

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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SENATE DRS15123-LB-84 (3/4)

Short Title: Nonpartisan DA Election. (Public)

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Sponsors: Senator Thomas.

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Referred to:

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BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR NONPARTISAN ELECTION OF DISTRICT ATTORNEYS.

The General Assembly of North Carolina enacts:

**SECTION 1.** The title of Subchapter X and Article 25 of Chapter 163 of the General Statutes reads as rewritten:

**"SUBCHAPTER X. ELECTION OF DISTRICT ATTORNEYS AND APPELLATE, SUPERIOR, AND DISTRICT COURT JUDGES.**

Article 25.

Nomination and Election of District Attorneys and Appellate, Superior, and District Court Judges.

**"§ 163-321. Applicability.**

The nomination and election of district attorneys, justices of the Supreme Court, judges of the Court of Appeals, and superior and district court judges of the General Court of Justice shall be as provided by this Article.

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

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

(b) Determination of Nominees. – In the primary, the two candidates for a single office receiving the highest number of votes, and those candidates for a group of offices receiving the highest number of votes, equal to twice the number of positions to be

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

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

15 **"§ 163-323. Notice of candidacy.**

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

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

24 Witness: \_\_\_\_\_

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

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

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

44 Justices of the Supreme Court.

1 Judges of the Court of Appeals.

2 Judges of the superior courts.

3 Judges of the district courts.

4 District attorney.

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

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

23 (e) Candidacy for More Than One Office Prohibited. – No person may file a  
24 notice of candidacy for more than one office or group of offices described in subsection  
25 (b) of this section, or for an office or group of offices described in subsection (b) of this  
26 section and an office described in G.S. 163-106(c), for any one election. If a person has  
27 filed a notice of candidacy with a board of elections under this section or under G.S.  
28 163-106(c) for one office or group of offices, then a notice of candidacy may not later  
29 be filed for any other office or group of offices under this section when the election is  
30 on the same date unless the notice of candidacy for the first office is withdrawn under  
31 subsection (c) of this section.

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

40 A person seeking election for a specialized district judgeship established under G.S.  
41 7A-147 shall, at the time of filing notice of candidacy, file with the State Board of  
42 Elections a written statement designating the specialized judgeship to which the person  
43 seeks nomination.

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

9 **"§ 163-324. Filing fees required of candidates; refunds.**

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

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

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

24 **"§ 163-325. Petition in lieu of payment of filing fee.**

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

28 (b) Requirements of Petition; Deadline for Filing. – If the candidate is seeking  
29 the office of justice of the Supreme Court, judge of the Court of Appeals, or superior or  
30 district court judge, that individual shall file a written petition with the State Board of  
31 Elections no later than 12:00 noon on Monday preceding the filing deadline before the  
32 primary. If the office is justice of the Supreme Court or judge of the Court of Appeals,  
33 the petition shall be signed by 10,000 registered voters in the State. If the office is  
34 district attorney, superior court or district court judge, the petition shall be signed by ten  
35 percent (10%) of the registered voters of the election area in which the office will be  
36 voted for. The board of elections shall verify the names on the petition, and if the  
37 petition and notice of candidacy are found to be sufficient, the candidate's name shall be  
38 printed on the appropriate ballot. Petitions must be presented to the county board of  
39 elections for verification at least 15 days before the petition is due to be filed with the  
40 State Board of Elections. The State Board of Elections may adopt rules to implement  
41 this section and to provide standard petition forms.

42 **"§ 163-326. Certification of notices of candidacy.**

43 (a) Names of Candidates Sent to Secretary of State. – Within three days after the  
44 time for filing notices of candidacy with the State Board of Elections under the

1 provisions of G.S. 163-323(b) has expired, the chairman or secretary of that Board shall  
2 certify to the Secretary of State the name and address of each person who has filed with  
3 the State Board of Elections, indicating in each instance the office sought.

4 (b) Notification of Local Boards. – No later than 10 days after the time for filing  
5 notices of candidacy under the provisions of G.S. 163-323(b) has expired, the chairman  
6 of the State Board of Elections shall certify to the chairman of the county board of  
7 elections in each county in the appropriate district the names of candidates for  
8 nomination to the offices of district attorney, justice of the Supreme Court, judge of the  
9 Court of Appeals, and superior and district court judge who have filed the required  
10 notice and paid the required filing fee or presented the required petition to the State  
11 Board of Elections, so that their names may be printed on the official judicial ballot for  
12 district attorney, justice of the Supreme Court, judge of the Court of Appeals, and  
13 superior and district court.

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

18 **"§ 163-327. Vacancies of candidates or elected officers.**

19 (a) Death or Disqualification of Candidate Before Primary. – If a candidate for  
20 nomination in a primary dies or becomes disqualified before the primary but after the  
21 ballots have been printed, the State Board of Elections shall determine whether or not  
22 there is time to reprint the ballots. If the Board determines that there is not enough time  
23 to reprint the ballots, the deceased or disqualified candidate's name shall remain on the  
24 ballots. If that candidate receives enough votes for nomination, such votes shall be  
25 disregarded and the candidate receiving the next highest number of votes below the  
26 number necessary for nomination shall be declared nominated. If the death or  
27 disqualification of the candidate leaves only two candidates for each office to be filled,  
28 the nonpartisan primary shall not be held and all candidates shall be declared nominees.

