

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 189

Short Title: Team Ticket.

(Public)

Sponsors: Representative Wood.

Referred to: Judiciary.

February 9, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR RUN AS A JOINT TICKET IN THE GENERAL ELECTION.

The General Assembly of North Carolina enacts:

Section 1. Section 2 of Article III of the Constitution of North Carolina is amended by adding a new subsection to read:

"(3) Team Election. In the General Election, all candidates for the offices of Governor and Lieutenant Governor shall form joint candidacies so that each voter shall cast a single vote for a candidate for Governor and a candidate for Lieutenant Governor running together."

Sec. 2. The amendment set forth in Section 1 of this act shall be submitted to the qualified voters of the State at the statewide general election to be held in November of 1990, which shall be conducted under the laws then governing elections in the State.

Sec. 3. At that election, each qualified voter desiring to vote shall be provided a ballot on which shall be printed the following:

FOR constitutional amendment providing that candidates for Governor and Lieutenant Governor shall be listed on the General Election ballot as a team.

AGAINST constitutional amendment providing that candidates for Governor and Lieutenant Governor shall be listed on the General Election ballot as a team."

Those qualified voters favoring the amendment shall vote by marking an "X" or a check mark in the square beside the statement beginning "FOR", and those

1 qualified voters opposed to the amendment shall vote by marking an "X" or a check  
2 mark in the square beside the statement beginning "AGAINST".

3 Notwithstanding the foregoing provisions of this section, voting machines  
4 may be used in accordance with rules and regulations prescribed by the State Board of  
5 Elections.

6 Sec. 4. If a majority of votes cast thereon are in favor of the constitutional  
7 amendment set out in Section 1 of this act, then the State Board of Elections shall  
8 certify that amendment to the Secretary of State who shall enroll that amendment so  
9 certified among the permanent records of his office. The constitutional amendment  
10 shall become effective beginning with candidacies for the 1992 General Election.

11 Sec. 5. Chapter 163 of the General Statutes is amended by adding a new  
12 section to read:

13 **"§ 163-115.1. Party must nominate candidates for Governor and Lieutenant**  
14 **Governor.**

15 If a party nominates a candidate for Governor under this Article, it must also  
16 nominate a candidate for Lieutenant Governor, or the nomination as Governor is void.  
17 If a party nominates a candidate for Lieutenant Governor under this Article, it must also  
18 nominate a candidate for Governor, or the nomination as Lieutenant Governor is void."

19 Sec. 6. G.S. 163-98 reads as rewritten:

20 **"§ 163-98. General election participation by new political party.**

21 In the first general election following the date on which a new political party  
22 qualifies under the provisions of G.S. 163-96, it shall be entitled to have the names of its  
23 candidates for State, congressional, and national offices printed on the official ballots,  
24 but it shall not be entitled to have the names of candidates for other offices printed on  
25 State, district, or county ballots at that election.

26 For the first general election following the date on which it qualifies under G.S. 163-  
27 96, a new political party shall select its candidates by party convention. Following  
28 adjournment of the nominating convention, but not later than the first day of July prior  
29 to the general election, the president of the convention shall certify to the State Board of  
30 Elections the names of persons chosen in the convention as the new party's candidates  
31 for State, congressional, and national offices in the ensuing general election. The State  
32 Board of Elections shall print names thus certified on the appropriate ballots as the  
33 nominees of the new party. The convention, if it nominates a candidate for Governor,  
34 must also nominate a candidate for Lieutenant Governor, or the nomination for  
35 Governor shall be void. The convention, if it nominates a candidate for Lieutenant  
36 Governor, must also nominate a candidate for Governor, or the nomination for  
37 Lieutenant Governor is void."

38 Sec. 7. G.S. 163-122 is amended by adding a new subsection to read:

39 "(c) In filing petitions as an unaffiliated candidate, a petition for the office of  
40 Governor shall also contain the name of a candidate for Lieutenant Governor, and the  
41 petition shall be a petition for both. In filing petitions as an unaffiliated candidate, a  
42 petition for the office of Lieutenant Governor shall also contain the name of a candidate  
43 for Governor, and the petition shall be a petition for both. The form of the petition  
44 requesting unaffiliated candidates to be placed on the ballot for Governor and

1 Lieutenant Governor on the general election ballot shall contain on the heading of each  
2 page of the petition in bold print or in all capital letters the words 'THE  
3 UNDERSIGNED REGISTERED VOTERS IN ..... COUNTY HEREBY PETITION  
4 ON BEHALF OF ..... AS AN UNAFFILIATED CANDIDATE FOR GOVERNOR  
5 AND ..... AS AN UNAFFILIATED CANDIDATE FOR LIEUTENANT  
6 GOVERNOR IN THE NEXT GENERAL ELECTION. THE UNDERSIGNED  
7 HEREBY PETITION THAT THE SUBJECT CANDIDATES BE PLACED ON THE  
8 APPROPRIATE BALLOT UPON COMPLIANCE WITH THE PROVISIONS OF G.S.  
9 163-122."

