office.

9 **"Sec. 12. Right of assembly and petition.** The people have a right to assemble together to
10 consult for their common good, to instruct their representatives, and to apply to the General
11 Assembly for redress of grievances; but secret political societies are dangerous to the liberties
12 of a free people and shall not be tolerated.

13 **"Sec. 13. Religious liberty.** All persons have a natural and inalienable right to worship
14 Almighty God according to the dictates of their own consciences, and no human authority shall,
15 in any case whatever, control or interfere with the rights of conscience.

16 **"Sec. 14. Freedom of speech and press.** Freedom of speech and of the press are two of the
17 great bulwarks of liberty and therefore shall never be restrained, but every person shall be held
18 responsible for their abuse.

19 **"Sec. 15. Education.** The people have a right to the privilege of education, and it is the duty of
20 the State to guard and maintain that right.

21 **"Sec. 16. Ex post facto laws.** Retrospective laws, punishing acts committed before the
22 existence of such laws and by them only declared criminal, are oppressive, unjust, and
23 incompatible with liberty, and therefore no ex post facto law shall be enacted. No law taxing
24 retrospectively sales, purchases, or other acts previously done shall be enacted.

25 **"Sec. 17. Slavery and involuntary servitude.** Slavery is forever prohibited. Involuntary
26 servitude, except as a punishment for crime whereof the parties have been adjudged guilty, is
27 forever prohibited.

28 **"Sec. 18. Courts shall be open.** All courts shall be open; every person for an injury done him
29 in his lands, goods, person, or reputation shall have remedy by due course of law; and right and
30 justice shall be administered without favor, denial, or delay.

31 **"Sec. 19. Law of the land; equal protection of the laws.** No person shall be taken,
32 imprisoned, or disseized of his freehold, liberties, or privileges, or outlawed, or exiled, or in
33 any manner deprived of his life, liberty, or property, but by the law of the land. No person shall
34 be denied the equal protection of the laws; nor shall any person be subjected to discrimination
35 by the State because of race, color, religion, or national origin.

36 **"Sec. 20. General warrants.** General warrants, whereby any officer or other person may be
37 commanded to search suspected places without evidence of the act committed, or to seize any
38 person or persons not named, whose offense is not particularly described and supported by
39 evidence, are dangerous to liberty and shall not be granted.

40 **"Sec. 21. Inquiry into restraints on liberty.** Every person restrained of his liberty is entitled
41 to a remedy to inquire into the lawfulness thereof, and to remove the restraint if unlawful, and
42 that remedy shall not be denied or delayed. The privilege of the writ of habeas corpus shall not
43 be suspended.

44 **"Sec. 22. Modes of prosecution.** Except in misdemeanor cases initiated in the District Court
45 Division, no person shall be put to answer any criminal charge but by indictment, presentment,
46 or impeachment. But any person, when represented by counsel, may, under such regulations as
47 the General Assembly shall prescribe, waive indictment in noncapital cases.

48 **"Sec. 23. Rights of accused.** In all criminal prosecutions, every person charged with crime has
49 the right to be informed of the accusation and to confront the accusers and witnesses with other
50 testimony, and to have counsel for defense, and not be compelled to give self-incriminating
51 evidence, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

1 **"Sec. 24. Right of jury trial in criminal cases.** No person shall be convicted of any crime but
2 by the unanimous verdict of a jury in open court. The General Assembly may, however,
3 provide for other means of trial for misdemeanors, with the right of appeal for trial de novo.

4 **"Sec. 25. Right of jury trial in civil cases.** In all controversies at law respecting property, the
5 ancient mode of trial by jury is one of the best securities of the rights of the people, and shall
6 remain sacred and inviolable.

7 **"Sec. 26. Jury service.** No person shall be excluded from jury service on account of sex, race,
8 color, religion, or national origin.

9 **"Sec. 27. Bail, fines, and punishments.** Excessive bail shall not be required, nor excessive
10 fines imposed, nor cruel or unusual punishments inflicted.

11 **"Sec. 28. Imprisonment for debt.** There shall be no imprisonment for debt in this State,
12 except in cases of fraud.

13 **"Sec. 29. Treason against the State.** Treason against the State shall consist only of levying
14 war against it or adhering to its enemies by giving them aid and comfort. No person shall be
15 convicted of treason unless on the testimony of two witnesses to the same overt act, or on
16 confession in open court. No conviction of treason or attainder shall work corruption of blood
17 or forfeiture.

18 **"Sec. 30. Militia and the right to bear arms.** A well regulated militia being necessary to the
19 security of a free State, the right of the people to keep and bear arms shall not be infringed; and,
20 as standing armies in time of peace are dangerous to liberty, they shall not be maintained, and
21 the military shall be kept under strict subordination to, and governed by, the civil power.
22 Nothing herein shall justify the practice of carrying concealed weapons, or prevent the General
23 Assembly from enacting penal statutes against that practice.

24 **"Sec. 31. Quartering of soldiers.** No soldier shall in time of peace be quartered in any house
25 without the consent of the owner, nor in time of war but in a manner prescribed by law.

26 **"Sec. 32. Exclusive emoluments.** No person or set of persons is entitled to exclusive or
27 separate emoluments or privileges from the community but in consideration of public services.

28 **"Sec. 33. Hereditary emoluments and honors.** No hereditary emoluments, privileges, or
29 honors shall be granted or conferred in this State.

30 **"Sec. 34. Perpetuities and monopolies.** Perpetuities and monopolies are contrary to the
31 genius of a free state and shall not be allowed.

32 **"Sec. 35. Recurrence to fundamental principles.** A frequent recurrence to fundamental
33 principles is absolutely necessary to preserve the blessings of liberty.

34 **"Sec. 36. Other rights of the people.** The enumeration of rights in this Article shall not be
35 construed to impair or deny others retained by the people.

36 "ARTICLE II

37 "LEGISLATIVE

38 **"Section 1. Legislative power.** The legislative power of the State shall be vested in the
39 General Assembly, which shall consist of a Senate and a House of Representatives.

40 **"Sec. 2. Number of Senators.** The Senate shall be composed of 50 Senators, biennially chosen
41 by ballot.

42 **"Sec. 3. Senate districts; apportionment of Senators.** The Senators shall be elected from
43 districts. The General Assembly, at the first regular session convening after the return of every
44 decennial census of population taken by order of Congress, shall revise the senate districts and
45 the apportionment of Senators among those districts, subject to the following requirements:

46 "(1) Each Senator shall represent, as nearly as may be, an equal number of
47 inhabitants, the number of inhabitants that each Senator represents being
48 determined for this purpose by dividing the population of the district that he
49 represents by the number of Senators apportioned to that district;

50 "(2) Each senate district shall at all times consist of contiguous territory;

51 "(3) No county shall be divided in the formation of a senate district;

1 "(4) When established, the senate districts and the apportionment of Senators
2 shall remain unaltered until the return of another decennial census of
3 population taken by order of Congress.

4 **"Sec. 4. Number of Representatives.** The House of Representatives shall be composed of 120
5 Representatives, biennially chosen by ballot.

