

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1257

Short Title: Superior Ct. Judges by Dist.

(Public)

Sponsors: Representatives Balmer; and Nichols.

Referred to: Rules, Calendar, and Operations of the House.

May 5, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR ELECTION OF SUPERIOR COURT JUDGES BY DISTRICT, AND TO REDUCE THE APPROPRIATION TO THE STATE BOARD OF ELECTIONS FOR BALLOT PRINTING ON ACCOUNT OF THE SHORTER GENERAL ELECTION BALLOT.

The General Assembly of North Carolina enacts:

Section 1. Chapter 7A of the General Statutes is amended by adding a new section to read:

"§ 7A-41.2. Nomination and election of regular superior court judges.

Candidates for the office of regular superior court judge shall be both nominated and elected by the qualified voters of the superior court district of which the candidate is a resident."

Sec. 2. G.S. 163-1 is amended in the table by deleting the word "State" in the column entitled "Jurisdiction" under the entry for "Judges of the superior courts", and substituting "Superior Court District".

Sec. 3. G.S. 163-140(b)(4) reads as rewritten:

(4) State Ballot: Beneath the title and general instructions set out in this subsection, the ballot for single-seat contests for State officers, and for all State officers where mechanical voting machines are used (~~including judges of the superior court~~) shall be divided into parallel columns separated by distinct black lines. The State Board of Elections shall assign a separate column to each political party having candidates for State offices and one to unaffiliated candidates, if any. At the head of each party column the party's name shall be printed in large type, and

1 at the head of the column for unaffiliated candidates shall be printed in
2 large type the words 'Unaffiliated Candidates.' Below the party name
3 in each column shall be printed a circle, one-half inch in diameter,
4 around which shall be plainly printed the following instruction: 'For a
5 straight ticket, mark within this circle.' With distinct black lines, the
6 State Board of Elections shall divide the columns into horizontal
7 sections and, in the customary order of office, assign a separate section
8 to each office or group of offices to be filled. On a single line at the top
9 of each section shall be printed a direction as to the number of
10 candidates for whom a vote may be cast. If candidates are to be chosen
11 for different terms to the same office, the term in each instance shall be
12 printed as part of the title of the office.

13 The name or names of each political party's candidate or candidates
14 for each office listed on the ballot shall be printed in the appropriate
15 office section of the proper party column, and the names of
16 unaffiliated candidates shall be printed in the appropriate office section
17 of the column headed 'Unaffiliated Candidates.' At the left of each
18 name shall be printed a voting square, and in each column all voting
19 squares shall be arranged in a perpendicular line.

20 On the face of the ballot, above the party and unaffiliated column
21 division, the following instructions shall be printed in heavy black
22 type, and the words 'you must also' in instruction c. shall be
23 underlined:

- 24 'a. To vote for all candidates of one party (a straight ticket), make a
25 cross (X) mark in the circle of the party for whose candidates
26 you wish to vote.
- 27 b. You may vote a split ticket by not marking a cross (X) mark in
28 the party circle, but by making a cross (X) mark in the square
29 opposite the name of each candidate for whom you wish to
30 vote.
- 31 c. You make [may] also vote a split ticket by marking a cross (X)
32 mark in the party circle and then making a cross (X) mark in the
33 square opposite the name of any candidate you choose of a
34 different party. In any multi-seat race where a party circle is
35 marked and you vote for candidates of another party, you must
36 also make a cross (X) mark opposite the name of any candidate
37 you choose of the party for which you marked the party circle
38 to assure your vote will count.
- 39 d. If you tear or deface or wrongly mark this ballot, return it and
40 get another.'

41 On the bottom of the ballot shall be printed an identified facsimile
42 of the signature of the Chairman of the State Board of Elections. If the
43 State ballot contains no multi-seat race, then the second sentence of
44 instruction b. shall not appear on the ballot."

1 Sec. 4. G.S. 163-140(b)(5) reads as rewritten:

2 "(5) County Ballot: Beneath the title and general instructions set out in this
3 subsection, the ballot for single-seat contests for county officers
4 (including district attorney for the prosecutorial district in which the
5 county is situated, district judge for the district court district in which
6 the county is situated, regular resident superior court judge for the
7 superior court district in which the county or part thereof is situated,
8 and members of the General Assembly in the senatorial and
9 representative districts in which the county is situated), and for all
10 county offices where mechanical voting machines are used, shall be
11 divided into parallel columns separated by distinct black lines. The
12 county board of elections shall assign a separate column to each
13 political party having candidates for the offices on the ballot and one
14 to unaffiliated candidates, if any. At the head of each party column the
15 party's name shall be printed in large type and at the head of the
16 column for unaffiliated candidates shall be printed in large type the
17 words 'Unaffiliated Candidates.' Below the party name in each column
18 shall be printed a circle, one-half inch in diameter, around which shall
19 be plainly printed the following instruction: 'For a straight ticket, mark
20 within this circle.' With distinct black lines, the county board of
21 elections shall divide the columns into horizontal sections and, in the
22 customary order of office, assign a separate section to each office or
23 group of offices to be filled. On a single line at the top of each section
24 shall be printed the title of the office, and directly below the title shall
25 be printed a direction as to the number of candidates for whom a vote
26 may be cast. If candidates are to be chosen for different terms to the
27 same office, the term in each instance shall be printed as part of the
28 title of the office.

