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Select Committee on Government and Election Reform Committee Substitute  
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Short Title: Nonpartisan Election of DAs.

(Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR THE NONPARTISAN ELECTION OF DISTRICT ATTORNEYS; AND TO PROVIDE THAT ANY CANDIDATE WHO RECEIVES A MAJORITY OF THE VOTE IN A NONPARTISAN PRIMARY FOR A DISTRICT ATTORNEY OR JUDICIAL SEAT IS THE SOLE NOMINEE AND WILL APPEAR AS THE SOLE CANDIDATE ON THE FINAL ELECTION BALLOT, SUBJECT ONLY TO WRITE-IN OPPOSITION.

The General Assembly of North Carolina enacts:

**SECTION 1.** The title of Subchapter X and Article 25 of Chapter 163 of the General Statutes reads as rewritten:

**"SUBCHAPTER X. ELECTION OF DISTRICT ATTORNEYS AND APPELLATE, SUPERIOR, AND DISTRICT COURT JUDGES.**

"Article 25.

"Nomination and Election of District Attorneys and Appellate, Superior, and District Court Judges.

**"§ 163-321. Applicability.**

The nomination and election of district attorneys, justices of the Supreme Court, judges of the Court of Appeals, and superior and district court judges of the General Court of Justice shall be as provided by this Article.

**"§ 163-322. Nonpartisan primary election method.**

(a) General. – Except as provided in G.S. 163-329, there shall be a primary to narrow the field of candidates to two candidates for each position to be filled if, when the filing period closes, there are more than two candidates for a single office or the number of candidates for a group of offices exceeds twice the number of positions to be filled. If only one or two candidates file for a single office, no primary shall be held for that office and the candidates shall be declared nominated. If the number of candidates

1 for a group of offices does not exceed twice the number of positions to be filled, no  
2 primary shall be held for those offices and the candidates shall be declared nominated.

3 (b) Determination of Nominees. – In the primary, the two candidates for a single  
4 office receiving the highest number of votes, but less than a majority, and those  
5 candidates for a group of offices receiving the highest number of votes, equal to twice  
6 the number of positions to be filled, but less than a majority, shall be declared  
7 nominated. If two or more candidates receiving the highest number of votes each  
8 receive the same number of votes, the State Board of Elections shall determine their  
9 relative ranking by lot, and shall declare the nominees accordingly. The canvass of the  
10 primary shall be held on the same date as the primary canvass fixed under  
11 G.S. 163-182.5. The canvass shall be conducted in accordance with Article 15A of this  
12 Chapter.

13 (b1) When One Candidate in Primary for Single Seat Receives a Majority. – If any  
14 candidate receives a majority of the votes in a primary for a single seat, that candidate  
15 alone shall be declared nominated. That candidate's name shall be placed on the ballot  
16 in the election, subject to write-in votes as provided in G.S. 163-123. For purposes of  
17 this subsection a "majority" means more than fifty percent (50%) of the votes.

18 (c) Determination of Election Winners. – In the election, the names of those  
19 candidates declared nominated without a primary and those candidates nominated in the  
20 primary shall be placed on the ballot. The candidate for a single office receiving the  
21 highest number of votes shall be elected. Those candidates for a group of offices  
22 receiving the highest number of votes, equal in number to the number of positions to be  
23 filled, shall be elected. If two candidates receiving the highest number of votes each  
24 received the same number of votes, the State Board of Elections shall determine the  
25 winner by lot.

26 **"§ 163-323. Notice of candidacy.**

27 (a) Form of Notice. – Each person offering to be a candidate for election shall do  
28 so by filing a notice of candidacy with the State Board of Elections in the following  
29 form, inserting the words in parentheses when appropriate:

30 Date \_\_\_\_\_:

31 I hereby file notice that I am a candidate for election to the office of \_\_\_\_\_ in  
32 the regular election to be held \_\_\_\_\_, \_\_\_\_\_.

