

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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HOUSE BILL 386

Short Title: Presidential Electors by District. (Public)

Sponsors: Representatives Goodwin, Harrison, Insko, Fisher (Primary Sponsors);
Luebke and Weiss.

Referred to: Election Law and Campaign Finance Reform.

February 28, 2005

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR THE ELECTION OF TWO PRESIDENTIAL
2 ELECTORS AT LARGE AND ONE FROM EACH CONGRESSIONAL
3 DISTRICT.
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5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** Article 18 of Chapter 163 of the General Statutes is amended
7 by adding a new section to read:

8 "**§ 163-208.1. Representation.**

9 One elector shall be chosen from each congressional district as specified in
10 G.S. 163-201, and two electors shall be chosen from the State at large."

11 **SECTION 2.** G.S. 163-209 reads as rewritten:

12 "**§ 163-209. Names of presidential electors not printed on ballots.**

13 The names of candidates for electors of President and Vice-President nominated by
14 any political party recognized in this State under G.S. 163-96, or nominated under
15 G.S. 163-1(c) by a candidate for President of the United States who has qualified to
16 have his name printed on the general election ballot as an unaffiliated candidate under
17 G.S. 163-122, shall be filed with the Secretary of State but shall not be printed on the
18 ballot. In the case of the unaffiliated candidate, the names of candidates for electors
19 must be filed with the Secretary of State no later than 12:00 noon on the first Friday in
20 August. Each political party and unaffiliated candidate shall nominate one candidate for
21 each congressional district as specified in G.S. 163-201 and two candidates at large. In
22 place of their names, in accordance with the provisions of G.S. 163-140 there shall be
23 printed on the ballot the names of the candidates for President and Vice-President of
24 each political party recognized in this State, and the name of any candidate for President
25 who has qualified to have his name printed on the general election ballot under
26 G.S. 163-122. A candidate for President who has qualified for the general election ballot
27 as an unaffiliated candidate under G.S. 163-122 shall, no later than 12:00 noon on the
28 first Friday in August, file with the State Board of Elections the name of a candidate for

1 Vice-President, whose name shall also be printed on the ballot. A vote for the
2 candidates named on the ballot shall be a vote for the electors of the party or unaffiliated
3 candidate by which those candidates were nominated and whose names have been filed
4 with the Secretary of State. Receipt by the slate of electors of the highest number of
5 votes statewide shall constitute election of the two statewide electors of that slate.
6 Receipt by the slate of electors of the highest number of votes in a congressional district
7 shall constitute election of the congressional district elector of that slate."

8 **SECTION 3.** G.S. 163-210 reads as rewritten:

9 **"§ 163-210. Governor to proclaim results; casting State's vote for President and**
10 **Vice-President.**

11 Upon receipt of the abstracts prepared by the State Board of Elections and delivered
12 to him in accordance with G.S. 163-192, the Secretary of State, under his hand and the
13 seal of his office, shall certify to the Governor the names of the persons elected to the
14 office of elector for President and Vice-President of the United States as stated in the
15 abstracts of the State Board of Elections. Thereupon, the Governor shall immediately
16 issue a proclamation setting forth the names of the electors and instructing them to be
17 present in the old Hall of the House of Representatives in the State Capitol in the City of
18 Raleigh at noon on the first Monday after the second Wednesday in December next after
19 their election, at which time the electors shall meet and vote on behalf of the State for
20 President and Vice-President of the United States. The Governor shall cause this
21 proclamation to be published in the daily newspapers published in the City of Raleigh.
22 Notice may additionally be made on a radio or television station or both, but such notice
23 shall be in addition to the newspaper and other required notice. The Secretary of State is
24 responsible for making the actual arrangements for the meeting, preparing the agenda,
25 and inviting guests.

26 The electors at large shall cast their ballots for the presidential and vice-presidential
27 candidates who received the largest number of votes in the State. The elector for each
28 congressional district shall cast a ballot for the presidential and vice-presidential
29 candidates who received the largest number of votes in that congressional district.

30 Before the date fixed for the meeting of the electors, the Governor shall send by
31 registered mail to the Archivist of the United States, either three duplicate original
32 certificates, or one original certificate and two authenticated copies of the Certificates of
33 Ascertainment, under the great seal of the State setting forth the names of the persons
34 chosen as presidential electors for this State and the number of votes cast for each.
35 These Certificates of Ascertainment should be sent as soon as possible after the election,
36 but must be received before the Electoral College meeting. At the same time he shall
37 deliver to the electors six duplicate originals of the same certificate, each bearing the
38 great seal of the State. At any time prior to receipt of the certificate of the Governor or
39 within 48 hours thereafter, any person elected to the office of elector may resign by
40 submitting his resignation, written and duly verified, to the Governor. Failure to so
41 resign shall signify consent to serve and to cast his vote for the candidate of the political
42 party which nominated such elector.

43 In case of the absence, ineligibility or resignation of any elector chosen, or if the
44 proper number of electors shall for any cause be deficient, the first and second

1 alternates, respectively, who were nominated under G.S. 163-1(c), shall fill the first two
2 vacancies. If the alternates are absent, ineligible, resign, or were not chosen, or if there
3 are more than two vacancies, then the electors present at the required meeting shall
4 forthwith elect from the citizens of the State a sufficient number of persons to fill the
5 deficiency, and the persons chosen shall be deemed qualified electors to vote for
6 President and Vice-President of the United States."

7 **SECTION 4.** This act is effective when it becomes law.