

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 3

Constitutional Amendments Committee Substitute Adopted 2/22/89

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House Committee Substitute Favorable 7/31/89

House Committee Substitute #2 Favorable 7/3/90

Short Title: Veto.

(Public)

Sponsors:

Referred to:

January 12, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A REFERENDUM IN NOVEMBER 1990 TO AMEND THE CONSTITUTION TO PROVIDE FOR A GUBERNATORIAL VETO REQUIRING A THREE-FIFTHS VOTE TO OVERRIDE, TO LIMIT THE NUMBER OF DAYS OF THE LEGISLATIVE SESSION, AND TO PROVIDE FOR FOUR-YEAR TERMS FOR MEMBERS OF THE GENERAL ASSEMBLY, STARTING WITH THOSE TERMS BEGINNING IN 1993 AFTER THE 1992 ELECTIONS, AND TO PROVIDE FOR STATUTORY CONFIRMATION BY THE GENERAL ASSEMBLY FOR CERTAIN SUB-CABINET-LEVEL GUBERNATORIAL APPOINTMENTS, AND IN A SEPARATE BALLOT QUESTION IN NOVEMBER 1990 TO AMEND THE CONSTITUTION TO PROVIDE FOR THE APPOINTMENT OF APPELLATE COURT JUDGES BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, AND TO AUTHORIZE THE GENERAL ASSEMBLY TO PROVIDE A PROCEDURE TO DETERMINE IF JUDGES SO APPOINTED SHOULD BE RETAINED IN OFFICE.

The General Assembly of North Carolina enacts:

PART I – VETO.

Section 1.1. Article II, Section 22 of the Constitution of North Carolina, reads as rewritten:

1 ~~"Sec. 22. Action on bills. All bills and resolutions of a legislative nature shall be~~
2 ~~read three times in each house before they become laws, and shall be signed by the~~
3 ~~presiding officers of both houses.~~

4 (1) Amendments to Constitution of North Carolina. Every bill proposing a new
5 or revised Constitution or an amendment or amendments to this Constitution or calling a
6 convention of the people of this State, and containing no other matter, shall be
7 submitted to the qualified voters of this State after it shall have been read three times in
8 each house, and signed by the presiding officers of both houses.

9 (2) Amendments to Constitution of the United States. Every bill approving an
10 amendment to the Constitution of the United States, or applying for a convention to
11 propose amendments to the Constitution of the United States, and containing no other
12 matter, shall be read three times in each house before it becomes law, and shall be
13 signed by the presiding officers of both houses.

14 (3) Appointments by General Assembly. Every bill in which the General
15 Assembly makes an appointment or appointments to public office and which contains
16 no other matter, shall be read three times in each house before it becomes law, and shall
17 be signed by the presiding officers of both houses.

18 (4) Joint resolutions. Every joint resolution shall be read three times in each
19 house before it becomes effective, and shall be signed by the presiding officers of both
20 houses.

21 (5) Local bills. Every bill that applies in fewer than 15 counties shall be read
22 three times in each house before it becomes law and shall be signed by the presiding
23 officers of both houses. The exemption from veto by the Governor provided in this
24 subdivision does not apply if the bill, at the time it is signed by the presiding officers:

- 25 a. Would extend the application of a law so that the law would apply in
26 more than half the counties in the State, or
27 b. Would enact a law so similar in effect to another law or laws that the
28 result would be a law applying in more than half the counties in the
29 State.

30 Notwithstanding the previous sentence, a bill is exempt from veto if by its terms it
31 applies to the government of only one named county, city, town, school administrative
32 unit, or other unit of local government and contains no other matter. Notwithstanding
33 any other language in this subdivision, the exemption from veto provided by this
34 subdivision does not apply to any bill to enact a general law classified by population or
35 other criteria, or to any bill that contains an appropriation from the State treasury.

36 (6) State Senate redistricting. Every bill revising the Senate districts and the
37 apportionment of Senators among those districts, and containing no other matter, shall
38 be read three times in each house before it becomes law and shall be signed by the
39 presiding officers of both houses.

40 (7) State House redistricting. Every bill revising the representative districts and
41 the apportionment of Representatives among those districts, and containing no other
42 matter, shall be read three times in each house before it becomes law and shall be signed
43 by the presiding officers of both houses.

