

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 79

Short Title: Gubernatorial Team Ticket.

(Public)

Sponsors: Senator Rand.

Referred to: Judiciary I.

February 15, 1999

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR
2 RUN AS A JOINT TICKET IN THE GENERAL ELECTION, TO CLARIFY THE
3 STATUS OF ACTING GOVERNOR, AND TO PROVIDE THAT THE
4 LIEUTENANT GOVERNOR SHALL BE NOMINATED BY PARTY EXECUTIVE
5 COMMITTEE, RATHER THAN UNDER THE PRIMARY ACT.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. Section 2 of Article III of the Constitution of North Carolina is
9 amended by adding a new subsection to read:

10 "(3) Team Election. In the general election, all candidates for the offices of
11 Governor and Lieutenant Governor shall form joint candidacies so that each voter shall
12 cast a single vote for a candidate for Governor and a candidate for Lieutenant Governor
13 running together."

14 Section 2. Section 3(2) of Article III of the Constitution of North Carolina
15 reads as rewritten:

16 "(2) Succession as Acting Governor. During ~~the absence of the Governor from the~~
17 ~~State, or during~~ the physical or mental incapacity of the Governor to perform the duties of
18 his office, the Lieutenant Governor shall be Acting Governor. The absence of the
19 Governor from the State does not affect the power of the Governor, but the Governor

1 may designate in writing the Lieutenant Governor to be Acting Governor during such
2 absence. The further order of succession as Acting Governor shall be prescribed by law."

3 Section 3. The amendments set out in Sections 1 and 2 of this act shall be
4 submitted to the qualified voters of the State at the general election in November 2000,
5 which election shall be conducted under the laws then governing elections in the State.
6 Ballots, voting systems, or both may be used in accordance with Chapter 163 of the
7 General Statutes. The question to be used in the voting systems and ballots shall be:

8 **"[] FOR [] AGAINST**

9 Constitutional amendment providing that candidates for Governor and
10 Lieutenant Governor shall be listed on the general election ballot as a team."

11 Section 4. If a majority of the votes cast on the question are in favor of the
12 amendment set out in Sections 1 and 2 of this act, the State Board of Elections shall
13 certify the amendment to the Secretary of State. The constitutional amendments shall
14 become effective beginning with candidacies for the 2004 General Election. The
15 Secretary of State shall enroll the amendment so certified among the permanent records
16 of that office.

17 Section 5. Chapter 163 of the General Statutes is amended by adding a new
18 section to read:

19 **"§ 163-115.1. Party must nominate candidates for Governor and Lieutenant**
20 **Governor.**

21 If a party nominates a candidate for Governor under this Article, it must also
22 nominate a candidate for Lieutenant Governor, or the nomination as Governor is void. If
23 a party nominates a candidate for Lieutenant Governor under this Article, it must also
24 nominate a candidate for Governor, or the nomination as Lieutenant Governor is void."

25 Section 6. Chapter 163 of the General Statutes is amended by adding a new
26 section to read:

27 **"§ 163-108.2. Nomination of Lieutenant Governor.**

28 Except for G.S. 163-114 and G.S. 163-115.1, the provisions of this Article do not
29 apply to the office of Lieutenant Governor. Nomination for such office is as provided by
30 Article 11A of this Chapter."

31 Section 7. G.S. 163-98 reads as rewritten:

32 **"§ 163-98. General election participation by new political party.**

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

38 For the first general election following the date on which it qualifies under G.S. 163-
39 96, a new political party shall select its candidates by party convention. Following
40 adjournment of the nominating convention, but not later than the first day of July prior to
41 the general election, the president of the convention shall certify to the State Board of
42 Elections the names of persons chosen in the convention as the new party's candidates for
43 State, congressional, and national offices in the ensuing general election. The State Board

1 of Elections shall print names thus certified on the appropriate ballots as the nominees of
2 the new party. The convention, if it nominates a candidate for Governor, must also
3 nominate a candidate for Lieutenant Governor, or the nomination for Governor shall be
4 void except that if it fails to nominate a candidate for Lieutenant Governor, its candidate
5 for Governor may nominate a candidate for Lieutenant Governor between July 1, and
6 July 15. The convention, if it nominates a candidate for Lieutenant Governor, must also
7 nominate a candidate for Governor, or the nomination for Lieutenant Governor is void."

