

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

**HOUSE BILL 821  
RATIFIED BILL**

**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  
State Senator in a multi-county  
senatorial district  
Member of State House of  
Representatives in a multi-county  
representative district

Appropriate district executive  
committee of political party in  
which vacancy occurs

State Senator in a single-county  
senatorial district  
Member of State House of  
Representatives in a single-county  
representative district  
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

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

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

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

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

In the General Assembly read three times and ratified this the 29<sup>th</sup> day of May, 2003.

---

Beverly E. Perdue  
President of the Senate

---

Richard T. Morgan  
Speaker of the House of Representatives

---

Michael F. Easley  
Governor

Approved \_\_\_\_\_ .m. this \_\_\_\_\_ day of \_\_\_\_\_, 2003