

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

FILED SENATE
Jan 31, 2013
S.B. 39
PRINCIPAL CLERK

S

D

SENATE DRS75018-LB-44D (01/03)

Short Title: Restore Partisan Judicial Elections. (Public)

Sponsors: Senators Tillman and Goolsby (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO RESTORE PARTISAN JUDICIAL ELECTIONS.
3 The General Assembly of North Carolina enacts:
4 SECTION 1. Subchapter X (Article 25) of Chapter 163 of the General Statutes is
5 repealed.
6 SECTION 2. G.S. 163-106(c) reads as rewritten:
7 "(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary
8 nominations for the following offices shall file their notice of candidacy with the State Board of
9 Elections no earlier than 12:00 noon on the second Monday in February and no later than 12:00
10 noon on the last business day in February preceding the primary:
11 Governor
12 Lieutenant Governor
13 All State executive officers
14 Justices of the Supreme Court, Judges of the Court of Appeals
15 Judges of the superior courts
16 Judges of the district courts
17 United States Senators
18 Members of the House of Representatives of the United States
19 District attorneys
20 Candidates seeking party primary nominations for the following offices shall file their
21 notice of candidacy with the county board of elections no earlier than 12:00 noon on the second
22 Monday in February and no later than 12:00 noon on the last business day in February
23 preceding the primary:
24 State Senators
25 Members of the State House of Representatives
26 All county offices."
27 SECTION 2.1. G.S. 163-106(f) reads as rewritten:
28 "(f) Candidates required to file their notice of candidacy with the State Board of
29 Elections under subsection (c) of this section shall file along with their notice a certificate
30 signed by the chairman of the board of elections or the director of elections of the county in
31 which they are registered to vote, stating that the person is registered to vote in that county, if
32 the candidacy is for superior court judge and the county contains more than one superior court
33 district, stating the superior court district of which the person is a resident, stating the party
34 with which the person is affiliated, and that the person has not changed his affiliation from
35 another party or from unaffiliated within three months prior to the filing deadline under



1 subsection (c) of this section. In issuing such certificate, the chairman or director shall check
2 the registration records of the county to verify such information. During the period
3 commencing 36 hours immediately preceding the filing deadline the State Board of Elections
4 shall accept, on a conditional basis, the notice of candidacy of a candidate who has failed to
5 secure the verification ordered herein subject to receipt of verification no later than three days
6 following the filing deadline. The State Board of Elections shall prescribe the form for such
7 certificate, and distribute it to each county board of elections no later than the last Monday in
8 December of each odd-numbered year."

9 **SECTION 2.2.** G.S. 163-106.1 is amended by adding a new subsection to read:

10 "(j) No person may file a notice of candidacy for superior court judge unless that person
11 is at the time of filing the notice of candidacy a resident of the judicial district as it will exist at
12 the time the person would take office if elected. No person may be nominated as a superior
13 court judge under G.S. 163-114 unless that person is at the time of nomination a resident of the
14 judicial district as it will exist at the time the person would take office if elected. This
15 subsection implements Section 9(1) of Article IV of the North Carolina Constitution which
16 requires regular superior court judges to reside in the district for which elected."

17 **SECTION 2.3.** G.S. 163-107.1(b) reads as rewritten:

18 "(b) If the candidate is seeking the office of United States Senator, Governor, Lieutenant
19 Governor, or any State executive officer, the petition must be signed by 10,000 registered
20 voters who are members of the political party in whose primary the candidate desires to run,
21 except that in the case of a political party as defined by G.S. 163-96(a)(2) which will be making
22 nominations by primary election, the petition must be signed by ten percent (10%) of the
23 registered voters of the State who are affiliated with the same political party in whose primary
24 the candidate desires to run, or in the alternative, the petition shall be signed by no less than
25 10,000 registered voters regardless of the voter's political party affiliation, whichever
26 requirement is greater. If the office is superior court judge or district court judge, the petition
27 shall be signed by ten percent (10%) of the registered voters of the election area in which the
28 office will be voted for."

29 The petition must be filed with the State Board of Elections not later than 12:00 noon on
30 Monday preceding the filing deadline before the primary in which he seeks to run. The names
31 on the petition shall be verified by the board of elections of the county where the signer is
32 registered, and the petition must be presented to the county board of elections at least 15 days
33 before the petition is due to be filed with the State Board of Elections. When a proper petition
34 has been filed, the candidate's name shall be printed on the primary ballot."