1 (8) Congressional redistricting. Every bill revising the districts for the election of
2 members of the House of Representatives of the Congress of the United States and the
3 apportionment of Representatives among those districts, and containing no other matter,
4 shall be read three times in each house before it becomes law and shall be signed by the
5 presiding officers of both houses.

6 (9) Bills subject to veto by Governor; override of veto. Any other bill shall be
7 read three times in each house and shall be signed by the presiding officer of each house
8 before being presented to the Governor. If the Governor approves, he shall sign it and it
9 shall become a law; but if not, he shall return it with his objections, together with a veto
10 message stating his reasons for such objections, to that house in which it shall have
11 originated, which shall enter the objections and veto message at large on its journal, and
12 proceed to reconsider it. If after such reconsideration three-fifths of the members
13 present and voting of that house shall agree to pass the bill, it shall be sent, together
14 with the objections and veto message, to the other house, by which it shall likewise be
15 reconsidered; and if approved by three-fifths of the members present and voting of that
16 house, it shall become a law notwithstanding the objections of the Governor. In all such
17 cases the votes of both houses shall be determined by yeas and nays, and the names of
18 the members voting shall be entered on the journal of each house respectively.

19 (10) Time for action by Governor; reconvening of session. If any bill shall not be
20 returned by the Governor within 10 days after it shall have been presented to him, the
21 same shall be a law in like manner as if he had signed it, unless the General Assembly
22 shall have adjourned:

23 a. Sine die; or

24 b. For more than 30 days,

25 in which case it shall become a law unless, within 30 days after such adjournment, it is
26 returned by the Governor with his objections and veto message to that house in which it
27 shall have originated. When the General Assembly has adjourned **sine die** or for more
28 than 30 days, the Governor shall reconvene that session as provided by Article III,
29 Section 5(11) of this Constitution for reconsideration of the bill, and if he does not
30 reconvene the session, the bill shall become law on the fortieth day after such
31 adjournment.

32 (11) Return of bills after adjournment. For purposes of return of bills not approved
33 by the Governor, each house shall designate its principal clerk or another officer to
34 receive returned bills during its adjournment."

35 Sec. 1.2. Section 5 of Article III of the Constitution of North Carolina is
36 amended by adding a new subdivision to read:

37 "(11) Reconvened sessions. The Governor shall, when required by Section 22 of
38 Article II of this Constitution, reconvene a session of the General Assembly. At such
39 reconvened session, the General Assembly may only consider such bills as were
40 returned by the Governor to that reconvened session for reconsideration. Such
41 reconvened session shall begin on a date set by the Governor, but no later than 40 days
42 after the General Assembly adjourned:

43 a. Sine die; or

44 b. For more than 30 days.

1 If the date of reconvening the session occurs after the expiration of the terms of
2 office of the members of the General Assembly, then the members serving for the
3 reconvened session shall be the newly elected members."

4 **PART II – LENGTH OF LEGISLATIVE SESSION.**

5 Sec. 2. Section 11(1) of Article II of the Constitution of North Carolina reads
6 as rewritten:

7 "(1) Regular Sessions. The General Assembly shall meet in regular session in 1973 and
8 every two years thereafter on the day prescribed by law. In each odd-numbered year
9 beginning in 1991, the General Assembly shall meet on a day prescribed by law, and
10 each house shall remain in session for no more than 100 legislative days. If the General
11 Assembly adjourns or recesses the regular session from a date in the odd-numbered year
12 to a date in the even-numbered year each house shall remain in session in the even-
13 numbered year for no more than 30 legislative days. A legislative day for a house is a
14 day on which that house is in session. Neither house shall proceed upon public business
15 unless a majority of all of its members are actually present. No valid action, other than
16 a resolution of adjournment, may be taken by the General Assembly in a regular session
17 after the time limits prescribed in this section have expired, except that if a session is
18 reconvened pursuant to Article III, Section 5(11) of this Constitution, the General
19 Assembly may act pursuant to that subdivision."

