



North Carolina General Assembly House Of Representatives

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July 21, 2018

The Honorable Tim Moore
Speaker of the House of Representatives
16 W. Jones St., Room 2304
Raleigh, NC 27604-1096

Mr. Speaker,

I have observed with interest the maneuverings of the commission charged with creating captions and descriptions for the constitutional amendments on the ballot this fall. I am also aware the deadline established by the State Board of Ethics and Elections to receive the "ballot caption language" is the week of August 6, 2018. Due to maneuverings by interested political outside groups and individuals and the delayed schedule of the commission, I am recommending that the General Assembly come back into session and write the short captions ourselves.

Based on the schedule that has been released to the public, I am very concerned the commission's schedule will allow for gamesmanship and politics. While I respect the Secretary of State and Attorney General, they are already facing pressure to write politicized captions. The schedule for writing these captions that runs right up until the last possible minute for ballot language to be set and could allow for political theatre. While the statute clearly contemplates the equivalent of a "short title" which we use in the legislative process, it appears that the Commission may be falling to outside political pressure, contemplating politicizing the title crafting process, including using long sentences or negative language in order to hurt the amendments' chances of passing.

During the legislative process, the General Assembly already provided for short titles for these amendments that the Commission could cleanly and clearly adopt—the Right to Hunt and Fish, Strengthening Victims' Rights, Bipartisan Ethics and Elections Enforcement, Judicial Vacancy Sunshine Amendment, Maximum Income Tax Rate of 7.0%, and Require Photo ID to Vote. These titles are a clear indication that these captions should be extremely short. If the language used is much longer than this, the Commission would run the risk of forcing the state to use two page paper ballots, an administrative nightmare for our voters and elections personnel.

I know that LSO Coble had been trying to arrange a meeting for more than two weeks and is prepared to provide input as to the proper process for creating an extremely short title. Finally, after much



encouragement on his part, the commission has agreed to meet on July 31-more than a month after being tasked with this responsibility. The commission contemplates meeting up to August 7, one of the last days possible to act. This timeline leaves little time for the General Assembly or the courts to stop the commission from acting lawlessly to politicize the process. While it is appropriate for the commission to take its time in developing descriptions used in the voter education process, the short titles for use on the ballot should and could have already been developed quickly and accurately.

I believe the Members of the Legislature should be asked to call ourselves back into Session and pass the exact ballot caption language needed to explain the amendments and comply with the State Board's deadline.

The task of deciding these four, five or six word captions as intended by the legislature should have been simple and already executed. It is disappointing to contemplate reassembling our citizens' part time legislature because those tasked with simple responsibilities have chosen to delay and possibly wilting to outside political pressures.

Failing to act on our part would allow this commission to run out the clock and fail the people of North Carolina by not providing them with the necessary short, apolitical captions to identify proposed amendments to our Constitution. The Legislature is better equipped to hold a Special Session, propose the caption language, solicit public input and settle this issue timely.

Sincerely,

A handwritten signature in black ink that reads "David R. Lewis". The signature is written in a cursive, slightly slanted style.

David R. Lewis