35 **SECTION 3.** G.S. 163-106(d) reads as rewritten:

36 "(d) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any primary in
37 which there are two or more vacancies for associate justices for the Supreme Court, two or
38 more vacancies for the Court of Appeals, two or more vacancies for district court judge, or two
39 vacancies for United States Senator from North Carolina, each candidate shall, at the time of
40 filing notice of candidacy, file with the State Board of Elections a written statement designating
41 the vacancy to which ~~he~~ that candidate seeks nomination. A person seeking election for a
42 specialized district judgeship established under G.S. 7A-147 shall, at the time of filing notice of
43 candidacy, file with the State Board of Elections a written statement designating the specialized
44 judgeship to which the person seeks nomination. Votes cast for a candidate shall be effective
45 only for ~~his~~ nomination to the vacancy for which ~~he~~ that candidate has given notice of
46 candidacy as provided in this subsection."

47 **SECTION 4.** G.S. 163-107(a) reads as rewritten:

48 "(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate shall pay
49 to the board of elections with which ~~he~~ that candidate files under the provisions of
50 G.S. 163-106 a filing fee for the office ~~he seeks~~ sought in the amount specified in the following
51 tabulation:

1	Office Sought	Amount of Filing Fee
2	Governor	One percent (1%) of the annual salary of the office sought
3		
4	Lieutenant Governor	One percent (1%) of the annual salary of the office sought
5		
6	All State executive offices	One percent (1%) of the annual salary of the office sought
7		
8	All <u>Justices, Judges, and</u>	One percent (1%) of the annual salary of
9	District Attorneys of the General	the office sought
10	Court of Justice	
11	United States Senator	One percent (1%) of the annual salary of the office sought
12		
13	Members of the United States House	One percent (1%) of the annual salary of
14	of Representatives	the office sought
15	State Senator	One percent (1%) of the annual salary of the office sought
16		
17	Member of the State House of	One percent (1%) of the annual salary of
18	Representatives	the office sought
19	All county offices not compensated by fees	One percent (1%) of the annual salary of the office sought
20		
21	All county offices compensated partly	One percent (1%) of the first annual
22	by salary and partly by fees	salary to be received (exclusive of fees)
23	The salary of any office that is the basis for calculating the filing fee is the starting salary for the office, rather than the salary received by the incumbent, if different. If no starting salary can be determined for the office, then the salary used for calculation is the salary of the incumbent, as of January 1 of the election year."	
24		
25		
26		
27	SECTION 5. G.S. 163-107.1(c) reads as rewritten:	
28	"(c) County, Municipal and District Primaries. – If the candidate is seeking one of the offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this section, or a municipal or any other office requiring a partisan primary which is not set forth in G.S. 163-106(c) or (d), he <u>the candidate</u> shall file a written petition with the appropriate board of elections no later than 12:00 noon on Monday preceding the filing deadline before the primary. The petition shall be signed by ten percent (10%) of the registered voters of the election area in which the office will be voted for, who are affiliated with the same political party in whose primary the candidate desires to run, or in the alternative, the petition shall be signed by no less than 200 registered voters regardless of said voter's political party affiliation, whichever requirement is greater. The board of elections shall verify the names on the petition, and if the petition is found to be sufficient, the candidate's name shall be printed on the appropriate primary ballot. Petitions for candidates for member of the U.S. House of Representatives, District Attorney, <u>judge of the superior court, judge of the district court,</u> and members of the State House of Representatives from multi-county districts or members of the State Senate from multi-county districts must be presented to the county board of elections for verification at least 15 days before the petition is due to be filed with the State Board of Elections, and such petition must be filed with the State Board of Elections no later than 12:00 noon on Monday preceding the filing deadline. The State Board of Elections may adopt rules to implement this section and to provide standard petition forms."	
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47	SECTION 6. G.S. 163-111(c)(1) reads as rewritten:	
48	"(c) Procedure for Requesting Second Primary.	
49	(1) A candidate who is apparently entitled to demand a second primary, according to the unofficial results, for one of the offices listed below, and desiring to do so, shall file a request for a second primary in writing with the	
50		
51		

Executive Director of the State Board of Elections no later than 12:00 noon on the ninth day (including Saturdays and Sundays) following the date on which the primary was conducted, and such request shall be subject to the certification of the official results by the State Board of Elections. If the vote certification by the State Board of Elections determines that a candidate who was not originally thought to be eligible to call for a second primary is in fact eligible to call for a second primary, the Executive Director of the State Board of Elections shall immediately notify such candidate and permit him to exercise any options available to him within a 48-hour period following the notification:

- Governor,
- Lieutenant Governor,
- All State executive officers,
- Justices, Judges, or District Attorneys of the General Court of Justice,
- United States Senators,
- Members of the United States House of Representatives,
- State Senators in multi-county senatorial districts, and
- Members of the State House of Representatives in multi-county representative districts."

