

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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HOUSE BILL 532

Short Title: Team Ticket.

(Public)

Sponsors: Representative Ellis.

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

March 8, 2001

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE NORTH CAROLINA CONSTITUTION TO PROVIDE
2 THAT THE GOVERNOR AND LIEUTENANT GOVERNOR RUN AS A JOINT
3 TICKET IN THE GENERAL ELECTION.
4

5 The General Assembly of North Carolina enacts:

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

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

12 **SECTION 2.** The amendment set out in Section 1 of this act shall be
13 submitted to the qualified voters of the State at the general election in November 2002,
14 which election shall be conducted under the laws then governing elections in the State.
15 Ballots, voting systems, or both may be used in accordance with Chapter 163 of the
16 General Statutes. The question to be used in the voting systems and ballots shall be:

17 " FOR AGAINST

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

20 **SECTION 3.** If a majority of the votes cast on the question are in favor of
21 the amendment set out in Section 1 of this act, the State Board of Elections shall certify
22 the amendment to the Secretary of State. The constitutional amendment in Section 1 of
23 this act shall become effective beginning with candidacies for the 2004 General
24 Election. The Secretary of State shall enroll the amendment so certified among the
25 permanent records of that office.

26 **SECTION 4.** Chapter 163 of the General Statutes is amended by adding a
27 new section to read:

1 "§ 163-115.1. Party must nominate candidates for Governor and Lieutenant
2 Governor.

3 If a party nominates a candidate for Governor under this Article, it must also
4 nominate a candidate for Lieutenant Governor, or the nomination as Governor is void. If
5 a party nominates a candidate for Lieutenant Governor under this Article, it must also
6 nominate a candidate for Governor, or the nomination as Lieutenant Governor is void. If
7 a candidate or candidates file a notice of candidacy for Governor or Lieutenant
8 Governor under G.S. 163-106 or G.S. 163-107.1, but all candidacies for such office are
9 withdrawn before the deadline under G.S. 163-106(e) such that the party has no
10 nominee, the vacancy in nomination may be filled under G.S. 163-114 as if the party
11 had nominated a candidate for that office before the filing deadline."

12 **SECTION 5.** G.S. 163-98 reads as rewritten:

13 **"§ 163-98. General election participation by new political party.**

14 In the first general election following the date on which a new political party
15 qualifies under the provisions of G.S. 163-96, it shall be entitled to have the names of its
16 candidates for State, congressional, and national offices printed on the official ballots,
17 but it shall not be entitled to have the names of candidates for other offices printed on
18 State, district, or county ballots at that election.

19 For the first general election following the date on which it qualifies under G.S.
20 163-96, a new political party shall select its candidates by party convention. Following
21 adjournment of the nominating convention, but not later than the first day of July prior
22 to the general election, the president of the convention shall certify to the State Board of
23 Elections the names of persons chosen in the convention as the new party's candidates
24 for State, congressional, and national offices in the ensuing general election. The State
25 Board of Elections shall print names thus certified on the appropriate ballots as the
26 nominees of the new party. The convention, if it nominates a candidate for Governor,
27 must also nominate a candidate for Lieutenant Governor, or the nomination for
28 Governor shall be void except that if it fails to nominate a candidate for Lieutenant
29 Governor, its candidate for Governor may nominate a candidate for Lieutenant
30 Governor between July 1 and July 15. The convention, if it nominates a candidate for
31 Lieutenant Governor, must also nominate a candidate for Governor, or the nomination
32 for Lieutenant Governor is void."

33 **SECTION 6.** G.S. 163-122 is amended by adding a new subsection to read:

34 "(d) In filing petitions as an unaffiliated candidate, a petition for the office of
35 Governor shall also contain the name of a candidate for Lieutenant Governor, and the
36 petition shall be a petition for both. In filing petitions as an unaffiliated candidate, a
37 petition for the office of Lieutenant Governor shall also contain the name of a candidate
38 for Governor, and the petition shall be a petition for both. The form of the petition
39 requesting unaffiliated candidates to be placed on the ballot for Governor and
40 Lieutenant Governor on the general election ballot shall contain on the heading of each
41 page of the petition in bold print or in all capital letters the words: "THE
42 UNDERSIGNED REGISTERED VOTERS IN COUNTY HEREBY PETITION
43 ON BEHALF OF AS AN UNAFFILIATED CANDIDATE FOR GOVERNOR
44 AND AS AN UNAFFILIATED CANDIDATE FOR LIEUTENANT

