

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H

1

HOUSE BILL 510

Short Title: Reenact Nonpartisan Judicial Elections/Fund. (Public)

Sponsors: Representatives John and Morey (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

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

April 1, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO REENACT NONPARTISAN JUDICIAL ELECTIONS, MAKE CONFORMING
3 STATUTORY CHANGES RELATING TO REENACTMENT OF NONPARTISAN
4 JUDICIAL ELECTIONS, AND REESTABLISH PUBLIC FINANCING FOR JUDICIAL
5 CAMPAIGNS.

6 The General Assembly of North Carolina enacts:

7
8 **PART I. REENACT NONPARTISAN JUDICIAL ELECTIONS**

9 **SECTION 1.1.** Chapter 163A of the General Statutes is amended by adding a new
10 Article to read:

11 "Article 28.

12 "Nomination and Election of Appellate, Superior, and District Court Judges.

13 **"§ 163A-1700. Applicability.**

14 The nomination and election of justices of the Supreme Court, judges of the Court of Appeals,
15 and superior and district court judges of the General Court of Justice shall be as provided by this
16 Article.

17 **"§ 163A-1701. Nonpartisan primary election method.**

18 (a) General. – Except as provided in G.S. 163A-1708, there shall be a primary to narrow
19 the field of candidates to two candidates for each position to be filled if, when the filing period
20 closes, there are more than two candidates for a single office or the number of candidates for a
21 group of offices exceeds twice the number of positions to be filled. If only one or two candidates
22 file for a single office, no primary shall be held for that office and the candidates shall be declared
23 nominated. If the number of candidates for a group of offices does not exceed twice the number
24 of positions to be filled, no primary shall be held for those offices and the candidates shall be
25 declared nominated.

26 (b) Determination of Nominees. – In the primary, the two candidates for a single office
27 receiving the highest number of votes, and those candidates for a group of offices receiving the
28 highest number of votes, equal to twice the number of positions to be filled, shall be declared
29 nominated. If two or more candidates receiving the highest number of votes each receive the
30 same number of votes, the State Board shall determine their relative ranking by lot and shall
31 declare the nominees accordingly. The canvass of the primary shall be held on the same date as
32 the primary canvass fixed under G.S. 163A-1172. The canvass shall be conducted in accordance
33 with Article 20 of this Chapter.

34 (c) Determination of Election Winners. – In the election, the names of those candidates
35 declared nominated without a primary and those candidates nominated in the primary shall be



1 placed on the ballot. The candidate for a single office receiving the highest number of votes shall
2 be elected. Those candidates for a group of offices receiving the highest number of votes, equal
3 in number to the number of positions to be filled, shall be elected. If two candidates receiving the
4 highest number of votes each received the same number of votes, the State Board shall determine
5 the winner by lot.

6 **"§ 163A-1702. Notice of candidacy.**

7 (a) Form of Notice. – Each person offering to be a candidate for election shall do so by
8 filing a notice of candidacy with the State Board in the following form, inserting the words in
9 parentheses when appropriate:

10
11 Date: _____

12
13 I hereby file notice that I am a candidate for election to the office of _____ in the
14 regular election to be held _____, _____.

15
16 Signed: _____

17 (Name of Candidate)

18
19 Witness: _____

20
21 The notice of candidacy shall be either signed in the presence of the chairman or secretary of
22 the State Board or signed and acknowledged before an officer authorized to take
23 acknowledgments who shall certify the notice under seal. An acknowledged and certified notice
24 may be mailed to the State Board. In signing a notice of candidacy, the candidate shall use only
25 the candidate's legal name and, in the candidate's discretion, any nickname by which the
26 candidate is commonly known. A candidate may also, in lieu of that candidate's first name and
27 legal middle initial or middle name, if any, sign that candidate's nickname, provided the candidate
28 appends to the notice of candidacy an affidavit that the candidate has been commonly known by
29 that nickname for at least five years prior to the date of making the affidavit. The candidate shall
30 also include with the affidavit the way the candidate's name (as permitted by law) should be listed
31 on the ballot if another candidate with the same last name files a notice of candidacy for that
32 office.

33 A notice of candidacy signed by an agent or any person other than the candidate himself or
34 herself shall be invalid.

35 (b) Time for Filing Notice of Candidacy. – Candidates seeking election to the following
36 offices shall file their notice of candidacy with the State Board no earlier than 12:00 noon on the
37 first Monday in December and no later than 12:00 noon on the third Friday in December
38 preceding the election:

39 Justices of the Supreme Court.

40 Judges of the Court of Appeals.

41 Judges of the superior courts.

42 Judges of the district courts.

43 (c) Withdrawal of Notice of Candidacy. – Any person who has filed a notice of candidacy
44 for an office shall have the right to withdraw it at any time prior to the close of business on the
45 third business day prior to the date on which the right to file for that office expires under the
46 terms of subsection (b) of this section.

