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The North Carolina NAACP, Clean Air Carolina, SELC and Forward Justice Join Forces to Challenge North Carolina Legislature's Unconstitutional Power Grab

Chapel Hill, N.C – Clean Air Carolina and the North Carolina NAACP, represented by the Southern Environmental Law Center (SELC), will file suit today against North Carolina Speaker of the House Tim Moore, Senate Pro Tempore Phil Berger, and the State Board of Elections in Wake County Superior Court. The suit challenges the legislature's efforts to place four state constitutional amendments on the ballot this November that would threaten voting rights, radically restructure the government, and significantly erode the separation of state powers. The advocacy groups are seeking an immediate temporary restraining order and preliminary injunction to stop these proposals from appearing on ballots set to be finalized on August 8th. A hearing is scheduled for Tuesday, August 7 at 10am. In the action, Clean Air Carolina is represented by SELC, and the North Carolina NAACP is represented by SELC, Attorney Irv Joyner, and Forward Justice.

The legislature's unprecedented effort to take state powers from the people, the Governor, and the courts is part of a broader effort by the North Carolina supermajority, which was found by the U.S. Supreme Court to be illegally racially gerrymandered last year, to maintain control of state politics. Breaking with precedent, the legislature seeks to enshrine new, deceptive constitutional amendments before North Carolinians are allowed to vote in an election with legal districts in 2018 and a constitutional legislature is seated. Compounding the problem for voters, in a last minute "Special Session," the NCGA abandoned nonpartisan ballot descriptions of the proposed amendments, arguing in favor of misleading captions designed to confuse voters.

"The supermajority's proposed amendments to the North Carolina constitution represent one of the greatest threats to our state's democratic institutions since the Civil War," **said NC NAACP President Rev. Dr. T. Anthony Spearman.** "Misleading voters to seize power and deny access to the ballot through discriminatory photo voter ID is not only a dangerous threat to our state's future, it is also illegal. The U.S. Supreme Court limited the powers of this unconstitutional, gerrymandered legislature, and so the legislature must be stopped from carrying out this extraordinary attack. NC NAACP will not rest until we ensure that the voices of the people who have been directly affected by egregious discrimination by this NCGA are present in the courtrooms, in the streets, and at the ballot box."

The suit will challenge four specific proposed amendments, relating to judicial vacancies, state boards and commissions, voter ID requirements, and income tax rates. If ratified, these proposed constitutional amendments would: (1) alter the separation of powers clause of the constitution to shift the Governor's right to appoint and determine the responsibilities and terms of office for all executive boards and commissions to the legislature and, thus the legislature would control them; (2) shift all meaningful power to fill judicial vacancies between elections from the Governor to the legislature; (3) limit future, legitimately-elected legislatures' power to set state income tax rates higher than seven-percent, which could limit funding for programs in support of those living in poverty, civil rights, and environmental protection programs; and (4)

require individuals voting in person to present as yet unspecified photographic identification before voting that once again – without justification – threaten to target the ability of low-income voters, people of color, women, and college students to cast a ballot.

“This legislature has carried out extraordinary attacks to strip fundamental clean air and clean water protections that North Carolinians have been assured of for decades, breaking with our state’s long history of bipartisan support for environmental safeguards,” **said Derb Carter, director of SELC’s North Carolina offices.** “At the moment we are poised to re-establish fair representation that will accurately reflect voters on environmental issues, they have attempted a desperate and unlawful power grab.”

In practice, this shift of power would limit the impact of North Carolinians on state policy – especially on urgent civil rights and environmental issues. Since establishing a supermajority via racially gerrymandered districts, North Carolina lawmakers have sadly sought to entrench their power through pursuing disenfranchisement of voters, a program of gutting support for people of color, workers and those living in poverty. At the same time, this legislature has [dismantled longstanding clean air and water safeguards](#) and gutted funding for state environmental programs and agencies – despite growing voter demands on issues ranging from opposing offshore drilling to cleaning up coal ash and GenX pollution. Now, as the state is poised to have representation that more accurately reflects the needs of voters, the legislature is trying to thwart the will of voters and the courts to consolidate power.

“This is a critical moment for North Carolina’s future,” **said June Blotnick, Executive Director of Clean Air Carolina.** “If the legislature is successful in its power grab it will have dire consequences for citizens in the voting booth, for our communities and the air we breathe, and for our basic democratic institutions.”

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For more than 30 years, the Southern Environmental Law Center has used the power of the law to champion the environment of the Southeast. With more than 80 attorneys and nine offices across the region, SELC is widely recognized as the Southeast’s foremost environmental organization and regional leader. SELC works on a full range of environmental issues to protect our natural resources and the health and well-being of all the people in our region. www.SouthernEnvironment.org

Founded in 1939, the NC NAACP is part of the nation's oldest and largest civil rights organization. Its branches throughout North Carolina are premier advocates for civil rights in their communities, conducting voter mobilization and monitoring equal opportunity in the public and private sectors. The mission of the National Association for the Advancement of Colored People is to ensure the political, educational, social and economic equality of rights of all persons and to eliminate racial hatred and discrimination. www.naacpnc.org

Forward Justice is a nonpartisan law, policy and strategy center dedicated to advancing racial, social, and economic justice in the U.S. South. Our work catalyzes success for social movements and expands opportunities for people affected by injustice. www.ForwardJustice.org

Clean Air Carolina is a statewide nonprofit organization whose mission is to ensure cleaner air quality for all North Carolinians through education and advocacy and by working with our partners to reduce sources of pollution. www.cleanaircarolina.org