6 **"Sec. 5. Representative districts; apportionment of Representatives.** The Representatives
7 shall be elected from districts. The General Assembly, at the first regular session convening
8 after the return of every decennial census of population taken by order of Congress, shall revise
9 the representative districts and the apportionment of Representatives among those districts,
10 subject to the following requirements: "(1) Each Representative shall represent, as nearly as
11 may be, an equal number of inhabitants, the number of inhabitants that each Representative
12 represents being determined for this purpose by dividing the population of the district that he
13 represents by the number of Representatives apportioned to that district; "(2) Each
14 representative district shall at all times consist of contiguous territory; "(3) No county shall be
15 divided in the formation of a representative district; "(4) When established, the representative
16 districts and the apportionment of Representatives shall remain unaltered until the return of
17 another decennial census of population taken by order of Congress.

18 **"Sec. 6. Qualifications for Senator.** Each Senator, at the time of his election, shall be not less
19 than 25 years of age, shall be a qualified voter of the State, and shall have resided in the State
20 as a citizen for two years and in the district for which he is chosen for one year immediately
21 preceding his election.

22 **"Sec. 7. Qualifications for Representative.** Each Representative, at the time of his election,
23 shall be a qualified voter of the State, and shall have resided in the district for which he is
24 chosen for one year immediately preceding his election.

25 **"Sec. 8. Elections.** The election for members of the General Assembly shall be held for the
26 respective districts in 1972 and every two years thereafter, at the places and on the day
27 prescribed by law.

28 **"Sec. 9. Term of office.** The term of office of Senators and Representatives shall commence at
29 the time of their election.

30 **"Sec. 10. Vacancies.** Every vacancy occurring in the membership of the General Assembly by
31 reason of death, resignation, or other cause shall be filled in the manner prescribed by law.

32 **"Sec. 11. Regular sessions.** The General Assembly shall meet in regular session in 1973 and
33 every two years thereafter on the day prescribed by law. Neither house shall proceed upon
34 public business unless a majority of all of its members are actually present.

35 **"Sec. 12. Oath of members.** Each member of the General Assembly, before taking his seat,
36 shall take an oath or affirmation that he will support the Constitution and laws of the United
37 States and the Constitution of the State of North Carolina, and will faithfully discharge his duty
38 as a member of the Senate or House of Representatives.

39 **"Sec. 13. President of the Senate.** The Lieutenant Governor shall be President of the Senate
40 and shall preside over the Senate, but shall have no vote unless the Senate is equally divided.

41 **"Sec. 14. Other officers of the Senate.**

42 "(1) President Pro Tempore succession to presidency. The Senate shall elect from its
43 membership a President Pro Tempore, who shall become President of the Senate upon the
44 failure of the Lieutenant Governor-elect to qualify, or upon succession by the Lieutenant
45 Governor to the office of Governor, or upon the death, resignation, or removal from office of
46 the President of the Senate, and who shall serve until the expiration of his term of office as
47 Senator.

48 "(2) President Pro Tempore temporary succession. During the physical or mental
49 incapacity of the President of the Senate to perform the duties of his office, or during the
50 absence of the President of the Senate, the President Pro Tempore shall preside over the Senate.

51 "(3) Other officers. The Senate shall elect its other officers.

- 1 **"Sec. 15. Officers of the House of Representatives.** The House of Representatives shall elect
2 its Speaker and other officers.
- 3 **"Sec. 16. Compensation and allowances.** The members and officers of the General Assembly
4 shall receive for their services the compensation and allowances prescribed by law. An increase
5 in the compensation or allowances of members shall become effective at the beginning of the
6 next regular session of the General Assembly following the session at which it was enacted.
- 7 **"Sec. 17. Journals.** Each house shall keep a journal of its proceedings, which shall be printed
8 and made public immediately after the adjournment of the General Assembly.
- 9 **"Sec. 18. Protests.** Any member of either house may dissent from and protest against any act
10 or resolve which he may think injurious to the public or to any individual, and have the reasons
11 of his dissent entered on the journal.
- 12 **"Sec. 19. Record votes.** Upon motion made in either house and seconded by one fifth of the
13 members present, the yeas and nays upon any question shall be taken and entered upon the
14 journal.
- 15 **"Sec. 20. Powers of the General Assembly.** Each house shall be judge of the qualifications
16 and elections of its own members, shall sit upon its own adjournment from day to day, and
17 shall prepare bills to be enacted into laws. The two houses may jointly adjourn to any future
18 day or other place. Either house may, of its own motion, adjourn for a period not in excess of
19 three days.
- 20 **"Sec. 21. Style of the acts.** The style of the acts shall be: "The General Assembly of North
21 Carolina enacts:".
- 22 **"Sec. 22. Action on bills.** All bills and resolutions of a legislative nature shall be read three
23 times in each house before they become laws, and shall be signed by the presiding officers of
24 both houses.
- 25 **"Sec. 23. Revenue bills.** No law shall be enacted to raise money on the credit of the State, or to
26 pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any
27 tax upon the people of the State, or to allow the counties, cities, or towns to do so, unless the
28 bill for the purpose shall have been read three several times in each house of the General
29 Assembly and passed three several readings, which readings shall have been on three different
30 days, and shall have been agreed to by each house respectively, and unless the yeas and nays on
31 the second and third readings of the bill shall have been entered on the journal.
- 32 **"Sec. 24. Limitations on local, private, and special legislation.**
- 33 "(1) Prohibited subjects. The General Assembly shall not enact any local, private, or
34 special act or resolution:
- 35 (a) Relating to health, sanitation, and the abatement of nuisances;
 - 36 (b) Changing the names of cities, towns, and townships;
 - 37 (c) Authorizing the laying out, opening, altering, maintaining, or discontinuing
38 of highways, streets, or alleys;
 - 39 (d) Relating to ferries or bridges;
 - 40 (e) Relating to non-navigable streams;
 - 41 (f) Relating to cemeteries;
 - 42 (g) Relating to the pay of jurors;
 - 43 (h) Erecting new townships, or changing township lines, or establishing or
44 changing the lines of school districts;
 - 45 (i) Remitting fines, penalties, and forfeitures, or refunding moneys legally paid
46 into the public treasury;
 - 47 (j) Regulating labor, trade, mining, or manufacturing;
 - 48 (k) Extending the time for the levy or collection of taxes or otherwise relieving
49 any collector of taxes from the due performance of his official duties or his
50 sureties from liability;
 - 51 (l) Giving effect to informal wills and deeds;

- 1 (m) Granting a divorce or securing alimony in any individual case;
2 (n) Altering the name of any person, or legitimating any person not born in
3 lawful wedlock, or restoring to the rights of citizenship any person convicted
4 of a felony.

5 "(2) Repeals. Nor shall the General Assembly enact any such local, private, or special act
6 by the partial repeal of a general law; but the General Assembly may at any time repeal local,
7 private, or special laws enacted by it.

8 "(3) Prohibited acts void. Any local, private, or special act or resolution enacted in
9 violation of the provisions of this Section shall be void.

10 "(4) General laws. The General Assembly may enact general laws regulating the matters
11 set out in this Section.

12 "ARTICLE III

13 "EXECUTIVE

14 "**Section 1. Executive power.** The executive power of the State shall be vested in the
15 Governor.

