

Official Explanation

(Session Law 2018-133)

Question as it will appear on the ballot:

**For**  **Against**

Constitutional amendment to establish an eight-member Bipartisan Board of Ethics and Elections Enforcement in the Constitution to administer ethics and elections law.

***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>.

Adopted September 6, 2018, by the NC Constitutional Amendments Publication Commission.

Elaine F. Marshall, Secretary of State, Commission Chair  
Josh Stein, Attorney General, Member  
Paul Y. Coble, Legislative Services Officer, Member