

- 1 (1) Ballot for presidential electors
- 2 (2) Ballot for United States Senator
- 3 (3) Ballot for member of the United States House of Representatives
- 4 (4) State ballot
- 5 (5) County ballot
- 6 (6) Repealed by Session Laws 1973, c. 793, s. 56.
- 7 (7) Ballot for constitutional amendments and other propositions submitted
- 8 to the people.

9 Use of official ballots shall be limited to the purposes indicated by their titles. The
10 printing on all ballots shall be plain and legible but, unless large type is specified by this
11 section, type larger than 10-point shall not be used in printing ballots. All general
12 election ballots shall be prepared in such a way as to leave sufficient blank space beneath
13 each name printed thereon in which a voter may conveniently write the name of any
14 person for whom he may desire to vote.

15 Unless prohibited by this section, the board of elections, State or county, charged by
16 law with printing ballots may, in its discretion, combine any two or more official ballots.
17 Whenever two or more ballots are combined, the voting instructions for the State ballot
18 set out in subsection (b)(4) of this section shall be used, except that if the two ballots
19 being combined do not contain a multi-seat race, then the second sentence of instruction
20 b. shall not appear on the ballot.

21 Contests in the general election for seats in the State House of Representatives and
22 State Senate shall be on ballots that are separate from ballots containing non-legislative
23 contests, except where the voting system used makes separation of ballots impractical.
24 State House and State Senate contests shall be on the same ballot, unless one is a single-
25 seat contest and the other a multi-seat contest.

26 ~~If the State Board of Elections divides the State ballot into two or more ballots, all~~
27 All candidates for superior court shall appear on the same ballot except that the ~~State~~
28 ~~Board of Elections~~ appropriate board of elections may divide the election of superior
29 court judges into two ballots ~~either because of length of the ballot or to provide a separate~~
30 ballot for multi-seat races but only superior court judges shall be on those ballots, and all
31 candidates for the Appellate Division shall appear on the same ballot."

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

33 "(4) State Ballot: Beneath the title and general instructions set out in this
34 subsection, the ballot for single-seat contests for State officers, and for
35 all State officers where mechanical voting machines are used (~~including~~
36 ~~judges of the superior court~~) shall be divided into parallel columns
37 separated by distinct black lines. The State Board of Elections shall
38 assign a separate column to each political party having candidates for
39 State offices and one to unaffiliated candidates, if any. At the head of
40 each party column the party's name shall be printed in large type, and at
41 the head of the column for unaffiliated candidates shall be printed in
42 large type the words 'Unaffiliated Candidates.' Below the party name in
43 each column shall be printed a circle, one-half inch in diameter, around

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

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

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

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

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

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

- 41 "(5) County Ballot: Beneath the title and general instructions set out in this
42 subsection, the ballot for single-seat contests for county officers
43 (including district attorney for the prosecutorial district in which the

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

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

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

- 34 'a. To vote for all candidates of one party (a straight ticket), make a
35 cross (X) mark in the circle of the party for whose candidates you
36 wish to vote.
- 37 b. You may vote a split ticket by not marking a cross (X) mark in
38 the party circle, but by making a cross (X) mark in the square
39 opposite the name of each candidate for whom you wish to vote.
- 40 c. You may also vote a split ticket by marking a cross (X) mark in
41 the party circle and then making a cross (X) mark in the square
42 opposite the name of any candidate you choose of a different
43 party. In any multi-seat race where a party circle is marked and

1 you vote for candidates of another party, you must also make a
2 cross (X) mark opposite the name of any candidate you choose of
3 the party for which you marked the party circle to assure your
4 vote will count.

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

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

11 Sec. 6. G.S. 163-192 reads as rewritten:

12 **"§ 163-192. State Board of Elections to prepare abstracts and declare results of**
13 **primaries and elections.**

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

- 16 (1) For Governor and all State officers, justices of the Supreme Court,
17 judges of the Court of Appeals, ~~judges of the superior court,~~ and United
18 States Senators.
19 (2) For members of the United States House of Representatives for the
20 several congressional districts in the State.
21 (3) For district court judges for the several district court districts in the
22 State.
23 (3a) For superior court judges for the several superior court districts in the
24 State.
25 (4) For district attorney in the several prosecutorial districts in the State.
26 (5) For State Senators in the several senatorial districts in the State
27 composed of more than one county.
28 (6) For members of the State House of Representatives in the several
29 representative districts in the State composed of more than one county.

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

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

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

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

- 1 (2) For Governor and all State officers, justices of the Supreme Court,
2 judges of the Court of Appeals, ~~judges of the superior court,~~ and United
3 States Senators.
- 4 (3) For members of the United States House of Representatives for the
5 several congressional districts in the State.
- 6 (4) For district court judges for the several district court districts as defined
7 in G.S. 7A-133 in the State.
- 8 (4a) For superior court judges for the several superior court districts in the
9 State.
- 10 (5) For district attorney in the several prosecutorial districts in the State.
- 11 (6) For State Senators in the several senatorial districts in the State
12 composed of more than one county.
- 13 (7) For members of the State House of Representatives in the several
14 representative districts in the State composed of more than one county.
- 15 (8) For and against any constitutional amendments or propositions
16 submitted to the people.

