

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 961  
Second Edition Engrossed 5/11/95

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

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF TRIAL JUDGES IN  
3 THEIR DISTRICTS, AND TO PROVIDE FOR NONPARTISAN ELECTION OF  
4 APPELLATE JUDGES.

5 The General Assembly of North Carolina enacts:

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

8 **"§ 7A-41.2. Nomination and election of Regular Superior Court Judges.**

9 Candidates for the office of Regular Superior Court Judge shall be both nominated  
10 and elected by the qualified voters of the superior court district for which the election is  
11 sought."

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

15 Sec. 3. Chapter 163 of the General Statutes is amended by adding a new  
16 Subchapter to read:

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

18 **"ARTICLE 25.**

19 **"NOMINATION AND ELECTION OF JUDGES.**

1 **"§ 163-321. Applicability.**

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

4 **"§ 163-322. Nonpartisan primary election method.**

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

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

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

29 **"§ 163-323. Notice of candidacy.**

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

33 'Date \_\_\_\_\_;

34 I hereby file notice that I am a candidate for election to the office of  
35 \_\_\_\_\_ in the regular election to be held \_\_\_\_\_,

36 \_\_\_\_\_.

37 Signed \_\_\_\_\_;

38 (Name of Candidate)

39 Witness: \_\_\_\_\_,

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

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

9 In any election in which there are two or more vacancies for associate justices of the  
10 Supreme Court, two or more vacancies for judge of the Court of Appeals, or two or more  
11 vacancies for the office of district court judge to be filled, each candidate shall, at the  
12 time of filing notice of candidacy, file with the State Board of Elections a written  
13 statement designating the vacancy to which election is sought.

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

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

20 Justices of the Supreme Court

21 Judges of the Court of Appeals

22 Judges of the superior courts

23 Judges of the district courts.

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

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

41 (e) Candidacy for More Than One Office Prohibited. No person may file a notice  
42 of candidacy for more than one office or group of offices described in subsection (b) of  
43 this section for any one election. If a person has filed a notice of candidacy with a board

1 of elections under this section for one office or group of offices, then a notice of  
2 candidacy may not later be filed for any other office or group of offices under this section  
3 when the election is on the same date unless the notice of candidacy for the first office is  
4 withdrawn under subsection (c) of this section.

5 **"§ 163-324. Filing fees required of candidates; refunds.**

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

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

14 **"§ 163-325. Petition in lieu of payment of filing fee.**

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

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

29 **"§ 163-326. Certification of notices of candidacy.**

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

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

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

5 **"§ 163-327. Death of candidates or elected officers.**

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

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

21 **"§ 163-328. Failure of candidates to file; death of a candidate before election.**

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

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

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

1 office or enough votes to be elected to one of a group of offices, the State Board of  
2 Elections shall declare the office vacant and it shall be filled in the manner provided by  
3 law.

4 **"§ 163-329. Elections to fill vacancy created after primary filing period to use**  
5 **plurality method.**

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

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

- 20 (1) The filing period shall be prescribed by the State Board of Elections, but  
21 in no event may it be less than five working days. If a vacancy occurs  
22 in a second office in the same superior court district after the first filing  
23 period established under the section has closed, the State Board of  
24 Elections shall reopen filing for a period of not less than five working  
25 days for the office of superior court judge. All persons filing in either  
26 filing period shall run as a group and the election results shall be  
27 determined by subdivision (3), of this section.
- 28 (2) When more than one person is seeking election to single office, the  
29 candidate who receives the highest number of votes shall be declared  
30 elected.
- 31 (3) When more persons are seeking election to two or more offices  
32 (constituting a group) than there are offices to be filled, those candidates  
33 receiving the highest number of votes, equal in number to the number of  
34 offices to be filled, shall be declared elected.
- 35 (4) If two or more candidates receiving the highest number of votes each  
36 receive the same number of votes, the board of elections shall determine  
37 the winner by lot.
- 38 (5) Except as provided in this section, the provisions of this Article apply to  
39 elections conducted under this section.

40 **"§ 163-330. Voting in primary.**

41 Any person who will become qualified by age or residence to register and vote in the  
42 general election for which the primary is held, even though not so qualified by the date of  
43 the primary, shall be entitled to register for the primary and general election prior to the

1 primary and then to vote in the primary after being registered. Such person may register  
2 not earlier than 60 days nor later than the last day for making application to register under  
3 G.S. 163-82.6(c) prior to the primary.

