

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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SENATE BILL 372

Short Title: Later Primary.

(Public)

Sponsors: Senators Thomas; Albertson, Ballance, Ballantine, Bingham, Carter, Cunningham, Dalton, Forrester, Foxx, Hagan, Harris, Hartsell, Kerr, Metcalf, Rand, Robinson, Swindell, Warren, and Weinstein.

Referred to: Judiciary II.

March 8, 2001

A BILL TO BE ENTITLED

1
2 AN ACT TO PROVIDE FOR A LATER PRIMARY DATE SO AS TO REDUCE THE
3 LENGTH OF CAMPAIGNS, AND TO PLACE THE PRESIDENTIAL PRIMARY
4 CLOSE TO THOSE OF OTHER SOUTHERN STATES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 163-1(b) reads as rewritten:

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

12 **SECTION 2.** G.S. 163-111(e) reads as rewritten:

13 "(e) Date of Second Primary; Procedures. – If a second primary is required under
14 the provisions of this section, the appropriate board of elections, State or county, shall
15 order that it be held four weeks after the first ~~primary.~~ primary, except if the second
16 primary would fall on the day after Labor Day, it shall instead be held five weeks after
17 the first primary.

18 There shall be no registration of voters between the dates of the first and second
19 primaries. Persons whose qualifications to register and vote mature after the day of the
20 first primary and before the day of the second primary may register on the day of the
21 second primary and, when thus registered, shall be entitled to vote in the second
22 primary. The second primary is a continuation of the first primary and any voter who
23 files a proper and timely affidavit of transfer of precinct, under the provisions of G.S.
24 163-72(c), before the first primary may vote in the second primary without having to
25 refile the affidavit of transfer if he is otherwise qualified to vote in the second primary.

1 Subject to this provision for registration, the second primary shall be held under the
2 laws, rules, and regulations provided for the first primary."

3 **SECTION 3.** G.S. 163-106(c) reads as rewritten:

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

9 Governor

10 Lieutenant Governor

11 All State executive officers

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

13 Judges of the district courts

14 United States Senators

15 Members of the House of Representatives of the United States

16 District attorneys

17 Candidates seeking party primary nominations for the following offices shall file
18 their notice of candidacy with the county board of elections no earlier than 12:00 noon
19 on the first Monday in ~~January~~ May and no later than 12:00 noon on the ~~first Monday~~
20 ~~in February~~ last Friday in May preceding the primary:

21 State Senators

22 Members of the State House of Representatives

23 All county offices."

24 **SECTION 4.** G.S. 163-323(b) reads as rewritten:

25 "(b) Time for Filing Notice of Candidacy. – Candidates seeking election to the
26 following offices shall file their notice of candidacy with the State Board of Elections
27 no earlier than 12:00 noon on the ~~first Monday in January~~ first Monday in May and no
28 later than 12:00 noon on the ~~first Monday in February~~ last Friday in May preceding the
29 election:

30 Judges of the superior courts."

31 **SECTION 5.** G.S. 163-98 reads as rewritten:

32 **"§ 163-98. General election participation by new political party.**

33 In the first general election following the date on which a new political party
34 qualifies under the provisions of G.S. 163-96, it shall be entitled to have the names of its
35 candidates for State, congressional, and national offices printed on the official ballots,
36 but it shall not be entitled to have the names of candidates for other offices printed on
37 State, district, or county ballots at that election.

38 For the first general election following the date on which it qualifies under G.S. 163-
39 96, a new political party shall select its candidates by party convention. Following
40 adjournment of the nominating convention, but not later than the ~~first day of July prior~~
41 ~~to the general election,~~ day of the primary election under G.S. 163-1(b), the president of
42 the convention shall certify to the State Board of Elections the names of persons chosen
43 in the convention as the new party's candidates for ~~State, congressional, and national~~

1 offices in the ensuing general election. The State Board of Elections shall print names
2 thus certified on the appropriate ballots as the nominees of the new party."

