

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 195

Short Title: Superior Ct. Judges by District.

(Public)

Sponsors: House Committee on Judiciary I.

Referred to: Calendar pursuant to Rule 36(a).

February 15, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE ELECTION OF SUPERIOR COURT JUDGES BY
JUDICIAL DISTRICT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 7A-41.2. Nomination and election of regular superior court judges.

Candidates for the office of regular superior court judge shall be both nominated and elected by the qualified voters of the superior court district for which the election is sought."

Sec. 2. G.S. 163-1 is amended in the table by deleting the word "State" in the column entitled "Jurisdiction" under the entry for "Judges of the superior courts", and substituting "Superior Court District".

Sec. 3. G.S. 163-140(a) reads as rewritten:

"(a) Kinds of General Election Ballots; Right to Combine. – For purposes of general elections, there shall be seven kinds of official ballots entitled:

- (1) Ballot for presidential electors
- (2) Ballot for United States Senator
- (3) Ballot for member of the United States House of Representatives
- (4) State ballot

1 (5) County ballot

2 (6) Repealed by Session Laws 1973, c. 793, s. 56.

3 (7) Ballot for constitutional amendments and other propositions submitted
4 to the people.

5 Use of official ballots shall be limited to the purposes indicated by their titles. The
6 printing on all ballots shall be plain and legible but, unless large type is specified by this
7 section, type larger than 10-point shall not be used in printing ballots. All general election
8 ballots shall be prepared in such a way as to leave sufficient blank space beneath each
9 name printed thereon in which a voter may conveniently write the name of any person for
10 whom he may desire to vote.

11 Unless prohibited by this section, the board of elections, State or county, charged by
12 law with printing ballots may, in its discretion, combine any two or more official ballots.
13 Whenever two or more ballots are combined, the voting instructions for the State ballot
14 set out in subsection (b)(4) of this section shall be used, except that if the two ballots
15 being combined do not contain a multi-seat race, then the second sentence of instruction
16 b. shall not appear on the ballot.

17 Contests in the general election for seats in the State House of Representatives and
18 State Senate shall be on ballots that are separate from ballots containing non-legislative
19 contests, except where the voting system used makes separation of ballots impractical.
20 State House and State Senate contests shall be on the same ballot, unless one is a single-
21 seat contest and the other a multi-seat contest.

22 ~~If the State Board of Elections divides the State ballot into two or more ballots, all~~ All
23 candidates for superior court shall appear on the same ballot except that the ~~State Board of~~
24 ~~Elections~~ appropriate board of elections may divide the election of superior court judges
25 into two ballots ~~either because of length of the ballot or to provide a separate ballot for~~
26 multi-seat races but only superior court judges shall be on those ballots, and all
27 candidates for the Appellate Division shall appear on the same ballot."

28 Sec. 4. G.S. 163-140(b)(4) reads as rewritten:

29 "(4) State Ballot: Beneath the title and general instructions set out in this
30 subsection, the ballot for single-seat contests for State officers, and for
31 all State officers where mechanical voting machines are used ~~(including~~
32 ~~judges of the superior court)~~ shall be divided into parallel columns
33 separated by distinct black lines. The State Board of Elections shall
34 assign a separate column to each political party having candidates for
35 State offices and one to unaffiliated candidates, if any. At the head of
36 each party column the party's name shall be printed in large type, and at
37 the head of the column for unaffiliated candidates shall be printed in
38 large type the words 'Unaffiliated Candidates.' Below the party name in
39 each column shall be printed a circle, one-half inch in diameter, around
40 which shall be plainly printed the following instruction: 'For a straight
41 ticket, mark within this circle.' With distinct black lines, the State Board
42 of Elections shall divide the columns into horizontal sections and, in the
43 customary order of office, assign a separate section to each office or

1 group of offices to be filled. On a single line at the top of each section
2 shall be printed a direction as to the number of candidates for whom a
3 vote may be cast. If candidates are to be chosen for different terms to
4 the same office, the term in each instance shall be printed as part of the
5 title of the office.

