

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL DRH10281-LUX-25

Short Title: Reenact Nonpartisan Judicial Elections/Fund. (Public)

Sponsors: Representative John.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REENACT NONPARTISAN JUDICIAL ELECTIONS, MAKE CONFORMING
3 STATUTORY CHANGES RELATING TO REENACTMENT OF NONPARTISAN
4 JUDICIAL ELECTIONS, AND REESTABLISH PUBLIC FINANCING FOR JUDICIAL
5 CAMPAIGNS.

6 The General Assembly of North Carolina enacts:

7
8 **PART I. REENACT NONPARTISAN JUDICIAL ELECTIONS**

9 **SECTION 1.1.** Chapter 163A of the General Statutes is amended by adding a new
10 Article to read:

11 "Article 28.

12 "Nomination and Election of Appellate, Superior, and District Court Judges.

13 **"§ 163A-1700. Applicability.**

14 The nomination and election of justices of the Supreme Court, judges of the Court of Appeals,
15 and superior and district court judges of the General Court of Justice shall be as provided by this
16 Article.

17 **"§ 163A-1701. Nonpartisan primary election method.**

18 (a) General. – Except as provided in G.S. 163A-1708, there shall be a primary to narrow
19 the field of candidates to two candidates for each position to be filled if, when the filing period
20 closes, there are more than two candidates for a single office or the number of candidates for a
21 group of offices exceeds twice the number of positions to be filled. If only one or two candidates
22 file for a single office, no primary shall be held for that office and the candidates shall be declared
23 nominated. If the number of candidates for a group of offices does not exceed twice the number
24 of positions to be filled, no primary shall be held for those offices and the candidates shall be
25 declared nominated.

26 (b) Determination of Nominees. – In the primary, the two candidates for a single office
27 receiving the highest number of votes, and those candidates for a group of offices receiving the
28 highest number of votes, equal to twice the number of positions to be filled, shall be declared
29 nominated. If two or more candidates receiving the highest number of votes each receive the
30 same number of votes, the State Board shall determine their relative ranking by lot and shall
31 declare the nominees accordingly. The canvass of the primary shall be held on the same date as
32 the primary canvass fixed under G.S. 163A-1172. The canvass shall be conducted in accordance
33 with Article 20 of this Chapter.

34 (c) Determination of Election Winners. – In the election, the names of those candidates
35 declared nominated without a primary and those candidates nominated in the primary shall be
36 placed on the ballot. The candidate for a single office receiving the highest number of votes shall



1 be elected. Those candidates for a group of offices receiving the highest number of votes, equal
2 in number to the number of positions to be filled, shall be elected. If two candidates receiving the
3 highest number of votes each received the same number of votes, the State Board shall determine
4 the winner by lot.

5 **"§ 163A-1702. Notice of candidacy.**

6 (a) Form of Notice. – Each person offering to be a candidate for election shall do so by
7 filing a notice of candidacy with the State Board in the following form, inserting the words in
8 parentheses when appropriate:

9
10 Date: _____

11
12 I hereby file notice that I am a candidate for election to the office of _____ in the
13 regular election to be held _____.

14
15 Signed: _____
16 (Name of Candidate)

17
18 Witness: _____

19
20 The notice of candidacy shall be either signed in the presence of the chairman or secretary of
21 the State Board or signed and acknowledged before an officer authorized to take
22 acknowledgments who shall certify the notice under seal. An acknowledged and certified notice
23 may be mailed to the State Board. In signing a notice of candidacy, the candidate shall use only
24 the candidate's legal name and, in the candidate's discretion, any nickname by which the
25 candidate is commonly known. A candidate may also, in lieu of that candidate's first name and
26 legal middle initial or middle name, if any, sign that candidate's nickname, provided the candidate
27 appends to the notice of candidacy an affidavit that the candidate has been commonly known by
28 that nickname for at least five years prior to the date of making the affidavit. The candidate shall
29 also include with the affidavit the way the candidate's name (as permitted by law) should be listed
30 on the ballot if another candidate with the same last name files a notice of candidacy for that
31 office.

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

34 (b) Time for Filing Notice of Candidacy. – Candidates seeking election to the following
35 offices shall file their notice of candidacy with the State Board no earlier than 12:00 noon on the
36 first Monday in December and no later than 12:00 noon on the third Friday in December
37 preceding the election:

- 38 Justices of the Supreme Court.
- 39 Judges of the Court of Appeals.
- 40 Judges of the superior courts.
- 41 Judges of the district courts.

42 (c) Withdrawal of Notice of Candidacy. – Any person who has filed a notice of candidacy
43 for an office shall have the right to withdraw it at any time prior to the close of business on the
44 third business day prior to the date on which the right to file for that office expires under the
45 terms of subsection (b) of this section.

46 (d) Certificate That Candidate Is Registered Voter. – Candidates shall file, along with
47 their notice, a certificate signed by the chairman of the board of elections or the supervisor of
48 elections of the county in which they are registered to vote, stating that the person is registered
49 to vote in that county. In issuing the certificate, the chairman or supervisor shall check the
50 registration records of the county to verify the information. During the period commencing 36
51 hours immediately preceding the filing deadline, the State Board shall accept, on a conditional

1 basis, the notice of candidacy of a candidate who has failed to secure the verification required by
2 this subsection subject to receipt of verification no later than three days following the filing
3 deadline. The State Board shall prescribe the form for the certificate and distribute it to each
4 county board of elections no later than the last Monday in December of each odd-numbered year.

5 (e) Candidacy for More Than One Office Prohibited. – No person may file a notice of
6 candidacy for more than one office or group of offices described in subsection (b) of this section,
7 or for an office or group of offices described in subsection (b) of this section and an office
8 described in G.S. 163A-974, for any one election. If a person has filed a notice of candidacy with
9 a board of elections under this section or under G.S. 163A-974 for one office or group of offices,
10 then a notice of candidacy may not later be filed for any other office or group of offices under
11 this section when the election is on the same date unless the notice of candidacy for the first
12 office is withdrawn under subsection (c) of this section.

13 (f) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any election in
14 which there are two or more vacancies for the office of justice of the Supreme Court, judge of
15 the Court of Appeals, or district court judge to be filled by nominations, each candidate shall, at
16 the time of filing notice of candidacy, file with the State Board a written statement designating
17 the vacancy to which the candidate seeks election. Votes cast for a candidate shall be effective
18 only for election to the vacancy for which the candidate has given notice of candidacy as provided
19 in this subsection.

20 A person seeking election for a specialized district judgeship established under G.S. 7A-147
21 shall, at the time of filing notice of candidacy, file with the State Board a written statement
22 designating the specialized judgeship to which the person seeks nomination.

23 (g) Notice of Candidacy for Superior Court Judge; Residency. – No person may file a
24 notice of candidacy for superior court judge unless that person is at the time of filing the notice
25 of candidacy a resident of the judicial district as it will exist at the time the person would take
26 office if elected. No person may be nominated as a superior court judge under G.S. 163A-987
27 unless that person is at the time of nomination a resident of the judicial district as it will exist at
28 the time the person would take office if elected. This subsection implements Article IV, Section
29 9(1) of the North Carolina Constitution which requires regular Superior Court Judges to reside
30 in the district for which elected.

31 **"§ 163A-1703. Filing fees required of candidates; refunds.**

32 (a) Fee Schedule. – At the time of filing a notice of candidacy under this Article, each
33 candidate shall pay to the State Board a filing fee for the office the candidate seeks in the amount
34 of one percent (1%) of the annual salary of the office sought.

35 (b) Refund of Fees. – If any person who has filed a notice of candidacy and paid the filing
36 fee prescribed in subsection (a) of this section withdraws his or her notice of candidacy within
37 the period prescribed in G.S. 163A-1702(c), the candidate shall be entitled to have the fee the
38 candidate paid refunded. The chairman of the State Board shall cause a warrant to be drawn on
39 the State Treasurer for the refund payment.

40 (c) Refund of Fees Upon Death of Candidate. – If any person who has filed a notice of
41 candidacy and paid the filing fee prescribed in subsection (a) of this section dies prior to the date
42 of the election, the personal representative of the estate shall be entitled to have the fee refunded
43 if application is made to the board of elections to which the fee was paid no later than one year
44 after the date of death and refund shall be made in the same manner as the withdrawal of notice
45 of candidacy.

46 **"§ 163A-1704. Petition in lieu of payment of filing fee.**

47 (a) General. – Any qualified voter who seeks election under this Article may, in lieu of
48 payment of any filing fee required for the office sought, file a written petition requesting to be a
49 candidate for a specified office with the State Board.

