

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

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HOUSE DRH70146-ST-49 (03/12)

Short Title: Uniform Faithful Presidential Electors Act. (Public)

Sponsors: Representatives Jordan and Stam (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO ADOPT THE UNIFORM FAITHFUL PRESIDENTIAL ELECTORS ACT.  
3 The General Assembly of North Carolina enacts:

4 SECTION 1. Article 18 of Chapter 163 is repealed.

5 SECTION 2. Chapter 163 of the General Statutes is amended by adding a new  
6 Article to read:

7 "Article 18B.

8 "Faithful Presidential Electors Act.

9 "**§ 163-216.1. Designation of State's electors.**

10 (a) For each elector position in this State, a political party contesting the position shall  
11 submit to the Secretary of State the names of two qualified individuals. One of the individuals  
12 must be designated "elector nominee" and the other "alternate elector nominee." Except as  
13 otherwise provided in this Article, this State's electors are the winning elector nominees under  
14 the laws of this State.

15 (b) The names of candidates for electors of President and Vice President nominated by  
16 any political party recognized in this State under G.S. 163-96, or nominated under  
17 G.S. 163-1(c) by a candidate for President of the United States who has qualified to have his or  
18 her name printed on the general election ballot as an unaffiliated candidate under G.S. 163-122,  
19 shall be filed with the Secretary of State but shall not be printed on the ballot. In the case of the  
20 unaffiliated candidate, the names of candidates for electors must be filed with the Secretary of  
21 State no later than 12:00 noon on the first Friday in August. In place of their names, there shall  
22 be printed on the ballot the names of the candidates for President and Vice President of each  
23 political party recognized in this State and the name of any candidate for President who has  
24 qualified to have his or her name printed on the general election ballot under G.S. 163-122. A  
25 candidate for President who has qualified for the general election ballot as an unaffiliated  
26 candidate under G.S. 163-122 shall, no later than 12:00 noon on the first Friday in August, file  
27 with the State Board of Elections the name of a candidate for Vice President, whose name shall  
28 also be printed on the ballot. A vote for the candidates named on the ballot shall be a vote for  
29 the electors of the party or unaffiliated candidate by which those candidates were nominated  
30 and whose names have been filed with the Secretary of State.

31 "**§ 163-216.2. Pledge.**

32 Each elector nominee and alternate elector nominee of a political party shall execute the  
33 following pledge: "If selected for the position of elector, I agree to serve and to mark my ballots  
34 for President and Vice President for the nominees for those offices of the party that nominated



1 me." The executed pledges must accompany the submission of the corresponding names to the  
2 Secretary of State.

3 **"§ 163-216.3. Certification of electors.**

4 In submitting this State's certificate of ascertainment as required by 3 U.S.C. § 6, the  
5 Governor shall certify this State's electors and state in the certificate all of the following:

- 6 (1) The electors will serve as electors unless a vacancy occurs in the office of  
7 elector before the end of the meeting at which elector votes are cast, in  
8 which case a substitute elector will fill the vacancy.  
9 (2) If a substitute elector is appointed to fill a vacancy, the Governor will submit  
10 an amended certificate of ascertainment stating the names on the final list of  
11 this State's electors.

12 **"§ 163-216.4. Presiding officer; elector vacancy.**

13 (a) The Secretary of State shall preside at the meeting of electors described in this  
14 Article.

15 (b) The position of an elector not present to vote is vacant. The Secretary of State shall  
16 appoint an individual as a substitute elector to fill a vacancy as follows:

- 17 (1) If the alternate elector is present to vote, by appointing the alternate elector  
18 for the vacant position.  
19 (2) If the alternate elector for the vacant position is not present to vote, by  
20 appointing an elector chosen by lot from among the alternate electors present  
21 to vote who were nominated by the same political party.  
22 (3) If the number of alternate electors present to vote is insufficient to fill any  
23 vacant position under subdivisions (1) and (2) of this subsection, by  
24 appointing any immediately available individual who is qualified to serve as  
25 an elector and chosen through nomination by and plurality vote of the  
26 remaining electors, including nomination and vote by a single elector if only  
27 one remains.  
28 (4) If there is a tie between at least two nominees for substitute elector in a vote  
29 conducted under subdivision (3) of this subsection, by appointing an elector  
30 chosen by lot from among those nominees.  
31 (5) If all elector positions are vacant and cannot be filled pursuant to  
32 subdivisions (1) through (4) of this subsection, by appointing a single  
33 presidential elector, with remaining vacant positions to be filled under  
34 subdivision (3) of this subsection and, if necessary, subdivision (4) of this  
35 subsection.