6 The name or names of each political party's candidate or
7 candidates for each office listed on the ballot shall be printed in
8 the appropriate office section of the proper party column, and the
9 names of unaffiliated candidates shall be printed in the
10 appropriate office section of the column headed 'Unaffiliated
11 Candidates.' At the left of each name shall be printed a voting
12 square, and in each column all voting squares shall be arranged
13 in a perpendicular line.

14 On the face of the ballot, above the party and unaffiliated column
15 division, the following instructions shall be printed in heavy
16 black type, and the words 'you must also' in instruction c. shall be
17 underlined:

- 18 'a. To vote for all candidates of one party (a straight ticket), make a
19 cross (X) mark in the circle of the party for whose candidates you
20 wish to vote.
- 21 b. You may vote a split ticket by not marking a cross (X) mark in
22 the party circle, but by making a cross (X) mark in the square
23 opposite the name of each candidate for whom you wish to vote.
- 24 c. You may also vote a split ticket by marking a cross (X) mark in
25 the party circle and then making a cross (X) mark in the square
26 opposite the name of any candidate you choose of a different
27 party. In any multi-seat race where a party circle is marked and
28 you vote for candidates of another party, you must also make a
29 cross (X) mark opposite the name of any candidate you choose of
30 the party for which you marked the party circle to assure your
31 vote will count.
- 32 d. If you tear or deface or wrongly mark this ballot, return it and get
33 another.'

34 On the bottom of the ballot shall be printed an identified
35 facsimile of the signature of the Chairman of the State Board of
36 Elections. If the State ballot contains no multi-seat race, then the
37 second sentence of instruction b. shall not appear on the ballot."

38 Sec. 5. G.S. 163-140(b)(5) reads as rewritten:

39 "(5) County Ballot: Beneath the title and general instructions set out in this
40 subsection, the ballot for single-seat contests for county officers
41 (including district attorney for the prosecutorial district in which the
42 county is situated, district judge for the district court district in which
43 the county is situated, regular resident superior court judge for the

1 superior court district in which the county or part thereof is situated, and
2 members of the General Assembly in the senatorial and representative
3 districts in which the county is situated), and for all county offices
4 where mechanical voting machines are used, shall be divided into
5 parallel columns separated by distinct black lines. The county board of
6 elections shall assign a separate column to each political party having
7 candidates for the offices on the ballot and one to unaffiliated
8 candidates, if any. At the head of each party column the party's name
9 shall be printed in large type and at the head of the column for
10 unaffiliated candidates shall be printed in large type the words
11 'Unaffiliated Candidates.' Below the party name in each column shall be
12 printed a circle, one-half inch in diameter, around which shall be plainly
13 printed the following instruction: 'For a straight ticket, mark within this
14 circle.' With distinct black lines, the county board of elections shall
15 divide the columns into horizontal sections and, in the customary order
16 of office, assign a separate section to each office or group of offices to
17 be filled. On a single line at the top of each section shall be printed the
18 title of the office, and directly below the title shall be printed a direction
19 as to the number of candidates for whom a vote may be cast. If
20 candidates are to be chosen for different terms to the same office, the
21 term in each instance shall be printed as part of the title of the office.

22 The name or names of each political party's candidate or
23 candidates for each office listed on the ballot shall be printed in
24 the appropriate office section of the proper party column, and the
25 names of unaffiliated candidates shall be printed in the
26 appropriate office section of the column headed 'Unaffiliated
27 Candidates.' At the left of each name shall be printed a voting
28 square, and in each column all voting squares shall be arranged
29 in a perpendicular line.

30 On the face of the ballot, above the party and unaffiliated column
31 division, the following instructions shall be printed in heavy
32 black type, and the words 'you must also' in instruction c. shall be
33 underlined:

- 34 'a. To vote for all candidates of one party (a straight ticket), make a
35 cross (X) mark in the circle of the party for whose candidates you
36 wish to vote.
- 37 b. You may vote a split ticket by not marking a cross (X) mark in
38 the party circle, but by making a cross (X) mark in the square
39 opposite the name of each candidate for whom you wish to vote.
- 40 c. You may also vote a split ticket by marking a cross (X) mark in
41 the party circle and then making a cross (X) mark in the square
42 opposite the name of any candidate you choose of a different
43 party. In any multi-seat race where a party circle is marked and

1 you vote for candidates of another party, you must also make a
2 cross (X) mark opposite the name of any candidate you choose of
3 the party for which you marked the party circle to assure your
4 vote will count.

