

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 78

Constitution and Election Laws Committee Substitute Adopted 5/10/93

Short Title: Primary Date Changed.

(Public)

Sponsors:

Referred to:

February 8, 1993

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE DATE OF THE PRIMARY TO THE TUESDAY NINE WEEKS BEFORE THE GENERAL ELECTION AND TO MAKE CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-1(b) reads as rewritten:

"(b) On ~~Tuesday next after the first Monday in May preceding~~ the Tuesday nine weeks before each general election to be held in November for the officers referred to in subsection (a) of this section, there shall be held in all election precincts within the territory for which the officers are to be elected a primary election for the purpose of nominating candidates for each political party in the State for those offices."

Sec. 2. G.S. 163-96(a)(2) reads as rewritten:

"(2) Any group of voters which shall have filed with the State Board of Elections petitions for the formulation of a new political party which are signed by registered and qualified voters in this State equal in number to two percent (2%) of the total number of voters who voted in the most recent general election for Governor. Also the petition must be signed by at least 200 registered voters from each of four congressional districts in North Carolina. To be effective, the petitioners must file their petitions with the State Board of Elections before 12:00 noon on the first day of ~~June~~ August preceding the day on which is to be held the first general State election in which the new political party desires to participate. The State Board of Elections shall

1 forthwith determine the sufficiency of petitions filed with it and shall
2 immediately communicate its determination to the State chairman of
3 the proposed new political party."

4 Sec. 3. G.S. 163-98 reads as rewritten:

5 **"§ 163-98. General election participation by new political party.**

6 In the first general election following the date on which a new political party
7 qualifies under the provisions of G.S. 163-96, it shall be entitled to have the names of its
8 candidates for State, congressional, and national offices printed on the official ballots,
9 but it shall not be entitled to have the names of candidates for other offices printed on
10 State, district, or county ballots at that election.

11 For the first general election following the date on which it qualifies under G.S. 163-
12 96, a new political party shall select its candidates by party convention. Following
13 adjournment of the nominating convention, but not later than the first day of ~~July~~
14 September prior to the general election, the president of the convention shall certify to
15 the State Board of Elections the names of persons chosen in the convention as the new
16 party's candidates for State, congressional, and national offices in the ensuing general
17 election. The State Board of Elections shall print names thus certified on the appropriate
18 ballots as the nominees of the new party."

19 Sec. 4. G.S. 163-106(c) reads as rewritten:

20 "(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary
21 nominations for the following offices shall file their notice of candidacy with the State
22 Board of Elections no earlier than 12:00 noon on the ~~first Monday in January~~ Monday
23 immediately preceding the Tuesday 10 weeks before the first primary and no later than
24 12:00 noon on the ~~first Monday in February preceding the primary~~ Monday immediately
25 preceding the Tuesday eight weeks before the first primary:

26 Governor

27 Lieutenant Governor

28 All State executive officers

29 Justices of the Supreme Court, Judges of the Court of Appeals

30 Judges of the superior courts

31 Judges of the district courts

32 United States Senators

33 Members of the House of Representatives of the United States

34 District attorneys

35 Candidates seeking party primary nominations for the following offices shall file
36 their notice of candidacy with the county board of elections no earlier than 12:00 noon
37 on the ~~first Monday in January~~ Monday immediately preceding the Tuesday 10 weeks
38 before the first primary and no later than 12:00 noon on the ~~first Monday in February~~
39 ~~preceding the primary~~ Monday immediately preceding the Tuesday eight weeks before
40 the first primary:

41 State Senators

42 Members of the State House of Representatives

43 All county offices."

44 Sec. 5. G.S. 163-114 reads as rewritten:

"§ 163-114. Filling vacancies among party nominees occurring after nomination and before election.

