**North Carolina Constitution**

**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 acknowledge 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 the Constitution.**

**Articles**

* **I. Declaration of Rights**
* **II. Legislative**
* **III. Executive**
* **IV. Judicial**
* **V. Finance**
* **VI. Suffrage and Eligibility to Office**
* **VII. Local Government**
* **VIII. Corporations**
* **IX. Education**
* **X. Homesteads and Exemptions**
* **XI. Punishments, Corrections, and Charities**
* **XII. Military Forces**
* **XIII. Conventions, Constitutional Amendment and Revsion**
* **XIV. Miscellaneous**

**Article I – Declaration of Rights**

* **Very similar to Bill of Rights**
* **Divided into 37 sections**
* **Section 1 - The equality and rights of persons**
* **Section 2 – Sovereignty of the people**
* **Section 3 – Internal government of the State**
* **Section 4 – Secession prohibited**
* **Section 5 – Allegiance to the United States**
* **Section 6 – Separation of Powers**
* **Section 7 – Suspending Laws**
* **Section 8 – Representation and taxation**
* **Section 9 – Frequent Elections**
* **Section 10 – Free Elections**
* **Section 11 – Property Qualifications**
* **Section 12 – Right of Assembly and Petition**
* **Section 13 – Religious Liberty**
* **Section 14 – Freedom of Speech and Press**
* **Section 15 – Education**
* **Section 16 – Ex Post Facto Laws**
* **Section 17 – Slavery and Involuntary Servitude**
* **Section 18 – Courts shall be open**
* **Section 19 – Law of the land; equal protection of the laws**
* **Section 20 – General warrants**
* **Section 21 – Inquiry into restraints and liberty**
* **Section 22 – Modes of prosecution**
* **Section 23 – Rights of accused**
* **Section 24 – Right of jury trial in criminal cases**
* **Section 25 – Right of jury trial in civil cases**
* **Section 26 – Jury Service**
* **Section 27 – Bail, fines, and punishments**
* **Section 28 – Imprisonment for debt**
* **Section 29 – Treason against State**
* **Section 30 – Militia and the right to bear arms**
* **Section 31 – Quartering of soldiers**
* **Section 32 – Exclusive emoluments**
* **Section 33 – Hereditary emoluments and honors**
* **Section 34 – Perpetuities and monopolies**
* **Section 35 – Recurrence of fundamental principles**
* **Section 36 – Other rights of people**
* **Section 37 – Rights of victims of crimes**

**Article II – Legislative**

* **Makes laws**
* **The Makeup of Legislatures**
	+ **All state have a legislatures of some sort. It may be called the General Assembly (as in NC). Most have a bicameral legislature with an upper house – the Senate - and a lower house – the House of Representatives. - Senators serve a 2 year term and have a smaller body and a Representative serves a two year term and typically has a 2 to 4 times as many members. Salaries tend to be the same.**
* **North Carolina has 50 senators and 120 Representatives in its General Assembly**
* **Qualification – Representatives and Senators must live in the district they represent and must be a US citizen. Reps can be as young as 18 years old and Senators ten to a have a minimum age somewhere between 18 and 30.**
	+ **NC senators – 25 years old and resided in the state for two years and in the district in which he is chosen for one year immediately preceding the election**
	+ **NC representatives – must be a qualified voter and live in the district for which he is chosen for one year immediately preceding his election**
* **How legislatures function**
	+ **Leadership – the majority party selects the Speaker and when there is no LT. Gov. in the Senate, the majority party also selects the President of the Senate**
	+ **Speaker of the House – directs business in the House; a President or the Lt. Governor does the same in most Senates**
* **Bills/Laws**
	+ **How a bill becomes a law in state legislatures is much like how a bill becomes a law in national government – once introduced by a member of either house, it goes to the appropriate committee, where it can die or move on, and each house passes it, they go to conference for agreeable language and then the governor must sign it for it to become state law**
* **Legislative Apportionment**
	+ **Once the census is taken every 10 years, the state legislatures must divide or apportion the districts (can be reapportioned or redrawn also) malapportionment occurred in some places and had to be redone.**
* **Problems facing the states**
	+ **Money is becoming a problem**
	+ **No one wants to raise taxes**
	+ **But constituents want more services, better roads, better schools, and more law enforcement and sometimes the money isn’t there**

