

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**SENATE BILL 1054
Judiciary I Committee Substitute Adopted 9/10/01
Finance Committee Substitute Adopted 11/13/01
House Committee Substitute Favorable 7/29/02
House Committee Substitute #2 Favorable 8/22/02**

Short Title: Judicial Campaign Reform Act.

(Public)

Sponsors:

Referred to:

April 5, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO ESTABLISH A NONPARTISAN METHOD OF ELECTING SUPREME
3 COURT JUSTICES AND COURT OF APPEALS JUDGES BEGINNING IN 2004;
4 TO SET \$1,000 CONTRIBUTION LIMITS (\$2,000 FROM FAMILY MEMBERS)
5 FOR JUDICIAL CAMPAIGNS BEGINNING IN 2004; TO ESTABLISH A
6 PUBLIC CAMPAIGN FINANCING FUND THAT PROVIDES APPELLATE
7 JUDICIAL CANDIDATES WHO AGREE TO CONTRIBUTION AND
8 EXPENDITURE RESTRICTIONS WITH AN ALTERNATIVE MEANS OF
9 FINANCING THEIR CAMPAIGNS BEGINNING IN 2004; TO SAFEGUARD
10 CANDIDATES WHO OPT TO USE THAT SYSTEM BY PROHIBITING
11 CERTAIN CONTRIBUTIONS TO THEIR OPPONENTS DURING THE
12 TWENTY-ONE DAYS BEFORE AN ELECTION AND BY PROVIDING
13 RESCUE MONEY WHEN THEY FACE LARGE EXPENDITURES BY
14 OPPONENTS OR LARGE INDEPENDENT EXPENDITURES; TO PROVIDE A
15 JUDICIAL VOTER GUIDE TO BE FINANCED BY THE FUND; TO PROVIDE
16 THAT THE FUND SHALL BE ADMINISTERED BY THE STATE BOARD OF
17 ELECTIONS ASSISTED BY AN ADVISORY COUNCIL; AND TO PROVIDE
18 THAT THE FUND SHALL BE FINANCED BY METHODS INCLUDING A
19 REVERSE \$1 CHECK-OFF ON THE NORTH CAROLINA INCOME TAX AND
20 A \$50 CONTRIBUTION BY ATTORNEYS WHEN THEY PAY THEIR
21 PRIVILEGE LICENSE TAX.

22 The General Assembly of North Carolina enacts:

23 **SECTION 1.** Chapter 163 of the General Statutes is amended by adding a
24 new Article to read:

"Article 22D.

"The North Carolina Public Campaign Financing Fund.

25
26

1 **"§ 163-278.61. Purpose of the North Carolina Public Campaign Financing Fund.**

2 The purpose of this Article is to ensure the fairness of democratic elections in North
3 Carolina and to protect the constitutional rights of voters and candidates from the
4 detrimental effects of increasingly large amounts of money being raised and spent to
5 influence the outcome of elections, those effects being especially problematic in
6 elections of the judiciary, since impartiality is uniquely important to the integrity and
7 credibility of the courts. Accordingly, this Article establishes the North Carolina Public
8 Campaign Financing Fund as an alternative source of campaign financing for candidates
9 who demonstrate public support and voluntarily accept strict fund-raising and spending
10 limits. This Article is available to candidates for justice of the Supreme Court and judge
11 of the Court of Appeals in elections to be held in 2004 and thereafter.

12 **"§ 163-278.62. Definitions.**

13 The following definitions apply in this Article:

- 14 (1) Board. – The State Board of Elections.
- 15 (2) Candidate. – An individual who becomes a candidate as described in
16 G.S. 163-278.6(4). The term includes a political committee authorized
17 by the candidate for that candidate's election.
- 18 (3) Certified candidate. – A candidate running for office who chooses to
19 receive campaign funds from the Fund and who is certified under G.S.
20 163-278.64(c).
- 21 (4) Contested primary and contested general election. – An election in
22 which there are more candidates than the number to be elected.
- 23 (5) Contribution. – Defined in G.S. 163-278.6.
- 24 (6) Expenditure. – Defined in G.S. 163-278.6.
- 25 (7) Fund. – The North Carolina Public Campaign Financing Fund
26 established in G.S. 163-278.63.
- 27 (8) Independent expenditure. – Defined in G.S. 163-278.6.
- 28 (9) Maximum qualifying contributions. – An amount of qualifying
29 contributions equal to 60 times the filing fee for candidacy for the
30 office.
- 31 (10) Minimum qualifying contributions. – An amount of qualifying
32 contributions equal to 30 times the filing fee for candidacy for the
33 office.
- 34 (11) Nonparticipating candidate. – A candidate running for office who is
35 not seeking to be certified under G.S. 163-278.64(c).
- 36 (12) Office. – A position on the North Carolina Court of Appeals or North
37 Carolina Supreme Court.
- 38 (13) Participating candidate. – A candidate for office who has filed a
39 declaration of intent to participate under G.S. 163-278.64.
- 40 (14) Political committee. – Defined in G.S. 163-278.6.
- 41 (15) Qualifying contribution. – A contribution of not less than ten dollars
42 (\$10.00) and not more than five hundred dollars (\$500.00) in the form
43 of a check or money order to the candidate or the candidate's
44 committee that meets both of the following conditions:

- 1 a. Made by any registered voter in this State.
2 b. Made during the qualifying period and obtained with the
3 approval of the candidate or candidate's committee.

4 (16) Qualifying period. – The period beginning September 1 in the year
5 before the election and ending on the day of the primary of the election
6 year.