8 Section 8. G.S. 163-122 is amended by adding a new subsection to read:

9 "(d) In filing petitions as an unaffiliated candidate, a petition for the office of
10 Governor shall also contain the name of a candidate for Lieutenant Governor, and the
11 petition shall be a petition for both. In filing petitions as an unaffiliated candidate, a
12 petition for the office of Lieutenant Governor shall also contain the name of a candidate
13 for Governor, and the petition shall be a petition for both. The form of the petition
14 requesting unaffiliated candidates to be placed on the ballot for Governor and Lieutenant
15 Governor on the general election ballot shall contain on the heading of each page of the
16 petition in bold print or in all capital letters the words 'THE UNDERSIGNED
17 REGISTERED VOTERS IN COUNTY HEREBY PETITION ON BEHALF OF
18 AS AN UNAFFILIATED CANDIDATE FOR GOVERNOR AND AS AN
19 UNAFFILIATED CANDIDATE FOR LIEUTENANT GOVERNOR IN THE NEXT
20 GENERAL ELECTION. THE UNDERSIGNED HEREBY PETITION THAT THE
21 SUBJECT CANDIDATES BE PLACED ON THE APPROPRIATE BALLOT UPON
22 COMPLIANCE WITH THE PROVISIONS OF G.S. 163-122."

23 Section 9. G.S. 163-140(b) is amended by adding a new subdivision to read:

24 "(10) In the general election, the offices of Governor and Lieutenant Governor
25 shall be combined on the State ballot and the nominees of each party or
26 unaffiliated offices listed together so that a vote for a candidate for one
27 of those offices is a vote for the candidates for both offices. Such team
28 election of Governor and Lieutenant Governor is not a multiseat race for
29 the purpose of subsection (f) of this section."

30 Section 10. G.S. 163-151(6) is amended by adding a new subparagraph to
31 read:

32 "f. A write-in vote for a candidate for Governor shall not be counted
33 unless that person has also written in the name of a candidate for
34 Lieutenant Governor. A write-in vote for a candidate for
35 Lieutenant Governor shall not be counted unless that person has
36 also written in the name of a candidate for Governor. A write-in
37 vote shall not be counted for any candidate for Governor if that
38 person appears on the ballot as a candidate for that office. A
39 write-in vote shall not be counted for any candidate for
40 Lieutenant Governor if that person appears on the ballot as a
41 candidate for that office."

42 Section 11. Chapter 163 of the General Statutes is amended by adding a new
43 Article to read:

"ARTICLE 11A.**"NOMINATION OF LIEUTENANT GOVERNOR.****"§ 163-126. Lieutenant Governor.**

Political parties nominating a candidate for Governor under Article 10 of this Chapter shall nominate a candidate for Lieutenant Governor in accordance with this Article.

"§ 163-126.1. Convention or State executive committee.

Each party shall choose its nominee for Lieutenant Governor by its State executive committee except if the State executive committee fails to make a nomination by the last Monday in July, its candidate for Governor may nominate a person prior to the deadline in G.S. 163-126.2.

"§ 163-126.2. Time of nomination.

The nomination for Lieutenant Governor shall be made no earlier than the date that party's nomination for Governor is determined under G.S. 163-110, 163-111, or 163-112, as appropriate, and no later than the first Monday in August. The State Board of Elections shall be notified of the nomination for Lieutenant Governor no later than the first Monday in August. The State Board of Elections shall cause the name of the nominee to be printed on the general election ballots as if the nomination had been made by primary under Article 10 of this Chapter.

"§ 163-126.3. Vacancies in nomination.

If a party has nominated a candidate for Lieutenant Governor, and a vacancy occurs in that nomination, it shall be filled in accordance with G.S. 163-114 whether the nomination was made by the State convention or the State executive committee."