36 (c) To qualify as a substitute elector under subsection (b) of this section, an individual  
37 who has not executed the pledge required under G.S. 163-216.3 shall execute the following  
38 pledge: "I agree to serve and to mark my ballots for President and Vice President consistent  
39 with the pledge of the individual to whose elector position I have succeeded."

40 **"§ 163-216.5. Elector voting.**

41 (a) At the time designated for elector voting and after all vacant positions have been  
42 filled under G.S. 163-216.4, the Secretary of State shall provide each elector with a presidential  
43 and a vice presidential ballot. The elector shall mark the elector's presidential and vice  
44 presidential ballots with the elector's votes for the offices of President and Vice President,  
45 respectively, along with the elector's signature and the elector's legibly printed name.

46 (b) Each elector shall present both completed ballots to the Secretary of State, who shall  
47 examine the ballots and accept as cast all ballots of electors whose votes are consistent with  
48 their pledges executed under this Article. The Secretary of State may not accept and may not  
49 count either an elector's presidential or vice presidential ballot if the elector has not marked  
50 both ballots or has marked a ballot in violation of the elector's pledge.

1 (c) An elector who refuses to present a ballot, presents an unmarked ballot, or presents  
2 a ballot marked in violation of the elector's pledge executed under this Article vacates the office  
3 of elector, creating a vacant position to be filled under G.S. 163-216.4.

4 (d) The Secretary of State shall distribute ballots to and collect ballots from a substitute  
5 elector and repeat the process under this section of examining ballots, declaring and filling  
6 vacant positions as required, and recording appropriately completed ballots from the substituted  
7 electors until all of this State's electoral votes have been cast and recorded.

8 **"§ 163-216.6. Elector replacement; associated certificates.**

9 (a) After the vote of this State's electors is completed, if the final list of electors differs  
10 from any list that the Governor previously included on a certificate of ascertainment prepared  
11 and transmitted under 3 U.S.C. § 6, the Secretary of State immediately shall prepare an  
12 amended certificate of ascertainment and transmit it to the Governor for the Governor's  
13 signature.

14 (b) The Governor immediately shall deliver the signed amended certificate of  
15 ascertainment to the Secretary of State and a signed duplicate original of the amended  
16 certificate of ascertainment to all individuals entitled to receive this State's certificate of  
17 ascertainment, indicating that the amended certificate of ascertainment is to be substituted for  
18 the certificate of ascertainment previously submitted.

19 (c) The Secretary of State shall prepare a certificate of vote. The electors on the final  
20 list shall sign the certificate. The Secretary of State shall process and transmit the signed  
21 certificate with the amended certificate of ascertainment under 3 U.S.C. §§ 9, 10, and 11.

22 **"§ 163-216.7. Electors and dual office holding.**

23 (a) Upon receiving the filing of a name as a candidate for elector under G.S. 163-216.1,  
24 the Secretary of State shall notify that candidate of the dual-office holding requirements of the  
25 North Carolina Constitution and the General Statutes, including specifically that if an  
26 individual elected as elector holds another elective office at the time of taking the oath of office  
27 as elector, that other office is vacated upon taking the oath of office.

28 (b) During January of each year in which electors are elected, the Secretary of State  
29 shall notify each political party authorized to nominate electors of (i) the requirement under  
30 G.S. 163-1(c) to nominate first and second alternate elector and (ii) the dual-office holding  
31 requirements of the North Carolina Constitution and the General Statutes, including specifically  
32 that if a person elected as elector holds another elective office at the time of taking the oath of  
33 office as elector, that other office is vacated upon taking the oath of office.

34 (c) The office of elector may be held in addition to the maximum number of appointive  
35 offices allowed by G.S. 128-1.1."

36 **SECTION 3.** This act becomes effective January 1, 2012, and applies to  
37 presidential elections held on or after that date.