



OUR CONSTITUTIONS:



Our Constitutions: A Historical Perspective

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Constitution of 1776

Drafted and promulgated by the Fifth Provincial Congress in December, 1776, without submission to the people, the Constitution of 1776 and its separate, but accompanying, Declaration of Rights sketched the main outlines of the new state government and secured the rights of the citizen from government interference. While the principle of separation of powers was explicitly affirmed and the familiar three branches of government were provided for, the true center of power lay in the General Assembly. That body not only exercised full legislative power; it also chose all the state executive and judicial officers, the f Tf12(also sh y o7cers,erm scutive)43(an,)43(thd)gesf Tf12(also life.9(the)T onlythreeutive
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A HISTORICAL PERSPECTIVE

NORTH CAROLINA'S CONSTITUTION

NORTH CAROLINA'S CONSTITUTION

and erroneous text was deleted, as were provisions essentially legislative in character. The new constitution sought uniformity of expression where uniformity of meaning was important. Directness and currency of language were also sought, together with standardization in spelling, punctuation and capitalization. In current legislative drafting, the standard is to use the following punctuation and capitalization: (with)5ially legis5iadiator40(f(standarm)6(a)5(t)6(

The amendment retained the maximum tax rate of ten percent.

The final amendment ratified in 1970 assigned to a special fund the benefits of

the 1977 General Assembly and ratified by the voters on November 8, 1977. Four other amendments were approved by the voters at the same time. These amendments:

Required that the state operate on a balanced budget at all times.

Extended to widowers (as well as to widows) the benefit of the homestead exemption.

Allowed a woman (as well as a man) to insure her life for the benefit of her spouse or children free from all claims of the insured's creditors or of her (or his) estate.

Authorized municipalities owning or operating electric power facilities to do so jointly with other public or private power organizations and to issue electric system revenue bonds to finance such facilities.

Only one amendment was proposed by the General Assembly of 1979. Approved by the voters in 1980, it required that all justices and judges of the state courts be licensed lawyers as a condition of election or appointment to the bench.

The 1981 session of the General Assembly sent five amendments to the voters for decision on June 29, 1982. The two amendments ratified by the voters authorized the General Assembly to provide for the recall of retired state Supreme Court justices

Assured victims of crime (as defined by the General Assembly) of certain rights, such as the right to be informed about and attend court proceedings held with respect to the accused.

Recent legislative sessions have considered several amendments to eliminate the popularly-elected status of the Superintendent of Public Instruction. In 1997, one of those proposals won approval in the Senate within two votes of passing in the House of Representatives.

Two other amendments passed the Senate and remained before the House of Representatives in the 1998 regular session. One amendment would limit legislative sessions in odd-numbered years to 135 calendar days, which could be extended by ten days. The amendment would limit regular sessions in even-numbered years to

NORTH CAROLINA LILIOROROROL91

Constitution of North Carolina

[as amended to November, 2010]

Preamble

We, the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him for the continuance of those blessings to us and our posterity, do, for the more certain security thereof and for the better government of this State, ordain and establish this Constitution.

Article I

Declaration of Rights

That the great, general, and essential principles of liberty and free government

NORTH CAROLINA'S CONSTITUTION

Sec. 27.

- (a) The right as prescribed by law to be informed of and to be present at court proceedings of the accused.
- (b) The right to be heard at sentencing of the accused in a manner prescribed

NORTH CAROLINA'S CONSTITUTION

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

Sec. 9. *Term of office.* The term of office of Senators and Representatives shall commence on the first day of January next after their election.

Sec. 10. *Vacancies.*

during the absence of the President of the Senate, the President Pro Tempore shall preside over the Senate.

(3) Other officers. The Senate shall elect its other officers.

shall agree to pass the bill, it shall be sent, together with the objections and veto message, to the other house, by which it shall likewise be reconsidered; and if approved by three-fifths of the members of that house present and voting, it shall become a law notwithstanding the objections of the Governor. In all such cases the votes of both houses shall be determined by yeas and nays, and the names of the members voting shall be entered on the journal of each house respectively.

Sec. 24. *Limitations on local, private, and special legislation.*

(1) Prohibited subjects. The General Assembly shall not enact any local, private, or special act or resolution:

(5) Impeachment. Removal of the Governor from office for any other cause shall be by impeachment.

Sec. 4. *Oath of office for Governor.*

(7) Extra sessions. The Governor may, on extraordinary occasions, by and with the advice of the Council of State, convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

(8) Appointments. The Governor shall nominate and by and with the advice and consent of a majority of the Senators appoint all officers whose appointments are not otherwise provided for.

(9) Information. The Governor may at any time require information in writing from the head of any administrative department or agency.

Sec. 9.

NORTH CAROLINA'S CONSTITUTION

shall be eligible for election or appointment as a District Attorney. The District Attorney shall advise the officers of justice in his district, be responsible for the prosecution on behalf of the State of all criminal actions in the Superior Courts

Article V

Finance

Section 1. *No capitation tax to be levied.* No poll or capitation tax shall be levied by

NORTH CAROLINA'S CONSTITUTION

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Sec. 2. *Uniform system of schools.*

(1) General and uniform system; term. The General Assembly shall provide by taxation and otherwise for a general and uniform system of free public schools, which shall be maintained at least nine months in every year, and wherein equal opportunities shall be provided for all students.

Article X

Homesteads And Exemptions

Section 1. Personal property exemptions. The personal property of any resident of this State, to a value fixed by the General Assembly but not less than ~~60~~, to be selected by the resident, is exempted from sale under execution or other final process of any court, issued for the collection of any debt.

Sec. 2. Homestead exemptions.

(1) Exemption from sale; exceptions. Every homestead and the dwellings and

election or appointment made under the prior Constitution of North Carolina and the laws of the State enacted pursuant thereto.

Sec. 5. *Conservation of natural resources.* It shall be the policy of this State to conserve and protect its f 1 1 1 1ea ifts fcitizenvye,7(1)-1 fe47(1)- thall otrp olina 138bts

