

GENERAL ASSEMBLY OF NORTH CAROLINA
SECOND EXTRA SESSION 1996

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HOUSE BILL 13

Short Title: Superior Ct. Judges by District.

(Public)

Sponsors: Representatives Daughtry; and G. Miller.

Referred to: Rules, Calendar, and Operations of the House.

July 8, 1996

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE FOR THE ELECTION OF SUPERIOR COURT JUDGES BY
2 JUDICIAL DISTRICT IN 1996 AND A LEGISLATIVE STUDY OF THAT ISSUE.

3 The General Assembly of North Carolina enacts:

4 Section 1. Effective for the 1996 election only, Chapter 7A of the General
5 Statutes is amended by adding a new section to read:

6 **"§ 7A-41.2. Nomination and election of regular superior court judges.**

7 **Candidates for the office of regular superior court judge shall be both nominated and**
8 **elected by the qualified voters of the superior court district for which the election is**
9 **sought."**

10 Sec. 2. Effective for the 1996 election only, G.S. 163-1 is amended in the table
11 by deleting the word "State" in the column entitled "Jurisdiction" under the entry for
12 "Judges of the superior courts", and substituting "Superior Court District".

13 Sec. 3. Effective for the 1996 election only, G.S. 163-140(a) reads as
14 rewritten:

15 "(a) Kinds of General Election Ballots; Right to Combine. – For purposes of
16 general elections, there shall be seven kinds of official ballots entitled:

17 (1) Ballot for presidential electors

18 (2) Ballot for United States Senator

19 (3) Ballot for member of the United States House of Representatives
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- 1 (4) State ballot
- 2 (5) County ballot
- 3 (6) Repealed by Session Laws 1973, c. 793, s. 56.
- 4 (7) Ballot for constitutional amendments and other propositions submitted
- 5 to the people.

6 Use of official ballots shall be limited to the purposes indicated by their titles. The
7 printing on all ballots shall be plain and legible but, unless large type is specified by this
8 section, type larger than 10-point shall not be used in printing ballots. All general
9 election ballots shall be prepared in such a way as to leave sufficient blank space beneath
10 each name printed thereon in which a voter may conveniently write the name of any
11 person for whom he may desire to vote.

12 Unless prohibited by this section, the board of elections, State or county, charged by
13 law with printing ballots may, in its discretion, combine any two or more official ballots.
14 Whenever two or more ballots are combined, the voting instructions for the State ballot
15 set out in subsection (b)(4) of this section shall be used, except that if the two ballots
16 being combined do not contain a multi-seat race, then the second sentence of instruction
17 b. shall not appear on the ballot.

18 Contests in the general election for seats in the State House of Representatives and
19 State Senate shall be on ballots that are separate from ballots containing non-legislative
20 contests, except where the voting system used makes separation of ballots impractical.
21 State House and State Senate contests shall be on the same ballot, unless one is a single-
22 seat contest and the other a multi-seat contest.

23 ~~If the State Board of Elections divides the State ballot into two or more ballots, all~~
24 ~~candidates for superior court shall appear on the same ballot except that the State Board of~~
25 ~~Elections appropriate board of elections may divide the election of superior court judges~~
26 ~~into two ballots either because of length of the ballot or to provide a separate ballot for~~
27 ~~multi-seat races but only superior court judges shall be on those ballots, and all~~
28 ~~candidates for the Appellate Division shall appear on the same ballot."~~

29 Sec. 4. Effective for the 1996 election only, G.S. 163-140(b)(4) reads as
30 rewritten:

- 31 "(4) State Ballot: Beneath the title and general instructions set out in this
32 subsection, the ballot for single-seat contests for State officers, and for
33 all State officers where mechanical voting machines are used ~~(including~~
34 ~~judges of the superior court)~~ shall be divided into parallel columns
35 separated by distinct black lines. The State Board of Elections shall
36 assign a separate column to each political party having candidates for
37 State offices and one to unaffiliated candidates, if any. At the head of
38 each party column the party's name shall be printed in large type, and at
39 the head of the column for unaffiliated candidates shall be printed in
40 large type the words 'Unaffiliated Candidates.' Below the party name in
41 each column shall be printed a circle, one-half inch in diameter, around
42 which shall be plainly printed the following instruction: 'For a straight
43 ticket, mark within this circle.' With distinct black lines, the State Board

1 of Elections shall divide the columns into horizontal sections and, in the
2 customary order of office, assign a separate section to each office or
3 group of offices to be filled. On a single line at the top of each section
4 shall be printed a direction as to the number of candidates for whom a
5 vote may be cast. If candidates are to be chosen for different terms to
6 the same office, the term in each instance shall be printed as part of the
7 title of the office.

