

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 2

Short Title: Veto/Succession.

(Public)

Sponsors: Representative Lineberry.

Referred to: Judiciary.

January 12, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR A GUBERNATORIAL VETO, TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR MAY NOT SUCCEED THEMSELVES, PROVIDE FOR A LIMITATION ON SUCCESSIVE TERMS OF THE SPEAKER AND PRESIDENT PRO TEMPORE, AND TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR RUN AS A JOINT TICKET IN THE GENERAL ELECTION.

The General Assembly of North Carolina enacts:

PART I. GUBERNATORIAL VETO

Section 1. Article II, Section 22 of the Constitution of North Carolina reads as rewritten:

"Sec. 22. Action on bills. ~~All bills and resolutions of a legislative nature shall be read three times in each house before they become laws, and shall be signed by the presiding officers of both houses.~~

(1) All bills proposing a new or revised Constitution or an amendment or amendments to this Constitution or calling a convention of the people of this State and containing no other matter shall be submitted to the qualified voters of this State after they shall have been read three times in each house, and signed by the presiding officers of both houses.

(2) All bills approving an amendment to the Constitution of the United States, or applying for a convention to propose amendments to the Constitution of the United States and containing no other matter, shall be read three times in each house before they become laws, and shall be signed by the presiding officers of both houses.

(3) All bills making appointments to offices under:

1 a. Article IX, Section 8; or
2 b. Article IV, Section 9(1)
3 of this Constitution, and containing no other matters, shall be read three times in each
4 house before they become laws, and shall be signed by the presiding officers of both
5 houses.

6 (4) Any other bill shall be read three times in each house and shall be signed by
7 the presiding officer of each house before being presented to the Governor. If the
8 Governor approves, he shall sign it and it shall become a law; but if not, he shall return
9 it with his objections to that house in which it shall have originated, which shall enter
10 the objections at large on its journal, and proceed to reconsider it. If after such
11 reconsideration a majority of the members present of that house shall agree to pass the
12 bill, it shall be sent, together with the objections, to the other house, by which it shall
13 likewise be reconsidered; and if approved by majority of the members present of that
14 house, it shall become a law notwithstanding the objections of the Governor. In all such
15 cases the votes of both houses shall be determined by yeas and nays, and the names of
16 the members voting shall be entered on the journal of each house respectively.

17 (5) If any bill shall not be returned by the Governor within seven days (Sundays
18 excepted) after it shall have been presented to him the same shall be a law in like
19 manner as if he had signed it, unless the General Assembly shall by its adjournment:

20 a. Sine die; or

21 b. for more than 30 days,

22 prevent its return, in which case it shall become a law if approved by the Governor
23 within 30 days after such adjournment. In any case where adjournment **sine die** or for
24 more than 30 days prevents the return of the bill, the Governor shall reconvene that
25 session as provided by Article III, Section 5(7) of this Constitution for reconsideration
26 of the bill.

27 (6) For purposes of return of bills not approved by the Governor, the General
28 Assembly shall be considered to be continuously in session until it adjourns **sine die** or
29 until it adjourns for more than 30 days; and the Principal Clerk of the House of
30 Representatives (or another officer designated by the House of Representatives) and the
31 Principal Clerk of the Senate (or another officer designated by the Senate) shall be
32 deemed proper recipients of such returned bills during recess or adjournment of the
33 General Assembly other than **sine die** or for more than 30 days.

34 (7) Every joint resolution shall be read three times in each house before it
35 becomes effective, and shall be signed by the presiding officers of both houses.

36 (8) Whenever the Governor reconvenes the session as provided by Article III,
37 Section 5(7) of this Constitution and subdivision (3) of this section, he shall return any
38 bill requiring the call of the session with his objections to that house in which it shall
39 have originated.

40 (9) This section applies to any appointments made by the General Assembly to
41 public office as allowed under Article III, Section 5(8) of this constitution, which shall
42 be made by passage of a bill.

43 (10) This section does not apply to any appointments made by the General
44 Assembly to public office as allowed under:

1 a. Article IX, Section 8; or
2 b. Article IV, Section 9(1)

3 of this constitution by joint action other than passage of a bill.