50 (b) Requirements of Petition; Deadline for Filing. – If the candidate is seeking the office
51 of justice of the Supreme Court, judge of the Court of Appeals, or superior or district court judge,

1 that individual shall file a written petition with the State Board no later than 12:00 noon on
2 Monday preceding the filing deadline before the primary. If the office is justice of the Supreme
3 Court or judge of the Court of Appeals, the petition shall be signed by 8,000 registered voters in
4 the State. If the office is superior or district court judge, the petition shall be signed by five percent
5 (5%) of the registered voters of the election area in which those registered voters will vote for
6 that office. The board of elections shall verify the names on the petition, and if the petition and
7 notice of candidacy are found to be sufficient, the candidate's name shall be printed on the
8 appropriate ballot. Petitions shall be presented to the county board of elections for verification at
9 least 15 days before the petition is due to be filed with the State Board. The State Board may
10 adopt rules to implement this section and to provide standard petition forms.

11 **"§ 163A-1705. Certification of notices of candidacy.**

12 (a) Names of Candidates Sent to Secretary of State. – Within three days after the time for
13 filing notices of candidacy with the State Board under the provisions of G.S. 163A-1702(b) has
14 expired, the chairman or secretary of that Board shall certify to the Secretary of State the name
15 and address of each person who has filed with the State Board, indicating in each instance the
16 office sought.

17 (b) Notification of Local Boards. – No later than 10 days after the time for filing notices
18 of candidacy under the provisions of G.S. 163A-1702(b) has expired, the chairman of the State
19 Board shall certify to the chairman of the county board of elections in each county in the
20 appropriate district the names of candidates for nomination to the offices of justice of the
21 Supreme Court, judge of the Court of Appeals, and superior and district court judge who have
22 filed the required notice and paid the required filing fee or presented the required petition to the
23 State Board, so that their names may be printed on the official judicial ballot for justice of the
24 Supreme Court, judge of the Court of Appeals, and superior and district court judge.

25 (c) Receipt of Notification by County Board. – Within two days after receipt of each of
26 the letters of certification from the chairman of the State Board required by subsection (b) of this
27 section, each county board of elections chairman shall acknowledge receipt by letter addressed
28 to the chairman of the State Board.

29 **"§ 163A-1706. Rules when vacancies for superior court judge are to be voted on.**

30 If a vacancy occurs in a judicial district for any offices of superior court judge, and on account
31 of the occurrence of the vacancy there is to be an election for one or more terms in that district
32 to fill the vacancy or vacancies, at that same election in accordance with G.S. 163A-717 and
33 Article IV, Section 19 of the North Carolina Constitution, the nomination and election shall be
34 determined by the following special rules in addition to any other provisions of law:

- 35 (1) If the vacancy occurs prior to the opening of the filing period under
36 G.S. 163A-1702(b), nominations shall be made by primary election as
37 provided by this Article, without designation as to the vacancy.
- 38 (2) If the vacancy occurs beginning on opening of the filing period under
39 G.S. 163A-1702(b), and ending on the sixtieth day before the general election,
40 candidate filing shall be as provided by G.S. 163A-1708 without designation
41 as to the vacancy.
- 42 (3) The general election ballot shall contain, without designation as to vacancy,
43 spaces for the election to fill the vacancy where nominations were made or
44 candidates filed under subdivision (1) or (2) of this section. Except as provided
45 in G.S. 163A-1708, the persons receiving the highest numbers of votes equal
46 to the term or terms to be filled shall be elected to the term or terms.

47 **"§ 163A-1707. Failure of candidates to file; death or other disqualification of a candidate;**
48 **no withdrawal from candidacy.**

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

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

10 (c) Earlier Non-Primary Vacancies; Reopening Filing. – If there is no primary because
11 only one or two candidates have filed for a single office, or the number of candidates filed for a
12 group of offices does not exceed twice the number of positions to be filled, or if a primary has
13 occurred and eliminated candidates, and thereafter a remaining candidate dies or otherwise
14 becomes disqualified before the election and before the ballots are printed, the State Board shall,
15 upon notification of the death or other disqualification, immediately reopen the filing period for
16 an additional five days during which time additional candidates shall be permitted to file for
17 election. If the ballots have been printed at the time the State Board receives notice of the
18 candidate's death or other disqualification, the State Board shall determine whether there will be
19 sufficient time to reprint them before the election if the filing period is reopened for three days.
20 If the State Board determines that there will be sufficient time to reprint the ballots, it shall reopen
21 the filing period for three days to allow other candidates to file for election, and that election
22 shall be conducted as provided in G.S. 163A-1708(b).

23 (d) Later Vacancies; Ballots Not Reprinted. – If the ballots have been printed at the time
24 the State Board receives notice of a candidate's death or other disqualification, and if the Board
25 determines that there is not enough time to reprint the ballots before the election if the filing
26 period is reopened for three days, then regardless of the number of candidates remaining for the
27 office or group of offices, the ballots shall not be reprinted and the name of the vacated candidate
28 shall remain on the ballots. If a vacated candidate should poll the highest number of votes in the
29 election for a single office or enough votes to be elected to one of a group of offices, the State
30 Board shall declare the office vacant and it shall be filled in the manner provided by law.

31 (e) No Withdrawal Permitted of Living, Qualified Candidate After Close of Filing. –
32 After the close of the candidate filing period, a candidate who has filed a notice of candidacy for
33 the office, who has not withdrawn notice before the close of filing as permitted by
34 G.S. 163A-1702(b), who remains alive, and has not become disqualified for the office may not
35 withdraw his or her candidacy. That candidate's name shall remain on the ballot, any votes cast
36 for the candidacy shall be counted in primary or election, and if the candidate wins, the candidate
37 may fail to qualify by refusing to take the oath of office.

38 (f) Death, Disqualification, or Failure to Qualify After Election. – If a person elected to
39 the office of justice of the Supreme Court, judge of the Court of Appeals, or superior or district
40 court judge dies or becomes disqualified on or after election day and before the person has
41 qualified by taking the oath of office, or fails to qualify by refusing to take the oath of office, the
42 office shall be deemed vacant and shall be filled as provided by law.

43 **"§ 163A-1708. Elections to fill vacancy in office created after primary filing period opens.**

44 (a) General. – If a vacancy is created in the office of justice of the Supreme Court, judge
45 of the Court of Appeals, or judge of superior court after the filing period for the primary opens
46 but more than 60 days before the general election, and under the Constitution of North Carolina
47 an election is to be held for that position, such that the office shall be filled in the general election
48 as provided in G.S. 163A-717, the election to fill the office for the remainder of the term shall be
49 conducted without a primary using the method provided in subsection (b) of this section. If a
50 vacancy is created in the office of justice of the Supreme Court, judge of the Court of Appeals,
51 or judge of superior court before the filing period for the primary opens, and under the

1 Constitution of North Carolina an election is to be held for that position, such that the office shall
2 be filled in the general election as provided in G.S. 163A-717, the election to fill the office for
3 the remainder of the term shall be conducted in accordance with G.S. 163A-1701.

4 (b) Method for Vacancy Election. – If a vacancy for the office of justice of the Supreme
5 Court, judge of the Court of Appeals, or judge of superior court occurs more than 60 days before
6 the general election and after the opening of the filing period for the primary, then the State Board
7 shall designate a special filing period of one week for candidates for the office. If more than two
8 candidates file and qualify for the office in accordance with G.S. 163A-1702, then the Board
9 shall conduct the election for the office as follows:

10 (1) When the vacancy described in this section occurs more than 63 days before
11 the date of the second primary for members of the General Assembly, a special
12 primary shall be held on the same day as the second primary. The two
13 candidates with the most votes in the special primary shall have their names
14 placed on the ballot for the general election held on the same day as the general
15 election for members of the General Assembly.

16 (2) When the vacancy described in this section occurs less than 64 days before
17 the date of the second primary, a general election for all the candidates shall
18 be held on the same day as the general election for members of the General
19 Assembly and the results shall be determined on a plurality basis as provided
20 by G.S. 163A-1616.

21 (c) Applicable Provisions. – Except as provided in this section, the provisions of this
22 Article apply to elections conducted under this section.

23 **"§ 163A-1709. Voting in primary.**

24 Any person who will become qualified by age or residence to register and vote in the general
25 election for which the primary is held, even though not so qualified by the date of the primary,
26 shall be entitled to register for the primary and general election prior to the primary and then to
27 vote in the primary after being registered. The person may register not earlier than 60 days nor
28 later than the last day for making application to register under G.S. 163A-865(d) prior to the
29 primary.

