

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**SENATE BILL 119**

Short Title: District Court Elections Nonpartisan. (Public)

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Sponsors: Senators Dalton; Clodfelter, Hartsell, Martin of Guilford, Rand, Thomas,  
and Wellons.

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Referred to: Judiciary II.

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February 12, 2001

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF DISTRICT COURT  
3 JUDGES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. Article 25 of Chapter 163 of the General Statutes reads as  
6 rewritten:

7 "SUBCHAPTER X. ELECTION OF SUPERIOR AND DISTRICT  
8 COURT JUDGES.

9 "ARTICLE 25.

10 "NOMINATION AND ELECTION OF SUPERIOR AND DISTRICT COURT  
11 JUDGES.

12 "§ 163-321. **Applicability.**

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

15 "§ 163-322. **Nonpartisan primary election method.**

16 (a) General. – Except as provided in G.S. 163-329, there shall be a primary to  
17 narrow the field of candidates to two candidates for each position to be filled if, when  
18 the filing period closes, there are more than two candidates for a single office or the  
19 number of candidates for a group of offices exceeds twice the number of positions to be  
20 filled. If only one or two candidates file for a single office, no primary shall be held for  
21 that office and the candidates shall be declared nominated. If the number of candidates  
22 for a group of offices does not exceed twice the number of positions to be filled, no  
23 primary shall be held for those offices and the candidates shall be declared nominated.

24 (b) Determination of Nominees. – In the primary, the two candidates for a single  
25 office receiving the highest number of votes, and those candidates for a group of offices  
26 receiving the highest number of votes, equal to twice the number of positions to be  
27 filled, shall be declared nominated. If two or more candidates receiving the highest

1 number of votes each receive the same number of votes, the State Board of Elections  
2 shall determine their relative ranking by lot, and shall declare the nominees accordingly.  
3 The canvass of the primary shall be held on the same date as the primary canvass fixed  
4 under G.S. 163-188. The canvass shall be conducted in accordance with Article 16 of  
5 this Chapter.

6 (c) Determination of Election Winners. – In the election, the names of those  
7 candidates declared nominated without a primary and those candidates nominated in the  
8 primary shall be placed on the ballot. The candidate for a single office receiving the  
9 highest number of votes shall be elected. Those candidates for a group of offices  
10 receiving the highest number of votes, equal in number to the number of positions to be  
11 filled, shall be elected. If two candidates receiving the highest number of votes each  
12 received the same number of votes, the State Board of Elections shall determine the  
13 winner by lot.

14 **"§ 163-323. Notice of candidacy.**

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

18 "Date \_\_\_\_\_ :  
19 I hereby file notice that I am a candidate for election to the office of \_\_\_\_\_  
20 in the regular election to be held \_\_\_\_\_, \_\_\_\_\_.  
21 Signed \_\_\_\_\_ :  
22 (Name of Candidate)  
23 Witness: \_\_\_\_\_".

24 The notice of candidacy shall be either signed in the presence of the chairman or  
25 secretary of the State Board of Elections, or signed and acknowledged before an officer  
26 authorized to take acknowledgments who shall certify the notice under seal. An  
27 acknowledged and certified notice may be mailed to the State Board of Elections. In  
28 signing a notice of candidacy, the candidate shall use only the candidate's legal name  
29 and, in his discretion, any nickname by which commonly known. A candidate may also,  
30 in lieu of that candidate's first name and legal middle initial or middle name, if any, sign  
31 that candidate's nickname, provided the candidate appends to the notice of candidacy an  
32 affidavit that the candidate has been commonly known by that nickname for at least five  
33 years prior to the date of making the affidavit. The candidate shall also include with the  
34 affidavit the way the candidate's name (as permitted by law) should be listed on the  
35 ballot if another candidate with the same last name files a notice of candidacy for that  
36 office.

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

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

43 Judges of the superior courts.

44 Judges of the district courts.

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

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

19 (e) Candidacy for More Than One Office Prohibited. – No person may file a  
20 notice of candidacy for more than one office or group of offices described in subsection  
21 (b) of this section, or for an office or group of offices described in subsection (b) of this  
22 section and an office described in G.S. 163-106(c), for any one election. If a person has  
23 filed a notice of candidacy with a board of elections under this section or under G.S.  
24 163-106(c) for one office or group of offices, then a notice of candidacy may not later  
25 be filed for any other office or group of offices under this section when the election is  
26 on the same date unless the notice of candidacy for the first office is withdrawn under  
27 subsection (c) of this section.

