

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 452
Committee Substitute Favorable 6/3/11

Short Title: Judicial Elections Changes.

(Public)

Sponsors:

Referred to:

March 24, 2011

A BILL TO BE ENTITLED

AN ACT TO ELIMINATE "INSTANT RUNOFF" VOTING FOR JUDICIAL OFFICES WHEN LATE VACANCIES OCCUR AND INSTEAD DETERMINE THE RESULTS OF THE VACANCY ELECTION BY PLURALITY, TO REPEAL PUBLIC CAMPAIGN FINANCING FOR COUNCIL OF STATE RACES, AND TO RESTORE JUDICIAL ELECTIONS TO A PARTISAN BASIS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-329 reads as rewritten:

"§ 163-329. Elections to fill vacancy in office created after primary filing period opens.

(a) General. – If a vacancy is created in the office of justice of the Supreme Court, judge of the Court of Appeals, or judge of superior court after the filing period for the primary opens but more than 60 days before the general election, and under the Constitution of North Carolina an election is to be held for that position, such that the office shall be filled in the general election as provided in G.S. 163-9, the election to fill the office for the remainder of the term shall be conducted without a primary using the method provided in subsection (b1) of this section. If a vacancy is created in the office of justice of the Supreme Court, judge of the Court of Appeals, or judge of superior court before the filing period for the primary opens, and under the Constitution of North Carolina an election is to be held for that position, such that the office shall be filled in the general election as provided in G.S. 163-9, the election to fill the office for the remainder of the term shall be conducted in accordance with G.S. 163-322.

(b) Repealed by Session Laws 2006-192, s. 8(a), effective August 3, 2006, and applicable to vacancies occurring on or after that date.

(b1) Method for Vacancy Election. – If a vacancy for the office of justice of the Supreme Court, judge of the Court of Appeals, or judge of the superior court occurs more than 60 days before the general election and after the opening of the filing period for the primary, then the State Board of Elections shall designate a special filing period of one week for candidates for the office. If more than two candidates file and qualify for the office in accordance with G.S. 163-323, then the Board shall conduct the election for the office as follows:

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

(2) When the vacancy described in this section occurs less than 64 days before the date of the second primary, a general election for all the candidates shall



1 be held on the same day as the general election for members of the General
2 Assembly and the plurality method of determining the results shall be used,
3 as follows:

4 a. When more than one person is seeking election to a single office, the
5 candidate who receives the highest number of votes shall be declared
6 elected.

7 b. When more persons are seeking election to two or more offices as
8 superior court judge (constituting a group) than there are offices to be
9 filled, those candidates receiving the highest numbers of votes, equal
10 in number to the number of offices to be filled, shall be declared
11 elected.

12 ~~"instant runoff voting" method shall be used to determine the winner. Under~~
13 ~~"instant runoff voting," voters rank up to three of the candidates by order of~~
14 ~~preference, first, second, or third. If the candidate with the greatest number~~
15 ~~of first-choice votes receives more than fifty percent (50%) of the~~
16 ~~first-choice votes, that candidate wins. If no candidate receives that~~
17 ~~minimum number, the two candidates with the greatest number of~~
18 ~~first-choice votes advance to a second round of counting. In this round, each~~
19 ~~ballot counts as a vote for whichever of the two final candidates is ranked~~
20 ~~highest by the voter. The candidate with the most votes in the second round~~
21 ~~wins the election. If more than one seat is to be filled in the same race, the~~
22 ~~voter votes the same way as if one seat were to be filled. The counting is the~~
23 ~~same as when one seat is to be filled, with one or two rounds as needed,~~
24 ~~except that counting is done separately for each seat to be filled. The first~~
25 ~~count results in the first winner. Then the second count proceeds without the~~
26 ~~name of the first winner. This process results in the second winner. For each~~
27 ~~additional seat to be filled, an additional count is done without the names of~~
28 ~~the candidates who have already won. In multi-seat contests, the State Board~~
29 ~~of Elections may give the voter more than three choices.~~

30 (3) If two or more candidates receiving the highest number of votes each receive
31 the same number of votes, the board of elections shall resolve the tie in
32 accordance with G.S. 163-182.8.

