

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 961

Short Title: Nonpartisan Judicial Elections.

(Public)

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Sponsors: Senators Cooper, Rand, Gulley, Odom, and Warren.

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Referred to: Judiciary II/Election Laws

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May 2, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF TRIAL JUDGES IN  
THEIR DISTRICTS, AND TO PROVIDE FOR NONPARTISAN ELECTION OF  
APPELLATE JUDGES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 7A of the General Statutes is amended by inserting 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. Chapter 163 of the General Statutes is amended by adding a new  
Subchapter to read:

**"SUBCHAPTER X. ELECTION OF JUSTICES AND JUDGES.**

**"ARTICLE 25.**

**"NOMINATION AND ELECTION OF JUDGES.**

**"§ 163-321. Applicability.**

1 The nomination and election of Justice and Judges of the General Court of Justice  
2 shall be as provided by this Article.

3 **"§ 163-322. Nonpartisan primary election method.**

4 (a) General. Except as provided in G.S. 163-329, there shall be a primary to  
5 narrow the field of candidates to two candidates for each position to be filled if, when the  
6 filing period closes, there are more than two candidates for a single office or the number  
7 of candidates for a group of offices exceeds twice the number of positions to be filled. If  
8 only one or two candidates file for a single office, no primary shall be held for that office  
9 and the candidates shall be declared nominated. If the number of candidates for a group  
10 of offices does not exceed twice the number of positions to be filled, no primary shall be  
11 held for those offices and the candidates shall be declared nominated.

12 (b) Determination of Nominees. In the primary, the two candidates for a single  
13 office receiving the highest number of votes, and those candidates for a group of offices  
14 receiving the highest number of votes, equal to twice the number of positions to be filled,  
15 shall be declared nominated. If two or more candidates receiving the highest number of  
16 votes each receive the same number of votes, the State Board of Elections shall determine  
17 their relative ranking by lot, and shall declare the nominees accordingly. The canvass of  
18 the primary shall be held on the same date as the primary canvass fixed under G.S. 163-  
19 188. The canvass shall be conducted in accordance with Article 16 of this Chapter.

20 (c) Determination of Election Winners. In the election, the names of those  
21 candidates declared nominated without a primary and those candidates nominated in the  
22 primary shall be placed on the ballot. The candidate for a single office receiving the  
23 highest number of votes shall be elected. Those candidates for a group of offices  
24 receiving the highest number of votes, equal in number to the number of positions to be  
25 filled, shall be elected. If two candidates receiving the highest number of votes each  
26 received the same number of votes, the State Board of Elections shall determine the  
27 winner by lot.

28 **"§ 163-323. Notice of candidacy.**

29 (a) Form of Notice. Each person offering himself as a candidate for election shall  
30 do so by filing a notice of candidacy with the State Board of Elections in the following  
31 form, inserting the words in parentheses when appropriate:

32 'Date \_\_\_\_\_;  
33 I hereby file notice that I am a candidate for election to the office of  
34 \_\_\_\_\_ in the regular election to be held \_\_\_\_\_,  
35 \_\_\_\_\_.

36 Signed \_\_\_\_\_;  
37 (Name of Candidate)

38 Witness: \_\_\_\_\_

39 The notice of candidacy shall be either signed in the presence of the chairman or  
40 secretary of the State Board of Elections, or signed and acknowledged before an officer  
41 authorized to take acknowledgments who shall certify the notice under seal. An  
42 acknowledged and certified notice may be mailed to the State Board of Elections. In  
43 signing a notice of candidacy, the candidate shall use only the candidate's legal name and,

1 in his discretion, any nickname by which commonly known. A candidate may also, in  
2 lieu of that candidate's first name and legal middle initial or middle name, if any, sign  
3 that candidate's nickname, provided the candidate appends to the notice of candidacy an  
4 affidavit that the candidate has been commonly known by that nickname for at least five  
5 years prior to the date of making the affidavit. The candidate shall also include with the  
6 affidavit the way the candidate's name (as permitted by law) should be listed on the ballot  
7 if another candidate with the same last name files a notice of candidacy for that office.