SECTION 7. 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:

<p>Position</p> <p>President</p> <p>Vice President</p> <p>Presidential elector or alternate elector</p> <p>Any elective State office</p> <p>United States Senator</p> <p>A district office, including:</p> <p style="padding-left: 20px;">Member of the United States House of Representatives</p> <p style="padding-left: 20px;"><u>Judge of district court</u></p> <p style="padding-left: 20px;">District Attorney</p> <p style="padding-left: 20px;">State Senator in a multi-county senatorial district</p> <p style="padding-left: 20px;">Member of State House of Representatives in a multi-county representative district</p> <p style="padding-left: 20px;">State Senator in a single-county senatorial district</p> <p style="padding-left: 20px;">Member of State House of Representatives in a single-county representative district</p> <p style="padding-left: 20px;">Any elective county office</p>	<p>Vacancy is to be filled by appointment of national executive committee of political party in which vacancy occurs</p> <p>Vacancy is to be filled by appointment of State executive committee of political party in which vacancy occurs</p> <p>Appropriate district executive committee of political party in which vacancy occurs</p> <p>County executive committee of political party in which vacancy occurs, provided, in the case of the State Senator or State Representative in a single-county district where not all the county is located in that district, then in voting, only those members of the</p>
---	--

<p>1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19</p>	<p><u>Judge of superior court in a single-county judicial district where the district is the whole county or part of the county</u></p> <p><u>Judge of superior court in a multicounty judicial district</u></p>	<p>county executive committee who reside within the district shall vote</p> <p><u>County executive committee of political party in which vacancy occurs; provided, in the case of a superior court judge in a 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</u></p> <p><u>Appropriate district executive committee of political party in which vacancy occurs.</u></p>
--	--	--

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, that has jurisdiction over the ballot item under G.S. 163-182.4. If at the time a nomination is made under this section the general election ballots have already been printed, the provisions of G.S.163-165.3(c) shall apply. If a vacancy occurs in a nomination of a political party and that 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 multicounty judicial district, in choosing that county's member or members of the judicial district executive committee for the multicounty district, only the county convention delegates or county executive committee members who reside within the area of the county which is within that multicounty 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.

An individual whose name appeared on the ballot in a primary election preliminary to the general election shall not be eligible to be nominated to fill a vacancy in the nomination of another party for the same office in the same year."

SECTION 8. G.S. 138A-22(d) reads as rewritten:

"(d) A candidate for an office subject to this Article shall file the statement of economic interest at the same place and in the same manner as the notice of candidacy for that office is required to be filed under G.S. 163-106 ~~or G.S. 163-323~~ within 10 days of the filing deadline for the office the candidate seeks. An individual who is nominated under G.S. 163-114 after the primary and before the general election, and an individual who qualifies under G.S. 163-122 as

1 an unaffiliated candidate in a general election, shall file a statement of economic interest with
2 the county board of elections of each county in the senatorial or representative district. An
3 individual nominated under G.S. 163-114 shall file the statement within three days following
4 the individual's nomination, or not later than the day preceding the general election, whichever
5 occurs first. An individual seeking to qualify as an unaffiliated candidate under G.S. 163-122
6 shall file the statement of economic interest with the petition filed under that section. An
7 individual seeking to have write-in votes counted for that individual in a general election shall
8 file a statement of economic interest at the same time the candidate files a declaration of intent
9 under G.S. 163-123. A candidate of a new party chosen by convention shall file a statement of
10 economic interest at the same time that the president of the convention certifies the names of its
11 candidates to the State Board of Elections under G.S. 163-98."