28 (f) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any  
29 election in which there are two or more vacancies for the office of district court judge to  
30 be filled by nominations, each candidate shall, at the time of filing notice of candidacy,  
31 file with the State Board of Elections a written statement designating the vacancy to  
32 which he seeks election. Votes cast for a candidate shall be effective only for his  
33 election to the vacancy for which the candidate has given notice of candidacy as  
34 provided in this subsection.

35 A person seeking election for a specialized district judgeship established under G.S.  
36 7A-147 shall, at the time of filing notice of candidacy, file with the State Board of  
37 Elections a written statement designating the specialized judgeship to which the person  
38 seeks nomination.

39 (g) No person may file a notice of candidacy for superior court judge unless that  
40 person is at the time of filing the notice of candidacy a resident of the judicial district as  
41 it will exist at the time the person would take office if elected. No person may be  
42 nominated as a superior court judge under G.S. 163-114 unless that person is at the time  
43 of nomination a resident of the judicial district as it will exist at the time the person  
44 would take office if elected. This subsection implements Article IV Section 9(1) of the

1 North Carolina Constitution which requires regular Superior Court Judges to reside in  
2 the district for which elected.

3 **"§ 163-324. Filing fees required of candidates; refunds.**

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

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

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

18 **"§ 163-325. Petition in lieu of payment of filing fee.**

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

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

33 **"§ 163-326. Certification of notices of candidacy.**

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

39 (b) Notification of Local Boards. – No later than 10 days after the time for filing  
40 notices of candidacy under the provisions of G.S. 163-323(b) has expired, the chairman  
41 of the State Board of Elections shall certify to the chairman of the county board of  
42 elections in each county in the appropriate district the names of candidates for  
43 nomination to the offices of superior and district court judge who have filed the required  
44 notice and paid the required filing fee or presented the required petition to the State

1 Board of Elections, so that their names may be printed on the official judicial ballot for  
2 superior and district court.

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

7 **"§ 163-327. Vacancies of candidates or elected officers.**

8 (a) Death or Disqualification of Candidate Before Primary. – If a candidate for  
9 nomination in a primary dies or becomes disqualified before the primary but after the  
10 ballots have been printed, the State Board of Elections shall determine whether or not  
11 there is time to reprint the ballots. If the Board determines that there is not enough time  
12 to reprint the ballots, the deceased or disqualified candidate's name shall remain on the  
13 ballots. If that candidate receives enough votes for nomination, such votes shall be  
14 disregarded and the candidate receiving the next highest number of votes below the  
15 number necessary for nomination shall be declared nominated. If the death or  
16 disqualification of the candidate leaves only two candidates for each office to be filled,  
17 the nonpartisan primary shall not be held and all candidates shall be declared nominees.

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

22 **"§ 163-328. Failure of candidates to file; death or other disqualification of a  
23 candidate before election.**

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

27 (b) Death or Other Disqualification of Candidate; Reopening Filing. – If there is  
28 no primary because only one or two candidates have filed for a single office, or the  
29 number of candidates filed for a group of offices does not exceed twice the number of  
30 positions to be filled, and thereafter a candidate dies or otherwise becomes disqualified  
31 before the election and before the ballots are printed, the State Board of Elections shall,  
32 upon notification of the death or other disqualification, immediately reopen the filing  
33 period for an additional five days during which time additional candidates shall be  
34 permitted to file for election. If the ballots have been printed at the time the State Board  
35 of Elections receives notice of the candidate's death or other disqualification, the Board  
36 shall determine whether there will be sufficient time to reprint them before the election  
37 if the filing period is reopened for three days. If the Board determines that there will be  
38 sufficient time to reprint the ballots, it shall reopen the filing period for three days to  
39 allow other candidates to file for election, and such election shall be conducted on the  
40 plurality basis.