3 **SECTION 6.** G.S. 163-122(a) reads as rewritten:

4 "(a) Procedure for Having Name Printed on Ballot as Unaffiliated Candidate. –
5 Any qualified voter who seeks to have his name printed on the general election ballot as
6 an unaffiliated candidate shall:

7 (1) If the office is a statewide office, file written petitions with the State
8 Board of Elections supporting his candidacy for a specified office.
9 These petitions must be filed with the State Board of Elections on or
10 before 12:00 noon on the last Friday in ~~June~~ August preceding the
11 general election and must be signed by qualified voters of the State
12 equal in number to two percent (2%) of the total number of registered
13 voters in the State as reflected by the most recent statistical report
14 issued by the State Board of Elections. Each petition shall be presented
15 to the chairman of the board of elections of the county in which the
16 signatures were obtained. The chairman shall examine the names on
17 the petition and place a check mark on the petition by the name of each
18 signer who is qualified and registered to vote in his county and shall
19 attach to the petition his signed certificate. Said certificates shall state
20 that the signatures on the petition have been checked against the
21 registration records and shall indicate the number of signers to be
22 qualified and registered to vote in his county. The chairman shall
23 return each petition, together with the certificate required in this
24 section, to the person who presented it to him for checking.
25 Verification by the chairman of the county board of elections shall be
26 completed within two weeks from the date such petitions are presented
27 and a fee of five cents (5¢) for each name appearing on the petition has
28 been received.

29 (2) If the office is a district office comprised of two or more counties, file
30 written petitions with the State Board of Elections supporting his
31 candidacy for a specified office. These petitions must be filed with the
32 State Board of Elections on or before 12:00 noon on the last Friday in
33 ~~June~~ August preceding the general election and must be signed by
34 qualified voters of the district equal in number to four percent (4%) of
35 the total number of registered voters in the district as reflected by the
36 latest statistical report issued by the State Board of Elections. Each
37 petition shall be presented to the chairman of the board of elections of
38 the county in which the signatures were obtained. The chairman shall
39 examine the names on the petition and the procedure for certification
40 shall be the same as specified in (1) above.

41 (3) If the office is a county office or a single county legislative district, file
42 written petitions with the chairman or director of the county board of
43 elections supporting his candidacy for a specified county office. These
44 petitions must be filed with the county board of elections on or before

1 12:00 noon on the last Friday in ~~June~~ August preceding the general
2 election and must be signed by qualified voters of the county equal in
3 number to four percent (4%) of the total number of registered voters in
4 the county as reflected by the most recent statistical report issued by
5 the State Board of Elections, except if the office is for a district
6 consisting of less than the entire county and only the voters in that
7 district vote for that office, the petitions must be signed by qualified
8 voters of the district equal in number to four percent (4%) of the total
9 number of voters in the district according to the most recent figures
10 certified by the State Board of Elections. Each petition shall be
11 presented to the chairman or director of the county board of elections.
12 The chairman shall examine, or cause to be examined, the names on
13 the petition and the procedure for certification shall be the same as
14 specified in (1) above.

- 15 (4) If the office is a partisan municipal office, file written petitions with
16 the chairman or director of the county board of elections in the county
17 wherein the municipality is located supporting his candidacy for a
18 specified municipal office. These petitions must be filed with the
19 county board of elections on or before the time and date specified in
20 G.S. 163-296 and must be signed by the number of qualified voters
21 specified in G.S. 163-296. The procedure for certification shall be the
22 same as specified in (1) above.

23 Upon compliance with the provisions of (1), (2), (3), or (4) of this subsection, the
24 board of elections with which the petitions and affidavit have been timely filed shall
25 cause the unaffiliated candidate's name to be printed on the general election ballots in
26 accordance with G.S. 163-140.

27 An individual whose name appeared on the ballot in a primary election preliminary
28 to the general election shall not be eligible to have his name placed on the general
29 election ballot as an unaffiliated candidate for the same office in that year."