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

36 On the face of the ballot, above the party and unaffiliated column
37 division, the following instructions shall be printed in heavy black
38 type, and the words 'you must also' in instruction c. shall be
39 underlined:

- 40 'a. To vote for all candidates of one party (a straight ticket), make a
41 cross (X) mark in the circle of the party for whose candidates
42 you wish to vote.
43 b. You may vote a split ticket by not marking a cross (X) mark in
44 the party circle, but by making a cross (X) mark in the square

1 opposite the name of each candidate for whom you wish to
2 vote.

3 c. You make [may] also vote a split ticket by marking a cross (X)
4 mark in the party circle and then making a cross (X) mark in the
5 square opposite the name of any candidate you choose of a
6 different party. In any multi-seat race where a party circle is
7 marked and you vote for candidates of another party, you must
8 also make a cross (X) mark opposite the name of any candidate
9 you choose of the party for which you marked the party circle
10 to assure your vote will count.

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

13 On the bottom of the ballot shall be printed an identified facsimile
14 of the signature of the chairman of the county board of elections. If the
15 county ballot contains no multi-seat race, then the second sentence of
16 instruction b. shall not appear on the ballot."

17 Sec. 5. G.S. 163-192 reads as rewritten:

18 **"§ 163-192. State Board of Elections to prepare abstracts and declare results of**
19 **primaries and elections.**

20 (a) After Primary. – At the conclusion of its canvass of the primary election, the
21 State Board of Elections shall prepare separate abstracts of the votes cast:

22 (1) For Governor and all State officers, justices of the Supreme Court,
23 judges of the Court of Appeals, ~~judges of the superior court,~~ and United
24 States Senators.

25 (2) For members of the United States House of Representatives for the
26 several congressional districts in the State.

27 (3) For district court judges for the several district court districts in the
28 State.

29 (3a) For superior court judges for the several superior court districts in the
30 State.

31 (4) For district attorney in the several prosecutorial districts in the State.

32 (5) For State Senators in the several senatorial districts in the State
33 composed of more than one county.

34 (6) For members of the State House of Representatives in the several
35 representative districts in the State composed of more than one county.

36 Abstracts prepared by the State Board of Elections under this subsection shall state
37 the total number of votes cast for each candidate of each political party for each of the
38 various offices canvassed by the State Board of Elections. They shall also state the
39 name or names of the person or persons whom the State Board of Elections shall
40 ascertain and judicially determine by the count to be nominated for each office.

41 Abstracts prepared under this subsection shall be signed by the members of the State
42 Board of Elections in their official capacity and shall have the great seal of the State
43 affixed thereto.

1 (b) After General Election. – At the conclusion of its canvass of the general
2 election, the State Board of Elections shall prepare abstracts of the votes cast:

3 (1) For President and Vice-President of the United States, when an
4 election is held for those offices.

5 (2) For Governor and all State officers, justices of the Supreme Court,
6 judges of the Court of Appeals, ~~judges of the superior court,~~ and United
7 States Senators.

8 (3) For members of the United States House of Representatives for the
9 several congressional districts in the State.

10 (4) For district court judges for the several district court district as defined
11 in G.S. 7A-133 in the State.

12 (4a) For superior court judges for the several superior court districts in the
13 State.

14 (5) For district attorney in the several prosecutorial districts in the State.

15 (6) For State Senators in the several senatorial districts in the State
16 composed of more than one county.

17 (7) For members of the State House of Representatives in the several
18 representative districts in the State composed of more than one county.

19 (8) For and against any constitutional amendments or propositions
20 submitted to the people.

21 Abstracts prepared by the State Board of Elections under this subsection shall state
22 the names of all persons voted for, the office for which each received votes, and the
23 number of legal ballots cast for each candidate for each office canvassed by the State
24 Board of Elections. They shall also state the name or names of the person or persons
25 whom the State Board of Elections shall ascertain and judicially determine by the count
26 to be elected to each office.

27 Abstracts prepared under this subsection shall be signed by the members of the State
28 Board of Elections in their official capacity and shall have the great seal of the State
29 affixed thereto.

30 (c) Disposition of Abstracts of Returns. – The State Board of Elections shall file
31 with the Secretary of State the original abstracts of returns prepared by it under the
32 provisions of subsections (a) and (b) of this section, and also the duplicate county
33 abstracts transmitted to the State Board of Elections under the provisions of G.S. 163-
34 177. Upon the request of the Legislative Services Office, the Secretary of State shall
35 submit a copy of the original abstracts to that Office."

36 Sec. 6. The appropriation from the General Fund to the State Board of
37 Elections is reduced for fiscal year 1994-95 by the sum of sixteen thousand dollars
38 (\$16,000) because it will not have to print a general election ballot for superior court
39 judges.

40 Sec. 7. This act is effective upon ratification.