16 "**Sec. 2. Governor and Lieutenant Governor: election, term, and qualifications.**

17 "(1) Election and term. The Governor and Lieutenant Governor shall be elected by the
18 qualified voters of the State in 1972 and every four years thereafter, at the same time and places
19 as members of the General Assembly are elected. Their term of office shall be four years and
20 shall commence on the first day of January next after their election and continue until their
21 successors are elected and qualified.

22 "(2) Qualifications. No person shall be eligible for election to the office of Governor or
23 Lieutenant Governor unless, at the time of his election, he shall have attained the age of 30
24 years and shall have been a citizen of the United States for five years and a resident of this
25 State for two years immediately preceding his election. No person elected to either of these two
26 offices shall be eligible for election to the next succeeding term of the same office.

27 "**Sec. 3. Succession to office of Governor.**

28 "(1) Succession as Governor. The Lieutenant Governor-elect shall become Governor
29 upon the failure of the Governor-elect to qualify. The Lieutenant Governor shall become
30 Governor upon the death, resignation, or removal from office of the Governor. The further
31 order of succession to the office of Governor shall be prescribed by law. A successor shall
32 serve for the remainder of the term of the Governor whom he succeeds and until a new
33 Governor is elected and qualified.

34 "(2) Succession as Acting Governor. During the absence of the Governor from the State,
35 or during the physical or mental incapacity of the Governor to perform the duties of his office,
36 the Lieutenant Governor shall be Acting Governor. The further order of succession as Acting
37 Governor shall be prescribed by law.

38 "(3) Physical incapacity. The Governor may, by a written statement filed with the
39 Attorney General, declare that he is physically incapable of performing the duties of his office,
40 and may thereafter in the same manner declare that he is physically capable of performing the
41 duties of his office.

42 "(4) Mental incapacity. The mental incapacity of the Governor to perform the duties of
43 his office shall be determined only by joint resolution adopted by a vote of two-thirds of all the
44 members of each house of the General Assembly. Thereafter, the mental capacity of the
45 Governor to perform the duties of his office shall be determined only by joint resolution
46 adopted by a vote of a majority of all the members of each house of the General Assembly. In
47 all cases, the General Assembly shall give the Governor such notice as it may deem proper and
48 shall allow him an opportunity to be heard before a joint session of the General Assembly
49 before it takes final action. When the General Assembly is not in session, the Council of State,
50 a majority of its members concurring, may convene it in extra session for the purpose of
51 proceeding under this paragraph.

"(5) Impeachment. Removal of the Governor from office for any other cause shall be by impeachment.

"Sec. 4. Oath of office for Governor. The Governor, before entering upon the duties of his office, shall, before any Justice of the Supreme Court, take an oath or affirmation that he will support the Constitution and laws of the United States and of the State of North Carolina, and that he will faithfully perform the duties pertaining to the office of Governor.

"Sec. 5. Duties of Governor.

"(1) Residence. The Governor shall reside at the seat of government of this State.

"(2) Information to General Assembly. The Governor shall from time to time give the General Assembly information of the affairs of the State and recommend to their consideration such measures as he shall deem expedient.

"(3) Budget. The Governor shall prepare and recommend to the General Assembly a comprehensive budget of the anticipated revenue and proposed expenditures of the State for the ensuing fiscal period. The budget as enacted by the General Assembly shall be administered by the Governor.

"(4) Execution of laws. The Governor shall take care that the laws be faithfully executed.

"(5) Commander in Chief. The Governor shall be Commander in Chief of the military forces of the State except when they shall be called into the service of the United States.

"(6) Clemency. The Governor may grant reprieves, commutations, and pardons, after conviction, for all offenses (except in cases of impeachment), upon such conditions as he may think proper, subject to regulations prescribed by law relative to the manner of applying for pardons. The terms reprieves, commutations, and pardons shall not include paroles.

"(7) Extra sessions. The Governor may, on extraordinary occasions, by and with the advice of the Council of State, convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

"(8) Appointments. The Governor shall nominate and by and with the advice and consent of a majority of the Senators appoint all officers whose appointments are not otherwise provided for.

"(9) Information. The Governor may at any time require information in writing from the head of any administrative department or agency upon any subject relating to the duties of his office.

"Sec. 6. Duties of the Lieutenant Governor. The Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate is equally divided. He shall perform such additional duties as the General Assembly or the Governor may assign to him. He shall receive the compensation and allowances prescribed by law.

"Sec. 7. Other elective officers.

"(1) Officers. A Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance shall be elected by the qualified voters of the State in 1972 and every four years thereafter, at the same time and places as members of the General Assembly are elected. Their term of office shall be four years and shall commence on the first day of January next after their election and continue until their successors are elected and qualified.

"(2) Duties. Their respective duties shall be prescribed by law.

"(3) Vacancies. If the office of any of these officers is vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve until his successor is elected and qualified. Every such vacancy shall be filled by election at the first election for members of the General Assembly that occurs more than 30 days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in this Section. When a vacancy occurs in the office of any of the officers named in this Section and the term expires on the first day of January succeeding the next election for members of the

General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the office.

"(4) Interim officers. Upon the occurrence of a vacancy in the office of any one of these officers for any of the causes stated in the preceding paragraph, the Governor may appoint an interim officer to perform the duties of that office until a person is appointed or elected pursuant to this Section to fill the vacancy and is qualified.

"(5) Acting officers. During the physical or mental incapacity of any one of these officers to perform the duties of his office, as determined pursuant to this Section, the duties of his office shall be performed by an acting officer who shall be appointed by the Governor.

"(6) Determination of incapacity. The General Assembly shall by law prescribe with respect to those officers, other than the Governor, whose offices are created by this Article, procedures for determining the physical or mental incapacity of any officer to perform the duties of his office, and for determining whether an officer who has been temporarily incapacitated has sufficiently recovered his physical or mental capacity to perform the duties of his office. Removal of those officers from office for any other cause shall be by impeachment.

"Sec. 8. Council of State. The Council of State shall consist of the officers whose offices are established by this Article.

"Sec. 9. Compensation and allowances. The officers whose offices are established by this Article shall at stated periods receive the compensation and allowances prescribed by law, which shall not be diminished during the time for which they have been chosen.

"Sec. 10. Seal of State. There shall be a seal of the State, which shall be kept by the Governor and used by him as occasion may require, and shall be called "The Great Seal of the State of North Carolina". All grants and commissions shall be issued in the name and by the authority of the State of North Carolina, sealed with "The Great Seal of the State of North Carolina", and signed by the Governor.

"ARTICLE IV

"JUDICIAL

"Section 1. Judicial power. The judicial power of the State shall, except as provided in Section 3 of this Article, be vested in a Court for the Trial of Impeachments and in a General Court of Justice. The General Assembly shall have no power to deprive the judicial department of any power or jurisdiction that rightfully pertains to it as a co-ordinate department of the government, nor shall it establish or authorize any courts other than as permitted by this Article.

"Sec. 2. General Court of Justice. The General Court of Justice shall constitute a unified judicial system for purposes of jurisdiction, operation, and administration, and shall consist of an Appellate Division, a Superior Court Division, and a District Court Division.