33 Signed \_\_\_\_\_:

34 (Name of Candidate)

35 Witness: \_\_\_\_\_

36 The notice of candidacy shall be either signed in the presence of the chairman or  
37 secretary of the State Board of Elections, or signed and acknowledged before an officer  
38 authorized to take acknowledgments who shall certify the notice under seal. An  
39 acknowledged and certified notice may be mailed to the State Board of Elections. In  
40 signing a notice of candidacy, the candidate shall use only the candidate's legal name  
41 and, in his discretion, any nickname by which commonly known. A candidate may also,  
42 in lieu of that candidate's first name and legal middle initial or middle name, if any, sign  
43 that candidate's nickname, provided the candidate appends to the notice of candidacy an  
44 affidavit that the candidate has been commonly known by that nickname for at least five

1 years prior to the date of making the affidavit. The candidate shall also include with the  
2 affidavit the way the candidate's name (as permitted by law) should be listed on the  
3 ballot if another candidate with the same last name files a notice of candidacy for that  
4 office.

5 A notice of candidacy signed by an agent or any person other than the candidate  
6 himself shall be invalid.

7 (b) Time for Filing Notice of Candidacy. – Candidates seeking election to the  
8 following offices shall file their notice of candidacy with the State Board of Elections  
9 no earlier than 12:00 noon on the second Monday in February and no later than 12:00  
10 noon on the last business day in February preceding the election:

11 Justices of the Supreme Court.

12 Judges of the Court of Appeals.

13 Judges of the superior courts.

14 Judges of the district courts.

15 District attorney.

16 (c) Withdrawal of Notice of Candidacy. – Any person who has filed a notice of  
17 candidacy for an office shall have the right to withdraw it at any time prior to the date  
18 on which the right to file for that office expires under the terms of subsection (b) of this  
19 section.

20 (d) Certificate That Candidate Is Registered Voter. – Candidates shall file along  
21 with their notice a certificate signed by the chairman of the board of elections or the  
22 director of elections of the county in which they are registered to vote, stating that the  
23 person is registered to vote in that county, and if the candidacy is for superior court  
24 judge and the county contains more than one superior court district, stating the superior  
25 court district of which the person is a resident. In issuing such certificate, the chairman  
26 or director shall check the registration records of the county to verify such information.  
27 During the period commencing 36 hours immediately preceding the filing deadline, the  
28 State Board of Elections shall accept, on a conditional basis, the notice of candidacy of  
29 a candidate who has failed to secure the verification ordered herein subject to receipt of  
30 verification no later than three days following the filing deadline. The State Board of  
31 Elections shall prescribe the form for such certificate, and distribute it to each county  
32 board of elections no later than the last Monday in December of each odd-numbered  
33 year.

34 (e) Candidacy for More Than One Office Prohibited. – No person may file a  
35 notice of candidacy for more than one office or group of offices described in subsection  
36 (b) of this section, or for an office or group of offices described in subsection (b) of this  
37 section and an office described in G.S. 163-106(c), for any one election. If a person has  
38 filed a notice of candidacy with a board of elections under this section or under  
39 G.S. 163-106(c) for one office or group of offices, then a notice of candidacy may not  
40 later be filed for any other office or group of offices under this section when the election  
41 is on the same date unless the notice of candidacy for the first office is withdrawn under  
42 subsection (c) of this section.

43 (f) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any  
44 election in which there are two or more vacancies for the office of justice of the

1 Supreme Court, judge of the Court of Appeals, or district court judge to be filled by  
2 nominations, each candidate shall, at the time of filing notice of candidacy, file with the  
3 State Board of Elections a written statement designating the vacancy to which the  
4 candidate seeks election. Votes cast for a candidate shall be effective only for election  
5 to the vacancy for which the candidate has given notice of candidacy as provided in this  
6 subsection.

7 A person seeking election for a specialized district judgeship established under  
8 G.S. 7A-147 shall, at the time of filing notice of candidacy, file with the State Board of  
9 Elections a written statement designating the specialized judgeship to which the person  
10 seeks nomination.

