# GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2009

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### SENATE DRS15136-LBx-28 (1/8)

Short Title:	People's Veto.	(Public)
Sponsors:	Senator Berger of Rockingham.	
Referred to:		

#### A BILL TO BE ENTITLED 1 2 AN ACT TO PROVIDE FOR A PEOPLE'S VETO THAT ALLOWS ACTS OF THE 3 GENERAL ASSEMBLY TO BE SUSPENDED UNTIL APPROVED BY THE VOTERS 4 IN A REFERENDUM. 5 The General Assembly of North Carolina enacts: SECTION 1. Article II of the North Carolina Constitution is amended by adding a 6 7 new sections to read: 8 "Sec. 25. Acts become effective in 90 days after recess; exception; emergency bill defined. 9 No act or joint resolution of the General Assembly, except such orders or resolutions as 10 pertain solely to facilitating the performance of the business of the General Assembly, of either branch, or of any committee or officer thereof, or appropriate money therefor or for the 11 payment of salaries fixed by law, shall take effect until 90 days after the adjournment of the 12 General Assembly, either sine die or for more than 10 days, in which it was passed, unless in 13 14 case of emergency, which with the facts constituting the emergency shall be expressed in the preamble of the act, the General Assembly shall, by a vote of 2/3 of all the members elected to 15 16 each House, otherwise direct. An emergency bill shall include only such measures as are 17 immediately necessary for the preservation of the public peace, health, or safety; and shall not 18 include (i) an infringement of the rights of municipalities, (ii) a franchise or a license to a 19 corporation or an individual to extend longer than one year, or (iii) provision for the sale or 20 purchase or renting for more than five years of real estate. 21 "Sec. 26. Proceedings for people's veto. 22 Petition procedure; petition for people's veto. Upon written petition of registered (1)23 voters, the number of which shall not be less than ten percent (10%) of the total vote for 24 Governor cast in the last gubernatorial election preceding the filing of such petition, and 25 addressed to the Governor and filed in the office of the Secretary of State by the hour of 5:00 P.M., on or before the 90th day after the adjournment of the General Assembly, either sine die 26 27 or for more than 10 days, or if such 90th day is a Saturday, a Sunday, or a legal holiday, by the hour of 5:00 P.M., on the preceding day which is not a Saturday, a Sunday, or a legal holiday, 28 29 requesting that one or more acts, joint resolutions, or part or parts thereof, passed by the 30 Legislature but not then in effect by reason of the provisions of the preceding section, be referred to the people, such acts or joint resolutions, or part or parts thereof, as are specified in 31 32 such petition shall not take effect until 30 days after the Governor shall have announced by 33 public proclamation that the same have been ratified by a majority of the electors voting 34 thereon at a statewide or general election.



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## General Assembly of North Carolina

1 (2) Effect of referendum. The effect of any act, bill, resolve, or resolution, or part or 2 parts thereof, as are specified in such petition shall be suspended upon the filing of such 3 petition. If it is later finally determined, in accordance with any procedure enacted by the 4 General Assembly pursuant to the Constitution, that such petition was invalid, such act or joint 5 resolution, or part or parts thereof, shall then take effect upon the day following such final 6 determination.

7 Referral to electors; proclamation by Governor. As soon as it appears that the effect (3) 8 of any act or joint resolution, or part or parts thereof, has been suspended by petition in manner 9 aforesaid, the Governor by public proclamation shall give notice thereof and of the time when 10 such measure is to be voted on by the people, which shall be at the next statewide or general 11 election, whichever comes first, not less than 60 days after such proclamation. If the Governor fails to order such measure to be submitted to the people at the next statewide or general 12 13 election, the Secretary of State shall, by proclamation, order such measure to be submitted to 14 the people at such an election, and such order shall be sufficient to enable the people to vote."

15 SECTION 2. The amendments set out in Section 1 of this act shall be submitted to 16 the qualified voters of the State at the general election in November 2010, which election shall 17 be conducted under the laws then governing elections in the State. Ballots, voting systems, or 18 both may be used in accordance with Chapter 163 of the General Statutes. The question to be 19 used in the voting systems and ballots shall be:

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### "[]FOR []AGAINST

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

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

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