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

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

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

32 PART 2. NONPARTISAN ELECTIONS

33 Sec. 7. Chapter 163 of the General Statutes is amended by adding a new
34 Subchapter to read:

35 "SUBCHAPTER X. ELECTION OF SUPERIOR COURT JUDGES.

36 "ARTICLE 25.

37 "NOMINATION AND ELECTION OF SUPERIOR COURT JUDGES.

38 "§ 163-321. Applicability.

39 The nomination and election of superior court judges of the General Court of Justice
40 shall be as provided by this Article.

41 "§ 163-322. Nonpartisan primary election method.

42 (a) General. Except as provided in G.S. 163-329, there shall be a primary to
43 narrow the field of candidates to two candidates for each position to be filled if, when the

1 filing period closes, there are more than two candidates for a single office or the number
2 of candidates for a group of offices exceeds twice the number of positions to be filled. If
3 only one or two candidates file for a single office, no primary shall be held for that office
4 and the candidates shall be declared nominated. If the number of candidates for a group
5 of offices does not exceed twice the number of positions to be filled, no primary shall be
6 held for those offices and the candidates shall be declared nominated.

7 (b) Determination of Nominees. In the primary, the two candidates for a single
8 office receiving the highest number of votes, and those candidates for a group of offices
9 receiving the highest number of votes, equal to twice the number of positions to be filled,
10 shall be declared nominated. If two or more candidates receiving the highest number of
11 votes each receive the same number of votes, the State Board of Elections shall determine
12 their relative ranking by lot, and shall declare the nominees accordingly. The canvass of
13 the primary shall be held on the same date as the primary canvass fixed under G.S. 163-
14 188. The canvass shall be conducted in accordance with Article 16 of this Chapter.

15 (c) Determination of Election Winners. In the election, the names of those
16 candidates declared nominated without a primary and those candidates nominated in the
17 primary shall be placed on the ballot. The candidate for a single office receiving the
18 highest number of votes shall be elected. Those candidates for a group of offices
19 receiving the highest number of votes, equal in number to the number of positions to be
20 filled, shall be elected. If two candidates receiving the highest number of votes each
21 received the same number of votes, the State Board of Elections shall determine the
22 winner by lot.

23 **"§ 163-323. Notice of candidacy.**

24 (a) Form of Notice. Each person offering to be a candidate for election shall do so
25 by filing a notice of candidacy with the State Board of Elections in the following form,
26 inserting the words in parentheses when appropriate:

27 'Date _____;
28 I hereby file notice that I am a candidate for election to the office of
29 _____ in the regular election to be held _____,
30 _____.

31 Signed _____;
32 (Name of Candidate)

33 Witness: _____.

34 The notice of candidacy shall be either signed in the presence of the chairman or
35 secretary of the State Board of Elections, or signed and acknowledged before an officer
36 authorized to take acknowledgments who shall certify the notice under seal. An
37 acknowledged and certified notice may be mailed to the State Board of Elections. In
38 signing a notice of candidacy, the candidate shall use only the candidate's legal name and,
39 in his discretion, any nickname by which commonly known. A candidate may also, in
40 lieu of that candidate's first name and legal middle initial or middle name, if any, sign
41 that candidate's nickname, provided the candidate appends to the notice of candidacy an
42 affidavit that the candidate has been commonly known by that nickname for at least five
43 years prior to the date of making the affidavit. The candidate shall also include with the

1 affidavit the way the candidate's name (as permitted by law) should be listed on the ballot
2 if another candidate with the same last name files a notice of candidacy for that office.

3 A notice of candidacy signed by an agent or any person other than the candidate
4 himself shall be invalid.

5 (b) Time for Filing Notice of Candidacy. Candidates seeking election to the
6 following offices shall file their notice of candidacy with the State Board of Elections no
7 earlier than 12:00 noon on the first Monday in January and no later than 12:00 noon on
8 the first Monday in February preceding the election:

9 Judges of the superior courts.

10 (c) Withdrawal of Notice of Candidacy. Any person who has filed a notice of
11 candidacy for an office shall have the right to withdraw it at any time prior to the date on
12 which the right to file for that office expires under the terms of subsection (b) of this
13 section.

14 (d) Certificate That Candidate Is Registered Voter. Candidates shall file along
15 with their notice a certificate signed by the chairman of the board of elections or the
16 supervisor of elections of the county in which they are registered to vote, stating that the
17 person is registered to vote in that county, and if the county contains more than one
18 superior court district, stating the superior court district of which the person is a resident.
19 In issuing such certificate, the chairman or supervisor shall check the registration records
20 of the county to verify such information. During the period commencing 36 hours
21 immediately preceding the filing deadline, the State Board of Elections shall accept, on a
22 conditional basis, the notice of candidacy of a candidate who has failed to secure the
23 verification ordered herein subject to receipt of verification no later than three days
24 following the filing deadline. The State Board of Elections shall prescribe the form for
25 such certificate, and distribute it to each county board of elections no later than the last
26 Monday in December of each odd-numbered year.

27 (e) Candidacy for More Than One Office Prohibited. No person may file a notice
28 of candidacy for more than one office or group of offices described in subsection (b) of
29 this section for any one election. If a person has filed a notice of candidacy with a board
30 of elections under this section for one office or group of offices, then a notice of
31 candidacy may not later be filed for any other office or group of offices under this section
32 when the election is on the same date unless the notice of candidacy for the first office is
33 withdrawn under subsection (c) of this section.

