

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 352  
Committee Substitute Favorable 5/23/95

Short Title: Primary Date Earlier.

(Public)

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Sponsors:

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Referred to:

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March 6, 1995

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE AN EARLIER DATE FOR THE PRESIDENTIAL AND  
2 OTHER PRIMARIES AND TO REIMBURSE THE COUNTIES FOR POSTAGE IN  
3 THE DELIVERY OF CERTIFICATIONS OF CANDIDACY AND RESULTS OF  
4 PRIMARIES AND ELECTIONS.  
5

6 The General Assembly of North Carolina enacts:

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

8 **"§ 163-213.2. Primary to be held; date; qualifications and registration of voters.**

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

13 Any person otherwise qualified who will become qualified by age to vote in the  
14 general election held in the same year of the presidential preference primary shall be  
15 entitled to register and vote in the presidential preference primary. Such persons may  
16 register not earlier than 60 days nor later than the 21st day prior to the said primary. In  
17 addition, persons who will become qualified by age to register and vote in the general  
18 election for which the primary is held, who do not register during the special period may

1 register to vote after such period as if they were qualified on the basis of age, but until  
2 they are qualified by age to vote, they may vote only in primary elections."

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

4 "(b) ~~On~~On:

5 (1) Tuesday next after the first Monday in May preceding each general  
6 election to be held in November for the officers referred to in subsection  
7 (a) of this ~~section~~, section in a year when there is not a Presidential  
8 Preference Primary; or

9 (2) The first Tuesday in March in a year when there is a Presidential  
10 Preference Primary

11 there shall be held in all election precincts within the territory for which the officers are  
12 to be elected a primary election for the purpose of nominating candidates for each  
13 political party in the State for those offices."

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

15 "(k) Notwithstanding the provisions contained in Article 20 or Article 21 of  
16 Chapter 163 the State Board of Elections shall be authorized, by resolution adopted prior  
17 to the printing of the primary ballots, to reduce the time by which absentee ballots are  
18 required to be printed and distributed for the primary election from 50 days to 45 ~~days~~.  
19 days, except that when the Presidential Preference Primary is held at the same time as the  
20 primary established by G.S. 163-1(b), the time may be further reduced to as little as 30  
21 days. This authority shall not be authorized for absentee ballots to be voted in the general  
22 election."

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

24 "**§ 163-213.4. Nomination by State Board of Elections.**

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

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

37 "(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary  
38 nominations for the following offices shall file their notice of candidacy with the State  
39 Board of Elections no earlier than 12:00 noon ~~on the on~~:

40 (1) The first Monday in January and no later than 12:00 noon on the first  
41 Monday in February preceding the ~~primary~~primary in a year when  
42 there is not a Presidential Preference Primary; or

(2) The last Tuesday in December (or the next business day if that is a holiday) and no later than 12:00 noon on the second Friday in January preceding the primary in a year when there is a Presidential Preference Primary:

Governor

Lieutenant Governor

All State executive officers

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

Judges of the superior courts

Judges of the district courts

United States Senators

Members of the House of Representatives of the United States

District attorneys

Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the county board of elections no earlier than 12:00 noon ~~on the~~ on:

(1) The first Monday in January and no later than 12:00 noon on the first Monday in February preceding the ~~primary~~ primary in a year when there is not a Presidential Preference Primary; or

(2) The last Tuesday in December (or the next business day if that is a holiday) and no later than 12:00 noon on the second Friday in January preceding the primary in a year when there is a Presidential Preference Primary:

State Senators

Members of the State House of Representatives

All county offices."

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

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

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

President and Vice-President of the United States

Governor, Lieutenant Governor, and all other State executive officers

United States Senators

Members of the House of Representatives of the United States Congress

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

State Senators in multi-county senatorial districts

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

1 Constitutional amendments and propositions submitted to the voters of the  
2 State.

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

10 All county offices

11 State Senators in single-county senatorial districts

12 Members of the State House of Representatives in single-county representative  
13 districts

14 Propositions submitted to the voters of one county.

15 If the chairman of the county board of elections fails or neglects to transmit duplicate  
16 abstracts to the chairman of the State Board of Elections within the time prescribed in this  
17 section, he shall be guilty of a Class 2 misdemeanor. Provided, that the penalty shall not  
18 apply if the chairman was prevented from performing the prescribed duty because of  
19 sickness or other unavoidable delay, but the burden of proof shall be on the chairman to  
20 show that his failure to perform was due to sickness or unavoidable delay."

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

22 **"§ 163-108. Certification of notices of candidacy.**

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

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

35 (c) In representative districts composed of more than one county and in multi-  
36 county senatorial districts the chairman or secretary of the county board of elections in  
37 each county shall, at the expense of the State within three days after the time for filing  
38 notices of candidacy under the provisions of G.S. 163-106(c) has expired, certify to the  
39 State Board of Elections (i) the names of all candidates who have filed notice of  
40 candidacy in his county for member of the State Senate, or, if such is the fact, that no  
41 candidates have filed in his county for that office, and (ii) the names of all candidates  
42 who have filed notice of candidacy in his county for the office of member of the State  
43 House of Representatives or, if such is the fact, that no candidates have filed in his county

1 for that office. The chairman of the county board of elections shall at the expense of the  
2 State forward a copy of this report to the chairman of the board of elections of each of the  
3 other counties in the representative or senatorial district. Within 10 days after the time for  
4 filing notices of candidacy for those offices has expired the chairman or secretary of the  
5 State Board of Elections shall certify to the chairman of the county board of elections in  
6 each county of each multi-county representative or senatorial district the names of all  
7 candidates for the House of Representatives and Senate which must be printed on the  
8 county ballots.

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

13 Sec. 8. There is appropriated from the General Fund to the State Board of  
14 Elections for the 1995-96 fiscal year the sum of one thousand dollars (\$1,000) and for the  
15 1996-97 fiscal year the sum of one thousand dollars (\$1,000) to implement Sections 6  
16 and 7 of this act.

17 Sec. 9. This act is effective upon ratification, except that Section 8 becomes  
18 effective July 1, 1995.