"Sec. 3. Judicial powers of administrative agencies. The General Assembly may vest in administrative agencies established pursuant to law such judicial powers as may be reasonably necessary as an incident to the accomplishment of the purposes for which the agencies were created. Appeals from administrative agencies shall be to the General Court of Justice.

"Sec. 4. Court for the Trial of Impeachments. The House of Representatives solely shall have the power of impeaching. The Court for the Trial of Impeachments shall be the Senate. When the Governor or Lieutenant Governor is impeached, the Chief Justice shall preside over the Court. A majority of the members shall be necessary to a quorum, and no person shall be convicted without the concurrence of two-thirds of the Senators present. Judgment upon conviction shall not extend beyond removal from and disqualification to hold office in this State, but the party shall be liable to indictment and punishment according to law.

"Sec. 5. Appellate division. The Appellate Division of the General Court of Justice shall consist of the Supreme Court and the Court of Appeals.

"Sec. 6. Supreme Court.

"(1) Membership. The Supreme Court shall consist of a Chief Justice and six Associate Justices, but the General Assembly may increase the number of Associate Justices to not more than eight. In the event the Chief Justice is unable, on account of absence or temporary incapacity, to perform any of the duties placed upon him, the senior Associate Justice available may discharge those duties.

"(2) Sessions of the Supreme Court. The sessions of the Supreme Court shall be held in the City of Raleigh unless otherwise provided by the General Assembly.

"Sec. 7. Court of Appeals. The structure, organization, and composition of the Court of Appeals shall be determined by the General Assembly. The Court shall have not less than five members, and may be authorized to sit in divisions, or other than en banc. Sessions of the Court shall be held at such times and places as the General Assembly may prescribe.

"Sec. 8. Retirement of Justices and Judges. The General Assembly shall provide by general law for the retirement of Justices and Judges of the General Court of Justice, and may provide for the temporary recall of any retired Justice or Judge to serve on the court from which he was retired.

"Sec. 9. Superior Courts.

"(1) Superior Court districts. The General Assembly shall, from time to time, divide the State into a convenient number of Superior Court judicial districts and shall provide for the election of one or more Superior Court Judges for each district. Each regular Superior Court Judge shall reside in the district for which he is elected. The General Assembly may provide by general law for the selection or appointment of special or emergency Superior Court Judges not selected for a particular judicial district.

"(2) Open at all times; sessions for trial of cases. The Superior Courts shall be open at all times for the transaction of all business except the trial of issues of fact requiring a jury. Regular trial sessions of the Superior Court shall be held at times fixed pursuant to a calendar of courts promulgated by the Supreme Court. At least two sessions for the trial of jury cases shall be held annually in each county.

"(3) Clerks. A Clerk of the Superior Court for each county shall be elected for a term of four years by the qualified voters thereof, at the same time and places as members of the General Assembly are elected. If the office of Clerk of the Superior Court becomes vacant otherwise than by the expiration of the term, or if the people fail to elect, the senior regular resident Judge of the Superior Court serving the county shall appoint to fill the vacancy until an election can be regularly held.

"Sec. 10. District Courts. The General Assembly shall, from time to time, divide the State into a convenient number of local court districts and shall prescribe where the District Courts shall sit, but a District Court must sit in at least one place in each county. District Judges shall be elected for each district for a term of four years, in a manner prescribed by law. When more than one District Judge is authorized and elected for a district, the Chief Justice of the Supreme Court shall designate one of the judges as Chief District Judge. Every District Judge shall reside in the district for which he is elected. For each county, the senior regular resident Judge of the Superior Court serving the county shall appoint for a term of two years, from nominations submitted by the Clerk of the Superior Court of the county, one or more Magistrates who shall be officers of the District Court. The number of District Judges and Magistrates shall, from time to time, be determined by the General Assembly. Vacancies in the office of District Judge shall be filled for the unexpired term in a manner prescribed by law. Vacancies in the office of Magistrate shall be filled for the unexpired term in the manner provided for original appointment to the office.

"Sec. 11. Assignment of Judges. The Chief Justice of the Supreme Court, acting in accordance with rules of the Supreme Court, shall make assignments of Judges of the Superior Court and may transfer District Judges from one district to another for temporary or specialized duty. The principle of rotating Superior Court Judges among the various districts of a division

1 is a salutary one and shall be observed. For this purpose the General Assembly may divide the
2 State into a number of judicial divisions. Subject to the general supervision of the Chief Justice
3 of the Supreme Court, assignment of District Judges within each local court district shall be
4 made by the Chief District Judge.

5 **"Sec. 12. Jurisdiction of the General Court of Justice.**

6 "(1) Supreme Court. The Supreme Court shall have jurisdiction to review upon appeal
7 any decision of the courts below, upon any matter of law or legal inference. The jurisdiction of
8 the Supreme Court over "issues of fact" and "questions of fact" shall be the same exercised by
9 it prior to the adoption of this Article, and the Court may issue any remedial writs necessary to
10 give it general supervision and control over the proceedings of the other courts.

11 "(2) Court of Appeals. The Court of Appeals shall have such appellate jurisdiction as the
12 General Assembly may prescribe.

13 "(3) Superior Court. Except as otherwise provided by the General Assembly, the
14 Superior Court shall have original general jurisdiction throughout the State. The Clerks of the
15 Superior Court shall have such jurisdiction and powers as the General Assembly shall prescribe
16 by general law uniformly applicable in every county of the State.

17 "(4) District Courts: Magistrates. The General Assembly shall, by general law uniformly
18 applicable in every local court district of the State, prescribe the jurisdiction and powers of the
19 District Courts and Magistrates.

20 "(5) Waiver. The General Assembly may by general law provide that the jurisdictional
21 limits may be waived in civil cases.

22 "(6) Appeals. The General Assembly shall by general law provide a proper system of
23 appeals. Appeals from Magistrates shall be heard de novo, with the right of trial by jury as
24 defined in this Constitution and the laws of this State.

25 **"Sec. 13. Forms of action; rules of procedure.**

26 "(1) Forms of Action. There shall be in this State but one form of action for the
27 enforcement or protection of private rights or the redress of private wrongs, which shall be
28 denominated a civil action, and in which there shall be a right to have issues of fact tried before
29 a jury. Every action prosecuted by the people of the State as a party against a person charged
30 with a public offense, for the punishment thereof, shall be termed a criminal action.

31 "(2) Rules of procedure. The Supreme Court shall have exclusive authority to make rules
32 of procedure and practice for the Appellate Division. The General Assembly may make rules of
33 procedure and practice for the Superior Court and District Court Divisions, and the General
34 Assembly may delegate this authority to the Supreme Court. No rule of procedure or practice
35 shall abridge substantive rights or abrogate or limit the right of trial by jury. If the General
36 Assembly should delegate to the Supreme Court the rule-making power, the General Assembly
37 may, nevertheless, alter, amend, or repeal any rule of procedure or practice adopted by the
38 Supreme Court for the Superior Court or District Court Divisions.

39 **"Sec. 14. Waiver of jury trial.** In all issues of fact joined in any court, the parties in any civil
40 case may waive the right to have the issues determined by a jury, in which case the finding of
41 the judge upon the facts shall have the force and effect of a verdict by a jury.