41 (c) Vacancy Caused by Nominated Candidate; Ballots Not Reprinted. – If the  
42 ballots have been printed at the time the State Board of Elections receives notice of a  
43 candidate's death, other disqualification, or resignation, and if the Board determines that  
44 there is not enough time to reprint the ballots before the election if the filing period is

1 reopened for three days, then regardless of the number of candidates remaining for the  
2 office or group of offices, the ballots shall not be reprinted and the name of the vacated  
3 candidate shall remain on the ballots. If a vacated candidate should poll the highest  
4 number of votes in the election for a single office or enough votes to be elected to one  
5 of a group of offices, the State Board of Elections shall declare the office vacant and it  
6 shall be filled in the manner provided by law.

7 **"§ 163-329. Elections to fill vacancy created after primary filing period to use**  
8 **plurality method.**

9 (a) General. – If a vacancy is created in the office of judge of superior court after  
10 the filing period for the primary opens but more than 60 days before the general  
11 election, and under the Constitution of North Carolina an election is to be held for that  
12 position, such that the office shall be filled in the general election as provided in G.S.  
13 163-9, the election to fill the office for the remainder of the term shall be conducted  
14 without a primary using the plurality method as provided in subsection (b) of this  
15 section. If a vacancy is created in the office of judge of superior court before the filing  
16 period for the primary opens, and under the Constitution of North Carolina an election  
17 is to be held for that position, such that the office shall be filled in the general election  
18 as provided in G.S. 163-9, the election to fill the office for the remainder of the term  
19 shall be conducted in accordance with G.S. 163-322.

20 (b) Plurality Election Rules. – Elections under this section shall be conducted  
21 using the following rules:

22 (1) The filing period shall be prescribed by the State Board of Elections,  
23 but in no event may it be less than five working days. If a vacancy  
24 occurs in a second office in the same superior court district after the  
25 first filing period established under the section has closed, the State  
26 Board of Elections shall reopen filing for a period of not less than five  
27 working days for the office of superior court judge. All persons filing  
28 in either filing period shall run as a group and the election results shall  
29 be determined by subdivision (3) of this subsection.

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

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

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

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

42 **"§ 163-330. Voting in primary.**

43 Any person who will become qualified by age or residence to register and vote in the  
44 general election for which the primary is held, even though not so qualified by the date

1 of the primary, shall be entitled to register for the primary and general election prior to  
2 the primary and then to vote in the primary after being registered. Such person may  
3 register not earlier than 60 days nor later than the last day for making application to  
4 register under G.S. 163-82.6(c) prior to the primary.

5 **"§ 163-331. Date of primary.**

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

8 **"§ 163-332. Ballots.**

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

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

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

20 Superior court judge.

21 District court judge.

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

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

30 **"§ 163-333. Canvass.**

31 The county board of elections shall, in addition to the requirements contained in G.S.  
32 163-175, canvass the results in judicial primaries and elections, the number of legal  
33 votes cast in each precinct for each candidate, the name of each person voted for, and  
34 the total number of votes cast in the county for each person for each different office.

35 **"§ 163-334. Counting of ballots.**

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

39 **"§ 163-335. Other rules.**

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

42 **SECTION 2.(a)** G.S. 7A-142 reads as rewritten:

43 **"§ 7A-142. Vacancies in office.**

1 A vacancy in the office of district judge shall be filled for the unexpired term by  
2 appointment of the Governor from nominations submitted by the bar of the judicial  
3 district as defined in G.S. 84-19, except that in judicial District 9, when vacancies occur  
4 in District Court District 9 or 9B, only those members who reside in the district court  
5 district shall participate in the selection of the nominees. If the district court district is  
6 comprised of counties in more than one judicial district, the nominees shall be submitted  
7 jointly by the bars of those judicial districts, but only those members who reside in the  
8 district court district shall participate in the selection of the nominees. If the district  
9 court judge was elected as the nominee of a political party, then the district bar shall  
10 submit to the Governor the names of three persons who are residents of the district court  
11 district who are duly authorized to practice law in the district and who are members of  
12 the same political party as the vacating judge; provided that if there are not three  
13 persons who are available, the bar shall submit the names of two persons who meet the  
14 qualifications of this sentence. If the district court judge was not elected as the nominee  
15 of a political party, then the district bar shall submit to the Governor the names of three  
16 persons who are residents of the district court district and who are duly authorized to  
17 practice law in the district; provided that if there are not three persons who are available,  
18 the bar shall submit the names of two persons who meet the qualifications of this  
19 sentence. Within 60 days after the district bar submits nominations for a vacancy, the  
20 Governor shall appoint to fill the vacancy. If the Governor fails to appoint a district bar  
21 nominee within 60 days, then the district bar nominee who received the highest number  
22 of votes from the district bar shall fill the vacancy. If the district bar fails to submit  
23 nominations within 30 days from the date the vacancy occurs, the Governor may  
24 appoint to fill the vacancy without waiting for nominations."

