

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 688

Short Title: Nonpartisan DA Election.

(Public)

Sponsors: Senator Thomas.

Referred to: Judiciary I.

April 2, 2003

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

4 The General Assembly of North Carolina enacts:

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

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

9 Article 25.

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

12 "§ 163-321. **Applicability.**

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

16 "§ 163-322. **Nonpartisan primary election method.**

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

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

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

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

13 **"§ 163-323. Notice of candidacy.**

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

17 Date _____:

18 I hereby file notice that I am a candidate for election to the office of _____ in
19 the regular election to be held _____, _____.

20 Signed _____:

21 (Name of Candidate)

22 Witness: _____

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

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

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

42 Justices of the Supreme Court.

43 Judges of the Court of Appeals.

44 Judges of the superior courts.

1 Judges of the district courts.

2 District attorney.

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

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

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

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

38 A person seeking election for a specialized district judgeship established under G.S.
39 7A-147 shall, at the time of filing notice of candidacy, file with the State Board of
40 Elections a written statement designating the specialized judgeship to which the person
41 seeks nomination.

42 (g) No person may file a notice of candidacy for superior court judge unless that
43 person is at the time of filing the notice of candidacy a resident of the judicial district as
44 it will exist at the time the person would take office if elected. No person may be

1 nominated as a superior court judge under G.S. 163-114 unless that person is at the time
2 of nomination a resident of the judicial district as it will exist at the time the person
3 would take office if elected. This subsection implements Article IV, Section 9(1) of the
4 North Carolina Constitution which requires regular Superior Court Judges to reside in
5 the district for which elected.

6 **"§ 163-324. Filing fees required of candidates; refunds.**

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

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

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

21 **"§ 163-325. Petition in lieu of payment of filing fee.**

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

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

39 **"§ 163-326. Certification of notices of candidacy.**

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

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

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

15 **"§ 163-327. Vacancies of candidates or elected officers.**

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

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

31 **"§ 163-327.1. Rules when vacancies for superior court judge are to be voted on.**

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

- 38 (1) If the vacancy occurs prior to the opening of the filing period under
39 G.S. 163-323(b), nominations shall be made by primary election as
40 provided by this Article, without designation as to the vacancy.
- 41 (2) If the vacancy occurs beginning on opening of the filing period under
42 G.S. 163-323(b), and ending on the sixtieth day before the general
43 election, candidate filing shall be as provided by G.S. 163-329 without
44 designation as to the vacancy.

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

6 **"§ 163-328. Failure of candidates to file; death or other disqualification of a**
7 **candidate before election.**

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

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

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

35 **"§ 163-329. Elections to fill vacancy created after primary filing period to use**
36 **plurality method.**

37 (a) General. – If a vacancy is created in the office of district attorney, justice of
38 the Supreme Court, judge of the Court of Appeals, or judge of superior court after the
39 filing period for the primary opens but more than 60 days before the general election,
40 and under the Constitution of North Carolina an election is to be held for that position,
41 such that the office shall be filled in the general election as provided in G.S. 163-9, the
42 election to fill the office for the remainder of the term shall be conducted without a
43 primary using the plurality method as provided in subsection (b) of this section. If a
44 vacancy is created in the office of justice of the Supreme Court, judge of the Court of

1 Appeals, or judge of superior court before the filing period for the primary opens, and
2 under the Constitution of North Carolina an election is to be held for that position, such
3 that the office shall be filled in the general election as provided in G.S. 163-9, the
4 election to fill the office for the remainder of the term shall be conducted in accordance
5 with G.S. 163-322.

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

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

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

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

24 (4) If two or more candidates receiving the highest number of votes each
25 receive the same number of votes, the board of elections shall resolve
26 the tie in accordance with G.S. 163-182.8.

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

29 **"§ 163-330. Voting in primary.**

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

36 **"§ 163-331. Date of primary.**

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

39 **"§ 163-332. Ballots.**

40 (a) General. – In elections there shall be official ballots. The ballots shall be
41 printed to conform to the requirement of G.S. 163-165.6(c) and to show the name of
42 each person who has filed notice of candidacy, and the office for which each aspirant is
43 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
6 of the county board of elections to print official ballots for the following offices to be
7 voted for in the primary:

8 Justice of the Supreme Court.

9 Judge of the Court of Appeals.

10 Superior court judge.

11 District court judge.

12 District attorney.

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

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

21 "§ 163-333: Repealed by Session Laws 2001-398, s. 15.

