

NORTH CAROLINA

State Board of Elections & Ethics Enforcement

IMPORTANT DATES

5 P.M. FRIDAY, OCTOBER 12

Regular voter registration deadline

Voter registration forms must be postmarked or delivered to your county elections office by **5 p.m.** Same-day registration will be available in your county during the One-Stop Early Voting period, beginning October 17 and ending November 3.

WEDNESDAY, OCTOBER 17

Start of One-Stop Early Voting

Voters may register and vote at any One-Stop Early Voting location in their county of residence. For locations and hours, check with your county elections office or vt.ncsbe.gov/OSSite.

5 P.M. TUESDAY, OCTOBER 30

Regular deadline to request a mail-in absentee ballot

Requests must be received by your county elections office by **5 p.m.** on this date.

SATURDAY, NOVEMBER 3

End of One-Stop Early Voting and same-day registration

★ TUESDAY, NOVEMBER 6 ★

ELECTION DAY

Polls will be open 6:30 a.m. to 7:30 p.m. Locate your polling place at vt.ncsbe.gov/PPLkup.

JUDICIAL VOTER GUIDE 2018

WITH PROPOSED CONSTITUTIONAL AMENDMENTS

ABOUT THE STATE BOARD

The **N.C. Bipartisan State Board of Elections & Ethics Enforcement** is the agency responsible for administering elections and ensuring compliance with campaign finance, ethics and lobbying laws. The Board is composed of nine members appointed by the governor for two-year terms.

Chair

J. Anthony Penry

Vice Chair

Joshua D. Malcolm

Secretary

Kenneth Raymond

Members

Stella E. Anderson, Ph.D.

Damon J. Circosta

Stacy “Four” Eggers IV

John R. Hemphill

Valerie A. Johnson

John M. Lewis

Executive Director

Kim Westbrook Strach

LETTER ABOUT ELECTION SECURITY

Fellow North Carolinians,

In early 2017, the Department of Homeland Security designated U.S. elections systems, such as voter registration databases and voting machines, as “critical infrastructure.” That means our elections systems—like our transportation, energy and water systems—are vital to national security.

This year, Congress and the General Assembly provided nearly \$11 million to make election security-related improvements in North Carolina.

We are using that money to help secure our elections from threats, both internal and external, so voters and candidates can have confidence in election results.

Here are a few of the many ways the State Board of Elections & Ethics Enforcement is protecting election integrity:

- ★ *By the 2020 elections, all 100 North Carolina counties will use paper ballots or machines that produce paper ballots. Most counties already use paper ballots. In counties using touch-screen machines, a paper log is kept for review by the voter. The machines are not connected to the Internet.*
- ★ *Our agency works closely with the Department of Homeland Security, which regularly monitors the state's election systems to detect unauthorized access and weaknesses.*
- ★ *We are expanding the state's post-election audit program and hiring new data staff. Audits identify data irregularities, supporting uniformity and compliance across 100 counties.*
- ★ *We are hiring a chief information security officer to oversee the State Board's cybersecurity efforts.*
- ★ *We have formed a Cyber Advisory Panel of recognized security experts to help harden our systems.*
- ★ *We are training state and county boards of elections employees on detection, prevention and response to cyberattacks.*
- ★ *We are requiring background checks on anyone with access to elections systems.*

We are committed to securing your vote in an ever-changing elections landscape.

At the State Board, our goal has always been making sure elections are accessible, fair and accurate. That mission will not be undercut by domestic or foreign threats. You have the right to be confident that your vote counts, and we promise to remain vigilant on your behalf.

Sincerely,



Kim Westbrook Strach
Executive Director

VOTING QUALIFICATIONS

When you sign your voter form at the polling place or your absentee ballot return envelope, you certify:

- ★ **U.S. Citizenship:** Only U.S. citizens may register and vote. Non-citizens, including lawful permanent residents (“green card” holders), are not eligible to vote.
- ★ **Completion of Felony Sentence:** If convicted of a felony, you have completed all terms, including probation, parole, or supervised release.
- ★ **Your Address is Current:** You have lived at the address on your voter form at least 30 days prior to Election Day. If not, please update your address.
- ★ **You Have Not Already Voted:** Knowingly voting more than once in an election is a crime.

ABOUT THIS GUIDE

Funding for this guide comes from the N.C. Public Campaign Fund, which was created by a \$3 check-off designation on the state tax form and a \$50 surcharge on annual dues paid by members of the N.C. State Bar. The fund was repealed in 2013. The *Judicial Voter Guide* will continue to be published until remaining funds are spent.

ABOUT THE APPELLATE COURTS

The **N.C. Supreme Court** is the state’s highest court. One chief justice and six associate justices review cases from the N.C. Court of Appeals, the N.C. Business Court, and cases in which the death penalty has been imposed. In limited cases involving federal law, the U.S. Supreme Court may hear appeals from this Court.

The **N.C. Court of Appeals** is the state’s intermediate appellate court and reviews cases first decided in the Superior and District Courts, as well as appeals from administrative agencies. Currently, 15 judges sit on rotating panels of three, considering errors in legal procedures or in judicial interpretation of the law. If a panel is divided (2-1), the losing party has an automatic right to appeal to the N.C. Supreme Court.