4 **"§ 163-331. Date of primary.**

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

7 **"§ 163-332. Ballots.**

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

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

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

18 Superior Court Judge, and District Court Judge.

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

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

27 **"§ 163-333. Canvass.**

28 The county board of elections shall, in addition to the requirements contained in G.S.  
29 163-175, canvass the results in judicial primaries and elections, the number of legal votes  
30 cast in each precinct for each candidate, the name of each person voted for, and the total  
31 number of votes cast in the county for each person for each different office.

32 **"§ 163-334. Counting of ballots.**

33 Counting of ballots in primaries and elections held under this Article shall be under  
34 the same rules as for counting of ballots in nonpartisan municipal elections under Article  
35 24 of this Chapter.

36 **"§ 163-335. Other rules.**

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

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

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

- 1 Governor
- 2 Lieutenant Governor
- 3 All State executive officers
- 4 ~~Justices of the Supreme Court, Judges of the Court of Appeals~~
- 5 ~~Judges of the superior courts~~
- 6 ~~Judges of the district courts~~
- 7 United States Senators
- 8 Members of the House of Representatives of the United States
- 9 District attorneys

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

- 14 State Senators
- 15 Members of the State House of Representatives
- 16 All county offices."

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

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

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

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

32 "(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate  
 33 shall pay to the board of elections with which he files under the provisions of G.S. 163-  
 34 106 a filing fee for the office he seeks in the amount specified in the following tabulation:

35 Office Sought	Amount of Filing Fee
37 Governor	One percent (1%) of the annual salary of the office sought
38 Lieutenant Governor	One percent (1%) of the annual salary of the office sought
39 All State executive offices	One percent (1%) of the annual salary of the office sought
40	
41 All Justices, Judges, and—	One percent (1%) of the annual
42	
43	



1	District Attorneys of the	salary of the office sought
2	General Court of Justice	
3	United States Senator	One percent (1%) of the annual
4		salary of the office sought
5	Members of the United States	One percent (1%) of the annual
6	House of Representatives	salary of the office sought
7	State Senator	One percent (1%) of the annual
8		salary of the office sought
9	Member of the State House of	One percent (1%) of the annual
10	Representatives	salary of the office sought
11	All county offices not	One percent (1%) of the annual
12	compensated by fees	salary of the office sought
13	County commissioners, if	Ten dollars (\$10.00)
14	compensated entirely by fees	
15	Members of county board of	Five dollars (\$5.00)
16	education, if compensated	
17	entirely by fees	
18	Sheriff, if compensated	Forty dollars(\$40.00), plus one
19	entirely by fees	percent (1%) of the income of the
20		office above four thousand
21		dollars (\$4,000)
22	Clerk of superior court, 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	Register of deeds, if	Forty dollars (\$40.00), plus one
27	compensated entirely by fees	percent (1%) of the income of the
28		office above four thousand
29		dollars(\$4,000)
30	Any other county office, if	Twenty dollars (\$20.00), plus one
31	compensated entirely by fees	percent (1%) of the income of the
32		office above two thousand dollars
33		(\$2,000)
34	All county offices compensated	One percent (1%) of the first
35	partly by salary and partly	annual salary to be received
36	by fees (exclusive of fees)." Sec. 7. G.S. 163-107.1(b) reads as rewritten:	

37 "(b) If the candidate is seeking the office of United States Senator, Governor,  
 38 Lieutenant Governor, or any State executive officer, ~~Justice of the Supreme Court or~~  
 39 ~~Judge of the Court of Appeals~~, the petition must be signed by 10,000 registered voters  
 40 who are members of the political party in whose primary the candidate desires to run,  
 41 except that in the case of a political party as defined by G.S. 163-96(a)(2) which will be  
 42 making nominations by primary election, the petition must be signed by ten percent  
 43 (10%) of the registered voters of the State who are affiliated with the same political party

1 in whose primary the candidate desires to run, or in the alternative, the petition shall be  
2 signed by no less than 10,000 registered voters regardless of the voter's political party  
3 affiliation, whichever requirement is greater. The petition must be filed with the State  
4 Board of Elections not later than 12:00 noon on Monday preceding the filing deadline  
5 before the primary in which he seeks to run. The names on the petition shall be verified  
6 by the board of elections of the county where the signer is registered, and the petition  
7 must be presented to the county board of elections at least 15 days before the petition is  
8 due to be filed with the State Board of Elections. When a proper petition has been filed,  
9 the candidate's name shall be printed on the primary ballot."

