

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 690

Short Title: District Court Elections Nonpartisan.

(Public)

Sponsors: Senators Dalton; Gulley, Miller, and Odom.

Referred to: Judiciary II.

April 1, 1999

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 rewritten:

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

8 **"ARTICLE 25.**

9 **"NOMINATION AND ELECTION OF SUPERIOR AND DISTRICT COURT**
10 **JUDGES.**

11 **"§ 163-321. Applicability.**

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

14 **"§ 163-322. Nonpartisan primary election method.**

15 (a) General. – Except as provided in G.S. 163-329, there shall be a primary to
16 narrow the field of candidates to two candidates for each position to be filled if, when the
17 filing period closes, there are more than two candidates for a single office or the number
18 of candidates for a group of offices exceeds twice the number of positions to be filled. If
19 only one or two candidates file for a single office, no primary shall be held for that office
20 and the candidates shall be declared nominated. If the number of candidates for a group

1 of offices does not exceed twice the number of positions to be filled, no primary shall be
2 held for those offices and the candidates shall be declared nominated.

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

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

19 **"§ 163-323. Notice of candidacy.**

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

23 "Date _____:
24 I hereby file notice that I am a candidate for election to the office of _____ in
25 the regular election to be held _____, _____.

26 Signed _____:
27 (Name of Candidate)

28 Witness: _____".

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

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

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

5 Judges of the superior courts.

6 Judges of the district courts.

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

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

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

33 (f) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any election
34 in which there are two or more vacancies for the office of district court judge to be filled
35 by nominations, each candidate shall, at the time of filing notice of candidacy, file with
36 the State Board of Elections a written statement designating the vacancy to which he
37 seeks election. Votes cast for a candidate shall be effective only for his election to the
38 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 it
3 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 the
8 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 seeks
12 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 the
16 fee he paid refunded. The chairman of the State Board of Elections shall cause a warrant
17 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 in
19 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 of
23 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 the
29 office of superior or district court judge, that individual shall file a written petition with
30 the State Board of Elections no later than 12:00 noon on Monday preceding the filing
31 deadline before the primary. The petition shall be signed by ten percent (10%) of the
32 registered voters of the election area in which the office will be voted for. The board of
33 elections shall verify the names on the petition, and if the petition and notice of candidacy
34 are found to be sufficient, the candidate's name shall be printed on the appropriate ballot.
35 Petitions must be presented to the county board of elections for verification at least 15
36 days before the petition is due to be filed with the State Board of Elections. The State
37 Board of Elections may adopt rules to implement this section and to provide standard
38 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 provisions
42 of G.S. 163-323(b) has expired, the chairman or secretary of that Board shall certify to

1 the Secretary of State the name and address of each person who has filed with the State
2 Board of Elections, indicating in each instance the office sought.

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

16 (a) Death or Disqualification of Candidate Before Primary. – If a candidate for
17 nomination in a primary dies, becomes disqualified, or withdraws before the primary but
18 after the ballots have been printed, the State Board of Elections shall determine whether
19 or not there is time to reprint the ballots. If the Board determines that there is not enough
20 time to reprint the ballots, the deceased or disqualified candidate's name shall remain on
21 the 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 person
27 elected to the office of superior or district court judge dies, becomes disqualified, or
28 resigns on or after election day and before he has qualified by taking the oath of office,
29 the office shall be deemed vacant and shall be filled as provided by law.

30 **"§ 163-328. Failure of candidates to file; death of a candidate before election.**

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

34 (b) Death of Candidate; Reopening Filing. – If there is no primary because only
35 one or two candidates have filed for a single office, or the number of candidates filed for
36 a group of offices does not exceed twice the number of positions to be filled, and
37 thereafter a candidate dies before the election and before the ballots are printed, the State
38 Board of Elections shall, upon notification of the death, immediately reopen the filing
39 period for an additional five days during which time additional candidates shall be
40 permitted to file for election. If the ballots have been printed at the time the State Board
41 of Elections receives notice of the candidate's death, the Board shall determine whether
42 there will be sufficient time to reprint them before the election if the filing period is
43 reopened for three days. If the Board determines that there will be sufficient time to

1 reprint the ballots, it shall reopen the filing period for three days to allow other candidates
2 to file for election, and such election shall be conducted on the plurality basis.

3 (c) Death of Nominated Candidate; Ballots Not Reprinted. – If the ballots have
4 been printed at the time the State Board of Elections receives notice of a candidate's
5 death, and if the Board determines that there is not enough time to reprint the ballots
6 before the election if the filing period is reopened for three days, then regardless of the
7 number of candidates remaining for the office or group of offices, the ballots shall not be
8 reprinted and the name of the deceased candidate shall remain on the ballots. If a
9 deceased candidate should poll the highest number of votes in the election for a single
10 office or enough votes to be elected to one of a group of offices, the State Board of
11 Elections shall declare the office vacant and it shall be filled in the manner provided by
12 law.

