

**North Carolina Department
of the Secretary of State**

Public Notice

August 4, 2014

**Elaine F. Marshall
Secretary of State**

For Immediate Release

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NC Voters: There is a Constitutional Amendment on November Ballot

Raleigh – North Carolina voters will find plenty of candidates to select from when they go to the voting booth this November. But, they will find just one proposed amendment to the state constitution asking them to make a “For” or “Against” choice.

“Proposed constitutional amendments rarely draw the big political advertising dollars or media attention that major elections involving candidates receive,” North Carolina Secretary of State Elaine F. Marshall said Monday. “So it is very important for voters to take a pause during the upcoming election season and to think about how they feel about this proposed amendment, before Tuesday November 4, when they will see it on their ballots.”

The 2013 General Assembly approved a measure (Session Law 2013-300) that, if approved as an amendment to the N.C. Constitution would change how some criminal trials are conducted. If approved by the voters, Section 24 of Article I of the North Carolina Constitution would be changed to read as follows:

Sec. 24. Right of jury trial in criminal cases.

No person shall be convicted of any crime but by the unanimous verdict of a jury in open court, except that a person accused of any criminal offense for which the State is not seeking a sentence of death in superior court may, in writing or on the record in the court and with the consent of the trial judge, waive jury trial, subject to procedures prescribed by the General Assembly. The General Assembly may, however, provide for other means of trial for misdemeanors, with the right of appeal for trial de novo."

The General Assembly also approved the language that voters will see on the ballot as they consider this constitutional amendment:

[] FOR [] AGAINST

Constitutional amendment providing that a person accused of any criminal offense for which the State is not seeking a sentence of death in superior court may, in writing or on the record in court and with the consent of the trial judge, waive the person's right to a trial by jury."

The Constitutional Amendments Publication Commission has approved language for an official explanation of the proposed amendment that is provided to voters to assist them in understanding the amendment. The Commission has three members including Secretary of State Marshall, North Carolina Attorney General Roy Cooper and the General Assembly's Legislative Services Officer George Hall.

“The Constitution of North Carolina belongs to the people of North Carolina,” said Secretary Marshall. “As with every proposed constitutional amendment, the voters have an important responsibility here to consider this proposed change and cast their ballots according to the facts and to their personal beliefs.”

Here is the official explanation adopted by the Commission:

The North Carolina Constitution currently states that a person accused of a crime and who is not pleading guilty to that charge cannot be convicted unless a jury decides the person is guilty.

The proposed Amendment to the Constitution would allow a person accused of a crime to choose to be tried by either a judge or a jury. Choosing not to have a jury trial is called waiving the right to a jury trial. If passed, the proposed amendment would require a person wanting to waive the right to a jury trial to say so in court or in writing. A judge would then have to agree to that request. If a person accused of a crime waives the right to a jury trial, a judge would decide whether the person is guilty.

Jury trials would still be required in all cases with a possibility of a death sentence. Nothing in this proposed amendment changes federal law regarding criminal trials.

If the majority of voters vote "FOR" for the Amendment, a person accused of a crime will be able to waive the right to a jury trial in cases as described above.

If the majority of voters do not vote "FOR" the Amendment, the law will not change and a person accused of a crime will not be able to waive the right to a jury trial.

If voters reject the proposed amendment by voting “Against,” then the current North Carolina trial system requiring a jury trial will remain in place.

This explanation is being provided to each North Carolina county board of elections. For copies, people may contact their county board of elections, the North Carolina Secretary of State’s Office, or visit the Secretary of State’s Office online at www.sosnc.com.