

GENERAL ASSEMBLY OF NORTH CAROLINA

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Sponsors:

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March 6, 1995

A BILL TO BE ENTITLED  
AN ACT TO PROVIDE AN EARLIER DATE FOR THE PRESIDENTIAL AND  
OTHER PRIMARIES AND TO REIMBURSE THE COUNTIES FOR POSTAGE IN  
THE DELIVERY OF CERTIFICATIONS OF CANDIDACY AND RESULTS OF  
PRIMARIES AND ELECTIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-213.2 reads as rewritten:

**"§ 163-213.2. Primary to be held; date; qualifications and registration of voters.**

On the ~~Tuesday after the first Monday in May, 1992,~~ first Tuesday in March 1996, and every four years thereafter, the voters of this State shall be given an opportunity to express their preference for the person to be the presidential candidate of their political party.

Any person otherwise qualified who will become qualified by age to vote in the general election held in the same year of the presidential preference primary shall be entitled to register and vote in the presidential preference primary. Such persons may register not earlier than 60 days nor later than the 21st day prior to the said primary. In addition, persons who will become qualified by age to register and vote in the general

1 election for which the primary is held, who do not register during the special period may  
2 register to vote after such period as if they were qualified on the basis of age, but until  
3 they are qualified by age to vote, they may vote only in primary elections."

4 Sec. 2. G.S. 163-1(b) reads as rewritten:

5 "(b) On ~~Tuesday next after the first Monday in May~~ the first Tuesday in March  
6 preceding each general election to be held in November for the officers referred to in  
7 subsection (a) of this section, there shall be held in all election precincts within the  
8 territory for which the officers are to be elected a primary election for the purpose of  
9 nominating candidates for each political party in the State for those offices."

10 Sec. 3. G.S. 163-22(k) reads as rewritten:

11 "(k) Notwithstanding the provisions contained in Article 20 or Article 21 of  
12 Chapter 163, the State Board of Elections shall be authorized, by resolution adopted prior  
13 to the printing of the primary ballots, to reduce the time by which absentee ballots are  
14 required to be printed and distributed for the primary election from 50 days to ~~45~~ 30 days.  
15 This authority shall not be authorized for absentee ballots to be voted in the general  
16 election."

17 Sec. 4. G.S. 163-213.4 reads as rewritten:

18 "**§ 163-213.4. Nomination by State Board of Elections.**

19 The State Board of Elections shall convene in Raleigh on the first ~~Tuesday~~ business  
20 day in ~~February~~ January preceding the presidential preference primary election. At the  
21 meeting required by this section, the State Board of Elections shall nominate as  
22 presidential primary candidates all candidates affiliated with a political party, recognized  
23 pursuant to the provisions of Article 9 of Chapter 163 of the General Statutes, who have  
24 become eligible to receive payments from the Presidential Primary Matching Payment  
25 Account, as provided in section 9033 of the U.S. Internal Revenue Code of 1954, as  
26 amended. Immediately upon completion of these requirements, the Board shall release to  
27 the news media all such nominees selected. Provided, however, nothing shall prohibit the  
28 partial selection of nominees prior to the meeting required by this section, if all  
29 provisions herein have been complied with."

30 Sec. 5. G.S. 163-106(c) reads as rewritten:

31 "(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary  
32 nominations for the following offices shall file their notice of candidacy with the State  
33 Board of Elections no earlier than 12:00 noon on the ~~first Monday in January and no later~~  
34 ~~than 12:00 noon on the first Monday in February~~ last Tuesday in December (or the next  
35 business day if that is a holiday) and no later than 12:00 noon on the second Friday in  
36 January preceding the primary:

37 Governor

38 Lieutenant Governor

39 All State executive officers

40 Justices of the Supreme Court, Judges of the Court of Appeals

41 Judges of the superior courts

42 Judges of the district courts

43 United States Senators

1 Members of the House of Representatives of the United States

2 District attorneys

3 Candidates seeking party primary nominations for the following offices shall file their  
4 notice of candidacy with the county board of elections no earlier than 12:00 noon on the  
5 ~~first Monday in January and no later than 12:00 noon on the first Monday in February last~~  
6 Tuesday in December (or the next business day if that is a holiday) and no later than  
7 12:00 noon on the second Friday in January preceding the primary:

8 State Senators

9 Members of the State House of Representatives

10 All county offices."

11 Sec. 6. G.S. 163-177 reads as rewritten:

12 **"§ 163-177. Disposition of duplicate abstracts.**

13 Within six hours after the returns of a primary or election have been canvassed and  
14 the results judicially determined, the chairman of the county board of elections shall at  
15 the expense of the State mail, or otherwise deliver, to the State Board of Elections the  
16 duplicate-original abstracts prepared in accordance with G.S. 163-176 for all offices and  
17 referenda for which the State Board of Elections is required to canvass the votes and  
18 declare the results including:

19 President and Vice-President of the United States

20 Governor, Lieutenant Governor, and all other State executive officers

21 United States Senators

22 Members of the House of Representatives of the United States Congress

23 Justices, Judges, and District Attorneys of the General Court of Justice

24 State Senators in multi-county senatorial districts

25 Members of the State House of Representatives in multi-county representative  
26 districts

27 Constitutional amendments and propositions submitted to the voters of the  
28 State.

29 One duplicate abstract prepared in accordance with G.S. 163-176 for all offices and  
30 referenda for which the county board of elections is required to canvass the votes and  
31 declare the results (and which are listed below) shall be retained by the county board,  
32 which shall forthwith publish and declare the results; the second duplicate abstract shall  
33 be mailed at the expense of the State to the chairman of the State Board of Elections, to  
34 the end that there be one set of all primary and election returns available at the seat of  
35 government.