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

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

25 Governor,

26 Lieutenant Governor,

27 All State executive officers,

28 ~~Justices, Judges, or~~ District Attorneys of the General Court of  
29 Justice,

30 United States Senators,

31 Members of the United States House of Representatives,

32 State Senators in multi-county senatorial districts, and

33 Members of the State House of Representatives in multi-county  
34 representative districts."

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

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

38 (1) Ballot for presidential electors

39 (2) Ballot for United States Senator

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

41 (4) State ballot

42 (5) County ballot

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

1 (7) Ballot for constitutional amendments and other propositions submitted  
2 to the people.

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

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

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

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

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

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

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

29 **"§ 7A-142. Vacancies in office.**

30 A vacancy in the office of district judge shall be filled for the unexpired term by  
31 appointment of the Governor from nominations submitted by the bar of the judicial  
32 district as defined in G.S. 84-19. If the district court district is comprised of counties in  
33 more than one judicial district, the nominees shall be submitted jointly by the bars of  
34 those judicial districts, but only those members who reside in the district court district  
35 shall participate in the selection of the nominees. ~~If the district court judge was elected as~~  
36 ~~the nominee of a political party, then the~~ The district bar shall submit to the Governor the  
37 names of three persons who are residents of the district court district ~~who that~~ are duly  
38 authorized to practice law in the ~~district and who are members of the same political party~~  
39 ~~as the vacating judge; district;~~ provided that if there are not three persons who are  
40 available, the bar shall submit the names of two persons who meet the qualifications of  
41 this sentence. Within 60 days after the district bar submits nominations for a vacancy, the  
42 Governor shall appoint to fill the vacancy. If the Governor fails to appoint a district bar  
43 nominee within 60 days, then the district bar nominee who received the highest number

1 of votes from the district bar shall fill the vacancy. If the district bar fails to submit  
 2 nominations within 30 days from the date the vacancy occurs, the Governor may appoint  
 3 to fill the vacancy without waiting for nominations."

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

5 "(c) County, Municipal and District Primaries. – If the candidate is seeking one of  
 6 the offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this  
 7 section, or a municipal or any other office requiring a partisan primary which is not set  
 8 forth in G.S. 163-106(c) or (d), he shall file a written petition with the appropriate board  
 9 of elections no later than 12:00 noon on Monday preceding the filing deadline before the  
 10 primary. The petition shall be signed by ten percent (10%) of the registered voters of the  
 11 election area in which the office will be voted for, who are affiliated with the same  
 12 political party in whose primary the candidate desires to run, or in the alternative, the  
 13 petition shall be signed by no less than 200 registered voters regardless of said voter's  
 14 political party affiliation, whichever requirement is greater. The board of elections shall  
 15 verify the names on the petition, and if the petition is found to be sufficient, the  
 16 candidate's name shall be printed on the appropriate primary ballot. Petitions for  
 17 candidates for member of the U.S. House of Representatives, District Attorney, ~~judge of~~  
 18 ~~the District Court and judge of the Superior Court,~~ or members of the State House of  
 19 Representatives from multi-county districts or members of the State Senate from multi-  
 20 county districts must be presented to the county board of elections for verification at least  
 21 15 days before the petition is due to be filed with the State Board of Elections, and such  
 22 petition must be filed with the State Board of Elections no later than 12:00 noon on  
 23 Monday preceding the filing deadline. The State Board of Elections may adopt rules to  
 24 implement this section and to provide standard petition forms."