11 (g) No person may file a notice of candidacy for superior court judge unless that  
12 person is at the time of filing the notice of candidacy a resident of the judicial district as  
13 it will exist at the time the person would take office if elected. No person may be  
14 nominated as a superior court judge under G.S. 163-114 unless that person is at the time  
15 of nomination a resident of the judicial district as it will exist at the time the person  
16 would take office if elected. This subsection implements Article IV, Section 9(1) of the  
17 North Carolina Constitution which requires regular Superior Court Judges to reside in  
18 the district for which elected.

19 **"§ 163-324. Filing fees required of candidates; refunds.**

20 (a) Fee Schedule. – At the time of filing a notice of candidacy under this Article,  
21 each candidate shall pay to the State Board of Elections a filing fee for the office he  
22 seeks in the amount of one percent (1%) of the annual salary of the office sought.

23 (b) Refund of Fees. – If any person who has filed a notice of candidacy and paid  
24 the filing fee prescribed in subsection (a) of this section withdraws his notice of  
25 candidacy within the period prescribed in G.S. 163-323(c), he shall be entitled to have  
26 the fee he paid refunded. The chairman of the State Board of Elections shall cause a  
27 warrant to be drawn on the State Treasurer for the refund payment.

28 If any person who has filed a notice of candidacy and paid the filing fee prescribed  
29 in subsection (a) of this section dies prior to the date of the election, the personal  
30 representative of the estate shall be entitled to have the fee refunded if application is  
31 made to the board of elections to which the fee was paid no later than one year after the  
32 date of death, and refund shall be made in the same manner as in withdrawal of notice  
33 of candidacy.

34 **"§ 163-325. Petition in lieu of payment of filing fee.**

35 (a) General. – Any qualified voter who seeks election under this Article may, in  
36 lieu of payment of any filing fee required for the office he seeks, file a written petition  
37 requesting him to be a candidate for a specified office with the State Board of Elections.

38 (b) Requirements of Petition; Deadline for Filing. – If the candidate is seeking  
39 the office of justice of the Supreme Court, judge of the Court of Appeals, district  
40 attorney, or superior or district court judge, that individual shall file a written petition  
41 with the State Board of Elections no later than 12:00 noon on Monday preceding the  
42 filing deadline before the primary. If the office is justice of the Supreme Court or judge  
43 of the Court of Appeals, the petition shall be signed by 10,000 registered voters in the  
44 State. If the office is district attorney, superior court or district court judge, the petition

1 shall be signed by ten percent (10%) of the registered voters of the election area in  
2 which the office will be voted for. The board of elections shall verify the names on the  
3 petition, and if the petition and notice of candidacy are found to be sufficient, the  
4 candidate's name shall be printed on the appropriate ballot. Petitions must be presented  
5 to the county board of elections for verification at least 15 days before the petition is  
6 due to be filed with the State Board of Elections. The State Board of Elections may  
7 adopt rules to implement this section and to provide standard petition forms.

8 **"§ 163-326. Certification of notices of candidacy.**

9 (a) Names of Candidates Sent to Secretary of State. – Within three days after the  
10 time for filing notices of candidacy with the State Board of Elections under the  
11 provisions of G.S. 163-323(b) has expired, the chairman or secretary of that Board shall  
12 certify to the Secretary of State the name and address of each person who has filed with  
13 the State Board of Elections, indicating in each instance the office sought.

14 (b) Notification of Local Boards. – No later than 10 days after the time for filing  
15 notices of candidacy under the provisions of G.S. 163-323(b) has expired, the chairman  
16 of the State Board of Elections shall certify to the chairman of the county board of  
17 elections in each county in the appropriate district the names of candidates for  
18 nomination to the offices of district attorney, justice of the Supreme Court, judge of the  
19 Court of Appeals, and superior and district court judge who have filed the required  
20 notice and paid the required filing fee or presented the required petition to the State  
21 Board of Elections, so that their names may be printed on the official judicial ballot for  
22 district attorney, justice of the Supreme Court, judge of the Court of Appeals, and  
23 superior and district court.

24 (c) Receipt of Notification by County Board. – Within two days after receipt of  
25 each of the letters of certification from the chairman of the State Board of Elections  
26 required by subsection (b) of this section, each county elections board chairman shall  
27 acknowledge receipt by letter addressed to the chairman of the State Board of Elections.