20 **PART III – FOUR-YEAR LEGISLATIVE TERMS.**

21 Sec. 3.1. Section 2 of Article II of the Constitution of North Carolina reads as
22 rewritten:

23 "**Sec. 2. Number of Senators.** The Senate shall be composed of 50 Senators,
24 biennially quadrennially chosen by ballot."

25 Sec. 3.2. Section 4 of Article II of the Constitution of North Carolina reads as
26 rewritten:

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

29 Sec. 3.3. Section 8 of Article II of the Constitution of North Carolina reads as
30 rewritten:

31 "**Sec. 8. Elections.** The election for members of the General Assembly shall be held
32 for the respective districts in 1972-1992 and every ~~two~~ four years thereafter, at the places
33 and on the day prescribed by law."

34 Sec. 3.4. Section 7(3) of Article III of the Constitution of North Carolina
35 reads as rewritten:

36 "(3) **Vacancies.** If the office of any of these officers is vacated by death,
37 resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve
38 until his successor is elected and qualified. Every such vacancy shall be filled by
39 election at the first statewide election for members of the General Assembly or
40 members of the United States House of Representatives, whichever comes first, that
41 occurs more than 60 days after the vacancy has taken place, and the person chosen shall
42 hold the office for the remainder of the unexpired term fixed in this Section. When a
43 vacancy occurs in the office of any of the officers named in this Section and the term
44 expires on the first day of January succeeding the next statewide election for members

1 of the General Assembly or United States House of Representatives, whichever comes
2 first, the Governor shall appoint to fill the vacancy for the unexpired term of the office."

3 Sec. 3.5. Section 9(3) of Article IV of the Constitution of North Carolina
4 reads as rewritten:

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

12 Sec. 3.6. Section 18(1) of Article IV of the Constitution of North Carolina
13 reads as rewritten:

14 "(1) **District Attorneys.** The General Assembly shall, from time to time, divide the
15 State into a convenient number of prosecutorial districts, for each of which a District
16 Attorney shall be chosen for a term of four years by the qualified voters thereof, at the
17 same time and places as members of the General Assembly or members of the United
18 States House of Representatives are elected. Only persons duly authorized to practice
19 law in the courts of this State shall be eligible for election or appointment as a District
20 Attorney. The District Attorney shall advise the officers of justice in his district, be
21 responsible for the prosecution on behalf of the State of all criminal actions in the
22 Superior Courts of his district, perform such duties related to appeals therefrom as the
23 Attorney General may require, and perform such other duties as the General Assembly
24 may prescribe."

25 Sec. 3.7. Section 19 of Article IV of the Constitution of North Carolina reads
26 as rewritten:

27 "**Sec. 19. Vacancies.** Unless otherwise provided in this Article, all vacancies
28 occurring in the offices provided for by this Article shall be filled by appointment of the
29 Governor, and the appointees shall hold their places until the next statewide election for
30 members of the General Assembly or members of the United States House of
31 Representatives, whichever comes first, that is held more than 60 days after the vacancy
32 occurs, when elections shall be held to fill the offices. When the unexpired term of any
33 of the offices named in this Article of the Constitution in which a vacancy has occurred,
34 and in which it is herein provided that the Governor shall fill the vacancy, expires on the
35 first day of January succeeding the next statewide election for members of the General
36 Assembly or members of the United States House of Representatives, whichever comes
37 first, the Governor shall appoint to fill that vacancy for the unexpired term of the office.
38 If any person elected or appointed to any of these offices shall fail to qualify, the office
39 shall be appointed to, held and filled as provided in case of vacancies occurring therein.
40 All incumbents of these offices shall hold until their successors are qualified."

