



What is the history of North Carolina's Constitution?

North Carolina has had three Constitutions in its history as a state. The North Carolina Constitution of 1776 and its Declaration of Rights outlined the new state government and ensured the basic rights of North Carolina citizens. This Constitution was replaced in 1868 when the United States required all states to eliminate slavery and to swear allegiance to the American Union. Our current Constitution was adopted in 1970 and took effect in 1971.

North Carolina Pocket Constitution

Article I: Declaration of Rights
The Declaration of Rights recognizes the "essential principles of liberty and free government," many of which are identified in the Bill of Rights. Below are highlights selected from the 37 sections.

- Section 1: All persons are created equal and endowed with "inalienable rights."
- Section 6: Three branches of state government exist: legislative, executive, and judicial.
- Section 15: Citizens of NC have the right to an education.
- Section 26: No individual will be excused from jury service on account of "sex, race, color, religion, or natural origin."

Article II: The Legislative Branch

The legislative power lies in the General Assembly, which is made up of a Senate and a House of Representatives.

The Senate

- Senators are elected from 50 districts; each senator represents approximately the same number of citizens.
- Senators are elected to 2-year terms.
- Qualifications for Senate:
 - Must be at least 25 years old
 - Must be a qualified voter in NC
 - Must have lived in NC for at least 2 years
 - Must have lived in his/her district for at least 1 year

Powers and Duties of the NC General Assembly

- Members of the General Assembly receive a salary.
- Both houses keep a journal of their proceedings.
- Each house determines if its members are qualified to serve and have been fairly elected.
- Bills can be introduced in either the Senate or the House; bills passed by both houses are presented to the Governor; if the Governor signs a bill, it becomes a law; if the Governor does not approve the bill, it is sent back with objections and a veto message.

The House of Representatives

- Members of the House are elected from 120 districts; each member represents approximately the same number of citizens.
- Members of the House are elected to 2-year terms.
- Qualifications for House:
 - Must be a qualified voter in NC
 - Must have lived in his/her district for at least 1 year
- Members of the House select a Speaker of the House, who presides over them.

The House, alone, has the power to impeach a state officer.

- The Lieutenant Governor of NC presides as President of the Senate, but votes only to break a tie; the Senate elects a President Pro Tempore to serve in the Lt. Governor's absence.
- The Senate tries all impeachment cases; however, the Chief Justice of NC presides over impeachment trials of the Governor or the Lt. Governor.



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- If 3/5 of both houses still approve the bill, it passes despite the Governor's objections.
- If the Governor fails to return a bill to Congress within 10 days, excluding Sundays, it automatically becomes a law.
- If the General Assembly adjourns without a specified day for reconvening or for more than 30 days before the bill is returned, the Governor must ask them to reconvene to consider the bill; if the Governor does not ask them to reconvene, the bill shall become law on the 40th day of adjournment.
- All revenue bills must be read three times on different days and pass all three readings in each house.

Article III: The Executive Branch

All North Carolina executive power is given to the Governor of the State.

The Governor and the Lieutenant Governor of NC

- The Governor and the Lt. Governor are elected to 4-year terms.
- The Governor and the Lt. Governor are elected by the qualified voters of NC.
- Qualifications for Governor and Lt. Governor:
 - Must be at least 30 years old
 - Must be a US citizen for at least 5 years
 - Must be a NC resident for at least 2 years immediately prior to election
- The newly elected Governor and Lt. Governor take an Oath of Office.

The preamble to North Carolina's Constitution

"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 security 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."

- The Governor and the Lt. Governor are limited to 2 consecutive terms of office.
- If the Governor leaves or is removed from office, the Lt. Governor becomes Governor.

Duties of the Governor

- The Governor reports to the General Assembly on the affairs of the State.
- The Governor recommends a budget.
- The Governor ensures that the laws of the US and NC are faithfully executed.
- The Governor is Commander-in-Chief of the state's military forces, except when these forces are called into service by the US.
- The Governor has the power to grant reprieves and pardons.
- The Governor nominates and appoints state officers with the Senate's consent.

Other Elected Officers in NC

- The Council of State is composed of a Secretary of State, a State Auditor, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance.
- These individuals are elected by qualified voters of NC to 4-year terms.

Article IV: The Judicial Branch

The North Carolina judicial power is given to a General Court of Justice composed of an Appellate Division, a Superior Court Division, and a District Court Division.

- The Appellate Division consists of the Supreme Court and the Court of Appeals.
 - The Supreme Court reviews cases appealing decisions made in lower courts.
 - The Supreme Court has exclusive authority to make rules for the appellate division.
 - The Court of Appeals hears cases appealing decisions made in Superior and District Courts.
- The Superior Court Division has "original jurisdiction" throughout the state.
- The District Court Division represents the local courts.
- The General Assembly makes rules for the Superior and District Courts.