47 (d) Certificate That Candidate Is Registered Voter. – Candidates shall file, along with
48 their notice, a certificate signed by the chairman of the board of elections or the supervisor of
49 elections of the county in which they are registered to vote, stating that the person is registered
50 to vote in that county. In issuing the certificate, the chairman or supervisor shall check the
51 registration records of the county to verify the information. During the period commencing 36

1 hours immediately preceding the filing deadline, the State Board shall accept, on a conditional
2 basis, the notice of candidacy of a candidate who has failed to secure the verification required by
3 this subsection subject to receipt of verification no later than three days following the filing
4 deadline. The State Board shall prescribe the form for the certificate and distribute it to each
5 county board of elections no later than the last Monday in December of each odd-numbered year.

6 (e) **Candidacy for More Than One Office Prohibited.** – No person may file a notice of
7 candidacy for more than one office or group of offices described in subsection (b) of this section,
8 or for an office or group of offices described in subsection (b) of this section and an office
9 described in G.S. 163A-974, for any one election. If a person has filed a notice of candidacy with
10 a board of elections under this section or under G.S. 163A-974 for one office or group of offices,
11 then a notice of candidacy may not later be filed for any other office or group of offices under
12 this section when the election is on the same date unless the notice of candidacy for the first
13 office is withdrawn under subsection (c) of this section.

14 (f) **Notice of Candidacy for Certain Offices to Indicate Vacancy.** – In any election in
15 which there are two or more vacancies for the office of justice of the Supreme Court, judge of
16 the Court of Appeals, or district court judge to be filled by nominations, each candidate shall, at
17 the time of filing notice of candidacy, file with the State Board a written statement designating
18 the vacancy to which the candidate seeks election. Votes cast for a candidate shall be effective
19 only for election to the vacancy for which the candidate has given notice of candidacy as provided
20 in this subsection.

21 A person seeking election for a specialized district judgeship established under G.S. 7A-147
22 shall, at the time of filing notice of candidacy, file with the State Board a written statement
23 designating the specialized judgeship to which the person seeks nomination.

24 (g) **Notice of Candidacy for Superior Court Judge; Residency.** – No person may file a
25 notice of candidacy for superior court judge unless that person is at the time of filing the notice
26 of candidacy a resident of the judicial district as it will exist at the time the person would take
27 office if elected. No person may be nominated as a superior court judge under G.S. 163A-987
28 unless that person is at the time of nomination a resident of the judicial district as it will exist at
29 the time the person would take office if elected. This subsection implements Article IV, Section
30 9(1) of the North Carolina Constitution which requires regular Superior Court Judges to reside
31 in the district for which elected.

32 **"§ 163A-1703. Filing fees required of candidates; refunds.**

33 (a) **Fee Schedule.** – At the time of filing a notice of candidacy under this Article, each
34 candidate shall pay to the State Board a filing fee for the office the candidate seeks in the amount
35 of one percent (1%) of the annual salary of the office sought.

36 (b) **Refund of Fees.** – If any person who has filed a notice of candidacy and paid the filing
37 fee prescribed in subsection (a) of this section withdraws his or her notice of candidacy within
38 the period prescribed in G.S. 163A-1702(c), the candidate shall be entitled to have the fee the
39 candidate paid refunded. The chairman of the State Board shall cause a warrant to be drawn on
40 the State Treasurer for the refund payment.

41 (c) **Refund of Fees Upon Death of Candidate.** – If any person who has filed a notice of
42 candidacy and paid the filing fee prescribed in subsection (a) of this section dies prior to the date
43 of the election, the personal representative of the estate shall be entitled to have the fee refunded
44 if application is made to the board of elections to which the fee was paid no later than one year
45 after the date of death and refund shall be made in the same manner as the withdrawal of notice
46 of candidacy.

47 **"§ 163A-1704. Petition in lieu of payment of filing fee.**

48 (a) **General.** – Any qualified voter who seeks election under this Article may, in lieu of
49 payment of any filing fee required for the office sought, file a written petition requesting to be a
50 candidate for a specified office with the State Board.

