

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

**SESSION LAW 2003-142
HOUSE BILL 821**

**AN ACT TO SIMPLIFY THE PROCESS OF FILLING A VACANCY ON A PARTY
TICKET.**

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-114 reads as rewritten:

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

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

Position

President
Vice President

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

Presidential elector or
alternate elector
Any elective State office
United States Senator

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

A district office, including:
Member of the United States
House of Representatives
District Attorney
State Senator in a multi-county
senatorial district
Member of State House of
Representatives in a multi-county
representative district

Appropriate district executive
committee of political party in
which vacancy occurs

State Senator in a single-county
senatorial district
Member of State House of
Representatives in a single-county
representative district
Any elective county office

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

The party executive making a nomination in accordance with the provisions of this section shall certify the name of its nominee to the chairman of the board of elections, State or county, ~~charged with the duty of printing the ballots on which the name is to appear.~~ that has jurisdiction over the ballot item under G.S. 163-182.4. If at the time a nomination is made under this section the general election ballots have already been printed, the provisions of G.S. 163-165.3(c) shall apply. If a vacancy occurs in a nomination of a political party and that vacancy arises from a cause other than death and the vacancy in nomination occurs more than 120 days before the general election, the vacancy in nomination may be filled under this section only if the appropriate executive committee certifies the name of the nominee in accordance with this paragraph at least 75 days before the general election.

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

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

SECTION 2. This act is effective when it becomes law.

In the General Assembly read three times and ratified this the 29th day of May, 2003.

s/ Beverly E. Perdue
President of the Senate

s/ Richard T. Morgan
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 11:32 p.m. this 4th day of June, 2003