41 **PART IV – CONFIRMATION OF GOVERNOR'S APPOINTMENTS.**

42 Sec. 4. Chapter 147 of the General Statutes is amended by adding a new
43 section to read:

44 "**§ 147-12.1. Appointments subject to confirmation; exceptions.**

1 (a) Notwithstanding any other provision of law, whenever it is provided by law
2 that the Governor is to appoint a person to:

- 3 (1) The Board of Agriculture according to G.S. 106-2;
- 4 (2) The Alcoholic Beverage Control Board according to G.S. 18B-200;
- 5 (3) The Atlantic States Marine Fisheries Commission according to G.S.
6 113-254;
- 7 (4) The Banking Commission according to G.S. 53-92;
- 8 (5) The office of Banking Commissioner according to G.S. 53-93;
- 9 (6) The office of State Controller according to G.S. 143B-426.37;
- 10 (7) The Credit Union Commission according to G.S. 143B-438;
- 11 (8) The State Board of Education according to G.S. 115C-10;
- 12 (9) The Employment Security Commission according to G.S. 96-3;
- 13 (10) The Industrial Commission according to G.S. 97-77;
- 14 (11) The Local Government Commission according to G.S. 159-3;
- 15 (12) The Milk Commission according to G.S. 106-266.7;
- 16 (13) The Parole Commission according to G.S. 143B-266;
- 17 (14) The Personnel Commission according to G.S. 126-2;
- 18 (15) The Savings Institutions Commission according to G.S. 54B-53;
- 19 (16) The Tax Review Commission according to G.S. 105-269.2;
- 20 (17) The board of trustees of the Teachers' and State Employees'
21 Retirement System according to G.S. 135-6;
- 22 (18) The Utilities Commission according to G.S. 62-10;
- 23 (19) The office of Executive Director of the Public Staff of the Utilities
24 Commission according to G.S. 62-15,

25 the appointment shall be made subject to confirmation by the Senate and House of
26 Representatives as provided by subsection (b) of this section.

27 (b) No nominee of the Governor to membership on a board or commission listed
28 or defined in subsection (a) of this section shall take office until he shall have been
29 confirmed by both the Senate and the House of Representatives, unless the vacancy
30 occurs after the General Assembly has adjourned **sine die** or for more than 10 days and
31 has not reconvened. If the vacancy occurs after the General Assembly has adjourned
32 **sine die** or for more than 10 days and has not reconvened, the Governor shall appoint a
33 replacement, who shall assume office and serve until the General Assembly next
34 adjourns **sine die** or for more than 10 days, whichever occurs first, unless expiration of
35 the term of office is provided by law. For such person to continue in office after
36 adjournment **sine die** or for more than 10 days, the appointment must be confirmed by
37 both the Senate and the House of Representatives. If both those houses have not
38 confirmed the appointment by that date, the appointee vacates the office, the person
39 does not hold over, and the person may not be appointed to fill the vacancy:

- 40 (1) During the remainder of the term of office if the office has a fixed
41 term; or
- 42 (2) During the remainder of the term of office of the Governor who made
43 the appointment if the office has no fixed term."

44 **PART V – REFERENDUM ON PARTS I-IV.**

1 Sec. 5.1. The amendments set forth in Sections 1.1 through 4 of this act shall
2 be submitted to the qualified voters of the State at the statewide general election to be
3 held in November of 1990, which shall be conducted under the laws then governing
4 elections in the State.

5 Sec. 5.2. At that election, each qualified voter desiring to vote shall be
6 provided a ballot on which shall be printed the following:

7 " FOR constitutional amendments to give the Governor a veto, limit the
8 length of legislative sessions, and change the length of terms for
9 members of the General Assembly, and for a statutory amendment to
10 provide for confirmation of certain appointments made by the
11 Governor.

12 AGAINST constitutional amendments to give the Governor a veto,
13 limit the length of legislative sessions, and change the length of terms
14 for members of the General Assembly, and for a statutory amendment
15 to provide for confirmation of certain appointments made by the
16 Governor."

17 Those qualified voters favoring the amendments shall vote by marking an "X" or a check
18 mark in the square beside the statement beginning "FOR", and those qualified voters
19 opposed to the amendment shall vote by marking an "X" or a check mark in the square
20 beside the statement beginning "AGAINST".

21 Notwithstanding the foregoing provisions of this section, voting machines
22 may be used in accordance with rules and regulations prescribed by the State Board of
23 Elections.

24 Sec. 5.3. If a majority of votes cast are in favor of the constitutional
25 amendments set out in Sections 1.1 through 3.7 of this act, then the State Board of
26 Elections shall certify the amendments set out in Sections 1.1 through 3.7 of this act to
27 the Secretary of State who shall enroll the amendments so certified among the
28 permanent records of his office. The constitutional amendments proposed by Sections
29 1.1 through 2 of this act shall become effective January 1, 1991. The constitutional
30 amendments proposed by Sections 3.1 through 3.7 of this act shall become effective
31 January 1, 1993, and shall apply to members of the General Assembly elected in the
32 1992 general election.