10 Sec. 8. G.S. 163-140(b)(4) reads as rewritten:

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

27 The name or names of each political party's candidate or candidates for each office  
28 listed on the ballot shall be printed in the appropriate office section of the proper party  
29 column, and the names of unaffiliated candidates shall be printed in the appropriate  
30 office section of the column headed 'Unaffiliated Candidates.' At the left of each name  
31 shall be printed a voting square, and in each column all voting squares shall be arranged  
32 in a perpendicular line.

33 On the face of the ballot, above the party and unaffiliated column division, the  
34 following instructions shall be printed in heavy black type:

- 35 'a. To vote for all candidates of one party (a straight ticket), make a cross  
36 (X) mark in the circle of the party for whose candidates you wish to  
37 vote.
- 38 b. You may vote a split ticket by marking a cross (X) mark in the party  
39 circle and then making a cross (X) mark in the square opposite the  
40 name of the candidate(s) of a different party for whom you wish to  
41 vote. In any multi-seat race where a party circle is marked and you  
42 vote for candidates of another party, in order for your vote to count for  
43 any candidates for that office of the party for which you marked the

1 party circle you must make a cross (X) mark opposite the name of  
2 those candidate(s).

3 c. You may also vote a split ticket by not marking a cross (X) mark in the  
4 party circle, but by making a cross (X) mark in the square opposite the  
5 name of each candidate for whom you wish to vote.

6 d. If you tear or deface or wrongly mark this ballot, return it and get  
7 another.'

8 On the bottom of the ballot shall be printed an identified facsimile of the signature of  
9 the Chairman of the State Board of Elections. If the State ballot contains no multi-seat  
10 race, then the second sentence of instruction b. shall not appear on the ballot. In the  
11 General Election, the offices of Governor and Lieutenant Governor shall be combined  
12 on the ballot and the nominees of each party or unaffiliated offices listed together so  
13 that a vote for a candidate for one of those offices is a vote for the candidates for both  
14 offices. Such team election of Governor and Lieutenant Governor is not a multi-seat  
15 race for the purpose of subsection (f) of this section."

16 Sec. 9. G.S. 163-151(6) is amended by adding a new subparagraph to read:

17 "f. A write-in vote for a candidate for Governor shall not be counted unless that  
18 person has also written in the name of a candidate for Lieutenant Governor. A write-in  
19 vote for a candidate for Lieutenant Governor shall not be counted unless that person has  
20 also written in the name of a candidate for Governor. A write-in vote shall not be  
21 counted for any candidate for Governor if that person appears on the ballot as a  
22 candidate for that office. A write-in vote shall not be counted for any candidate for  
23 Lieutenant Governor if that person appears on the ballot as a candidate for that office."

24 Sec. 10. Chapter 393, Session Laws of 1987, is amended by adding a new  
25 section to read:

26 "Sec. 1.1. G.S. 163-123 is amended by adding a new subsection to read:

27 '(c1) Any declaration of intent filed under this section for the office of Governor  
28 shall be a joint declaration with another candidate for the office of Lieutenant Governor.  
29 Any declaration of intent filed under this section for the office of Lieutenant Governor  
30 shall be a joint declaration with another candidate for the office of Governor. The  
31 declaration shall be signed by both candidates. The State Board of Elections shall  
32 provide for a joint petition form for Governor and Lieutenant Governor in lieu of the  
33 one provided by subsection (d) of this section."

34 Sec. 11. Sections 5 through 10 of this act shall become effective only if the  
35 constitutional amendment proposed by Section 1 of this act is approved as provided by  
36 Sections 2 through 4 of this act, and if so approved, Sections 5 through 10 of this act  
37 shall become effective beginning with the 1992 General Election.

38 Sec. 12. This act is effective upon ratification.