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

35 (d) Rules. – The State Board of Elections shall adopt rules for the implementation of
36 this section. The rules are not subject to Article 2A of Chapter 150B of the General Statutes.
37 ~~The rules shall include the following:~~

38 (1) ~~If after the first-choice candidate is eliminated, a ballot does not indicate one~~
39 ~~of the uneliminated candidates as an alternative choice, the ballot is~~
40 ~~exhausted and shall not be counted after the initial round.~~

41 (2) ~~The fact that the voter does not designate a second or third choice does not~~
42 ~~invalidate the voter's higher choice or choices.~~

43 (3) ~~The fact that the voter gives more than one ranking to the same candidate~~
44 ~~shall not invalidate the vote. The highest ranking given a particular candidate~~
45 ~~shall count as long as the candidate is not eliminated.~~

46 (4) ~~In case of a tie between candidates such that two or more candidates have an~~
47 ~~equal number of first choices and more than two candidates qualify for the~~
48 ~~second round, instant runoff voting shall be used to determine which two~~
49 ~~candidates shall advance to the second round."~~

50 **SECTION 2.(a)** Article 22J of Chapter 163 of the General Statutes is repealed.

51 **SECTION 2.(b)** G.S. 163-278.5 reads as rewritten:

"§ 163-278.5. Scope of Article; severability.

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

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

This section applies to Articles 22B, 22D, 22E, 22F, 22G, 22H, ~~22J~~, and 22M of the General Statutes to the same extent that it applies to this Article."

SECTION 2.(c) G.S. 163-278.13(e4) is repealed.

SECTION 2.(d) G.S. 163-278.13 reads as rewritten:

"(e) Except as provided in subsections ~~(e2), (e3), and (e4)~~(e2) and (e3) of this section, this section shall not apply to any national, State, district or county executive committee of any political party. For the purposes of this section only, the term "political party" means only those political parties officially recognized under G.S. 163-96."

SECTION 3. G.S. 163-329, as amended by Section 1 of this act, is recodified as G.S. 163-120. The remainder of Subchapter X (Article 25) of Chapter 163 of the General Statutes is repealed.

SECTION 4. G.S. 163-106 reads as rewritten:

"§ 163-106. Notices of candidacy; pledge; with whom filed; date for filing; withdrawal.

(a) Notice and Pledge. – No one shall be voted for in a primary election without having filed a notice of candidacy with the appropriate board of elections, State or county, as required by this section. To this end every candidate for selection as the nominee of a political party shall file with and place in the possession of the board of elections specified in subsection (c) of this section, a notice and pledge in the following form:

Date _____

I hereby file notice as a candidate for nomination as _____ in the _____ party primary election to be held on _____, _____. I affiliate with the _____ party, (and I certify that I am now registered on the registration records of the precinct in which I reside as an affiliate of the _____ party.)

I pledge that if I am defeated in the primary, I will not run for the same office as a write-in candidate in the next general election.

Signed _____
(Name of Candidate)

Witness:

(Title of witness)

Each candidate shall sign the notice of candidacy in the presence of the chairman or secretary of the board of elections, State or county, with which the candidate files. In the alternative, a candidate may have the candidate's signature on the notice of candidacy acknowledged and certified to by an officer authorized to take acknowledgments and administer oaths, in which case the candidate may mail or deliver by commercial courier service the candidate's notice of candidacy to the appropriate board of elections.

In signing the notice of candidacy the candidate shall use only that candidate's legal name and may use any nickname by which he is commonly known. A candidate may also, in lieu of that candidate's legal first name and legal middle initial or middle name (if any) sign a nickname, provided that the candidate appends to the notice of candidacy an affidavit that the

1 candidate has been commonly known by that nickname for at least five years prior to the date
2 of making the affidavit. The candidate shall also include with the affidavit the way that
3 candidate's name (as permitted by law) should be listed on the ballot if another candidate with
4 the same last name files a notice of candidacy for that office.

5 A notice of candidacy signed by an agent or any person other than the candidate shall be
6 invalid.

7 Prior to the date on which candidates may commence filing, the State Board of Elections
8 shall print and furnish, at State expense, to each county board of elections a sufficient number
9 of the notice of candidacy forms prescribed by this subsection for use by candidates required to
10 file with county boards of elections.