8 A notice of candidacy signed by an agent or any person other than the candidate  
9 himself shall be invalid.

10 (b) Time for Filing Notice of Candidacy. Candidates seeking election to the  
11 following offices shall file their notice of candidacy with the State Board of Elections no  
12 earlier than 12:00 noon on the first Monday in January and no later than 12:00 noon on  
13 the first Monday in February preceding the election:

14 Justices of the Supreme Court

15 Judges of the Court of Appeals

16 Judges of the superior courts

17 Judges of the district courts.

18 (c) Withdrawal of Notice of Candidacy. Any person who has filed a notice of  
19 candidacy for an office shall have the right to withdraw it at any time prior to the date on  
20 which the right to file for that office expires under the terms of subsection (b) of this  
21 section.

22 (d) Certificate that Candidate is Registered Voter. Candidates shall file along with  
23 their notice a certificate signed by the chairman of the board of elections or the supervisor  
24 of elections of the county in which they are registered to vote, stating that the person is  
25 registered to vote in that county, and if the county contains more than one superior court  
26 district, stating which superior court district the person is a resident of. In issuing such  
27 certificate, the chairman or supervisor shall check the registration records of the county to  
28 verify such information. During the period commencing 36 hours immediately preceding  
29 the filing deadline, the State Board of Elections shall accept, on a conditional basis, the  
30 notice of candidacy of a candidate who has failed to secure the verification ordered herein  
31 subject to receipt of verification no later than three days following the filing deadline.  
32 The State Board of Elections shall prescribe the form for such certificate, and distribute it  
33 to each county board of elections no later than the last Monday in December of each odd-  
34 numbered year.

35 (e) Candidacy for More Than One Office Prohibited. No person may file a notice  
36 of candidacy for more than one office or group of offices described in subsection (b) of  
37 this section for any one election. If a person has filed a notice of candidacy with a board  
38 of elections under this section for one office or group of offices, then a notice of  
39 candidacy may not later be filed for any other office or group of offices under this section  
40 when the election is on the same date unless the notice of candidacy for the first office is  
41 withdrawn under subsection (c) of this section.

42 **§ 163-324. Filing fees required of candidates; refunds.**

1       (a) Fee Schedule. At the time of filing a notice of candidacy under this Article,  
2 each candidate shall pay to the State Board of Elections a filing fee for the office he seeks  
3 in the amount of one per cent (1%) of the annual salary of the office sought.

4       (b) Refund of Fees. If any person who has filed a notice of candidacy and paid the  
5 filing fee prescribed in subsection (a) of this section withdraws his notice of candidacy  
6 within the period prescribed in G.S. 163-323(c), he shall be entitled to have the fee he  
7 paid refunded. The chairman of the State Board of Elections shall cause a warrant to be  
8 drawn on the State Treasurer for the refund payment.

9 **"§ 163-325. Petition in lieu of payment of filing fee.**

10       (a) General. Any qualified voter who seeks election under this Article may, in lieu  
11 of payment of any filing fee required for the office he seeks, file a written petition  
12 requesting him to be a candidate for a specified office, with the State Board of Elections.

13       (b) Requirements of Petition; Deadline for Filing. If the candidate is seeking the  
14 Office of Justice of the Supreme Court, Judge of the Court of Appeals, Superior Court  
15 Judge or District Court Judge, he shall file a written petition with the State Board of  
16 Elections no later than 12:00 noon on Monday preceding the filing deadline before the  
17 primary. The petition shall be signed by ten percent (10%) of the registered voters of the  
18 election area in which the office will be voted for. The board of elections shall verify the  
19 names on the petition, and if the petition is found to be sufficient, the candidate's name  
20 shall be printed on the appropriate primary ballot. Petitions must be presented to the  
21 county board of elections for verification at least 15 days before the petition is due to be  
22 filed with the State Board of Elections. The State Board of Elections may adopt rules to  
23 implement this section and to provide standard petition forms.

24 **"§ 163-326. Certification of notices of candidacy.**

25       (a) Names of Candidates Sent to Secretary of State. Within three days after the  
26 time for filing notices of candidacy with the State Board of Elections under the provisions  
27 of G.S. 163-323(b) has expired, the chairman or secretary of that Board shall certify to  
28 the Secretary of State the name and address of each person who has filed with the State  
29 Board of Elections, indicating in each instance the office sought.

30       (b) Notification of Local Boards. No later than 10 days after the time for filing  
31 notices of candidacy under the provisions of G.S. 163-323(b) has expired, the chairman  
32 of the State Board of Elections shall certify to the chairman of the county board of  
33 elections in each county in the appropriate district the names of candidates for  
34 nomination to the offices of Superior Court Judge and District Court Judge who have  
35 filed the required notice and paid the required filing fee or presented the required petition  
36 to the State Board of Elections, so that their names may be printed on the official judicial  
37 ballot for superior court and district court.