ABOUT CANDIDATES’ PARTY AFFILIATIONS

No primaries for judicial office were held in 2018. The information listed by each of the candidates’ names in this guide indicates only the candidates’ party affiliation on their voter registration at the time they filed to run for office.

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JUDICIAL CANDIDATES

The order of candidates in this guide reflects the order they will appear on the ballot (NCGS § 163A-1114). The information for each candidate was provided by the candidate.

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(VOTE FOR ONE)

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PROPOSED CONSTITUTIONAL AMENDMENTS

This guide contains information about **six proposed amendments** to the North Carolina Constitution. A proposal will become law if a majority of voters support it. All official explanations have been adopted by the N.C. Constitutional Amendments Publication Commission:

Elaine F. Marshall, N.C. Secretary of State
Josh Stein, N.C. Attorney General
Paul Y. Coble, Legislative Services Officer

BARBARA JACKSON



Place of residence: Wake County

Education: Master of Judicial Studies, Duke U., 2014; JD, UNC-CH, 1990; Legal Assistants Program, Meredith College, 1986; BA, UNC-CH, 1984

Occupation: Associate Justice

Employer: Supreme Court of North Carolina

Date admitted to the Bar: 1990

REPUBLICAN

Legal/Judicial experience:

- Supreme Court of North Carolina, Associate Justice, 2011-present
- North Carolina Court of Appeals, Judge, 2005-10
- North Carolina Department of Labor, General Counsel, 2001-04
- Holt York McDarris, LLP, Associate, 1997-2000
- Governor's Advocacy Council for Persons with Disabilities, Deputy General Counsel, 1992-96
- Governor James G. Martin, Associate General Counsel, 1991-1992

CANDIDATE STATEMENT

In this race, I am the only candidate with judicial experience—an important consideration when choosing who will sit on our state's highest court—the Supreme Court. After beginning my career as a law clerk at the Supreme Court, it is hard to describe what an honor it was to return as an Associate Justice. I have now spent almost half of my 28 year legal career as a judge, authoring hundreds of opinions.

My re-election campaign is centered around a few elements—which have been and will continue to be my priorities:

- Adherence to the rule of law.
- Fair and impartial justice.
- Increasing the utilization of technology.

I am honored to include among my many endorsements and bipartisan supporters two individuals who know me well: Chief Justice Burley Mitchell and Labor Commissioner Cherie Berry. I am also the only candidate endorsed by the North Carolina Republican Party. I humbly ask for your vote in November. For more information and my complete resume, please visit www.justicejackson.com.

JACKSON
ANGLIN
EARLS

N.C. SUPREME COURT

CHRISTOPHER (CHRIS) ANGLIN

Place of residence: Raleigh

Education: JD, Elon U. School of Law, 2011; BA, Political Science, Wake Forest U., 2008

Occupation: Attorney

Employer: Self-employed

Date admitted to the Bar: 2011



REPUBLICAN

Legal/Judicial experience:

- Practiced civil, criminal and family law at all levels of state trial court, 7 years.

CANDIDATE STATEMENT

As an American, and a millennial, I could no longer watch from the sidelines as politicians at the state and federal level say and do outrageous things to undermine the rule of law. I'm running for the Supreme Court to stand up for an independent judiciary. I'm running as a Republican to give a voice to the many Conservative Constitutional Republicans who are appalled at this assault on the rule of law, and the checks and balances of our Constitutional Republic. There is nothing conservative about placing 6 unneeded constitutional amendments on the ballot at the same time, making it more difficult to vote and stripping power away from the executive and judicial branches. That is putting party and power above the people. Also, to make the point that it is a mistake to be the only state in 100 years to make our judicial races partisan. This forces judges to be more beholden to political parties. It injures the independence of the judiciary which is supposed to be a separate and coequal branch of government. Bob Orr and Howard Manning were outstanding independent jurists who were able to serve under the former nonpartisan system, who also happened to be Republicans. I will serve as they have, for the people, not a party.

N.C. SUPREME COURT

JACKSON
ANGLIN
EARLS

ANITA EARLS



Place of residence: Durham

Education: JD, Yale Law School, 1988;
BA, Williams College, 1981

Occupation: Attorney

Employer: Self-Employed

DEMOCRAT

Date admitted to the Bar: 1988

Legal/Judicial experience:

- Southern Coalition for Social Justice, Founder and Executive Director, 2007-2017
- UNC Center for Civil Rights, Director of Advocacy, 2003-2007
- Lawyers' Committee for Civil Rights, Voting Rights Project Director, 2000-2003
- U.S. Department of Justice, Civil Rights Division, Deputy Assistant Attorney General, 1998-2000
- Ferguson, Stein Law Firm, 1988-1998
- UNC, Duke and University of Maryland, Adjunct Professor

CANDIDATE STATEMENT

I have been a civil rights attorney for 30 years, fighting for equal justice and fair representation. As a mother and grandmother, I understand the challenges families face. I have sought to protect the rights of hard-working individuals and communities across North Carolina by representing people who otherwise would not have a voice. I've seen what happens to victims of workplace discrimination. I've seen the inhumanity that has happened to people with disabilities when they have no one to speak up for their rights. And I've seen what happens when some voters do not have an equal opportunity to participate in elections. I am running because I believe an independent court where the rules are the same for everyone is critically necessary to the balance of powers and absolutely required to maintain a democracy. All North Carolinians should have a fair and independent court that protects everyone no matter their race, gender or how much money they have in their pockets. My experience growing up in a mixed-race family fueled my passion for equal justice under law. Learn more at: www.earls4justice.com.