34 **§ 163-324. Filing fees required of candidates; refunds.**

35 (a) Fee Schedule. At the time of filing a notice of candidacy under this Article,
36 each candidate shall pay to the State Board of Elections a filing fee for the office he seeks
37 in the amount of one percent (1%) of the annual salary of the office sought.

38 (b) Refund of Fees. If any person who has filed a notice of candidacy and paid the
39 filing fee prescribed in subsection (a) of this section withdraws his notice of candidacy
40 within the period prescribed in G.S. 163-323(c), he shall be entitled to have the fee he
41 paid refunded. The chairman of the State Board of Elections shall cause a warrant to be
42 drawn on the State Treasurer for the refund payment.

1 If any person who has filed a notice of candidacy and paid the filing fee prescribed in
2 subsection (a) of this section dies prior to the date of the election, the personal
3 representative of the estate shall be entitled to have the fee refunded if application is
4 made to the board of elections to which the fee was paid no later than one year after the
5 date of death, and refund shall be made in the same manner as in withdrawal of notice of
6 candidacy.

7 **"§ 163-325. Petition in lieu of payment of filing fee.**

8 (a) General. Any qualified voter who seeks election under this Article may, in lieu
9 of payment of any filing fee required for the office he seeks, file a written petition
10 requesting him to be a candidate for a specified office with the State Board of Elections.

11 (b) Requirements of Petition; Deadline for Filing. If the candidate is seeking the
12 office of superior court judge, that individual shall file a written petition with the State
13 Board of Elections no later than 12:00 noon on Monday preceding the filing deadline
14 before the primary. The petition shall be signed by ten percent (10%) of the registered
15 voters of the election area in which the office will be voted for. The board of elections
16 shall verify the names on the petition, and if the petition and notice of candidacy are
17 found to be sufficient, the candidate's name shall be printed on the appropriate ballot.
18 Petitions must be presented to the county board of elections for verification at least 15
19 days before the petition is due to be filed with the State Board of Elections. The State
20 Board of Elections may adopt rules to implement this section and to provide standard
21 petition forms.

22 **"§ 163-326. Certification of notices of candidacy.**

23 (a) Names of Candidates Sent to Secretary of State. Within three days after the
24 time for filing notices of candidacy with the State Board of Elections under the provisions
25 of G.S. 163-323(b) has expired, the chairman or secretary of that Board shall certify to
26 the Secretary of State the name and address of each person who has filed with the State
27 Board of Elections, indicating in each instance the office sought.

28 (b) Notification of Local Boards. No later than 10 days after the time for filing
29 notices of candidacy under the provisions of G.S. 163-323(b) has expired, the chairman
30 of the State Board of Elections shall certify to the chairman of the county board of
31 elections in each county in the appropriate district the names of candidates for
32 nomination to the offices of superior court judge who have filed the required notice and
33 paid the required filing fee or presented the required petition to the State Board of
34 Elections, so that their names may be printed on the official judicial ballot for superior
35 court.

36 (c) Receipt of Notification by County Board. Within two days after receipt of
37 each of the letters of certification from the chairman of the State Board of Elections
38 required by subsection (b) of this section, each county elections board chairman shall
39 acknowledge receipt by letter addressed to the chairman of the State Board of Elections.

40 **"§ 163-327. Death of candidates or elected officers.**

41 (a) Death or Disqualification of Candidate Before Primary. If a candidate for
42 nomination in a primary dies, becomes disqualified, or withdraws before the primary but
43 after the ballots have been printed, the State Board of Elections shall determine whether

1 or not there is time to reprint the ballots. If the Board determines that there is not enough
2 time to reprint the ballots, the deceased or disqualified candidate's name shall remain on
3 the ballots. If that candidate receives enough votes for nomination, such votes shall be
4 disregarded and the candidate receiving the next highest number of votes below the
5 number necessary for nomination shall be declared nominated. If the death or
6 disqualification of the candidate leaves only two candidates for each office to be filled,
7 the nonpartisan primary shall not be held and all candidates shall be declared nominees.

8 (b) Death, Disqualification, or Resignation of Official After Election. If a person
9 elected to the office of superior court judge dies, becomes disqualified, or resigns on or
10 after election day and before he has qualified by taking the oath of office, the office shall
11 be deemed vacant and shall be filled as provided by law.

12 **"§ 163-328. Failure of candidates to file; death of a candidate before election.**

13 (a) Insufficient Number of Candidates. If when the filing period expires,
14 candidates have not filed for an office to be filled under this Article, the State Board of
15 Elections shall extend the filing period for five days for any such offices.

16 (b) Death of Candidate; Reopening Filing. If there is no primary because only one
17 or two candidates have filed for a single office, or the number of candidates filed for a
18 group of offices does not exceed twice the number of positions to be filled, and thereafter
19 a candidate dies before the election and before the ballots are printed, the State Board of
20 Elections shall, upon notification of the death, immediately reopen the filing period for an
21 additional five days during which time additional candidates shall be permitted to file for
22 election. If the ballots have been printed at the time the State Board of Elections receives
23 notice of the candidate's death, the Board shall determine whether there will be sufficient
24 time to reprint them before the election if the filing period is reopened for three days. If
25 the Board determines that there will be sufficient time to reprint the ballots, it shall
26 reopen the filing period for three days to allow other candidates to file for election, and
27 such election shall be conducted on the plurality basis.

