

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 170

Short Title: Secretary of State Notify Electors. (Public)

Sponsors: Representatives Tarleton, Spear (Primary Sponsors); E. Floyd, Lucas, and R. Warren.

Referred to: Election Law and Campaign Finance Reform, if favorable, Judiciary I.

February 18, 2009

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT THE SECRETARY OF STATE SHALL NOTIFY PARTIES AND ELECTORS OF THE DUAL-OFFICE HOLDING RULE, AND TO ALLOW PRESIDENTIAL ELECTORS TO HOLD THAT OFFICE IN ADDITION TO THE NUMBER OF APPOINTIVE OFFICES ALLOWED BY LAW.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 18 of Chapter 163 of the General Statutes is amended by adding a new section to read:

**"§ 163-209.2. Elector may be held in addition to other appointive offices.**

The office of elector may be held in addition to the maximum number of appointive offices allowed by G.S. 128-1.1."

**SECTION 2.** G.S. 163-209 reads as rewritten:

**"§ 163-209. Names of presidential electors not printed on ~~ballots~~; **ballots; notification.****

(a) The names of candidates for electors of President and Vice-President nominated by any political party recognized in this State under G.S. 163-96, or nominated under G.S. 163-1(c) by a candidate for President of the United States who has qualified to have his name printed on the general election ballot as an unaffiliated candidate under G.S. 163-122, shall be filed with the Secretary of State but shall not be printed on the ballot. In the case of the unaffiliated candidate, the names of candidates for electors must be filed with the Secretary of State no later than 12:00 noon on the first Friday in August. In place of their names, there shall be printed on the ballot the names of the candidates for President and Vice-President of each political party recognized in this State, and the name of any candidate for President who has qualified to have his name printed on the general election ballot under G.S. 163-122. A candidate for President who has qualified for the general election ballot as an unaffiliated candidate under G.S. 163-122 shall, no later than 12:00 noon on the first Friday in August, file with the State Board of Elections the name of a candidate for Vice-President, whose name shall also be printed on the ballot. A vote for the candidates named on the ballot shall be a vote for the electors of the party or unaffiliated candidate by which those candidates were nominated and whose names have been filed with the Secretary of State.

(b) Upon receiving the filing of a name as a candidate for elector under this section, the Secretary of State shall notify that candidate of the dual-office holding requirements of the North Carolina Constitution and the General Statutes, including specifically that if a person elected as elector holds another elective office at the time of taking the oath of office as elector, that other office is vacated upon taking the oath of office."

**SECTION 3.** Article 18 of Chapter 163 of the General Statutes is amended by adding a new section to read:



1 **"§ 163-209.1. Notification of political parties of dual-office holding rules.**

2 During January of each year in which electors are elected, the Secretary of State shall notify  
3 each political party authorized to nominate electors of the dual-office holding requirements of  
4 the North Carolina Constitution and the General Statutes, including specifically that if a person  
5 elected as elector holds another elective office at the time of taking the oath of office as elector,  
6 that other office is vacated upon taking the oath of office."

7 **SECTION 4.** This act is effective when it becomes law.