

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1649

Short Title: Electors for Unaffiliated Candidate.

(Public)

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Sponsors: Representatives Gamble; and Jones.

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Referred to: Courts, Justice, Constitutional Amendments & Referenda.

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June 10, 1992

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE A PROCEDURE FOR AN UNAFFILIATED CANDIDATE  
2 FOR PRESIDENT WHO HAS QUALIFIED FOR BALLOT ACCESS TO NAME  
3 CANDIDATES FOR ELECTOR AND FOR VICE-PRESIDENT.  
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 163-1(c) reads as rewritten:

7 "(c) On Tuesday next after the first Monday in November in the year 1968, and  
8 every four years thereafter, or on such days as the Congress of the United States shall  
9 direct, an election shall be held in all of the election precincts of the State for the  
10 election of electors of President and Vice-President of the United States. The number of  
11 electors to be chosen shall be equal to the number of Senators and Representatives in  
12 Congress to which this State may be entitled. Presidential electors shall not be  
13 nominated by primary election; instead, they shall be nominated in a State convention of  
14 each political party as defined in G.S. 163-96 unless otherwise provided by the plan of  
15 organization of the political party; provided, that in the case of a candidate for President  
16 of the United States who has qualified to have his name printed on the general election  
17 ballot as an unaffiliated candidate under G.S. 163-122, that candidate shall nominate  
18 presidential electors. One presidential elector shall be nominated from each  
19 congressional district and two from the state-at-large."

20 Sec. 2. G.S. 163-209 reads as rewritten:

21 "**§ 163-209. Names of presidential electors not printed on ballots.**

22 The names of candidates for electors of President and Vice-President nominated by  
23 any political party recognized in this State under G.S. 163-96, or nominated under G.S.  
24 163-1(c) by a candidate for President of the United States who has qualified to have his

1 name printed on the general election ballot as an unaffiliated candidate under G.S. 163-  
2 122, shall be filed with the Secretary of State but shall not be printed on the ballot. In  
3 the case of the unaffiliated candidate, the names of candidates for electors must be filed  
4 with the Secretary of State no later than 12:00 noon on the first Friday in August. In  
5 place of their names, in accordance with the provisions of G.S. 163-140 there shall be  
6 printed on the ballot the names of the candidates for President and Vice-President of  
7 each political party recognized in this State, and the name of any candidate for President  
8 who has qualified to have his name printed on the general election ballot under G.S.  
9 163-122. A candidate for President who has qualified for the general election ballot as  
10 an unaffiliated candidate under G.S. 163-122 shall, no later than 12:00 noon on the first  
11 Friday in August, file with the State Board of Elections the name of a candidate for  
12 Vice-President, whose name shall also be printed on the ballot. A vote for the  
13 candidates named on the ballot shall be a vote for the electors of the party or unaffiliated  
14 candidate by which those candidates were nominated and whose names have been filed  
15 with the Secretary of State."

16 Sec. 3. G.S. 163-140(b)(1) reads as rewritten:

17 "(1) Ballot for Presidential Electors: On the ballot for presidential electors  
18 there shall be printed, under the titles of the offices, the names of the  
19 candidates for President and Vice-President of the United States  
20 nominated by each political party qualified under the provisions of  
21 G.S. 163-96, and the names of the unaffiliated candidates for President  
22 and Vice-President qualified under the provisions of G.S. 163-122 and  
23 G.S. 163-209. A separate column shall be assigned to each political  
24 party with candidates on the ballot, and a separate column shall be  
25 assigned to each pair of unaffiliated candidates for President and Vice-  
26 President, if any, and the party-columns shall be separated by distinct  
27 black lines. At the head of each party column the party name shall be  
28 printed in large type and below it a circle, one-half inch in diameter,  
29 and below the circle the names of the party's candidates for President  
30 and Vice-President in that order. At the head of the columns for  
31 unaffiliated candidates shall be printed in large type the words  
32 'Unaffiliated Candidates', and below it a circle, one-half inch in  
33 diameter, and below the circle the names of a pair of unaffiliated  
34 candidates for President and Vice-President. On the face of the ballot,  
35 above the party column division, the following instructions shall be  
36 printed in heavy black type:

- 37 'a. To vote this ballot, make a cross (X) mark in the circle below  
38 the name of the political party for whose candidates you wish to  
39 vote or below the heading for the unaffiliated candidates for  
40 whom you wish to vote.
- 41 b. A vote for the names of a political party's candidates for  
42 President and Vice-President is a vote for the electors of that  
43 party, and a vote for the names of unaffiliated candidates for  
44 President and Vice-President is a vote for electors named by the

1                                    unaffiliated candidate for President, the names of whom are on  
2                                    file with the Secretary of State.

3                    c.        If you tear or deface or wrongly mark this ballot, return it and  
4                                    get another.'

5                    On the bottom of the ballot shall be printed an identified facsimile of  
6                                    the signature of the Chairman of the State Board of Elections.

7                    The official ballot for presidential electors shall not be combined  
8                                    with any other official ballots."

9                    Sec. 4. This act is effective upon ratification.