

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

S

D

SENATE DRS55040-LB-91 (02/05)

Short Title: Presidential Electors by District.

(Public)

Sponsors: Senator Berger of Franklin.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE ELECTION OF TWO PRESIDENTIAL
ELECTORS AT LARGE AND ONE FROM EACH CONGRESSIONAL
DISTRICT.

The General Assembly of North Carolina enacts:

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

"§ 163-208.1. Representation.

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

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

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

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

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

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

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

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

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

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

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

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