- 5 d. If you tear or deface or wrongly mark this ballot, return it and get
6 another.'

7 On the bottom of the ballot shall be printed an identified
8 facsimile of the signature of the chairman of the county board of
9 elections. If the county ballot contains no multi-seat race, then
10 the second sentence of instruction b. shall not appear on the
11 ballot."

12 Sec. 6. G.S. 163-192 reads as rewritten:

13 **"§ 163-192. State Board of Elections to prepare abstracts and declare results of**
14 **primaries and elections.**

15 (a) After Primary. – At the conclusion of its canvass of the primary election, the
16 State Board of Elections shall prepare separate abstracts of the votes cast:

17 (1) For Governor and all State officers, justices of the Supreme Court,
18 judges of the Court of Appeals, ~~judges of the superior court,~~ and United
19 States Senators.

20 (2) For members of the United States House of Representatives for the
21 several congressional districts in the State.

22 (3) For district court judges for the several district court districts in the
23 State.

24 (3a) For superior court judges for the several superior court districts in the
25 State.

26 (4) For district attorney in the several prosecutorial districts in the State.

27 (5) For State Senators in the several senatorial districts in the State
28 composed of more than one county.

29 (6) For members of the State House of Representatives in the several
30 representative districts in the State composed of more than one county.

31 Abstracts prepared by the State Board of Elections under this subsection shall state
32 the total number of votes cast for each candidate of each political party for each of the
33 various offices canvassed by the State Board of Elections. They shall also state the name
34 or names of the person or persons whom the State Board of Elections shall ascertain and
35 judicially determine by the count to be nominated for each office.

36 Abstracts prepared under this subsection shall be signed by the members of the State
37 Board of Elections in their official capacity and shall have the great seal of the State
38 affixed thereto.

39 (b) After General Election. – At the conclusion of its canvass of the general
40 election, the State Board of Elections shall prepare abstracts of the votes cast:

41 (1) For President and Vice-President of the United States, when an election
42 is held for those offices.

- 1 (2) For Governor and all State officers, justices of the Supreme Court,
2 judges of the Court of Appeals, ~~judges of the superior court,~~ and United
3 States Senators.
- 4 (3) For members of the United States House of Representatives for the
5 several congressional districts in the State.
- 6 (4) For district court judges for the several district court districts as defined
7 in G.S. 7A-133 in the State.
- 8 (4a) For superior court judges for the several superior court districts in the
9 State.
- 10 (5) For district attorney in the several prosecutorial districts in the State.
- 11 (6) For State Senators in the several senatorial districts in the State
12 composed of more than one county.
- 13 (7) For members of the State House of Representatives in the several
14 representative districts in the State composed of more than one county.
- 15 (8) For and against any constitutional amendments or propositions
16 submitted to the people.

17 Abstracts prepared by the State Board of Elections under this subsection shall state
18 the names of all persons voted for, the office for which each received votes, and the
19 number of legal ballots cast for each candidate for each office canvassed by the State
20 Board of Elections. They shall also state the name or names of the person or persons
21 whom the State Board of Elections shall ascertain and judicially determine by the count
22 to be elected to each office.

23 Abstracts prepared under this subsection shall be signed by the members of the State
24 Board of Elections in their official capacity and shall have the great seal of the State
25 affixed thereto.

26 (c) Disposition of Abstracts of Returns. – The State Board of Elections shall file
27 with the Secretary of State the original abstracts of returns prepared by it under the
28 provisions of subsections (a) and (b) of this section, and also the duplicate county
29 abstracts transmitted to the State Board of Elections under the provisions of G.S. 163-
30 177. Upon the request of the Legislative Services Office, the Secretary of State shall
31 submit a copy of the original abstracts to that Office."

32 Sec. 7. This act is effective upon ratification.