

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 139

Short Title: Gubernatorial Team Ticket Implementing. (Public)

Sponsors: Senators Apodaca, Brunstetter, Tucker; Allran, Blake, Brown, Clary, Daniel, East, Gunn, Harrington, Hise, Meredith, Preston, Rabon, Rucho, Soucek, and Tillman.

Referred to: Rules and Operations of the Senate.

February 28, 2011

A BILL TO BE ENTITLED

AN ACT TO MAKE STATUTORY IMPLEMENTING CHANGES TO A PROPOSED CONSTITUTIONAL AMENDMENT TO PROVIDE THAT THE GOVERNOR AND LIEUTENANT GOVERNOR SHALL RUN TOGETHER IN THE GENERAL ELECTION SO AS TO PROVIDE THAT THE LIEUTENANT GUBERNATORIAL CANDIDATE SHALL BE SELECTED BY THE GUBERNATORIAL CANDIDATE.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-115.1. Party must nominate candidates for Governor and Lieutenant Governor.

If a party nominates a candidate for Governor under this Article, it must also nominate a candidate for Lieutenant Governor, or the nomination as Governor is void."

SECTION 2. Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-108.2. Nomination of Lieutenant Governor.

Except for G.S. 163-114 (as modified for the office under G.S. 163-127.3) and except for G.S. 163-115.1, the provisions of this Article do not apply to the office of Lieutenant Governor. Nomination for such office is as provided by Article 11B of this Chapter."

SECTION 3. G.S. 163-98 reads as rewritten:

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

In the first general election following the date on which a new political party qualifies under the provisions of G.S. 163-96, it shall be entitled to have the names of its candidates for national, State, congressional, and local offices printed on the official ballots upon paying a filing fee equal to that provided for candidates for the office in G.S. 163-107 or upon complying with the alternative available to candidates for the office in G.S. 163-107.1.

For the first general election following the date on which it qualifies under G.S. 163-96, a new political party shall select its candidates by party convention. Following adjournment of the nominating convention, but not later than the first day of July prior to the general election, the president of the convention shall certify to the State Board of Elections the names of persons chosen in the convention as the new party's candidates in the ensuing general election. Any candidate nominated by a new party shall be affiliated with the party at the time of certification to the State Board of Elections. The requirement of affiliation with the party will be met if the candidate submits at or before the time of certification as a candidate an application to change party affiliation to that party. The State Board of Elections shall print names thus certified on the appropriate ballots as the nominees of the new party. The State



1 Board of Elections shall send to each county board of elections the list of any new party
2 candidates so that the county board can add those names to the appropriate ballot.

3 The convention, if it nominates a candidate for Governor, must also nominate a candidate
4 for Lieutenant Governor, or the nomination for Governor shall be void, except that if it fails to
5 nominate a candidate for Lieutenant Governor, its candidate for Governor may nominate a
6 candidate for Lieutenant Governor between July 1 and July 15. The convention, if it nominates
7 a candidate for Lieutenant Governor, must also nominate a candidate for Governor, or the
8 nomination for Lieutenant Governor is void."

9 **SECTION 4.** G.S. 163-122 is amended by adding a new subsection to read:

10 "(c) In filing petitions as an unaffiliated candidate, a petition for the office of Governor
11 shall also contain the name of a candidate for Lieutenant Governor, and the petition shall be a
12 petition for both. In filing petitions as an unaffiliated candidate, a petition for the office of
13 Lieutenant Governor shall also contain the name of a candidate for Governor, and the petition
14 shall be a petition for both. The form of the petition requesting unaffiliated candidates to be
15 placed on the ballot for Governor and Lieutenant Governor on the general election ballot shall
16 contain on the heading of each page of the petition in bold print or in all capital letters the
17 following words: "THE UNDERSIGNED REGISTERED VOTERS IN _____ COUNTY
18 HEREBY PETITION ON BEHALF OF _____ AS AN UNAFFILIATED CANDIDATE FOR
19 GOVERNOR AND _____ AS AN UNAFFILIATED CANDIDATE FOR LIEUTENANT
20 GOVERNOR IN THE NEXT GENERAL ELECTION. THE UNDERSIGNED HEREBY
21 PETITION THAT THE SUBJECT CANDIDATES BE PLACED ON THE APPROPRIATE
22 BALLOT UPON COMPLIANCE WITH THE PROVISIONS OF G.S. 163-122."

23 **SECTION 5.** G.S. 163-165.6 is amended by adding a new subsection to read:

24 "(h) The offices of Governor and Lieutenant Governor shall be combined on the ballot
25 and the nominees of each party or unaffiliated offices listed together so that a vote for a
26 candidate for one of those offices is a vote for the candidates for both offices."

27 **SECTION 6.** G.S. 163-182.1 is amended by adding a new subsection to read:

28 "(c) A write-in vote for a candidate for Governor shall not be counted unless that voter
29 has also written in the name of a candidate for Lieutenant Governor. A write-in vote for a
30 candidate for Lieutenant Governor shall not be counted unless that voter has also written in the
31 name of a candidate for Governor."

32 **SECTION 7.** Chapter 163 of the General Statutes is amended by adding a new
33 Article to read:

34 "Article 11B.

35 "Nomination of Lieutenant Governor.

36 **"§ 163-127.1. Lieutenant Governor.**

37 The person nominated by a political party as its candidate for Governor under Article 10 of
38 this Chapter shall nominate a candidate for Lieutenant Governor in accordance with this
39 Article.