4 (11) This section does not apply to appointments made to public office as allowed
5 under:

- 6 a. Article III, Section 5(8);
7 b. Article IX, Section 8;
8 c. Article IV, Section 9(1); or
9 d. Article IX, Section 4(1)

10 of this Constitution when the appointments are made subject to confirmation by both
11 houses of the General Assembly."

12 Sec. 2. Section 5 of Article III of the Constitution of North Carolina is
13 amended by adding a new subdivision to read:

14 "(11) Reconvened sessions. The Governor shall, when required by Section 22 of
15 Article II of this Constitution, reconvene a session of the General Assembly for the
16 purpose of reconsideration of any bill which adjournment of that session:

- 17 a. Sine die; or
18 b. for more than 30 days

19 prevented his returning with his objections. At such reconvened session, the General
20 Assembly may only consider such bills as were returned by the Governor to that
21 reconvened session for reconsideration. Such reconvened session shall begin on a date
22 set by the Governor, but no later than 40 days after the General Assembly adjourned:

- 23 a. Sine die; or
24 b. for more than 30 days.

25 If the date of reconvening the session occurs after the expiration of the terms of
26 office of the members of the General Assembly, then the members serving for the
27 reconvened session shall be the newly-elected members."

28 **PART II. REPEAL OF SUCCESSION AMENDMENT**

29 Sec. 3. Section 2(2) of Article III of the Constitution of North Carolina reads
30 as rewritten:

31 "(2) Qualifications. No person shall be eligible for election to the office of
32 Governor or Lieutenant Governor unless, at the time of his election, he shall have
33 attained the age of 30 years and shall have been a citizen of the United States for five
34 years and a resident of this State for two years immediately preceding his election. No
35 person elected to the office of Governor or Lieutenant Governor shall be eligible for
36 election to ~~more than two consecutive terms of the same office.~~ the next succeeding term of
37 the same office, except that a person elected to the office of Lieutenant Governor in
38 1988 shall be eligible for election to the same office in 1992."

39 **PART III. TWO TERM LIMIT FOR SPEAKER AND PRESIDENT PRO** 40 **TEMPORE**

41 Sec. 3.1. Section 15 of Article II of the Constitution of North Carolina reads
42 as rewritten:

43 "Sec. 15. Officers of the House of Representatives. The House of Representatives
44 shall elect its Speaker and other officers. No person elected to the office of Speaker

1 shall be eligible for election to more than two consecutive terms of that office,
2 providing that in calculating the limitations, elections prior to 1993 shall not be
3 considered."

4 Sec. 3.2. Section 14(1) of Article II of the Constitution of North Carolina
5 reads as rewritten:

6 "(1) President Pro Tempore - succession to presidency. The Senate shall elect
7 from its membership a President Pro Tempore, who shall become President of the
8 Senate upon the failure of the Lieutenant Governor-elect to qualify, or upon succession
9 by the Lieutenant Governor to the office of Governor, or upon the death, resignation, or
10 removal from office of the President of the Senate, and who shall serve until the
11 expiration of his term of office as Senator. No person elected to the office of President
12 Pro Tempore shall be eligible for election to more than two consecutive terms of that
13 office, providing that in calculating the limitations, elections prior to 1993 shall not be
14 considered."

15 **PART IV. TEAM TICKET FOR GOVERNOR AND LIEUTENANT**
16 **GOVERNOR**

17 Sec. 3.3. Section 2 of Article III of the Constitution of North Carolina is
18 amended by adding a new subsection to read:

19 "(3) Team Election. In the General Election, all candidates for the offices of
20 Governor and Lieutenant Governor shall form joint candidacies so that each voter shall
21 cast a single vote for a candidate for Governor and a candidate for Lieutenant Governor
22 running together."

23 Sec. 4. The amendments set forth in Sections 1 through 3.3. of this act shall
24 be submitted to the qualified voters of the State at the statewide general election to be
25 held in November of 1990, which shall be conducted under the laws then governing
26 elections in the State.