12 **SECTION 9.** G.S. 163-22.3 reads as rewritten:

13 **"§ 163-22.3. State Board of Elections littering notification.**

14 At the time an individual files with the State Board of Elections a notice of candidacy
15 pursuant to G.S. 163-106, 163-112, 163-291, ~~163-294.2, or 163-323,~~ or 163-294.2, is certified
16 to the State Board of Elections by a political party executive committee to fill a nomination
17 vacancy pursuant to G.S. 163-114, is certified to the State Board of Elections by a new political
18 party as that party's nominee pursuant to G.S. 163-98, qualifies with the State Board of
19 Elections as an unaffiliated or write-in candidate pursuant to Article 11 of this Chapter, or
20 formally initiates a candidacy with the State Board of Elections pursuant to any statute or local
21 act, the State Board of Elections shall notify the candidate of the provisions concerning
22 campaign signs in G.S. 136-32 and G.S. 14-156, and the rules adopted by the Department of
23 Transportation pursuant to G.S. 136-18."

24 **SECTION 10.** G.S. 163-82.10B reads as rewritten:

25 **"§ 163-82.10B. Confidentiality of date of birth.**

26 Boards of elections shall keep confidential the date of birth of every voter-registration
27 applicant and registered voter, except in the following situations:

- 28 (1) When a voter has filed notice of candidacy for elective office under
29 G.S. 163-106, 163-122, 163-123, or 163-294.2, ~~or 163-323,~~ has been
30 nominated as a candidate under G.S. 163-98 or G.S. 163-114, or has
31 otherwise formally become a candidate for elective office. The exception of
32 this subdivision does not extend to an individual who meets the definition of
33 "candidate" only by beginning a tentative candidacy by receiving funds or
34 making payments or giving consent to someone else to receive funds or
35 transfer something of value for the purpose of exploring a candidacy.
- 36 (2) When a voter is serving in an elective office.
- 37 (3) When a voter has been challenged pursuant to Article 8 of this Chapter.
- 38 (4) When a voter-registration applicant or registered voter expressly authorizes
39 in writing the disclosure of that individual's date of birth.

40 The disclosure of an individual's age does not constitute disclosure of date of birth in
41 violation of this section.

42 The county board of elections shall give precinct officials access to a voter's date of birth
43 where necessary for election administration, consistent with the duty to keep dates of birth
44 confidential.

45 Disclosure of a date of birth in violation of this section shall not give rise to a civil cause of
46 action. This limitation of liability does not apply to the disclosure of a date of birth in violation
47 of this subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing
48 that would otherwise be actionable."

49 **SECTION 11.** G.S. 163-165.5(3) reads as rewritten:

50 **"§ 163-165.5. Contents of official ballots.**

51 Each official ballot shall contain all the following elements:

1 ...
 2 (3) The names of the candidates as they appear on their notice of candidacy filed
 3 pursuant to G.S. 163-106 ~~or G.S. 163-323~~, or on petition forms filed in
 4 accordance with G.S. 163-122. No title, appendage, or appellation indicating
 5 rank, status, or position shall be printed on the official ballot in connection
 6 with the candidate's name. Candidates, however, may use the title Mr., Mrs.,
 7 Miss, or Ms. Nicknames shall be permitted on an official ballot if used in the
 8 notice of candidacy or qualifying petition, but the nickname shall appear
 9 according to standards adopted by the State Board of Elections. Those
 10 standards shall allow the presentation of legitimate nicknames in ways that
 11 do not mislead the voter or unduly advertise the candidacy. In the case of
 12 candidates for presidential elector, the official ballot shall not contain the
 13 names of the candidates for elector but instead shall contain the nominees for
 14 President and Vice President which the candidates for elector represent. The
 15 State Board of Elections shall establish a review procedure that local boards
 16 of elections shall follow to ensure that candidates' names appear on the
 17 official ballot in accordance with this subdivision.

18"

19 **SECTION 12.** G.S. 163-278.100(1) reads as rewritten:

20 **"§ 163-278.100. Definitions.**

21 As used in this Article, the following terms have the following definitions:

- 22 (1) The term "candidate-specific communication" means any broadcast, cable,
 23 or satellite communication that has all the following characteristics:

 - 24 a. Refers to a clearly identified candidate for a statewide office or the
 25 General Assembly.
 - 26 b. Is aired in an even-numbered year after the final date on which a
 27 Notice of Candidacy can be filed for the office, pursuant to
 28 ~~G.S. 163-106(e) or G.S. 163-323~~, G.S. 163-106(c), and through the
 29 day on which the general election is conducted, excluding the time
 30 period set in the definition for "electioneering communication" in
 31 G.S. 163-278.80(2)b.
 - 32 c. Is targeted to the relevant electorate.

