

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 77

Short Title: Gubernatorial Team Ticket.

(Public)

Sponsors: Senators Winner of Buncombe, Martin of Guilford; and Seymour.

Referred to: Constitution and Election Laws.

February 8, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR RUN AS A JOINT TICKET IN THE GENERAL ELECTION, AND TO PROVIDE THAT THE LIEUTENANT GOVERNOR SHALL BE NOMINATED BY PARTY EXECUTIVE COMMITTEE, RATHER THAN UNDER THE PRIMARY ACT.

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 1994, 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."

1 Those qualified voters favoring the amendment shall vote by marking an  
2 "X" or a check mark in the square beside the statement beginning "FOR", and those  
3 qualified voters opposed to the amendment shall vote by marking an "X" or a check  
4 mark in the square beside the statement beginning "AGAINST".

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

8 Sec. 4. If a majority of votes cast thereon are in favor of the constitutional  
9 amendment set out in Section 1 of this act, then the State Board of Elections shall  
10 certify that amendment to the Secretary of State who shall enroll that amendment so  
11 certified among the permanent records of his office. The constitutional amendment  
12 shall become effective beginning with candidacies for the 1996 General Election.

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

15 **"§ 163-115.1. Party must nominate candidates for Governor and Lieutenant**  
16 **Governor.**

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

21 Sec. 6. Chapter 163 of the General Statutes is amended by adding a new  
22 section to read:

23 **"§ 163-108.2. Nomination of Lieutenant Governor.**

24 Except for G.S. 163-114 and G.S. 163-115.1, the provisions of this Article do not  
25 apply to the office of Lieutenant Governor. Nomination for such office is as provided  
26 by Article 11A of this Chapter."

27 Sec. 7. G.S. 163-98 reads as rewritten:

28 **"§ 163-98. General election participation by new political party.**

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

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

1 Governor, must also nominate a candidate for Governor, or the nomination for  
2 Lieutenant Governor is void."

3 Sec. 8. G.S. 163-122 is amended by adding a new subsection to read:

4 "(c) In filing petitions as an unaffiliated candidate, a petition for the office of  
5 Governor shall also contain the name of a candidate for Lieutenant Governor, and the  
6 petition shall be a petition for both. In filing petitions as an unaffiliated candidate, a  
7 petition for the office of Lieutenant Governor shall also contain the name of a candidate  
8 for Governor, and the petition shall be a petition for both. The form of the petition  
9 requesting unaffiliated candidates to be placed on the ballot for Governor and  
10 Lieutenant Governor on the general election ballot shall contain on the heading of each  
11 page of the petition in bold print or in all capital letters the words 'THE  
12 UNDERSIGNED REGISTERED VOTERS IN ..... COUNTY HEREBY PETITION  
13 ON BEHALF OF ..... AS AN UNAFFILIATED CANDIDATE FOR GOVERNOR  
14 AND ..... AS AN UNAFFILIATED CANDIDATE FOR LIEUTENANT  
15 GOVERNOR IN THE NEXT GENERAL ELECTION. THE UNDERSIGNED  
16 HEREBY PETITION THAT THE SUBJECT CANDIDATES BE PLACED ON THE  
17 APPROPRIATE BALLOT UPON COMPLIANCE WITH THE PROVISIONS OF G.S.  
18 163-122.'"

19 Sec. 9. G.S. 163-140(b) is amended by adding a new subdivision to read:

20 "(9) In the general election, the offices of Governor and Lieutenant  
21 Governor shall be combined on the State ballot and the nominees of  
22 each party or unaffiliated offices listed together so that a vote for a  
23 candidate for one of those offices is a vote for the candidates for both  
24 offices. Such team election of Governor and Lieutenant Governor is  
25 not a multi-seat race for the purpose of subsection (f) of this section.'"

26 Sec. 10. G.S. 163-151(6) is amended by adding a new subparagraph to read:

27 "f. A write-in vote for a candidate for Governor shall not be counted unless that  
28 person has also written in the name of a candidate for Lieutenant Governor. A write-in  
29 vote for a candidate for Lieutenant Governor shall not be counted unless that person has  
30 also written in the name of a candidate for Governor. A write-in vote shall not be  
31 counted for any candidate for Governor if that person appears on the ballot as a  
32 candidate for that office. A write-in vote shall not be counted for any candidate for  
33 Lieutenant Governor if that person appears on the ballot as a candidate for that office.'"

34 Sec. 11. Chapter 163 of the General Statutes is amended by adding a new  
35 Article to read:

36 **"ARTICLE 11A.**

37 **"NOMINATION OF LIEUTENANT GOVERNOR.**

38 **"§ 163-126. Lieutenant Governor.**

39 Political parties nominating a candidate for Governor under Article 10 of this  
40 Chapter shall nominate a candidate for Lieutenant Governor in accordance with this  
41 Article.

42 **"§ 163-126.1. Convention or State Executive Committee.**

43 Each party shall choose its nominee for Lieutenant Governor by its State executive  
44 committee.

1 **§ 163-126.2. Time of nomination.**

2 The nomination for Lieutenant Governor shall be made no earlier than the date  
3 that party's nomination for Governor is determined under G.S. 163-110, 163-111, or  
4 163-112, as appropriate, and no later than the first Monday in August. The State Board  
5 of Elections shall be notified of the nomination for Lieutenant Governor no later than  
6 the first Monday in August. The State Board of Elections shall cause the name of the  
7 nominee to be printed on the general election ballots as if the nomination had been  
8 made by primary under Article 10 of this Chapter.

