



North Carolina Association of Women Attorneys

P.O. Box 32725, Charlotte, NC 28232 | PH: (704) 940-1707 | FAX: (704) 973-0097 | EMAIL: admin@ncawa.org

October 17, 2018

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Dear Members, Supporters, and Colleagues,

Founded in 1978, NCAWA's mission is to promote the participation of women in the legal profession and advance the rights and welfare of women under the law. To further our goals and mission, our members have adopted annual meeting resolutions that emphasize the importance of the separation of powers, civil liberties, due process, access to judicial office, and creating a justice system for all.

When attorneys take their Oath of Office in North Carolina, they solemnly swear to support the U.S. and N.C. Constitutions "to the best of [their] knowledge and ability." This year, the N.C. Legislature has approved six (6) proposed amendments to the N.C. Constitution that will appear on your ballot for the upcoming mid-term elections. Explanations for the six proposed amendments are below and on the following pages. A shareable image with the explanations is attached and we hope that you will share it with your friends, family, colleagues, and extended networks so that all North Carolinians are informed for this election cycle.

Get Informed. Spread the Word. Vote.

Early voting in North Carolina begins on Wednesday, October 17, 2018.

Election Day is November 6, 2018.

NCAWA MEMBERS: NCAWA has taken a position on three (3) of the six (6) proposed constitutional amendments.

Resolution 33. Access to Judicial Office.

Resolution 42. Resolution Supporting Civil Liberties, Due Process and a Justice System For All.

Resolution 51. Support for the Separation of Powers.

Based on Annual Meeting Resolutions 33, 42, and 51, NCAWA opposes the first three proposed constitutional amendments explained below, and urges our members to VOTE AGAINST them this Election Day. A shareable image with our positions is attached.

- **VOTE AGAINST** the Voter ID Amendment
- **VOTE AGAINST** the State Board of Ethics and Elections Amendment
- **VOTE AGAINST** the Judicial Vacancies Amendment



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Photo ID Voting Requirement ([HB 1092](#)): Requires voters to present photo identification before being allowed to vote. The General Assembly plans to reconvene after Election Day in November 2018 to draft the requirements under this proposed amendment. There are no details in the proposed amendment about which types of identification will be permitted or whether any exceptions will be made to accommodate people who are unable to meet the yet to be determined requirements.

Bipartisan State Board of Ethics and Elections Enforcement ([HB 4](#)): Changes the structure of the N.C. Board of Ethics and Elections Enforcement. If this amendment passes, the N.C. Board of Ethics and Elections Enforcement will reduce its members from nine to eight. Currently, four members are of the political party with the highest number of registered affiliates, four members are of the political party with the second highest number of registered affiliates, and the ninth member represents unaffiliated voters and is nonpartisan. This proposed amendment would eliminate the ninth member. Under current law, the Governor appoints the eight partisan members based on the nominees submitted by the State party chairs. This amendment would make it so that the nominations come directly from the General Assembly, bypassing the Governor. The leaders of the two N.C. Senate political party caucuses with the most members will recommend two members each, and the leaders of the two N.C. House political party caucuses with the most members will recommend two members each. Although the amendment states it is creating a “bipartisan” board, the N.C. Board of Ethics and Elections Enforcement is already bipartisan.

"Merit selection"; judicial vacancies ([HB 3](#)): Abolishes the Governor’s sole appointment power to fill judicial vacancies and gives most of the control to the Legislature. Under current law, the Governor has broad discretion to fill judicial vacancies which are typically for less than two years until the next general election. Currently, for district court judges, the Governor usually chooses from a list of nominees selected by local bars comprised of licensed attorneys who live in the respective judicial districts, and directly appoints judges and justices to fill vacancies on the superior court bench, the Court of Appeals, and the North Carolina Supreme Court. This proposed constitutional amendment fundamentally alters the Governor’s power by creating a Nonpartisan Judicial Merit Commission and local merit commissions for district and superior courts to evaluate judicial nominees’ qualifications in order to fill vacancies for up to four years before voters can elect or replace them. Judicial nominees are ‘qualified’ under the N.C. Constitution if they are licensed to practice law in N.C., registered to vote, and have not yet reached the mandatory retirement age. The commissions are to be comprised of appointees selected by the three branches of government. The proposed amendment does not include details about how those appointees are selected, how many from each branch are appointed, or how the people of North Carolina will nominate individuals to the commissions for consideration. The respective merit commission will determine if the people’s judicial nominees are qualified before sending 2 or more finalists to the General Assembly. The General Assembly will then send two or more finalists to the Governor. The Governor must select one of the finalists chosen by the General Assembly. If the Governor fails to select a nominee from the General Assembly’s list within ten days, then the General Assembly selects the nominee. The proposed amendment does not allow the Governor to veto any bill that recommends or selects the person to fill a judicial vacancy.



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Right to hunt, fish, and harvest wildlife ([SB 677](#)): Adds the right to hunt, fish, and harvest wildlife using undefined “traditional methods” to the N.C. Constitution. Makes public hunting and fishing the “preferred means of managing and controlling wildlife.” Limits the General Assembly’s ability to regulate hunting and fishing. If this constitutional amendment passes, hunting and fishing in North Carolina will only be subject to laws and regulations that (i) promote wildlife conservation and management and (ii) preserve the future of hunting and fishing.

Rights of victims of crime ([HB 551](#) a/k/a “Marsy’s Law”): Adds a second bill of victim’s rights to the N.C. Constitution. The N.C. Constitution already encompasses a bill of victims’ rights which includes the right to be present at the accused’s court proceedings, the right to receive restitution, the right to receive information about the conviction, and the right to confer with the prosecution. Currently, the N.C. Constitution allows the General Assembly to enact laws that specify which crimes are subject to the victims’ bill of rights. If Marsy’s Law passes, delinquent acts (offenses committed by juveniles), all offenses involving a person (including misdemeanor offenses), and all felony property crimes will be subject to the victims’ bill of rights, and the General Assembly will not be able to enact laws that change which crimes are covered. Marsy’s Law also gives the victim the right to be “reasonably” heard at court proceedings involving the plea, conviction, adjudication, sentencing, or release of the accused. Opponents of Marsy’s Law are concerned about how it will affect the accused in juvenile cases and whether expanding these rights to all crime victims will put a large financial strain on an already underfunded justice system. Additionally, the statutory provisions which currently exist under the existing victims’ bill of rights may be amended in order to provide additional support to victims of crime outside of a broad constitutional amendment.

Cap on state income tax rate ([SB 75](#)): Caps the state individual and corporate income tax rate at 7% versus the current 10% cap. The current North Carolina individual income tax rate is 5.499% and the current corporate income tax rate is 3%. In North Carolina, income taxes historically fund services like public health, public education, and public safety.

See the N.C. State Board of Elections website & 2018 Judicial Voter Guide for more information:
[https://www.ncsbe.gov/Portals/0/Documents/2018_Judicial_Voter_Guide_\(online\).pdf](https://www.ncsbe.gov/Portals/0/Documents/2018_Judicial_Voter_Guide_(online).pdf)

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A handwritten signature in blue ink that reads "Alyssa Levine". The signature is fluid and cursive, with the first name being more prominent.

Alyssa Levine
President

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