40 **"§ 163-127.2. Time of nomination.**

41 The nomination for Lieutenant Governor shall be made no earlier than the date that party's
42 nomination for Governor is determined under G.S. 163-110, 163-111, or 163-112, as
43 appropriate, and no later than the first Monday in August. The State Board of Elections shall be
44 notified of the nomination for Lieutenant Governor no later than the first Monday in August.
45 The State Board of Elections shall cause the name of the nominee for Lieutenant Governor to
46 be printed on the general election ballots as if the nomination had been made by primary under
47 Article 10 of this Chapter.

48 **"§ 163-127.3. Vacancies in nomination.**

49 If the candidate for Governor has nominated a candidate for Lieutenant Governor under
50 Article 10 of this Chapter and a vacancy occurs in that nomination, the gubernatorial candidate

1 of that party shall name a replacement nominee. The deadline and procedures for making such
2 replacement nomination shall be the same as if it had been made under G.S. 163-114."

3 **SECTION 8.** 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 Board of
6 Elections no earlier than 12:00 noon on the second Monday in February and no later than 12:00
7 noon on the last business day in February preceding the primary:

8 Governor

9 ~~Lieutenant Governor~~

10 All State executive officers

11 United States Senators

12 Members of the House of Representatives of the United States

13 District attorneys

14 Candidates seeking party primary nominations for the following offices shall file their
15 notice of candidacy with the county board of elections no earlier than 12:00 noon on the second
16 Monday in February and no later than 12:00 noon on the last business day in February
17 preceding the primary:

18 State Senators

19 Members of the State House of Representatives

20 All county offices."

21 **SECTION 9.** G.S. 163-107(a) is amended by deleting in the schedule under
22 "Office Sought" and "Amount of Filing Fee" the entries for "Lieutenant Governor."

23 **SECTION 10.** G.S. 163-107.1(b) reads as rewritten:

24 "(b) If the candidate is seeking the office of United States Senator, Governor, ~~Lieutenant~~
25 ~~Governor~~, or any State executive officer, the petition must be signed by 10,000 registered
26 voters who are members of the political party in whose primary the candidate desires to run,
27 except that in the case of a political party as defined by G.S. 163-96(a)(2) which will be making
28 nominations by primary election, the petition must be signed by ten percent (10%) of the
29 registered voters of the State who are affiliated with the same political party in whose primary
30 the candidate desires to run, or in the alternative, the petition shall be signed by no less than
31 10,000 registered voters regardless of the voter's political party affiliation, whichever
32 requirement is greater. The petition must be filed with the State Board of Elections not later
33 than 12:00 noon on Monday preceding the filing deadline before the primary in which he seeks
34 to run. The names on the petition shall be verified by the board of elections of the county where
35 the signer is registered, and the petition must be presented to the county board of elections at
36 least 15 days before the petition is due to be filed with the State Board of Elections. When a
37 proper petition has been filed, the candidate's name shall be printed on the primary ballot."

38 **SECTION 11.** G.S. 163-111(c)(1) reads as rewritten:

39 "(c) Procedure for Requesting Second Primary. –

40 (1) A candidate who is apparently entitled to demand a second primary,
41 according to the unofficial results, for one of the offices listed below, and
42 desiring to do so, shall file a request for a second primary in writing with the
43 Executive Director of the State Board of Elections no later than 12:00 noon
44 on the ninth day (including Saturdays and Sundays) following the date on
45 which the primary was conducted, and such request shall be subject to the
46 certification of the official results by the State Board of Elections. If the vote
47 certification by the State Board of Elections determines that a candidate who
48 was not originally thought to be eligible to call for a second primary is in
49 fact eligible to call for a second primary, the Executive Director of the State
50 Board of Elections shall immediately notify such candidate and permit him

1 to exercise any options available to him within a 48-hour period following
2 the notification:

3 Governor,
4 ~~Lieutenant Governor,~~
5 All State executive officers,
6 District Attorneys of the General Court of Justice,
7 United States Senators,
8 Members of the United States House of Representatives,
9 State Senators in multi-county senatorial districts, and
10 Members of the State House of Representatives in multi-county
11 representative districts.

12"

13 **SECTION 12.** G.S. 163-1(b) reads as rewritten:

14 "(b) On Tuesday next after the first Monday in May preceding each general election to
15 be held in November for the officers referred to in subsection (a) of this ~~section,~~section other
16 than Lieutenant Governor, there shall be held in all election precincts within the territory for
17 which the officers are to be elected a primary election for the purpose of nominating candidates
18 for each political party in the State for those offices."

19 **SECTION 13.** G.S. 163-123 is amended by adding a new subsection to read:

20 "(c1) Any declaration of intent filed under this section for the office of Governor shall be
21 a joint declaration with another candidate for the office of Lieutenant Governor. Any
22 declaration of intent filed under this section for the office of Lieutenant Governor shall be a
23 joint declaration with another candidate for the office of Governor. The declaration shall be
24 signed by both candidates. The State Board of Elections shall provide for a joint petition form
25 for Governor and Lieutenant Governor in lieu of the one provided by subsection (d) of this
26 section."

27 **SECTION 14.** Sections 1 through 13 of this act become effective only if the
28 constitutional amendment proposed by Section 5 of AN ACT TO AMEND THE NORTH
29 CAROLINA CONSTITUTION TO LIMIT THE SPEAKER OF THE HOUSE OF
30 REPRESENTATIVES AND THE PRESIDENT PRO TEMPORE OF THE SENATE TO
31 THREE CONSECUTIVE TWO-YEAR TERMS IN THOSE OFFICES, AND TO PROVIDE
32 THAT THE GOVERNOR AND LIEUTENANT GOVERNOR SHALL RUN TOGETHER IN
33 THE GENERAL ELECTION is approved by the qualified voters as provided by Section 7 of
34 that act, and if so approved, Sections 1 through 13 of this act become effective January 1, 2013,
35 and apply beginning with the 2016 election cycle.

36 **SECTION 15.** This act is effective when it becomes law.