30 **SECTION 7.** G.S. 163-123(c) reads as rewritten:

31 "(c) Petitions for Write-in Candidacy. – An applicant for write-in candidacy shall:

- 32 (1) If the office is a statewide office, file written petitions with the State
33 Board of Elections supporting his candidacy for a specified office.
34 These petitions shall be filed on or before noon on the ~~90th day before~~
35 ~~the general election.~~ last Friday in August. They shall be signed by 500
36 qualified voters of the State. Before being filed with the State Board of
37 Elections, each petition shall be presented to the board of elections of
38 the county in which the signatures were obtained. A petition presented
39 to a county board of elections shall contain only names of voters
40 registered in that county. The chairman of the county board of
41 elections shall examine the names on the petition and place a check
42 mark by the name of each signer who is qualified and registered to
43 vote in his county. The chairman of the county board shall attach to the
44 petition his signed certificate. On his certificate the chairman shall

1 state that the signatures on the petition have been checked against the
2 registration records and shall indicate the number of signers who are
3 qualified and registered to vote in his county and eligible to vote for
4 that office. The chairman shall return each petition, together with the
5 certificate required in this section, to the person who presented it to
6 him for checking. The chairman of the county board shall complete the
7 verification within two weeks from the date the petition is presented.
8 At the time of submitting the petition, a fee of five cents (5¢) shall be
9 paid for each name appearing on the petition.

10 (2) If the office is a district office comprising all or part of two or more
11 counties, file written petitions with the State Board of Elections
12 supporting his candidacy for a specified office. These petitions must be
13 filed with the State Board of Elections on or before noon on the ~~90th~~
14 ~~day before the general election~~ last Friday in August and must be
15 signed by 250 qualified voters. Before being filed with the State Board
16 of Elections, each petition shall be presented to the board of elections
17 of the county in which the signatures were obtained. A petition
18 presented to a county board of elections shall contain only names of
19 voters registered in that county who are eligible to vote for that office.
20 The chairman of the county board shall examine the names on the
21 petition and the procedure for certification shall be the same as
22 specified in subdivision (1).

23 (3) If the office is a county office, or is a school administrative unit office
24 elected on a partisan basis, or is a legislative district consisting of a
25 single county or a portion of a county, file written petitions with the
26 county board of elections supporting his candidacy for a specified
27 office. A petition presented to a county board of elections shall contain
28 only names of voters registered in that county. These petitions must be
29 filed on or before noon on the ~~90th day before the general election~~ last
30 Friday in August and must be signed by 100 qualified voters who are
31 eligible to vote for the office, unless fewer than 5,000 persons are
32 eligible to vote for the office as shown by the most recent records of
33 the appropriate board of elections. If fewer than 5,000 persons are
34 eligible to vote for the office, an applicant's petition must be signed by
35 not less than one percent (1%) of those registered voters. Before being
36 filed with the county board of elections, each petition shall be
37 presented to the county board of elections for examination. The
38 chairman of the county board of elections shall examine the names on
39 the petition and the procedure for certification shall be the same as
40 specified in subdivision (1)."

41 **SECTION 8.** Article 20 of Chapter 163 of the General Statutes is amended
42 by adding a new section to read:

43 **"§ 163-226.4. Special deadlines for general election.**

1 Notwithstanding any other provision of this Article or Article 21 of this Chapter, the
2 State Board of Elections shall provide that absentee ballots shall be available for the
3 primary or general election at the earliest time practicable and may provide an
4 alternative schedule for meetings of the county boards of elections under G.S. 163-230
5 to accommodate the revised schedule."

6 **SECTION 9.** If any members of any county board of education are elected
7 at the primary election and take office under a local act in July after the primary, they
8 shall instead take office on the same day in October after the primary, and the terms of
9 any such member which would otherwise expire in July 2002 or July 2004 are extended
10 accordingly.

11 **SECTION 10.** G.S. 163-213.2 reads as rewritten:

12 **"§ 163-213.2. Primary to be held; date; qualifications and registration of voters.**

13 On the second Tuesday in May, 1992, March 2004, and every four years thereafter,
14 the voters of this State shall be given an opportunity to express their preference for the
15 person to be the presidential candidate of their political party.

16 Any person otherwise qualified who will become qualified by age to vote in the
17 general election held in the same year of the presidential preference primary shall be
18 entitled to register and vote in the presidential preference primary. Such persons may
19 register not earlier than 60 days nor later than ~~the last day for making application to~~
20 ~~register under G.S. 163-67~~ the twenty-fifth day prior to the said primary. In addition,
21 persons who will become qualified by age to register and vote in the general election for
22 which the primary is held, who do not register during the special period may register to
23 vote after such period as if they were qualified on the basis of age, but until they are
24 qualified by age to vote, they may vote only in primary elections."

25 **SECTION 11.** This act becomes effective January 1, 2002.