

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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HOUSE BILL 46

Short Title: Superior Ct. Judges by Dist.

(Public)

Sponsors: Representatives Daughtry; Arnold, Balmer, Barbee, Berry, Bowie, Brawley, J. Brown, Brubaker, Creech, Culp, Decker, Dickson, Dockham, Edwards, Ellis, Esposito, Flaherty, Gardner, Grady, Gray, Hall, Hayes, Holmes, Ives, Justus, Lemmond, McCombs, Miner, Mitchell, Morgan, Nichols, C. Preston, J. Preston, Robinson, Russell, Sexton, Sutton, Tallent, Thompson, Weatherly, Wilson, Wood, and Yongue.

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

February 8, 1994

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

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

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

24 On the face of the ballot, above the party and unaffiliated column
25 division, the following instructions shall be printed in heavy black
26 type, and the words 'you must also' in instruction c. shall be
27 underlined:

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

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

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

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

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

40 On the face of the ballot, above the party and unaffiliated column
41 division, the following instructions shall be printed in heavy black
42 type, and the words 'you must also' in instruction c. shall be
43 underlined:

- 1 'a. To vote for all candidates of one party (a straight ticket), make a
2 cross (X) mark in the circle of the party for whose candidates
3 you wish to vote.
4 b. You may vote a split ticket by not marking a cross (X) mark in
5 the party circle, but by making a cross (X) mark in the square
6 opposite the name of each candidate for whom you wish to
7 vote.
8 c. You may also vote a split ticket by marking a cross (X) mark in
9 the party circle and then making a cross (X) mark in the square
10 opposite the name of any candidate you choose of a different
11 party. In any multi-seat race where a party circle is marked and
12 you vote for candidates of another party, you must also make a
13 cross (X) mark opposite the name of any candidate you choose
14 of the party for which you marked the party circle to assure
15 your vote will count.
16 d. If you tear or deface or wrongly mark this ballot, return it and
17 get another.'

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

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

23 **"§ 163-192. State Board of Elections to prepare abstracts and declare results of**
24 **primaries and elections.**

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

- 27 (1) For Governor and all State officers, justices of the Supreme Court,
28 judges of the Court of Appeals, ~~judges of the superior court,~~ and United
29 States Senators.
30 (2) For members of the United States House of Representatives for the
31 several congressional districts in the State.
32 (3) For district court judges for the several district court districts in the
33 State.
34 (3a) For superior court judges for the several superior court districts in the
35 State.
36 (4) For district attorney in the several prosecutorial districts in the State.
37 (5) For State Senators in the several senatorial districts in the State
38 composed of more than one county.
39 (6) For members of the State House of Representatives in the several
40 representative districts in the State composed of more than one county.

41 Abstracts prepared by the State Board of Elections under this subsection shall state
42 the total number of votes cast for each candidate of each political party for each of the
43 various offices canvassed by the State Board of Elections. They shall also state the

1 name or names of the person or persons whom the State Board of Elections shall
2 ascertain and judicially determine by the count to be nominated for each office.

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

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

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

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

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

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

17 (4a) For superior court judges for the several superior court districts in the
18 State.

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

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

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

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

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

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

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

41 Sec. 6. The appropriation from the General Fund to the State Board of
42 Elections is reduced for fiscal year 1994-95 by the sum of sixteen thousand dollars
43 (\$16,000) because it will not have to print a general election ballot for superior court
44 judges.

1 Sec. 7. This act is effective upon ratification and applies beginning with
2 elections held in 1994.