7 (17) Referendum committee. – Defined in G.S. 163-278.6.

8 (18) Trigger for rescue funds. – The dollar amount at which rescue funds
9 are released for certified candidates. In the case of a primary, the
10 trigger equals the maximum qualifying contributions for participating
11 candidates. In the case of a contested general election, the trigger
12 equals the base level of funding available under G.S. 163-278.65(b)(4).

13 **"§ 163-278.63. North Carolina Public Campaign Financing Fund established;**
14 **sources of funding.**

15 (a) Establishment of Fund. – The North Carolina Public Campaign Financing
16 Fund is established to finance the election campaigns of certified candidates for office
17 and to pay administrative and enforcement costs of the Board related to this Article. The
18 Fund is a special, dedicated, nonlapsing, nonreverting fund. All expenses of
19 administering this Article, including production and distribution of the Voter Guide
20 required by G.S. 163-278.69 and personnel and other costs incurred by the Board, shall
21 be paid from the Fund and not from the General Fund. Any interest generated by the
22 Fund is credited to the Fund. The Board shall administer the Fund.

23 (b) Sources of Funding. – Money received from all the following sources must be
24 deposited in the Fund:

25 (1) Money from the North Carolina Candidates Financing Fund.

26 (2) Designations made to the Public Campaign Financing Fund by
27 individual taxpayers pursuant to G.S. 105-159.2.

28 (3) Any contributions made by attorneys in accordance with G.S. 105-41.

29 (4) Public Campaign Financing Fund revenues distributed for an election
30 that remain unspent or uncommitted at the time the recipient is no
31 longer a certified candidate in the election.

32 (5) Money ordered returned to the Public Campaign Financing Fund in
33 accordance with G.S. 163-278.70.

34 (6) Voluntary donations made directly to the Public Campaign Financing
35 Fund. Corporations, other business entities, labor unions, and
36 professional associations may make donations to the Fund.

37 (c) Determination of Fund Amount. – By October 1, 2003, and every two years
38 thereafter, the Board, in conjunction with the Advisory Council for the Public Campaign
39 Financing Fund, shall prepare and provide to the Joint Legislative Commission on
40 Governmental Operations of the General Assembly a report documenting, evaluating,
41 and making recommendations relating to the administration, implementation, and
42 enforcement of this Article. In its report, the Board shall set out the funds received to
43 date and the expected needs of the Fund for the next election.

44 **"§ 163-278.64. Requirements for participation; certification of candidates.**

1 (a) Declaration of Intent to Participate. – Any individual choosing to receive
2 campaign funds from the Fund shall first file with the Board a declaration of intent to
3 participate in the act as a candidate for a stated office. The declaration of intent shall be
4 filed before or during the qualifying period and before collecting any qualifying
5 contributions. In the declaration, the candidate shall swear or affirm that only one
6 political committee, identified with its treasurer, shall handle all contributions,
7 expenditures, and obligations for the participating candidate and that the candidate will
8 comply with the contribution and expenditure limits set forth in subsection (d) of this
9 section and all other requirements set forth in this Article or adopted by the Board.
10 Failure to comply is a violation of this Article.

11 (b) Demonstration of Support of Candidacy. – Except for candidates described
12 elsewhere in this subsection, participating candidates who seek certification to receive
13 campaign funds from the Fund shall first, during the qualifying period, obtain qualifying
14 contributions from at least 350 registered voters in an aggregate sum that at least equals
15 the amount of minimum qualifying contributions described in G.S. 163-278.62(10) but
16 that does not exceed the amount of maximum qualifying contributions described in G.S.
17 163-278.62(9).

18 No payment, gift, or anything of value shall be given in exchange for a qualifying
19 contribution.

20 (c) Certification of Candidates. – Upon receipt of a submittal of the record of
21 demonstrated support by a participating candidate, the Board shall determine whether or
22 not the candidate has complied with all the following requirements, if they apply to that
23 candidate:

- 24 (1) Signed and filed a declaration of intent to participate in this Article.
- 25 (2) Submitted a report itemizing the appropriate number of qualifying
26 contributions received from registered voters, which the Board shall
27 verify through a random sample or other means it adopts. The report
28 shall include the county of residence of each registered voter listed.
- 29 (3) Qualified to receive votes on the ballot as a candidate for the office.
- 30 (4) Otherwise met the requirements for participation in this Article.

31 The Board shall certify candidates complying with the requirements of this section
32 as soon as possible and no later than five business days after receipt of a satisfactory
33 record of demonstrated support.

34 (d) Restrictions on Contributions and Expenditures for Participating and Certified
35 Candidates. – The following restrictions shall apply to contributions and expenditures
36 with respect to participating and certified candidates:

- 37 (1) Beginning January 1 of the year before the election and before the
38 filing of a declaration of intent, a candidate for office may accept in
39 contributions up to ten thousand dollars (\$10,000) from sources and in
40 amounts permitted by Article 22A of this Chapter and may expend up
41 to ten thousand dollars (\$10,000) for any campaign purpose. A
42 candidate who exceeds either of these limits shall be ineligible to file a
43 declaration of intent or receive funds from the Public Campaign
44 Financing Fund.