28 (c) Death of Nominated Candidate; Ballots Not Reprinted. If the ballots have
29 been printed at the time the State Board of Elections receives notice of a candidate's
30 death, and if the Board determines that there is not enough time to reprint the ballots
31 before the election if the filing period is reopened for three days, then regardless of the
32 number of candidates remaining for the office or group of offices, the ballots shall not be
33 reprinted and the name of the deceased candidate shall remain on the ballots. If a
34 deceased candidate should poll the highest number of votes in the election for a single
35 office or enough votes to be elected to one of a group of offices, the State Board of
36 Elections shall declare the office vacant and it shall be filled in the manner provided by
37 law.

38 **"§ 163-329. Elections to fill vacancy created after primary filing period to use
39 plurality method.**

40 (a) General. If a vacancy is created in the office of judge of superior court after
41 the filing period for the primary opens but more than 60 days before the general election,
42 and under the Constitution of North Carolina an election is to be held for that position,
43 such that the office shall be filled in the general election as provided in G.S. 163-9, the

1 election to fill the office for the remainder of the term shall be conducted without a
2 primary using the plurality method as provided in subsection (b) of this section. If a
3 vacancy is created in the office of judge of superior court before the filing period for the
4 primary opens, and under the Constitution of North Carolina an election is to be held for
5 that position, such that the office shall be filled in the general election as provided in G.S.
6 163-9, the election to fill the office for the remainder of the term shall be conducted in
7 accordance with G.S. 163-322.

8 (b) Plurality Election Rules. Elections under this section shall be conducted using
9 the following rules:

10 (1) The filing period shall be prescribed by the State Board of Elections, but
11 in no event may it be less than five working days. If a vacancy occurs
12 in a second office in the same superior court district after the first filing
13 period established under the section has closed, the State Board of
14 Elections shall reopen filing for a period of not less than five working
15 days for the office of superior court judge. All persons filing in either
16 filing period shall run as a group and the election results shall be
17 determined by subdivision (3) of this subsection.

18 (2) When more than one person is seeking election to a single office, the
19 candidate who receives the highest number of votes shall be declared
20 elected.

21 (3) When more persons are seeking election to two or more offices
22 (constituting a group) than there are offices to be filled, those candidates
23 receiving the highest number of votes, equal in number to the number of
24 offices to be filled, shall be declared elected.

25 (4) If two or more candidates receiving the highest number of votes each
26 receive the same number of votes, the board of elections shall determine
27 the winner by lot.

28 (5) Except as provided in this section, the provisions of this Article apply to
29 elections conducted under this section.

30 **"§ 163-330. Voting in primary.**

31 Any person who will become qualified by age or residence to register and vote in the
32 general election for which the primary is held, even though not so qualified by the date of
33 the primary, shall be entitled to register for the primary and general election prior to the
34 primary and then to vote in the primary after being registered. Such person may register
35 not earlier than 60 days nor later than the last day for making application to register under
36 G.S. 163-82.6(c) prior to the primary.

37 **"§ 163-331. Date of primary.**

38 The primary shall be held on the same date as established for primary elections under
39 G.S. 163-1(b).

40 **"§ 163-332. Ballots.**

41 (a) General. In elections there shall be official ballots. The ballots shall be printed
42 to conform to the requirement of G.S. 163-140(c) and to show the name of each person
43 who has filed notice of candidacy, and the office for which each aspirant is a candidate.

1 Only those who have filed the required notice of candidacy with the proper board of
2 elections, and who have paid the required filing fee or qualified by petition, shall have
3 their names printed on the official primary ballots. Only those candidates properly
4 nominated shall have their names appear on the official general election ballots.

5 (b) Ballots to be Furnished by County Board of Elections. It shall be the duty of
6 the county board of elections to print official ballots for the following offices to be voted
7 for in the primary:

8 Superior court judge.

9 In printing ballots, the county board of elections shall be governed by instructions of
10 the State Board of Elections with regard to width, color, kind of paper, form, and size of
11 type.

12 Three days before the election, the chairman of the county board of elections shall
13 distribute official ballots to the chief judge of each precinct in his county, and the chief
14 judge shall give a receipt for the ballots received. On the day of the primary, it shall be
15 the chief judge's duty to have all the ballots so delivered available for use at the precinct
16 voting place.

17 **"§ 163-333. Canvass.**

18 The county board of elections shall, in addition to the requirements contained in G.S.
19 163-175, canvass the results in judicial primaries and elections, the number of legal votes
20 cast in each precinct for each candidate, the name of each person voted for, and the total
21 number of votes cast in the county for each person for each different office.

22 **"§ 163-334. Counting of ballots.**

23 Counting of ballots in primaries and elections held under this Article shall be under
24 the same rules as for counting of ballots in nonpartisan municipal elections under Article
25 24 of this Chapter.

26 **"§ 163-335. Other rules.**

27 Except as provided by this Article, the conduct of elections shall be governed by
28 Subchapter VI of this Chapter."

29 Sec. 8. G.S. 163-106(c) reads as rewritten:

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

34 Governor

35 Lieutenant Governor

36 All State executive officers

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

38 Judges of the superior courts

39 Judges of the district courts

40 United States Senators

41 Members of the House of Representatives of the United States

42 District attorneys

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

- 5 State Senators
- 6 Members of the State House of Representatives
- 7 All county offices."