13 **"§ 163-329. Elections to fill vacancy created after primary filing period to use**
14 **plurality method.**

15 (a) General. – If a vacancy is created in the office of judge of superior court after
16 the filing period for the primary opens but more than 60 days before the general election,
17 and under the Constitution of North Carolina an election is to be held for that position,
18 such that the office shall be filled in the general election as provided in G.S. 163-9, the
19 election to fill the office for the remainder of the term shall be conducted without a
20 primary using the plurality method as provided in subsection (b) of this section. If a
21 vacancy is created in the office of judge of superior court before the filing period for the
22 primary opens, and under the Constitution of North Carolina an election is to be held for
23 that position, such that the office shall be filled in the general election as provided in G.S.
24 163-9, the election to fill the office for the remainder of the term shall be conducted in
25 accordance with G.S. 163-322.

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

- 28 (1) The filing period shall be prescribed by the State Board of Elections, but
29 in no event may it be less than five working days. If a vacancy occurs in
30 a second office in the same superior court district after the first filing
31 period established under the section has closed, the State Board of
32 Elections shall reopen filing for a period of not less than five working
33 days for the office of superior court judge. All persons filing in either
34 filing period shall run as a group and the election results shall be
35 determined by subdivision (3) of this subsection.
- 36 (2) When more than one person is seeking election to a single office, the
37 candidate who receives the highest number of votes shall be declared
38 elected.
- 39 (3) When more persons are seeking election to two or more offices
40 (constituting a group) than there are offices to be filled, those candidates
41 receiving the highest number of votes, equal in number to the number of
42 offices to be filled, shall be declared elected.

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

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

6 **"§ 163-330. Voting in primary.**

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

13 **"§ 163-331. Date of primary.**

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

16 **"§ 163-332. Ballots.**

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

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

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

28 Superior court judge.

29 District court judge.

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

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

38 **"§ 163-333. Canvass.**

39 The county board of elections shall, in addition to the requirements contained in G.S.
40 163-175, canvass the results in judicial primaries and elections, the number of legal votes
41 cast in each precinct for each candidate, the name of each person voted for, and the total
42 number of votes cast in the county for each person for each different office.

43 **"§ 163-334. Counting of ballots.**

1 Counting of ballots in primaries and elections held under this Article shall be under
2 the same rules as for counting of ballots in nonpartisan municipal elections under Article
3 24 of this Chapter.

4 **"§ 163-335. Other rules.**

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

7 Section 2. (a) G.S. 7A-142 reads as rewritten:

8 **"§ 7A-142. Vacancies in office.**

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

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

33 **"§ 7A-142. Vacancies in office.**

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

1 ~~bar shall submit the names of two persons who meet the qualifications of this sentence.~~
 2 If the district court judge was not elected as the nominee of a political party, then the
 3 district bar shall submit to the Governor the names of three persons who are residents of
 4 the district court district and who are duly authorized to practice law in the district;
 5 provided that if there are not three persons who are available, the bar shall submit the
 6 names of two persons who meet the qualifications of this sentence. Within 60 days after
 7 the district bar submits nominations for a vacancy, the Governor shall appoint to fill the
 8 vacancy. If the Governor fails to appoint a district bar nominee within 60 days, then the
 9 district bar nominee who received the highest number of votes from the district bar shall
 10 fill the vacancy. If the district bar fails to submit nominations within 30 days from the
 11 date the vacancy occurs, the Governor may appoint to fill the vacancy without waiting for
 12 nominations."

13 Section 3. G.S. 163-106 reads as rewritten:

14 **"§ 163-106. Notices of candidacy; pledge; with whom filed; date for filing;**
 15 **withdrawal.**

16 (a) Notice and Pledge. – No one shall be voted for in a primary election unless he
 17 shall have filed a notice of candidacy with the appropriate board of elections, State or
 18 county, as required by this section. To this end every candidate for selection as the
 19 nominee of a political party shall file with and place in the possession of the board of
 20 elections specified in subsection (c) of this section, a notice and pledge in the following
 21 form: "DateI hereby file notice as a candidate for nomination as in the
 22 party primary election to be held on,~~19~~.... I affiliate with the party, (and I
 23 certify that I am now registered on the registration records of the precinct in which I
 24 reside as an affiliate of the party.)