42 **"Sec. 15. Administration.** The General Assembly shall provide for an administrative office of
43 the courts to carry out the provisions of this Article.

44 **"Sec. 16. Terms of office and election of Justices of the Supreme Court, Judges of the
45 Court of Appeals, and Judges of the Superior Court.** Justices of the Supreme Court, Judges
46 of the Court of Appeals, and regular Judges of the Superior Court shall be elected by the
47 qualified voters and shall hold office for terms of eight years and until their successors are
48 elected and qualified. Justices of the Supreme Court and Judges of the Court of Appeals shall
49 be elected by the qualified voters of the State. Regular Judges of the Superior Court may be
50 elected by the qualified voters of the State or by the voters of their respective districts, as the
51 General Assembly may prescribe.

"Sec. 17. Removal of judicial officers.

"(1) Justices of Supreme Court, Judges of the Court of Appeals, and Judges of Superior Court. Any Justice of the Supreme Court, Judge of the Court of Appeals, or Judge of the Superior Court may be removed from office for mental or physical incapacity by joint resolution of two-thirds of all the members of each house of the General Assembly. Any Justice or Judge against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the causes alleged for his removal, at least twenty days before the day on which either house of the General Assembly shall act thereon. Removal from office for any other cause shall be by impeachment.

"(2) District Judges and Magistrates. The General Assembly shall provide by general law for the removal of District Judges and Magistrates for misconduct or mental or physical incapacity.

"(3) Clerks. Any Clerk of the Superior Court may be removed from office for misconduct or mental or physical incapacity by the senior regular resident Superior Court Judge serving the county. Any Clerk against whom proceedings are instituted shall receive written notice of the charges against him at least ten days before the hearing upon the charges. Any Clerk so removed from office shall be entitled to an appeal as provided by law.

"Sec. 18. Solicitors and solicitorial districts.

"(1) Solicitors. The General Assembly shall, from time to time, divide the State into a convenient number of solicitorial districts, for each of which a Solicitor shall be chosen for a term of four years by the qualified voters thereof, at the same time and places as members of the General Assembly are elected. The Solicitor shall advise the officers of justice in his district, be responsible for the prosecution on behalf of the State of all criminal actions in the Superior Courts of his district, perform such duties related to appeals therefrom as the Attorney General may require, and perform such other duties as the General Assembly may prescribe.

"(2) Prosecution in District Court Division. Criminal actions in the District Court Division shall be prosecuted in such manner as the General Assembly may prescribe by general law uniformly applicable in every local court district of the State.

"Sec. 19. Vacancies. Unless otherwise provided in this Article, all vacancies occurring in the offices provided for by this Article shall be filled by appointment of the Governor, and the appointees shall hold their places until the next election for members of the General Assembly that is held more than 30 days after the vacancy occurs, when elections shall be held to fill the offices. When the unexpired term of any of the offices named in this Article of the Constitution in which a vacancy has occurred, and in which it is herein provided that the Governor shall fill the vacancy, expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office. If any person elected or appointed to any of these offices shall fail to qualify, the office shall be appointed to, held, and filled as provided in case of vacancies occurring therein. All incumbents of these offices shall hold until their successors are qualified.

"Sec. 20. Revenues and expenses of the judicial department. The General Assembly shall provide for the establishment of a schedule of court fees and costs which shall be uniform throughout the State within each division of the General Court of Justice. The operating expenses of the judicial department, other than compensation to process servers and other locally paid non-judicial officers, shall be paid from State funds.

"Sec. 21. Fees, salaries, and emoluments. The General Assembly shall prescribe and regulate the fees, salaries, and emoluments of all officers provided for in this Article, but the salaries of Judges shall not be diminished during their continuance in office. In no case shall the compensation of any Judge or Magistrate be dependent upon his decision or upon the collection of costs.

"ARTICLE V

"FINANCE

"Section 1. Capitation tax.

"(1) Capitation tax limited. The General Assembly may levy a capitation tax on every male inhabitant of the State over 21 and under 50 years of age, not in excess of two dollars, and cities and towns may levy a capitation tax on persons subject to the State tax not in excess of one dollar. No other capitation tax shall be levied. The governing boards of the several counties and of the cities and towns may exempt from the capitation tax any special cases on account of poverty or infirmity.

"(2) Proceeds. The proceeds of the State and county capitation tax shall be applied to the purposes of education and the support of the poor, but in no one fiscal year shall more than 25 per cent thereof be appropriated to the latter purpose.

"Sec. 2. State and local taxation.

"(1) Power of taxation. The power of taxation shall be exercised in a just and equitable manner, for public purposes only, and shall never be surrendered, suspended, or contracted away.

"(2) Classification. Only the General Assembly shall have the power to classify property for taxation, which power shall be exercised only on a State-wide basis. No class shall be taxed except by a uniform rule, and every classification shall be made by general law uniformly applicable in every county, city and town, and other local taxing unit of the State. The General Assembly's power to classify property shall not be delegated.

"(3) Exemptions. Property belonging to the State, counties, and municipal corporations shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, cultural, charitable, or religious purposes, and, to a value not exceeding \$300, any personal property. The General Assembly may exempt from taxation not exceeding \$1,000 in value of property held and used as the place of residence of the owner. Every exemption shall be on a State-wide basis and shall be made by general law uniformly applicable in every county, city and town, and other local taxing unit of the State. No taxing authority other than the General Assembly may grant exemptions, and the General Assembly shall not delegate the powers accorded to it by this subsection.

"(4) Twenty-cent limitation. The total of the State and county tax on property shall not exceed 20 cents on the \$100 value of property, except when the property tax is levied for a special purpose and with the special approval of the General Assembly, which may be done by special or general act. This limitation shall not apply to taxes levied for the maintenance of the public schools of the State. The State tax shall not exceed five cents on the \$100 value of property.

"(5) Necessary expense limitation. No tax shall be levied or collected by the officers of any county, city or town, or other unit of local government, except for the necessary expenses thereof, unless approved by a majority of the qualified voters who vote thereon in any election held for the purpose.

"(6) Income tax. The rate of tax on incomes shall not in any case exceed ten per cent and there shall be allowed the following minimum exemptions, to be deducted from the amount of annual incomes: to the income-producing spouse of a married couple living together, or to a widow or widower having minor child or children, natural or adopted, not less than \$2,000; to all other persons not less than \$1,000; and there may be allowed other deductions, not including living expenses, so that only net incomes are taxed.

"Sec. 3. Limitations upon the increase of State debt.

"(1) Authorized purposes; two-thirds limitation. The General Assembly may contract debts and pledge the faith and credit of the State for the following purposes:

"To fund or refund a valid existing debt;

"To borrow in anticipation of the collection of taxes due and payable within the fiscal year to an amount not exceeding 50 percent of such taxes;

"To supply a casual deficit;

"To suppress riots or insurrections, or to repel invasions.

"For any purpose other than these enumerated, the General Assembly shall have no power, during any biennium, to contract new debts on behalf of the State to an amount in excess of two-thirds of the amount by which the State's outstanding indebtedness shall have been reduced during the next preceding biennium, unless the subject is submitted to a vote of the people of the State. In any election held in the State under the provisions of this Section, the proposed indebtedness shall be approved by a majority of the qualified voters who vote thereon.

