

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**HOUSE DRH70016-RR-7 (1/31)**

Short Title: Filling Candidate Vacancy. (Public)

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Sponsors: Representative Justus.

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Referred to:

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A BILL TO BE ENTITLED

AN ACT TO SIMPLIFY THE PROCESS OF FILLING A VACANCY ON A PARTY  
TICKET.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 163-114 reads as rewritten:

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

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

Position

President  
Vice President

Vacancy is to be filled by  
appointment of national executive  
committee of political party in  
which vacancy occurs

Presidential elector or  
alternate elector  
Any elective State office  
United States Senator

Vacancy is to be filled by  
appointment of State executive  
committee of political party in  
which vacancy occurs

A district office, including:  
Member of the United States

Appropriate district executive  
committee of political party in

1	House of Representatives	which vacancy occurs
2	District Attorney	
3	State Senator in a multi-county	
4	senatorial district	
5	Member of State House of	
6	Representatives in a multi-county	
7	representative district	
8		
9	State Senator in a single-county	County executive committee of
10	senatorial district	political party in which vacancy
11	Member of State House of	occurs, provided, in the case of
12	Representatives in a single-county	the State Senator or State
13	representative district	Representative in a single-county
14	Any elective county office	district where not all the county is
15		located in that district, then in
16		voting, only those members of the
17		county executive committee who
18		reside within the district shall vote
19		

20 The party executive making a nomination in accordance with the provisions of this  
 21 section shall certify the name of its nominee to the chairman of the board of elections,  
 22 State or county, ~~charged with the duty of printing the ballots on which the name is to~~  
 23 ~~appear.~~ that has jurisdiction over the ballot item under G.S. 163-182.4. If at the time a  
 24 nomination is made under this section the general election ballots have already been  
 25 printed, the provisions of G.S. 163-165.3(c) shall apply. If a vacancy occurs in a  
 26 nomination of a political party and that vacancy arises from a cause other than death and  
 27 the vacancy in nomination occurs more than 120 days before the general election, the  
 28 vacancy in nomination may be filled under this section only if the appropriate executive  
 29 committee certifies the name of the nominee in accordance with this paragraph at least  
 30 75 days before the general election.

31 In a county not all of which is located in one congressional district, in choosing the  
 32 congressional district executive committee member or members from that area of the  
 33 county, only the county convention delegates or county executive committee members  
 34 who reside within the area of the county which is within the congressional district may  
 35 vote.

36 In a county which is partly in a multi-county senatorial district or which is partly in a  
 37 multi-county House of Representatives district, in choosing that county's member or  
 38 members of the senatorial district executive committee or House of Representatives  
 39 district executive committee for the multi-county district, only the county convention  
 40 delegates or county executive committee members who reside within the area of the  
 41 county which is within that multi-county district may vote."

42 **SECTION 2.** This act is effective when it becomes law.