- 1 (2) From the filing of a declaration of intent through the end of the
2 qualifying period, a candidate shall expend no more than an amount
3 equal to the maximum qualifying contributions for that candidate, not
4 including possible rescue funds or the remaining money raised
5 pursuant to subdivision (1) of this subsection. Contributions a
6 candidate may use to expend to that limit shall be limited to qualifying
7 contributions and personal and family contributions permitted by
8 subdivision (4) of this subsection.
- 9 (3) After the qualifying period and through the date of the general
10 election, the candidate shall expend only the funds the candidate
11 receives from the Fund pursuant to G.S. 163-278.65(b)(4) plus any
12 funds remaining from the qualifying period and possible rescue funds.
- 13 (4) During the qualifying period, the candidate may contribute up to one
14 thousand dollars (\$1,000) of that candidate's own money to the
15 campaign and may accept in contributions one thousand dollars
16 (\$1,000) from each member of that candidate's family consisting of
17 spouse, parent, child, brother, and sister.
- 18 (5) A candidate and the candidate's committee shall limit the use of all
19 revenues permitted by this subsection to expenditures for campaign-
20 related purposes only. The Board shall publish guidelines outlining
21 permissible campaign-related expenditures.
- 22 (6) Any contribution received by a participating or certified candidate that
23 falls outside that permitted by this subsection shall be returned to the
24 donor as soon as practicable. Contributions intentionally made,
25 solicited, or accepted in violation of this Article are subject to civil
26 penalties as specified in G.S. 163-278.70. The funds involved shall be
27 forfeited to the Civil Penalty and Forfeiture Fund.
- 28 (7) A candidate shall return to the Fund any amount distributed for an
29 election that is unspent and uncommitted at the date of the election, or
30 at the time the individual ceases to be a certified candidate, whichever
31 occurs first. For accounting purposes, all qualifying, personal, and
32 family contributions shall be considered spent before revenue from the
33 Fund is spent or committed.

34 (e) Revocation. – A candidate may revoke, in writing to the Board, a decision to
35 participate in the Public Campaign Financing Fund at any time before the deadline set
36 by the Board for the candidate's submission of information for the Voter Guide
37 described in G.S. 163-278.69. After a timely revocation, that candidate may accept and
38 expend outside the limits of this Article without violating this Article. Within 10 days
39 after revocation, a candidate shall return to the Board all money received from the Fund.
40 **"§ 163-278.65. Distribution From the Fund.**

41 (a) Timing of Fund Distribution. – The Board shall distribute to a certified
42 candidate revenue from the Fund in an amount determined under subdivision (b)(4) of
43 this section within five business days after the certified candidate's name is approved to
44 appear on the ballot in a contested general election, but no earlier than five business

1 days after the primary.

2 (b) Amount of Fund Distribution. – By August 1, 2003, and no less frequently
3 than every two years thereafter, the Board shall determine the amount of funds, rounded
4 to the nearest one hundred dollars (\$100.00), to be distributed to certified candidates as
5 follows:

6 (1) Uncontested primaries. – No funds shall be distributed.

7 (2) Contested primaries. – No funds shall be distributed except as
8 provided in G.S. 163-278.67.

9 (3) Uncontested general elections. – No funds shall be distributed.

10 (4) Contested general elections. – Funds shall be distributed to a certified
11 candidate for a position on the Court of Appeals in an amount equal to
12 125 times the candidate's filing fee as set forth in G.S. 163-107. Funds
13 shall be distributed to a certified candidate for a position on the
14 Supreme Court in an amount equal to 175 times the candidate's filing
15 fee as set forth in G.S. 163-107.

16 (c) Method of Fund Distribution. – The Board, in consultation with the State
17 Treasurer and the State Controller, shall develop a rapid, reliable method of conveying
18 funds to certified candidates. In all cases, the Board shall distribute funds to certified
19 candidates in a manner that is expeditious, ensures accountability, and safeguards the
20 integrity of the Fund. If the money in the Fund is insufficient to fully fund all certified
21 candidates, then the available money shall be distributed proportionally, according to
22 each candidate's eligible funding.

23 **§ 163-278.66. Reporting requirements.**

24 (a) Reporting by Noncertified Candidates and Independent Expenditure Entities.
25 – Any noncertified candidate with a certified opponent shall report total income,
26 expenses, and obligations to the Board by facsimile machine or electronically within 24
27 hours after the total amount of campaign expenditures or obligations made, or funds
28 raised or borrowed, exceeds eighty percent (80%) of the trigger for rescue funds as
29 defined in G.S. 163-278.62(18). Any entity making independent expenditures in excess
30 of three thousand dollars (\$3,000) in support of or opposition to a certified candidate
31 shall report the total funds received, spent, or obligated for those expenditures to the
32 Board by facsimile machine or electronically within 24 hours after the total amount of
33 expenditures or obligations made, or funds raised or borrowed, for the purpose of
34 making the independent expenditures, exceeds fifty percent (50%) of the trigger for
35 rescue funds. After this 24-hour filing, the noncertified candidate or independent
36 expenditure entity shall comply with an expedited reporting schedule by filing
37 additional reports after receiving each additional amount in excess of one thousand
38 dollars (\$1,000) or after making or obligating to make each additional expenditure(s) in
39 excess of one thousand dollars (\$1,000). The schedule and forms for reports required by
40 this subsection shall be made according to procedures developed by the Board.

41 (b) Reporting by Participating and Certified Candidates. – Notwithstanding other
42 provisions of law, participating and certified candidates shall report any money
43 received, including all previously unreported qualifying contributions, all campaign
44 expenditures, obligations, and related activities to the Board according to procedures

1 developed by the Board. A certified candidate who ceases to be certified or ceases to be
2 a candidate or who loses an election shall file a final report with the Board and return
3 any unspent revenues received from the Fund. In developing these procedures, the
4 Board shall utilize existing campaign reporting procedures whenever practical.