1 GOVERNOR IN THE NEXT GENERAL ELECTION. THE UNDERSIGNED
2 HEREBY PETITION THAT THE SUBJECT CANDIDATES BE PLACED ON THE
3 APPROPRIATE BALLOT UPON COMPLIANCE WITH THE PROVISIONS OF G.S.
4 163-122.' "

5 **SECTION 7.** G.S. 163-140(b)(4) reads as rewritten:

6 "(4) State Ballot: Beneath the title and general instructions set out in this
7 subsection, the ballot for single-seat contests for State officers, and for
8 all State officers where mechanical voting machines are used shall be
9 divided into parallel columns separated by distinct black lines. The
10 State Board of Elections shall assign a separate column to each
11 political party having candidates for State offices and one to
12 unaffiliated candidates, if any. At the head of each party column the
13 party's name shall be printed in large type, and at the head of the
14 column for unaffiliated candidates shall be printed in large type the
15 words 'Unaffiliated Candidates' Below the party name in each column
16 shall be printed a circle, one-half inch in diameter, around which shall
17 be plainly printed the following instruction: 'For a straight ticket, mark
18 within this circle.' With distinct black lines, the State Board of
19 Elections shall divide the columns into horizontal sections and, in the
20 customary order of office, assign a separate section to each office or
21 group of offices to be filled. The offices of Governor and Lieutenant
22 Governor shall be combined on the State ballot and the nominees of
23 each party or unaffiliated offices listed together so that a vote for a
24 candidate for one of those offices is a vote for the candidates for both
25 offices. Such team election of Governor and Lieutenant Governor is
26 not a multiseat race for the purpose of subsection (f) of this section.

27 On a single line at the top of each section shall be printed a
28 direction as to the number of candidates for whom a vote may be cast.
29 If candidates are to be chosen for different terms to the same office,
30 the term in each instance shall be printed as part of the title of the
31 office.

32 The name or names of each political party's candidate or candidates
33 for each office listed on the ballot shall be printed in the appropriate
34 office section of the proper party column, and the names of
35 unaffiliated candidates shall be printed in the appropriate office section
36 of the column headed 'Unaffiliated Candidates.' At the left of each
37 name shall be printed a voting square, and in each column all voting
38 squares shall be arranged in a perpendicular line.

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

- 1 'a. To vote for all candidates of one party (a straight ticket), make a
2 cross (X) mark in the circle of the party for whose candidates
3 you wish to vote.
4 b. You may vote a split ticket by not marking a cross (X) mark in
5 the party circle, but by making a cross (X) mark in the square
6 opposite the name of each candidate for whom you wish to
7 vote.
8 c. You may also vote a split ticket by marking a cross (X) mark in
9 the party circle and then making a cross (X) mark in the square
10 opposite the name of any candidate you choose of a different
11 party. In any multi-seat race where a party circle is marked and
12 you vote for candidates of another party, you must also make a
13 cross (X) mark opposite the name of any candidate you choose
14 of the party for which you marked the party circle to assure
15 your vote will count.
16 d. If you tear or deface or wrongly mark this ballot, return it and
17 get another.'

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

22 **SECTION 8.** G.S. 163-151(6) is amended by adding a new sub-subdivision

23 to read:

- 24 "f. A write-in vote for a candidate for Governor shall not be
25 counted unless that person has also written in the name of a
26 candidate for Lieutenant Governor. A write-in vote for a
27 candidate for Lieutenant Governor shall not be counted unless
28 that person has also written in the name of a candidate for
29 Governor."

30 **SECTION 9.** G.S. 163-123 is amended by adding a new subsection to read:

31 "(c1) Any declaration of intent filed under this section for the office of Governor
32 shall be a joint declaration with another candidate for the office of Lieutenant Governor.
33 Any declaration of intent filed under this section for the office of Lieutenant Governor
34 shall be a joint declaration with another candidate for the office of Governor. The
35 declaration shall be signed by both candidates. The State Board of Elections shall
36 provide for a joint petition form for Governor and Lieutenant Governor in lieu of the
37 one provided by subsection (d) of this section."

38 **SECTION 10.** Sections 4 through 9 of this act become effective only if the
39 constitutional amendment proposed by Section 1 of this act is approved as provided by
40 Sections 2 and 3 of this act, and if so approved, Sections 4 through 9 of this act become
41 effective January 1, 2004, so that it applies to candidacies for the 2004 General
42 Election.

43 **SECTION 11.** This act is effective when it becomes law.