29 (b) Death, Disqualification, or Resignation of Official After Election. – If a  
30 person elected to the office of district attorney, justice of the Supreme Court, judge of  
31 the Court of Appeals, or superior or district court judge dies, becomes disqualified, or  
32 resigns on or after election day and before he has qualified by taking the oath of office,  
33 the office shall be deemed vacant and shall be filled as provided by law.

34 **"§ 163-327.1. Rules when vacancies for superior court judge are to be voted on.**

35 If a vacancy occurs in a judicial district for any offices of superior court judge, and  
36 on account of the occurrence of such vacancy, there is to be an election for one or more  
37 terms in that district to fill the vacancy or vacancies, at that same election in accordance  
38 with G.S. 163-9 and Article IV, Section 19 of the North Carolina Constitution, the  
39 nomination and election shall be determined by the following special rules in addition to  
40 any other provisions of law:

- 41 (1) If the vacancy occurs prior to the opening of the filing period under  
42 G.S. 163-323(b), nominations shall be made by primary election as  
43 provided by this Article, without designation as to the vacancy.

1 (2) If the vacancy occurs beginning on opening of the filing period under  
2 G.S. 163-323(b), and ending on the sixtieth day before the general  
3 election, candidate filing shall be as provided by G.S. 163-329 without  
4 designation as to the vacancy.

5 (3) The general election ballot shall contain, without designation as to  
6 vacancy, spaces for the election to fill the vacancy where nominations  
7 were made or candidates filed under subdivision (1) or (2) of this  
8 section. The persons receiving the highest numbers of votes equal to  
9 the term or terms to be filled shall be elected to the term or terms.

10 **"§ 163-328. Failure of candidates to file; death or other disqualification of a**  
11 **candidate before election.**

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

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

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

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

41 (a) General. – If a vacancy is created in the office of district attorney, justice of  
42 the Supreme Court, judge of the Court of Appeals, or judge of superior court after the  
43 filing period for the primary opens but more than 60 days before the general election,  
44 and under the Constitution of North Carolina an election is to be held for that position,

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

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

- 12 (1) The filing period shall be prescribed by the State Board of Elections,  
13 but in no event may it be less than five working days. If a vacancy  
14 occurs in a second office in the same superior court district after the  
15 first filing period established under the section has closed, the State  
16 Board of Elections shall reopen filing for a period of not less than five  
17 working days for the office of justice of the Supreme Court, judge of  
18 the Court of Appeals, or superior court judge. All persons filing in  
19 either filing period shall run as a group and the election results shall be  
20 determined by subdivision (3) of this subsection.
- 21 (2) When more than one person is seeking election to a single office, the  
22 candidate who receives the highest number of votes shall be declared  
23 elected.
- 24 (3) When more persons are seeking election to two or more offices  
25 (constituting a group) than there are offices to be filled, those  
26 candidates receiving the highest number of votes, equal in number to  
27 the number of offices to be filled, shall be declared elected.
- 28 (4) If two or more candidates receiving the highest number of votes each  
29 receive the same number of votes, the board of elections shall resolve  
30 the tie in accordance with G.S. 163-182.8.
- 31 (5) Except as provided in this section, the provisions of this Article apply  
32 to elections conducted under this section.

33 **"§ 163-330. Voting in primary.**

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

40 **"§ 163-331. Date of primary.**

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

43 **"§ 163-332. Ballots.**

1 (a) General. – In elections there shall be official ballots. The ballots shall be  
2 printed to conform to the requirement of G.S. 163-165.6(c) and to show the name of  
3 each person who has filed notice of candidacy, and the office for which each aspirant is  
4 a candidate.

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

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

12 Justice of the Supreme Court.

13 Judge of the Court of Appeals.

14 Superior court judge.

15 District court judge.

16 District attorney.

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

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

25 "§ 163-333: Repealed by Session Laws 2001-398, s. 15.

26 "§ 163-334. **Counting of ballots.**

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

30 "§ 163-335. **Other rules.**

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

33 **SECTION 2.** G.S. 163-106(c) reads as rewritten:

34 "(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary  
35 nominations for the following offices shall file their notice of candidacy with the State  
36 Board of Elections no earlier than 12:00 noon on the second Monday in February and  
37 no later than 12:00 noon on the last business day in February preceding the primary:

38 Governor

39 Lieutenant Governor

40 All State executive officers

41 United States Senators

42 Members of the House of Representatives of the United States

43 ~~District attorneys~~



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

5 State Senators

6 Members of the State House of Representatives

7 All county offices."

8 **SECTION 3.** 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.  
 11 163-106 a filing fee for the office he seeks in the amount specified in the following  
 12 tabulation:

Office Sought	Amount of Filing Fee
Governor	One percent (1%) of the annual salary of the office sought
Lieutenant Governor	One percent (1%) of the annual salary of the office sought
All State executive offices	One percent (1%) of the annual salary of the office sought
<del>All District Attorneys of the General Court of Justice</del>	<del>One percent (1%) of the annual salary of the office sought</del>
United States Senator	One percent (1%) of the annual salary of the office sought
Members of the United States House of Representatives	One percent (1%) of the annual salary of the office sought
State Senator	One percent (1%) of the annual salary of the office sought
Member of the State House of Representatives	One percent (1%) of the annual salary of the office sought
All county offices not compensated by fees	One percent (1%) of the annual salary of the office sought
County commissioners, if compensated entirely by fees	Ten dollars (\$10.00)
Members of county board of education, if compensated entirely by fees	Five dollars (\$5.00)
Sheriff, if compensated entirely by fees	Forty dollars (\$40.00), plus one percent (1%) of the income of the office above four thousand dollars (\$4,000)
Clerk of superior court, if compensated	Forty dollars (\$40.00), plus one

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

**SECTION 4.** 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 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 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,
- ~~District Attorneys of the General Court of Justice,~~
- United States Senators,
- Members of the United States House of Representatives,
- State Senators in multi-county senatorial districts, and
- Members of the State House of Representatives in multi-county representative districts."

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

"(c) County, Municipal and District Primaries. – If the candidate is seeking one of the offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this section, or a municipal or any other office requiring a partisan primary which is not set forth in G.S. 163-106(c) or (d), he shall file a written petition with the appropriate board of elections no later than 12:00 noon on Monday preceding the filing deadline before

1 the primary. The petition shall be signed by ten percent (10%) of the registered voters of  
 2 the election area in which the office will be voted for, who are affiliated with the same  
 3 political party in whose primary the candidate desires to run, or in the alternative, the  
 4 petition shall be signed by no less than 200 registered voters regardless of said voter's  
 5 political party affiliation, whichever requirement is greater. The board of elections shall  
 6 verify the names on the petition, and if the petition is found to be sufficient, the  
 7 candidate's name shall be printed on the appropriate primary ballot. Petitions for  
 8 candidates for member of the U.S. House of ~~Representatives, District Attorney,~~  
 9 Representatives and members of the State House of Representatives from multi-county  
 10 districts or members of the State Senate from multi-county districts must be presented to  
 11 the county board of elections for verification at least 15 days before the petition is due  
 12 to be filed with the State Board of Elections, and such petition must be filed with the  
 13 State Board of Elections no later than 12:00 noon on Monday preceding the filing  
 14 deadline. The State Board of Elections may adopt rules to implement this section and to  
 15 provide standard petition forms."

16 **SECTION 6.** G.S. 163-114 reads as rewritten:

17 **"§ 163-114. Filling vacancies among party nominees occurring after nomination**  
 18 **and before election.**

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

24  
 25 Position

26  
 27  
 28 President  
 29 Vice President

Vacancy is to be filled by  
 appointment of national executive  
 committee of political party in  
 which vacancy occurs

30  
 31  
 32  
 33 Presidential elector or  
 34 alternate elector  
 35 Any elective State office  
 36 United States Senator

Vacancy is to be filled by  
 appointment of State executive  
 committee of political party in  
 which vacancy occurs

37  
 38 A district office, including:  
 39 Member of the United States  
 40 House of Representatives  
 41 ~~District Attorney~~  
 42 State Senator in a multi-county  
 43 senatorial district  
 44 Member of State House of

Appropriate district executive  
 committee of political party in  
 which vacancy occurs

1           Representatives in a multi-county  
2           representative district

3  
4           State Senator in a single-county  
5           senatorial district  
6           Member of State House of  
7           Representatives in a single-county  
8           representative district  
9           Any elective county office

County executive committee of  
political party in which vacancy  
occurs, provided, in the case of  
the State Senator or State  
Representative in a single-county  
district where not all the county is  
located in that district, then in  
voting, only those members of the  
county executive committee who  
reside within the district shall vote

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15       The party executive making a nomination in accordance with the provisions of this  
16       section shall certify the name of its nominee to the chairman of the board of elections,  
17       State or county, charged with the duty of printing the ballots on which the name is to  
18       appear. If at the time a nomination is made under this section the general election ballots  
19       have already been printed, the provisions of G.S. 163-165.3(c) shall apply. If a vacancy  
20       occurs in a nomination of a political party and that vacancy arises from a cause other  
21       than death and the vacancy in nomination occurs more than 120 days before the general  
22       election, the vacancy in nomination may be filled under this section only if the  
23       appropriate executive committee certifies the name of the nominee in accordance with  
24       this paragraph at least 75 days before the general election.

25       In a county not all of which is located in one congressional district, in choosing the  
26       congressional district executive committee member or members from that area of the  
27       county, only the county convention delegates or county executive committee members  
28       who reside within the area of the county which is within the congressional district may  
29       vote.

30       In a county which is partly in a multi-county senatorial district or which is partly in a  
31       multi-county House of Representatives district, in choosing that county's member or  
32       members of the senatorial district executive committee or House of Representatives  
33       district executive committee for the multi-county district, only the county convention  
34       delegates or county executive committee members who reside within the area of the  
35       county which is within that multi-county district may vote."

36                **SECTION 7.** This act is effective when it becomes law.