38       (c) Receipt of Notification by County Board. Within two days after receipt of  
39 each of the letters of certification from the chairman of the State Board of Elections  
40 required by subsection (b) of this section, each county elections board chairman shall  
41 acknowledge receipt by letter addressed to the chairman of the State Board of Elections.

42 **"§ 163-327. Death of candidates or elected officers.**

1 (a) Death of Candidate Before Primary. If a candidate for nomination in a primary  
2 dies, becomes disqualified, or withdraws before the primary but after the ballots have  
3 been printed, the State Board of Elections shall determine whether or not there is time to  
4 reprint the ballots. If the Board determines that there is not enough time to reprint the  
5 ballots, the deceased or disqualified candidate's name shall remain on the ballots. If that  
6 candidate receives enough votes for nomination, such votes shall be disregarded and the  
7 candidate receiving the next highest number of votes below the number necessary for  
8 nomination shall be declared nominated. If the death or disqualification of the candidate  
9 leaves only two candidates for each office to be filled, the nonpartisan primary shall not  
10 be held and all candidates shall be declared nominees.

11 (b) Death, Disqualification, or Resignation of Official After Election. If a person  
12 elected to the office of Justice of the Supreme Court, Judge of the Court of Appeals,  
13 district or superior court judge dies, becomes disqualified, or resigns on or after election  
14 day and before he has qualified by taking the oath of office, the office shall be deemed  
15 vacant, and shall be filled as provided by law.

16 **"§ 163-328. Failure of candidates to file; death of a candidate before election.**

17 (a) Insufficient Number of Candidates. If when the filing period expires,  
18 candidates have not filed for an office to be filled under this Article, the State Board of  
19 Elections shall extend the filing period for five days for any such offices.

20 (b) Death of Candidate; Reopening Filing. If there is no primary because only one  
21 or two candidates have filed for a single office, or the number of candidates filed for a  
22 group of offices does not exceed twice the number of positions to be filled, and thereafter  
23 a candidate dies before the election and before the ballots are printed, the State Board of  
24 Elections shall, upon notification of the death, immediately reopen the filing period for an  
25 additional five days during which time additional candidates shall be permitted to file for  
26 election. If the ballots have been printed at the time the State Board of Elections receives  
27 notice of the candidate's death, the Board shall determine whether there will be sufficient  
28 time to reprint them before the election if the filing period is reopened for three days. If  
29 the Board determines that there will be sufficient time to reprint the ballots, it shall  
30 reopen the filing period for three days to allow other candidates to file for election, and  
31 such election shall be conducted on the plurality basis.

32 (c) Death of Nominated Candidate; Ballots Not Reprinted. If the ballots have  
33 been printed at the time the State Board of Elections receives notice of a candidate's  
34 death, and if the Board determines that there is not enough time to reprint the ballots  
35 before the election if the filing period is reopened for three days, then regardless of the  
36 number of candidates remaining for the office or group of offices, the ballots shall not be  
37 reprinted and the name of the deceased candidate shall remain on the ballots. If a  
38 deceased candidate should poll the highest number of votes in the election for a single  
39 office or enough votes to be elected to one of a group of offices, the State Board of  
40 Elections shall declare the office vacant and it shall be filled in the manner provided by  
41 law.

42 **"§ 163-329. Elections to fill vacancy created after primary filing period to use**  
43 **plurality method.**

1       (a) General. If a vacancy is created in the office of Justice of the Supreme Court,  
2 Judge of the Court of Appeals, or judge of superior court after the filing period for the  
3 primary open but more than 60 days before the general election, and under the  
4 Constitution of North Carolina an election is to be held for that position, such that the  
5 office shall be filled in the general election as provided in G.S. 163-9, the election to fill  
6 the office for the remainder of the term shall be conducted without a primary using the  
7 plurality method as provided in subsection (b) of this section. If a vacancy is created in  
8 the office of Justice of the Supreme Court, Judge of the Court of Appeals, or Judge of  
9 Superior Court before the filing period for the primary opens, and under the Constitution  
10 of North Carolina an election is to be held for that position, such that the office shall be  
11 filled in the general election as provided in G.S. 163-9, the election to fill the office for  
12 the remainder of the term shall be conducted in accordance with G.S. 163-322.