If any person nominated as a candidate of a political party for one of the offices listed below (either in a primary or convention or by virtue of having no opposition in a primary) dies, resigns, or for any reason becomes ineligible or disqualified before the date of the ensuing general election, the vacancy shall be filled by appointment according to the following instructions:

Position	Vacancy is to be filled by
Any elective State office	appointment of State
United States Senator	executive committee of
	political party in which
	vacancy occurs
A district office, including:	
Member of the United States	
House of Representatives	
Judge of superior court	
Judge of district court	Appropriate district executive
District Attorney	committee of political party
State Senator in a multi-	in which vacancy occurs
county senatorial district	
Member of State House of	
Representatives in a multi-	
county representative	
district	
State Senator in a single-	County executive committee
county senatorial district	of political party in which
Member of State House of	vacancy occurs, provided, in
Representatives in a	the case of the State
single-county	Senator or State
representative district	Representative in a
Any elective county office	single-county district where
	not all the county is
	located in that district,
	then in voting, only those
	members of the county
	executive committee who
	reside within the
	district shall vote
Judge of Superior Court in a	County executive committee
single-county superior	of political party in
court district where the	which vacancy occurs;

district is the whole
county or part of the
county single-county district where

provided, in the case of
a superior court judge in a

not all the county is
located in that district,
then in voting, only those
members of the county
executive committee who
reside within the
district shall vote

Judge of Superior Court in a
multi-county superior
court district

Appropriate district
executive committee of
political party in which
vacancy occurs.

The party executive making a nomination in accordance with the provisions of this section shall certify the name of its nominee to the chairman of the board of elections, State or county, charged with the duty of printing the ballots on which the name is to appear. If at the time a nomination is made under this section the general election ballots have already been printed, the provisions of G.S. 163-139 shall apply. ~~If any person nominated as a candidate of a political party vacates such nomination and such vacancy arises from a cause other than death and the vacancy in nomination occurs more than 120 days before the general election, the vacancy in nomination may be filled under this section only if the appropriate executive committee certifies the name of the nominee in accordance with this paragraph at least 75 days before the general election.~~

In a county which is partly in a multi-county superior court district, in choosing that county's member or members of the superior court district executive committee for the multi-county district, only the county convention delegates or county executive committee members who reside within the area of the county which is within that multi-county district may vote.

In a county not all of which is located in one congressional district, in choosing the congressional district executive committee member or members from that area of the county, only the county convention delegates or county executive committee members who reside within the area of the county which is within the congressional district may vote.

In a county which is partly in a multi-county senatorial district or which is partly in a multi-county House of Representatives district, in choosing that county's member or members of the senatorial district executive committee or House of Representatives district executive committee for the multi-county district, only the county convention delegates or county executive committee members who reside within the area of the county which is within that multi-county district may vote."

Sec. 6. G.S. 163-122(a) reads as rewritten:

1 "(a) Procedure for Having Name Printed on Ballot as Unaffiliated Candidate. –
2 Any qualified voter who seeks to have his name printed on the general election ballot as
3 an unaffiliated candidate shall:

4 (1) If the office is a statewide office, file written petitions with the State
5 Board of Elections supporting his candidacy for a specified office.
6 These petitions must be filed with the State Board of Elections on or
7 before 12:00 noon on the last Friday in ~~June~~August preceding the
8 general election and must be signed by qualified voters of the State
9 equal in number to two percent (2%) of the total number of registered
10 voters in the State as reflected by the most recent statistical report
11 issued by the State Board of Elections. Each petition shall be
12 presented to the chairman of the board of elections of the county in
13 which the signatures were obtained. The chairman shall examine the
14 names on the petition and place a check mark on the petition by the
15 name of each signer who is qualified and registered to vote in his
16 county and shall attach to the petition his signed certificate. Said
17 certificates shall state that the signatures on the petition have been
18 checked against the registration records and shall indicate the number
19 of signers to be qualified and registered to vote in his county. The
20 chairman shall return each petition, together with the certificate
21 required in this section, to the person who presented it to him for
22 checking. Verification by the chairman of the county board of
23 elections shall be completed within two weeks from the date such
24 petitions are presented and a fee of five cents (5¢) for each name
25 appearing on the petition has been received.