JACKSON
ANGLIN
EARLS

N.C. SUPREME COURT

ANDREW T. HEATH

Place of residence: Raleigh

Education: JD, Indiana U. McKinney School of Law; BS, UNC – Asheville

Occupation: Superior Court Judge

Employer: State of North Carolina

Date admitted to the Bar: 2006



REPUBLICAN

Legal/Judicial experience:

- Superior Court Judge
- Former Board Member for North Carolina State Health Plan for Teachers and State Employees (ex officio)
- Former Secretary of North Carolina Council of State
- Former Budget Director for State of North Carolina
- Former Chairman of the North Carolina Industrial Commission
- Former Professor of Legal and Regulatory Environment of Business, Campbell University Lundy Fetterman School of Business

CANDIDATE STATEMENT

I am a family man who values education and wants to keep our streets safe. I respect our law and Constitution. North Carolinians should feel good voting for me because I have the type and quality of legal experience that voters should demand of their judges. I have presided over Superior Court jury trials ranging from murder to medical malpractice in more than 30 counties across the state from the mountains to the coast. As a lawyer, I represented the full spectrum of clients ranging from indigent criminal defendants to large businesses that are household names. As the head of a state agency and as the state budget director, I worked with leaders of both parties to move North Carolina forward. You can learn more about me at www.heathforjustice.com.
Twitter: @JudgeHeathNC

COURT OF APPEALS: SEAT

1

ARROWOOD

HEATH

JOHN S. ARROWOOD



Place of residence: Charlotte

Education: University of North Carolina Law School, J.D., 1982; Catawba College, B.A., Magna Cum Laude, 1979

Occupation: Judge, N.C. Court of Appeals

Employer: N.C. Court of Appeals

DEMOCRAT

Date admitted to the Bar: 1982

Legal/Judicial experience:

- N.C. Court of Appeals Judge, 2007-2008; 2017-Present
- N.C. Superior Court Judge, 2007
- James, McElroy & Diehl, P.A. Attorney/Shareholder 1989-2007; 2009-2017
- N.C. Court of Appeals, Research Assistant/Staff Attorney/Senior Staff Attorney, 1983-1989
- Wilson, Palmer & Cannon P.A., 1982-1983

CANDIDATE STATEMENT

I am seeking your vote to keep my seat on the Court of Appeals. My campaign platform is simple: I pledge to be an independent member of the judiciary and to administer justice equally without favoritism to any party or to the State consistent with the Constitution and laws of North Carolina and the United States Constitution. I am a native of Yancey County. My parents died when I was fifteen and I lived with my older brother, sister-in-law, and niece in Caldwell County while I completed high school, college, and law school. I believe that I bring a unique set of qualifications to this office. Near the beginning of my career I was a research assistant and staff attorney at the Court of Appeals. I have over 26 years of work in private practice representing individuals and businesses in complex civil, employment, administrative, and regulatory matters. I have been a Superior Court Judge and as an Appellate Judge have authored over 180 opinions, concurrences, and dissents. I have been endorsed by the North Carolina Democratic Party. You can learn more about my campaign at www.keepjudgearrowood.org.

JEFFERSON G. GRIFFIN

Place of residence: Raleigh

Education: JD, NC Central U. School of Law, 2008; BA, UNC–Chapel Hill, 2003

Occupation: Wake County District Court Judge; Captain, North Carolina Army National Guard JAG Officer

Employer: State of North Carolina; United States Army



Date admitted to the Bar: 2008

REPUBLICAN

Legal/Judicial experience:


- District Court Judge, Wake County; Captain, North Carolina Army National Guard JAG Officer
- Attorney, North Carolina Industrial Commission
- Assistant District Attorney, Wake County
- Attorney, Wallace, Morris, Barwick, Landis and Stroud, Kinston, NC
- Member, Board of Directors, Wake County Bar Association/10th Judicial District Bar
- Past President, Lenoir County Bar Association

CANDIDATE STATEMENT

I am the only Judge and candidate for this seat endorsed by the North Carolina Republican Party. Our campaign has received bipartisan support including being endorsed by former North Carolina Supreme Court Chief Justice Burley B. Mitchell Jr. I believe in the American rule of law, protecting our Constitution, judicial independence, access to justice, civic education, and impartial courts. I began my legal career in private practice representing civil and criminal defendants. I joined the Wake County District Attorney’s Office as an assistant district attorney under Colon Willoughby, where I served for five years prosecuting cases from infractions to first-degree murder. As a District Court Judge, I preside over civil and criminal courtrooms. As a JAG officer, I primarily advise on Operational and International Law issues, including the rules of engagement and law of war. My career has been and will continue to be about serving the citizens of my state and country. I humbly ask for your support and your vote.
www.jeffersongriffin.com
www.facebook.com/jefferson.glenn.griffin

COURT OF APPEALS: SEAT 2
GRIFFIN
HAMPSON
RAY

TOBIAS (TOBY) HAMPSON



Place of residence: Raleigh

Education: JD, Campbell School of Law, 2002; BA, American U., 1998

Occupation: Attorney

Employer: Wyrick, Robbins, Yates & Ponton, LLP

DEMOCRAT **Date admitted to the Bar:** 2002

Legal/Judicial experience:

- Wyrick, Robbins, Yates & Ponton, LLP, Attorney/Partner, 2007-present
- Patterson, Dilthey, Clay, Bryson & Anderson, Associate, 2004-2007
- N.C. Court of Appeals, Law Clerk, 2002-2004

CANDIDATE STATEMENT

I have the right experience to serve on the N.C. Court of Appeals and I am committed to preserving an independent judiciary. I am the only N.C. State Bar Certified Appellate Specialist in this race. I grew up attending Moore County Public Schools, graduated from the NC School of Science and Math in Durham, and attended law school at Campbell in Buies Creek. I began my career as a law clerk at the Court of Appeals learning directly from Judges K. Edward Greene, Wanda Bryant and Bob C. Hunter what it means to be a Court of Appeals Judge. In practice, I have represented individuals and businesses in the state trial and appellate courts focusing on appeals to the Court of Appeals and N.C. Supreme Court in all areas of law including family law, workers’ compensation, business disputes, real estate, personal injury, criminal matters and others. I have deep respect for the Court and have what it takes to be a Court of Appeals judge serving all North Carolinians. I have hands-on experience with the cases the Court of Appeals decides and the skill to serve ably while maintaining the civility, impartiality, and independence of the Court. Please visit tobyhampsonforjudge.com for more.

SANDRA ALICE RAY

Place of residence: Wilmington

Education: JD, Campbell Law School, 1991; BA, NCSU, 1987; BA, St. Mary's College, 1984

Occupation: District Court Judge

Employer: State of North Carolina

Date admitted to the Bar: 1991



Legal/Judicial experience:

- District Court Judge 5th Judicial District
2004-present
- Self-employed private practice
- Christina Rivenbark and Associates
- Jackson, Rivenbark and Slaughter
- Assistant District attorney 5th Judicial District
1991-1996

CANDIDATE STATEMENT

I have 27 years legal experience including 14 years Judicial experience. I have more Judicial experience than all Court of Appeals candidates combined. When any Judge talks to you they should tell you of their love and trust in our United States and North Carolina Constitutions. I believe as our Constitutions says, in the Sovereignty of the People—not the politicians and bureaucrats. We can never forget that all the power of the government is invested in and derived from “the People” and is founded upon “our will only.” I want to serve on your Court of Appeals to preserve the self-evident rights our Constitutions guarantee. I’m the only candidate in this race endorsed by the North Carolina State Troopers Association and I’m the only candidate in this race not endorsed by a political party. I want to be endorsed by the people/voters of N.C.

COURT OF APPEALS: SEAT 2

GRIFFIN
HAMPSON
RAY

GRIFFIN
HAMPSON
RAY

CHUCK KITCHEN



Place of residence: Swansboro

Education: JD, UNC-Chapel Hill;
BA, Humanities, UNC-Charlotte

Occupation: Attorney

Employer: Stark Law Group, PLLC

Date admitted to the Bar: 1980

REPUBLICAN

Legal/Judicial experience:

- Stark Law Group, PLLC, attorney, 2 yrs.
- Turrentine Law Firm, PLLC, attorney, 4 yrs.
- Stark Law Group, PLLC, attorney, 2 yrs.
- County of Durham, County Attorney, 13 yrs.
- County of Alamance, County Attorney, 10 yrs.
- County of Durham, Asst. County Attorney, 6 yrs.

CANDIDATE STATEMENT

I have been an attorney in North Carolina for the past 38 years. While serving as County Attorney for both Alamance and Durham Counties, as well as afterwards in private practice, I engaged in extensive litigation in district and superior courts, before administrative tribunals, and in the Federal courts. I successfully defended Alamance Sheriff Terry Johnson when he was sued by the U.S. Department of Justice. This was the first case successfully litigated by a defendant under 42 U.S.C. § 14141. Neither of my opponents have the extensive litigation experience which I possess. I do not believe a person can sit in judgment on rulings by lower courts without having litigated cases in the lower courts and administrative tribunals. I also have extensive experience before the appellate courts in North Carolina. I have filed over 100 briefs and petitions in the appellate courts. No one currently on the Court of Appeals has the local government experience which I possess. By bringing this experience to the Court, I believe I can well serve the people of the State. For more information see kitchenforcourtofappeals.com.

MICHAEL MONACO, SR.

Place of residence: Apex

Education: JD, NC Central U., 2000;
BS, Computer Science, NC State U., 1994

Occupation: Product Development

Employer: Mansa Electrical, LLC.

Date admitted to the Bar: 2000

Legal/Judicial experience:

- Monaco & Roberts, Managing Member, 2000-2015



LIBERTARIAN

CANDIDATE STATEMENT

The purpose of the Court of Appeals is to be objective and independent; especially in disputes between the branches of government. These good governance cases can present conflicts to the other candidates who are associated with the dominant parties in North Carolina politics. These dominant parties have engaged in extreme partisanship in recent years and we need to be vigilant to not let this partisanship manifest itself in the judiciary. Running as Libertarian allows me to be more independent and more immune to this partisanship. From 2000-2015 I was a partner in a small general practice law firm that handled a wide spectrum of client needs. Learn more at: <http://NC-Monaco-2018.com>.