33"

34 **SECTION 13.** G.S. 163-278.110(1) reads as rewritten:

35 **"§ 163-278.110. Definitions.**

36 As used in this Article, the following terms have the following definitions:

- 37 (1) The term "candidate-specific communication" means any mass mailing or
 38 telephone bank that has all the following characteristics:

 - 39 a. Refers to a clearly identified candidate for a statewide office or the
 40 General Assembly.
 - 41 b. Is transmitted in an even-numbered year after the final date on which
 42 a Notice of Candidacy can be filed for the office, pursuant to
 43 ~~G.S. 163-106(e) or G.S. 163-323~~, G.S. 163-106(c), and through the
 44 day on which the general election is conducted, excluding the time
 45 period set in the definition for "electioneering communication" in
 46 G.S. 163-278.90(2)b.
 - 47 c. Is targeted to the relevant electorate.

48"

49 **SECTION 14.** G.S. 163-1(b) reads as rewritten:

50 "(b) On Tuesday next after the first Monday in May preceding each general election to
 51 be held in November for the officers referred to in subsection (a) of this section, there shall be

1 held in all election precincts within the territory for which the officers are to be elected a
2 primary election for the purpose of nominating candidates for each political party in the State
3 for those ~~offices, and nonpartisan candidates as to offices elected under the provisions of~~
4 ~~Article 25 of this Chapter.~~ offices."

5 **SECTION 15.** G.S. 163-122(c) is repealed.

6 **SECTION 16.** G.S. 163-123(g) reads as rewritten:

7 "(g) Municipal and Nonpartisan Elections Excluded. – This section does not apply to
8 municipal elections conducted under Subchapter IX of Chapter 163 of the General Statutes, and
9 does not apply to nonpartisan elections. ~~elections except for elections under Article 25 of this~~
10 ~~Chapter.~~"

11 **SECTION 17.** G.S. 163-278.64(c) reads as rewritten:

12 "(c) Certification of Candidates. – Upon receipt of a submittal of the record of
13 demonstrated support by a participating candidate, the Board shall determine whether or not the
14 candidate has complied with all the following requirements:

- 15 (1) Signed and filed a declaration of intent to participate in this Article.
- 16 (2) Submitted a report itemizing the appropriate number of qualifying
17 contributions received from registered voters, which the Board shall verify
18 through a random sample or other means it adopts. The report shall include
19 the county of residence of each registered voter listed.
- 20 (3) Filed a valid notice of candidacy pursuant to Article 25_10 of this Chapter.
21 Chapter, a valid petition or declaration of intent under Article 11 of this
22 Chapter, or is nominated under G.S. 163-98.
- 23 (4) Otherwise met the requirements for participation in this Article.

24 The Board shall certify candidates complying with the requirements of this section as soon
25 as possible and no later than five business days after receipt of a satisfactory record of
26 demonstrated support."

27 **SECTION 18.** G.S. 163-278.64A is repealed.

28 **SECTION 19.** G.S. 105-159.2(b) reads as rewritten:

29 "(b) Returns. – Individual income tax returns must give an individual an opportunity to
30 agree to the allocation of three dollars (\$3.00) of the individual's tax liability to the North
31 Carolina Public Campaign Fund. The Department must make it clear to the taxpayer that the
32 dollars ~~will support a nonpartisan court system, that the dollars will go to the Fund if the~~
33 taxpayer marks an agreement, and that allocation of the dollars neither increases nor decreases
34 the individual's tax liability. The following statement must be used to meet this requirement:
35 "Mark 'Yes' if you want to designate \$3 of taxes to this special Fund for voter education
36 materials and for candidates who accept spending limits. Marking 'Yes' does not change your
37 tax or refund." The Department must consult with the State Board of Elections to ensure that
38 the information given to taxpayers complies with the intent of this section.

39 The Department must inform the entities it approves to reproduce the return that they must
40 comply with the requirements of this section and that a return may not reflect an agreement or
41 objection unless the individual completing the return decided to agree or object after being
42 presented with the statement required by subsection (b) of this section and, as available
43 background information or instructions, the information required by subsection (c) of this
44 section. No software package used in preparing North Carolina income tax returns may default
45 to an agreement or objection. A paid preparer of tax returns may not mark an agreement or
46 objection for a taxpayer without the taxpayer's consent."