13       (b) Plurality Election Rules. Elections under this section shall be conducted using  
14 the following rules:

15           (1) The filing period shall be prescribed by the State Board of Elections, but  
16 in no event may it be less than five working days. If a vacancy occurs  
17 in a second office in the same superior court district after the first filing  
18 period established under the section has closed, the State Board of  
19 Elections shall reopen filing for a period of not less than five working  
20 days for the office of superior court judge. All persons filing in either  
21 filing period shall run as a group and the election results shall be  
22 determined by subdivision (3), of this section.

23           (2) When more than one person is seeking election to single office, the  
24 candidate who receives the highest number of votes shall be declared  
25 elected.

26           (3) When more persons are seeking election to two or more offices  
27 (constituting a group) than there are offices to be filled, those candidates  
28 receiving the highest number of votes, equal in number to the number of  
29 offices to be filled, shall be declared elected.

30           (4) If two or more candidates receiving the highest number of votes each  
31 receive the same number of votes, the board of elections shall determine  
32 the winner by lot.

33           (5) Except as provided in this section, the provisions of this Article apply to  
34 elections conducted under this section.

35 **"§ 163-330. Voting in primary.**

36       Any person who will become qualified by age or residence to register and vote in the  
37 general election for which the primary is held, even though not so qualified by the date of  
38 the primary, shall be entitled to register for the primary and general election prior to the  
39 primary and then to vote in the primary after being registered. Such person may register  
40 not earlier than 60 days nor later than the last day for making application to register under  
41 G.S. 163-82.6(c) prior to the primary.

42 **"§ 163-331. Date of primary.**

1       The primary shall be held on the same date as established for primary elections under  
2 G.S. 163-1(b).

3 **"§ 163-332. Ballots.**

4       (a) General. In elections there shall be official ballots. The ballots shall be printed  
5 to conform to the requirement of G.S. 163-140(c) and to show the name of each person  
6 who has filed notice of candidacy, and the office for which each aspirant is a candidate.

7       Only those who have filed the required notice of candidacy with the proper board of  
8 elections, and who have paid the required filing fee or qualified by petition, shall have  
9 their names printed on the official primary ballots. Only those candidates properly  
10 nominated shall have their names appear on the official general election ballots.

11       (b) Ballots to be Furnished by County Board of Elections. It shall be the duty of  
12 the county board of elections to print official ballots for the following offices to be voted  
13 for in the primary:

14       Superior Court Judge, and District Court Judge.

15       In printing ballots, the county board of elections shall be governed by instructions of  
16 the State Board of Elections with regard to width, color, kind of paper, form, and size of  
17 type.

18       Three days before the election, the chairman of the county board of elections shall  
19 distribute official ballots to the chief judge of each precinct in his county, and the chief  
20 judge shall give a receipt for the ballots received. On the day of the primary, it shall be  
21 the chief judge's duty to have all the ballots so delivered available for use at the precinct  
22 voting place.

23 **"§ 163-333. Canvass.**

24       The county board of elections shall, in addition to the requirements contained in G.S.  
25 163-175, canvass the results in judicial primaries and elections, the number of legal votes  
26 cast in each precinct for each candidate, the name of each person voted for, and the total  
27 number of votes cast in the county for each person for each different office.

28 **"§ 163-334. Counting of ballots.**

29       Counting of ballots in primaries and elections held under this Article shall be under  
30 the same rules as for counting of ballots in nonpartisan municipal elections under Article  
31 24 of this Chapter.

32 **"§ 163-335. Other rules.**

33       Except as provided by this Article, the conduct of elections shall be governed by  
34 Subchapter VI of this Chapter."

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

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

40       Governor

41       Lieutenant Governor

42       All State executive officers

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

- 1 ~~Judges of the superior courts~~
- 2 ~~Judges of the district courts~~
- 3 United States Senators
- 4 Members of the House of Representatives of the United States
- 5 District attorneys

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

- 10 State Senators
- 11 Members of the State House of Representatives
- 12 All county offices."

13 Sec. 5. G.S. 163-106(d) reads as rewritten:

14 "(d) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any primary  
 15 in which there are ~~two or more vacancies for Chief Justice and associate justices of the~~  
 16 ~~Supreme Court, two or more vacancies for judge of the Court of Appeals, or two~~  
 17 ~~vacancies for United States Senator from North Carolina or two or more vacancies for the~~  
 18 ~~office of district court judge~~ to be filled by nominations, each candidate shall, at the time  
 19 of filing notice of candidacy, file with the State Board of Elections a written statement  
 20 designating the vacancy to which he seeks nomination. Votes cast for a candidate shall be  
 21 effective only for his nomination to the vacancy for which he has given notice of  
 22 candidacy as provided in this subsection.