27 Sec. 5. At that election, each qualified voter desiring to vote shall be
28 provided a ballot on which shall be printed the following:

29 "[] FOR constitutional amendments granting veto power to the Governor,
30 provided such veto may be overridden by majority vote of each house
31 of the General Assembly, prohibiting future Governors and Lieutenant
32 Governors from succeeding themselves, (except that the present
33 Lieutenant Governor may be reelected in the 1992 General Election)
34 providing that the Speaker of the House and the President Pro
35 Tempore of the Senate may not be elected to more than two
36 consecutive terms, and providing that candidates for Governor and
37 Lieutenant Governor shall be listed on the General Election ballot as a
38 team.

39 [] AGAINST constitutional amendments granting veto power to the
40 Governor, provided such veto may be overridden by majority vote of
41 each house of the General Assembly, prohibiting future Governors and
42 Lieutenant Governors from succeeding themselves, (except that the
43 present Lieutenant Governor may be reelected in the 1992 General
44 Election) providing that the Speaker of the House and the President

1 Pro Tempore of the Senate may not be elected to more than two
2 consecutive terms, and providing that candidates for Governor and
3 Lieutenant Governor shall be listed on the General Election ballot as a
4 team."

5 Those qualified voters favoring the amendments shall vote by marking an "X" or a check
6 mark in the square beside the statement beginning "FOR", and those qualified voters
7 opposed to the amendment shall vote by marking an "X" or a check mark in the square
8 beside the statement beginning "AGAINST".

9 Notwithstanding the foregoing provisions of this section, voting machines
10 may be used in accordance with rules and regulations prescribed by the State Board of
11 Elections.

12 Sec. 5.1. If a majority of votes cast thereon are in favor of the constitutional
13 amendments set out in Sections 1 through 3 of this act, then the State Board of Elections
14 shall certify those amendments to the Secretary of State who shall enroll that
15 amendment so certified among the permanent records of his office. These constitutional
16 amendments set out in Sections 1 and 2 shall become effective beginning with bills,
17 resolutions, and orders passed in either house of the General Assembly on or after
18 January 1, 1993. The constitutional amendment set out in Section 3 of this act shall
19 become effective beginning January 1, 1992. The constitutional amendments set out in
20 Sections 3.1 and 3.2 of this act shall become effective January 1, 1993. The
21 constitutional amendment set out in Section 3.3 of this act shall become effective
22 beginning with candidacies for the 1992 General Election.

23 PART 5. CONFORMING STATUTES-VETO

24 Sec. 6. G.S. 120-33 reads as rewritten:

25 "§ 120-33. Duties of enrolling clerk.

26 (a) All bills passed by the General Assembly shall be enrolled for ratification
27 under the supervision of the enrolling clerk.

28 (b) Prior to enrolling any bill, the enrolling clerk shall substitute the
29 corresponding Arabic numeral(s) for any date or section number of the General Statutes
30 or of any act of the General Assembly which is written in words.

31 (c) All bills shall be typewritten and carefully proofread before enrollment.

32 (d) Upon ratification of an act or joint resolution, the enrolling clerk shall assign
33 in Arabic numerals a Chapter number to each session law and present one true ratified
34 copy:

35 (1) To the Governor of any act except acts not required to be presented to
36 the Governor under Article II, Section 22 of the Constitution; and

37 (2) To the Secretary of State of:

38 a. Acts not required to be presented to the Governor under Article
39 II, Section 22 of the Constitution; and

40 b. Joint resolutions.

41 ~~deposit the ratified laws and joint resolutions with one true copy of each with the~~
42 ~~Secretary of State.~~

43 (d1) The enrolling clerk shall present to the Secretary of State one true ratified
44 copy of:

1 (1) Any bill which has become law without the approval of the Governor
2 as provided by G.S. 120-29.2(b); and

3 (2) Any bill which has become law notwithstanding the objections of the
4 Governor, as provided by G.S. 120-29.2(c).

5 (d2) No bill required to be presented to the Governor under Article II, Section 22
6 of the Constitution shall be presented to him until the time for moving a reconsideration
7 shall have expired, unless expressly ordered by that house where such bill or joint
8 resolution originated.

9 (e) ~~The enrolling clerk shall furnish each member of the General Assembly with~~
10 ~~a legible conformed copy of all laws and joint resolutions of the General Assembly,~~
11 ~~which shall show the Chapter number of any law or the number of any joint resolution,~~
12 ~~in conformity with the number assigned to the enactment.~~

13 (f) The enrolling clerk upon completion of his duties after each session shall deposit
14 the original bills and resolutions enrolled for ratification by him with the Secretary of
15 State."