5 (c) Timely Access to Reports. – The Board shall ensure prompt public access to
6 the reports received in accordance with this Article. The Board may utilize electronic
7 means of reporting and storing information.

8 **"§ 163-278.67. Rescue funds.**

9 (a) When Rescue Funds Become Available. – When any report or group of
10 reports shows that 'funds in opposition to a certified candidate or in support of an
11 opponent to that candidate' as described in this section, exceed the trigger for rescue
12 funds as defined in G.S. 163-278.62(18), the Board shall issue immediately to that
13 certified candidate an additional amount equal to the reported excess within the limits
14 set forth in this section. 'Funds in opposition to a certified candidate or in support of an
15 opponent to that candidate' shall be equal to the sum of the following:

16 (1) Campaign expenditures or obligations made, or funds raised or
17 borrowed, whichever is greater, reported by any one uncertified
18 opponent of a certified candidate. Where a certified candidate has
19 more than one uncertified opponent, the measure shall be taken from
20 the uncertified candidate showing the highest relevant dollar amount.

21 (2) The sum of all expenditures reported in accordance with G.S.
22 163-278.66 of entities making independent expenditures in opposition
23 to the certified candidate or in support of any opponent of that certified
24 candidate.

25 (b) Limit on Rescue Funds in Contested Primary. – Total rescue funds to a
26 certified candidate in a contested primary shall be limited to an amount equal to two
27 times the maximum qualifying contributions for the office sought.

28 (c) Limit on Rescue Funds in Contested General Election. – Total rescue funds to
29 a certified candidate in a contested general election shall be limited to an amount equal
30 to two times the amount described in G.S. 163-278.65(b)(4).

31 **"§ 163-278.68. Enforcement and administration.**

32 (a) Enforcement by the Board. – The Board, with the advice of the Advisory
33 Council for the Public Campaign Financing Fund, shall administer the provisions of this
34 Article.

35 (b) Advisory Council for the Public Campaign Financing Fund. – There is
36 established under the Board the Advisory Council for the Public Campaign Financing
37 Fund to advise the Board on the rules, procedures, and opinions it adopts for the
38 enforcement and administration of this Article and on the funding needs and operation
39 of the Public Campaign Financing Fund. The Advisory Council shall consist of five
40 members to be appointed as follows:

41 (1) The Governor shall name two members from a list of individuals
42 nominated by the State Chair of the political party with which the
43 greatest number of registered voters is affiliated. The State Chair of
44 that party shall submit to the Governor the names of five nominees.

1 (2) The Governor shall name two members from a list of individuals
2 nominated by the State Chair of the political party with which the
3 second greatest number of registered voters is affiliated. The State
4 Chair of that party shall submit to the Governor the names of five
5 nominees.

6 (3) The Board shall name one member by unanimous vote of all members
7 of the Board. If the Board cannot reach unanimity on the appointment
8 of that member, the Advisory Council shall consist of the remaining
9 members.

10 No individual shall be eligible to be a member of the Advisory Council who would
11 be ineligible to serve on a county board of elections in accordance with G.S. 163-30.
12 The initial members shall be appointed by December 1, 2002. Of the initial appointees,
13 two are appointed for one-year terms, two are appointed for two-year terms, and one is
14 appointed for a three-year term according to random lot. Thereafter, appointees are
15 appointed to serve four-year terms. An individual may not serve more than two full
16 terms. The appointed members receive the legislative per diem pursuant to G.S.
17 120-3.1. One of the Advisory Council members shall be elected by the members as
18 Chair. A vacancy during an unexpired term shall be filled in the same manner as the
19 regular appointment for that term, but a vacancy appointment is only for the unexpired
20 portion of the term.

21 (c) Appeals. – The initial decision on an issue concerning qualification,
22 certification, or distribution of funds under this Article shall be made by the Executive
23 Director of the Board. The procedure for challenging that decision is as follows:

24 (1) An individual or entity aggrieved by a decision by the Executive
25 Director of the Board may appeal to the full Board within three
26 business days of the decision. The appeal shall be in writing and shall
27 set forth the reasons for the appeal.

28 (2) Within five business days after an appeal is properly made, and after
29 due notice is given to the parties, the Board shall hold a hearing. The
30 appellant has the burden of providing evidence to demonstrate that the
31 decision of the Executive Director was improper. The Board shall rule
32 on the appeal within three business days after the completion of the
33 hearing.

34 (d) Board to Adopt Rules and Issue Opinions. – The Board shall adopt rules and
35 issue opinions to ensure effective administration of this Article. Such rules and opinions
36 shall include, but not be limited to, procedures for obtaining qualifying contributions,
37 certification of candidates, addressing circumstances involving special elections,
38 vacancies, recounts, withdrawals, or replacements, collection of revenues for the Fund,
39 distribution of Fund revenue to certified candidates, return of unspent Fund
40 disbursements, and compliance with this Article. The Board shall adopt procedures for
41 the distribution of rescue money that further the purpose and avoid the subversion of
42 G.S. 163-278.67. For races involving special elections, recounts, vacancies,
43 withdrawals, or replacement candidates, the Board shall establish procedures for
44 qualification, certification, disbursement of Fund revenues, and return of unspent Fund

1 revenues. The Board shall fulfill each of these duties in consultation with the Advisory
2 Council on the Public Campaign Financing Fund.