23 A person seeking party nomination for a specialized district judgeship established  
 24 under G.S. 7A-147 shall, at the time of filing notice of candidacy, file with the State  
 25 Board of Elections a written statement designating the specialized judgeship to which he  
 26 seeks nomination."

27 Sec. 6. G.S. 163-107(a) reads as rewritten:

28 "(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate  
 29 shall pay to the board of elections with which he files under the provisions of G.S. 163-  
 30 106 a filing fee for the office he seeks in the amount specified in the following tabulation:

31 Office Sought	Amount of Filing Fee
32	
33 Governor	One percent (1%) of the annual
34	salary of the office sought
35 Lieutenant Governor	One percent (1%) of the annual
36	salary of the office sought
37 All State executive offices	One percent (1%) of the annual
38	salary of the office sought
39 <del>All Justices, Judges, and</del>	One percent (1%) of the annual
40 District Attorneys of the	salary of the office sought
41 General Court of Justice	
42 United States Senator	One percent (1%) of the annual
43	salary of the office sought



1	Members of the United States	One percent (1%) of the annual
2	House of Representatives	salary of the office sought
3	State Senator	One percent (1%) of the annual
4		salary of the office sought
5	Member of the State House of	One percent (1%) of the annual
6	Representatives	salary of the office sought
7	All county offices not	One percent (1%) of the annual
8	compensated by fees	salary of the office sought
9	County commissioners, if	Ten dollars (\$10.00)
10	compensated entirely by fees	
11	Members of county board of	Five dollars (\$5.00)
12	education, if compensated	
13	entirely by fees	
14	Sheriff, if compensated	Forty dollars(\$40.00), plus one
15	entirely by fees	percent (1%) of the income of the
16		office above four thousand
17		dollars (\$4,000)
18	Clerk of superior court, if	Forty dollars (\$40.00), plus one
19	compensated entirely by fees	percent (1%) of the income of the
20		office above four thousand
21		dollars (\$4,000)
22	Register of deeds, if	Forty dollars (\$40.00), plus one
23	compensated entirely by fees	percent (1%) of the income of the
24		office above four thousand
25		dollars(\$4,000)
26	Any other county office, if	Twenty dollars (\$20.00), plus one
27	compensated entirely by fees	percent (1%) of the income of the
28		office above two thousand dollars
29		(\$2,000)
30	All county offices compensated	One percent (1%) of the first
31	partly by salary and partly	annual salary to be received
32	by fees (exclusive of fees)." Sec. 7. G.S. 163-107.1(b) reads as rewritten:	

33 "(b) If the candidate is seeking the office of United States Senator, Governor,  
34 Lieutenant Governor, or any State executive officer, ~~Justice of the Supreme Court or~~  
35 ~~Judge of the Court of Appeals~~, the petition must be signed by 10,000 registered voters  
36 who are members of the political party in whose primary the candidate desires to run,  
37 except that in the case of a political party as defined by G.S. 163-96(a)(2) which will be  
38 making nominations by primary election, the petition must be signed by ten percent  
39 (10%) of the registered voters of the State who are affiliated with the same political party  
40 in whose primary the candidate desires to run, or in the alternative, the petition shall be  
41 signed by no less than 10,000 registered voters regardless of the voter's political party  
42 affiliation, whichever requirement is greater. The petition must be filed with the State  
43 Board of Elections not later than 12:00 noon on Monday preceding the filing deadline

1 before the primary in which he seeks to run. The names on the petition shall be verified  
2 by the board of elections of the county where the signer is registered, and the petition  
3 must be presented to the county board of elections at least 15 days before the petition is  
4 due to be filed with the State Board of Elections. When a proper petition has been filed,  
5 the candidate's name shall be printed on the primary ballot."