30 **"§ 163A-1710. Date of primary.**

31 The primary shall be held on the same date as established for primary elections under
32 G.S. 163A-700(b).

33 **"§ 163A-1711. Ballots.**

34 (a) General. – In elections there shall be official ballots. The ballots shall be printed to
35 conform to the requirement of G.S. 163A-1114(c) and to show the name of each person who has
36 filed notice of candidacy and the office for which each aspirant is a candidate.

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

41 (b) Ballots to Be Furnished by County Board of Elections. – It shall be the duty of the
42 county board of elections to print official ballots for the following offices to be voted for in the
43 primary:

44 Justice of the Supreme Court.

45 Judge of the Court of Appeals.

46 Superior court judge.

47 District court judge.

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

50 Three days before the election, the chairman of the county board of elections shall distribute
51 official ballots to the chief judge of each precinct in the chairman's county, and the chief judge

1 shall give a receipt for the ballots received. On the day of the primary, it shall be the chief judge's
2 duty to have all the ballots so delivered available for use at the precinct voting place.

3 **"§ 163A-1712. Counting of ballots.**

4 Counting of ballots in primaries and elections held under this Article shall be under the same
5 rules as for counting of ballots in nonpartisan municipal elections under Part 2 of Article 27 of
6 this Chapter.

7 **"§ 163A-1713. Other rules.**

8 Except as provided by this Article, the conduct of elections shall be governed by Article 20
9 of this Chapter."

10 **SECTION 1.2.** This Part becomes effective with respect to primaries and elections
11 held on or after January 1, 2020.

12
13 **PART II. CONFORMING STATUTORY CHANGES**

14 **SECTION 2.1.** G.S. 18C-112(e)(1) reads as rewritten:

15 "(e) If any member takes any of the following actions, the member vacates office as a
16 member of the Commission and the vacancy shall be filled as provided by G.S. 18C-111(c):

- 17 (1) Files a notice of candidacy under G.S. 163A-972 through 163A-978 or
18 G.S. 163A-1702 or a petition under ~~G.S. 163A-980~~G.S. 163A-980 or
19 G.S. 163A-1704."

20 **SECTION 2.2.** G.S. 163A-700(b) reads as rewritten:

21 "(b) On Tuesday next after the first Monday in March preceding each general election to
22 be held in November for the officers referred to in subsection (a) of this section, there shall be
23 held in all election precincts within the territory for which the officers are to be elected a primary
24 election for the purpose of nominating candidates for each political party in the State for those
25 ~~offices~~offices and nonpartisan candidates as to the offices elected under the provisions of Article
26 28 of this Chapter."

27 **SECTION 2.3.** G.S. 163A-743 reads as rewritten:

28 **"§ 163A-743. State Board littering notification.**

29 At the time an individual files with the State Board a notice of candidacy pursuant to
30 G.S. 163A-972, 163A-973, 163A-974, 163A-975, 163A-976, 163A-977, and 163A-978,
31 163A-985, 163A-1615, ~~or 163A-1620~~, 163A-1620, or 163A-1702, is certified to the State Board
32 by a political party executive committee to fill a nomination vacancy pursuant to G.S. 163A-987,
33 is certified to the State Board by a new political party as that party's nominee pursuant to
34 G.S. 163A-953, qualifies with the State Board as an unaffiliated or write-in candidate pursuant
35 to Part 2 of Article 19 of this Chapter, or formally initiates a candidacy with the State Board
36 pursuant to any statute or local act, the State Board shall notify the candidate of the provisions
37 concerning campaign signs in G.S. 136-32 and G.S. 14-156, and the rules adopted by the
38 Department of Transportation pursuant to G.S. 136-18."

39 **SECTION 2.4.** G.S. 163A-873 reads as rewritten:

40 **"§ 163A-873. Confidentiality of date of birth.**

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

- 43 (1) When a voter has filed notice of candidacy for elective office under
44 G.S. 163A-972, 163A-973, 163A-974, 163A-975, 163A-976, 163A-977, and
45 163A-978, 163A-1005, 163A-1006, ~~or 163A-1620~~, 163A-1620, or
46 163A-1702, has been nominated as a candidate under G.S. 163A-953 or
47 G.S. 163A-987, or has otherwise formally become a candidate for elective
48 office. The exception of this subdivision does not extend to an individual who
49 meets the definition of "candidate" only by beginning a tentative candidacy
50 by receiving funds or making payments or giving consent to someone else to

1 receive funds or transfer something of value for the purpose of exploring a
2 candidacy.

3"

4 **SECTION 2.5.** G.S. 163A-974(a) reads as rewritten:

5 "(a) Candidates seeking party primary nominations for the following offices shall file their
6 notice of candidacy with the State Board no earlier than 12:00 noon on the first Monday in
7 December and no later than 12:00 noon on the third Friday in December preceding the primary:

8 Governor

9 Lieutenant Governor

10 All State executive officers

11 ~~Justices of the Supreme Court~~

12 ~~Judges of the Court of Appeals~~

13 ~~Judges of the superior court~~

14 ~~Judges of the district court~~

15 United States Senators

16 Members of the House of Representatives of the United States

17 ~~District attorneys~~attorneys."

18 **SECTION 2.6.** G.S. 163A-975 reads as rewritten:

19 **"§ 163A-975. Notice of candidacy for certain offices to indicate vacancy.**

20 In any primary in which there are ~~two or more vacancies for associate justices for the Supreme~~
21 ~~Court, two or more vacancies for the Court of Appeals, two or more vacancies for superior or~~
22 ~~district court judge, or two vacancies for United States Senator from North Carolina, each~~
23 candidate shall, at the time of filing notice of candidacy, file with the State Board a written
24 statement designating the vacancy to which the candidate seeks nomination. The designation
25 shall not be the name or names of any incumbent or other individual but shall be designated as
26 determined by the State Board. ~~A person seeking election for a specialized district judgeship~~
27 ~~established under G.S. 7A-147 shall, at the time of filing notice of candidacy, file with the State~~
28 ~~Board a written statement designating the specialized judgeship to which the person seeks~~
29 ~~nomination.~~ Votes cast for a candidate shall be effective only for nomination to the vacancy for
30 which the candidate has given notice of candidacy as provided in this section."

31 **SECTION 2.7.** G.S. 163A-977 reads as rewritten:

32 **"§ 163A-977. Certificate of registration to vote in county and party affiliation; cancellation**
33 **of candidacy; residency requirements for judges.**candidacy.

34 (a) Candidates required to file their notice of candidacy with the State Board under
35 G.S. 163A-974 shall file along with their notice a certificate signed by the chairman of the board
36 of elections or the director of elections of the county in which they are registered to vote, stating
37 that the person is registered to vote in that county, ~~if the candidacy is for superior court judge and~~
38 ~~the county contains more than one superior court district, stating the superior court district of~~
39 ~~which the person is a resident,~~ stating the party with which the person is affiliated, and that the
40 person has not changed ~~his~~ the person's affiliation from another party or from unaffiliated within
41 three months prior to the filing deadline under G.S. 163A-974. In issuing such certificate, the
42 chairman or director shall check the registration records of the county to verify such information.
43 During the period commencing 36 hours immediately preceding the filing deadline the State
44 Board shall accept, on a conditional basis, the notice of candidacy of a candidate who has failed
45 to secure the verification ordered herein subject to receipt of verification no later than three days
46 following the filing deadline. The State Board ~~of Elections~~ shall prescribe the form for such
47 certificate, and distribute it to each county board of elections no later than the last Monday in
48 December of each odd-numbered year.

49 (b) When any candidate files a notice of candidacy with a board of elections under
50 G.S. 163A-974 or under G.S. 163A-1615(2), the board of elections shall, immediately upon
51 receipt of the notice of candidacy, inspect the registration records of the county, and cancel the

1 notice of candidacy of any person who does not meet the constitutional or statutory qualifications
 2 for the office, including residency.

3 The board shall give notice of cancellation to any candidate whose notice of candidacy has
 4 been cancelled under this section by mail or by having the notice served on ~~him~~ the candidate by
 5 the sheriff, and to any other candidate filing for the same office. A candidate who has been
 6 adversely affected by a cancellation or another candidate for the same office affected by a
 7 substantiation under this section may request a hearing on the cancellation. If the candidate
 8 requests a hearing, the hearing shall be conducted in accordance with Part 3 of Article 19 of this
 9 Chapter.