3 (e) Report to the Public. – The Advisory Council for the Public Campaign
4 Financing Fund shall issue a report by March 1, 2005, and every two years thereafter
5 that evaluates and makes recommendations about the implementation of this Article and
6 the feasibility of expanding its provisions to include other candidates for State office
7 based on the experience of the Fund and the experience of similar programs in other
8 states. The Advisory Council shall also evaluate and make recommendations regarding
9 how to address activities that could undermine the purpose of this Article, including
10 spending that appears to target candidates receiving money from the Fund but that does
11 not meet the definition of 'independent expenditures.'

12 **"§ 163-278.69. Voter education.**

13 (a) Judicial Voter Guide. – The Board shall publish a Judicial Voter Guide that
14 explains the functions of the appellate courts and the laws concerning the election of
15 appellate judges, the purpose and function of the Public Campaign Financing Fund, and
16 the laws concerning voter registration. The Board shall distribute the Guide to as many
17 voting-age individuals in the State as practical, through a mailing to all residences or
18 other means it deems effective. The distribution shall occur no more than 28 days nor
19 fewer than seven days before the primary and no more than 28 days nor fewer than
20 seven days before the general election.

21 (b) Candidate Information. – The Judicial Voter Guide shall include information
22 concerning all candidates for the Supreme Court and the Court of Appeals, as provided
23 by those candidates according to a format provided to the candidates by the Board. The
24 Board shall request information for the Guide from each candidate according to the
25 following format:

26 (1) Place of residence.

27 (2) Education.

28 (3) Occupation.

29 (4) Employer.

30 (5) Date admitted to the bar.

31 (6) Legal/judicial experience.

32 (7) Candidate statement, limited to 150 words. Concerning that statement,
33 the Board shall send to the candidates instructions as follows: 'Your
34 statement may include information such as your qualifications, your
35 endorsements, your ratings, why you are seeking judicial office, why
36 you would make a good judge, what distinguishes you from your
37 opponent(s), your acceptance of spending and fund-raising limits to
38 qualify to receive funds from the Public Campaign Financing Fund,
39 and any other information relevant to your candidacy. We will correct
40 incidental errors of spelling, grammar, and punctuation which might
41 prejudice the candidate's statement unfairly or confuse voters. We will
42 make no changes to the content of any statement which would alter the
43 meaning or substance of the statement. The State Board of Elections
44 will reject any portion of any statement which it determines contains

1 obscene, profane, or defamatory language.'

2 "**§ 163-278.70. Civil penalty.**

3 In addition to any other penalties that may be applicable, any individual, political
4 committee, or other entity that violates any provision of this Article is subject to a civil
5 penalty of up to ten thousand dollars (\$10,000) per violation or three times the amount
6 of any financial transactions involved in the violation, whichever is greater. In addition
7 to any fine, for good cause shown, a candidate found in violation of this Article may be
8 required to return to the Fund all amounts distributed to the candidate from the Fund. If
9 the Board makes a determination that a violation of this Article has occurred, the Board
10 shall calculate and assess the amount of the civil penalty and shall notify the entity that
11 is assessed the civil penalty of the amount that has been assessed. The Board shall then
12 proceed in the manner prescribed in G.S. 163-278.34. In determining whether or not a
13 candidate is in violation of this Article, the Board may consider as a mitigating factor
14 any circumstances out of the candidate's control."

15 **SECTION 2.** G.S. 163-278.13 reads as rewritten:

16 "**§ 163-278.13. Limitation on contributions.**

17 (a) No individual, political committee, or other entity shall contribute to any
18 candidate or other political committee any money or make any other contribution in any
19 election in excess of four thousand dollars (\$4,000) for that election.

20 (b) No candidate or political committee shall accept or solicit any contribution
21 from any individual, other political committee, or other entity of any money or any
22 other contribution in any election in excess of four thousand dollars (\$4,000) for that
23 election.

24 (c) Notwithstanding the provisions of subsections (a) and (b) of this section, it
25 shall be lawful for a candidate or a candidate's spouse, parents, brothers and sisters to
26 make a contribution to the candidate or to the candidate's treasurer of any amount of
27 money or to make any other contribution in any election in excess of four thousand
28 dollars (\$4,000) for that election.

29 (d) For the purposes of this section, the term "an election" means any primary,
30 second primary, or general election in which the candidate or political committee may
31 be involved, without regard to whether the candidate is opposed or unopposed in the
32 election, except that where a candidate is not on the ballot in a second primary, that
33 second primary is not "an election" with respect to that candidate.

34 (e) This section shall not apply to any national, State, district or county executive
35 committee of any political party. For the purposes of this section only, the term
36 "political party" means only those political parties officially recognized under G.S.
37 163-96.

38 (e1) No referendum committee which received any contribution from a
39 corporation, labor union, insurance company, business entity, or professional
40 association may make any contribution to another referendum committee, to a candidate
41 or to a political committee.