6 Sec. 8. G.S. 163-111(c)(1) reads as rewritten:

7 "(1) A candidate who is apparently entitled to demand a second primary,  
8 according to the unofficial results, for one of the offices listed below,  
9 and desiring to do so, shall file a request for a second primary in writing  
10 or by telegram with the Executive Secretary-Director of the State Board  
11 of Elections no later than 12:00 noon on the seventh day (including  
12 Saturdays and Sundays) following the date on which the primary was  
13 conducted, and such request shall be subject to the certification of the  
14 official results by the State Board of Elections. If the vote certification  
15 by the State Board of Elections determines that a candidate who was not  
16 originally thought to be eligible to call for a second primary is in fact  
17 eligible to call for a second primary, the Executive Secretary-Director of  
18 the State Board of Elections shall immediately notify such candidate  
19 and permit him to exercise any options available to him within a 48-  
20 hour period following the notification:

21 Governor,

22 Lieutenant Governor,

23 All State executive officers,

24 ~~Justices, Judges, or~~ District Attorneys of the General Court of  
25 Justice,

26 United States Senators,

27 Members of the United States House of Representatives,

28 State Senators in multi-county senatorial districts, and

29 Members of the State House of Representatives in multi-county  
30 representative districts."

31 Sec. 9. G.S. 163-140(a) reads as rewritten:

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

34 (1) Ballot for presidential electors

35 (2) Ballot for United States Senator

36 (3) Ballot for member of the United States House of Representatives

37 (4) State ballot

38 (5) County ballot

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

40 (7) Ballot for constitutional amendments and other propositions submitted  
41 to the people.

42 (8) Judicial ballot for Superior Court and District Court.

43 (9) Judicial ballot for Supreme Court and Court of Appeals.

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

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

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

18 ~~If the State Board of Elections divides the State ballot into two or more ballots, all~~  
19 ~~candidates for superior court shall appear on the same ballot except that the State Board~~  
20 ~~of Elections may divide the election of superior court judges into two ballots either~~  
21 ~~because of length of the ballot or to provide a separate ballot for multi seat races but only~~  
22 ~~superior court judges shall be on those ballots, and all candidates for the Appellate~~  
23 ~~Division shall appear on the same ballot."~~

24 Sec. 10. G.S. 7A-142 reads as rewritten:

25 "**§ 7A-142. Vacancies in office.**

26 A vacancy in the office of district judge shall be filled for the unexpired term by  
27 appointment of the Governor from nominations submitted by the bar of the judicial  
28 district as defined in G.S. 84-19. If the district court district is comprised of counties in  
29 more than one judicial district, the nominees shall be submitted jointly by the bars of  
30 those judicial districts, but only those members who reside in the district court district  
31 shall participate in the selection of the nominees. ~~If the district court judge was elected as~~  
32 ~~the nominee of a political party, then the~~ The district bar shall submit to the Governor the  
33 names of three persons who are residents of the district court district ~~who that~~ are duly  
34 authorized to practice law in the ~~district and who are members of the same political party~~  
35 ~~as the vacating judge; district;~~ provided that if there are not three persons who are  
36 available, the bar shall submit the names of two persons who meet the qualifications of  
37 this sentence. Within 60 days after the district bar submits nominations for a vacancy, the  
38 Governor shall appoint to fill the vacancy. If the Governor fails to appoint a district bar  
39 nominee within 60 days, then the district bar nominee who received the highest number  
40 of votes from the district bar shall fill the vacancy. If the district bar fails to submit  
41 nominations within 30 days from the date the vacancy occurs, the Governor may appoint  
42 to fill the vacancy without waiting for nominations."

43 Sec. 11. G.S. 163-107.1(c) reads as rewritten:





1 have already been printed, the provisions of G.S. 163-139 shall apply. If any person  
2 nominated as a candidate of a political party vacates such nomination and such vacancy  
3 arises from a cause other than death and the vacancy in nomination occurs more than 120  
4 days before the general election, the vacancy in nomination may be filled under this  
5 section only if the appropriate executive committee certifies the name of the nominee in  
6 accordance with this paragraph at least 75 days before the general election.

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

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

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

23 Sec. 13. G.S. 163-122 is amended by adding the following subsection:

24 "(c) This section does not apply to elections under Article 25 of this Chapter."

25 Sec. 14. G.S. 163-135 is amended by adding a new subsection to read:

26 "(f) Judicial Elections. Except as provided by Article 25 of this Chapter, this  
27 Article shall apply to and control all elections for Justice of the Supreme Court, and  
28 Judges of the Court of Appeals, the Superior Court and the District Court."

29 Sec. 15. G.S. 163-137(a) is amended by adding the following new subdivision:

30 "(4) The names of all candidates nominated under Article 25 of this  
31 Chapter."