8 Sec. 9. G.S. 163-107(a) reads as rewritten:

9 "(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate
 10 shall pay to the board of elections with which he files under the provisions of G.S. 163-
 11 106 a filing fee for the office he seeks in the amount specified in the following tabulation:

12 Office Sought	13 Amount of Filing Fee
14 Governor	15 One percent (1%) of the annual salary of the office sought
16 Lieutenant Governor	17 One percent (1%) of the annual salary of the office sought
18 All State executive offices	19 One percent (1%) of the annual salary of the office sought
20 All Justices, Judges, and	21 One percent (1%) of the annual salary of the office sought
22 District Attorneys of the	
23 General Court of Justice	
24 <u>other than superior court</u>	
25 <u>judge</u>	
26 United States Senator	27 One percent (1%) of the annual salary of the office sought
28 Members of the United States	29 One percent (1%) of the annual salary of the office sought
30 House of Representatives	
31 State Senator	32 One percent (1%) of the annual salary of the office sought
33 Member of the State House of	34 One percent (1%) of the annual salary of the office sought
35 Representatives	
36 All county offices not	37 One percent (1%) of the annual salary of the office sought
38 compensated by fees	
39 County commissioners, if	40 Ten dollars (\$10.00)
41 compensated entirely by fees	
42 Members of county board of	43 Five dollars (\$5.00)
44 education, if compensated	
45 entirely by fees	
46 Sheriff, if compensated	47 Forty dollars (\$40.00), plus one
48 entirely by fees	49 percent (1%) of the income of the
	50 office above four thousand
	51 dollars (\$4,000)

1	Clerk of superior court, if	Forty dollars (\$40.00), plus one
2	compensated entirely by fees	percent (1%) of the income of the
3		office above four thousand
4		dollars (\$4,000)
5	Register of deeds, if	Forty dollars (\$40.00), plus one
6	compensated entirely by fees	percent (1%) of the income of the
7		office above four thousand
8		dollars (\$4,000)
9	Any other county office, if	Twenty dollars (\$20.00), plus one
10	compensated entirely by fees	percent (1%) of the income of the
11		office above two thousand dollars
12		(\$2,000)
13	All county offices compensated	One percent (1%) of the first
14	partly by salary and partly	annual salary to be received
15	by fees (exclusive of fees)." Sec. 10. G.S. 163-111(c)(1) reads as rewritten:	
16	"(1) A candidate who is apparently entitled to demand a second primary,	
17	according to the unofficial results, for one of the offices listed below,	
18	and desiring to do so, shall file a request for a second primary in writing	
19	or by telegram with the Executive Secretary-Director of the State Board	
20	of Elections no later than 12:00 noon on the seventh day (including	
21	Saturdays and Sundays) following the date on which the primary was	
22	conducted, and such request shall be subject to the certification of the	
23	official results by the State Board of Elections. If the vote certification	
24	by the State Board of Elections determines that a candidate who was not	
25	originally thought to be eligible to call for a second primary is in fact	
26	eligible to call for a second primary, the Executive Secretary-Director of	
27	the State Board of Elections shall immediately notify such candidate	
28	and permit him to exercise any options available to him within a 48-	
29	hour period following the notification:	
30	Governor,	
31	Lieutenant Governor,	
32	All State executive officers,	
33	Justices, Judges, or District Attorneys of the General Court of	
34	Justice, <u>other than superior court judge,</u>	
35	United States Senators,	
36	Members of the United States House of Representatives,	
37	State Senators in multi-county senatorial districts, and	
38	Members of the State House of Representatives in multi-county	
39	representative districts."	

40 Sec. 11. G.S. 163-140(a), as amended by Section 3 of this act, reads as
41 rewritten:

42 "(a) Kinds of General Election Ballots; Right to Combine. – For purposes of
43 general elections, there shall be seven kinds of official ballots entitled:

- 1 (1) Ballot for presidential electors
- 2 (2) Ballot for United States Senator
- 3 (3) Ballot for member of the United States House of Representatives
- 4 (4) State ballot
- 5 (5) County ballot
- 6 (6) Repealed by Session Laws 1973, c. 793, s. 56.
- 7 (7) Ballot for constitutional amendments and other propositions submitted
- 8 to the people.
- 9 (8) Judicial ballot for superior court.

10 Use of official ballots shall be limited to the purposes indicated by their titles. The
11 printing on all ballots shall be plain and legible but, unless large type is specified by this
12 section, type larger than 10-point shall not be used in printing ballots. All general election
13 ballots shall be prepared in such a way as to leave sufficient blank space beneath each
14 name printed thereon in which a voter may conveniently write the name of any person for
15 whom he may desire to vote.

16 Unless prohibited by this section, the board of elections, State or county, charged by
17 law with printing ballots may, in its discretion, combine any two or more official ballots.
18 Whenever two or more ballots are combined, the voting instructions for the State ballot
19 set out in subsection (b)(4) of this section shall be used, except that if the two ballots
20 being combined do not contain a multi-seat race, then the second sentence of instruction
21 b. shall not appear on the ballot.

22 Contests in the general election for seats in the State House of Representatives and
23 State Senate shall be on ballots that are separate from ballots containing non-legislative
24 contests, except where the voting system used makes separation of ballots impractical.
25 State House and State Senate contests shall be on the same ballot, unless one is a single-
26 seat contest and the other a multi-seat contest.

