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Court Temporarily Halts North Carolina Legislature's Power Grab

Chapel Hill, N.C. – The Southern Environmental Law Center (SELC), North Carolina NAACP, Clean Air Carolina, and Forward Justice released the following statements after the Wake County Superior Court issued an order halting the printing of North Carolina ballots as litigation on the North Carolina legislature's efforts to place four state constitutional amendments on the ballot this fall that would fundamentally restructure the state government continues.

"We are grateful the court has temporarily halted this power grab by the legislature and are eager for a final decision that stops their efforts to radically restructure our government and significantly erode the separation of our state powers, which lawmakers tried to ram through just ahead of the ballot-certification deadline," **said Kym Hunter, Senior Attorney at the Southern Environmental Law Center.** "North Carolina's legislature has gutted fundamental clean air and clean water protections despite voters' wishes and our state's bipartisan legacy of support for environmental safeguards. Ensuring North Carolina voters are properly represented is critical for the health and welfare of our state."

"We are pleased that the court has temporarily halted the legislature's efforts to seize power by misleading voters and denying access to the ballot," **said NC NAACP President Rev. Dr. T. Anthony Spearman.** "Their unprecedented power grab is illegal and a direct attack on democracy in North Carolina. We encourage the court to quickly issue a final ruling that clearly prohibits any action threatening to silence those who are speaking for North Carolinians in need, particularly people of color."

"We welcome today's decision to delay the ballot-certification deadline but encourage the court to permanently stop this unprecedented attack on the balance of power in our state government, whose job it is to protect the health of residents from toxic air and contaminated water," **said June Blotnick, Executive Director of Clean Air Carolina.** "This power grab will limit voters' ability to demand action on environmental issues ranging from cleaning up GenX pollution to limiting coastal development as sea levels rise."

The suit challenges 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.

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.

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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