47 **SECTION 20.(a)** G.S. 84-34 reads as rewritten:

48 "**§ 84-34. Membership fees and list of members.**

49 Every active member of the North Carolina State Bar shall, prior to the first day of July of
50 each year, pay to the secretary-treasurer an annual membership fee in an amount determined by
51 the Council but not to exceed ~~three hundred dollars (\$300.00), plus a surcharge of fifty dollars~~

1 (~~(\$50.00)~~ for the implementation of Article 22D of Chapter 163 of the General Statutes, three
2 hundred dollars (\$300.00) and every member shall notify the secretary-treasurer of the
3 member's correct mailing address. Any member who fails to pay the required dues by the last
4 day of June of each year shall be subject to a late fee in an amount determined by the Council
5 but not to exceed thirty dollars (\$30.00). All dues for prior years shall be as were set forth in
6 the General Statutes then in effect. The membership fee shall be regarded as a service charge
7 for the maintenance of the several services authorized by this Article, and shall be in addition to
8 all fees required in connection with admissions to practice, and in addition to all license taxes
9 required by law. The fee shall not be prorated: Provided, that no fee shall be required of an
10 attorney licensed after this Article shall have gone into effect until the first day of January of
11 the calendar year following that in which the attorney was licensed; but this proviso shall not
12 apply to attorneys from other states admitted on certificate. The fees shall be disbursed by the
13 secretary-treasurer on the order of the Council. ~~The fifty-dollar (\$50.00) surcharge shall be sent~~
14 ~~on a monthly schedule to the State Board of Elections.~~ The secretary-treasurer shall annually, at
15 a time and in a law magazine or daily newspaper to be prescribed by the Council, publish an
16 account of the financial transactions of the Council in a form to be prescribed by it. The
17 secretary-treasurer shall compile and keep currently correct from the names and mailing
18 addresses forwarded to the secretary-treasurer and from any other available sources of
19 information a list of members of the North Carolina State Bar and furnish to the clerk of the
20 superior court in each county, not later than the first day of October in each year, a list showing
21 the name and address of each attorney for that county who has not complied with the provisions
22 of this Article. The name of each of the active members who are in arrears in the payment of
23 membership fees shall be furnished to the presiding judge at the next term of the superior court
24 after the first day of October of each year, by the clerk of the superior court of each county
25 wherein the member or members reside, and the court shall thereupon take action that is
26 necessary and proper. The names and addresses of attorneys so certified shall be kept available
27 to the public. The Secretary of Revenue is hereby directed to supply the secretary-treasurer,
28 from records of license tax payments, with any information for which the secretary-treasurer
29 may call in order to enable the secretary-treasurer to comply with this requirement.

30 The list submitted to several clerks of the superior court shall also be submitted to the
31 Council at its October meeting of each year and it shall take the action thereon that is necessary
32 and proper."

33 **SECTION 20.(b)** Article 22D of Chapter 163 of the General Statutes is repealed.

34 **SECTION 20.(c)** G.S. 163-278.5 reads as rewritten:

35 "**§ 163-278.5. Scope of Article; severability.**

36 The provisions of this Article apply to primaries and elections for North Carolina offices
37 and to North Carolina referenda and do not apply to primaries and elections for federal offices
38 or offices in other States or to non-North Carolina referenda. Any provision in this Article that
39 regulates a non-North Carolina entity does so only to the extent that the entity's actions affect
40 elections for North Carolina offices or North Carolina referenda.

41 The provisions of this Article are severable. If any provision is held invalid by a court of
42 competent jurisdiction, the invalidity does not affect other provisions of the Article that can be
43 given effect without the invalid provision.

44 This section applies to Articles 22B, ~~22D~~, 22E, 22F, 22G, 22H, 22J, and 22M of the
45 General Statutes to the same extent that it applies to this Article."

46 **SECTION 20.(d)** G.S. 163-278.13(e) reads as rewritten:

47 "(e) Except as provided in subsections ~~(e2)~~, ~~(e3)~~, ~~(e3)~~ and (e4) of this section, this
48 section shall not apply to any national, State, district or county executive committee of any
49 political party. For the purposes of this section only, the term "political party" means only those
50 political parties officially recognized under G.S. 163-96."

1 **SECTION 20.(e)** Any unexpended funds from the tax on attorneys under
2 G.S. 163-278.63(b)(7) and G.S. 84-34 shall be refunded pro rata.

3 **SECTION 21.** This act is effective with respect to primaries and elections held on
4 or after January 1, 2014, except that Section 20(e) shall become effective July 1, 2013.