32 Sec. 16. G.S. 163-138 reads as rewritten:

33 **"§ 163-138. Instructions for printing names on primary and election ballots.**

34 In preparing primary, general, and special election ballots, the legal name of a  
35 candidate (together with his nickname in the situation outlined below) shall be printed  
36 precisely as it appears on the notice of candidacy form filed in accordance with G.S. ~~163-~~  
37 ~~106-~~163-106, G.S. 163-323, or in petition forms filed in accordance with G.S. 163-122.  
38 If the candidate has inserted a nickname on the notice of candidacy or in the petition, it  
39 shall be printed on the ballot immediately before the candidate's surname and shall be  
40 enclosed by parentheses. Notwithstanding the previous sentence, if the candidate has  
41 used his nickname in lieu of first and middle names as permitted by G.S. 163-106(a),  
42 unless another candidate for the same office who files a notice of candidacy has the same  
43 last name, the nickname shall be printed on the ballot immediately before the candidate's

1 surname but shall not be enclosed by parentheses. If another candidate for the same  
2 office who filed a notice of candidacy has the same last name, then the candidate's name  
3 shall be printed on the ballot in accordance with the alternate indicated by the candidate  
4 on his affidavit under G.S. ~~163-106(a)~~. 163-106(a) or G.S. 163-323(a). No title,  
5 appendage, or appellation indicating rank, status, or position, shall be printed before or  
6 following or as a nickname or in connection with the name of any candidate on any  
7 ballot. Nevertheless, a candidate who is a married woman may use the prefix 'Mrs.' and a  
8 candidate who is a single woman may use the prefix 'Miss' before her name if she so  
9 elects."

10 Sec. 17. G.S. 163-140(b)(4) reads as rewritten:

11 "(4) State Ballot: Beneath the title and general instructions set out in this  
12 subsection, the ballot for single-seat contests for State officers, and for  
13 all State officers where mechanical voting machines are used (~~including~~  
14 ~~judges of the superior court~~) shall be divided into parallel columns  
15 separated by distinct black lines. The State Board of Elections shall  
16 assign a separate column to each political party having candidates for  
17 State offices and one to unaffiliated candidates, if any. At the head of  
18 each party column the party's name shall be printed in large type, and at  
19 the head of the column for unaffiliated candidates shall be printed in  
20 large type the words 'Unaffiliated Candidates.' Below the party name in  
21 each column shall be printed a circle, one-half inch in diameter, around  
22 which shall be plainly printed the following instruction: 'For a straight  
23 ticket, mark within this circle.' With distinct black lines, the State Board  
24 of Elections shall divide the columns into horizontal sections and, in the  
25 customary order of office, assign a separate section to each office or  
26 group of offices to be filled. On a single line at the top of each section  
27 shall be printed a direction as to the number of candidates for whom a  
28 vote may be cast. If candidates are to be chosen for different terms to  
29 the same office, the term in each instance shall be printed as part of the  
30 title of the office.

31 The name or names of each political party's candidate or candidates  
32 for each office listed on the ballot shall be printed in the appropriate  
33 office section of the proper party column, and the names of unaffiliated  
34 candidates shall be printed in the appropriate office section of the  
35 column headed 'Unaffiliated Candidates.' At the left of each name shall  
36 be printed a voting square, and in each column all voting squares shall  
37 be arranged in a perpendicular line.

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

41 'a. To vote for all candidates of one party (a straight ticket), make a  
42 cross (X) mark in the circle of the party for whose candidates you  
43 wish to vote.

- 1           b.     You may vote a split ticket by not marking a cross (X) mark in  
2           the party circle, but by making a cross (X) mark in the square  
3           opposite the name of each candidate for whom you wish to vote.  
4           c.     You may also vote a split ticket by marking a cross (X) mark in  
5           the party circle and then making a cross (X) mark in the square  
6           opposite the name of any candidate you choose of a different  
7           party. In any multi-seat race where a party circle is marked and  
8           you vote for candidates of another party, you must also make a  
9           cross (X) mark opposite the name of any candidate you choose of  
10          the party for which you marked the party circle to assure your  
11          vote will count.  
12          d.     If you tear or deface or wrongly mark this ballot, return it and get  
13          another.'  
14                On the bottom of the ballot shall be printed an identified  
15                facsimile of the signature of the Chairman of the State Board of  
16                Elections. If the State ballot contains no multi-seat race, then the  
17                second sentence of instruction b. shall not appear on the ballot."