16 Sec. 7. G.S. 120-20 reads as rewritten:

17 **"§ 120-20. When acts take effect.**

18 Acts of the General Assembly shall be in force only from and after ~~30~~60 days after
19 the adjournment of the session in which they shall have passed, unless the
20 commencement of the operation thereof be expressly otherwise directed."

21 Sec. 8. G.S. 120-30.9B reads as rewritten:

22 **"§ 120-30.9B. Statewide statutes; State Board of Elections.**

23 The Executive Secretary-Director of the State Board of Elections shall submit to the
24 Attorney General of the United States within 30 days of ~~ratification~~the time they
25 become laws all acts of the General Assembly that amend, delete, add to, modify or
26 repeal any provision of Chapter 163 of the General Statutes or any other statewide
27 legislation, except relating to Chapter 7A of the General Statutes, which constitutes a
28 'change affecting voting' under Section 5 of the Voting Rights Act of 1965."

29 Sec. 8.1. G.S. 120-30.9C reads as rewritten:

30 **"§ 120-30.9C. The judicial system; Administrative Office of the Courts.**

31 The Administrative Officer of the Courts shall submit to the Attorney General of the
32 United States within 30 days of ~~ratification~~the time they become laws all acts of the
33 General Assembly that amend, delete, add to, modify or repeal any provision of Chapter
34 7A of the General Statutes of North Carolina which constitutes a 'change affecting
35 voting' under Section 5 of the Voting Rights Act of 1965."

36 Sec. 8.2. G.S. 120-30.9E reads as rewritten:

37 **"§ 120-30.9E. Counties; County Attorney.**

38 The County Attorney of any county covered by the Voting Rights Act of 1965 shall
39 submit to the Attorney General of the United States within 30 days ~~of ratification or~~
40 ~~adoption any local acts of the General Assembly,;~~

41 (1) Of the time they become laws any local acts of the General Assembly; and

42 (2) Of adoption actions of the county board of commissioners, or the county
43 board of elections or any other county agency which constitutes a 'change affecting
44 voting' under Section 5 of the Voting Rights Act of 1965 in that county."

1 Sec. 8.3. G.S. 120-30.9F reads as rewritten:

2 **"§ 120-30.9F. Municipalities; municipal attorney.**

3 The municipal attorney of any municipality covered by the Voting Rights Act of
4 1965 shall submit to the Attorney General of the United States within 30 days of
5 ~~ratification any local acts of the General Assembly;~~

6 (1) Of the time they become laws any local acts of the General Assembly; and

7 (2) Of adoption actions of the municipal governing body or municipal board of
8 elections or any other municipal agency which constitutes a 'change affecting voting'
9 under Section 5 of the Voting Rights Act of 1965 in that municipality."

10 Sec. 9. G.S. 120-30.9G reads as rewritten:

11 **"§ 120-30.9G. School Administrative Units; Boards of Education Attorney.**

12 The attorney for any local board of education where that school administrative unit
13 is covered by the Voting Rights Act of 1965 shall submit to the Attorney General of the
14 United States within 30 days of ~~ratification any local acts of the General Assembly;~~

15 (1) Of the time they become laws any local acts of the General Assembly; and

16 (2) Of adoption actions of the local boards of education which constitutes a
17 'change affecting voting' under Section 5 of the Voting Rights Act of 1965 in that
18 school administrative unit. If the change affecting voting is a merger of two or more
19 school administrative units, the change shall be submitted jointly by the attorneys of the
20 school administrative units involved, or by one of them by agreement of the attorneys
21 involved."