42 (e2) The potential for corruption and its appearance resulting from campaign
43 contributions is especially problematic in elections of the judiciary, since impartiality is
44 uniquely important to the integrity and credibility of the courts. Accordingly, the

1 following provisions shall apply with respect to candidates for justice of the Supreme
2 Court, judge of the Court of Appeals, judge of the Superior Court, and judge of the
3 district court:

- 4 (1) No candidate shall accept, and no contributor shall make to that
5 candidate, a contribution in any election exceeding one thousand
6 dollars (\$1,000) except as provided for elsewhere in this subsection.
- 7 (2) A candidate may accept, and a family contributor may make to that
8 candidate, a contribution not exceeding two thousand dollars (\$2,000)
9 in an election if the contributor is that candidate's parent, child,
10 brother, or sister.
- 11 (3) No candidate for justice of the Supreme Court or judge of the Court of
12 Appeals shall accept, and no contributor shall make to that candidate, a
13 contribution during the period beginning 21 days before the day of the
14 general election and ending the day after the general election. This
15 subdivision applies with respect to a candidate opposed in the general
16 election by a certified candidate as defined in Article 22D of this
17 Chapter who has not received the maximum rescue funds available
18 under G.S. 163-278.67. The recipient of a contribution that apparently
19 violates this subdivision has three days to return the contribution or file
20 a detailed statement with the State Board of Elections explaining why
21 the contribution does not violate this subdivision.

22 As used in this subsection, 'candidate' is also a political committee authorized by the
23 candidate for that candidate's election. Nothing in this subsection shall prohibit a
24 candidate or the spouse of that candidate from making a contribution or loan secured
25 entirely by that individual's assets to that candidate's own campaign.

26 (f) Any individual, candidate, political committee, referendum committee, or
27 other entity that violates the provisions of this section is guilty of a Class 2
28 misdemeanor."

29 **SECTION 3.** G.S. 105-41(a)(1) reads as rewritten:

30 **"§ 105-41. Attorneys-at-law and other professionals.**

31 (a) Every individual in this State who practices a profession or engages in a
32 business and is included in the list below must obtain from the Secretary a statewide
33 license for the privilege of practicing the profession or engaging in the business. A
34 license required by this section is not transferable to another person. The tax for each
35 license is fifty dollars (\$50.00).

- 36 (1) An attorney-at-law. In addition to the tax, whenever an attorney pays
37 the tax, the Department must give that attorney an opportunity to make
38 a contribution of fifty dollars (\$50.00) to support the North Carolina
39 Public Campaign Financing Fund established by G.S. 163-278.63.
40 Payment of the contribution is not required and is not considered part
41 of the tax owed.

42"

43 **SECTION 4.** Article 4 of Chapter 105 of the General Statutes is amended by
44 adding a new section to read:

1 "§ 105-159.2. Designation of tax to North Carolina Public Campaign Financing
2 Fund.

3 (a) Allocation to the North Carolina Public Campaign Financing Fund. – To
4 ensure the financial viability of the North Carolina Public Campaign Financing Fund
5 established in Article 22D of Chapter 163 of the General Statutes, the Department must
6 allocate to that Fund one dollar (\$1.00) from the income taxes paid each year by each
7 individual with an income tax liability of at least that amount, unless the individual
8 objects. A taxpayer must be given the opportunity to indicate an objection to that
9 allocation in the manner described in subsection (b) of this section. In the case of a
10 married couple filing a joint return, each individual must have the option of objecting to
11 the allocation. The amounts allocated under this subsection to the Fund must be credited
12 to it on a quarterly basis.

13 (b) Returns. – Individual income tax returns must give an individual an
14 opportunity to object to the allocation of one dollar (\$1.00) of the individual's tax
15 liability to the North Carolina Public Campaign Financing Fund. The Department must
16 make it clear to the taxpayer that the dollar will support a nonpartisan court system, that
17 the dollar will go to the Fund if the taxpayer does not mark an objection, and that
18 allocation of the dollar neither increases nor decreases the individual's tax liability. The
19 following statement satisfies the intent of this requirement: 'One dollar (\$1.00) will go
20 to the North Carolina Public Campaign Financing Fund to support a nonpartisan court
21 system, unless you object. Your tax remains the same whether or not you object.' The
22 Department must consult with the State Board of Elections to ensure that the
23 information given to taxpayers complies with the intent of this section.

24 The Department must inform the entities it approves to reproduce the return of the
25 requirements of this section and that a return may not reflect an objection unless the
26 individual completing the return decided to object to the allocation after being presented
27 with the information required by subsection (c) of this section. No software package
28 used in preparing North Carolina income tax returns may default to an objection. A paid
29 preparer of tax returns may not mark an objection for a taxpayer without the taxpayer's
30 consent.

31 (c) Instructions. – The instruction for individual income tax returns must include
32 the following explanatory statement: 'The North Carolina Public Campaign Financing
33 Fund provides campaign money to nonpartisan candidates for the North Carolina
34 Supreme Court and Court of Appeals who voluntarily accept strict campaign spending
35 and fund-raising limits. The Fund also helps finance educational materials about voter
36 registration, the role of the appellate courts, and the candidates seeking election as
37 appellate judges in North Carolina. One dollar (\$1.00) from the taxes you pay will go to
38 the Fund unless you mark an objection. Regardless of what choice you make, your tax
39 will not increase, nor will any refund you are entitled to be reduced.' "

40 **SECTION 5.** Article 22C of Chapter 163 of the General Statutes is repealed.

41 **SECTION 6.(a)** G.S. 105-269.6 is repealed.

42 **SECTION 6.(b)** In order to pay for its costs for the 2002-2003 fiscal year of
43 programming, design, printing, and other expenses associated with implementing this
44 act, the Secretary of Revenue may draw funds not to exceed one hundred seventy-eight

1 thousand six hundred dollars (\$178,600) from the North Carolina Candidates Financing
2 Fund. After drawing those funds, the Secretary of Revenue shall transfer immediately to
3 the North Carolina Public Campaign Financing Fund any remaining funds that were
4 contributed to the North Carolina Candidates Financing Fund pursuant to G.S.
5 105-269.6 before its repeal by this section. Funds the Secretary of Revenue withdraws
6 but then determines are not needed shall also be transferred to the North Carolina Public
7 Campaign Financing Fund.