33 Sec. 5.4. Section 4 of this act shall become effective January 1, 1991, and
34 shall apply to all vacancies occurring on or after that date, but shall become effective
35 only if approved along with the constitutional amendments proposed in Sections 1.1
36 through 3.7, as provided in Sections 5.1 through 5.3.

37 **PART VI – APPOINTMENT OF APPELLATE JUDGES.**

38 Sec. 6.1. Section 6(1) of Article IV of the North Carolina Constitution reads
39 as rewritten:

40 "(1) Membership. The Supreme Court shall consist of a Chief Justice and six
41 Associate Justices, but the General Assembly may increase the number of Associate
42 Justices to not more than eight. The Governor shall nominate, and with the advice and
43 consent of a majority of the Senate and of the House of Representatives, appoint the
44 Chief Justice and the Associate Justices as provided by law. The General Assembly may

1 require the Governor to make his nominations from names of persons submitted
2 pursuant to procedures and in a manner prescribed by law. The General Assembly may
3 by law permit persons nominated to serve pending appointment. Justices appointed shall
4 serve an initial term as provided by this Article and shall be eligible for subsequent
5 terms pursuant to procedures and in a manner as shall be established by the General
6 Assembly. In the event the Chief Justice is unable, on account of absence or temporary
7 incapacity, to perform any of the duties placed upon him, the senior Associate Justice
8 available may discharge these duties."

9 Sec. 6.2. Section 7 of Article IV of the North Carolina Constitution reads as
10 rewritten:

11 "Sec. 7. Court of Appeals.

12 The structure, organization, and composition of the Court of Appeals shall be
13 determined by the General Assembly. The Governor shall nominate, and with the
14 advice and consent of a majority of the Senate and of the House of Representatives,
15 appoint the Judges of the Court of Appeals as provided by law. The General Assembly
16 may require the Governor to make his nominations from names of persons submitted
17 pursuant to procedures and in a manner prescribed by law. The General Assembly may
18 by law permit persons nominated to serve pending appointment. Judges appointed shall
19 serve an initial term as provided in this Article and shall be eligible for subsequent
20 terms pursuant to procedures and in a manner as shall be established by the General
21 Assembly. The Court shall have not less than five members, and may be authorized to
22 sit in divisions, or other than **en banc**. Sessions of the Court shall be held at such times
23 and places as the General Assembly may prescribe."

24 Sec. 6.3. Section 9(1) of Article IV of the North Carolina Constitution reads
25 as rewritten:

26 "(1) Superior Court Judges and districts. The General Assembly shall, from
27 time to time, divide the State into a convenient number of Superior Court judicial
28 districts and shall provide for the election of one or more Superior Court Judges for
29 each district. Judges of the Superior Court shall be elected by the qualified voters and
30 shall hold office for terms of eight years and until their successors are elected and
31 qualified. Regular Judges of the Superior Court may be elected by the qualified voters
32 of the State or by the voters of their respective districts, as the General Assembly may
33 prescribe. Each regular Superior Court Judge shall reside in the district for which he is
34 elected. The General Assembly may provide by general law for the selection or
35 appointment of special or emergency Superior Court Judges not selected for a particular
36 judicial district."

37 Sec. 6.4. Section 16 of Article IV of the North Carolina Constitution reads as
38 rewritten:

39 "~~Sec. 16. Terms of office and election of Justices of the Supreme Court, and Judges of~~
40 ~~the Court of Appeals, and Judges of the Superior Court.~~

41 ~~Justices of the Supreme Court, Judges of the Court of Appeals, and regular Judges of~~
42 ~~the Superior Court shall be elected by the qualified voters and shall hold office for terms~~
43 ~~of eight years and until their successors are elected and qualified. Justices of the~~
44 ~~Supreme Court and Judges of the Court of Appeals shall be elected by the qualified~~

~~voters of the State. Regular Judges of the Superior Court may be elected by the qualified voters of the State or by the voters of their respective districts, as the General Assembly may prescribe.~~

The initial term of office for each person holding the office of Chief Justice of the Supreme Court, Associate Justice of the Supreme Court, and Judge of the Court of Appeals shall be four years, and each subsequent term for that person in that office shall be eight years."