22 Sec. 10. G.S. 147-36 reads as rewritten:

23 **"§ 147-36. Duties of Secretary of State.**

24 It is the duty of the Secretary of State:

25 (1) ~~To attend at every session of the legislature for the purpose of receiving bills which~~
26 ~~shall have become laws, and to perform such other duties as may then be devolved upon~~
27 ~~him by resolution of the two Houses,~~ houses of the General Assembly or either of them;

28 (2) To attend the Governor, whenever required by him, for the purpose of
29 receiving documents which have passed the great seal;

30 (3) To receive and keep all conveyances and mortgages belonging to the State;

31 (4) To distribute annually the statutes and the legislative journals;

32 (5) To distribute the acts of Congress received at his office in the manner
33 prescribed for the statutes of the State;

34 (6) To keep a receipt book, in which he shall take from every person to whom a
35 grant shall be delivered, a receipt for the same; but he may inclose grants by mail in a
36 registered letter at the expense of the grantee, unless otherwise directed, first entering
37 the same upon the receipt book;

38 (7) To issue charters and all necessary certificates for the incorporation,
39 domestication, suspension, reinstatement, cancellation and dissolution of corporations
40 as may be required by the corporation laws of the State and maintain a record thereof;

41 (8) To issue certificates of registration of trademarks, labels and designs as may
42 be required by law and maintain a record thereof;

43 (9) To maintain a Division of Publications to compile data on the State's several
44 governmental agencies and for legislative reference;

1 (10) To receive, enroll and safely preserve the Constitution of the State and all
2 amendments thereto;

3 (11) To serve as a member of such boards and commissions as the Constitution
4 and laws of the State may designate;

5 (12) To administer the Securities Law of the State, regulating the issuance and sale
6 of securities, as is now or may be directed;

7 (13) To receive and keep all oaths of public officials required by law to be filed in
8 his office, and as Secretary of State, he is fully empowered to administer official oaths
9 to any public official of whom an oath is required; and

10 (14) To receive and maintain a journal of all appointments made to any State
11 board, agency, commission, council or authority which is filed in the office of the
12 Secretary of State."

13 Sec. 11. Chapter 120 of the General Statutes is amended by adding a new
14 section to read:

15 **"§ 120-29.2. Approval of acts.**

16 (a) If the Governor approves a bill presented to him, he shall write upon the
17 same, to the left of and below the signatures of the presiding officers of the two houses,
18 the fact, date, and time of his approval, as follows: 'Approved .m. this day of ,
19 'and shall sign the same as follows:' Governor' The Governor shall then deposit
20 the approved bill with the Secretary of State.

21 (b) If any bill becomes law because of the failure of the Governor to take any
22 action, it shall be the duty of the Governor to return the measure to the enrolling clerk,
23 who shall sign the following certificate on the measure and deposit it with the Secretary
24 of State: 'This bill having been presented to the Governor for his signature on the
25 day of , and the Governor having failed to return it within the time prescribed by
26 law, the same is hereby declared to have become a law

27 This day of , , Enrolling Clerk.

28 (c) If the Governor returns any bill to the House of origin with his objections, he
29 shall write such objections on the measure or cause the objections to be attached to the
30 measure. When any such bill becomes law after reconsideration of the two houses the
31 presiding officers shall, below the objections of the Governor, sign (including the date)
32 the following certificate: 'Became law notwithstanding the objections of the Governor,
33 .m. this day of , .' The second of them to sign shall fill in the time. The
34 enrolling clerk shall deposit the measure with the Secretary of State."

35 Sec. 12. Rule 9(h) of the Rules of Civil Procedure, G.S. 1A-1, reads as
36 rewritten:

37 "(h) Private statutes. In pleading a private statute or right derived therefrom it is
38 sufficient to refer to the statute by its title or the day of its ratification if ratified before
39 January 1, 1993, or the date it becomes law if it becomes law on or after January 1,
40 1993, and the court shall thereupon take judicial notice of it."

41 Sec. 13. G.S. 97-31.1 reads as rewritten:

42 **"§ 97-31.1. Effective date of legislative changes in benefits.**

1 Every act of the General Assembly that changes the benefits enumerated in this
2 Chapter shall ~~have a ratification date of~~ become law no later than June 1 and shall have an
3 effective date of no earlier than January 1 of the year after which it is ratified."