ALLEGRA KATHERINE COLLINS



Place of residence: Raleigh

Education: JD, Campbell Law School, 2006; BA, William and Mary, 1994

Occupation: Law Professor and Appellate Attorney

Employer: Campbell Law School

Date admitted to the Bar: 2006

DEMOCRAT

Legal/Judicial experience:

- Campbell Law School, Professor, 6 years
- Allegra Collins Law, Appellate Attorney, 4 years
- NC Bar Association Appellate Practice Section Vice Chairperson
- NC Bar Association Appellate Rules Committee member
- NC Supreme Court, Asst. Appellate Reporter, 4 years
- NC Court of Appeals, Law Clerk, 3.5 years

CANDIDATE STATEMENT

North Carolina appellate law is my job, my hobby, and my passion. As a professor and scholar of judicial writing and appellate brief writing, an appellate advocate, and a former NC Court of Appeals law clerk, I am uniquely qualified to be a judge on the NC Court of Appeals. I was recognized as a Legal Elite in Appellate Law by Business NC Magazine, twice inducted in the NC Supreme Court Pro Bono Honor Society, and twice honored by the Internal Municipal Lawyers Association with their Distinguished Amicus Service Award. I have been endorsed by the NC Democratic Party, the NC Advocates for Justice, the Replacements Ltd. PAC, and the NC AFL-CIO. I am an analytical thinker, thorough researcher, articulate writer, and independent arbiter, and I will use my experience and expertise to be a judge on the NC Court of Appeals that all citizens can rely upon to judge fairly and accurately.

PROPOSED AMENDMENTS

RIGHT TO HUNT AND FISH

OFFICIAL EXPLANATION

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.

BALLOT QUESTION

☐ For ☐ Against

Constitutional amendment protecting the right of the people to hunt, fish, and harvest wildlife.

AMENDMENT TEXT

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROTECT THE RIGHT TO HUNT, FISH, AND HARVEST WILDLIFE.

(Session Law 2018-96)

SECTION 1. Article I of the North Carolina Constitution is amended by adding a new section to read:

"Sec. 38. Right to hunt, fish, and harvest wildlife.

The right of the people to hunt, fish, and harvest wildlife is a valued part of the State's heritage and shall be forever preserved for the public good. The people have a right, including the right to use traditional methods, to hunt, fish, and harvest wildlife, subject only to laws enacted by the General Assembly and rules adopted pursuant to authority granted by the General Assembly to (i) promote wildlife conservation and management and (ii) preserve the future of hunting and fishing. Public hunting and fishing shall be a preferred means of managing and controlling wildlife. Nothing herein shall be construed to modify any provision of law relating to trespass, property rights, or eminent domain."

PROPOSED AMENDMENTS

CHANGES TO CURRENT VICTIMS' RIGHTS AMENDMENT

OFFICIAL EXPLANATION

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.

BALLOT QUESTION

☐ For ☐ Against

Constitutional amendment to strengthen protections for victims of crime; to establish certain absolute basic rights for victims; and to ensure the enforcement of these rights.

AMENDMENT TEXT

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE BETTER PROTECTIONS AND SAFEGUARDS TO VICTIMS OF CRIME.

(Session Law 2018-110)

SECTION 1. Section 37 of Article I of the North Carolina Constitution reads as rewritten:

"Sec. 37. Rights of victims of crime.

(1) Basic rights. Victims of ~~crime, as prescribed by law,~~ crime or acts of delinquency shall be treated with dignity and respect by the criminal justice system.

(1a) Enumerated rights. When the crime or act of delinquency is one against or involving the person of the victim or is equivalent to a felony property crime, the victim is entitled to the following basic rights:

(a) The right as prescribed by law to be informed of and to be present at upon request to reasonable, accurate, and timely notice of court proceedings of the accused.

(a1) The right upon request to be present at court proceedings of the accused.

(b) The right to be reasonably heard at sentencing of the accused in a manner prescribed by law, and at other times as prescribed by law or deemed appropriate by the court. any court proceeding involving the plea, conviction, adjudication, sentencing, or release of the accused.

(c) The right as prescribed by law to receive restitution. restitution in a reasonably timely manner, when ordered by the court.

(d) The right as prescribed by law to be given information about the ~~crime, crime or act of delinquency,~~ how the criminal justice system works, the rights of victims, and the availability of services for victims.

(e) The right as prescribed by law upon request to receive information about the ~~conviction-conviction,~~ adjudication, or final disposition and sentence of the accused.

(f) The right as prescribed by law upon request to receive notification of escape, release, proposed

parole or pardon of the accused, or notice of a reprieve or commutation of the accused's sentence.

(g) ~~The right as prescribed by law to present their~~ the victim's views and concerns to the Governor or agency considering any action that could result in the release of the accused, prior to such action becoming effective.

(h) ~~The right as prescribed by law to~~ reasonably confer with the prosecution.