Sec. 6.5. (a) If Section 3.7 of this act is not approved as provided in Section 5.3 of this act, then Section 19 of Article IV of the North Carolina Constitution reads as rewritten:

"Sec. 19. Vacancies.

(1) Vacancies generally. 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 60 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.

(2) Vacancies on appellate courts. Vacancies in the office of Chief Justice, Associate Justice, or Judge of the Court of Appeals shall be filled according to Sections 6 and 7 of this Article. The General Assembly may by general law specify provisions contrary to those in Article VI, Section 10 to be applicable to Justices and Judges."

(b) If Section 3.7 of this act is approved as provided in Section 5.3 of this act, then Section 19 of Article IV of the North Carolina Constitution reads as rewritten:

"Sec. 19. Vacancies.

(1) Vacancies generally. 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 statewide election for members of the General Assembly or members of the United States House of Representatives, whichever comes first, that is held more than 60 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 statewide election for members of the General Assembly or United States House of Representatives, whichever comes first, 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.

1 (2) Vacancies on appellate courts. Vacancies in the office of Chief Justice,
2 Associate Justice, or Judge of the Court of Appeals shall be filled according to Sections
3 6 and 7 of this Article. The General Assembly may by general law specify provisions
4 contrary to those in Article VI, Section 10 to be applicable to Justices and Judges."

5 Sec. 6.6. Article IV of the North Carolina Constitution is amended by adding
6 a new section at the end to read:

7 "Sec. 23. Transition to appointment system.

8 The Chief Justice, Associate Justices, and Judges of the Court of Appeals holding
9 office on the effective date of amendments to this Article deleting provisions requiring
10 elections to those offices, and inserting in their place provisions requiring appointment
11 to those offices, shall continue in office until the expiration of their terms. Those
12 Justices and Judges, to remain in office beyond the expiration of their terms, shall be
13 subject to the reconfirmation or retention procedures established by the General
14 Assembly. The General Assembly may also provide by general law for the extension of
15 terms of those Justices and Judges if necessary to an orderly transition to an appointive
16 system of initial selection."

17 Sec. 6.7. The amendments set out in Sections 6.1 through 6.6 of this act shall
18 be submitted to the qualified voters of the State at the general election to be held in
19 November of 1990, which election shall be conducted under the laws then governing
20 elections in the State. At that election, each qualified voter desiring to vote shall be
21 provided a ballot on which shall be printed the following:

22 " [] FOR Constitutional amendments to provide for appointment of
23 appellate judges by the Governor, subject to the advice and consent of
24 the General Assembly for initial terms of four years, followed by
25 subsequent terms of eight years pursuant to a reconfirmation procedure
26 to be determined by the General Assembly.

27 [] AGAINST Constitutional amendments to provide for appointment of
28 appellate judges by the Governor, subject to the advice and consent of
29 the General Assembly for initial terms of four years, followed by
30 subsequent terms of eight years pursuant to a reconfirmation procedure
31 to be determined by the General Assembly."

32 Those qualified voters favoring the amendments set out in Sections 6.1
33 through 6.6 of this act shall vote by making an "X" or check mark in the square beside
34 the statement beginning "FOR", and those qualified voters opposed to that amendment
35 shall vote by marking an "X" or check mark in the square beside the statement beginning
36 "AGAINST".

37 Notwithstanding the foregoing provisions of this section, voting machines
38 may be used in accordance with rules and regulations prescribed by the State Board of
39 Elections.

40 Sec. 6.8. If a majority of votes cast thereon are in favor of the amendments
41 set out in Sections 6.1 through 6.6 of this act, the State Board of Elections shall certify
42 the amendments to the Secretary of State, who shall enroll the amendments so certified
43 among the permanent records of his office, and the amendments shall become effective
44 January 15, 1991.

1 Sec. 7. This act is effective upon ratification.