4 Sec. 14. G.S. 120-34(a) reads as rewritten:

5 "(a) The Legislative Services Commission shall publish all laws and joint
6 resolutions, except those that did not become effective because they were not approved
7 by the Governor and the bill did not become law notwithstanding the objections of the
8 Governor passed at each session of the General Assembly. The laws and joint
9 resolutions shall be kept separate and indexed separately. Each volume shall contain a
10 certificate from the Secretary of State stating that the volume was printed under the
11 direction of the Legislative Services Commission from ratified acts and resolutions on
12 file in the Office of the Secretary of State. The Commission may publish the Session
13 Laws and House and Senate Journals of extra and special sessions of the General
14 Assembly in the same volume or volumes as those of regular sessions of the General
15 Assembly. In printing, the signatures of the presiding officers shall be omitted. In the
16 case of any laws which were assigned Chapter numbers by the enrolling clerk, but
17 which did not become law because of objections of the Governor, the Legislative
18 Services Office shall omit the Chapter and carry a note as to the reason for its omission.
19 In the case of any bill required to be presented to the Governor, and which became law,
20 the Session Laws shall carry, below the date of ratification, editorial notes as to what
21 time and what date the bill became law."

22 Sec. 15. G.S. 120-133 reads as rewritten:

23 **"§ 120-133. Redistricting communications.**

24 Notwithstanding any other provision of law, all drafting and information requests to
25 legislative employees and documents prepared by legislative employees for legislators
26 concerning redistricting the North Carolina General Assembly or the Congressional
27 Districts are no longer confidential and become public records upon the ~~ratification of the~~
28 act establishing the relevant district plan becoming law. Present and former legislative
29 employees may be required to disclose information otherwise protected by G.S. 120-
30 132 concerning redistricting the North Carolina General Assembly or the Congressional
31 Districts upon the ~~ratification of the~~ act establishing the relevant district plan becoming
32 law."

33 Sec. 16. G.S. 120-149.3 reads as rewritten:

34 "(c) If a legislative proposal receives a favorable report but ~~is not ratified~~ becomes
35 law during the biennial session in which it is introduced, a new assessment report shall
36 be required before the same or a substantially similar legislative proposal may be
37 considered after first reading or by any committee during a subsequent biennial session
38 of the General Assembly. If a proposal receives a favorable report but is not introduced
39 as a legislative proposal, the favorable report shall expire at the adjournment of the
40 biennial session coinciding with or following issuance of the final report."

41 Sec. 17. G.S. 130A-51 reads as rewritten:

42 **"§ 130A-51. City governing body acting as sanitary district board.**

43 (a) When the General Assembly incorporates a city or town that includes within
44 its territory fifty percent (50%) or more of the territory of a sanitary district, the

1 governing body of the city or town shall become ex officio the governing board of the
2 sanitary district if the General Assembly provides for this action in the incorporation act
3 and if the existing sanitary district board adopts a final resolution pursuant to this
4 section. The resolution may be adopted at any time within the period beginning on the
5 day of ~~ratification of~~ the incorporation act becomes law and ending 270 days after the
6 ~~effective~~ that date.

7 PART VI. CONFORMING STATUTES-SUCCESSION

8 Sec. 17.1. G.S. 143-13 reads as rewritten:

9 **"§ 143-13. Printing copies of budget report and bills and rules for the introduction** 10 **of the same.**

11 The Director shall cause to be printed one thousand copies each of the budget report,
12 the Current Operations Appropriations Bill, Capital Improvement Appropriations Bill,
13 and the Budget Revenue Bill. The Governor shall present copies thereof to the General
14 Assembly, together with the biennial message, except incoming Governors may, at the
15 first session of the General Assembly in their respective terms, submit the same after the
16 biennial message has been presented to the General Assembly. The Current Operations
17 Appropriations Bill and the Capital Improvement Appropriations Bill shall be
18 introduced by the chairman of the committee on appropriations in each house of the
19 General Assembly, and the Budget Revenue Bill shall be introduced by the chairmen of
20 the finance committees in each branch of the General Assembly: Provided, that for the
21 years in which the Governor is elected, ~~other than when a Governor is elected for a second~~
22 ~~successive term~~ the Director shall deliver the budget report and the Current Operations
23 Appropriations Bill and the Capital Improvement Appropriations Bill and the Budget
24 Revenue Bill to the Governor-elect, on or before the fifteenth day of December, and the
25 said budget report, Appropriations, and Revenue Bills, shall be presented by the
26 Governor to the General Assembly with such recommendations in the way of
27 amendments, or other modifications, together with such criticism as he may determine.
28 The provisions herein contained as to the introduction of the bills mentioned in this
29 section shall be considered and treated as a rule of procedure in the Senate and House of
30 Representatives until otherwise expressly provided for by a rule in either, or both, of
31 said branches of the General Assembly."