18       Sec. 18. G.S. 163-140(b)(5) reads as rewritten:

- 19       "(5)   County Ballot: Beneath the title and general instructions set out in this  
20       subsection, the ballot for single-seat contests for county officers  
21       (including district attorney for the prosecutorial district in which the  
22       county is situated, ~~district judge for the district court district in which~~  
23       ~~the county is situated,~~ and members of the General Assembly in the  
24       senatorial and representative districts in which the county is situated),  
25       and for all county offices where mechanical voting machines are used,  
26       shall be divided into parallel columns separated by distinct black lines.  
27       The county board of elections shall assign a separate column to each  
28       political party having candidates for the offices on the ballot and one to  
29       unaffiliated candidates, if any. At the head of each party column the  
30       party's name shall be printed in large type and at the head of the column  
31       for unaffiliated candidates shall be printed in large type the words  
32       'Unaffiliated Candidates.' Below the party name in each column shall be  
33       printed a circle, one-half inch in diameter, around which shall be plainly  
34       printed the following instruction: 'For a straight ticket, mark within this  
35       circle.' With distinct black lines, the county board of elections shall  
36       divide the columns into horizontal sections and, in the customary order  
37       of office, assign a separate section to each office or group of offices to  
38       be filled. On a single line at the top of each section shall be printed the  
39       title of the office, and directly below the title shall be printed a direction  
40       as to the number of candidates for whom a vote may be cast. If  
41       candidates are to be chosen for different terms to the same office, the  
42       term in each instance shall be printed as part of the title of the office.



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

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

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

27           On the bottom of the ballot shall be printed an identified  
28           facsimile of the signature of the chairman of the county board of  
29           elections. If the county ballot contains no multi-seat race, then  
30           the second sentence of instruction b. shall not appear on the  
31           ballot."

32       Sec. 19. G.S. 163-140(b) is amended by adding two new subdivisions to read:

33       "(9) Judicial ballot for Supreme Court and Court of Appeals. The form of  
34       the judicial ballot for Justices of the Supreme Court and Judges of the  
35       Court of Appeals shall be prepared by the State Board of Elections. On  
36       the face of the ballot, shall be printed instructions for marking the  
37       voter's choice, in addition to the following instruction: 'If you tear or  
38       deface or wrongly mark this ballot, return it and get another.' On the  
39       bottom of the ballot shall be printed an identified facsimile of the  
40       signature of the chairman of the State Board of Elections. This ballot  
41       may not be combined with any other ballot except another judicial  
42       ballot."

1           (10) Judicial ballot for Superior Court and District Court. The form of the  
2           judicial ballot for judges of the superior court and district court shall be  
3           prepared by the county board of elections. On the face of the ballot,  
4           shall be printed instructions for marking the voter's choice, in addition  
5           to the following instruction: 'If you tear or deface or wrongly mark this  
6           ballot, return it and get another.' On the bottom of the ballot shall be  
7           printed an identified facsimile of the signature of the chairman of the  
8           responsible county board of elections. This ballot may not be combined  
9           with any other ballot except another judicial ballot."

10          Sec. 20. G.S. 163-140(c)(2) reads as rewritten:

11          "(2) Separate Ballots for Each Political Party: For each political party  
12          conducting a primary election separate ballots shall be printed, and the  
13          paper used for each party's ballots shall be different in color from that  
14          used for the ballots of other parties. Ballots for primaries held under  
15          Article 25 of this Chapter shall be different in color than the ballots of  
16          parties. Primary ballots shall not provide for voting a straight-party  
17          ticket, but a voting square shall be printed to the left of the name of each  
18          candidate appearing on the ballot."

19          Sec. 21. G.S. 163-191 reads as rewritten:

20          "**§ 163-191. Contested primaries and elections; how tie broken.**

21                 In a primary for party nomination for one or more of the offices to be canvassed by  
22                 the State Board of Elections under the provisions of G.S. 163-187, the results shall be  
23                 determined in accordance with the provisions of G.S. 163-111.

24                 In a general election for one or more of the offices to be canvassed by the State Board  
25                 of Elections under the provisions of G.S. 163-187, the persons having the highest number  
26                 of votes for each office, respectively, shall be declared duly elected to that office by the  
27                 State Board of Elections. But if two or more be equal and highest in votes for the office,  
28                 then the State Board of Elections shall order a new election for the purpose of breaking  
29                 the tie ~~vote~~. except if there is a tie for justice or judge the tie shall be broken in  
30                 accordance with Article 25 of this Chapter."

31          Sec. 22. This act is effective upon ratification.