27 ~~All candidates for superior court shall appear on the same ballot except that the~~
28 ~~appropriate board of elections may divide the election of superior court judges into two~~
29 ~~ballots to provide a separate ballot for multi-seat races but only superior court judges~~
30 ~~shall be on those ballots, and all candidates for the Appellate Division shall appear on the~~
31 ~~same ballot."~~

32 Sec. 12. G.S. 163-107.1(c) reads as rewritten:

33 "(c) County, Municipal and District Primaries. – If the candidate is seeking one of
34 the offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this
35 section, or a municipal or any other office requiring a partisan primary which is not set
36 forth in G.S. 163-106(c) or (d), he shall file a written petition with the appropriate board
37 of elections no later than 12:00 noon on Monday preceding the filing deadline before the
38 primary. The petition shall be signed by ten percent (10%) of the registered voters of the
39 election area in which the office will be voted for, who are affiliated with the same
40 political party in whose primary the candidate desires to run, or in the alternative, the
41 petition shall be signed by no less than 200 registered voters regardless of said voter's
42 political party affiliation, whichever requirement is greater. The board of elections shall
43 verify the names on the petition, and if the petition is found to be sufficient, the

1 candidate's name shall be printed on the appropriate primary ballot. Petitions for
 2 candidates for member of the U.S. House of Representatives, District Attorney, and judge
 3 of the District Court ~~and judge of the Superior Court~~, or members of the State House of
 4 Representatives from multi-county districts or members of the State Senate from multi-
 5 county districts must be presented to the county board of elections for verification at least
 6 15 days before the petition is due to be filed with the State Board of Elections, and such
 7 petition must be filed with the State Board of Elections no later than 12:00 noon on
 8 Monday preceding the filing deadline. The State Board of Elections may adopt rules to
 9 implement this section and to provide standard petition forms."

10 Sec. 13. G.S. 163-114 reads as rewritten:

11 **"§ 163-114. Filling vacancies among party nominees occurring after nomination and**
 12 **before election.**

13 If any person nominated as a candidate of a political party for one of the offices listed
 14 below (either in a primary or convention or by virtue of having no opposition in a
 15 primary) dies, resigns, or for any reason becomes ineligible or disqualified before the
 16 date of the ensuing general election, the vacancy shall be filled by appointment according
 17 to the following instructions:

<p>19 Position</p> <p>20 Any elective State office</p> <p>21 United States Senator</p>	<p>22 </p> <p>23 </p> <p>24 </p>	<p>Vacancy is to be filled by</p> <p>appointment of State</p> <p>executive committee of</p> <p>political party in which</p> <p>vacancy occurs</p>
<p>25 A district office, including:</p> <p>26 Member of the United States</p> <p>27 House of Representatives</p> <p>28 Judge of superior court</p> <p>29 Judge of district court</p>	<p>30 </p> <p>31 </p> <p>32 </p> <p>33 </p> <p>34 </p> <p>35 </p> <p>36 </p> <p>37 </p>	<p>Appropriate district executive</p> <p>committee of political party</p> <p>in which vacancy occurs</p>
<p>38</p> <p>39 State Senator in a single-</p> <p>40 county senatorial district</p> <p>41 Member of State House of</p> <p>42 Representatives in a</p> <p>43 single-county</p>	<p>44 </p> <p>45 </p> <p>46 </p> <p>47 </p> <p>48 </p>	<p>County executive committee</p> <p>of political party in which</p> <p>vacancy occurs, provided, in</p> <p>the case of the State</p> <p>Senator or State</p>

1 representative district | Representative in a
 2 Any elective county office | single-county district where
 3 | not all the county is
 4 | located in that district,
 5 | then in voting, only those
 6 | members of the county
 7 | executive committee who
 8 | reside within the
 9 | district shall vote

10
 11 ~~Judge of Superior Court in a~~ † ~~County executive committee~~
 12 ~~single-county superior~~ † ~~of political party in~~
 13 ~~court district where the~~ † ~~which vacancy occurs;~~
 14 ~~district is the whole~~ † ~~provided, in the case of~~
 15 ~~county or part of the~~ † ~~a superior court judge in a~~
 16 ~~county~~ † ~~single-county district where~~
 17 ~~not all the county is~~
 18 ~~located in that district,~~
 19 ~~then in voting, only those~~
 20 ~~members of the county~~
 21 ~~executive committee who~~
 22 ~~reside within the~~
 23 ~~district shall vote~~

24
 25 ~~Judge of Superior Court in a~~ † ~~Appropriate district~~
 26 ~~multi-county superior~~ † ~~executive committee of~~
 27 ~~court district~~ † ~~political party in which~~
 28 ~~vacancy occurs.~~

29 The party executive making a nomination in accordance with the provisions of this
 30 section shall certify the name of its nominee to the chairman of the board of elections,
 31 State or county, charged with the duty of printing the ballots on which the name is to
 32 appear. If at the time a nomination is made under this section the general election ballots
 33 have already been printed, the provisions of G.S. 163-139 shall apply. If any person
 34 nominated as a candidate of a political party vacates such nomination and such vacancy
 35 arises from a cause other than death and the vacancy in nomination occurs more than 120
 36 days before the general election, the vacancy in nomination may be filled under this
 37 section only if the appropriate executive committee certifies the name of the nominee in
 38 accordance with this paragraph at least 75 days before the general election.