(1b) Enforcement of rights. Except as otherwise provided herein, the General Assembly shall further provide, by general law, the procedure whereby a victim may assert the rights provided in this section. The victim or, if the victim is a minor, is legally incapacitated, or deceased, a family member, guardian, or legal custodian may assert the rights provided in this section. The procedure shall be by motion to the court of jurisdiction within the same criminal or juvenile proceeding giving rise to the rights. The victim, family member, guardian, or legal custodian have the right to counsel at this hearing but do not have the right to counsel provided by the State. If the matter involves an allegation that the district attorney failed to comply with the rights of a victim when obligated to so do by law, the victim must first afford the district attorney with jurisdiction over the criminal action an opportunity to resolve any issue in a timely manner.

(2) No money damages; other ~~enforcement claims.~~ Nothing in this section shall be construed as creating a claim for money ~~damages~~ damages, or any cause of action, against the State, a county, a municipality, or any of the agencies, instrumentalities, or officers and employees thereof. ~~The General Assembly may provide for other remedies to ensure adequate enforcement of this section.~~

(3) No ground for relief in criminal case. The failure or inability of any person to provide a right or service provided under this section may not be used by a defendant in a criminal case, an inmate, or any other accused as a ground for relief in any trial, appeal, postconviction litigation, habeas corpus, civil action, or any similar criminal or civil proceeding. ~~Nothing in this section shall be construed to provide grounds for a victim~~ (i) to appeal any decision made in a criminal or juvenile proceeding; (ii) to challenge any verdict, sentence, or adjudication; (iii) to participate as a party in any proceeding; or (iv) to obtain confidential juvenile records.

(4) No restriction of authority. Nothing in this section shall be construed to restrict the power of the district attorney, or the inherent authority of the court.

(5) Implementation. The General Assembly may prescribe general laws to further define and implement this section."

CAP MAXIMUM STATE INCOME TAX AT 7%

OFFICIAL EXPLANATION

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.

BALLOT QUESTION

☐ For ☐ Against

Constitutional amendment to reduce the income tax rate in North Carolina to a maximum allowable rate of seven percent (7%).

AMENDMENT TEXT

AN ACT TO AMEND THE NORTH CAROLINA
CONSTITUTION TO PROVIDE THAT THE
MAXIMUM TAX RATE ON INCOMES CANNOT
EXCEED SEVEN PERCENT.

(Session Law 2018-119)

SECTION 1. Section 2 of Article V of the North Carolina Constitution reads as rewritten:

"Sec. 2. State and local taxation. ...

(6) Income tax. The rate of tax on incomes shall not in any case exceed ~~ten~~ seven percent, and there shall be allowed personal exemptions and deductions so that only net incomes are taxed."

PROPOSED AMENDMENTS

REQUIRE PHOTOGRAPHIC IDENTIFICATION TO VOTE

OFFICIAL EXPLANATION

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.

BALLOT QUESTION

☐ For ☐ Against

Constitutional amendment to require voters to provide photo identification before voting in person.

AMENDMENT TEXT

AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO REQUIRE PHOTO IDENTIFICATION TO VOTE IN PERSON.

(Session Law 2018-128)

SECTION 1. Section 2 of Article VI of the Constitution of North Carolina is amended by adding a new subsection to read:

"(4) Photo identification for voting in person. Voters offering to vote in person shall present photographic identification before voting. The General Assembly shall enact general laws governing the requirements of such photographic identification, which may include exceptions."

SECTION 2. Section 3 of Article VI of the Constitution of North Carolina reads as rewritten:

"Sec. 3. ~~Registration.~~Registration; Voting in Person.

(1) Every person offering to vote shall be at the time legally registered as a voter as herein prescribed and in the manner provided by law. The General Assembly shall enact general laws governing the registration of voters.

(2) Voters offering to vote in person shall present photographic identification before voting. The General Assembly shall enact general laws governing the requirements of such photographic identification, which may include exceptions."

LEGISLATURE TO CONTROL JUDICIAL APPOINTMENTS

OFFICIAL EXPLANATION

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.

BALLOT QUESTION

☐ For ☐ Against

Constitutional amendment to change the process for filling judicial vacancies that occur between judicial elections from a process in which the Governor has sole appointment power to a process in which the people of the State nominate individuals to fill vacancies by way of a commission comprised of appointees made by the judicial, executive, and legislative branches charged with making recommendations to the legislature as to which nominees are deemed qualified; then the legislature will recommend at least two nominees to the Governor via legislative action not subject to gubernatorial veto; and the Governor will appoint judges from among these nominees.

AMENDMENT TEXT

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO PROVIDE FOR NONPARTISAN JUDICIAL MERIT COMMISSIONS FOR THE NOMINATION AND RECOMMENDATION OF NOMINEES WHEN FILLING VACANCIES IN THE OFFICE OF JUSTICE OR JUDGE OF THE GENERAL COURT OF JUSTICE AND TO MAKE OTHER CONFORMING CHANGES TO THE CONSTITUTION.

(Session Law 2018-132)

SECTION 1. Article IV of the North Carolina Constitution is amended by adding a new section to read:

"Sec. 23. Merit selection; judicial vacancies.

(1) All vacancies occurring in the offices of Justice or Judge of the General Court of Justice shall be filled as provided in this section. Appointees shall hold their places until the next election following the election for members of the General Assembly held after the appointment occurs, when elections shall be held to fill those offices. When the vacancy occurs on or after the sixtieth day before the next election for members of the General Assembly and the term would expire on December 31 of that same year, the Chief Justice shall appoint to fill that vacancy for the unexpired term of the office.