28 **"§ 163-327: Repealed by Session Laws 2006-192, s. 9(a), effective August 3, 2006, and**  
29 **applicable to vacancies occurring on or after August 3, 2006.**

30 **"§ 163-327.1. Rules when vacancies for superior court judge are to be voted on.**

31 If a vacancy occurs in a judicial district for any offices of superior court judge, and  
32 on account of the occurrence of such vacancy, there is to be an election for one or more  
33 terms in that district to fill the vacancy or vacancies, at that same election in accordance  
34 with G.S. 163-9 and Article IV, Section 19 of the North Carolina Constitution, the  
35 nomination and election shall be determined by the following special rules in addition to  
36 any other provisions of law:

37 (1) If the vacancy occurs prior to the opening of the filing period under  
38 G.S. 163-323(b), nominations shall be made by primary election as  
39 provided by this Article, without designation as to the vacancy.

40 (2) If the vacancy occurs beginning on opening of the filing period under  
41 G.S. 163-323(b), and ending on the sixtieth day before the general  
42 election, candidate filing shall be as provided by G.S. 163-329 without  
43 designation as to the vacancy.

1           (3) The general election ballot shall contain, without designation as to  
2           vacancy, spaces for the election to fill the vacancy where nominations  
3           were made or candidates filed under subdivision (1) or (2) of this  
4           section. Except as provided in G.S. 163-329, the persons receiving the  
5           highest numbers of votes equal to the term or terms to be filled shall be  
6           elected to the term or terms.

7 **"§ 163-328. Failure of candidates to file; death or other disqualification of a**  
8 **candidate; no withdrawal from candidacy.**

9           (a) Insufficient Number of Candidates. – If when the filing period expires,  
10 candidates have not filed for an office to be filled under this Article, the State Board of  
11 Elections shall extend the filing period for five days for any such offices.

12           (a1) Death or Disqualification of Candidate Before Primary. – If a candidate for  
13 nomination in a primary dies or becomes disqualified before the primary but after the  
14 ballots have been printed, the State Board of Elections shall determine whether or not  
15 there is time to reprint the ballots. If the Board determines that there is not enough time  
16 to reprint the ballots, the deceased or disqualified candidate's name shall remain on the  
17 ballots. If that candidate receives enough votes for nomination, such votes shall be  
18 disregarded and the candidate receiving the next highest number of votes below the  
19 number necessary for nomination shall be declared nominated. If the death or  
20 disqualification of the candidate leaves only two candidates for each office to be filled,  
21 the nonpartisan primary shall not be held and all candidates shall be declared nominees.

22           (b) Earlier Nonprimary Vacancies; Reopening Filing. – If there is no primary  
23 because only one or two candidates have filed for a single office, or the number of  
24 candidates filed for a group of offices does not exceed twice the number of positions to  
25 be filled, or if a primary has occurred and eliminated candidates, and thereafter a  
26 remaining candidate dies or otherwise becomes disqualified before the election and  
27 before the ballots are printed, the State Board of Elections shall, upon notification of the  
28 death or other disqualification, immediately reopen the filing period for an additional  
29 five days during which time additional candidates shall be permitted to file for election.  
30 If the ballots have been printed at the time the State Board of Elections receives notice  
31 of the candidate's death or other disqualification, the Board shall determine whether  
32 there will be sufficient time to reprint them before the election if the filing period is  
33 reopened for three days. If the Board determines that there will be sufficient time to  
34 reprint the ballots, it shall reopen the filing period for three days to allow other  
35 candidates to file for election, and that election shall be conducted as provided in  
36 G.S. 163-329(b1).