"(2) Gift or loan of credit prohibited. The General Assembly shall have no power to give or lend the credit of the State in aid of any person, association, or corporation, except a corporation in which the State has a controlling interest, unless the subject is submitted to a direct vote of the people of the State and is approved by a majority of the qualified voters who vote thereon.

"(3) Certain debts barred. The General Assembly shall never assume or pay any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States. Neither shall the General Assembly assume or pay any debt or bond incurred or issued by authority of the Convention of 1868, the special session of the General Assembly of 1868, or the General Assemblies of 1868-69 or 1869-70, unless the subject is submitted to the people of the State and is approved by a majority of all the qualified voters at a referendum held for that sole purpose.

"Sec. 4. Limitations upon the increase of local debt.

"(1) Authorized; purposes; two-thirds limitation. The General Assembly may authorize counties, cities and towns, and other units of local government to contract debts and pledge their faith and credit for the following purposes:

"To fund or refund a valid existing debt;

"To borrow in anticipation of the collection of taxes due and payable within the fiscal year to an amount not exceeding 50 per cent of such taxes;

"To supply a casual deficit;

"To suppress riots or insurrections.

For any purpose other than these enumerated, the General Assembly shall have no power to authorize counties, cities and towns, and other units of local government to contract debts, and counties, cities and towns, and other units of local government shall not contract debts, during any fiscal year, to an amount exceeding two-thirds of the amount by which the outstanding indebtedness of the particular county, city or town, or other unit of local government shall have been reduced during the next preceding fiscal year, unless the subject is submitted to a vote of the people of the particular county, city or town, or other unit of local government and is approved by a majority of the qualified voters who vote thereon.

"(2) Necessary expense limitation. No county, city or town, or other unit of local government shall contract any debt, pledge its faith, or lend its credit except for the necessary expenses thereof, unless approved by a majority of the qualified voters who shall vote thereon in any election held for that purpose.

"(3) Certain debts barred. No county, city or town, or other unit of local government shall assume or pay, nor shall any tax be levied or collected for the payment of, any debt, or the interest upon any debt, contracted directly or indirectly in aid or support of rebellion.

"Sec. 5. Acts levying taxes to state objects. Every act of the General Assembly levying a tax shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

"Sec. 6. Inviolability of sinking funds and retirement funds.

"(1) Sinking funds. The General Assembly shall not use or authorize to be used any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which the sinking fund has been created.

"(2) Retirement funds. Neither the General Assembly nor any public officer, employee, or agency shall use or authorize to be used any part of the funds of the Teachers' and State Employees' Retirement System for any purpose other than retirement system benefits and purposes, administrative expenses, and refunds; except that retirement system funds may be invested as authorized by law, subject to the investment limitation that the funds of the Teachers' and State Employees' Retirement System shall not be applied, diverted, loaned to, or used by the State, any State agency, State officer, public officer, or public employee.

"Sec. 7. Drawing public money.

"(1) State treasury. No money shall be drawn from the State treasury but in consequence of appropriations made by law, and an accurate account of the receipts and expenditures of State funds shall be annually published.

"(2) Local government treasuries. No money shall be drawn from the treasury of any county, city or town, or other unit of local government except by authority of law.

"ARTICLE VI

"SUFFRAGE AND ELIGIBILITY TO OFFICE

"Section 1. Who may vote. Every person born in the United States and every person who has been naturalized, 21 years of age, and possessing the qualifications set out in this Article, shall be entitled to vote at any election by the people of the State, except as herein otherwise provided.

"Sec. 2. Qualifications of voter.

"(1) Residence period for State elections. Any person who has resided in the State of North Carolina for one year and in the precinct, ward, or other election district for 30 days next preceding an election, and possesses the other qualifications set out in this Article, shall be entitled to vote at any election held in this State. Removal from one precinct, ward, or other election district to another in this State shall not operate to deprive any person of the right to vote in the precinct, ward, or other election district from which that person has removed until 30 days after the removal.

"(2) Residence period for presidential elections. The General Assembly may reduce the time of residence for persons voting in presidential elections. A person made eligible by reason of a reduction in time of residence shall possess the other qualifications set out in this Article, shall only be entitled to vote for President and Vice President of the United States or for electors for President and Vice President, and shall not thereby become eligible to hold office in this State.

"(3) Disqualification of felon. No person adjudged guilty of a felony against this State or the United States, or adjudged guilty of a felony in another state that also would be a felony if it had been committed in this State, shall be permitted to vote unless that person shall be first restored to the rights of citizenship in the manner prescribed by law.

"Sec. 3. Registration. Every person offering to vote shall be at the time legally registered as a voter as herein prescribed and in the manner provided by law. The General Assembly shall enact general laws governing the registration of voters.

"Sec. 4. Qualification for registration. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language.

"Sec. 5. Elections by people and General Assembly. All elections by the people shall be by ballot, and all elections by the General Assembly shall be viva voce. A contested election for any office established by Article III of this constitution shall be determined by joint ballot of both houses of the General Assembly in the manner prescribed by law.

"Sec. 6. Eligibility to elective office. Every qualified voter in North Carolina, except as in this Constitution disqualified, shall be eligible for election by the people to office.

1 **"Sec. 7. Oath.** Before entering upon the duties of an office, a person elected or appointed to
2 the office shall take and subscribe the following oath:

3 "I, do solemnly swear (or affirm) that I will support and maintain the
4 Constitution and laws of the United States, and the Constitution and laws of
5 North Carolina not inconsistent therewith, and that I will faithfully discharge
6 the duties of my office as so help me God."

7 **"Sec. 8. Disqualifications for office.** The following persons shall be disqualified for office:

8 "First, any person who shall deny the being of Almighty God.

9 "Second, with respect to any office that is filled by election by the people, any
10 person who is not qualified to vote in an election for that office.

11 "Third, any person who has been adjudged guilty of treason or any other felony
12 against this State or the United States, or any person who has been adjudged guilty
13 of a felony in another state that also would be a felony if it had been committed in
14 this State, or any person who has been adjudged guilty of corruption or malpractice
15 in any office, or any person who has been removed by impeachment from any
16 office, and who has not been restored to the rights of citizenship in the manner
17 prescribed by law.

18 **"Sec. 9. Dual office holding.**

19 "(1) Prohibitions. It is salutary that the responsibilities of self-government be widely
20 shared among the citizens of the State and that the potential abuse of authority inherent in the
21 holding of multiple offices by an individual be avoided. Therefore, no person who holds any
22 office or place of trust or profit under the United States or any department thereof, or under any
23 other state or government, shall be eligible to hold any office in this State that is filled by
24 election by the people. No person shall hold concurrently any two offices in this State that are
25 filled by election of the people. No person shall hold concurrently any two or more appointive
26 offices or places of trust or profit, or any combination of elective and appointive offices or
27 places of trust or profit, except as the General Assembly shall provide by general law.

28 "(2) Exceptions. The provisions of this Section shall not prohibit any officer of the
29 military forces of the State or of the United States not on active duty for an extensive period of
30 time, any notary public, or any delegate to a Convention of the People from holding
31 concurrently another office or place of trust or profit under this State or the United States or
32 any department thereof.