(2) In filling any vacancy in the office of Justice or Judge of the General Court of Justice, individuals shall be nominated on merit by the people of the State to fill that vacancy. In a manner prescribed by law, nominations shall be received from the people of the State by a nonpartisan commission established under this section, which shall evaluate each nominee without regard to the nominee's partisan affiliation, but rather with respect to whether that nominee is qualified or not qualified to fill

the vacant office, as prescribed by law. The evaluation of each nominee of people of the State shall be forwarded to the General Assembly, as prescribed by law. The General Assembly shall recommend to the Governor, for each vacancy, at least two of the nominees deemed qualified by a nonpartisan commission under this section. For each vacancy, within 10 days after the nominees are presented, the Governor shall appoint the nominee the Governor deems best qualified to serve from the nominees recommended by the General Assembly.

(3) The Nonpartisan Judicial Merit Commission shall consist of no more than nine members whose appointments shall be allocated between the Chief Justice of the Supreme Court, the Governor, and the General Assembly, as prescribed by law. The General Assembly shall, by general law, provide for the establishment of local merit commissions for the nomination of judges of the Superior and District Court. Appointments to local merit commissions shall be allocated between the Chief Justice of the Supreme Court, the Governor, and the General Assembly, as prescribed by law. Neither the Chief Justice of the Supreme Court, the Governor, nor the General Assembly shall be allocated a majority of appointments to a nonpartisan commission established under this section.

(4) If the Governor fails to make an appointment within 10 days after the nominees are presented by the General Assembly, the General Assembly shall elect, in joint session and by a majority of the members of each chamber present and voting, an appointee to fill the vacancy in a manner prescribed by law.

(5) If the General Assembly has adjourned sine die or for more than 30 days jointly as provided under Section 20 of Article II of this Constitution, the Chief Justice shall have the authority to appoint a qualified individual to fill a vacant office of Justice or Judge of the General Court of Justice if any of the following apply:

(a) The vacancy occurs during the period of adjournment.

(b) The General Assembly adjourned without presenting nominees to the Governor as required under subsection (2) of this section or failed to elect a nominee as required under subsection (4) of this section.

(c) The Governor failed to appoint a recommended nominee under subsection (2) of this section.

(6) Any appointee by the Chief Justice shall have the same powers and duties as any other Justice or Judge of the General Court of Justice, when duly assigned to hold court in an interim capacity, and shall serve until the earlier of:

(a) Appointment by the Governor.

(b) Election by the General Assembly.

(c) The first day of January succeeding the next election of the members of the General Assembly, and such election shall include the office for which the appointment was made.

However, no appointment by the Governor or election by the General Assembly to fill a judicial vacancy shall occur after an election to fill that judicial office has commenced, as prescribed by law."

SECTION 2. Section 10 of Article IV of the North Carolina Constitution reads as rewritten:

"Sec. 10. District Courts.

(1) The General Assembly shall, from time to time, divide the State into a convenient number of local court districts and shall prescribe where the District Courts shall sit, but a District Court must sit in at least one place in each county. District Judges shall be elected for each district for a term of four years, in a manner prescribed by law. When more than one District Judge is authorized and elected for a district, the Chief Justice of the Supreme Court shall designate one of the judges as Chief District Judge. Every District Judge shall reside in the district for which he is elected.

(2) For each county, the senior regular resident Judge of the Superior Court serving the county shall appoint from nominations submitted by the Clerk of the Superior Court of the county, one or more Magistrates who shall be officers of the District Court. The initial term of appointment for a magistrate shall be for two years and subsequent terms shall be for four years.

(3) The number of District Judges and Magistrates shall, from time to time, be determined by the General Assembly. ~~Vacancies in the office of District Judge shall be filled for the unexpired term in a manner prescribed by law.~~ Vacancies in the office of Magistrate shall be filled for the unexpired term in the manner provided for original appointment to the office, unless otherwise provided by the General Assembly."

SECTION 3. Section 18 of Article IV of the North Carolina Constitution is amended by adding a new subsection to read:

"(3) Vacancies. All vacancies occurring in the office of District Attorney shall be filled by appointment of the Governor, and the appointees shall hold their places until the next election for members of the General Assembly that is held more than 60 days after the vacancy occurs, when elections shall be held to fill the offices. When the unexpired term in which a vacancy has occurred expires on the first day of January succeeding the next election for members of the General Assembly, the Governor

shall appoint to fill that vacancy for the unexpired term of the office."

SECTION 4. Section 19 of Article IV of the North Carolina Constitution is repealed.

SECTION 5. Subsection (5) of Section 22 of Article II of the North Carolina Constitution reads as rewritten:

“(5) Other exceptions. Every bill:

(a) In which the General Assembly makes an appointment or appointments to public office and which contains no other matter;

(b) Revising the senate districts and the apportionment of Senators among those districts and containing no other matter;

(c) Revising the representative districts and the apportionment of Representatives among those districts and containing no other matter; ~~or~~

(d) Revising the districts for the election of members of the House of Representatives of the Congress of the United States and the apportionment of Representatives among those districts and containing no other ~~matter~~matter;

(e) Recommending a nominee or nominees to fill a vacancy in the office of Justice and Judge of the General Court of Justice, in accordance with Section 23 of Article IV of this Constitution and containing no other matter; or

(f) Electing a nominee or nominees to fill a vacancy in the office of Justice or Judge of the General Court of Justice, in accordance with Section 23 of Article IV of this Constitution and containing no other matter,

shall be read three times in each house before it becomes law and shall be signed by the presiding officers of both houses."