8 **SECTION 7.** Subchapter X of Chapter 163 of the General Statutes reads as
9 rewritten:

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

12 "Article 25.

13 "Nomination and Election of Appellate, Superior Superior, and District Court Judges.

14 **"§ 163-321. Applicability.**

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

18 **"§ 163-322. Nonpartisan primary election method.**

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

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

36 (c) Determination of Election Winners. – In the election, the names of those
37 candidates declared nominated without a primary and those candidates nominated in the
38 primary shall be placed on the ballot. The candidate for a single office receiving the
39 highest number of votes shall be elected. Those candidates for a group of offices
40 receiving the highest number of votes, equal in number to the number of positions to be
41 filled, shall be elected. If two candidates receiving the highest number of votes each
42 received the same number of votes, the State Board of Elections shall determine the
43 winner by lot.

44 **"§ 163-323. Notice of candidacy.**

1 (a) Form of Notice. – Each person offering to be a candidate for election shall do
2 so by filing a notice of candidacy with the State Board of Elections in the following
3 form, inserting the words in parentheses when appropriate:
4

5 Date: _____
6

7 I hereby file notice that I am a candidate for election to the office of
8 _____ in the regular election to be held _____, _____.
9

10 Signed: _____
11 (Name of Candidate)
12

13 Witness: _____
14

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

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

30 (b) **(Effective until January 1, 2003)** Time for Filing Notice of Candidacy. –
31 Candidates seeking election to the following offices shall file their notice of candidacy
32 with the State Board of Elections no earlier than 12:00 noon on the first Monday in
33 January and no later than 12:00 noon on the first Monday in February preceding the
34 election:

35 Judges of the superior courts.

36 Judges of the district courts.

37 (b) **(Effective January 1, 2003)** Time for Filing Notice of Candidacy. –
38 Candidates seeking election to the following offices shall file their notice of candidacy
39 with the State Board of Elections no earlier than 12:00 noon on the second Monday in
40 February and no later than 12:00 noon on the last business day in February preceding
41 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 (c) Withdrawal of Notice of Candidacy. – Any person who has filed a notice of
3 candidacy for an office shall have the right to withdraw it at any time prior to the date
4 on which the right to file for that office expires under the terms of subsection (b) of this
5 section.

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

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

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

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

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

1 of nomination a resident of the judicial district as it will exist at the time the person
2 would take office if elected. This subsection implements Article IV, Section 9(1) of the
3 North Carolina Constitution which requires regular Superior Court Judges to reside in
4 the district for which elected.

5 **"§ 163-324. Filing fees required of candidates; refunds.**

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

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

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

20 **"§ 163-325. Petition in lieu of payment of filing fee.**

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

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

38 **"§ 163-326. Certification of notices of candidacy.**

39 (a) Names of Candidates Sent to Secretary of State. – Within three days after the
40 time for filing notices of candidacy with the State Board of Elections under the
41 provisions of G.S. 163-323(b) has expired, the chairman or secretary of that Board shall
42 certify to the Secretary of State the name and address of each person who has filed with
43 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 justice of the Supreme Court, judge of the Court of
6 Appeals, and superior and district court judge who have filed the required notice and
7 paid the required filing fee or presented the required petition to the State Board of
8 Elections, so that their names may be printed on the official judicial ballot for justice of
9 the Supreme Court, judge of the Court of Appeals, and superior and district court.

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

14 **"§ 163-327. Vacancies of candidates or elected officers.**

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

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

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

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

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

1 if the filing period is reopened for three days. If the Board determines that there will be
2 sufficient time to reprint the ballots, it shall reopen the filing period for three days to
3 allow other candidates to file for election, and such election shall be conducted on the
4 plurality basis.

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

15 **"§ 163-329. Elections to fill vacancy created after primary filing period to use**
16 **plurality method.**

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

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

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

1 candidates receiving the highest number of votes, equal in number to
2 the number of offices to be filled, shall be declared elected.

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

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

8 **"§ 163-330. Voting in primary.**

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

15 **"§ 163-331. Date of primary.**

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

18 **"§ 163-332. Ballots.**

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

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

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

30 Justice of the Supreme Court.

31 Judge of the Court of Appeals.

32 Superior court judge.

33 District court judge.

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

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

42 **"§ 163-333:** Repealed by Session Laws 2001-398, s. 15, effective January 1, 2002.

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
3 Article 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 8.** G.S. 163-106(c) reads as rewritten:

8 "(c) **(Effective January 1, 2003)** Time for Filing Notice of Candidacy. –
9 Candidates seeking party primary nominations for the following offices shall file their
10 notice of candidacy with the State Board of Elections no earlier than 12:00 noon on the
11 second Monday in February and no later than 12:00 noon on the last business day in
12 February preceding the primary:

13 Governor

14 Lieutenant Governor

15 All State executive officers

16 ~~Justices of the Supreme Court, Judges of the Court of Appeals~~

17 United States Senators

18 Members of the House of Representatives of the United States

19 District attorneys

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

24 State Senators

25 Members of the State House of Representatives

26 All county offices."

27 **SECTION 9.** G.S. 163-106(d) reads as rewritten:

28 "(d) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any
29 primary in which there are ~~two or more vacancies for Chief Justice and associate~~
30 ~~justices of the Supreme Court, two or more vacancies for judge of the Court of Appeals,~~
31 ~~or~~ two vacancies for United States Senator from North Carolina, each candidate shall, at
32 the time of filing notice of candidacy, file with the State Board of Elections a written
33 statement designating the vacancy to which he seeks nomination. Votes cast for a
34 candidate shall be effective only for his nomination to the vacancy for which he has
35 given notice of candidacy as provided in this subsection."