11 (a1) Disclosure of Felony Conviction. – At the same time the candidate files notice of
12 candidacy under this section, the candidate shall file with the same office a statement
13 answering the following question: "Have you ever been convicted of a felony?" The State
14 Board of Elections shall adapt the notice of candidacy form to include the statement required
15 by this subsection. The form shall make clear that a felony conviction need not be disclosed if
16 the conviction was dismissed as a result of reversal on appeal or resulted in a pardon of
17 innocence or expungement. The form shall require a candidate who answers "yes" to the
18 question to provide the name of the offense, the date of conviction, the date of the restoration of
19 citizenship rights, and the county and state of conviction. The form shall require the candidate
20 to swear or affirm that the statements on the form are true, correct, and complete to the best of
21 the candidate's knowledge or belief. The form shall be available as a public record in the office
22 of the board of elections where the candidate files notice of candidacy and shall contain an
23 explanation that a prior felony conviction does not preclude holding elective office if the
24 candidate's rights of citizenship have been restored. This subsection shall also apply to
25 individuals who become candidates for election by the people under G.S. 163-114, 163-122,
26 163-123, 163-98, 115C-37, 130A-50, Article 24 of Chapter 163 of the General Statutes, or any
27 other statute or local act. Those individuals shall complete the question at the time the
28 documents are filed initiating their candidacy. The State Board of Elections shall adapt those
29 documents to include the statement required by this subsection. If an individual does not
30 complete the statement required by this subsection, the board of elections accepting the filing
31 shall notify the individual of the omission, and the individual shall have 48 hours after notice to
32 complete the statement. If the individual does not complete the statement at the time of filing or
33 within 48 hours after the notice, the individual's filing is not complete, the individual's name
34 shall not appear on the ballot as a candidate, and votes for the individual shall not be counted. It
35 is a Class I felony to complete the form knowing that information as to felony conviction or
36 restoration of citizenship is untrue. This subsection shall not apply to candidates required by
37 G.S. 138A-22(d) to file Statements of Economic Interest.

38 (a2) In addition to the notice and pledge required by subsection (a) of this section, every
39 candidate filing for the office of judge or justice of the General Court of Justice shall indicate
40 whether that candidate wishes to have that candidate's party affiliation displayed on the general
41 election ballot.

42 (b) Eligibility to File. – No person shall be permitted to file as a candidate in a primary
43 if, at the time he offers to file notice of candidacy, he is registered on the appropriate
44 registration book or record as an affiliate of a political party other than that in whose primary
45 he is attempting to file. No person who has changed his political party affiliation or who has
46 changed from unaffiliated status to party affiliation as permitted in G.S. 163-82.17, shall be
47 permitted to file as a candidate in the primary of the party to which he changed unless he has
48 been affiliated with the political party in which he seeks to be a candidate for at least 90 days
49 prior to the filing date for the office for which he desires to file his notice of candidacy.

50 A person registered as "unaffiliated" shall be ineligible to file as a candidate in a party
51 primary election.

1 (c) Time for Filing Notice of Candidacy. – Candidates seeking party primary
2 nominations for the following offices shall file their notice of candidacy with the State Board of
3 Elections no earlier than 12:00 noon on the second Monday in February and no later than 12:00
4 noon on the last business day in February preceding the primary:

5 Governor

6 Lieutenant Governor

7 All State executive officers

8 Justices of the Supreme Court, Judges of the Court of Appeals

9 Judges of the superior courts

10 Judges of the district courts

11 United States Senators

12 Members of the House of Representatives of the United States

13 District attorneys

14 Candidates seeking party primary nominations for the following offices shall file their
15 notice of candidacy with the county board of elections no earlier than 12:00 noon on the second
16 Monday in February and no later than 12:00 noon on the last business day in February
17 preceding the primary:

18 State Senators

19 Members of the State House of Representatives

20 All county offices.

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

29 (e) Withdrawal of Notice of Candidacy. – Any person who has filed notice of
30 candidacy for an office shall have the right to withdraw it at any time prior to the date on which
31 the right to file for that office expires under the terms of subsection (c) of this section. If a
32 candidate does not withdraw before the filing deadline, except as provided in G.S. 163-112, his
33 name shall be printed on the primary ballot, any votes for him shall be counted, and he shall not
34 be refunded his filing fee.

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

49 (g) When any candidate files a notice of candidacy with a board of elections under
50 subsection (c) of this section or under G.S. 163-291(2), the board of elections shall,
51 immediately upon receipt of the notice of candidacy, inspect the registration records of the

1 county, and cancel the notice of candidacy of any person who does not meet the constitutional
 2 or statutory qualifications 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 subsection by mail or by having the notice served on him by the
 5 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 subsection may request a hearing on the cancellation. If the candidate
 8 requests a hearing, the hearing shall be conducted in accordance with Article 11B of Chapter
 9 163 of the General Statutes.