37           (c) Later Vacancies; Ballots Not Reprinted. – If the ballots have been printed at  
38 the time the State Board of Elections receives notice of a candidate's death or other  
39 disqualification, and if the Board determines that there is not enough time to reprint the  
40 ballots before the election if the filing period is reopened for three days, then regardless  
41 of the number of candidates remaining for the office or group of offices, the ballots shall  
42 not be reprinted and the name of the vacated candidate shall remain on the ballots. If a  
43 vacated candidate should poll the highest number of votes in the election for a single  
44 office or enough votes to be elected to one of a group of offices, the State Board of

1 Elections shall declare the office vacant and it shall be filled in the manner provided by  
2 law.

3 (d) No Withdrawal Permitted of Living, Qualified Candidate After Close of  
4 Filing. – After the close of the candidate filing period, a candidate who has filed a notice  
5 of candidacy for the office, who has not withdrawn notice before the close of filing as  
6 permitted by G.S. 163-323(b), who remains alive, and has not become disqualified for  
7 the office may not withdraw his or her candidacy. That candidate's name shall remain  
8 on the ballot, any votes cast for the candidacy shall be counted in primary or election,  
9 and if the candidate wins, the candidate may fail to qualify by refusing to take the oath  
10 of office.

11 (e) Death, Disqualification, or Failure to Qualify After Election. – If a person  
12 elected to the office of justice of the Supreme Court, judge of the Court of Appeals,  
13 district attorney, or superior or district court judge dies or becomes disqualified on or  
14 after election day and before ~~he~~ that person has qualified by taking the oath of office, or  
15 fails to qualify by refusing to take the oath of office, the office shall be deemed vacant  
16 and shall be filled as provided by law.

17 "**§ 163-329. Elections to fill vacancy in office created after primary filing period**  
18 **opens.**

19 (a) General. – If a vacancy is created in the office of justice of the Supreme  
20 Court, judge of the Court of Appeals, district attorney, or judge of superior court after  
21 the filing period for the primary opens but more than 60 days before the general  
22 election, and under the Constitution of North Carolina an election is to be held for that  
23 position, such that the office shall be filled in the general election as provided in  
24 G.S. 163-9, the election to fill the office for the remainder of the term shall be  
25 conducted without a primary using the method provided in subsection (b1) of this  
26 section. If a vacancy is created in the office of justice of the Supreme Court, judge of  
27 the Court of Appeals, district attorney, or judge of superior court before the filing period  
28 for the primary opens, and under the Constitution of North Carolina an election is to be  
29 held for that position, such that the office shall be filled in the general election as  
30 provided in G.S. 163-9, the election to fill the office for the remainder of the term shall  
31 be conducted in accordance with G.S. 163-322.

32 (b) Repealed by Session Laws 2006-192, s. 8(a), effective August 3, 2006, and  
33 applicable to vacancies occurring on or after that date.

34 (b1) Method for Vacancy Election. – If a vacancy for the office of justice of the  
35 Supreme Court, judge of the Court of Appeals, or judge of the superior court occurs  
36 more than 60 days before the general election and after the opening of the filing period  
37 for the primary, then the State Board of Elections shall designate a special filing period  
38 of one week for candidates for the office. If more than two candidates file and qualify  
39 for the office in accordance with G.S. 163-323, then the Board shall conduct the  
40 election for the office as follows:

- 41 (1) When the vacancy described in this section occurs more than 63 days  
42 before the date of the second primary for members of the General  
43 Assembly, a special primary shall be held on the same day as the  
44 second primary. The two candidates with the most votes in the special

1 primary shall have their names placed on the ballot for the general  
2 election held on the same day as the general election for members of  
3 the General Assembly.

4 (2) When the vacancy described in this section occurs less than 64 days  
5 before the date of the second primary, a general election for all the  
6 candidates shall be held on the same day as the general election for  
7 members of the General Assembly and the "instant runoff voting"  
8 method shall be used to determine the winner. Under "instant runoff  
9 voting," voters rank up to three of the candidates by order of  
10 preference, first, second, or third. If the candidate with the greatest  
11 number of first-choice votes receives more than fifty percent (50%) of  
12 the first-choice votes, that candidate wins. If no candidate receives that  
13 minimum number, the two candidates with the greatest number of  
14 first-choice votes advance to a second round of counting. In this round,  
15 each ballot counts as a vote for whichever of the two final candidates  
16 is ranked highest by the voter. The candidate with the most votes in the  
17 second round wins the election. If more than one seat is to be filled in  
18 the same race, the voter votes the same way as if one seat were to be  
19 filled. The counting is the same as when one seat is to be filled, with  
20 one or two rounds as needed, except that counting is done separately  
21 for each seat to be filled. The first count results in the first winner.  
22 Then the second count proceeds without the name of the first winner.  
23 This process results in the second winner. For each additional seat to  
24 be filled, an additional count is done without the names of the  
25 candidates who have already won. In multi-seat contests, the State  
26 Board of Elections may give the voter more than three choices.

