

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011**

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**HOUSE BILL 300  
Committee Substitute Favorable 6/8/11**

Short Title: Election Fairness Act of 2011.

(Public)

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Sponsors:

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Referred to:

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March 10, 2011

A BILL TO BE ENTITLED  
AN ACT TO ROTATE THE ORDER OF CANDIDATES AND POLITICAL PARTIES AS  
THEY APPEAR ON BALLOTS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 163-165.6 reads as rewritten:

**"§ 163-165.6. Arrangement of official ballots.**

(a) Order of Precedence Generally. – Candidate ballot items shall be arranged on the official ballot before referenda.

(b) Order of Precedence for Candidate Ballot Items. – The State Board of Elections shall promulgate rules prescribing the order of offices to be voted on the official ballot. Those rules shall adhere to the following guidelines:

(1) Federal offices shall be listed before State and local offices. Member of the United States House of Representatives shall be listed immediately after United States Senator.

(2) State and local offices shall be listed according to the size of the electorate.

(3) Partisan offices, regardless of the size of the constituency, shall be listed before nonpartisan offices.

(4) When offices are in the same class, they shall be listed in alphabetical order by office name, or in numerical or alphabetical order by district name. Governor and Lieutenant Governor, in that order, shall be listed before other Council of State offices. Mayor shall be listed before other citywide offices. Chair of a board, where elected separately, shall be listed before other board seats having the same electorate. Chief Justice shall be listed before Associate Justices.

(5) Ballot items for full terms of an office shall be listed before ballot items for partial terms of the same office.

(c) Order of Candidates on Primary Official Ballots. – The order in which candidates shall appear on a county's official ballots in any primary ballot item shall be determined by the county board of elections using a process designed by the State Board of Elections for random selection.

(d) Order of Party Candidates on General Election Official Ballot. – Candidates in any ballot item on a general election official ballot shall appear in the following order:

(1) Nominees of political parties that reflect at least five percent (5%) of statewide voter registration, according to the most recent statistical report published by the State Board of Elections, ~~in alphabetical order by party and~~ in alphabetical order within the party.



1 (2) Nominees of other political parties, ~~in alphabetical order by party and in~~  
2 alphabetical order within the party.

3 (3) Unaffiliated candidates, in alphabetical order.

4 (d1) Rotation of Parties on General Election Official Ballot. – The order of the political  
5 parties under subdivision (d)(1) of this section shall rotate every four years. The order of the  
6 political parties under subdivision (d)(2) of this section shall rotate every four years.

7 (e) Straight-Party Voting. – Each official ballot shall be arranged so that the voter may  
8 cast one vote for a party's nominees for all offices except President and Vice President. A vote  
9 for President and Vice President shall be cast separately from a straight-party vote. The official  
10 ballot shall be prepared so that a voter may cast a straight-party vote, but then make an  
11 exception to that straight-party vote by voting for a candidate not nominated by that party or by  
12 voting for fewer than all the candidates nominated by that party. Instructions for general  
13 election ballots shall clearly advise voters of the rules in this subsection and of the statutes  
14 providing for the counting of ballots.

15 (f) Write-In Voting. – Each official ballot shall be so arranged so that voters may cast  
16 write-in votes for candidates except where prohibited by G.S. 163-123 or other statutes  
17 governing write-in votes. Instructions for general election ballots shall clearly advise voters of  
18 the rules of this subsection and of the statutes governing write-in voting.

19 (g) Order of Precedence for Referenda. – The referendum questions to be voted on shall  
20 be arranged on the official ballot in the following order:

21 (1) Proposed amendments to the North Carolina Constitution, in the  
22 chronological order in which the proposals were approved by the General  
23 Assembly.

24 (2) Other referenda to be voted on by all voters in the State, in the chronological  
25 order in which the proposals were approved by the General Assembly.

26 (3) Referenda to be voted on by fewer than all the voters in the State, in the  
27 chronological order of the acts by which the referenda were properly  
28 authorized."

29 **SECTION 2.** This act becomes effective with respect to elections conducted on or  
30 after January 1, 2012, with the political parties not listed first in that political party's category  
31 under G.S. 163-165.6(d) in the last statewide general election being listed as first under  
32 G.S. 163-165.6(d1) as enacted by this act.