

A RESOLUTION TO AMEND THE N.C. CONSTITUTION TO BRING IT INTO COMPLIANCE WITH THE U.S. CONSTITUTION

WHEREAS, The N.C. Constitution, Article 6, Section 8, Disqualifications for Office, states *"The following persons shall be disqualified for office: First, any person who shall deny the being of Almighty God"*; and

WHEREAS, The U.S. Constitution, Article VI, Paragraph 3, states, *"no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States"*; and

WHEREAS, In the case of *Torcaso v. Watkins, 1961*, the U.S. Supreme Court ruled that a state cannot require a person who runs for or holds public office to state a belief in God as it violates the First and Fourteenth Amendments; and

WHEREAS, it is illegal for the N.C. Constitution to violate the First and Fourteenth Amendments of the U.S. Constitution; and

WHEREAS, 18% (PRRI/SSRS, *American Values Atlas, 2014*) of N.C. citizens are religiously unaffiliated, and are subject to being illegally disqualified from running for office under N.C. law; and

WHEREAS, N.C. is one of only 7 states which have not updated their constitutions to remove such illegal provisions; and

WHEREAS, The State of N.C. would needlessly waste taxpayer dollars defending itself, as the U.S. Supreme Court has ruled this provision to be unconstitutional; and,

WHEREAS, The North Carolina Democratic Party honors and upholds the laws within the Constitution of the United States of America, and

WHEREAS, The North Carolina Democratic Party believes that the State of North Carolina must be in compliance with the Constitution of the United States of America, and

WHEREAS, The North Carolina Democratic Party holds as a primary value a *"commitment to the full and equal protection of the lives, liberties, rights, and properties of all citizens and residents of North Carolina"* (<http://www.ncdp.org/issues>); now, therefore, be it

RESOLVED, That the North Carolina Democratic Party demands immediate action be taken by the N.C. General Assembly to amend Article 6, Section 8 of the N.C. Constitution to read:

"The following persons shall be disqualified for office:

First, ~~any person who shall deny the being of Almighty God.~~ Second, with respect to any office that is filled by election by the people, any person who is not qualified to vote in an election for that office.

Second, ~~Third,~~ any person who has been adjudged guilty of treason or any other felony against this State or the United States, or any person who has been adjudged guilty of a felony in another state that also would be a felony if it had been committed in this State, or any person who has been adjudged guilty of corruption or malpractice in any office, or any person who has been removed by impeachment from any office, and who has not been restored to the rights of citizenship in the manner prescribed by law."; and

RESOLVED, That the North Carolina Democratic Party will develop an action plan to impress upon its elected officials the importance of bringing the N.C. Constitution into compliance with the U.S. Constitution; and

BE IT FURTHER RESOLVED, That we members of the North Carolina Democratic Party will commit our actions, time, ideas, energy and treasury to bring about this amendment in order to correct grievous injustice to members of our citizenry and in order to insure equal protection of liberties and rights of all our citizens.

*Submitted to New Hanover County Democratic Party Executive Committee by
Susanne Werner, New Hanover County Precinct H08
March 3, 2015*

Also adopted March 4 by:

*M04
W16
W30*