26 (2) If the office is a district office comprised of two or more counties, file
27 written petitions with the State Board of Elections supporting his
28 candidacy for a specified office. These petitions must be filed with the
29 State Board of Elections on or before 12:00 noon on the last Friday in
30 ~~June~~August preceding the general election and must be signed by
31 qualified voters of the district equal in number to four percent (4%) of
32 the total number of registered voters in the district as reflected by the
33 latest statistical report issued by the State Board of Elections. Each
34 petition shall be presented to the chairman of the board of elections of
35 the county in which the signatures were obtained. The chairman shall
36 examine the names on the petition and the procedure for certification
37 shall be the same as specified in (1) above.

38 (3) If the office is a county office or a single county legislative district, file
39 written petitions with the chairman or supervisor of the county board
40 of elections supporting his candidacy for a specified county office.
41 These petitions must be filed with the county board of elections on or
42 before 12:00 noon on the last Friday in ~~June~~August preceding the
43 general election and must be signed by qualified voters of the county
44 equal in number to four percent (4%) of the total number of registered

voters in the county as reflected by the most recent statistical report issued by the State Board of Elections, except if the office is for a district consisting of less than the entire county and only the voters in that district vote for that office, the petitions must be signed by qualified voters of the district equal in number to four percent (4%) of the total number of voters in the district according to the most recent figures certified by the State Board of Elections. Each petition shall be presented to the chairman or supervisor of the county board of elections. The chairman shall examine, or cause to be examined, the names on the petition and the procedure for certification shall be the same as specified in (1) above.

- (4) If the office is a partisan municipal office, file written petitions with the chairman or supervisor of the county board of elections in the county wherein the municipality is located supporting his candidacy for a specified municipal office. These petitions must be filed with the county board of elections on or before the time and date specified in G.S. 163-296 and must be signed by the number of qualified voters specified in G.S. 163-296. The procedure for certification shall be the same as specified in (1) above.

Upon compliance with the provisions of (1), (2), (3), or (4) of this subsection, the board of elections with which the petitions and affidavit have been timely filed shall cause the unaffiliated candidate's name to be printed on the general election ballots in accordance with G.S. 163-140.

An individual whose name appeared on the ballot in a primary election preliminary to the general election shall not be eligible to have his name placed on the general election ballot as an unaffiliated candidate for the same office in that year."

Sec. 7. G.S. 163-22(k) reads as rewritten:

"(k) Notwithstanding the provisions contained in ~~Article 20 or Article 21~~ Articles 13, 20, or 21 of Chapter 163 the State Board of Elections shall be authorized, by resolution adopted prior to the printing of the primary ballots, to reduce the time by which ballots and absentee ballots are required to be printed and distributed for the primary or general election from ~~50 days to 45 days~~ the dates provided by law to a lesser number of days equal to the maximum amount of time that is administratively feasible given the date of the primary. ~~This authority shall not be authorized for absentee ballots to be voted in the general election.~~"

Sec. 8. G.S. 163-22(k) reads as rewritten:

"(k) Notwithstanding the provisions contained in ~~Article 20 or Article 21~~ Articles 13, 20, or 21 of Chapter 163 the State Board of Elections shall be authorized, by one or more resolutions ~~resolution~~ adopted prior to the printing of the primary ballots, the first day of the election year, to reduce the time by which ballots and absentee ballots are required to be printed and distributed for the primary and general election, and the dates on which county boards of elections are to meet to approve absentee ballot applications from 50 days to 45 days ~~the dates provided by law to a lesser number of days which will be the maximum amount of time that is administratively feasible given the date of the~~

1 ~~primary. This authority shall not be authorized for absentee ballots to be voted in the general~~
2 ~~election.~~ In such resolution, the State Board of Elections may also provide special forms
3 of absentee ballots which may be required for federal office under the Uniformed and
4 Overseas Citizens Absentee Voting Act (42 USC 1973ff-1 et seq.) which may be
5 required because of the primary date."

6 Sec. 9. This act is effective upon ratification. This act shall expire on July 1,
7 1995, and shall not apply with respect to primaries or elections held on or after July 1,
8 1995.