10 ~~(e) No person may file a notice of candidacy for superior court judge, unless that person
 11 is, at the time of filing the notice of candidacy, a resident of the judicial district as it will exist at
 12 the time the person would take office if elected. No person may be nominated as a superior court
 13 judge under G.S. 163A-987, unless that person is, at the time of nomination, a resident of the
 14 judicial district as it will exist at the time the person would take office if elected. This subsection
 15 implements Section 9(1) of Article IV of the North Carolina Constitution, which requires regular
 16 superior court judges to reside in the district for which elected."~~

17 **SECTION 2.8.** G.S. 163A-979(a) reads as rewritten:

18 "(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate shall pay
 19 to the board of elections with which the candidate files under the provisions of G.S. 163A-972,
 20 163A-973, 163A-974, 163A-975, 163A-976, 163A-977, and 163A-978, a filing fee for the office
 21 sought in the amount specified in the following tabulation:

Office Sought	Amount of Filing Fee
22 Governor	One percent (1%) of the annual salary of the 23 office sought
24 Lieutenant Governor	One percent (1%) of the annual salary of the 25 office sought
26 All State executive offices	One percent (1%) of the annual salary of the 27 office sought
28 All Justices, Judges, and District 29 Attorneys of the General Court 30 of Justice	One percent (1%) of the annual salary of the 31 office sought
32 United States Senator	One percent (1%) of the annual salary of the 33 office sought
34 Members of the United States House 35 of Representatives	One percent (1%) of the annual salary of the 36 office sought
36 State Senator	One percent (1%) of the annual salary of the 37 office sought
38 Member of the State House 39 of Representatives	One percent (1%) of the annual salary of the 40 office sought
40 All county offices not compensated 41 by fees	One percent (1%) of the annual salary of the 42 office sought
42 All county offices compensated partly 43 by salary and partly by fees	One percent (1%) of the first annual 44 salary to be received (exclusive of fees)

45 The salary of any office that is the basis for calculating the filing fee is the starting salary for
 46 the office, rather than the salary received by the incumbent, if different. If no starting salary can
 47 be determined for the office, then the salary used for calculation is the salary of the incumbent,
 as of January 1 of the election year."

48 **SECTION 2.9.** G.S. 163A-980 reads as rewritten:

49 **"§ 163A-980. Petition in lieu of payment of filing fee.**

50 (a) Any qualified voter who seeks nomination in the party primary of the political party
 51 with which ~~he~~ the qualified voter affiliates may, in lieu of payment of any filing fee required for

1 the office ~~he seeks, sought,~~ file a written petition requesting ~~him~~ to be a candidate for a specified
2 office with the appropriate board of elections, State, county or municipal.

3 (b) If the candidate is seeking the office of United States Senator, Governor, Lieutenant
4 Governor, ~~or any State executive officer, Justice of the Supreme Court, or Judge of the Court of~~
5 ~~Appeals, officer,~~ the petition must be signed by 10,000 registered voters who are members of the
6 political party in whose primary the candidate desires to run, except that in the case of a political
7 party as defined by G.S. 163A-950(a)(2) which will be making nominations by primary election,
8 the petition must be signed by five percent (5%) of the registered voters of the State who are
9 affiliated with the same political party in whose primary the candidate desires to run, or in the
10 alternative, the petition shall be signed by no less than 8,000 registered voters regardless of the
11 voter's political party affiliation, whichever requirement is greater. The petition must be filed
12 with the State Board not later than 12:00 noon on Monday preceding the filing deadline before
13 the primary in which he seeks to run. The names on the petition shall be verified by the board of
14 elections of the county where the signer is registered, and the petition must be presented to the
15 county board of elections at least 15 days before the petition is due to be filed with the State
16 Board. When a proper petition has been filed, the candidate's name shall be printed on the primary
17 ballot.

18 (c) County, Municipal and District Primaries. – If the candidate is seeking one of the
19 offices set forth in G.S. 163A-974 but which is not listed in subsection (b) of this section, or a
20 municipal or any other office requiring a partisan primary which is not set forth in G.S. 163A-974
21 or 163A-975, the candidate shall file a written petition with the appropriate board of elections no
22 later than 12:00 noon on Monday preceding the filing deadline before the primary. The petition
23 shall be signed by five percent (5%) of the registered voters of the election area in which the
24 office will be voted for, who are affiliated with the same political party in whose primary the
25 candidate desires to run, or in the alternative, the petition shall be signed by no less than 200
26 registered voters regardless of said voter's political party affiliation, whichever requirement is
27 greater. The board of elections shall verify the names on the petition, and if the petition is found
28 to be sufficient, the candidate's name shall be printed on the appropriate primary ballot. Petitions
29 for candidates for member of the U.S. House of Representatives, District Attorney, ~~judge of the~~
30 ~~superior court, judge of the district court,~~ and members of the State House of Representatives
31 from multi-county districts or members of the State Senate from multi-county districts must be
32 presented to the county board of elections for verification at least 15 days before the petition is
33 due to be filed with the State Board, and such petition must be filed with the State Board no later
34 than 12:00 noon on Monday preceding the filing deadline. The State Board may adopt rules to
35 implement this section and to provide standard petition forms.

36"

37 **SECTION 2.10.** G.S. 163A-981(b) reads as rewritten:

38 "(b) No later than 10 days after the time for filing notices of candidacy under the
39 provisions of G.S. 163A-974 has expired, the chairman of the State Board shall certify to the
40 chairman of the county board of elections in each county in the appropriate district the names of
41 candidates for nomination to the ~~following offices~~ office of district attorney who have filed the
42 required notice and pledge and paid the required filing fee to the State Board, so that their names
43 may be printed on the official county ~~ballots: Superior court judge, district court judge, and~~
44 ~~district attorney ballots.~~"

45 **SECTION 2.11.** G.S. 163A-984(c)(1) reads as rewritten:

46 "(c) Procedure for Requesting Second Primary. –

47 (1) A candidate who is apparently entitled to demand a second primary, according
48 to the unofficial results, for one of the offices listed below, and desiring to do
49 so, shall file a request for a second primary in writing with the Executive
50 Director of the State Board no later than 12:00 noon on the ninth day
51 (including Saturdays and Sundays) following the date on which the primary

1 was conducted, and such request shall be subject to the certification of the
 2 official results by the State Board. If the vote certification by the State Board
 3 determines that a candidate who was not originally thought to be eligible to
 4 call for a second primary is in fact eligible to call for a second primary, the
 5 Executive Director of the State Board shall immediately notify such candidate
 6 and permit the candidate to exercise any options available to the candidate
 7 within a 48-hour period following the notification:

- 8 Governor,
- 9 Lieutenant Governor,
- 10 All State executive officers,
- 11 ~~Justices, Judges, or~~ District Attorneys of the General Court of Justice,
- 12 United States Senators,
- 13 Members of the United States House of Representatives,
- 14 State Senators in multi-county senatorial districts, and
- 15 Members of the State House of Representatives in multi-county
 16 representative districts."

17 **SECTION 2.12.** G.S. 163A-987 reads as rewritten:

18 **"§ 163A-987. Filling vacancies among party nominees occurring after nomination and**
 19 **before election.**

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

24 Position

25
 26 President Vice President Vacancy is to be filled by appointment of
 27 national executive committee of
 28 political party in which vacancy occurs
 29
 30

31 Presidential elector or alternate elector Vacancy is to be filled by appointment of
 32 Any elective State office State executive committee of political
 33 United States Senator party in which vacancy occurs
 34

35 A district office, including: Appropriate district executive committee of
 36 Member of the United States House political party in which vacancy occurs
 37 of Representatives

38 ~~Judge of district court~~

39 District Attorney
 40 State Senator in a multi-county
 41 senatorial district
 42 Member of State House of
 43 Representatives in a multi-county
 44 representative district
 45

46 State Senator in a single- county County executive committee of political
 47 senatorial district party in which vacancy occurs,
 48 Member of State House of provided, in the case of the State
 49 Representatives in a single-county Senator or State Representative in a
 50 representative district single-county district where not all the
 51 Any elective county office county is located in that district, then in

voting, only those members of the county executive committee who reside within the district shall vote

Judge of superior court in a single county judicial district where the district is the whole county or part of the county

County executive committee of political party in which vacancy occurs; provided, in the case of a superior court judge in a single county district where not all the county is located in that district, then in voting, only those members of the county executive committee who reside within the district shall vote

Judge of superior court in a multicounty judicial district

Appropriate district executive committee of political party in which vacancy occurs.