32 PART VII. CONFORMING STATUTES-TEAM TICKET

33 Sec. 17.2. Chapter 163 of the General Statutes is amended by adding a new
34 section to read:

35 **"§ 163-115.1. Party must nominate candidates for Governor and Lieutenant** 36 **Governor.**

37 If a party nominates a candidate for Governor under this Article, it must also
38 nominate a candidate for Lieutenant Governor, or the nomination as Governor is void.
39 If a party nominates a candidate for Lieutenant Governor under this Article, it must also
40 nominate a candidate for Governor, or the nomination as Lieutenant Governor is void.

41 Sec. 17.3. G.S. 163-98 reads as rewritten:

42 **"§ 163-98. General election participation by new political party.**

43 In the first general election following the date on which a new political party
44 qualifies under the provisions of G.S. 163-96, it shall be entitled to have the names of its

1 candidates for State, congressional, and national offices printed on the official ballots,
2 but it shall not be entitled to have the names of candidates for other offices printed on
3 State, district, or county ballots at that election.

4 For the first general election following the date on which it qualifies under G.S. 163-
5 96, a new political party shall select its candidates by party convention. Following
6 adjournment of the nominating convention, but not later than the first day of July prior
7 to the general election, the president of the convention shall certify to the State Board of
8 Elections the names of persons chosen in the convention as the new party's candidates
9 for State, congressional, and national offices in the ensuing general election. The State
10 Board of Elections shall print names thus certified on the appropriate ballots as the
11 nominees of the new party. The convention, if it nominates a candidate for Governor,
12 must also nominate a candidate for Lieutenant Governor, or the nomination for
13 Governor shall be void. The convention, if it nominates a candidate for Lieutenant
14 Governor, must also nominate a candidate for Governor, or the nomination for
15 Lieutenant Governor is void."

16 Sec. 17.4. G.S. 163-122 is amended by adding a new subsection to read:

17 "(c) In filing petitions as an unaffiliated candidate, a petition for the office of
18 Governor shall also contain the name of a candidate for Lieutenant Governor, and the
19 petition shall be a petition for both. In filing petitions as an unaffiliated candidate, a
20 petition for the office of Lieutenant Governor shall also contain the name of a candidate
21 for Governor, and the petition shall be a petition for both. The form of the petition
22 requesting unaffiliated candidates to be placed on the ballot for Governor and
23 Lieutenant Governor on the general election ballot shall contain on the heading of each
24 page of the petition in bold print or in all capital letters the words 'THE
25 UNDERSIGNED REGISTERED VOTERS IN COUNTY HEREBY PETITION
26 ON BEHALF OF AS AN UNAFFILIATED CANDIDATE FOR GOVERNOR
27 AND AS AN UNAFFILIATED CANDIDATE FOR LIEUTENANT
28 GOVERNOR IN THE NEXT GENERAL ELECTION. THE UNDERSIGNED
29 HEREBY PETITION THAT THE SUBJECT CANDIDATES BE PLACED ON THE
30 APPROPRIATE BALLOT UPON COMPLIANCE WITH THE PROVISIONS OF G.S.
31 163-122."

32 Sec. 17.5. G.S. 163-140(b)(4) reads as rewritten:

33 "(4) State Ballot: Beneath the title and general instructions set out in this
34 subsection, the ballot for single-seat contests for State officers, and for all State officers
35 where mechanical voting machines are used (including judges of the superior court)
36 shall be divided into parallel columns separated by distinct black lines. The State Board
37 of Elections shall assign a separate column to each political party having candidates for
38 State offices and one to unaffiliated candidates, if any. At the head of each party
39 column the party's name shall be printed in large type, and at the head of the column for
40 unaffiliated candidates shall be printed in large type the words 'Unaffiliated Candidates.'
41 Below the party name in each column shall be printed a circle, one-half inch in
42 diameter, around which shall be plainly printed the following instruction: 'For a straight
43 ticket, mark within this circle.' With distinct black lines, the State Board of Elections
44 shall divide the columns into horizontal sections and, in the customary order of office,

1 assign a separate section to each office or group of offices to be filled. On a single line
2 at the top of each section shall be printed a direction as to the number of candidates for
3 whom a vote may be cast. If candidates are to be chosen for different terms to the same
4 office, the term in each instance shall be printed as part of the title of the office.