8 The name or names of each political party's candidate or candidates
9 for each office listed on the ballot shall be printed in the appropriate
10 office section of the proper party column, and the names of unaffiliated
11 candidates shall be printed in the appropriate office section of the
12 column headed 'Unaffiliated Candidates.' At the left of each name shall
13 be printed a voting square, and in each column all voting squares shall
14 be arranged in a perpendicular line.

15 On the face of the ballot, above the party and unaffiliated column
16 division, the following instructions shall be printed in heavy black type,
17 and the words 'you must also' in instruction c. shall be underlined:

- 18 'a. To vote for all candidates of one party (a straight ticket), make a
19 cross (X) mark in the circle of the party for whose candidates you
20 wish to vote.
- 21 b. You may vote a split ticket by not marking a cross (X) mark in
22 the party circle, but by making a cross (X) mark in the square
23 opposite the name of each candidate for whom you wish to vote.
- 24 c. You may also vote a split ticket by marking a cross (X) mark in
25 the party circle and then making a cross (X) mark in the square
26 opposite the name of any candidate you choose of a different
27 party. In any multi-seat race where a party circle is marked and
28 you vote for candidates of another party, you must also make a
29 cross (X) mark opposite the name of any candidate you choose of
30 the party for which you marked the party circle to assure your
31 vote will count.
- 32 d. If you tear or deface or wrongly mark this ballot, return it and get
33 another.'

34 On the bottom of the ballot shall be printed an identified facsimile of
35 the signature of the Chairman of the State Board of Elections. If the
36 State ballot contains no multi-seat race, then the second sentence of
37 instruction b. shall not appear on the ballot."

38 Sec. 5. Effective for the 1996 election only, G.S. 163-140(b)(5) reads as
39 rewritten:

- 40 "(5) County Ballot: Beneath the title and general instructions set out in this
41 subsection, the ballot for single-seat contests for county officers
42 (including district attorney for the prosecutorial district in which the
43 county is situated, district judge for the district court district in which

1 the county is situated, regular resident superior court judge for the
2 superior court district in which the county or part thereof is situated, and
3 members of the General Assembly in the senatorial and representative
4 districts in which the county is situated), and for all county offices
5 where mechanical voting machines are used, shall be divided into
6 parallel columns separated by distinct black lines. The county board of
7 elections shall assign a separate column to each political party having
8 candidates for the offices on the ballot and one to unaffiliated
9 candidates, if any. At the head of each party column the party's name
10 shall be printed in large type and at the head of the column for
11 unaffiliated candidates shall be printed in large type the words
12 'Unaffiliated Candidates.' Below the party name in each column shall be
13 printed a circle, one-half inch in diameter, around which shall be plainly
14 printed the following instruction: 'For a straight ticket, mark within this
15 circle.' With distinct black lines, the county board of elections shall
16 divide the columns into horizontal sections and, in the customary order
17 of office, assign a separate section to each office or group of offices to
18 be filled. On a single line at the top of each section shall be printed the
19 title of the office, and directly below the title shall be printed a direction
20 as to the number of candidates for whom a vote may be cast. If
21 candidates are to be chosen for different terms to the same office, the
22 term in each instance shall be printed as part of the title of the office.

23 The name or names of each political party's candidate or candidates
24 for each office listed on the ballot shall be printed in the appropriate
25 office section of the proper party column, and the names of unaffiliated
26 candidates shall be printed in the appropriate office section of the
27 column headed 'Unaffiliated Candidates.' At the left of each name shall
28 be printed a voting square, and in each column all voting squares shall
29 be arranged in a perpendicular line.

30 On the face of the ballot, above the party and unaffiliated column
31 division, the following instructions shall be printed in heavy black type,
32 and the words 'you must also' in instruction c. shall be underlined:

- 33 'a. To vote for all candidates of one party (a straight ticket), make a
34 cross (X) mark in the circle of the party for whose candidates you
35 wish to vote.
- 36 b. You may vote a split ticket by not marking a cross (X) mark in
37 the party circle, but by making a cross (X) mark in the square
38 opposite the name of each candidate for whom you wish to vote.
- 39 c. You may also vote a split ticket by marking a cross (X) mark in
40 the party circle and then making a cross (X) mark in the square
41 opposite the name of any candidate you choose of a different
42 party. In any multi-seat race where a party circle is marked and
43 you vote for candidates of another party, you must also make a

1 cross (X) mark opposite the name of any candidate you choose of
2 the party for which you marked the party circle to assure your
3 vote will count.