10 (h) No person may file a notice of candidacy for more than one office described in
 11 subsection (c) of this section for any one election. If a person has filed a notice of candidacy
 12 with a board of elections under this section for one office, then a notice of candidacy may not
 13 later be filed for any other office under this section when the election is on the same date unless
 14 the notice of candidacy for the first office is withdrawn under subsection (e) of this section;
 15 provided that this subsection shall not apply unless the deadline for filing notices of candidacy
 16 for both offices is the same. Notwithstanding this subsection, a person may file a notice of
 17 candidacy for a full term as United States Senator, and also file a notice of candidacy for the
 18 remainder of the unexpired term of that same seat in an election held under G.S. 163-12, and
 19 may file a notice of candidacy for a full term as a member of the United States House of
 20 Representatives, and also file a notice of candidacy for the remainder of the unexpired term in
 21 an election held under G.S. 163-13.

22 (i) Repealed by Session Laws 2001-403, s. 3, effective January 1, 2002.s. 1."

23 **SECTION 5.** G.S. 163-107(a) reads as rewritten:

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

Office Sought	Amount of Filing Fee
Governor	One percent (1%) of the annual salary of the office sought
Lieutenant Governor	One percent (1%) of the annual salary of the office sought
All State executive offices	One percent (1%) of the annual salary of the office sought
All <u>Justices, Judges, and</u> District Attorneys of the General Court of Justice	One percent (1%) of the annual salary of the office sought
United States Senator	One percent (1%) of the annual salary of the office sought
Members of the United States House of Representatives	One percent (1%) of the annual salary of the office sought
State Senator	One percent (1%) of the annual salary of the office sought
Member of the State House of Representatives	One percent (1%) of the annual salary of the office sought
All county offices not compensated by fees	One percent (1%) of the annual salary of the office sought
All county offices compensated partly by salary and partly by fees	One percent (1%) of the first annual salary to be received (exclusive of fees)

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

5 **SECTION 6.** G.S. 163-107.1(c) reads as rewritten:

6 "(c) County, Municipal and District Primaries. – If the candidate is seeking one of the
7 offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this section, or a
8 municipal or any other office requiring a partisan primary which is not set forth in
9 G.S. 163-106(c) or (d), ~~he~~the candidate shall file a written petition with the appropriate board
10 of elections no later than 12:00 noon on Monday preceding the filing deadline before the
11 primary. The petition shall be signed by ten percent (10%) of the registered voters of the
12 election area in which the office will be voted for, who are affiliated with the same political
13 party in whose primary the candidate desires to run, or in the alternative, the petition shall be
14 signed by no less than 200 registered voters regardless of said voter's political party affiliation,
15 whichever requirement is greater. The board of elections shall verify the names on the petition,
16 and if the petition is found to be sufficient, the candidate's name shall be printed on the
17 appropriate primary ballot. Petitions for candidates for member of the U.S. House of
18 Representatives, District Attorney, judge of the superior court, judge of the district court, and
19 members of the State House of Representatives from multi-county districts or members of the
20 State Senate from multi-county districts must be presented to the county board of elections for
21 verification at least 15 days before the petition is due to be filed with the State Board of
22 Elections, and such petition must be filed with the State Board of Elections no later than 12:00
23 noon on 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 **SECTION 7.** G.S. 163-111(c)(1) reads as rewritten:

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

27 (1) A candidate who is apparently entitled to demand a second primary,
28 according to the unofficial results, for one of the offices listed below, and
29 desiring to do so, shall file a request for a second primary in writing with the
30 Executive Director of the State Board of Elections no later than 12:00 noon
31 on the ninth day (including Saturdays and Sundays) following the date on
32 which the primary was conducted, and such request shall be subject to the
33 certification of the official results by the State Board of Elections. If the vote
34 certification by the State Board of Elections determines that a candidate who
35 was not originally thought to be eligible to call for a second primary is in
36 fact eligible to call for a second primary, the Executive Director of the State
37 Board of Elections shall immediately notify such candidate and permit him
38 to exercise any options available to him within a 48-hour period following
39 the notification:

40 Governor,

41 Lieutenant Governor,

42 All State executive officers,

43 Justices, Judges, or District Attorneys of the General Court of Justice,

44 United States Senators,

45 Members of the United States House of Representatives,

46 State Senators in multi-county senatorial districts, and

47 Members of the State House of Representatives in multi-county
48 representative districts."

49 **SECTION 8.** G.S. 163-114 reads as rewritten:

50 "§ 163-114. **Filling vacancies among party nominees occurring after nomination and**
51 **before election.**

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

6
 7 Position
 8 President Vacancy is to be filled by appointment of
 9 Vice President national executive committee of
 10 political party in which vacancy occurs

11
 12 Presidential elector or alternate elector Vacancy is to be filled by appointment of
 13 Any elective State office State executive committee of political
 14 United States Senator party in which vacancy occurs

15
 16 A district office, including: Appropriate district executive committee of
 17 Member of the United States House political party in which vacancy occurs
 18 of Representatives

19 Judge of district court

20 District Attorney

21 State Senator in a multi-county
 22 senatorial district

23 Member of State House of
 24 Representatives in a multi-county
 25 representative district

26
 27 State Senator in a single-county County executive committee of political
 28 senatorial district party in which vacancy occurs,
 29 Member of State House of provided, in the case of the State
 30 Representatives in a single-county Senator or State Representative in a
 31 representative district single-county district where not all the
 32 Any elective county office county is located in that district, then in
 33 voting, only those members of the
 34 county executive committee who reside
 35 within the district shall vote

36
 37 Judge of superior court in a
 38 single-county judicial
 39 district where the district
 40 is the whole county or part
 41 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

42
 43
 44
 45
 46
 47
 48
 49
 50
 51 Judge of superior court in a Appropriate district

1 multi-county judicial
2 district

executive committee of
political party in which
vacancy occurs.

3
4 The party executive making a nomination in accordance with the provisions of this section shall
5 certify the name of its nominee to the chairman of the board of elections, State or county, that
6 has jurisdiction over the ballot item under G.S. 163-182.4. If at the time a nomination is made
7 under this section the general election ballots have already been printed, the provisions of
8 G.S.163-165.3(c) shall apply. If a vacancy occurs in a nomination of a political party and that
9 vacancy arises from a cause other than death and the vacancy in nomination occurs more than
10 120 days before the general election, the vacancy in nomination may be filled under this section
11 only if the appropriate executive committee certifies the name of the nominee in accordance
12 with this paragraph at least 75 days before the general election.

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

17 In a county not all of which is located in one congressional district, in choosing the
18 congressional district executive committee member or members from that area of the county,
19 only the county convention delegates or county executive committee members who reside
20 within the area of the county which is within the congressional district may 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 members
23 of the senatorial district executive committee or House of Representatives district executive
24 committee for the multi-county district, only the county convention delegates or county
25 executive committee members who reside within the area of the county which is within that
26 multi-county district may vote.

27 An individual whose name appeared on the ballot in a primary election preliminary to the
28 general election shall not be eligible to be nominated to fill a vacancy in the nomination of
29 another party for the same office in the same year."

30 **SECTION 9.** G.S. 163-165.5(4) reads as rewritten:

31 "(4) Party designations in partisan ballot ~~items~~items, except for judges and
32 justices of the General Court of Justice in the general election."

33 **SECTION 10.** G.S. 163-165.6(e) reads as rewritten:

34 "(e) Straight-Party Voting. – Each official ballot shall be arranged so that the voter may
35 cast one vote for a party's nominees for all offices except President and Vice
36 ~~President.~~President, and for judges and justices of the General Court of Justice. A vote for
37 President and Vice President shall be cast separately from a straight-party vote. The official
38 ballot shall be prepared so that a voter may cast a straight-party vote, but then make an
39 exception to that straight-party vote by voting for a candidate not nominated by that party or by
40 voting for fewer than all the candidates nominated by that party. Instructions for general
41 election ballots shall clearly advise voters of the rules in this subsection and of the statutes
42 providing for the counting of ballots."

43 **SECTION 11.** G.S. 163-182.1(a)(7)a. reads as rewritten:

44 "a. If a voter casts a vote for a straight-party ticket, that vote shall be
45 counted for all the candidates of that party, other than those for
46 President and Vice President, and for judges and justices of the
47 General Court of Justice, in the partisan ballot items on that official
48 ballot except as otherwise provided in this subdivision."