33 **"Sec. 10. Continuation in office.** In the absence of any contrary provision, all officers in this
34 State, whether appointed or elected, shall hold their positions until other appointments are made
35 or, if the offices are elective, until their successors are chosen and qualified.

36 "ARTICLE VII

37 "LOCAL GOVERNMENT

38 **"Section 1. General Assembly to provide for local government.** The General Assembly
39 shall provide for the organization and government and the fixing of boundaries of counties,
40 cities and towns, and other governmental subdivisions, and, except as otherwise prohibited by
41 this Constitution, may give such powers and duties to counties, cities and towns, and other
42 governmental subdivisions as it may deem advisable.

43 **"Sec. 2. Sheriffs.** In each county a Sheriff shall be elected by the qualified voters thereof at the
44 same time and places as members of the General Assembly are elected and shall hold his office
45 for a period of four years, subject to removal for cause as provided by law.

46 **"Sec. 3. Merged or consolidated counties.** Any unit of local government formed by the
47 merger or consolidation of a county or counties and the cities and towns therein shall be
48 deemed both a county and a city for the purposes of this Constitution, and may exercise any
49 authority conferred by law on counties, or on cities and towns, or both, as the General
50 Assembly may provide.

51 "ARTICLE VIII

"CORPORATIONS

"Section 1. Corporate charters. No corporation shall be created, nor shall its charter be extended, altered, or amended by special act, except corporations for charitable, educational, penal, or reformatory purposes that are to be and remain under the patronage and control of the State; but the General Assembly shall provide by general laws for the chartering, organization, and powers of all corporations, and for the amending, extending, and forfeiture of all charters, except those above permitted by special act. All such general acts may be altered from time to time or repealed. The General Assembly may at any time by special act repeal the charter of any corporation.

"Sec. 2. Corporations defined. The term "corporation" as used in this Section shall be construed to include all associations and joint-stock companies having any of the powers and privileges of corporations not possessed by individuals or partnerships. All corporations shall have the right to sue and shall be subject to be sued in all courts, in like cases as natural persons.

"ARTICLE IX

"EDUCATION

"Section 1. Education encouraged. Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools, libraries, and the means of education shall forever be encouraged.

"Sec. 2. Uniform system of schools.

"(1) General and uniform system: term. The General Assembly shall provide by taxation and otherwise for a general and uniform system of free public schools, which shall be maintained at least nine months in every year, and wherein equal opportunities shall be provided for all students.

"(2) Local responsibility. The General Assembly may assign to units of local government such responsibility for the financial support of the free public schools as it may deem appropriate. The governing boards of units of local government with financial responsibility for public education may use local revenues to add to or supplement any public school or postsecondary school program.

"Sec. 3. School attendance. The General Assembly shall provide that every child of appropriate age and of sufficient mental and physical ability shall attend the public schools, unless educated by other means.

"Sec. 4. State Board of Education.

"(1) Board. The State Board of Education shall consist of the Lieutenant Governor, the Treasurer, and eleven members appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts. Of the appointive members of the Board, one shall be appointed from each of the eight educational districts and three shall be appointed from the State at large. Appointments shall be for overlapping terms of eight years. Appointments to fill vacancies shall be made by the Governor for the unexpired terms and shall not be subject to confirmation.

"(2) Superintendent of Public Instruction. The Superintendent of Public Instruction shall be the secretary and chief administrative officer of the State Board of Education.

"Sec. 5. Powers and duties of Board. The State Board of Education shall supervise and administer the free public school system and the educational funds provided for its support, except the funds mentioned in Section 7 of this Article, and shall make all needed rules and regulations in relation thereto, subject to laws enacted by the General Assembly.

"Sec. 6. State school fund. The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; all moneys, stocks, bonds, and other property belonging to the State for purposes of public education; the net proceeds of all sales of the swamp lands belonging to the State; and all other grants, gifts, and devises that have been or hereafter may be made to the State, and not

otherwise appropriated by the State or by the terms of the grant, gift, or devise, shall be paid into the State Treasury and, together with so much of the revenue of the State as may be set apart for that purpose, shall be faithfully appropriated and used exclusively for establishing and maintaining a uniform system of free public schools.

"Sec. 7. County school fund. All moneys, stocks, bonds, and other property belonging to a county school fund, and the clear proceeds of all penalties and forfeitures and of all fines collected in the several counties for any breach of the penal laws of the State, shall belong to and remain in the several counties, and shall be faithfully appropriated and used exclusively for maintaining free public schools.

"Sec. 8. Higher education. The General Assembly shall maintain a public system of higher education, comprising The University of North Carolina and such other institutions of higher education as the General Assembly may deem wise. The General Assembly shall provide for the selection of trustees of The University of North Carolina and of the other institutions of higher education, in whom shall be vested all the privileges, rights, franchises, and endowments heretofore granted to or conferred upon the trustees of these institutions. The General Assembly may enact laws necessary and expedient for the maintenance and management of The University of North Carolina and the other public institutions of higher education.

"Sec. 9. Benefits of public institutions of higher education. The General Assembly shall provide that the benefits of The University of North Carolina and other public institutions of higher education, as far as practicable, be extended to the people of the State free of expense.

"Sec. 10. Escheats. All property that has heretofore accrued to the State or shall hereafter accrue from escheats, unclaimed dividends, or distributive shares of the estates of deceased persons, shall be appropriated to the use of The University of North Carolina.

"ARTICLE X

"HOMESTEADS AND EXEMPTIONS

"Section 1. Personal property exemptions. The personal property of any resident of this State, to a value fixed by the General Assembly but not less than \$500, to be selected by the resident, is exempted from sale under execution or other final process of any court, issued for the collection of any debt.

"Sec. 2. Homestead exemptions.

"(1) Exemption from sale; exceptions. Every homestead and the dwellings and buildings used therewith, to a value fixed by the General Assembly but not less than \$1,000, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city or town with the dwellings and buildings used thereon, and to the same value, owned and occupied by a resident of the State, shall be exempt from sale under execution or other final process obtained on any debt. But no property shall be exempt from sale for taxes, or for payment of obligations contracted for its purchase.

"(2) Exemption for benefit of children. The homestead, after the death of the owner thereof, shall be exempt from the payment of any debt during the minority of the owner's children, or any of them.

"(3) Exemption for benefit of widow. If the owner of a homestead dies, leaving a widow but no children, the homestead shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit during her widowhood, unless she is the owner of a homestead in her own right.

"(4) Conveyance of homestead. Nothing contained in this Article shall operate to prevent the owner of a homestead from disposing of it by deed, but no deed made by the owner of a homestead shall be valid without the signature and acknowledgement of his wife.

"Sec. 3. Mechanics' and laborers' liens. The General Assembly shall provide by proper legislation for giving to mechanics and laborers an adequate lien on the subject-matter of their labor. The provisions of Sections 1 and 2 of this Article shall not be so construed as to prevent

a laborer's lien for work done and performed for the person claiming the exemption or a mechanic's lien for work done on the premises.

