

NORTH CAROLINA GENERAL ASSEMBLY
1975 SESSION

CHAPTER 744
HOUSE BILL 827

AN ACT TO PROVIDE A PRESIDENTIAL PREFERENCE PRIMARY IN MARCH, TO ENCOURAGE ALL PRESIDENTIAL CANDIDATES TO BE INCLUDED ON THE PRESIDENTIAL PRIMARY BALLOT, AND TO ELIMINATE FILING FEES FOR PRESIDENTIAL CANDIDATES.

The General Assembly of North Carolina enacts:

Section 1. Article 18A of Chapter 163 of the General Statutes of North Carolina is rewritten in its entirety as follows: "Presidential Preference Primary Act.

"§ 163-213.1. **Short title.** — This Article may be cited as the 'Presidential Preference Primary Act'.

"§ 163-213.2. **Presidential preference primary, date of election.** — Beginning with the fourth Tuesday in March 1976 and every four years thereafter, the voters of this State shall be given an opportunity to express their preference for the person to be the presidential candidate of their political party.

"§ 163-213.3. **Conduct of election.** — The presidential preference primary election shall be conducted and canvassed by the same authority and in the manner provided by law for the conduct and canvassing of the primary election for the office of Governor and all other offices enumerated in G.S. 163-187 and under the same provisions stipulated in G.S. 163-188. The State Board of Elections shall have authority to promulgate reasonable rules and regulations, not inconsistent with provisions contained herein, pursuant to the administration of this Article.

"§ 163-213.4. **Nomination by State Board of Elections.** — The State Board of Elections shall convene in Raleigh on the Tuesday following the first Monday in February preceding the presidential preference primary election. At the meeting required by this section, the State Board of Elections shall nominate as presidential primary candidates all candidates affiliated with a political party, recognized pursuant to the provisions of Article 9 of Chapter 163 of the General Statutes, who have become eligible to receive payments from the Presidential Primary Matching Payment Account, as provided in Section 9033 of the U.S. Internal Revenue Code of 1954, as amended. Immediately upon completion of these requirements, the board shall release to the news media all such nominees selected. Provided, however, nothing shall prohibit the partial selection of nominees prior to the meeting required by this section, if all provisions herein have been complied with.

"§ 163-213.5. **Nomination by petition.** — Any person seeking the endorsement by the national political party for the office of President of the United States, or any group organized in this State on behalf of, and with the consent of, such person, may file with the State Board of Elections petitions signed by 10,000 persons who, at the time they signed are registered and qualified voters in this State and are affiliated, by such registration, with the same political party as the candidate for whom the petitions are filed. Such petitions shall be presented to the county board of elections 10 days before the filing deadline and shall be certified promptly by the chairman of the board of elections of the county in which the signatures were obtained and shall be filed by the petitioners with the State Board of Elections no later than 5:00 p.m. on the date the State Board of Elections is required to meet as directed by G.S. 163-213.4.

The petitions must state the name of the candidate for nomination, along with a letter of approval signed by such candidate. Said petitions must also state the name and address of the chairman of any such group organized to circulate petitions authorized under this section. The requirement for signers of such petitions shall be the same as now required under provisions of G.S. 163-96(b)(1) and (2). The requirement of the respective chairmen of county boards of elections shall be the same as now required under the provisions of G.S. 163-96(b)(1) and (2) as they relate to the chairman of the county board of elections.

The group of petitioners shall pay to the chairman of the county board of elections a fee of ten cents (10¢) for each signature he is required to examine under the provisions of this section.

The State Board of Elections shall forthwith determine the sufficiency of petitions filed with it and shall immediately communicate its determination to the chairman of such group organized to circulate petitions. The form and style of petition shall be as prescribed by the State Board of Elections.

"§ 163-213.6. Notification to candidates. — The State Board of Elections shall forthwith contact each person who has been nominated by the board or by petition and notify him in writing that, upon his written request, to be filed with the board within 15 days of the notice to him by the board, his name will be printed as a candidate of a specified political party on the North Carolina presidential preference primary ballot. A candidate who participates in the North Carolina presidential preference primary of a particular party shall have his name placed on the general election ballot only as a nominee of that political party. The board shall send a copy of the 'Presidential Preference Primary Act' to each candidate with the notice specified above.

"§ 163-213.7. Voting in presidential preference primary, ballots. — The names of all candidates in the presidential preference primary shall appear at an appropriate place on the ballot or voting machine. In addition the State Board of Elections shall provide a category on the ballot or voting machine allowing voters in each political party to vote an 'uncommitted' or 'no preference' status. The voter shall be able to cast his ballot for one of the presidential candidates of a political party or for an 'uncommitted' or 'no preference' status, but shall not be permitted to vote for candidates or 'uncommitted' status of a political party different from his registration. Persons registered as 'Independents' or 'No Party' shall not participate in the presidential preference primary except upon changing such affiliation in accordance with law.

"§ 163-213.8. Political parties and delegates bound by results of primary on first ballot. — Upon completion and certification of the primary results by the State Board of Elections, the Secretary of State shall certify the results to the State chairman of each political party.

Each political party and its delegates from North Carolina shall be bound on the first ballot at the national convention by the results of the primary. Each political party at the State level shall adopt rules for the allocation of delegate votes on the first ballot which reflect the actual division of votes in the results of the party primary as much as possible, consistent with the national party rules of that political party.

After the vote on the first ballot at a national convention, all responsibility imposed by this Article shall terminate and further balloting shall be consistent with the rules of the political party.

In the event of the death or the withdrawal of a candidate prior to the first ballot, any delegate votes which would otherwise be allocated to him, shall be considered uncommitted.

"§ 163-213.9. National committee to be notified of provisions under this Article. — It shall be the responsibility of the State chairman of each political party, qualified under the laws of this State, to notify his party's national committee no later than January 30 of each year in which such presidential preference primary shall be conducted of the provisions contained under this Article."

"§ G.S. 163-214 to G.S. 163-217: Reserved for future codification purposes."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 24th day of June, 1975.