27 (3) If two or more candidates receiving the highest number of votes each  
28 receive the same number of votes, the board of elections shall resolve  
29 the tie in accordance with G.S. 163-182.8.

30 (c) Applicable Provisions. – Except as provided in this section, the provisions of  
31 this Article apply to elections conducted under this section.

32 (d) Rules. – The State Board of Elections shall adopt rules for the  
33 implementation of this section. The rules are not subject to Article 2A of Chapter 150B  
34 of the General Statutes. The rules shall include the following:

35 (1) If after the first-choice candidate is eliminated, a ballot does not  
36 indicate one of the uneliminated candidates as an alternative choice,  
37 the ballot is exhausted and shall not be counted after the initial round.

38 (2) The fact that the voter does not designate a second or third choice does  
39 not invalidate the voter's higher choice or choices.

40 (3) The fact that the voter gives more than one ranking to the same  
41 candidate shall not invalidate the vote. The highest ranking given a  
42 particular candidate shall count as long as the candidate is not  
43 eliminated.

- 1 (4) In case of a tie between candidates such that two or more candidates  
2 have an equal number of first choices and more than two candidates  
3 qualify for the second round, instant runoff voting shall be used to  
4 determine which two candidates shall advance to the second round.

5 **"§ 163-330. Voting in primary.**

6 Any person who will become qualified by age or residence to register and vote in the  
7 general election for which the primary is held, even though not so qualified by the date  
8 of the primary, shall be entitled to register for the primary and general election prior to  
9 the primary and then to vote in the primary after being registered. Such person may  
10 register not earlier than 60 days nor later than the last day for making application to  
11 register under G.S. 163-82.6(c) prior to the primary.

12 **"§ 163-331. Date of primary.**

13 The primary shall be held on the same date as established for primary elections  
14 under G.S. 163-1(b).

15 **"§ 163-332. Ballots.**

16 (a) General. – In elections there shall be official ballots. The ballots shall be  
17 printed to conform to the requirement of G.S. 163-165.6(c) and to show the name of  
18 each person who has filed notice of candidacy, and the office for which each aspirant is  
19 a candidate.

20 Only those who have filed the required notice of candidacy with the proper board of  
21 elections, and who have paid the required filing fee or qualified by petition, shall have  
22 their names printed on the official primary ballots. Only those candidates properly  
23 nominated shall have their names appear on the official general election ballots.

24 (b) Ballots to Be Furnished by County Board of Elections. – It shall be the duty  
25 of the county board of elections to print official ballots for the following offices to be  
26 voted for in the primary:

27 Justice of the Supreme Court.

28 Judge of the Court of Appeals.

29 Superior court judge.

30 District court judge.

31 District attorney.

32 In printing ballots, the county board of elections shall be governed by instructions of  
33 the State Board of Elections with regard to width, color, kind of paper, form, and size of  
34 type.

35 Three days before the election, the chairman of the county board of elections shall  
36 distribute official ballots to the chief judge of each precinct in his county, and the chief  
37 judge shall give a receipt for the ballots received. On the day of the primary, it shall be  
38 the chief judge's duty to have all the ballots so delivered available for use at the precinct  
39 voting place.

40 **"§ 163-333: Repealed by Session Laws 2001-398, s. 15.**

41 **"§ 163-334. Counting of ballots.**

42 Counting of ballots in primaries and elections held under this Article shall be under  
43 the same rules as for counting of ballots in nonpartisan municipal elections under  
44 Article 24 of this Chapter.