The party executive making a nomination in accordance with the provisions of this section shall certify the name of its nominee to the chairman of the board of elections, State or county, that has jurisdiction over the ballot item under G.S. 163A-1171. If at the time a nomination is made under this section the general election ballots have already been printed, the provisions of G.S. 163A-1107(c) shall apply. If a vacancy occurs in a nomination of a political party and that vacancy arises from a cause other than death and the vacancy in nomination occurs more than 120 days before the general election, the vacancy in nomination may be filled under this section only if the appropriate executive committee certifies the name of the nominee in accordance with this paragraph at least 75 days before the general election.

(b) ~~In a county which is partly in a multicounty judicial district, in choosing that county's member or members of the judicial district executive committee for the multicounty district, only the county convention delegates or county executive committee members who reside within the area of the county which is within that multicounty district may vote.~~

...."

SECTION 2.13. G.S. 163A-1005 is amended by adding a new subsection to read: "**§ 163A-1005. Unaffiliated candidates nominated by petition.**

...

(c1) This section does not apply to elections under Article 28 of this Chapter.

...."

SECTION 2.14. G.S. 163A-1006(h) reads as rewritten:

"(h) Municipal Elections Excluded. – This section does not apply to municipal elections conducted under Article 27 of this Chapter. Chapter and does not apply to nonpartisan elections except for elections under Article 28 of this Chapter."

SECTION 2.15. G.S. 163A-1112(a)(3) reads as rewritten:

"(a) Except as provided in this section, each official ballot shall contain all the following elements:

...

- (3) The names of the candidates as they appear on their notice of candidacy filed pursuant to G.S. 163A-972, 163A-973, 163A-974, 163A-975, 163A-976, 163A-977, ~~and~~ 163A-978, and 163A-1702, or on petition forms filed in accordance with G.S. 163A-1005. No title, appendage, or appellation indicating rank, status, or position shall be printed on the official ballot in connection with the candidate's name. Candidates, however, may use the title Mr., Mrs., Miss, or Ms. Nicknames shall be permitted on an official ballot if

1 used in the notice of candidacy or qualifying petition, but the nickname shall
2 appear according to standards adopted by the State Board. Those standards
3 shall allow the presentation of legitimate nicknames in ways that do not
4 mislead the voter or unduly advertise the candidacy. In the case of candidates
5 for presidential elector, the official ballot shall not contain the names of the
6 candidates for elector but instead shall contain the nominees for President and
7 Vice President which the candidates for elector represent. The State Board
8 shall establish a review procedure that local boards of elections shall follow
9 to ensure that candidates' names appear on the official ballot in accordance
10 with this subdivision.

11"

12 **SECTION 2.16.** G.S. 163A-1114(c) reads as rewritten:

13 "(c) Order of Candidates on Official Ballots. – The order in which candidates shall appear
14 on official ballots in any election ballot item shall be either alphabetical order or reverse
15 alphabetical order by the last name of the candidate, which order shall be determined each
16 election by drawing at the State Board of Elections and Ethics Enforcement after the closing of
17 the filing period for all offices on the ballot."

18 **SECTION 2.17.** This Part becomes effective with respect to primaries and elections
19 held on or after January 1, 2020.

20 **PART III. REESTABLISH JUDICIAL CAMPAIGN FUND**

21 **SECTION 3.1.** G.S. 163A-1520 is recodified as G.S. 163A-1520.9.

22 **SECTION 3.2.** Article 24 of Chapter 163A of the General Statutes is amended by
23 adding the following new sections to read:

24 **"§ 163A-1520.1. Purpose of the North Carolina Public Campaign Fund.**

25 The purpose of this Article is to ensure the fairness of democratic elections in North Carolina
26 and to protect the constitutional rights of voters and candidates from the detrimental effects of
27 increasingly large amounts of money being raised and spent to influence the outcome of
28 elections, those effects being especially problematic in elections of the judiciary, since
29 impartiality is uniquely important to the integrity and credibility of the courts. Accordingly, this
30 Article establishes the North Carolina Public Campaign Fund as an alternative source of
31 campaign financing for candidates who demonstrate public support and voluntarily accept strict
32 fund-raising and spending limits. This Article is available to candidates for justice of the Supreme
33 Court and judge of the Court of Appeals in elections to be held in 2020 and thereafter.

34 **"§ 163A-1520.2. Definitions.**

35 The following definitions apply in this Article:

- 36 (1) Board. – The State Board of Elections.
- 37 (2) Candidate. – An individual who becomes a candidate as described in
38 G.S. 163A-1411(9). The term includes a political committee authorized by the
39 candidate for that candidate's election.
- 40 (3) Certified candidate. – A candidate running for office who chooses to receive
41 campaign funds from the Fund and who is certified under
42 G.S. 163A-1520.4(c).
- 43 (4) Contested primary and contested general election. – An election in which
44 there are more candidates than the number to be elected. A distribution from
45 the Fund pursuant to this Article is not a "contribution" and is not subject to
46 the limitations of G.S. 163A-1425 or the prohibitions of G.S. 163A-1430 or
47 G.S. 163A-1436.
- 48 (5) Contribution. – Defined in G.S. 163A-1411. A distribution from the Fund
49 pursuant to this Article is not a "contribution" and is not subject to the
50

1 limitations of G.S. 163A-1425 or the prohibitions of G.S. 163A-1430 or
2 G.S. 163A-1436.

3 (6) Electioneering communication. – As defined in G.S. 163A-1411, except that
4 it is made during the period beginning 30 days before absentee ballots become
5 available for a primary and ending on primary election day and during the
6 period 60 days before absentee ballots become available for a general election
7 and ending on general election day.

8 (7) Expenditure. – Defined in G.S. 163A-1411.

9 (8) Fund. – The North Carolina Public Campaign Fund established in
10 G.S. 163A-1520.3.

11 (9) Independent expenditure. – Defined in G.S. 163A-1411.

12 (10) Maximum qualifying contributions. – An amount of qualifying contributions
13 equal to 60 times the filing fee for candidacy for the office.

14 (11) Minimum qualifying contributions. – An amount of qualifying contributions
15 equal to 30 times the filing fee for candidacy for the office.

16 (12) Nonparticipating candidate. – A candidate running for office who is not
17 seeking to be certified under G.S. 163A-1520.4(c).

18 (13) Office. – A position on the North Carolina Court of Appeals or North Carolina
19 Supreme Court.

20 (14) Participating candidate. – A candidate for office who has filed a declaration
21 of intent to participate under G.S. 163A-1520.4.

22 (15) Political committee. – Defined in G.S. 163A-1411.

23 (16) Qualifying contribution. – A contribution of not less than ten dollars (\$10.00)
24 and not more than five hundred dollars (\$500.00) in the form prescribed for
25 noncash monetary contributions in G.S. 163A-1428(b) to the candidate or the
26 candidate's committee that meets both of the following conditions:

27 a. Made by an individual who is a registered voter in this State at the time
28 of the submittal of the report specified in G.S. 163A-1520.4(c).

29 b. Made during the qualifying period and obtained with the approval of
30 the candidate or candidate's committee.

31 (17) Qualifying period. – The period beginning September 1 in the year before the
32 election and ending on the day of the primary of the election year.

33 (18) Referendum committee. – Defined in G.S. 163A-1411.

34 (19) Trigger for matching funds. – The dollar amount at which matching funds are
35 released for certified candidates. In the case of a primary, the trigger equals
36 the maximum qualifying contributions for participating candidates. In the case
37 of a contested general election, the trigger equals the base level of funding
38 available under G.S. 163A-1520.6(b)(4).

39 **§ 163A-1520.3. North Carolina Public Campaign Fund established; sources of funding.**

40 (a) Establishment of Fund. – The North Carolina Public Campaign Fund is established to
41 finance the election campaigns of certified candidates for office and to pay administrative and
42 enforcement costs of the Board related to this Article. The Fund is a special, dedicated,
43 nonlapsing, nonreverting fund. All expenses of administering this Article, including production
44 and distribution of the Voter Guide required by G.S. 163A-1520.9 and personnel and other costs
45 incurred by the Board, including public education about the Fund, shall be paid from the Fund
46 and not from the General Fund. Any interest generated by the Fund is credited to the Fund. The
47 Board shall administer the Fund.

48 (b) Sources of Funding. – Money received from all the following sources shall be
49 deposited in the Fund:

50 (1) Designations made to the Public Campaign Fund by individual taxpayers
51 pursuant to G.S. 105-159.3.