49 **SECTION 12.** G.S. 138A-22(d) reads as rewritten:

50 "(d) A candidate for an office subject to this Article shall file the statement of economic
51 interest at the same place and in the same manner as the notice of candidacy for that office is

1 required to be filed under G.S. 163-106 ~~or G.S. 163-323~~ within 10 days of the filing deadline
2 for the office the candidate seeks. An individual who is nominated under G.S. 163-114 after the
3 primary and before the general election, and an individual who qualifies under G.S. 163-122 as
4 an unaffiliated candidate in a general election, shall file a statement of economic interest with
5 the county board of elections of each county in the senatorial or representative district. An
6 individual nominated under G.S. 163-114 shall file the statement within three days following
7 the individual's nomination, or not later than the day preceding the general election, whichever
8 occurs first. An individual seeking to qualify as an unaffiliated candidate under G.S. 163-122
9 shall file the statement of economic interest with the petition filed under that section. An
10 individual seeking to have write-in votes counted for that individual in a general election shall
11 file a statement of economic interest at the same time the candidate files a declaration of intent
12 under G.S. 163-123. A candidate of a new party chosen by convention shall file a statement of
13 economic interest at the same time that the president of the convention certifies the names of its
14 candidates to the State Board of Elections under G.S. 163-98."

15 **SECTION 13.** G.S. 163-22.3 reads as rewritten:

16 "**§ 163-22.3. State Board of Elections littering notification.**

17 At the time an individual files with the State Board of Elections a notice of candidacy
18 pursuant to G.S. 163-106, 163-112, 163-291, ~~163-294.2, or 163-323,~~ or 163-294.2, is certified
19 to the State Board of Elections by a political party executive committee to fill a nomination
20 vacancy pursuant to G.S. 163-114, is certified to the State Board of Elections by a new political
21 party as that party's nominee pursuant to G.S. 163-98, qualifies with the State Board of
22 Elections as an unaffiliated or write-in candidate pursuant to Article 11 of this Chapter, or
23 formally initiates a candidacy with the State Board of Elections pursuant to any statute or local
24 act, the State Board of Elections shall notify the candidate of the provisions concerning
25 campaign signs in G.S. 136-32 and G.S. 14-156, and the rules adopted by the Department of
26 Transportation pursuant to G.S. 136-18."

27 **SECTION 14.** G.S. 163-82.10B reads as rewritten:

28 "**§ 163-82.10B. Confidentiality of date of birth.**

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

- 31 (1) When a voter has filed notice of candidacy for elective office under
32 G.S. 163-106, 163-122, 163-123, or 163-294.2, ~~or 163-323,~~ has been
33 nominated as a candidate under G.S. 163-98 or G.S. 163-114, or has
34 otherwise formally become a candidate for elective office. The exception of
35 this subdivision does not extend to an individual who meets the definition of
36 "candidate" only by beginning a tentative candidacy by receiving funds or
37 making payments or giving consent to someone else to receive funds or
38 transfer something of value for the purpose of exploring a candidacy.
- 39 (2) When a voter is serving in an elective office.
- 40 (3) When a voter has been challenged pursuant to Article 8 of this Chapter.
- 41 (4) When a voter-registration applicant or registered voter expressly authorizes
42 in writing the disclosure of that individual's date of birth.

43 The disclosure of an individual's age does not constitute disclosure of date of birth in
44 violation of this section.

45 The county board of elections shall give precinct officials access to a voter's date of birth
46 where necessary for election administration, consistent with the duty to keep dates of birth
47 confidential.

48 Disclosure of a date of birth in violation of this section shall not give rise to a civil cause of
49 action. This limitation of liability does not apply to the disclosure of a date of birth in violation
50 of this subsection as a result of gross negligence, wanton conduct, or intentional wrongdoing
51 that would otherwise be actionable."

1 **SECTION 15.** G.S. 163-165.5(3) reads as rewritten:

2 "**§ 163-165.5. Contents of official ballots.**

3 Each official ballot shall contain all the following elements:

4 ...

