

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

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HOUSE BILL 821

Short Title: Filling Candidate Vacancy. (Public)

Sponsors: Representatives Justus; and Alexander.

Referred to: Election Law and Campaign Finance Reform.

April 1, 2003

A BILL TO BE ENTITLED
AN ACT TO SIMPLIFY THE PROCESS OF FILLING A VACANCY ON A PARTY
TICKET.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-114 reads as rewritten:

"§ 163-114. Filling vacancies among party nominees occurring after nomination and before election.

If any person nominated as a candidate of a political party for one of the offices listed below (either in a primary or convention or by virtue of having no opposition in a primary) dies, resigns, or for any reason becomes ineligible or disqualified before the date of the ensuing general election, the vacancy shall be filled by appointment according to the following instructions:

Position

President
Vice President

Vacancy is to be filled by
appointment of national executive
committee of political party in
which vacancy occurs

Presidential elector or
alternate elector
Any elective State office
United States Senator

Vacancy is to be filled by
appointment of State executive
committee of political party in
which vacancy occurs

A district office, including:
Member of the United States
House of Representatives
District Attorney

Appropriate district executive
committee of political party in
which vacancy occurs

1 State Senator in a multi-county
 2 senatorial district
 3 Member of State House of
 4 Representatives in a multi-county
 5 representative district

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 7 State Senator in a single-county
 8 senatorial district
 9 Member of State House of
 10 Representatives in a single-county
 11 representative district
 12 Any elective county office

County executive committee of
 political party in which vacancy
 occurs, provided, in the case of
 the State Senator or State
 Representative in a single-county
 district where not all the county is
 located in that district, then in
 voting, only those members of the
 county executive committee who
 reside within the district shall vote

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 18 The party executive making a nomination in accordance with the provisions of this
 19 section shall certify the name of its nominee to the chairman of the board of elections,
 20 State or county, ~~charged with the duty of printing the ballots on which the name is to~~
 21 ~~appear.~~ that has jurisdiction over the ballot item under G.S. 163-182.4. If at the time a
 22 nomination is made under this section the general election ballots have already been
 23 printed, the provisions of G.S. 163-165.3(c) shall apply. If a vacancy occurs in a
 24 nomination of a political party and that vacancy arises from a cause other than death and
 25 the vacancy in nomination occurs more than 120 days before the general election, the
 26 vacancy in nomination may be filled under this section only if the appropriate executive
 27 committee certifies the name of the nominee in accordance with this paragraph at least
 28 75 days before the general election.

29 In a county not all of which is located in one congressional district, in choosing the
 30 congressional district executive committee member or members from that area of the
 31 county, only the county convention delegates or county executive committee members
 32 who reside within the area of the county which is within the congressional district may
 33 vote.

34 In a county which is partly in a multi-county senatorial district or which is partly in a
 35 multi-county House of Representatives district, in choosing that county's member or
 36 members of the senatorial district executive committee or House of Representatives
 37 district executive committee for the multi-county district, only the county convention
 38 delegates or county executive committee members who reside within the area of the
 39 county which is within that multi-county district may vote."

40 **SECTION 2.** This act is effective when it becomes law.