1 (2) Public Campaign Fund revenues distributed for an election that remain
2 unspent or uncommitted at the time the recipient is no longer a certified
3 candidate in the election.

4 (3) Money ordered returned to the Public Campaign Fund in accordance with
5 G.S. 163A-1520.10.

6 (4) Voluntary donations made directly to the Public Campaign Fund.
7 Corporations, other business entities, labor unions, and professional
8 associations may make donations to the Fund.

9 (5) Money collected from the fifty-dollar (\$50.00) surcharge on attorney
10 membership fees in G.S. 84-34.

11 (c) Determination of Fund Amount. – By October 1, 2020, and every two years thereafter,
12 the State Board shall prepare and provide to the Joint Legislative Elections Oversight Committee
13 a report documenting, evaluating, and making recommendations relating to the administration,
14 implementation, and enforcement of this Article. In its report, the Board shall set out the funds
15 received to date and the expected needs of the Fund for the next election.

16 **"§ 163A-1520.4. Requirements for participation; certification of candidates.**

17 (a) Declaration of Intent to Participate. – Any individual choosing to receive campaign
18 funds from the Fund shall first file with the Board a declaration of intent to participate under this
19 Article as a candidate for a stated office. The declaration of intent shall be filed before or during
20 the qualifying period and before collecting any qualifying contributions. In the declaration, the
21 candidate shall swear or affirm that only one political committee, identified with its treasurer,
22 shall handle all contributions, expenditures, and obligations for the participating candidate and
23 that the candidate will comply with the contribution and expenditure limits set forth in subsection
24 (d) of this section and all other requirements set forth in this Article or adopted by the Board.
25 Failure to comply is a violation of this Article.

26 (b) Demonstration of Support of Candidacy. – Participating candidates who seek
27 certification to receive campaign funds from the Fund shall first, during the qualifying period,
28 obtain qualifying contributions from at least 350 registered voters in an aggregate sum that at
29 least equals the amount of minimum qualifying contributions described in G.S. 163A-1520.2(11)
30 but that does not exceed the amount of maximum qualifying contributions described in
31 G.S. 163A-1520.2(10).

32 No payment, gift, anything of value, or the opportunity to win anything of value shall be
33 given in exchange for a qualifying contribution.

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

37 (1) Signed and filed a declaration of intent to participate in this Article.

38 (2) Submitted a report itemizing the appropriate number of qualifying
39 contributions received from registered voters, which the Board shall verify
40 through a random sample or other means it adopts. The report shall include
41 the county of residence of each registered voter listed.

42 (3) Filed a valid notice of candidacy pursuant to Article 28 of this Chapter.

43 (4) Otherwise met the requirements for participation in this Article.

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

47 (d) Restrictions on Contributions and Expenditures for Participating and Certified
48 Candidates. – The following restrictions shall apply to contributions and expenditures with
49 respect to participating and certified candidates:

50 (1) Beginning January 1 of the year before the election and before the filing of a
51 declaration of intent, a candidate for office may accept in contributions up to

1 ten thousand dollars (\$10,000) from sources and in amounts permitted by
2 Article 23 of this Chapter and may expend up to ten thousand dollars
3 (\$10,000) for any campaign purpose. A candidate who exceeds either of these
4 limits shall be ineligible to file a declaration of intent or receive funds from
5 the Public Campaign Fund.

6 (2) From the filing of a declaration of intent through the end of the qualifying
7 period, a candidate may accept only qualifying contributions, contributions
8 under ten dollars (\$10.00) from North Carolina voters, and personal and
9 family contributions permitted under subdivision (4) of this subsection. The
10 total contributions the candidate may accept during this period shall not
11 exceed the maximum qualifying contributions for that candidate. In addition
12 to these contributions, the candidate may only expend during this period the
13 remaining money raised pursuant to subdivision (1) of this subsection and
14 possible matching funds received pursuant to G.S. 163A-1520.8. Except for
15 personal and family contributions permitted under subdivision (4) of this
16 subsection, multiple contributions from the same contributor to the same
17 candidate shall not exceed five hundred dollars (\$500.00).

18 (3) After the qualifying period and through the date of the general election, the
19 candidate shall expend only the funds the candidate receives from the Fund
20 pursuant to G.S. 163A-1520.6(b)(4) plus any funds remaining from the
21 qualifying period and possible matching funds.

22 (4) During the qualifying period, the candidate may contribute up to one thousand
23 dollars (\$1,000) of that candidate's own money to the campaign. Debt incurred
24 by the candidate for a campaign expenditure shall count toward that limit. The
25 candidate may accept in contributions one thousand dollars (\$1,000) from
26 each member of that candidate's family consisting of spouse, parent, child,
27 brother, and sister. Up to five hundred dollars (\$500.00) of a contribution from
28 the candidate's family member may be treated as a qualifying contribution if
29 it meets the requirements of G.S. 163A-1520.2(16)a. and b.

30 (5) A candidate and the candidate's committee shall limit the use of all revenues
31 permitted by this subsection to expenditures for campaign-related purposes
32 only. The Board shall publish guidelines outlining permissible
33 campaign-related expenditures. In establishing those guidelines, the Board
34 shall differentiate expenditures that reasonably further a candidate's campaign
35 from expenditures for personal use that would be incurred in the absence of
36 the candidacy. In establishing the guidelines, the Board shall review relevant
37 provisions of the Federal Election Campaign Act, and rules adopted pursuant
38 to it, and similar provisions in other states.

39 (6) Any contribution received by a participating or certified candidate that falls
40 outside that permitted by this subsection shall be returned to the donor as soon
41 as practicable. Contributions intentionally made, solicited, or accepted in
42 violation of this Article are subject to civil penalties as specified in
43 G.S. 163A-1520.10. The funds involved shall be forfeited to the Civil Penalty
44 and Forfeiture Fund.

45 (7) A candidate shall return to the Fund any amount distributed for an election
46 that is unspent and uncommitted at the date of the election, or at the time the
47 individual ceases to be a certified candidate, whichever occurs first. For
48 accounting purposes, all qualifying, personal, and family contributions shall
49 be considered spent before revenue from the Fund is spent or committed.

50 (e) Revocation. – A candidate may revoke, in writing to the Board, a decision to
51 participate in the Public Campaign Fund at any time before the deadline set by the Board for the

1 candidate's submission of information for the Voter Guide described in G.S. 163A-1520.9. After
2 a timely revocation, that candidate may accept and expend outside the limits of this Article
3 without violating this Article. Within 10 days after revocation, a candidate shall return to the
4 State Board all money received from the Fund.

5 **"§ 163A-1520.5. Special participation provisions for candidates in vacancy elections.**

6 (a) Participation Provisions Modified. – Candidates involved in elections described in
7 G.S. 163A-1708 may participate in the Fund subject to the provisions of G.S. 163A-1520.4 as
8 modified by this section. The Board shall adapt other provisions of this Article, including
9 G.S. 163A-1520.8, to those elections.

10 (b) Qualifying. – The Board shall designate a special qualifying period of no less than
11 four weeks for these candidates, beginning at the close of the notice-of-candidacy filing period.
12 To receive certification, a participating candidate shall raise at least 225 qualifying contributions,
13 totaling at least 20 times the amount of the filing fee for the office, for a four-week qualifying
14 period. If the Board sets a longer qualifying period, then for each additional week that the
15 qualifying period extends beyond four weeks, the minimum number of qualifying contributions
16 required for certification shall increase by 25, and the minimum amount of the qualifying
17 contributions shall increase by two times the filing fee. The minimum qualifying contributions
18 shall not exceed the limit set by G.S. 163A-1520.4(b).

19 (c) Allocations. – Certified candidates shall receive one percent (1%) of the funding to
20 which they would be eligible under G.S. 163A-1520.6 times the number of calendar days
21 between the end of the special qualifying period and the day of the general election. That amount
22 shall not exceed one hundred percent (100%) of the funding to which they would be eligible
23 under G.S. 163A-1520.6.

24 **"§ 163A-1520.6. Distribution from the Fund.**

25 (a) Timing of Fund Distribution. – The Board shall distribute to a certified candidate
26 revenue from the Fund in an amount determined under subdivision (b)(4) of this section within
27 five business days after the certified candidate's name is approved to appear on the ballot in a
28 contested general election, but no earlier than five business days after the primary.

29 (b) Amount of Fund Distribution. – By August 1, 2020, and no less frequently than every
30 two years thereafter, the Board shall determine the amount of funds, rounded to the nearest one
31 hundred dollars (\$100.00), to be distributed to certified candidates as follows:

32 (1) Uncontested primaries. – No funds shall be distributed.