- 5 (3) The names of the candidates as they appear on their notice of candidacy filed
6 pursuant to G.S. 163-106 ~~or G.S. 163-323~~, or on petition forms filed in
7 accordance with G.S. 163-122. No title, appendage, or appellation indicating
8 rank, status, or position shall be printed on the official ballot in connection
9 with the candidate's name. Candidates, however, may use the title Mr., Mrs.,
10 Miss, or Ms. Nicknames shall be permitted on an official ballot if used in the
11 notice of candidacy or qualifying petition, but the nickname shall appear
12 according to standards adopted by the State Board of Elections. Those
13 standards shall allow the presentation of legitimate nicknames in ways that
14 do not mislead the voter or unduly advertise the candidacy. In the case of
15 candidates for presidential elector, the official ballot shall not contain the
16 names of the candidates for elector but instead shall contain the nominees for
17 President and Vice President which the candidates for elector represent. The
18 State Board of Elections shall establish a review procedure that local boards
19 of elections shall follow to ensure that candidates' names appear on the
20 official ballot in accordance with this subdivision.

21 "

22 **SECTION 16.** G.S. 163-278.100(1) reads as rewritten:

23 "**§ 163-278.100. Definitions.**

24 As used in this Article, the following terms have the following definitions:

- 25 (1) The term "candidate-specific communication" means any broadcast, cable,
26 or satellite communication that has all the following characteristics:
- 27 a. Refers to a clearly identified candidate for a statewide office or the
28 General Assembly.
 - 29 b. Is aired in an even-numbered year after the final date on which a
30 Notice of Candidacy can be filed for the office, pursuant to
31 ~~G.S. 163-106(e) or G.S. 163-323~~, G.S. 163-106(c), and through the
32 day on which the general election is conducted, excluding the time
33 period set in the definition for "electioneering communication" in
34 G.S. 163-278.80(2)b.
 - 35 c. Is targeted to the relevant electorate.

36 "

37 **SECTION 17.** G.S. 163-278.110(1) reads as rewritten:

38 "**§ 163-278.110. Definitions.**

39 As used in this Article, the following terms have the following definitions:

- 40 (1) The term "candidate-specific communication" means any mass mailing or
41 telephone bank that has all the following characteristics:
- 42 a. Refers to a clearly identified candidate for a statewide office or the
43 General Assembly.
 - 44 b. Is transmitted in an even-numbered year after the final date on which
45 a Notice of Candidacy can be filed for the office, pursuant to
46 ~~G.S. 163-106(e) or G.S. 163-323~~, G.S. 163-106(c), and through the
47 day on which the general election is conducted, excluding the time
48 period set in the definition for "electioneering communication" in
49 G.S. 163-278.90(2)b.
 - 50 c. Is targeted to the relevant electorate.

51 "

1 **SECTION 18.** G.S. 163-1(b) reads as rewritten:

2 "(b) On Tuesday next after the first Monday in May preceding each general election to
3 be held in November for the officers referred to in subsection (a) of this section, there shall be
4 held in all election precincts within the territory for which the officers are to be elected a
5 primary election for the purpose of nominating candidates for each political party in the State
6 for those ~~offices, and nonpartisan candidates as to offices elected under the provisions of~~
7 ~~Article 25 of this Chapter-offices."~~

8 **SECTION 19.** G.S. 163-122(c) is repealed.

9 **SECTION 20.** G.S. 163-123(g) reads as rewritten:

10 "(g) Municipal and Nonpartisan Elections Excluded. – This section does not apply to
11 municipal elections conducted under Subchapter IX of Chapter 163 of the General Statutes, and
12 does not apply to nonpartisan elections.~~elections except for elections under Article 25 of this~~
13 ~~Chapter."~~

14 **SECTION 21.** G.S. 163-278.64(c) reads as rewritten:

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

- 18 (1) Signed and filed a declaration of intent to participate in this Article.
- 19 (2) Submitted a report itemizing the appropriate number of qualifying
20 contributions received from registered voters, which the Board shall verify
21 through a random sample or other means it adopts. The report shall include
22 the county of residence of each registered voter listed.
- 23 (3) Filed a valid notice of candidacy pursuant to Article 25 10 of this Chapter-
24 Chapter, a valid petition or declaration of intent under Article 11 of this
25 Chapter, or is nominated under G.S. 163-98.
- 26 (4) Otherwise met the requirements for participation in this Article.

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

30 **SECTION 22.** G.S. 163-278.64A is repealed.

31 **SECTION 23.** This act becomes effective with respect to primaries and elections
32 held on or after January 1, 2012.