36 All county offices

37 State Senators in single-county senatorial districts

38 Members of the State House of Representatives in single-county representative  
39 districts

40 Propositions submitted to the voters of one county.

41 If the chairman of the county board of elections fails or neglects to transmit duplicate  
42 abstracts to the chairman of the State Board of Elections within the time prescribed in this  
43 section, he shall be guilty of a Class 2 misdemeanor. Provided, that the penalty shall not

1 apply if the chairman was prevented from performing the prescribed duty because of  
2 sickness or other unavoidable delay, but the burden of proof shall be on the chairman to  
3 show that his failure to perform was due to sickness or unavoidable delay."

4 Sec. 7. G.S. 163-108 reads as rewritten:

5 "**§ 163-108. Certification of notices of candidacy.**

6 (a) Within three days after the time for filing notices of candidacy with the State  
7 Board of Elections under the provisions of G.S. 163-106(c) has expired, the chairman or  
8 secretary of that Board shall certify at the expense of the State to the Secretary of State  
9 the name, address, and party affiliation of each person who has filed with the State Board  
10 of Elections, indicating in each instance the office sought.

11 (b) No later than 10 days after the time for filing notices of candidacy under the  
12 provisions of G.S. 163-106(c) has expired, the chairman of the State Board of Elections  
13 shall certify to the chairman of the county board of elections in each county in the  
14 appropriate district the names of candidates for nomination to the following offices who  
15 have filed the required notice and pledge and paid the required filing fee to the State  
16 Board of Elections, so that their names may be printed on the official county ballots:  
17 Superior court judge, district court judge, and district attorney.

18 (c) In representative districts composed of more than one county and in multi-  
19 county senatorial districts the chairman or secretary of the county board of elections in  
20 each county shall, at the expense of the State within three days after the time for filing  
21 notices of candidacy under the provisions of G.S. 163-106(c) has expired, certify to the  
22 State Board of Elections (i) the names of all candidates who have filed notice of  
23 candidacy in his county for member of the State Senate, or, if such is the fact, that no  
24 candidates have filed in his county for that office, and (ii) the names of all candidates  
25 who have filed notice of candidacy in his county for the office of member of the State  
26 House of Representatives or, if such is the fact, that no candidates have filed in his county  
27 for that office. The chairman of the county board of elections shall at the expense of the  
28 State forward a copy of this report to the chairman of the board of elections of each of the  
29 other counties in the representative or senatorial district. Within 10 days after the time for  
30 filing notices of candidacy for those offices has expired the chairman or secretary of the  
31 State Board of Elections shall certify to the chairman of the county board of elections in  
32 each county of each multi-county representative or senatorial district the names of all  
33 candidates for the House of Representatives and Senate which must be printed on the  
34 county ballots.

35 (d) Within two days after he receives each of the letters of certification from the  
36 chairman of the State Board of Elections required by subsections (b) and (c) of this  
37 section, each county elections board chairman shall at the expense of the State  
38 acknowledge receipt by letter addressed to the chairman of the State Board of Elections."

39 Sec. 7.5. G.S. 163-106(b) reads as rewritten:

40 "(b) Eligibility to File. – No person shall be permitted to file as a candidate in a  
41 primary if, at the time he offers to file notice of candidacy, he is registered on the  
42 appropriate registration book or record as an affiliate of a political party other than that in  
43 whose primary he is attempting to file. ~~No person who has changed his political party~~

1 ~~affiliation or who has changed from unaffiliated status to party affiliation as permitted in G.S.~~  
2 ~~163-82.17, shall be permitted to file as a candidate in the primary of the party to which he~~  
3 ~~changed unless he has been affiliated with the political party in which he seeks to be a candidate~~  
4 ~~for at least 90 days prior to the filing date for the office for which he desires to file his notice of~~  
5 ~~candidacy. No person shall be permitted to file as a candidate for office in the primary of~~  
6 ~~a political party unless that person is affiliated with that political party on the opening~~  
7 ~~date of filing for that office.~~

8 A person registered as 'unaffiliated' shall be ineligible to file as a candidate in a party  
9 primary election."

10 Sec. 8. There is appropriated from the General Fund to the State Board of  
11 Elections for the 1995-96 fiscal year the sum of one thousand dollars (\$1,000) and for the  
12 1996-97 fiscal year the sum of one thousand dollars (\$1,000) to implement Sections 6  
13 and 7 of this act.

14 Sec. 9. This act is effective upon ratification, except that Section 8 becomes  
15 effective July 1, 1995 and Section 7.5 becomes effective with respect to primary elections  
16 conducted on or after January 1, 1996.