"Sec. 4. Property of married women secured to them. The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations, or engagements of her husband, and may be devised and bequeathed and conveyed by her, subject to such regulations and limitations as the General Assembly may prescribe. Every married woman may exercise powers of attorney conferred upon her by her husband, including the power to execute and acknowledge deeds to property owned by herself and her husband or by her husband.

"Sec. 5. Insurance. The husband may insure his own life for the sole use and benefit of his wife or children or both, and upon his death the proceeds from the insurance shall be paid to or for the benefit of the wife or children or both, or to a guardian, free from all claims of the representatives or creditors of the insured or his estate. Any insurance policy which insures the life of a husband for the sole use and benefit of his wife or children or both shall not be subject to the claims of creditors of the insured during his lifetime, whether or not the policy reserves to the insured during his lifetime any or all rights provided for by the policy and whether or not the policy proceeds are payable to the estate of the insured in the event the beneficiary or beneficiaries predecease the insured.

"ARTICLE XI

"PUNISHMENTS, CORRECTIONS, AND CHARITIES

"Section 1. Punishments. The following punishments only shall be known to the laws of this State: death, imprisonment, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under this State.

"Sec. 2. Death punishment. The object of punishments being not only to satisfy justice, but also to reform the offender and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

"Sec. 3. Charitable and correctional institutions and agencies. Such charitable, benevolent, penal, and correctional institutions and agencies as the needs of humanity and the public good may require shall be established and operated by the State under such organization and in such manner as the General Assembly may prescribe.

"Sec. 4. Welfare policy; board of public welfare. Beneficent provision for the poor, the unfortunate, and the orphan is one of the first duties of a civilized and a Christian state. Therefore the General Assembly shall provide for and define the duties of a board of public welfare.

"ARTICLE XII

"MILITARY FORCES

"Section 1. Governor is Commander in Chief. The Governor shall be Commander in Chief of the military forces of the State and may call out those forces to execute the law, suppress riots and insurrections, and repel invasion.

"ARTICLE XIII

"CONVENTIONS; CONSTITUTIONAL AMENDMENT AND REVISION

"Section 1. Convention of the People. No Convention of the People of this State shall ever be called unless by the concurrence of two-thirds of all the members of each house of the General Assembly, and unless the proposition "Convention or No Convention" is first submitted to the qualified voters of the State at the time and in the manner prescribed by the General Assembly. If a majority of the votes cast upon the proposition are in favor of a Convention, it shall assemble on the day prescribed by the General Assembly. The General Assembly shall, in the act submitting the convention proposition, propose limitations upon the authority of the Convention; and if a majority of the votes cast upon the proposition are in favor of a

Convention, those limitations shall become binding upon the Convention. Delegates to the Convention shall be elected by the qualified voters at the time and in the manner prescribed in the act of submission. The Convention shall consist of a number of delegates equal to the membership of the House of Representatives of the General Assembly that submits the convention proposition and the delegates shall be apportioned as is the House of Representatives. A Convention shall adopt no ordinance not necessary to the purpose for which the Convention has been called.

"Sec. 2. Power to revise or amend Constitution reserved to people. The people of this State reserve the power to amend this Constitution and to adopt a new or revised Constitution. This power may be exercised by either of the methods set out hereinafter in this Article, but in no other way.

"Sec. 3. Revision or amendment by Convention of the People. A Convention of the People of this State may be called pursuant to Section 1 of this Article to propose a new or revised Constitution or to propose amendments to this Constitution. Every new or revised Constitution and every constitutional amendment adopted by a Convention shall be submitted to the qualified voters of the State at the time and in the manner prescribed by the Convention. If a majority of the votes cast thereon are in favor of ratification of the new or revised Constitution or the constitutional amendment or amendments, it or they shall become effective January first next after ratification by the qualified voters unless a different effective date is prescribed by the Convention.

"Sec. 4. Revision or amendment by legislative initiation. A proposal of a new or revised Constitution or an amendment or amendments to this Constitution may be initiated by the General Assembly, but only if three-fifths of all the members of each house shall adopt an act submitting the proposal to the qualified voters of the State for their ratification or rejection. The proposal shall be submitted at the time and in the manner prescribed by the General Assembly. If a majority of the votes cast thereon are in favor of the proposed new or revised Constitution or constitutional amendment or amendments, it or they shall become effective January first next after ratification by the voters unless a different effective date is prescribed in the act submitting the proposal or proposals to the qualified voters.

"ARTICLE XIV

"MISCELLANEOUS

"Section 1. Seat of government. The permanent seat of government of this State shall be at the City of Raleigh.

"Sec. 2. State boundaries. The limits and boundaries of the State shall be and remain as they now are.

"Sec. 3. General laws defined. Whenever the General Assembly is directed or authorized by this Constitution to enact general laws, or general laws uniformly applicable in every county, city and town, and other unit of local government, or in every local court district, no special or local act shall be enacted concerning the subject matter directed or authorized to be accomplished by general or uniformly applicable laws, and every amendment or repeal of any law relating to that subject matter shall also be general and uniform in its effect throughout the State. General laws may be enacted for classes defined by population or other criteria. General laws uniformly applicable in every county, city and town, and other unit of local government, or in every local court district, shall be made applicable without classification or exception in every county, city and town, and other unit of local government, or in every local court district, as the case may be. The General Assembly may at any time repeal any special, local, or private act.

"Sec. 4. Continuity of laws; protection of office holders. The laws of North Carolina not in conflict with this Constitution shall continue in force until lawfully altered. Except as otherwise specifically provided, the adoption of this Constitution shall not have the effect of vacating any

1 office or term of office now filled or held by virtue of any election or appointment made under
2 the prior Constitution of North Carolina and the laws of the State enacted pursuant thereto."

3 **Sec. 2.** The revision and amendment of the Constitution of North Carolina set out in
4 Section 1 of this Act shall be submitted to the qualified voters of the State at the next general
5 election. That election shall be conducted under the laws then governing general elections in
6 this State.

7 **Sec. 3.** At that election, each qualified voter desiring to vote shall be provided a
8 ballot on which shall be printed the following:

9 ☐ FOR revision and amendment of the Constitution of North Carolina."

10 ☐ AGAINST revision and amendment of the Constitution of North Carolina."

11 Those qualified voters favoring the amendment set out in Section 1 of this Act shall vote by
12 making an X or a check mark in the square beside the statement beginning "FOR", and those
13 qualified voters opposed to that amendment shall vote by making an X or a check mark in the
14 square beside the statement beginning "AGAINST".

15 Notwithstanding the foregoing provisions of this Section, voting machines may be
16 used in accordance with rules and regulations prescribed by the State Board of Elections.

17 **Sec. 4.** If a majority of the votes cast thereon be in favor of the revision and
18 amendment set out in Section 1 of this Act, the Governor shall certify that revision and
19 amendment under the Great Seal of the State to the Secretary of State, who shall enroll that
20 revision and amendment so certified among the permanent records of his office, and the
21 revision and amendment shall become effective on July 1, 1971.

22 **Sec. 5.** All laws and clauses of laws in conflict with this Act are repealed.

23 **Sec. 6.** This Act shall become effective upon its ratification.

24 In the General Assembly read three times and ratified, this the 2nd day of July,
25 1969.