1 **"§ 163-335. Other rules.**

2 Except as provided by this Article, the conduct of elections shall be governed by  
3 Subchapter VI of this Chapter."

4 **SECTION 2.** G.S. 163-106(c) reads as rewritten:

5 "(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary  
6 nominations for the following offices shall file their notice of candidacy with the State  
7 Board of Elections no earlier than 12:00 noon on the second Monday in February and  
8 no later than 12:00 noon on the last business day in February preceding the primary:

- 9 Governor
- 10 Lieutenant Governor
- 11 All State executive officers
- 12 United States Senators
- 13 Members of the House of Representatives of the United States
- 14 ~~District attorneys~~

15 Candidates seeking party primary nominations for the following offices shall file  
16 their notice of candidacy with the county board of elections no earlier than 12:00 noon  
17 on the second Monday in February and no later than 12:00 noon on the last business day  
18 in February preceding the primary:

- 19 State Senators
- 20 Members of the State House of Representatives
- 21 All county offices."

22 **SECTION 3.** G.S. 163-107(a) reads as rewritten:

23 "(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate  
24 shall pay to the board of elections with which he files under the provisions of  
25 G.S. 163-106 a filing fee for the office he seeks in the amount specified in the following  
26 tabulation:

<b>Office Sought</b>	<b>Amount of Filing Fee</b>
28 Governor	29 One percent (1%) of the annual salary of 30 the office sought
31 Lieutenant Governor	32 One percent (1%) of the annual salary of 33 the office sought
34 All State executive offices	35 One percent (1%) of the annual salary of 36 the office sought
37 <del>All District Attorneys of the General 38 Court of Justice</del>	39 <del>One percent (1%) of the annual salary of 40 the office sought</del>
41 United States Senator	42 One percent (1%) of the annual salary of 43 the office sought
44 Members of the United States House of Representatives	One percent (1%) of the annual salary of the office sought
State Senator	One percent (1%) of the annual salary of the office sought
Member of the State House of Representatives	One percent (1%) of the annual salary of the office sought

1 All county offices not compensated by fees One percent (1%) of the annual salary of  
 2 the office sought  
 3 All county offices compensated partly One percent (1%) of the first annual  
 4 by salary and partly by fees salary to be received (exclusive of  
 5 fees)

6 The salary of any office that is the basis for calculating the filing fee is the starting  
 7 salary for the office, rather than the salary received by the incumbent, if different. If no  
 8 starting salary can be determined for the office, then the salary used for calculation is  
 9 the salary of the incumbent, as of January 1 of the election year."

10 **SECTION 4.** G.S. 163-111(c)(1) reads as rewritten:

11 "(1) A candidate who is apparently entitled to demand a second primary,  
 12 according to the unofficial results, for one of the offices listed below,  
 13 and desiring to do so, shall file a request for a second primary in  
 14 writing with the Executive Director of the State Board of Elections no  
 15 later than 12:00 noon on the ninth day (including Saturdays and  
 16 Sundays) following the date on which the primary was conducted, and  
 17 such request shall be subject to the certification of the official results  
 18 by the State Board of Elections. If the vote certification by the State  
 19 Board of Elections determines that a candidate who was not originally  
 20 thought to be eligible to call for a second primary is in fact eligible to  
 21 call for a second primary, the Executive Director of the State Board of  
 22 Elections shall immediately notify such candidate and permit him to  
 23 exercise any options available to him within a 48-hour period  
 24 following the notification:

- 25 Governor,
- 26 Lieutenant Governor,
- 27 All State executive officers,
- 28 ~~District Attorneys of the General Court of Justice,~~
- 29 United States Senators,
- 30 Members of the United States House of Representatives,
- 31 State Senators in multi-county senatorial districts, and
- 32 Members of the State House of Representatives in multi-county  
 33 representative districts."

