

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.R. 925
Jun 28, 2017
HOUSE PRINCIPAL CLERK

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HOUSE SIMPLE RESOLUTION DRHR40637-RI-19 (05/09)

Sponsors: Committee on Rules, Calendar, and Operations of the House.

Referred to:

1 A HOUSE RESOLUTION ESTABLISHING A SELECT COMMITTEE TO INVESTIGATE,
2 REPORT FINDINGS, AND, IF WARRANTED, FILE ARTICLES OF IMPEACHMENT
3 REGARDING SECRETARY OF STATE ELAINE F. MARSHALL PURSUANT TO
4 ARTICLE IV OF THE NORTH CAROLINA CONSTITUTION.

5 Whereas, verifiable allegations have been raised regarding the conduct of Secretary
6 of State Elaine F. Marshall in granting commissions to several hundred individuals as notaries
7 public who did not "[r]eside legally in the United States" as required by G.S. 10B-5 and who
8 were not "qualified aliens" pursuant to 8 U.S.C. § 1621, in violation of State and federal law;
9 and

10 Whereas, Article IV of the North Carolina Constitution provides that the House of
11 Representatives solely shall have the power of impeaching and, by the vote of a majority of the
12 members elected, to impeach executive and judicial officers; and

13 Whereas, Chapter 123 of the General Statutes governs impeachment and provides
14 that "[e]ach member of the Council of State, each justice of the General Court of Justice, and
15 each judge of the General Court of Justice shall be liable to impeachment for the commission of
16 any felony, or the commission of any misdemeanor involving moral turpitude, or for
17 malfeasance in office, or for willful neglect of duty"; Now, therefore,
18 Be it resolved by the House of Representatives:

19 **SECTION 1.** That the Speaker of the House of Representatives shall appoint a
20 select committee of 15 members of the House of Representatives and designate one of those
21 appointees to serve as chair, to conduct a comprehensive investigation relating to alleged
22 misconduct by Secretary of State Elaine F. Marshall and submit a report to the House of
23 Representatives as to whether sufficient grounds exist for the House of Representatives to
24 exercise its power to impeach Secretary of State Elaine F. Marshall pursuant to Article IV of
25 the North Carolina Constitution.

26 **SECTION 2.** That the Speaker instruct the select committee to (i) organize, adopt
27 rules and procedures, and hire special counsel and such other personnel as may be necessary to
28 carry out the select committee's responsibilities; (ii) review and investigate the facts and
29 circumstances relating to alleged misconduct of Secretary of State Elaine F. Marshall; and (iii)
30 submit to the House of Representatives its findings and recommendations in the form of a final
31 report, including, if it concludes such action is warranted, a resolution embodying articles of
32 impeachment describing the acts or omissions with which Secretary of State Elaine F. Marshall
33 is charged.

34 **SECTION 3.** That the select committee shall investigate, consider, and report upon
35 allegations of misconduct by Secretary of State Elaine F. Marshall, including:

- 36 (1) That Secretary of State Elaine F. Marshall granted notary public
37 commissions to several hundred persons who did not "[r]eside legally in the



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- 1 United States" in violation of G.S. 10B-5 and who were not "qualified
- 2 aliens" in violation of 8 U.S.C. § 1621.
- 3 (2) That Secretary of State Elaine F. Marshall granted said notary commissions
- 4 to ineligible aliens surreptitiously, without means for the public or the
- 5 General Assembly to have knowledge of such action.
- 6 (3) That Secretary of State Elaine F. Marshall made untrue statements to the
- 7 press and public involving the grant of these notary commissions to
- 8 ineligible aliens.
- 9 (4) That senior staff of the office of the Secretary of State, in furtherance of
- 10 Secretary Elaine F. Marshall's actions, misrepresented the facts surrounding
- 11 the granting of these notary commissions to ineligible aliens to the Joint
- 12 Legislative Oversight Committee on General Government of the North
- 13 Carolina General Assembly.

14 **SECTION 4.** That the select committee shall have all the powers provided in
15 Articles 5 and 5A of Chapter 120 of the General Statutes, including the power to administer
16 oaths and compel attendance and testimony of persons and the production of papers,
17 documents, and other evidence.

18 **SECTION 5.** That the select committee shall continue in existence after
19 adjournment of the 2017 Regular Session of the General Assembly and is authorized to meet at
20 any time during the 2017-2018 biennium, including during the interims.

21 **SECTION 6.** That the select committee shall submit its final report to the House of
22 Representatives, including, if it concludes such action is warranted, a resolution embodying
23 articles of impeachment describing the acts or omissions with which Secretary of State Elaine
24 F. Marshall is charged.

25 **SECTION 7.** This resolution is effective upon adoption.