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
25 Article 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 **SECTION 2.** 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 second Monday in February and
33 no later than 12:00 noon on the last business day in February preceding the primary:

34 Governor

35 Lieutenant Governor

36 All State executive officers

37 United States Senators

38 Members of the House of Representatives of the United States

39 ~~District attorneys~~

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

44 State Senators

1 Members of the State House of Representatives
2 All county offices."

3 **SECTION 3.** G.S. 163-107(a) reads as rewritten:

4 "(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate
5 shall pay to the board of elections with which he files under the provisions of G.S.
6 163-106 a filing fee for the office he seeks in the amount specified in the following
7 tabulation:

8	9 Office Sought	10 Amount of Filing Fee
11	Governor	One percent (1%) of the annual
12		salary of the office sought
13	Lieutenant Governor	One percent (1%) of the annual
14		salary of the office sought
15	All State executive offices	One percent (1%) of the annual
16		salary of the office sought
17	All District Attorneys of the General Court	One percent (1%) of the annual
18	of Justice	salary of the office sought
19	United States Senator	One percent (1%) of the annual
20		salary of the office sought
21	Members of the United States House of	One percent (1%) of the annual
22	Representatives	salary of the office sought
23	State Senator	One percent (1%) of the annual
24		salary of the office sought
25	Member of the State House of	One percent (1%) of the annual
26	Representatives	salary of the office sought
27	All county offices not compensated by fees	One percent (1%) of the annual
28		salary of the office sought
29	County commissioners, if compensated	Ten dollars (\$10.00)
30	entirely by fees	
31	Members of county board of education, if	Five dollars (\$5.00)
32	compensated entirely by fees	
33	Sheriff, if compensated entirely by fees	Forty dollars (\$40.00), plus one
34		percent (1%) of the income of
35		the office above four thousand
36		dollars (\$4,000)
37	Clerk of superior court, if compensated	Forty dollars (\$40.00), plus one
38	entirely by fees	percent (1%) of the income of
39		the office above four thousand
40		dollars (\$4,000)
41	Register of deeds, if compensated entirely	Forty dollars (\$40.00), plus one
42	by fees	percent (1%) of the income of
43		the office above four thousand
44		dollars (\$4,000)

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

8 **SECTION 4.** G.S. 163-111(c)(1) reads as rewritten:

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

23 Governor,
24 Lieutenant Governor,
25 All State executive officers,
26 ~~District Attorneys of the General Court of Justice,~~
27 United States Senators,
28 Members of the United States House of Representatives,
29 State Senators in multi-county senatorial districts, and
30 Members of the State House of Representatives in multi-county
31 representative districts."

32 **SECTION 5.** 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
38 the primary. The petition shall be signed by ten percent (10%) of the registered voters of
39 the 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
44 candidate's name shall be printed on the appropriate primary ballot. Petitions for

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

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

10 **"§ 163-114. Filling vacancies among party nominees occurring after nomination**
 11 **and before election.**

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

17 Position

18 President
 19 Vice President

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

20
 21 Presidential elector or
 22 alternate elector
 23 Any elective State office
 24 United States Senator

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

25
 26 A district office, including:
 27 Member of the United States
 28 House of Representatives
 29 ~~District Attorney~~
 30 State Senator in a multi-county
 31 senatorial district
 32 Member of State House of
 33 Representatives in a multi-county
 34 representative district

Appropriate district executive
 committee of political party in
 which vacancy occurs

35
 36 State Senator in a single-county
 37 senatorial district
 38 Member of State House of
 39 Representatives in a single-county

County executive committee of
 political party in which vacancy
 occurs, provided, in the case of
 the State Senator or State

1 representative district
2 Any elective county office

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

18 In a county not all of which is located in one congressional district, in choosing the
19 congressional district executive committee member or members from that area of the
20 county, only the county convention delegates or county executive committee members
21 who reside within the area of the county which is within the congressional district may
22 vote.

23 In a county which is partly in a multi-county senatorial district or which is partly in a
24 multi-county House of Representatives district, in choosing that county's member or
25 members of the senatorial district executive committee or House of Representatives
26 district executive committee for the multi-county district, only the county convention
27 delegates or county executive committee members who reside within the area of the
28 county which is within that multi-county district may vote."

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