9 **§ 163-126.3. Vacancies in nomination.**

10 If a party has nominated a candidate for Lieutenant Governor, and a vacancy occurs  
11 in that nomination, it shall be filled in accordance with G.S. 163-114 whether the  
12 nomination was made by the State convention or the State executive committee."

13 Sec. 12. G.S. 163-106(c) reads as rewritten:

14 "(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary  
15 nominations for the following offices shall file their notice of candidacy with the State  
16 Board of Elections no earlier than 12:00 noon on the first Monday in January and no  
17 later than 12:00 noon on the first Monday in February preceding the primary:

18 Governor

19 ~~Lieutenant Governor~~

20 All State executive officers

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

22 Judges of the superior courts

23 Judges of the district courts

24 United States Senators

25 Members of the House of Representatives of the United States

26 District attorneys

27 Candidates seeking party primary nominations for the following offices shall file  
28 their notice of candidacy with the county board of elections no earlier than 12:00 noon  
29 on the first Monday in January and no later than 12:00 noon on the first Monday in  
30 February preceding the primary:

31 State Senators

32 Members of the State House of Representatives

33 All county offices."

34 Sec. 13. G.S. 163-107(a) is amended by deleting in the schedule the entry  
35 under "Office Sought", and "Amount of Filing Fee" the entry for "Lieutenant  
36 Governor".

37 Sec. 14. G.S. 163-107.1(b) reads as rewritten:

38 "(b) If the candidate is seeking the office of United States Senator, Governor,  
39 ~~Lieutenant Governor~~, any State executive officer, Justice of the Supreme Court or Judge  
40 of the Court of Appeals, the petition must be signed by 10,000 registered voters who are  
41 members of the political party in whose primary the candidate desires to run, except that  
42 in the case of a political party as defined by G.S. 163-96(a)(2) which will be making  
43 nominations by primary election, the petition must be signed by ten percent (10%) of  
44 the registered voters of the State who are affiliated with the same political party in

1 whose primary the candidate desires to run, or in the alternative, the petition shall be  
2 signed by no less than 10,000 registered voters regardless of the voter's political party  
3 affiliation, whichever requirement is greater. The petition must be filed with the State  
4 Board of Elections not later than 12:00 noon on Monday preceding the filing deadline  
5 before the primary in which he seeks to run. The names on the petition shall be verified  
6 by the board of elections of the county where the signer is registered, and the petition  
7 must be presented to the county board of elections at least 15 days before the petition is  
8 due to be filed with the State Board of Elections. When a proper petition has been filed,  
9 the candidate's name shall be printed on the primary ballot."

10 Sec. 15. G.S. 163-111(c)(1) reads as rewritten:

11 "(1) A candidate who is apparently entitled to demand a second primary,  
12 according to the unofficial results, for one of the offices listed below,  
13 and desiring to do so, shall file a request for a second primary in  
14 writing or by telegram with the Executive Secretary-Director of the  
15 State Board of Elections no later than 12:00 noon on the seventh day  
16 (including Saturdays and Sundays) following the date on which the  
17 primary was conducted, and such request shall be subject to the  
18 certification of the official results by the State Board of Elections. If  
19 the vote certification by the State Board of Elections determines that a  
20 candidate who was not originally thought to be eligible to call for a second primary, the  
21 Executive Secretary-Director of the State Board of Elections shall  
22 immediately notify such candidate and permit him to exercise any  
23 options available to him within a 48-hour period following the  
24 notification:  
25

26 Governor,

27 ~~Lieutenant Governor,~~

28 All State executive officers,

29 Justices, Judges, or District Attorneys of the General Court of  
30 Justice,

31 United States Senators,

32 Members of the United States House of Representatives,

33 State Senators in multi-county senatorial districts, and

34 Members of the State House of Representatives in multi-county  
35 representative districts."

36 Sec. 16. G.S. 163-1(b) reads as rewritten:

37 "(b) On Tuesday next after the first Monday in May preceding each general election  
38 to be held in November for the officers referred to in subsection (a) of this section other  
39 than Lieutenant Governor, there shall be held in all election precincts within the  
40 territory for which the officers are to be elected a primary election for the purpose of  
41 nominating candidates for each political party in the State for those offices."

42 Sec. 17. G.S. 163-123 is amended by adding a new subsection to read:

43 "(c1) Any declaration of intent filed under this section for the office of Governor  
44 shall be a joint declaration with another candidate for the office of Lieutenant Governor.

1 Any declaration of intent filed under this section for the office of Lieutenant Governor  
2 shall be a joint declaration with another candidate for the office of Governor. The  
3 declaration shall be signed by both candidates. The State Board of Elections shall  
4 provide for a joint petition form for Governor and Lieutenant Governor in lieu of the  
5 one provided by subsection (d) of this section."

6           Sec. 18. Sections 5 through 17 of this act shall become effective only if the  
7 constitutional amendment proposed by Section 1 of this act is approved as provided by  
8 Sections 2 through 4 of this act, and if so approved, Sections 5 through 17 of this act  
9 shall become effective beginning with the 1996 election.

10           Sec. 19. This act is effective upon ratification.