5 The name or names of each political party's candidate or candidates for each office
6 listed on the ballot shall be printed in the appropriate office section of the proper party
7 column, and the names of unaffiliated candidates shall be printed in the appropriate
8 office section of the column headed 'Unaffiliated Candidates.' At the left of each name
9 shall be printed a voting square, and in each column all voting squares shall be arranged
10 in a perpendicular line.

11 On the face of the ballot, above the party and unaffiliated column division, the
12 following instructions shall be printed in heavy black type:

- 13 'a. To vote for all candidates of one party (a straight ticket), make a cross
14 (X) mark in the circle of the party for whose candidates you wish to
15 vote.
- 16 b. You may vote a split ticket by marking a cross (X) mark in the party
17 circle and then making a cross (X) mark in the square opposite the
18 name of the candidate(s) of a different party for whom you wish to
19 vote. In any multi-seat race where a party circle is marked and you
20 vote for candidates of another party, in order for your vote to count for
21 any candidates for that office of the party for which you marked the
22 party circle you must make a cross (X) mark opposite the name of
23 those candidate(s).
- 24 c. You may also vote a split ticket by not marking a cross (X) mark in the
25 party circle, but by making a cross (X) mark in the square opposite the
26 name of each candidate for whom you wish to vote.
- 27 d. If you tear or deface or wrongly mark this ballot, return it and get
28 another.'

29 On the bottom of the ballot shall be printed an identified facsimile of the signature of
30 the Chairman of the State Board of Elections. If the State ballot contains no multi-seat
31 race, then the second sentence of instruction b. shall not appear on the ballot. In the
32 general election, the offices of Governor and Lieutenant Governor shall be combined on
33 the ballot and the nominees of each party or unaffiliated offices listed together so that a
34 vote for a candidate for one of those offices is a vote for the candidates for both offices.
35 Such team election of Governor and Lieutenant Governor is not a multi-seat race for the
36 purpose of subsection (f) of this section."

37 Sec. 17.6. G.S. 163-151(6) is amended by adding a new sub-subdivision to
38 read:

39 "f. A write-in vote for a candidate for Governor shall not be counted unless that
40 person has also written in the name of a candidate for Lieutenant Governor. A write-in
41 vote for a candidate for Lieutenant Governor shall not be counted unless that person has
42 also written in the name of a candidate for Governor. A write-in vote shall not be
43 counted for any candidate for Governor if that person appears on the ballot as a

1 candidate for that office. A write-in vote shall not be counted for any candidate for
2 Lieutenant Governor if that person appears on the ballot as a candidate for that office."

3 Sec. 17.7. Chapter 393, Session Laws of 1987, is amended by adding a new
4 section to read:

5 "Sec. 1.1. G.S. 163-123 is amended by adding a new subsection to read:

6 '(c1) Any declaration of intent filed under this section for the office of Governor
7 shall be a joint declaration with another candidate for the office of Lieutenant Governor.
8 Any declaration of intent filed under this section for the office of Lieutenant Governor
9 shall be a joint declaration with another candidate for the office of Governor. The
10 declaration shall be signed by both candidates. The State Board of Elections shall
11 provide for a joint petition form for Governor and Lieutenant Governor in lieu of the
12 one provided by subsection (d) of this section."

13 Sec. 18. Sections 6 through 17 of this act shall become effective only if the
14 constitutional amendments proposed by Sections 1 through 3.3 of this act are approved
15 as provided by Sections 4 through 5.1 of this act, and if so approved, Sections 6 through
16 17 they shall become effective with respect to bills and resolutions passed in either
17 house of the General Assembly on or after January 1, 1993, and Section 17.1 shall
18 become effective January 1, 1991. Sections 17.2 through 17.7 of this act shall become
19 effective beginning with 1992 General Election.

20 Sec. 19. This act is effective upon ratification.