33 (2) Contested primaries. – No funds shall be distributed except as provided in
34 G.S. 163A-1520.8.

35 (3) Uncontested general elections. – No funds shall be distributed.

36 (4) Contested general elections. – Funds shall be distributed to a certified
37 candidate for a position on the Court of Appeals in an amount equal to 125
38 times the candidate's filing fee as set forth in G.S. 163A-1703. Funds shall be
39 distributed to a certified candidate for a position on the Supreme Court in an
40 amount equal to 175 times the candidate's filing fee as set forth in
41 G.S. 163A-1703.

42 (c) Method of Fund Distribution. – The Board, in consultation with the State Treasurer
43 and the State Controller, shall develop a rapid, reliable method of conveying funds to certified
44 candidates. In all cases, the Board shall distribute funds to certified candidates in a manner that
45 is expeditious, ensures accountability, and safeguards the integrity of the Fund. If the money in
46 the Fund is insufficient to fully fund all certified candidates, then the available money shall be
47 distributed proportionally, according to each candidate's eligible funding, and the candidate may
48 raise additional money in the same manner as a noncertified candidate for the same office up to
49 the unfunded amount of the candidate's eligible funding.

50 **"§ 163A-1520.7. Reporting requirements.**

1 (a) Reporting by Noncertified Candidates and Other Entities. – Any noncertified
2 candidate with a certified opponent shall report total contributions received to the Board by
3 facsimile machine or electronically within 24 hours after the total amount of contributions
4 received exceeds eighty percent (80%) of the trigger for matching funds as defined in
5 G.S. 163A-1520.2(19). Any entity making independent expenditures in support of or opposition
6 to a certified candidate or in support of a candidate opposing a certified candidate, or paying for
7 electioneering communications, referring to one of those candidates, shall report the total
8 expenditures or payments made to the Board by facsimile machine or electronically within 24
9 hours after the total amount of expenditures or payments made for the purpose of making the
10 independent expenditures or electioneering communications exceeds five thousand dollars
11 (\$5,000). After the initial 24-hour filing, the noncertified candidate or other reporting entity shall
12 comply with an expedited reporting schedule. The schedule and forms for reports required by
13 this subsection shall be supplied by the Board.

14 (b) Reporting by Participating and Certified Candidates. – Notwithstanding other
15 provisions of law, participating and certified candidates shall report any money received,
16 including all previously unreported qualifying contributions, all campaign expenditures,
17 obligations, and related activities to the Board according to procedures developed by the Board.
18 A certified candidate who ceases to be certified or ceases to be a candidate or who loses an
19 election shall file a final report with the Board and return any unspent revenues received from
20 the Fund. In developing these procedures, the Board shall utilize existing campaign reporting
21 procedures whenever practical.

22 (c) Timely Access to Reports. – The Board shall ensure prompt public access to the
23 reports received in accordance with this Article. The Board may utilize electronic means of
24 reporting and storing information.

25 **"§ 163A-1520.8. Matching funds.**

26 (a) When Matching Funds Become Available. – When any report or group of reports
27 shows that "funds in opposition to a certified candidate or in support of an opponent to that
28 candidate" as described in this section, exceed the trigger for matching funds as defined in
29 G.S. 163A-1520.2(19), the Board shall issue immediately to that certified candidate an additional
30 amount equal to the reported excess within the limits set forth in this section. "Funds in opposition
31 to a certified candidate or in support of an opponent to that candidate" shall be equal to the sum
32 of subdivisions (1) and (2) as follows:

33 (1) The greater of the following:

34 a. Campaign expenditures or obligations made, or funds raised or
35 borrowed, whichever is greater, reported by any one nonparticipating
36 candidate who is an opponent of a certified candidate. Where a
37 certified candidate has more than one nonparticipating candidate as an
38 opponent, the measure shall be taken from the nonparticipating
39 candidate showing the highest relevant dollar amount.

40 b. The funds distributed in accordance with G.S. 163A-1520.6(b) to a
41 certified opponent of the certified candidate.

42 (2) The aggregate total of all expenditures and payments reported in accordance
43 with G.S. 163A-1520.7(a) of entities making independent expenditures or
44 electioneering communications in opposition to the certified candidate or in
45 support of any opponent of that certified candidate.

46 (b) Limit on Matching Funds Before Date of Primary. – Total matching funds to a
47 certified candidate before the date of the primary shall be limited to an amount equal to two times
48 the maximum qualifying contributions for the office sought. Matching funds are available to a
49 certified candidate with an opponent in the primary or to a certified candidate who is clearly
50 referred to in expenditures reportable under G.S. 163A-1520.6 made in opposition to that
51 candidate.

1 (c) Limit on Matching Funds in Contested General Election. – Total matching funds to a
2 certified candidate in a contested general election shall be limited to an amount equal to two
3 times the amount described in G.S. 163A-1520.6(b)(4).

4 (d) Expedited Distribution of Matching Funds. – When a candidate becomes entitled to
5 any amount of matching funds under subsection (a) of this section, the Board shall authorize the
6 issuance of that amount to the candidate as soon as practicable. The Department of
7 Administration shall transfer that amount to the candidate as soon as practicable and in no event
8 later than 12 hours after receiving notice from the Board that the candidate has become entitled
9 to it. The Department of Administration shall develop a method of rapidly transferring funds to
10 a candidate or otherwise fulfilling the requirements of this subsection in conjunction with the
11 Board. The candidate shall return to the Board as soon as practicable any amount of the matching
12 funds that the candidate has not spent at the date of the election or at the time the individual
13 ceases to be a certified candidate, whichever occurs first.

14 (e) Determinations by Board. – In the case of electioneering communications, the Board
15 shall determine which candidate, if any, is entitled to receive matching funds as a result of the
16 communication. The Board shall issue matching funds based on the communication only if it
17 ascertains that the communication is susceptible of no reasonable interpretation other than as an
18 appeal to vote for or against a specific candidate. In making its determination, the Board shall
19 not consider evidence external to the communication itself of the intent of the sponsor or the
20 effect of the communication. The Board shall notify each candidate it determines is entitled to
21 receive matching funds based on those communications, the sponsor of those communications,
22 and any candidate who is an opponent of the candidate it determines is entitled to the matching
23 funds. The Board shall give the sponsor of the communication and any opposing candidate an
24 adequate opportunity to rebut the determination of the Board. In considering the rebuttal, all
25 candidates in the race and the sponsor shall be given adequate and equal opportunity to be heard.
26 The Board shall adopt procedures for implementing this subsection, balancing in those
27 procedures adequacy of opportunity to rebut and adequacy and equality of opportunity to be
28 heard on the rebuttal with the need to expedite the decision on awarding matching funds. The
29 Board shall distribute the matching funds, if any, at the conclusion of its process.

30 (f) Proportional Measuring of Multicandidate Communications. – In calculating the
31 amount of matching funds a certified candidate is eligible to receive under this section, the Board
32 shall include the proportion of expenditures, obligations, or payments for multicandidate
33 communications that pertain to the candidate.

34 (g) No Matching Funds for Certain Communications Involving All Candidates. – No
35 matching funds are available under this section as a result of an expenditure that supports all
36 candidates for the same office or opposes all candidates for the same office. No matching funds
37 are available under this section as a result of an electioneering communication that the Board
38 ascertains is susceptible of no reasonable interpretation other than as an appeal to vote for all
39 candidates for the same office or to vote against all candidates for the same office.

40 **§ 163A-1520.9. Civil penalty.**

41 In addition to any other penalties that may be applicable, any individual, political committee,
42 or other entity that violates any provision of this Article is subject to a civil penalty of up to ten
43 thousand dollars (\$10,000) per violation or three times the amount of any financial transactions
44 involved in the violation, whichever is greater. In addition to any fine, for good cause shown, a
45 candidate found in violation of this Article may be required to return to the Fund all amounts
46 distributed to the candidate from the Fund. If the Board makes a determination that a violation
47 of this Article has occurred, the Board shall calculate and assess the amount of the civil penalty
48 and shall notify the entity that is assessed the civil penalty of the amount that has been assessed.
49 The Board shall then proceed in the manner prescribed in G.S. 163A-1451. In determining
50 whether or not a candidate is in violation of this Article, the Board may consider as a mitigating
51 factor any circumstances out of the candidate's control."