25 **SECTION 2.(b)** Effective on the first Monday in December of 2002, G.S.  
26 7A-142, as amended by subsection (a) of this section, reads as rewritten:

27 "**§ 7A-142. Vacancies in office.**

28 A vacancy in the office of district judge shall be filled for the unexpired term by  
29 appointment of the Governor from nominations submitted by the bar of the judicial  
30 district as defined in G.S. 84-19, except that in judicial District 9, when vacancies occur  
31 in District Court District 9 or 9B, only those members who reside in the district court  
32 district shall participate in the selection of the nominees. If the district court district is  
33 comprised of counties in more than one judicial district, the nominees shall be submitted  
34 jointly by the bars of those judicial districts, but only those members who reside in the  
35 district court district shall participate in the selection of the nominees. ~~If the district~~  
36 ~~court judge was elected as the nominee of a political party, then the district bar shall~~  
37 ~~submit to the Governor the names of three persons who are residents of the district court~~  
38 ~~district who are duly authorized to practice law in the district and who are members of~~  
39 ~~the same political party as the vacating judge; provided that if there are not three~~  
40 ~~persons who are available, the bar shall submit the names of two persons who meet the~~  
41 ~~qualifications of this sentence.~~ If the district court judge was not elected as the nominee  
42 of a political party, then the district bar shall submit to the Governor the names of three  
43 persons who are residents of the district court district and who are duly authorized to  
44 practice law in the district; provided that if there are not three persons who are available,



1 the bar shall submit the names of two persons who meet the qualifications of this  
2 sentence. Within 60 days after the district bar submits nominations for a vacancy, the  
3 Governor shall appoint to fill the vacancy. If the Governor fails to appoint a district bar  
4 nominee within 60 days, then the district bar nominee who received the highest number  
5 of votes from the district bar shall fill the vacancy. If the district bar fails to submit  
6 nominations within 30 days from the date the vacancy occurs, the Governor may  
7 appoint to fill the vacancy without waiting for nominations."

8 **SECTION 3.** G.S. 163-106 reads as rewritten:

9 **"§ 163-106. Notices of candidacy; pledge; with whom filed; date for filing;  
10 withdrawal.**

11 (a) Notice and Pledge. – No one shall be voted for in a primary election unless he  
12 shall have filed a notice of candidacy with the appropriate board of elections, State or  
13 county, as required by this section. To this end every candidate for selection as the  
14 nominee of a political party shall file with and place in the possession of the board of  
15 elections specified in subsection (c) of this section, a notice and pledge in the following  
16 form:

17 "Date \_\_\_\_\_

18 I hereby file notice as a candidate for nomination as \_\_\_\_\_  
19 in the \_\_\_\_\_ party primary election to be held on \_\_\_\_\_,  
20 \_\_\_\_\_. I affiliate with the \_\_\_\_\_ party, (and I certify  
21 that I am now registered on the registration records of the precinct in  
22 which I reside as an affiliate of the \_\_\_\_\_ party.)

23 I pledge that if I am defeated in the primary, I will not run for any  
24 office as a write-in candidate in the next general election.

25 Signed \_\_\_\_\_

26 Name of candidate

27 Witness:

28 \_\_\_\_\_  
29 \_\_\_\_\_

30 (Title of witness)"

31 Each candidate shall sign his notice of candidacy in the presence of the chairman or  
32 secretary of the board of elections, State or county, with which he files. In the  
33 alternative, a candidate may have his signature on the notice of candidacy  
34 acknowledged and certified to by an officer authorized to take acknowledgments and  
35 administer oaths, in which case the candidate may mail his notice of candidacy to the  
36 appropriate board of elections.