39 ~~In a county which is partly in a multi-county superior court district, in choosing that~~
 40 ~~county's member or members of the superior court district executive committee for the~~
 41 ~~multi-county district, only the county convention delegates or county executive~~
 42 ~~committee members who reside within the area of the county which is within that multi-~~
 43 ~~county district may vote.~~

1 In a county not all of which is located in one congressional district, in choosing the
2 congressional district executive committee member or members from that area of the
3 county, only the county convention delegates or county executive committee members
4 who reside within the area of the county which is within the congressional district may
5 vote.

6 In a county which is partly in a multi-county senatorial district or which is partly in a
7 multi-county House of Representatives district, in choosing that county's member or
8 members of the senatorial district executive committee or House of Representatives
9 district executive committee for the multi-county district, only the county convention
10 delegates or county executive committee members who reside within the area of the
11 county which is within that multi-county district may vote."

12 Sec. 14. G.S. 163-122 is amended by adding the following subsection:

13 "(c) This section does not apply to elections under Article 25 of this Chapter."

14 Sec. 15. G.S. 163-135 is amended by adding a new subsection to read:

15 "(f) Judicial Elections. – Except as provided by Article 25 of this Chapter, this
16 Article shall apply to and control all elections for judges of the superior court."

17 Sec. 16. G.S. 163-137(a) is amended by adding the following new subdivision:

18 "(4) The names of all candidates nominated under Article 25 of this
19 Chapter."

20 Sec. 17. G.S. 163-138 reads as rewritten:

21 "**§ 163-138. Instructions for printing names on primary and election ballots.**

22 In preparing primary, general, and special election ballots, the legal name of a
23 candidate (together with his nickname in the situation outlined below) shall be printed
24 precisely as it appears on the notice of candidacy form filed in accordance with G.S. ~~163-~~
25 ~~106-163-106~~, G.S. 163-323, or in petition forms filed in accordance with G.S. 163-122.
26 If the candidate has inserted a nickname on the notice of candidacy or in the petition, it
27 shall be printed on the ballot immediately before the candidate's surname and shall be
28 enclosed by parentheses. Notwithstanding the previous sentence, if the candidate has
29 used his nickname in lieu of first and middle names as permitted by G.S. 163-106(a),
30 unless another candidate for the same office who files a notice of candidacy has the same
31 last name, the nickname shall be printed on the ballot immediately before the candidate's
32 surname but shall not be enclosed by parentheses. If another candidate for the same
33 office who filed a notice of candidacy has the same last name, then the candidate's name
34 shall be printed on the ballot in accordance with the alternate indicated by the candidate
35 on his affidavit under G.S. ~~163-106(a)~~–163-106(a) or G.S. 163-323(a). No title,
36 appendage, or appellation indicating rank, status, or position, shall be printed before or
37 following or as a nickname or in connection with the name of any candidate on any
38 ballot. Nevertheless, a candidate who is a married woman may use the prefix 'Mrs.' and a
39 candidate who is a single woman may use the prefix 'Miss' before her name if she so
40 elects."

41 Sec. 18. G.S. 163-140(b) is amended by adding a new subdivision to read:

42 "(9) Judicial ballot for superior court. The form of the judicial ballot for
43 judges of the superior court and district court shall be prepared by the

1 county board of elections. On the face of the ballot, shall be printed
2 instructions for marking the voter's choice, in addition to the following
3 instruction: 'If you tear or deface or wrongly mark this ballot, return it
4 and get another.' On the bottom of the ballot shall be printed an
5 identified facsimile of the signature of the chairman of the responsible
6 county board of elections. This ballot may not be combined with any
7 other ballot except another judicial ballot."

8 Sec. 19. G.S. 163-140(c)(2) reads as rewritten:

9 "(2) Separate Ballots for Each Political Party: For each political party
10 conducting a primary election separate ballots shall be printed, and the
11 paper used for each party's ballots shall be different in color from that
12 used for the ballots of other parties. Ballots for primaries held under
13 Article 25 of this Chapter shall be different in color than the ballots of
14 parties. Primary ballots shall not provide for voting a straight-party
15 ticket, but a voting square shall be printed to the left of the name of each
16 candidate appearing on the ballot."

17 Sec. 19.1. G.S. 163-156(c), as amended by Section 22 of this act, reads as
18 rewritten:

19 "(c) If a vacancy occurs in a judicial district for any offices of superior court judge,
20 and on account of the occurrence of such vacancy, there is to be an election for one or
21 more terms in that district to fill the vacancy or vacancies, at that same election in
22 accordance with G.S. 163-9 and Article VI, Section 19 of the North Carolina
23 Constitution, the nomination and election shall be determined by the following special
24 rules in addition to any other provisions of law:

25 (1) If the vacancy occurs prior to the ~~tenth day before the filing period ends~~
26 opening of the filing period under G.S. ~~163-106(e), 163-323(b),~~
27 nominations shall be made by primary election as provided by Article
28 ~~10-25~~ of this Chapter, without designation as to the vacancy;

29 (2) If the vacancy occurs beginning on the ~~tenth day before the filing period~~
30 ~~ends~~ opening of the filing period under G.S. ~~163-106(e), 163-323(b),~~
31 and ending on the sixtieth day before the general election, ~~a nomination~~
32 ~~shall be made by the appropriate district executive committee of each~~
33 ~~political party and the names of the nominees shall be printed on the~~
34 ~~general election ballots,~~ candidate filing shall be as provided by G.S.
35 163-329 without designation as to the vacancy;

36 (3) Repealed by Session Laws 1987, c. 485, s. 3.