1 **SECTION 3.3.** G.S. 163A-1520.9, as recodified by Section 3.1 of this Part, reads as
2 rewritten:

3 **"§ 163A-1520.9. Voter education.**

4 (a) Judicial Voter Guide. – The ~~State~~ Board shall publish a Judicial Voter Guide that
5 explains the functions of the appellate courts and the laws concerning the election of appellate
6 judges, the purpose and function of the Public Campaign Fund, and the laws concerning voter
7 registration. The ~~State~~ Board shall distribute the Guide to as many voting-age individuals in the
8 State as practical, through a mailing to all residences or other means it deems effective. The
9 distribution shall occur no more than 28 days nor fewer than seven days before the one-stop
10 voting period provided in G.S. 163A-1300, 163A-1301, 163A-1302, 163A-1303, and 163A-1304
11 for the primary and no more than 28 days nor fewer than seven days before the one-stop voting
12 period provided in G.S. 163A-1300, 163A-1301, 163A-1302, 163A-1303, and 163A-1304 for
13 the general election.

14 (b) Candidate Information. – The Judicial Voter Guide shall include information
15 concerning all candidates for the Supreme Court and the Court of Appeals, as provided by those
16 candidates according to a format provided to the candidates by the Board. The ~~State~~ Board shall
17 request information for the Guide from each candidate according to the following format:

- 18 (1) Place of residence.
- 19 (2) Education.
- 20 (3) Occupation.
- 21 (4) Employer.
- 22 (5) Date admitted to the bar.
- 23 (6) Legal/judicial experience.
- 24 (7) Candidate statement. Concerning that statement, the Board shall send to the
25 candidates instructions as follows: "Your statement may include information
26 such as your qualifications, your endorsements, your ratings, why you are
27 seeking judicial office, why you would make a good judge, what distinguishes
28 you from your opponent(s), your acceptance of spending and fund-raising
29 limits to qualify to receive funds from the Public Campaign Fund, and any
30 other information relevant to your candidacy. The State Board of Elections
31 will reject any portion of any statement which it determines contains obscene,
32 profane, or defamatory language. The candidate shall have three days to
33 resubmit the candidate statement if the State Board of Elections rejects a
34 portion of the ~~statement~~.statement."

35 The entire entry for a candidate shall be limited to 250 words.

36 (c) Disclaimer. – The Judicial Voter Guide shall contain the following statement:
37 "Statements by candidates do not express or reflect the opinions of the ~~Bipartisan State Board of~~
38 ~~Elections and Ethics Enforcement.~~"State Board of Elections."

39 **SECTION 3.4.** G.S. 84-34 reads as rewritten:

40 **"§ 84-34. Membership fees and list of members.**

41 Every active member of the North Carolina State Bar shall, prior to the first day of July of
42 each year, pay to the secretary-treasurer an annual membership fee in an amount determined by
43 the Council but not to exceed three hundred dollars (\$300.00), plus a surcharge of fifty dollars
44 (\$50.00) for the implementation of Article 24 of Chapter 163A of the General Statutes, and every
45 member shall notify the secretary-treasurer of the member's correct mailing address. Any
46 member who fails to pay the required dues by the last day of June of each year shall be subject
47 to a late fee in an amount determined by the Council but not to exceed thirty dollars (\$30.00).
48 All dues for prior years shall be as were set forth in the General Statutes then in effect. The
49 membership fee shall be regarded as a service charge for the maintenance of the several services
50 authorized by this Article, and shall be in addition to all fees required in connection with
51 admissions to practice, and in addition to all license taxes required by law. The fee shall not be

1 prorated: Provided, that no fee shall be required of an attorney licensed after this Article shall
2 have gone into effect until the first day of January of the calendar year following that in which
3 the attorney was licensed; but this proviso shall not apply to attorneys from other states admitted
4 on certificate. The fees shall be disbursed by the secretary-treasurer on the order of the Council.
5 The fifty-dollar (\$50.00) surcharge shall be sent on a monthly schedule to the State Board of
6 Elections. The secretary-treasurer shall annually, at a time and in a law magazine or daily
7 newspaper to be prescribed by the Council, publish an account of the financial transactions of
8 the Council in a form to be prescribed by it. The secretary-treasurer shall compile and keep
9 currently correct from the names and mailing addresses forwarded to the secretary-treasurer and
10 from any other available sources of information a list of members of the North Carolina State
11 Bar and furnish to the clerk of the superior court in each county, not later than the first day of
12 October in each year, a list showing the name and address of each attorney for that county who
13 has not complied with the provisions of this Article. The name of each of the active members
14 who are in arrears in the payment of membership fees shall be furnished to the presiding judge
15 at the next term of the superior court after the first day of October of each year, by the clerk of
16 the superior court of each county wherein the member or members reside, and the court shall
17 thereupon take action that is necessary and proper. The names and addresses of attorneys so
18 certified shall be kept available to the public. The Secretary of Revenue is hereby directed to
19 supply the secretary-treasurer, from records of license tax payments, with any information for
20 which the secretary-treasurer may call in order to enable the secretary-treasurer to comply with
21 this requirement.

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

25 **SECTION 3.5.** G.S. 105-159.2 is reenacted as it existed immediately before its
26 repeal and reads as rewritten:

27 "**§ 105-159.2. Designation of tax to North Carolina Public Campaign Fund.**

28 (a) Allocation to the North Carolina Public Campaign Fund. – To ensure the financial
29 viability of the North Carolina Public Campaign Fund established in Article ~~22D of Chapter 163~~
30 24 of Chapter 163A of the General Statutes, the Department must allocate to that Fund three
31 dollars (\$3.00) from the income taxes paid each year by each individual with an income tax
32 liability of at least that amount, if the individual agrees. A taxpayer must be given the opportunity
33 to indicate an agreement or objection to that allocation in the manner described in subsection (b)
34 of this section. In the case of a married couple filing a joint return, each individual must have the
35 option of agreeing or objecting to the allocation. The amounts allocated under this subsection to
36 the Fund must be credited to it on a monthly basis.

37"

38 **SECTION 3.6.** G.S. 163A-1410 reads as rewritten:

39 "**§ 163A-1410. Scope of Article; severability.**

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

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

48 This section applies to Articles ~~and [Article] 24 and 26 of the General Statutes~~ this Chapter
49 to the same extent that it applies to this Article."

50 **SECTION 3.7.** G.S. 163A-1425 is amended by adding a new subsection to read:

1 "(k) In order to make meaningful the provisions of Article 24 of this Chapter, the following
2 provisions shall apply with respect to candidates for justice of the Supreme Court and judge of
3 the Court of Appeals:

4 (1) No candidate shall accept, and no contributor shall make to that candidate, a
5 contribution in any election exceeding one thousand dollars (\$1,000) except
6 as provided for elsewhere in this subsection.

7 (2) A candidate may accept, and a family contributor may make to that candidate,
8 a contribution not exceeding two thousand dollars (\$2,000) in an election if
9 the contributor is that candidate's parent, child, brother, or sister.

10 As used in this subsection, "candidate" is also a political committee authorized by the
11 candidate for that candidate's election. Nothing in this subsection shall prohibit a candidate or
12 the spouse of that candidate from making a contribution or loan secured entirely by that
13 individual's assets to that candidate's own campaign."

14 **SECTION 3.8.** Section 38.1(a) of S.L. 2013-381 reads as rewritten:

15 ~~"SECTION 38.1.(a) Article 22D of Chapter 163 of the General Statutes is repealed, except~~
16 ~~that G.S. 163-278.69 is repealed effective upon exhaustion of the funds for publication of the~~
17 ~~Judicial Voter Guide, repealed."~~

18 **SECTION 3.9.** Section 38.1(l) of S.L. 2013-381 is repealed.

19 **SECTION 3.10.** Section 38.1(m) of S.L. 2013-381 is repealed.

20 **SECTION 3.11.** Section 38.1(o) of S.L. 2013-381 is repealed.

21 **SECTION 3.12.** Section 3.2 of this Part is effective when it becomes law, provided
22 that distributions from the Fund shall begin in the 2020 election year. Section 3.5 of this Part is
23 effective for taxable years beginning on or after January 1, 2020. The remainder of this Part
24 becomes effective January 1, 2020.

25 **PART IV. SEVERABILITY AND EFFECTIVE DATE**

26 **SECTION 4.1.** The provisions of this act are severable. If any provision of this act
27 is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions
28 of the act that can be given effect without the invalid provision.

29 **SECTION 4.2.** This Part is effective when it becomes law. Except as otherwise
30 provided, this act is effective when it becomes law.
31