

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

H.B. 436
Mar 26, 2013
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH30225-LBx-48E (01/18)

Short Title: Gubernatorial Team Ticket. (Public)

Sponsors: Representatives Jones, B. Brown, Lambeth, and Malone (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CONSTITUTION OF NORTH CAROLINA TO HAVE THE
3 GOVERNOR AND LIEUTENANT GOVERNOR RUN AS A TEAM ON THE
4 GENERAL ELECTION BALLOT AND TO MAKE CONFORMING STATUTORY
5 CHANGES.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** Section 2 of Article III of the North Carolina Constitution is
8 amended by adding a new subsection to read:

9 "(3) Team election. In the general election in 2020 and every four years thereafter, each
10 candidate for the office of Governor shall form a joint candidacy with a candidate for
11 Lieutenant Governor so that each voter shall cast a single vote for a candidate for Governor and
12 a candidate for Lieutenant Governor running together."

13 **SECTION 1.(b)** The amendment set out in this section shall be submitted to the
14 qualified voters of the State at a statewide election to be held on the same date as the general
15 election in November of 2014, which election shall be conducted under the laws then
16 governing elections in the State. Ballots, voting systems, or both may be used in accordance
17 with Chapter 163 of the General Statutes. The question to be used in the voting systems and
18 ballots shall be:

19 "[] FOR [] AGAINST

20 Constitutional amendment providing that candidates for Governor and Lieutenant
21 Governor shall be listed together on the general election ballot as a team."

22 **SECTION 1.(c)** If a majority of votes cast on the question are in favor of the
23 amendments set out in this act, the State Board of Elections shall certify the amendments to the
24 Secretary of State, and the amendment becomes effective January 1, 2020. The Secretary of
25 State shall enroll the amendments so certified among the permanent records of that office.

26 **SECTION 2.** Effective January 1, 2020, Chapter 163 of the General Statutes is
27 amended by adding a new section to read:

28 **"§ 163-115.1. Party must nominate candidates for Governor and Lieutenant Governor.**

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

33 **SECTION 3.** Effective January 1, 2020, G.S. 163-98 reads as rewritten:

34 **"§ 163-98. General election participation by new political party.**

35 In the first general election following the date on which a new political party qualifies
36 under the provisions of G.S. 163-96, it shall be entitled to have the names of its candidates for



1 national, State, congressional, and local offices printed on the official ballots upon paying a
2 filing fee equal to that provided for candidates for the office in G.S. 163-107 or upon
3 complying with the alternative available to candidates for the office in G.S. 163-107.1.

4 For the first general election following the date on which it qualifies under G.S. 163-96, a
5 new political party shall select its candidates by party convention. Following adjournment of
6 the nominating convention, but not later than the first day of July prior to the general election,
7 the president of the convention shall certify to the State Board of Elections the names of
8 persons chosen in the convention as the new party's candidates in the ensuing general election.
9 Any candidate nominated by a new party shall be affiliated with the party at the time of
10 certification to the State Board of Elections. The requirement of affiliation with the party will
11 be met if the candidate submits at or before the time of certification as a candidate an
12 application to change party affiliation to that party. The State Board of Elections shall print
13 names thus certified on the appropriate ballots as the nominees of the new party. The State
14 Board of Elections shall send to each county board of elections the list of any new party
15 candidates so that the county board can add those names to the appropriate ballot.

16 The convention, if it nominates a candidate for Governor, must also nominate a candidate
17 for Lieutenant Governor, or the nomination for Governor shall be void. The convention, if it
18 nominates a candidate for Lieutenant Governor, must also nominate a candidate for Governor,
19 or the nomination for Lieutenant Governor is void."

20 **SECTION 4.** Effective January 1, 2020, G.S. 163-122 is amended by adding a new
21 subsection to read:

22 "(c1) In filing petitions as an unaffiliated candidate, a petition for the office of Governor
23 shall also contain the name of a candidate for Lieutenant Governor, and the petition shall be a
24 petition for both. The form of the petition requesting unaffiliated candidates to be placed on the
25 ballot for Governor and Lieutenant Governor on the general election ballot shall contain on the
26 heading of each page of the petition in bold print or in all capital letters the following words:
27 "THE UNDERSIGNED REGISTERED VOTERS IN _____ COUNTY HEREBY PETITION
28 ON BEHALF OF _____ AS AN UNAFFILIATED CANDIDATE FOR GOVERNOR AND
29 _____ AS AN UNAFFILIATED CANDIDATE FOR LIEUTENANT GOVERNOR IN THE
30 NEXT GENERAL ELECTION. THE UNDERSIGNED HEREBY PETITION THAT THE
31 SUBJECT CANDIDATES BE PLACED ON THE APPROPRIATE BALLOT UPON
32 COMPLIANCE WITH THE PROVISIONS OF G.S. 163-122."

33 **SECTION 5.** Effective January 1, 2020, G.S. 163-165.6 is amended by adding a
34 new subsection to read:

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

38 **SECTION 6.** Effective January 1, 2020, G.S. 163-182.1 is amended by adding a
39 new subsection to read:

40 "(c) A write-in vote for a candidate for Governor shall not be counted unless that voter
41 has also written in the name of a candidate for Lieutenant Governor. A write-in vote for a
42 candidate for Lieutenant Governor shall not be counted unless that voter has also written in the
43 name of a candidate for Governor."

44 **SECTION 7.** Effective January 1, 2020, G.S. 163-123 is amended by adding a new
45 subsection to read:

46 "(c1) Any declaration of intent filed under this section for the office of Governor shall be
47 a joint declaration with another candidate for the office of Lieutenant Governor. Any
48 declaration of intent filed under this section for the office of Lieutenant Governor shall be a
49 joint declaration with another candidate for the office of Governor. The declaration shall be
50 signed by both candidates. The State Board of Elections shall provide for a joint petition form

1 for Governor and Lieutenant Governor in lieu of the one provided by subsection (d) of this
2 section."

3 **SECTION 8.** Effective January 1, 2020, G.S. 163-106(h) reads as rewritten:

4 "(h) No person may file a notice of candidacy for more than one office described in
5 subsection (c) of this section for any one election. If a person has filed a notice of candidacy
6 with a board of elections under this section for one office, then a notice of candidacy may not
7 later be filed for any other office under this section when the election is on the same date unless
8 the notice of candidacy for the first office is withdrawn under subsection (e) of this section;
9 provided that this subsection shall not apply unless the deadline for filing notices of candidacy
10 for both offices is the same. Notwithstanding this subsection, a person may file a notice of
11 candidacy (i) for a full term as United States Senator, and also file a notice of candidacy for the
12 remainder of the unexpired term of that same seat in an election held under G.S. 163-12, ~~and~~
13 ~~may file a notice of candidacy~~ (ii) for a full term as a member of the United States House of
14 Representatives, and also file a notice of candidacy for the remainder of the unexpired term in
15 an election held under ~~G.S. 163-13~~. G.S. 163-13, and (iii) for Lieutenant Governor, and also file
16 a notice of candidacy either for State Representative or State Senator."

17 **SECTION 9.** Sections 2 through 8 of this act become effective only if the
18 constitutional amendment proposed by Section 1 of this act are approved by the qualified voters
19 as provided by this act, and if so approved, Sections 2 through 8 of this act become effective
20 January 1, 2020, and apply beginning with the 2020 election cycle.

21 **SECTION 10.** This act is effective when it becomes law.