37 (4) The general election ballot shall contain, without designation as to
38 vacancy, spaces for the election to fill the vacancy where nominations
39 were made or candidates filed under subdivisions (1) or (2) of this
40 subsection. The persons receiving the highest numbers of votes equal to
41 the term or terms to be filled shall be elected to the term or terms."

42 Sec. 20. G.S. 163-191 reads as rewritten:

43 "**§ 163-191. Contested primaries and elections; how tie broken.**

1 In a primary for party nomination for one or more of the offices to be canvassed by
2 the State Board of Elections under the provisions of G.S. 163-187, the results shall be
3 determined in accordance with the provisions of G.S. 163-111.

4 In a general election for one or more of the offices to be canvassed by the State Board
5 of Elections under the provisions of G.S. 163-187, the persons having the highest number
6 of votes for each office, respectively, shall be declared duly elected to that office by the
7 State Board of Elections. But if two or more be equal and highest in votes for the office,
8 then the State Board of Elections shall order a new election for the purpose of breaking
9 the tie ~~vote.~~ except if there is a tie for superior court judge the tie shall be broken in
10 accordance with Article 25 of this Chapter."

11 PART 3. SUPERIOR COURT VACANCIES

12 Sec. 21. G.S. 163-9, as amended by Chapter 98 of the 1995 Session Laws,
13 reads as rewritten:

14 "§ 163-9. Filling vacancies in State and district judicial offices.

15 (a) Vacancies occurring in the offices of Justice of the Supreme Court, judge of
16 the Court of Appeals, and judge of the superior court for causes other than expiration of
17 term shall be filled by appointment of the Governor. An appointee to the office of Justice
18 of the Supreme Court or judge of the Court of Appeals shall hold office until January 1
19 next following the election for members of the General Assembly that is held more than
20 60 days after the vacancy occurs, at which time an election shall be held for an eight-year
21 term and until a successor is elected and qualified.

22 (b) ~~An~~ Except for judges specified in the next paragraph of this subsection, an
23 appointee to the office of judge of superior court shall hold his place until the next
24 election for members of the General Assembly that is held more than 60 days after the
25 vacancy occurs, at which time an election shall be held to fill the unexpired term of the
26 office.

27 Appointees for judges of the superior court from any district:

28 (1) With only one resident judge; or

29 (2) In which no county is subject to section 5 of the Voting Rights Act of
30 1965,

31 shall hold the office until the next election of members of the General Assembly that is
32 held more than 60 days after the vacancy occurs, at which time an election shall be held
33 to fill an eight-year term.

34 (c) When the unexpired term of the office in which the vacancy has occurred
35 expires on the first day of January succeeding the next election for members of the
36 General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term
37 of the office.

38 (d) Vacancies in the office of district judge which occur before the expiration of a
39 term shall not be filled by election. Vacancies in the office of district judge shall be filled
40 in accordance with G.S. 7A-142."

41 Sec. 22. G.S. 163-156(c) reads as rewritten:

42 "(c) ~~When there is no election~~ If a vacancy occurs in a judicial district for any
43 offices of superior court judge for full terms, judge, and on account of the occurrence of

1 such vacancy, there is to be an election for one or more ~~unexpired~~ terms in that district to
2 fill the vacancy or vacancies, at that same election in accordance with G.S. 163-9 and
3 Article VI, Section 19 of the North Carolina Constitution, the nomination and election
4 shall be determined by the following special rules in addition to any other provisions of
5 law:

6 (1) If the ~~unexpired term~~ vacancy occurs prior to the tenth day before the
7 filing period ends under G.S. 163-106(c), nominations shall be made by
8 primary election as provided by Article 10 of this Chapter, without
9 designation as to the vacancy;

10 (2) If the ~~unexpired term~~ vacancy occurs beginning on the tenth day before
11 the filing period ends under G.S. 163-106(c), and ending on the sixtieth
12 day before the general election, a nomination shall be made by the
13 appropriate district executive committee of each political party and the
14 names of the nominees shall be printed on the general election ballots,
15 without designation as to the vacancy;

16 (3) Repealed by Session Laws 1987, c. 485, s. 3.

17 (4) The general election ballot shall contain, without designation as to
18 vacancy, spaces for the election ~~of all unexpired terms to fill the~~
19 vacancy where nominations were made under subdivisions (1) or (2) of
20 this subsection. The persons receiving the highest numbers of votes
21 equal to the ~~unexpired term or terms,~~ term or terms to be filled shall be
22 elected to the ~~unexpired~~ term or terms."

23 Sec. 23. Part 1 of this act becomes effective only if Parts 1 and 2 of this act are
24 both effective under section 5 of the Voting Rights Act of 1965.

25 Sec. 24. Part 1 of this act is effective upon ratification, and applies beginning
26 with the 1996 elections. Part 2 of this act becomes effective with respect to elections
27 conducted in 1998 and thereafter. Part 3 of this act is effective upon ratification and
28 applies to vacancies to be filled by elections conducted on or after that date. The
29 remainder of this act is effective upon ratification.