

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE BILL 380**

Short Title: Rotating Order of Names on Ballot. (Public)

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Sponsors: Representatives Stam, McGee, Killian, Folwell (Primary Sponsors); Barnhart, Blackwood, Frye, Hilton, Justice, Moore, Pate, Samuelson, Starnes, Tillis, Walend, and Walker.

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Referred to: Election Law and Campaign Finance Reform, if favorable, Judiciary I.

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February 27, 2007

A BILL TO BE ENTITLED

AN ACT TO ROTATE THE ORDER OF CANDIDATES AND POLITICAL PARTIES AS THEY APPEAR ON BALLOTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 163-165.6 reads as rewritten:

**"§ 163-165.6. Arrangement of official ballots.**

(a) Order of Precedence Generally. – Candidate ballot items shall be arranged on the official ballot before referenda.

(b) Order of Precedence for Candidate Ballot Items. – The State Board of Elections shall promulgate rules prescribing the order of offices to be voted on the official ballot. Those rules shall adhere to the following guidelines:

(1) Federal offices shall be listed before State and local offices. Member of the United States House of Representatives shall be listed immediately after United States Senator.

(2) State and local offices shall be listed according to the size of the electorate.

(3) Partisan offices, regardless of the size of the constituency, shall be listed before nonpartisan offices.

(4) When offices are in the same class, they shall be listed in alphabetical order by office name, or in numerical or alphabetical order by district name. Governor and Lieutenant Governor, in that order, shall be listed before other Council of State offices. Mayor shall be listed before other citywide offices. Chair of a board, where elected separately, shall be listed before other board seats having the same electorate. Chief Justice shall be listed before Associate Justices.

(5) Ballot items for full terms of an office shall be listed before ballot items for partial terms of the same office.

1 (c) Order of Candidates and Parties on Primary-Official Ballots. – The order in  
2 which candidates and political parties shall appear on a county's official ballots in any  
3 ~~primary~~ ballot item shall be determined by the county board of elections using a process  
4 designed by the State Board of Elections for ~~random selection~~ rotation of names. The  
5 method shall rotate the official ballots so that the names of candidates and parties appear  
6 in the maximum number of different orders. The process used shall result in a  
7 reasonably even rotation of differently ordered official ballots among the ballot styles in  
8 each county in the same election. All the official ballots of the same ballot style in the  
9 county shall be in the same order. The same process of rotation among ballot styles shall  
10 be used for candidates in party primary ballot items, nonpartisan ballot items, and  
11 partisan general election ballot items. In a partisan general election, the names of the  
12 party nominees shall be listed first, and the unaffiliated candidates shall be listed after  
13 the names of the party nominees. The party nominees shall be rotated by party name.  
14 The unaffiliated candidates shall be rotated by candidate name. In a partisan general  
15 election, rotation is not required among multiple nominees of the same party in a  
16 multi-seat ballot item, as long as the groups of party nominees are rotated by party  
17 name. Rotation is not required of choices in referenda.

18 ~~(d) Order of Party Candidates on General Election Official Ballot.~~ – Candidates  
19 ~~in any ballot item on a general election official ballot shall appear in the following~~  
20 ~~order:~~

21 ~~(1) Nominees of political parties that reflect at least five percent (5%) of~~  
22 ~~statewide voter registration, according to the most recent statistical~~  
23 ~~report published by the State Board of Elections, in alphabetical order~~  
24 ~~by party and in alphabetical order within the party.~~

25 ~~(2) Nominees of other political parties, in alphabetical order by party and~~  
26 ~~in alphabetical order within the party.~~

27 ~~(3) Unaffiliated candidates, in alphabetical order.~~

28 (e) Straight-Party Voting. – Each official ballot shall be arranged so that the  
29 voter may cast one vote for a party's nominees for all offices except President and Vice  
30 President. A vote for President and Vice President shall be cast separately from a  
31 straight-party vote. The official ballot shall be prepared so that a voter may cast a  
32 straight-party vote, but then make an exception to that straight-party vote by voting for a  
33 candidate not nominated by that party or by voting for fewer than all the candidates  
34 nominated by that party. Instructions for general election ballots shall clearly advise  
35 voters of the rules in this subsection and of the statutes providing for the counting of  
36 ballots.

37 (f) Write-In Voting. – Each official ballot shall be so arranged so that voters may  
38 cast write-in votes for candidates except where prohibited by G.S. 163-123 or other  
39 statutes governing write-in votes. Instructions for general election ballots shall clearly  
40 advise voters of the rules of this subsection and of the statutes governing write-in  
41 voting.

42 (g) Order of Precedence for Referenda. – The referendum questions to be voted  
43 on shall be arranged on the official ballot in the following order:

- 1           (1) Proposed amendments to the North Carolina Constitution, in the  
2           chronological order in which the proposals were approved by the  
3           General Assembly.  
4           (2) Other referenda to be voted on by all voters in the State, in the  
5           chronological order in which the proposals were approved by the  
6           General Assembly.  
7           (3) Referenda to be voted on by fewer than all the voters in the State, in  
8           the chronological order of the acts by which the referenda were  
9           properly authorized."

10           **SECTION 2.** This act becomes effective January 1, 2008, and applies to all  
11 primaries and elections conducted on or after that date until January 1, 2011, when this  
12 act shall expire.