

Take Two: Senate Passes New Amendment Proposals

By Administrator

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The North Carolina Senate on Monday, in a bipartisan vote, passed new constitutional amendment proposals that fully comply with the letter and spirit of the three-judge panel's opinion. The move ensures voters will decide at the ballot box this November whether to enshrine a Nonpartisan Judicial Election Commission to fill judicial vacancies and a Bipartisan Board of Elections and Ethics Enforcement in their constitution. The Senate wrote new amendments in response to a three-judge panel's ruling on a lawsuit challenging earlier versions. The court offered the General Assembly the option to "act immediately" so the constitutional amendments "may yet appear on the November 2018 general election ballot."

"While we disagree with the court's opinion, these amendments are far too important not to be on the ballot, which is why we acted immediately to comply with its decision," said Senate Leader Phil Berger (R-Rockingham.) "These new amendments address the court's concerns, and we're confident voters will agree that a bipartisan elections and ethics board is in the best interest of our state, and that governors should not enjoy unchecked power to appoint their friends and staff to the court."

The ballot question for the Nonpartisan Judicial Election Commission amendment has been updated to provide additional details on the nomination process and eliminate any question of voter confusion. The General Assembly also modified the language to dispense with the unfounded concerns that the amendment could impact the governor's veto power.

The new Bipartisan Board of Ethics and Election Enforcement amendment differs from the earlier version in that it no longer impacts the appointment process for other boards and commissions. Rather, it solely covers the Bipartisan Board of Elections and Ethics Enforcement. The amendment would form an eight-member board comprised of no more than four appointees from the same party, ensuring that partisan politics does not play a role in oversight of elections and campaign finance.

"It's unfortunate that Gov. Cooper challenged these amendments in the first place, inserting himself into a process that he has no constitutional right to be a part of, but my colleagues and I operated in good faith to address the court's concerns," said Sen. Ralph Hise (R-Mitchell), Chairman of the Senate Select Committee on Elections. "The fact of the matter is the people of North Carolina are the ones who should decide what they want in their constitution, and hopefully the governor will abandon further attempts to take away North Carolinians' right to vote."

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The North Carolina House passed the updated proposals last Friday, so they will now appear on the November ballot since they are not subject to a gubernatorial veto.