37 In signing his notice of candidacy the candidate shall use only his legal name and, in  
38 his discretion, any nickname by which he is commonly known. A candidate may also, in  
39 lieu of his legal first name and legal middle initial or middle name (if any) sign his  
40 nickname, provided that he appends to the notice of candidacy an affidavit that he has  
41 been commonly known by that nickname for at least five years prior to the date of  
42 making the affidavit. The candidate shall also include with the affidavit the way his  
43 name (as permitted by law) should be listed on the ballot if another candidate with the  
44 same last name files a notice of candidacy for that office.

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

3 Prior to the date on which candidates may commence filing, the State Board of  
4 Elections shall print and furnish, at State expense, to each county board of elections a  
5 sufficient number of the notice of candidacy forms prescribed by this subsection for use  
6 by candidates required to file with county boards of elections.

7 (b) Eligibility to File. – No person shall be permitted to file as a candidate in a  
8 primary if, at the time he offers to file notice of candidacy, he is registered on the  
9 appropriate registration book or record as an affiliate of a political party other than that  
10 in whose primary he is attempting to file. No person who has changed his political party  
11 affiliation or who has changed from unaffiliated status to party affiliation as permitted  
12 in G.S. 163-82.17, shall be permitted to file as a candidate in the primary of the party to  
13 which he changed unless he has been affiliated with the political party in which he seeks  
14 to be a candidate for at least 90 days prior to the filing date for the office for which he  
15 desires to file his notice of candidacy.

16 A person registered as "unaffiliated" shall be ineligible to file as a candidate in a  
17 party primary election.

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

22 Governor

23 Lieutenant Governor

24 All State executive officers

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

26 ~~Judges of the district courts~~

27 United States Senators

28 Members of the House of Representatives of the United States

29 District attorneys

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

34 State Senators

35 Members of the State House of Representatives

36 All county offices.

37 (d) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any  
38 primary in which there are two or more vacancies for Chief Justice and associate  
39 justices of the Supreme Court, two or more vacancies for judge of the Court of Appeals,  
40 or two vacancies for United States Senator from North ~~Carolina~~ or two or more  
41 ~~vacancies for the office of district court judge to be filled by nominations, Carolina,~~  
42 each candidate shall, at the time of filing notice of candidacy, file with the State Board  
43 of Elections a written statement designating the vacancy to which he seeks nomination.

1 Votes cast for a candidate shall be effective only for his nomination to the vacancy for  
2 which he has given notice of candidacy as provided in this subsection.

3 ~~A person seeking party nomination for a specialized district judgeship established~~  
4 ~~under G.S. 7A-147 shall, at the time of filing notice of candidacy, file with the State~~  
5 ~~Board of Elections a written statement designating the specialized judgeship to which he~~  
6 ~~seeks nomination.~~

7 (e) Withdrawal of Notice of Candidacy. – Any person who has filed notice of  
8 candidacy for an office shall have the right to withdraw it at any time prior to the date  
9 on which the right to file for that office expires under the terms of subsection (c) of this  
10 section. If a candidate does not withdraw before the filing deadline, except as provided  
11 in G.S. 163-112, his name shall be printed on the primary ballot, any votes for him shall  
12 be counted, and he shall not be refunded his filing fee.

13 (f) Candidates required to file their notice of candidacy with the State Board of  
14 Elections under subsection (c) of this section shall file along with their notice a  
15 certificate signed by the chairman of the board of elections or the director of elections of  
16 the county in which they are registered to vote, stating that the person is registered to  
17 vote in that county, stating the party with which the person is affiliated, and that the  
18 person has not changed his affiliation from another party or from unaffiliated within  
19 three months prior to the filing deadline under subsection (c) of this section. In issuing  
20 such certificate, the chairman or director shall check the registration records of the  
21 county to verify such information. During the period commencing 36 hours immediately  
22 preceding the filing deadline the State Board of Elections shall accept, on a conditional  
23 basis, the notice of candidacy of a candidate who has failed to secure the verification  
24 ordered herein subject to receipt of verification no later than three days following the  
25 filing deadline. The State Board of Elections shall prescribe the form for such  
26 certificate, and distribute it to each county board of elections no later than the last  
27 Monday in December of each odd-numbered year.