Article V: Finance

- No poll tax can be levied by the General Assembly, a county, a city, or a town.
- The income tax rate cannot exceed 10 percent.
- The General Assembly cannot contract debts dependent on a tax or the State's credit without the support of qualified voters, except for certain purposes.
- The General Assembly cannot give or lend money without the support of qualified voters, except for certain purposes.
- The Constitution ensures that local governments have the same limitations.
- Every act of the General Assembly that levies a tax must state the reason for the tax, and the revenue cannot be applied to any other purpose.

Article VI: Suffrage and Elections

Qualifications for Voting in NC

- Must be a US citizen
- Must be at least 18 years old
- Must have lived in NC for at least 1 year
- Must have lived in the election district for at least 30 days preceding the election
- Must be free of a felony conviction
- Must be registered as required by law
- Must be able to read and write any section of the Constitution in the English language

Elections

- All elections are by ballot.
- Every qualified voter in NC who is at least 21 years old is eligible for election to public office, except as identified in the NC Constitution.
- All persons elected to a public office must take an Oath of Office.

Article VIII: Local Governments

- The General Assembly organizes and sets the boundaries of counties, cities, and towns.
- The General Assembly gives powers and duties to counties, cities, and towns as allowed by the NC Constitution and as it sees fit.
- The General Assembly adheres to restrictions on the incorporation of cities and towns.
- The Constitution requires that a sheriff be elected in every county in NC.
- A local government formed by the merger of a county and a city has the powers of both.

Article VIII: Corporations

- The General Assembly provides for the chartering and organization of all corporations, except those permitted by special act.
- The General Assembly can repeal the charter of any corporation at any time.

Article IX: Education

- NC provides for a "general and uniform system of free public schools."
- NC schools must be in operation at least 9 months of every year.
- NC schools must provide equal opportunities for all students.
- The General Assembly may assign local governments responsibility for the financial support of NC schools.
- The governing boards of local governments may use local revenues to supplement any NC school.
- All children in NC should attend public school unless educated in another school.
- The State Board of Education is made up of the Lt. Governor, the NC Treasurer, and 11 other members appointed by the Governor.
 - The Superintendent of Public Instruction is the secretary and chief administrative officer of the State Board of Education.
 - The State Board of Education supervises the public school system and manages the funds provided for its support.
- The General Assembly maintains a public university system.

Article X: Homesteads and Exemptions

- You have the right to keep a certain amount of real and personal property despite your debts.
- Individuals who perform work on your property have the right to sell your property if you do not pay them for the work performed.
- Married women can own and dispose of property just as their husbands can.

Article XI: Punishment, Correction, and Charities

- Death, imprisonment, fines, suspension of a jail or prison term, restitution, community service, restraints on liberty, work programs, removal from office, and disqualification to hold office are the only acceptable punishments in North Carolina.
- Murder, arson, burglary, and rape are the only crimes punishable by death in NC.
- The State operates charitable, benevolent, penal, and correctional institutions and agencies necessary for the State's public good.
- The General Assembly provides for "the poor, the unfortunate, and the orphan."

Article XII: Military Forces

- The Governor is Commander-in-Chief of the State's military forces, and the State may call upon these forces to "execute the law, suppress riots and insurrections, and repel invasion."

Article XIII: Constitutional Amendments and Revisions

- A Convention of the People can be called if 2/3 of both the Senate and the House agree alongside a majority of qualified voters to call a Convention.
 - Delegates to the Convention are selected by qualified voters and are equal in number to the General Assembly.
 - Every new or revised amendment adopted by the Convention is submitted to qualified voters for ratification.
- The General Assembly can propose a new or revised amendment, but only if 3/5 of both the Senate and the House adopt an act to submit the proposal to the qualified voters of the State.

Article XIV: Miscellaneous

- Raleigh is the capital of North Carolina.
- The limits and boundaries of North Carolina shall remain as they are.
- General Statutes in North Carolina are applicable to every unit of local government, unless exceptions exist.
- The laws of NC continue to apply until lawfully altered.
- It is NC policy to conserve and to protect the State's natural resources.

Exploring the Constitution

Classroom Activities for K-5

- Have each student sign a reproduced copy of the Constitution using a quill pen and ink; discuss some of the more famous signers of the Constitution (e.g., Ben Franklin), and have students write a thank-you note to one of these signers.
- Have students trace and cut out their handprint in red, blue, or white. On each handprint, have students write ways they can be good citizens. Use the handprints to make a large flag.
- Read the fable about the boy who cried wolf and apply it to classroom situations. Note: A more recent version of this story is the new movie titled *Chicken Little*. Students can view a clip from the movie and discuss freedom of speech.
- Conduct a poster contest for students to illustrate rights granted by specific amendments.
- Have a birthday party to celebrate the signing of the Constitution.

Classroom Activities for Middle and High School

- Discuss the parts of the Constitution; create a class Constitution.
- Ask students to answer questions from the US Immigration and Naturalization Test.
- Have students journal examples of good citizenship they have seen in their homes, classrooms, communities, etc.
- Re-enact a debate between the Federalists and Anti-Federalists.
- Hold a class debate on rights guaranteed in the Constitution (e.g., "When may speech be limited?" or "How do my rights define me as an American?")