

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 20

Constitution and Election Laws Committee Substitute Adopted 4/22/93

Short Title: Electoral College Conformance.

(Public)

Sponsors:

Referred to:

January 28, 1993

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE STATUTES RELATING TO THE ELECTORAL
2 COLLEGE TO CONFORM THEM TO FEDERAL REQUIREMENTS AND
3 STATE LAW.
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 163-210 reads as rewritten:

7 "**§ 163-210. Governor to proclaim results; casting State's vote for President and**
8 **Vice-President.**

9 Upon receipt of the abstracts prepared by the State Board of Elections and delivered
10 to him in accordance with G.S. 163-192, the Secretary of State, under his hand and the
11 seal of his office, shall certify to the Governor the names of the persons elected to the
12 office of elector for President and Vice-President of the United States as stated in the
13 abstracts of the State Board of Elections. Thereupon, the Governor shall immediately
14 issue a proclamation setting forth the names of the electors and instructing them to be
15 present in the old Hall of the House of Representatives in the State Capitol in the City of
16 Raleigh at noon on the first Monday after the second Wednesday in December next after
17 their election, at which time the electors shall meet and vote on behalf of the State for
18 President and Vice-President of the United States. The Governor shall cause this
19 proclamation to be published in the daily newspapers published in the City of Raleigh.
20 Notice may additionally be made on a radio or television station or both, but such notice
21 shall be in addition to the newspaper and other required notice. The Secretary of State
22 is responsible for making the actual arrangements for the meeting, preparing the agenda,
23 and inviting guests.

1 ~~On or before~~ Before the date fixed for the meeting of the electors, the Governor shall
2 send by registered mail to the ~~Administrator of General Services~~Archivist of the United
3 States, ~~a certificate~~ either three duplicate original certificates, or one original certificate
4 and two authenticated copies of the Certificates of Ascertainment, under the great seal
5 of the State setting forth the names of the persons chosen as presidential electors for this
6 State and the number of votes cast for each. These Certificates of Ascertainment should
7 be sent as soon as possible after the election, but should definitely be received before
8 the Electoral College meeting. At the same time he shall deliver to the electors six
9 duplicate originals of the same certificate, each bearing the great seal of the State. At
10 any time prior to receipt of the certificate of the Governor or within 48 hours thereafter,
11 any person elected to the office of elector may resign by submitting his resignation,
12 written and duly verified, to the Governor. Failure to so resign shall signify consent to
13 serve and to cast his vote for the candidate of the political party which nominated such
14 elector.

15 In case of the absence, ineligibility or resignation of any elector chosen, or if the
16 proper number of electors shall for any cause be deficient, the first and second
17 alternates, respectively, who were nominated under G.S. 163-1(c), shall fill the first two
18 vacancies. If the alternates are absent, ineligible, resign, or were not chosen, or if there
19 are more than two vacancies, then the electors ~~those~~ present at the required meeting shall
20 forthwith elect from the citizens of the State a sufficient number of persons to fill the
21 deficiency, and the persons chosen shall be deemed qualified electors to vote for
22 President and Vice-President of the United States."

23 Sec. 2. G.S. 163-1(c) reads as rewritten:

24 "(c) On Tuesday next after the first Monday in November in the year 1968, and
25 every four years thereafter, or on such days as the Congress of the United States shall
26 direct, an election shall be held in all of the election precincts of the State for the
27 election of electors of President and Vice-President of the United States. The number of
28 electors to be chosen shall be equal to the number of Senators and Representatives in
29 Congress to which this State may be entitled. Presidential electors shall not be
30 nominated by primary election; instead, they shall be nominated in a State convention of
31 each political party as defined in G.S. 163-96 unless otherwise provided by the plan of
32 organization of the political party; provided, that in the case of a candidate for President
33 of the United States who has qualified to have his name printed on the general election
34 ballot as an unaffiliated candidate under G.S. 163-122, that candidate shall nominate
35 presidential electors. One presidential elector shall be nominated from each
36 congressional district and two from the state-at-large, and in addition, the State
37 convention of each party and the unaffiliated candidate shall each nominate first and
38 second alternate electors who shall serve if their slate is elected as provided by G.S.
39 163-209 and if there is a vacancy as provided by G.S. 163-210."

40 Sec. 3. This act is effective upon ratification.