

**GENERAL ASSEMBLY OF NORTH CAROLINA
FIRST EXTRA SESSION 2018**

**SESSION LAW 2018-130
SENATE BILL 3**

AN ACT TO CLARIFY POLITICAL PARTY DISCLOSURE ON THE BALLOT FOR JUDICIAL RACES IN 2018.

Whereas, the General Assembly finds that the purpose of listing partisan affiliation on the ballot in judicial races is to provide voters with information about candidates; and

Whereas, the General Assembly finds that political organizations and groups made efforts to recruit candidates that could confuse voters as to candidates long-held partisan affiliations; and

Whereas, the General Assembly finds that listing only partisan affiliations that a candidate has held for 90 days prior to filing would reduce the opportunity for voter confusion; and

Whereas, the General Assembly finds that a similar requirement exists for candidates to run in a party primary for legislative or other partisan office under G.S. 163A-973; and

Whereas, the General Assembly finds that listing party affiliations held for 90 days or more prior to the time of filing should apply to all judicial offices; and

Whereas, the General Assembly finds that it is possible a candidate who filed for judicial office may not desire to remain on the ballot knowing only party affiliation held for 90 days or more will be disclosed on the ballot; and

Whereas, the General Assembly finds that providing a period allowing candidates to withdraw from running for judicial office would provide opportunities for any judicial candidate to be taken off the ballot;

Now, therefore,

the General Assembly of North Carolina enacts:

SECTION 1. Section 4(b) of S.L. 2017-214 reads as rewritten:

"SECTION 4.(b) Form of Notice. – Each person offering to be a candidate for election shall do so by filing a notice of candidacy with the State Board of Elections and Ethics Enforcement in the following form, inserting the words in parentheses when appropriate:

Date _____

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

Signed _____

(Name of Candidate)

Witness: _____

The notice of candidacy shall be either signed in the presence of the chair or secretary of the State Board of Elections and Ethics Enforcement or signed and acknowledged before an officer authorized to take acknowledgments who shall certify the notice under seal. An acknowledged and certified notice may be mailed to the State Board of Elections and Ethics Enforcement. In signing a notice of candidacy, the candidate shall use only the candidate's legal name and, in the candidate's discretion, any nickname by which commonly known. A candidate may also, in lieu of that candidate's first name and legal middle initial or middle name, if any, sign that candidate's nickname, provided the candidate appends to the notice of candidacy an



affidavit that the candidate has been commonly known by that nickname for at least five years prior to the date of making the affidavit. The candidate shall also include with the affidavit the way the candidate's name (as permitted by law) should be listed on the ballot if another candidate with the same last name files a notice of candidacy for that office.

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

A candidate, at the time of filing the notice of candidacy under this section, shall indicate on the notice of candidacy the political party recognized under Article 18 of Chapter 163A of the General Statutes with which that candidate is affiliated or any unaffiliated status. ~~The certificate required by subsection (d) of this section shall verify the party designation or unaffiliated status, and the verified~~ If the candidate's political party affiliation or unaffiliated status is the same as on their voter registration at the time they filed to run for office and 90 days prior to that filing, the political party designation or unaffiliated status shall be included on the ballot."

SECTION 2. Section 2(a) of S.L. 2018-13 reads as rewritten:

"**SECTION 2.(a)** The General Assembly finds that both chambers of the General Assembly have carefully examined judicial redistricting and the forms of judicial selection with multiple committees considering various proposals of selection and new judicial district maps. The General Assembly finds that, to allow for more time to thoughtfully consider these changes, the General Assembly enacted S.L. 2017-214, the Electoral Freedom Act of 2017, which, among other items, provided for a one-time cancellation of partisan primaries for the offices of district court judge, superior court judge, judges of the Court of Appeals, and Supreme Court justices for the 2018 election cycle. The General Assembly finds that all elections for judges in 2018 were to be treated uniformly under S.L. 2017-214, the Electoral Freedom Act of 2017, while those changes were considered.

The General Assembly notes that election to these offices will be held under a plurality election system, with candidates running under a political party label on the ballot, without having gone through a party primary. The General Assembly finds that ballot language above the sections of 2018 general election ballots regarding these impacted offices setting forth ~~that~~ the listed party affiliation ~~is only the self-identified party~~ of a candidate at least 90 days prior to the time of filing ~~will filing~~, consistent with G.S. 163A-973, would aid voters' understanding of the 2018 judicial races."

SECTION 3. Section 2(c) of S.L. 2018-13 reads as rewritten:

"**SECTION 2.(c)** Notwithstanding G.S. 163A-1112, immediately prior to the placement of the judicial offices listed in subsection (b) of this section on the ballot, the following information shall be printed:

"No primaries for judicial office were held in 2018. The party information listed ~~by each of the following candidates' names indicates is shown only if~~ the candidates' party affiliation or unaffiliated status is the same as on their voter registration at the time they filed to run for office ~~office~~ and 90 days prior to that filing."

SECTION 3.1. Section 4(c) of S.L. 2017-214 reads as rewritten:

"**SECTION 4.(c)** Withdrawal of Notice of Candidacy. – Any person who has filed a notice of candidacy for an office under this section shall have the right to withdraw it at any time prior to either of the following:

- (1) ~~the~~The close of business on the third business day prior to the date on which the right to file for that office expires under the terms of subsection (b) of this section.
- (2) The close of business August 8, 2018."

SECTION 3.2. The State Board of Elections and Ethics Enforcement shall notify, as expeditiously as possible, all candidates for Justices and judges of the General Court of Justice for the 2018 general election who have changed party affiliation or unaffiliated status during the

period from 90 days prior the time the candidate filed to run for office and the date the candidate filed to run for office of the requirements of this act. The State Board of Elections and Ethics Enforcement may give notice under this section by written, telephonic, or e-mail or other electronic means.

SECTION 4. This act is effective when it becomes law and applies to the 2018 elections only.

In the General Assembly read three times and ratified this the 24th day of July, 2018.

s/ Tommy Tucker
Presiding Officer of the Senate

s/ Tim Moore
Speaker of the House of Representatives

VETO Roy Cooper
Governor

Became law notwithstanding the objections of the Governor at 12:02 p.m. this 4th day of August, 2018.

s/ James White
House Principal Clerk