**Article III – Executive**

* **Carry out Laws**
* **Office of the Governor – the states executive branch**
	+ **Each state has a governor, sometimes a lieutenant governor, departments, and agencies**
* **Governor’s qualifications: American citizen, typically 30 years old. (NC has to be 30 years of age and a citizen of the US for five years and a resident of the state for two years)**
	+ **Are elected by popular vote**
	+ **Serve four year terms and no more than two consecutive terms.**
* **Powers and Duties of the Governor**
	+ **Chief Executive – carries out state laws, appoints officials, prepares a budget**
	+ **Chief Legislator – proposes legislation, approves or vetoes legislation**
	+ **Judicial Leader – offers pardons and reprieves, grants parole**
	+ **Ceremonial Leader – greets important visitors, represents the state**
	+ **Commander – in – Chief – in charge of the National Guard**
	+ **Party Leader – leads the political party in the state**
* **Executive Departments**
	+ **Not all states have a cabinet, but every state has a number of top officials who are in charge of executive departments and who advise the governor on important issues related to their area of responsibility**
	+ **North Carolina does have a cabinet**
* **Officers in the cabinet**
	+ **Secretary of State – manages elections and maintains the states official records**
	+ **Attorney General – represents the state in lawsuits and gives legal advice to the governor, state agencies, and the legislature**
	+ **Treasurer – collects taxes and invests state funds**
	+ **Auditor – reviews the record keeping of state agencies to make certain that their money is used according to state laws**
* **Some departments are like the national departments – Department of Agriculture, Department of Labor, Department of Justice**
* **Most states have a Department or Board of Health, which runs programs in disease prevention and health education, Department of Public works and Highways, which are responsible for building and maintaining roads, bridges, public buildings, and other state properties. Plus, many states have a State Welfare board to help the unemployed and people living in poverty**

**Article IV – Judicial Branch**

* **North Carolina State Judicial Branch**
	+ **North Carolina Supreme Court**
		- **1 Chief Justice and 6 Justices elected for 8 year terms on a rotating schedule**
		- **Supervises all state courts**
		- **Interprets NC Constitution and power of JUDICIAL REVIEW in all state cases**
		- **Original jurisdiction in death penalty cases**
		- **Appellate jurisdiction of inferior state court decisions**
		- **Decisions final unless appealed to the US Supreme Court**
* **North Carolina Higher Courts**
	+ **NC appellate courts**
		- **Panel of 5 elected judges for 8 year terms**
		- **Appellate jurisdiction – review of decisions of inferior courts**
	+ **NC superior courts**
		- **Also called county or circuit courts with several elected judges for 8 year terms**
		- **Courts may be specialized criminal, civil, and juvenile**
		- **Original jurisdiction – felonies (serious crimes)**
		- **Civil cases over $14,000 and serious juvenile cases**
		- **Appellate jurisdiction – district and magistrate court’s decisions**
* **North Carolina Lower Courts**
	+ **NC District Courts**
		- **Many judges elected for four year terms**
		- **Original Jurisdiction – misdemeanors (small crimes) that do not require a jury, preliminary hearings for superior court, certain juvenile cases, and civil cases above $4,000 and below $14,000**
* **NC magistrate courts**
	+ **Many judges elected for two year terms**
	+ **Original jurisdiction – minor misdemeanors, civil cases under $4,000, issues arrests and search warrants**
	+ **NO APPEALLATE JURISDICTION**
	+ **Specialized Courts – traffic, small claims, family courts that deal with divorce, custody, adoption, abuse, alimony, child support, and minor juvenile misdemeanors**