

# Information on Constitutional Amendments on 2018 Ballot

## Right to Hunt and Fish

This amendment would acknowledge the right to hunt, fish and harvest wildlife, and to use traditional methods to hunt, fish and harvest wildlife. The amendment does not define “traditional methods.”

This right would be subject to laws passed by the Legislature and rules (i) to promote wildlife conservation and management and (ii) to preserve the future of hunting and fishing. If it passes, the amendment will not affect any laws regarding trespassing, property rights or eminent domain. The amendment does not address its effect on local laws concerning public safety or on commercial hunting and fishing.

The amendment would also establish that public hunting and fishing are a preferred means of managing and controlling wildlife.

This is just a short summary of the amendment. To see the actual amendment before voting on it, go to: <https://tinyurl.com/ncsos677>.

## Changes to Current Victims’ Rights Amendment

Currently, the North Carolina Constitution guarantees victims of certain crimes the following rights:

- The right to be informed of and present at proceedings related to the accused.
- The right to be heard at sentencing of the accused.
- The right to receive restitution.
- The right to information regarding the crime, how the criminal justice system works, and the rights and services available to victims.
- The right to be informed about the final result of the case.
- The right to be informed of an escape, release, or pardon.
- The right to express views to the Governor or appropriate agency considering release.
- The right to confer with the prosecutor.

If this amendment is adopted, the Constitution would also guarantee victims the following rights:

- To be treated with dignity and respect.
- Reasonable, accurate, and timely notice of a proceeding, upon request.
- To be present at any proceeding, upon request.
- To be reasonably heard at additional kinds of court hearings.
- Restitution in a reasonably timely manner, when ordered by the court.
- Information about the crime, upon request.
- To reasonably confer with the prosecutor.

Today, victims have legal rights if the crime was a major felony, certain domestic violence cases, or one of several other kinds of serious crimes. The amendment would expand the types of offenses that trigger victims’ rights to include all crimes against the person and felony property crimes. These rights would also apply in these cases if committed by juveniles.

This amendment directs the Legislature to create a procedure, by motion to the court, for a victim to assert his or her rights. Nothing in this proposed amendment creates a claim against the State or allows the victim to challenge any decision the court makes. The defendant may not use failure to provide these rights as a ground for relief in any civil or criminal matter.

The public fiscal note that accompanied this legislation estimates that these changes to our justice system will cost about \$11 million per year.

This is just a short summary of the amendment. To see the actual amendment before voting on it, go to: <https://tinyurl.com/ncsos551>.

## Cap Maximum State Income Tax at 7%

The current maximum personal and corporate income tax rate in our State Constitution is 10%. This proposed amendment makes the new limit 7%.

This proposed amendment does not reduce your current taxes. It does not change the current individual income tax rate of 5.499%, and it does not change the current corporate income tax rate of 3%. Instead, it limits how much the state income tax rate could go up.

This proposed amendment applies only to state income taxes. It does not affect sales taxes, property taxes, or federal taxes.

Income taxes are one of the ways State government raises the money to pay for core services such as public education, public health, and public safety.

The proposed amendment does not include any exceptions. Therefore, in times of disaster or recession, the State could have to take measures such as cutting core services, raising sales taxes or fees, or increasing borrowing.

This is just a short summary of the amendment. To see the actual amendment before voting on it, go to: <https://tinyurl.com/ncsos75>.

## Require Photographic Identification to Vote

This amendment requires you to show photographic identification to a poll-worker before you can vote in person. It does not apply to absentee voting.

The Legislature would make laws providing the details of acceptable and unacceptable forms of photographic identification after passage of the proposed amendment. The Legislature would be authorized to establish exceptions to the requirement to present photographic identification before voting. However, it is not required to make any exceptions.

There are no further details at this time on how voters could acquire valid photographic identification for the purposes of voting. There is no official estimate of how much this proposal would cost if it is approved.

This is just a short summary of the amendment. To see the actual amendment before voting on it, go to: <https://tinyurl.com/ncsos1092>.

## Legislature to Control Judicial Appointments

This proposed constitutional amendment would create a new process for filling judicial vacancies. The Legislature would play the dominant role in this process.

In North Carolina, the people have a constitutional right to elect judges. Currently, when a judge leaves office before the end of his or her term, the Governor appoints a new judge. In most instances, the person who is appointed by the Governor holds office for less than 2 years, until the next general election.

This proposed amendment would take away the Governor's current authority to select a replacement judge. The amendment would give the Legislature most of the control over judicial appointments.

Under the amendment, the Legislature chooses 2 or more finalists after they are reviewed by a commission to determine if they are qualified. A person is qualified to hold the office of Justice or Judge if the person is an attorney who is licensed to practice law in North Carolina, is registered to vote, and has not yet reached mandatory retirement age.

The Governor then must choose one of the 2 or more finalists that the Legislature selected. If the Governor does not appoint someone from the Legislature's approved list within 10 days, the Legislature elects someone to fill the vacancy.

Under the amendment, the Governor cannot veto any bill that recommends or selects the person to fill a judicial vacancy.

This proposed amendment weakens voters' constitutional right to elect judges by lengthening how long an appointed judge will serve before an election is held. Today, appointed judges serve until the next election. If the amendment passes, appointed judges would serve up to 4 years before voters could elect or replace them.

The amendment applies to judges on the State Supreme Court, Court of Appeals, and trial courts in each county.

The Legislature has the constitutional authority to add 2 additional seats to the Supreme Court. If this amendment passes, then the Legislature could use this newly granted power to choose unelected Supreme Court Justices for 2 newly created vacant seats. These legislatively-chosen judges would serve for up to 4 years before voters could elect or replace them.

This is just a short summary of the amendment. To see the actual amendment before voting on it, go to: <https://tinyurl.com/ncsos132>.

## **Party Leaders in Legislature to Control Ethics and Elections Board Appointments;**

### **Eliminate Nonpartisan Representation on Board**

Today, North Carolina has a 9-member Bipartisan Board of Ethics and Elections to administer ethics and elections law. The Governor appoints 8 of 9 members of this board from nominees provided by the 2 largest political parties. The Governor appoints the 9th member, who is not a member of a political party, from nominations provided by the other 8 members.

The Legislature passed a law in 2017 establishing an 8-member board to administer elections, ethics, and lobbying laws. The North Carolina Supreme Court struck that law down as unconstitutional because it took executive authority from the Governor. The 2017 law also lacked representation of unaffiliated voters.

This proposed amendment would overturn that Supreme Court decision. It would reduce the current board from 9 members to 8 by removing the only member who represents unaffiliated voters.

If the amendment passes, majority and minority political party leaders in the Legislature would nominate the potential members of the board. There is an argument that nominated members could include members of the Legislature itself. The Governor then would have to choose the 8 members from the finalists the legislative leaders selected. This process would likely create a board of 4 Democrats and 4 Republicans. If the amendment passes, there would be no 9th nonpartisan member.

Removing the 9th board member may result in a 4-4 partisan deadlock vote. Under current law, a tie on this board could drastically restrict early voting opportunities.

The board's responsibilities would include enforcing ethics and elections laws, which includes lobbying, campaign finance, and early voting, among other things. So, the board would oversee the legislative leaders and the Governor who picked them.

If this Amendment passes, it would be only the 2nd board authorized in our constitution. The other is the State Board of Education.

This is just a short summary of the amendment. To see the actual amendment before voting on it, go to: <https://tinyurl.com/ncsos133>.