**PARTY LEADERS IN
LEGISLATURE TO CONTROL
ETHICS AND ELECTIONS
BOARD APPOINTMENTS;
ELIMINATE NONPARTISAN
REPRESENTATION ON BOARD**

OFFICIAL EXPLANATION

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.

BALLOT QUESTION

☐ 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.

AMENDMENT TEXT

AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO ESTABLISH A BIPARTISAN BOARD OF ETHICS AND ELECTIONS ENFORCEMENT.

(Session Law 2018-133)

SECTION 1. Article VI of the North Carolina Constitution is amended by adding a new section to read:

"Sec. 11. Bipartisan State Board of Ethics and Elections Enforcement.

(1) The Bipartisan State Board of Ethics and Elections Enforcement shall be established to administer ethics and elections law, as prescribed by general law. The Bipartisan State Board of Ethics and Elections Enforcement shall be located within the Executive Branch for administrative purposes only and shall exercise all of its powers independently of the Executive Branch.

(2) The Bipartisan State Board of Ethics and Elections Enforcement shall consist of eight members, each serving a term of four years, who shall be qualified voters of this State. Of the total membership, no more than four members may be registered with the same political affiliation, if defined by general law. Appointments shall be made by the Governor as follows:

(a) Four members upon the recommendation of the leader, as prescribed by general law, of each of the two Senate political party caucuses with the most members. The Governor shall not appoint more than two members from the recommendations of each leader.

(b) Four members upon the recommendation of the leader, as prescribed by general law, of each of the two House of Representatives political party caucuses with the most members. The Governor shall not appoint more than two members from the recommendations of each leader.

(3) The General Assembly shall enact general laws governing how appointments shall be made if the Governor fails to appoint a member within 10 days of receiving recommendations as required by this section."

PROPOSED AMENDMENTS

TIPS FOR VOTERS

Check your voter registration. Use the “Voter Lookup” tool at vt.ncsbe.gov/RegLkup to make sure your registration is up-to-date.

Register to vote. You may register in person at your county board of elections office. Information about county offices is available here: vt.ncsbe.gov/BOEInfo. You also may download a “North Carolina Voter Registration Application” at ncsbe.gov and return it to your county board of elections.

View your sample ballot. To view your sample ballot, use the “Voter Lookup” tool at vt.ncsbe.gov/RegLkup. After you’ve located your voter record, click on the link under the “Sample Ballots” section.

Vote by mail. Absentee by-mail voting is available to all registered voters. To request an absentee ballot, complete the “State Absentee Ballot Request Form” (available at ncsbe.gov or your county board of elections office) and mail it to your county board of elections.

Vote during the One-Stop Early Voting period. In 2018, North Carolina voters can take advantage of 18 days of in-person absentee voting. Sites, days and hours vary by county. During the One-Stop Early Voting period, voters can go to any early voting location in their county to register and cast a ballot. To view early voting schedules, go to: vt.ncsbe.gov/OSsite.

Vote on Election Day. Polls will be open from 6:30 a.m. to 7:30 p.m. on Election Day – Tuesday, Nov. 6. Voters in line at 7:30 p.m. will be allowed to cast ballots. On Election Day, voters should go to their assigned polling place to ensure they receive the correct ballot style. Voters may find their Election Day polling place here: vt.ncsbe.gov/PPLkup.

Treat others at the polls with courtesy and respect. The State Board of Elections & Ethics Enforcement asks private citizens, campaigners and advocates to promote a positive experience during early voting and on Election Day. Please remember to: (1) Respect the right of all voters to participate in the election without fear of intimidation or violence. Intimidating any voter is a state and federal crime. (2) Remain civil and calm. Arguments should not involve profanity or provocative gestures. (3) Confine electioneering and issue advocacy to designated areas outside of the voting place.

APPELLATE COURT BALLOT ITEMS

JUDICIAL OFFICES

No primaries for judicial office were held in 2018. The information listed by each of the following candidates' names indicates only the candidates' party affiliation or unaffiliated status on their voter registration at the time they filed to run for office.

NC Supreme Court Associate Justice Seat 1

(You may vote for ONE)

- ☐ **Barbara Jackson**
Republican
- ☐ **Christopher (Chris) Anglin**
Republican
- ☐ **Anita Earls**
Democrat

NC Court of Appeals Judge Seat 1

(You may vote for ONE)

- ☐ **Andrew T. Heath**
Republican
- ☐ **John S. Arrowood**
Democrat

NC Court of Appeals Judge Seat 2

(You may vote for ONE)

- ☐ **Jefferson G. Griffin**
Republican
- ☐ **Tobias (Toby) Hampson**
Democrat
- ☐ **Sandra Alice Ray**
Republican

NC Court of Appeals Judge Seat 3

(You may vote for ONE)

- ☐ **Chuck Kitchen**
Republican
- ☐ **Michael Monaco, Sr.**
Libertarian
- ☐ **Allegra Katherine Collins**
Democrat

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