- 4 d. If you tear or deface or wrongly mark this ballot, return it and get
5 another.'

6 On the bottom of the ballot shall be printed an identified facsimile of
7 the signature of the chairman of the county board of elections. If the
8 county ballot contains no multi-seat race, then the second sentence of
9 instruction b. shall not appear on the ballot."

10 Sec. 6. Effective for the 1996 election only, G.S. 163-192 reads as rewritten:

11 **"§ 163-192. State Board of Elections to prepare abstracts and declare results of**
12 **primaries and elections.**

13 (a) After Primary. – At the conclusion of its canvass of the primary election, the
14 State Board of Elections shall prepare separate abstracts of the votes cast:

15 (1) For Governor and all State officers, justices of the Supreme Court,
16 judges of the Court of Appeals, ~~judges of the superior court,~~ and United
17 States Senators.

18 (2) For members of the United States House of Representatives for the
19 several congressional districts in the State.

20 (3) For district court judges for the several district court districts in the
21 State.

22 (3a) For superior court judges for the several superior court districts in the
23 State.

24 (4) For district attorney in the several prosecutorial districts in the State.

25 (5) For State Senators in the several senatorial districts in the State
26 composed of more than one county.

27 (6) For members of the State House of Representatives in the several
28 representative districts in the State composed of more than one county.

29 Abstracts prepared by the State Board of Elections under this subsection shall state
30 the total number of votes cast for each candidate of each political party for each of the
31 various offices canvassed by the State Board of Elections. They shall also state the name
32 or names of the person or persons whom the State Board of Elections shall ascertain and
33 judicially determine by the count to be nominated for each office.

34 Abstracts prepared under this subsection shall be signed by the members of the State
35 Board of Elections in their official capacity and shall have the great seal of the State
36 affixed thereto.

37 (b) After General Election. – At the conclusion of its canvass of the general
38 election, the State Board of Elections shall prepare abstracts of the votes cast:

39 (1) For President and Vice-President of the United States, when an election
40 is held for those offices.

41 (2) For Governor and all State officers, justices of the Supreme Court,
42 judges of the Court of Appeals, ~~judges of the superior court,~~ and United
43 States Senators.

- 1 (3) For members of the United States House of Representatives for the
2 several congressional districts in the State.
- 3 (4) For district court judges for the several district court districts as defined
4 in G.S. 7A-133 in the State.
- 5 (4a) For superior court judges for the several superior court districts in the
6 State.
- 7 (5) For district attorney in the several prosecutorial districts in the State.
- 8 (6) For State Senators in the several senatorial districts in the State
9 composed of more than one county.
- 10 (7) For members of the State House of Representatives in the several
11 representative districts in the State composed of more than one county.
- 12 (8) For and against any constitutional amendments or propositions
13 submitted to the people.

14 Abstracts prepared by the State Board of Elections under this subsection shall state
15 the names of all persons voted for, the office for which each received votes, and the
16 number of legal ballots cast for each candidate for each office canvassed by the State
17 Board of Elections. They shall also state the name or names of the person or persons
18 whom the State Board of Elections shall ascertain and judicially determine by the count
19 to be elected to each office.

20 Abstracts prepared under this subsection shall be signed by the members of the State
21 Board of Elections in their official capacity and shall have the great seal of the State
22 affixed thereto.

23 (c) Disposition of Abstracts of Returns. – The State Board of Elections shall file
24 with the Secretary of State the original abstracts of returns prepared by it under the
25 provisions of subsections (a) and (b) of this section, and also the duplicate county
26 abstracts transmitted to the State Board of Elections under the provisions of G.S. 163-
27 177. Upon the request of the Legislative Services Office, the Secretary of State shall
28 submit a copy of the original abstracts to that Office."

29 Sec. 7. The Legislative Research Commission shall study the manner of
30 election of superior court judges and shall report its recommendations to the 1997
31 Regular Session of the General Assembly.

32 Sec. 8. This act is effective upon ratification.