Section 12. G.S. 163-106(c) reads as rewritten:

"(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the State Board of Elections no earlier than 12:00 noon on the first Monday in January and no later than 12:00 noon on the first Monday in February preceding the primary:

Governor

Lieutenant Governor

All State executive officers

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

Judges of the district courts

United States Senators

Members of the House of Representatives of the United States

District attorneys

Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the county board of elections no earlier than 12:00 noon on the first Monday in January and no later than 12:00 noon on the first Monday in February preceding the primary:

State Senators

Members of the State House of Representatives

All county offices."

1 Section 13. G.S. 163-107(a) is amended by deleting in the schedule the entry
2 under "Office Sought", and "Amount of Filing Fee" the entry for "Lieutenant Governor".

3 Section 14. G.S. 163-107.1(b) reads as rewritten:

4 "(b) If the candidate is seeking the office of United States Senator, Governor,
5 ~~Lieutenant Governor~~, any State executive officer, Justice of the Supreme Court or Judge of
6 the Court of Appeals, the petition must be signed by 10,000 registered voters who are
7 members of the political party in whose primary the candidate desires to run, except that
8 in the case of a political party as defined by G.S. 163-96(a)(2) which will be making
9 nominations by primary election, the petition must be signed by ten percent (10%) of the
10 registered voters of the State who are affiliated with the same political party in whose
11 primary the candidate desires to run, or in the alternative, the petition shall be signed by
12 no less than 10,000 registered voters regardless of the voter's political party affiliation,
13 whichever requirement is greater. The petition must be filed with the State Board of
14 Elections not later than 12:00 noon on Monday preceding the filing deadline before the
15 primary in which he seeks to run. The names on the petition shall be verified by the board
16 of elections of the county where the signer is registered, and the petition must be
17 presented to the county board of elections at least 15 days before the petition is due to be
18 filed with the State Board of Elections. When a proper petition has been filed, the
19 candidate's name shall be printed on the primary ballot."

20 Section 15. G.S. 163-111(c)(1) reads as rewritten:

21 "(1) A candidate who is apparently entitled to demand a second primary,
22 according to the unofficial results, for one of the offices listed below,
23 and desiring to do so, shall file a request for a second primary in writing
24 or by telegram with the Executive Secretary-Director of the State Board
25 of Elections no later than 12:00 noon on the seventh day (including
26 Saturdays and Sundays) following the date on which the primary was
27 conducted, and such request shall be subject to the certification of the
28 official results by the State Board of Elections. If the vote certification
29 by the State Board of Elections determines that a candidate who was not
30 originally thought to be eligible to call for a second primary is in fact
31 eligible to call for a second primary, the Executive Secretary-Director of
32 the State Board of Elections shall immediately notify such candidate
33 and permit him to exercise any options available to him within a 48-
34 hour period following the notification:

35 Governor,

36 ~~Lieutenant Governor~~,

37 All State executive officers,

38 Justices, Judges, or District Attorneys of the General Court of
39 Justice, other than superior court judge

40 United States Senators,

41 Members of the United States House of Representatives,

42 State Senators in multi-county senatorial districts, and

1 Members of the State House of Representatives in multi-county
2 representative districts."

3 Section 16. G.S. 163-1(b) reads as rewritten:

4 "(b) On Tuesday next after the first Monday in May preceding each general election to
5 be held in November for the officers referred to in subsection (a) of this section other
6 than Lieutenant Governor, there shall be held in all election precincts within the territory
7 for which the officers are to be elected a primary election for the purpose of nominating
8 candidates for each political party in the State for those offices."

9 Section 17. G.S. 163-123 is amended by adding a new subsection to read:

10 "(c1) Any declaration of intent filed under this section for the office of Governor
11 shall be a joint declaration with another candidate for the office of Lieutenant Governor.
12 Any declaration of intent filed under this section for the office of Lieutenant Governor
13 shall be a joint declaration with another candidate for the office of Governor. The
14 declaration shall be signed by both candidates. The State Board of Elections shall
15 provide for a joint petition form for Governor and Lieutenant Governor in lieu of the one
16 provided by subsection (d) of this section."

17 Section 18. Sections 5 through 17 of this act become effective only if the
18 constitutional amendments proposed by Sections 1 and 2 of this act are approved as
19 provided by Sections 3 and 4 of this act, and if so approved, Sections 5 through 17 of this
20 act become effective beginning with the 2004 election.

21 Section 19. This act is effective when it becomes law.