28 (g) When any candidate files a notice of candidacy with a county board of  
29 elections under subsection (c) of this section or under G.S. 163-291(2), the chairman or  
30 director of elections shall, immediately upon receipt of the notice of candidacy, inspect  
31 the registration records of the county, and cancel the notice of candidacy of any person  
32 who is not eligible under subsection (c) of this section. The Board shall give notice of  
33 cancellation to any candidate whose notice of candidacy has been cancelled under this  
34 subsection by mail or by having the notice served on him by the sheriff.

35 (h) No person may file a notice of candidacy for more than one office described  
36 in subsection (c) of this section for any one election. If a person has filed a notice of  
37 candidacy with a board of elections under this section for one office, then a notice of  
38 candidacy may not later be filed for any other office under this section when the  
39 election is on the same date unless the notice of candidacy for the first office is  
40 withdrawn under subsection (e) of this section; provided that this subsection shall not  
41 apply unless the deadline for filing notices of candidacy for both offices is the same.  
42 Notwithstanding this subsection, a person may file a notice of candidacy for a full term  
43 as United States Senator, and also file a notice of candidacy for the remainder of the  
44 unexpired term of that same seat in an election held under G.S. 163-12, and may file a

1 notice of candidacy for a full term as a member of the United States House of  
 2 Representatives, and also file a notice of candidacy for the remainder of the unexpired  
 3 term in an election held under G.S. 163-13.

4 ~~(i) No person may file a notice of candidacy for superior court judge unless that  
 5 person is at the time of filing the notice of candidacy a resident of the judicial district as  
 6 it will exist at the time the person would take office if elected. No person may be  
 7 nominated as a superior court judge under G.S. 163-114 unless that person is at the time  
 8 of nomination a resident of the judicial district as it will exist at the time the person  
 9 would take office if elected. This subsection implements Article IV Section 9(1) of the  
 10 North Carolina Constitution which requires regular Superior Court Judges to reside in  
 11 the district for which elected."~~

12 **SECTION 4.** G.S. 163-107(a) reads as rewritten:

13 "(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate  
 14 shall pay to the board of elections with which he files under the provisions of G.S.  
 15 163-106 a filing fee for the office he seeks in the amount specified in the following  
 16 tabulation:

17 Office Sought	18 Amount of Filing Fee
19 Governor	20 One percent (1%) of the annual 21 salary of the office sought
22 Lieutenant Governor	23 One percent (1%) of the annual 24 salary of the office sought
25 All State executive offices	26 One percent (1%) of the annual 27 salary of the office sought
28 All Justices, Judges, and 29 District Attorneys of the 30 General Court of Justice 31 other than superior <u>and</u> 32 <u>district</u> court judge	33 One percent (1%) of the annual 34 salary of the office sought
35 United States Senator	36 One percent (1%) of the annual 37 salary of the office sought
38 Members of the United States 39 House of Representatives	40 One percent (1%) of the annual 41 salary of the office sought
42 State Senator	43 One percent (1%) of the annual 44 salary of the office sought
45 Member of the State House of 46 Representatives	47 One percent (1%) of the annual 48 salary of the office sought
49 All county offices not 50 compensated by fees	51 One percent (1%) of the annual 52 salary of the office sought
53 County commissioners, if 54 compensated entirely by fees	55 Ten dollars (\$10.00)
56 Members of county board of 57 education, if compensated	58 Five dollars (\$5.00)

1	entirely by fees	
2	Sheriff, if compensated	Forty dollars (\$40.00), plus one
3	entirely by fees	percent (1%) of the income of the
4		office above four thousand
5		dollars (\$4,000)
6	Clerk of superior court, if	Forty dollars (\$40.00), plus one
7	compensated entirely by fees	percent (1%) of the income of the
8		office above four thousand
9		dollars (\$4,000)
10	Register of deeds, if	Forty dollars (\$40.00), plus one
11	compensated entirely by fees	percent (1%) of the income of the
12		office above four thousand
13		dollars (\$4,000)
14	Any other county office, if	Twenty dollars (\$20.00), plus one
15	compensated entirely by fees	percent (1%) of the income of the
16		office above two thousand dollars
17		(\$2,000)
18	All county offices compensated	One percent (1%) of the first
19	partly by salary and partly	annual salary to be received
20	by fees	(exclusive of fees)."