25 Sec. 12. G.S. 163-114 reads as rewritten:

26 **"§ 163-114. Filling vacancies among party nominees occurring after nomination and**  
 27 **before election.**

28 If any person nominated as a candidate of a political party for one of the offices listed  
 29 below (either in a primary or convention or by virtue of having no opposition in a  
 30 primary) dies, resigns, or for any reason becomes ineligible or disqualified before the  
 31 date of the ensuing general election, the vacancy shall be filled by appointment according  
 32 to the following instructions:

34	Position		Vacancy is to be filled by
35	Any elective State office		appointment of State
36	United States Senator		executive committee of
37			political party in which
38			vacancy occurs
39			
40	A district office, including:		
41	Member of the United States		
42	House of Representatives		
43	<del>Judge of superior court</del>		

1	Judge of district court		
2			Appropriate district executive
3	District Attorney		committee of political party
4	State Senator in a multi-		in which vacancy occurs
5	county senatorial district		
6	Member of State House of		
7	Representatives in a multi-		
8	county representative		
9	district		
10			
11	State Senator in a single-		County executive committee
12	county senatorial district		of political party in which
13	Member of State House of		vacancy occurs, provided, in
14	Representatives in a		the case of the State
15	single-county		Senator or State
16	representative district		Representative in a
17	Any elective county office		single-county district where
18			not all the county is
19			located in that district,
20			then in voting, only those
21			members of the county
22			executive committee who
23			reside within the
24			district shall vote
25			
26	Judge of Superior Court in a	†	County executive committee
27	<del>single county superior</del>	†	<del>of political party in</del>
28	<del>court district where the</del>	†	<del>which vacancy occurs;</del>
29	<del>district is the whole</del>	†	<del>provided, in the case of</del>
30	<del>county or part of the</del>		<del>a superior court judge in a</del>
31	<del>county</del>		<del>single county district where</del>
32			<del>not all the county is</del>
33			<del>located in that district,</del>
34			<del>then in voting, only those</del>
35			<del>members of the county</del>
36			<del>executive committee who</del>
37			<del>reside within the</del>
38			<del>district shall vote</del>
39			
40	Judge of Superior Court in a	†	Appropriate district
41	<del>multi-county superior</del>	†	<del>executive committee of</del>
42	<del>court district</del>	†	<del>political party in which</del>
43			<del>vacancy occurs.</del>

1 The party executive making a nomination in accordance with the provisions of this  
2 section shall certify the name of its nominee to the chairman of the board of elections,  
3 State or county, charged with the duty of printing the ballots on which the name is to  
4 appear. If at the time a nomination is made under this section the general election ballots  
5 have already been printed, the provisions of G.S. 163-139 shall apply. If any person  
6 nominated as a candidate of a political party vacates such nomination and such vacancy  
7 arises from a cause other than death and the vacancy in nomination occurs more than 120  
8 days before the general election, the vacancy in nomination may be filled under this  
9 section only if the appropriate executive committee certifies the name of the nominee in  
10 accordance with this paragraph at least 75 days before the general election.

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

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

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

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

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

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

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

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

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

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

37 **"§ 163-138. Instructions for printing names on primary and election ballots.**

38 In preparing primary, general, and special election ballots, the legal name of a  
39 candidate (together with his nickname in the situation outlined below) shall be printed  
40 precisely as it appears on the notice of candidacy form filed in accordance with G.S. ~~163-~~  
41 ~~106-163-106, G.S. 163-323,~~ or in petition forms filed in accordance with G.S. 163-122.  
42 If the candidate has inserted a nickname on the notice of candidacy or in the petition, it  
43 shall be printed on the ballot immediately before the candidate's surname and shall be

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

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

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

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

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

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

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

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

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



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

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

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

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

32 On the bottom of the ballot shall be printed an identified  
33 facsimile of the signature of the chairman of the county board of  
34 elections. If the county ballot contains no multi-seat race, then  
35 the second sentence of instruction b. shall not appear on the  
36 ballot."

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

38 "(9) Judicial ballot for Supreme Court and Court of Appeals. The form of  
39 the judicial ballot for Justices of the Supreme Court and Judges of the  
40 Court of Appeals shall be prepared by the State Board of Elections. On  
41 the face of the ballot, shall be printed instructions for marking the  
42 voter's choice, in addition to the following instruction: 'If you tear or  
43 deface or wrongly mark this ballot, return it and get another.' On the

1 bottom of the ballot shall be printed an identified facsimile of the  
2 signature of the chairman of the State Board of Elections. This ballot  
3 may not be combined with any other ballot except another judicial  
4 ballot."

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

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

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

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

24 "**§ 163-191. Contested primaries and elections; how tie broken.**

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

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

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