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

27 Name of candidateWitness:

28
 29

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

36 In signing his notice of candidacy the candidate shall use only his legal name and, in
 37 his discretion, any nickname by which he is commonly known. A candidate may also, in
 38 lieu of his legal first name and legal middle initial or middle name (if any) sign his
 39 nickname, provided that he appends to the notice of candidacy an affidavit that he has
 40 been commonly known by that nickname for at least five years prior to the date of
 41 making the affidavit. The candidate shall also include with the affidavit the way his name
 42 (as permitted by law) should be listed on the ballot if another candidate with the same last
 43 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 in
10 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 in
12 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 party
17 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 later
21 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 their
31 notice of candidacy with the county board of elections no earlier than 12:00 noon on the
32 first Monday in January and no later than 12:00 noon on the first Monday in February
33 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 primary
38 in which there are two or more vacancies for Chief Justice and associate justices of the
39 Supreme Court, two or more vacancies for judge of the Court of Appeals, or two
40 vacancies for United States Senator from North ~~Carolina~~ or two or more vacancies for the
41 ~~office of district court judge to be filled by nominations, Carolina,~~ each candidate shall, at
42 the time of filing notice of candidacy, file with the State Board of Elections a written
43 statement designating the vacancy to which he seeks nomination. Votes cast for a

1 candidate shall be effective only for his nomination to the vacancy for which he has given
2 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 on
9 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 in
11 G.S. 163-112, his name shall be printed on the primary ballot, any votes for him shall be
12 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 certificate
15 signed by the chairman of the board of elections or the director of elections of the county
16 in which they are registered to vote, stating that the person is registered to vote in that
17 county, stating the party with which the person is affiliated, and that the person has not
18 changed his affiliation from another party or from unaffiliated within three months prior
19 to the filing deadline under subsection (c) of this section. In issuing such certificate, the
20 chairman or director shall check the registration records of the county to verify such
21 information. During the period commencing 36 hours immediately preceding the filing
22 deadline the State Board of Elections shall accept, on a conditional basis, the notice of
23 candidacy of a candidate who has failed to secure the verification ordered herein subject
24 to receipt of verification no later than three days following the filing deadline. The State
25 Board of Elections shall prescribe the form for such certificate, and distribute it to each
26 county board of elections no later than the last Monday in December of each odd-
27 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 in
36 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 election
39 is on the same date unless the notice of candidacy for the first office is withdrawn under
40 subsection (e) of this section; provided that this subsection shall not apply unless the
41 deadline for filing notices of candidacy for both offices is the same. Notwithstanding this
42 subsection, a person may file a notice of candidacy for a full term as United States
43 Senator, and also file a notice of candidacy for the remainder of the unexpired term of

1 that same seat in an election held under G.S. 163-12, and may file a notice of candidacy
 2 for a full term as a member of the United States House of Representatives, and also file a
 3 notice of candidacy for the remainder of the unexpired term in an election held under
 4 G.S. 163-13.

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

13 Section 4. G.S. 163-107(a) reads as rewritten:

14 "(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate
 15 shall pay to the board of elections with which he files under the provisions of G.S. 163-
 16 106 a filing fee for the office he seeks in the amount specified in the following 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
All Justices, Judges, and District Attorneys of the General Court of Justice	One percent (1%) of the annual salary of the office sought
other than superior <u>and district court judge</u>	
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	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:	

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

- 35 Governor,
- 36 Lieutenant Governor,
- 37 All State executive officers,
- 38 Justices, Judges, or District Attorneys of the
- 39 General Court of Justice, other than
- 40 superior and district court judge,
- 41 United States Senators,
- 42 Members of the United States House of
- 43 Representatives,

1 State Senators in multi-county senatorial
 2 districts, and
 3 Members of the State House of Representatives
 4 in multi-county representative districts."

5 Section 6. G.S. 163-140(a)(8) reads as rewritten:
 6 "(8) Judicial ballot for superior and district court."

7 Section 7. G.S. 163-107.1(c) reads as rewritten:

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

28 Section 8. G.S. 163-114 reads as rewritten:

29 **"§ 163-114. Filling vacancies among party nominees occurring after nomination**
 30 **and before election.**

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

36		
37	Position	Vacancy is to be filled by
38	Any elective State office	appointment of State
39	United States Senator	executive committee of
40		political party in which
41		vacancy occurs
42	A district office, including:	
43	Member of the United States	

1 delegates or county executive committee members who reside within the area of the
2 county which is within that multi-county district may vote." Section 9. G.S. 163-135(f)
3 reads as rewritten:

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

7 Section 10. G.S. 163-140(b)(9) reads as rewritten:

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

17 Section 11. G.S. 163-191 reads as rewritten:

18 "**§ 163-191. Contested primaries and elections; how tie broken.**

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

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

29 Section 12. This act is effective when it becomes law.