**SECTION 5.** G.S. 163-111(c)(1) reads as rewritten:

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

- Governor,
- Lieutenant Governor,
- All State executive officers,
- Justices, Judges, or District Attorneys of the General Court of Justice, other than superior ~~and district court judge, judges,~~
- United States Senators,
- Members of the United States House of Representatives,
- State Senators in multi-county senatorial districts, and

1 Members of the State House of Representatives in multi-county  
 2 representative districts."

3 **SECTION 6.** G.S. 163-140(a)(8) reads as rewritten:

4 "(8) Judicial ballot for superior and district court."

5 **SECTION 7.** G.S. 163-107.1(c) reads as rewritten:

6 "(c) County, Municipal and District Primaries. – If the candidate is seeking one of  
 7 the offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this  
 8 section, or a municipal or any other office requiring a partisan primary which is not set  
 9 forth in G.S. 163-106(c) or (d), he shall file a written petition with the appropriate board  
 10 of elections no later than 12:00 noon on Monday preceding the filing deadline before  
 11 the primary. The petition shall be signed by ten percent (10%) of the registered voters of  
 12 the election area in which the office will be voted for, who are affiliated with the same  
 13 political party in whose primary the candidate desires to run, or in the alternative, the  
 14 petition shall be signed by no less than 200 registered voters regardless of said voter's  
 15 political party affiliation, whichever requirement is greater. The board of elections shall  
 16 verify the names on the petition, and if the petition is found to be sufficient, the  
 17 candidate's name shall be printed on the appropriate primary ballot. Petitions for  
 18 candidates for member of the U.S. House of Representatives, District Attorney, and  
 19 ~~judge of the District Court~~ or members of the State House of Representatives from  
 20 multi-county districts or members of the State Senate from multi-county districts must  
 21 be presented to the county board of elections for verification at least 15 days before the  
 22 petition is due to be filed with the State Board of Elections, and such petition must be  
 23 filed with the State Board of Elections no later than 12:00 noon on Monday preceding  
 24 the filing deadline. The State Board of Elections may adopt rules to implement this  
 25 section and to provide standard petition forms."

26 **SECTION 8.** G.S. 163-114 reads as rewritten:

27 **"§ 163-114. Filling vacancies among party nominees occurring after nomination  
 28 and before election.**

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

34		
35	Position	Vacancy is to be filled by
36	Any elective State office	appointment of State
37	United States Senator	executive committee of
38		political party in which
39		vacancy occurs
40	A district office, including:	
41	Member of the United States	
42	House of Representatives	
43	<del>Judge of district court</del>	Appropriate district executive
44	District Attorney	committee of political party



1       (f) Judicial Elections. – Except as provided by Article 25 of this Chapter, this  
2 Article shall apply to and control all elections for judges of the ~~superior court~~ superior  
3 and district courts."

4           **SECTION 10.** G.S. 163-140(b)(9) reads as rewritten:

5           (9) Judicial ballot for superior and district court. The form of the judicial  
6 ballot for judges of the superior court and district court shall be  
7 prepared by the county board of elections. On the face of the ballot,  
8 shall be printed instructions for marking the voter's choice, in addition  
9 to the following instruction: "If you tear or deface or wrongly mark  
10 this ballot, return it and get another." On the bottom of the ballot shall  
11 be printed an identified facsimile of the signature of the chairman of  
12 the responsible county board of elections. This ballot may not be  
13 combined with any other ballot except another judicial ballot."

14           **SECTION 11.** G.S. 163-191 reads as rewritten:

15       **"§ 163-191. Contested primaries and elections; how tie broken.**

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

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

26           **SECTION 12.** This act is effective when it becomes law.