34 **SECTION 5.** G.S. 163-107.1(c) reads as rewritten:

35 "(c) County, Municipal and District Primaries. – If the candidate is seeking one of  
 36 the offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this  
 37 section, or a municipal or any other office requiring a partisan primary which is not set  
 38 forth in G.S. 163-106(c) or (d), he shall file a written petition with the appropriate board  
 39 of elections no later than 12:00 noon on Monday preceding the filing deadline before  
 40 the primary. The petition shall be signed by ten percent (10%) of the registered voters of  
 41 the election area in which the office will be voted for, who are affiliated with the same  
 42 political party in whose primary the candidate desires to run, or in the alternative, the  
 43 petition shall be signed by no less than 200 registered voters regardless of said voter's  
 44 political party affiliation, whichever requirement is greater. The board of elections shall

1 verify the names on the petition, and if the petition is found to be sufficient, the  
 2 candidate's name shall be printed on the appropriate primary ballot. Petitions for  
 3 candidates for member of the U.S. House of ~~Representatives, District Attorney,~~  
 4 Representatives and members of the State House of Representatives from multi-county  
 5 districts or members of the State Senate from multi-county districts must be presented to  
 6 the county board of elections for verification at least 15 days before the petition is due  
 7 to be filed with the State Board of Elections, and such petition must be filed with the  
 8 State Board of Elections no later than 12:00 noon on Monday preceding the filing  
 9 deadline. The State Board of Elections may adopt rules to implement this section and to  
 10 provide standard petition forms."

11 **SECTION 6.** G.S. 163-114 reads as rewritten:

12 **"§ 163-114. Filling vacancies among party nominees occurring after nomination**  
 13 **and before election.**

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

19		
20	Position	
21	President	Vacancy is to be filled by appointment of
22	Vice President	national executive committee of
23		political party in which vacancy occurs
24		
25	Presidential elector or alternate elector	Vacancy is to be filled by appointment of
26	Any elective State office	State executive committee of political
27	United States Senator	party in which vacancy occurs
28		
29	A district office, including:	Appropriate district executive committee of
30	Member of the United States House	political party in which vacancy occurs
31	of Representatives	
32	<del>District Attorney</del>	
33	State Senator in a multi-county	
34	senatorial district	
35	Member of State House of	
36	Representatives in a multi-county	
37	representative district	
38		
39	State Senator in a single-county	County executive committee of political
40	senatorial district	party in which vacancy occurs,
41	Member of State House of	provided, in the case of the State
42	Representatives in a single-county	Senator or State Representative in a
43	representative district	single-county district where not all the
44	Any elective county office	county is located in that district, then in

1 voting, only those members of the  
2 county executive committee who reside  
3 within the district shall vote  
4

5 The party executive making a nomination in accordance with the provisions of this  
6 section shall certify the name of its nominee to the chairman of the board of elections,  
7 State or county, that has jurisdiction over the ballot item under G.S. 163-182.4. If at the  
8 time a nomination is made under this section the general election ballots have already  
9 been printed, the provisions of G.S.163-165.3(c) shall apply. If a vacancy occurs in a  
10 nomination of a political party and that vacancy arises from a cause other than death and  
11 the vacancy in nomination occurs more than 120 days before the general election, the  
12 vacancy in nomination may be filled under this section only if the appropriate executive  
13 committee certifies the name of the nominee in accordance with this paragraph at least  
14 75 days before the general election.

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

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

26 An individual whose name appeared on the ballot in a primary election preliminary  
27 to the general election shall not be eligible to be nominated to fill a vacancy in the  
28 nomination of another party for the same office in the same year."

29 **SECTION 7.** G.S. 163-278.65(a) reads as rewritten:

30 "(a) Timing of Fund Distribution. – The Board shall distribute to a certified  
31 candidate revenue from the Fund in an amount determined under subdivision (b)(4) of  
32 this section within five business days after the certified candidate's name is approved to  
33 appear on the ballot in a contested general election, but no earlier than five business  
34 days after the primary. In the case of a candidate who receives a majority in a primary  
35 as set forth in G.S. 163-322(b1), the Board shall not distribute revenue from the Fund,  
36 except as provided in G.S. 163-278.67, unless and until a write-in opponent of that  
37 candidate qualifies under G.S. 163-123."

38 **SECTION 8.** This act becomes effective January 1, 2008, and applies to all  
39 primaries and elections conducted on or after that date.