36 **SECTION 10.** G.S. 163-107(a) reads as rewritten:

37 "(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate
38 shall pay to the board of elections with which he files under the provisions of G.S.
39 163-106 a filing fee for the office he seeks in the amount specified in the following
40 tabulation:

41 Office Sought	Amount of Filing
42 Governor	One percent (1%) of the annual 43 salary of the office sought

1	Lieutenant Governor	One percent (1%) of the annual salary of the office sought
2		
3	All State executive offices	One percent (1%) of the annual salary of the office sought
4		
5	All Justices, Judges, and District	One percent (1%) of the annual salary of the office sought
6	Attorneys of the General Court of	
7	Justice other than superior and	
8	district court judge	
9	United States Senator	One percent (1%) of the annual salary of the office sought
10		
11	Members of the United States House of	One percent (1%) of the annual salary of the office sought
12	Representatives	
13	State Senator	One percent (1%) of the annual salary of the office sought
14		
15	Member of the State House of	One percent (1%) of the annual salary of the office sought
16	Representatives	
17	All county offices not compensated by	One percent (1%) of the annual salary of the office sought
18	fees	
19	County commissioners, if compensated	Ten dollars (\$10.00)
20	entirely by fees	
21	Members of county board of education,	Five dollars (\$5.00)
22	if compensated entirely by fees	
23	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)
24		
25		
26		
27	Clerk of superior court, if compensated	Forty dollars (\$40.00), plus one percent (1%) of the income of the office above four thousand dollars (\$4,000)
28	entirely by fees	
29		
30		
31	Register of deeds, if compensated	Forty dollars (\$40.00), plus one percent (1%) of the income of the office above four thousand dollars (\$4,000)
32	entirely by fees	
33		
34		
35	Any other county office, if compensated	Twenty dollars (\$20.00), plus one percent (1%) of the income of the office above two thousand dollars (\$2,000)
36	entirely by fees	
37		
38		
39	All county offices compensated partly	One percent (1%) of the first annual salary to be received (exclusive of fees)".
40	by salary and partly by fees	
41		

42 **SECTION 11.** G.S. 163-107.1(b) reads as rewritten:

43 "(b) If the candidate is seeking the office of United States Senator, Governor,
44 Lieutenant Governor, or any State executive officer, ~~Justice of the Supreme Court or~~

1 ~~Judge of the Court of Appeals~~, the petition must be signed by 10,000 registered voters
2 who are members of the political party in whose primary the candidate desires to run,
3 except that in the case of a political party as defined by G.S. 163-96(a)(2) which will be
4 making nominations by primary election, the petition must be signed by ten percent
5 (10%) of the registered voters of the State who are affiliated with the same political
6 party in whose primary the candidate desires to run, or in the alternative, the petition
7 shall be signed by no less than 10,000 registered voters regardless of the voter's political
8 party affiliation, whichever requirement is greater. The petition must be filed with the
9 State Board of Elections not later than 12:00 noon on Monday preceding the filing
10 deadline before the primary in which he seeks to run. The names on the petition shall be
11 verified by the board of elections of the county where the signer is registered, and the
12 petition must be presented to the county board of elections at least 15 days before the
13 petition is due to be filed with the State Board of Elections. When a proper petition has
14 been filed, the candidate's name shall be printed on the primary ballot."

15 **SECTION 12.** G.S. 163-111(c)(1) reads as rewritten:

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

30 Governor,

31 Lieutenant Governor,

32 All State executive officers,

33 ~~Justices, Judges, or District Attorneys of the General Court of~~

34 Justice, ~~other than superior and district court judges,~~

35 United States Senators,

36 Members of the United States House of Representatives,

37 State Senators in multi-county senatorial districts, and

38 Members of the State House of Representatives in multi-county
39 representative districts."

40 **SECTION 13.** G.S. 163-123(g) reads as rewritten:

41 "(g) Municipal and Nonpartisan Elections Excluded. – This section does not apply
42 to municipal elections conducted under Subchapter IX of Chapter 163 of the General
43 Statutes, and does not apply to nonpartisan elections except for ~~superior court judge~~
44 elections under Article 25 of this Chapter."

1 **SECTION 14.** G.S. 163-165.6(b)(3) reads as rewritten:
2 "(3) ~~Partisan offices-offices, regardless of the size of the constituency,~~ shall
3 be listed before nonpartisan offices."

4 **SECTION 15.** The provisions of this act are severable. If any provision of
5 this act is held invalid by a court of competent jurisdiction, the invalidity does not affect
6 other provisions of the act that can be given effect without the invalid provision.

7 **SECTION 16.** Section 1 of this act is effective when it becomes law,
8 provided that distributions from the Fund shall begin in the 2004 election year. Section
9 2 becomes effective January 1, 2003. Section 3 becomes effective July 1, 2003. Sections
10 4 and 6(a) become effective for taxable years beginning on or after January 1, 2003.
11 Section 5 becomes effective January 1, 2003. Sections 7 through 13 become effective
12 with respect to primaries and elections held on or after January 1, 2004. Except as
13 otherwise provided in this act, this act is effective when it becomes law.