1 **(b) Requirements of Petition; Deadline for Filing.** – If the candidate is seeking the office
2 of justice of the Supreme Court, judge of the Court of Appeals, or superior or district court judge,
3 that individual shall file a written petition with the State Board no later than 12:00 noon on
4 Monday preceding the filing deadline before the primary. If the office is justice of the Supreme
5 Court or judge of the Court of Appeals, the petition shall be signed by 8,000 registered voters in
6 the State. If the office is superior or district court judge, the petition shall be signed by five percent
7 (5%) of the registered voters of the election area in which those registered voters will vote for
8 that office. The board of elections shall verify the names on the petition, and if the petition and
9 notice of candidacy are found to be sufficient, the candidate's name shall be printed on the
10 appropriate ballot. Petitions shall be presented to the county board of elections for verification at
11 least 15 days before the petition is due to be filed with the State Board. The State Board may
12 adopt rules to implement this section and to provide standard petition forms.

13 **"§ 163A-1705. Certification of notices of candidacy.**

14 **(a) Names of Candidates Sent to Secretary of State.** – Within three days after the time for
15 filing notices of candidacy with the State Board under the provisions of G.S. 163A-1702(b) has
16 expired, the chairman or secretary of that Board shall certify to the Secretary of State the name
17 and address of each person who has filed with the State Board, indicating in each instance the
18 office sought.

19 **(b) Notification of Local Boards.** – No later than 10 days after the time for filing notices
20 of candidacy under the provisions of G.S. 163A-1702(b) has expired, the chairman of the State
21 Board shall certify to the chairman of the county board of elections in each county in the
22 appropriate district the names of candidates for nomination to the offices of justice of the
23 Supreme Court, judge of the Court of Appeals, and superior and district court judge who have
24 filed the required notice and paid the required filing fee or presented the required petition to the
25 State Board, so that their names may be printed on the official judicial ballot for justice of the
26 Supreme Court, judge of the Court of Appeals, and superior and district court judge.

27 **(c) Receipt of Notification by County Board.** – Within two days after receipt of each of
28 the letters of certification from the chairman of the State Board required by subsection (b) of this
29 section, each county board of elections chairman shall acknowledge receipt by letter addressed
30 to the chairman of the State Board.

31 **"§ 163A-1706. Rules when vacancies for superior court judge are to be voted on.**

32 If a vacancy occurs in a judicial district for any offices of superior court judge, and on account
33 of the occurrence of the vacancy there is to be an election for one or more terms in that district
34 to fill the vacancy or vacancies, at that same election in accordance with G.S. 163A-717 and
35 Article IV, Section 19 of the North Carolina Constitution, the nomination and election shall be
36 determined by the following special rules in addition to any other provisions of law:

37 **(1)** If the vacancy occurs prior to the opening of the filing period under
38 G.S. 163A-1702(b), nominations shall be made by primary election as
39 provided by this Article, without designation as to the vacancy.

40 **(2)** If the vacancy occurs beginning on opening of the filing period under
41 G.S. 163A-1702(b), and ending on the sixtieth day before the general election,
42 candidate filing shall be as provided by G.S. 163A-1708 without designation
43 as to the vacancy.

44 **(3)** The general election ballot shall contain, without designation as to vacancy,
45 spaces for the election to fill the vacancy where nominations were made or
46 candidates filed under subdivision (1) or (2) of this section. Except as provided
47 in G.S. 163A-1708, the persons receiving the highest numbers of votes equal
48 to the term or terms to be filled shall be elected to the term or terms.

49 **"§ 163A-1707. Failure of candidates to file; death or other disqualification of a candidate;**
50 **no withdrawal from candidacy.**

1 (a) Insufficient Number of Candidates. – If when the filing period expires, candidates
2 have not filed for an office to be filled under this Article, the State Board shall extend the filing
3 period for five days for any such offices.

4 (b) Death or Disqualification of Candidate Before Primary. – If a candidate for
5 nomination in a primary dies or becomes disqualified before the primary but after the ballots
6 have been printed, the State Board shall determine whether or not there is time to reprint the
7 ballots. If the Board determines that there is not enough time to reprint the ballots, the deceased
8 or disqualified candidate's name shall remain on the ballots. If that candidate receives enough
9 votes for nomination, such votes shall be disregarded and the candidate receiving the next highest
10 number of votes below the number necessary for nomination shall be declared nominated. If the
11 death or disqualification of the candidate leaves only two candidates for each office to be filled,
12 the nonpartisan primary shall not be held and all candidates shall be declared nominees.

13 (c) Earlier Non-Primary Vacancies; Reopening Filing. – If there is no primary because
14 only one or two candidates have filed for a single office, or the number of candidates filed for a
15 group of offices does not exceed twice the number of positions to be filled, or if a primary has
16 occurred and eliminated candidates, and thereafter a remaining candidate dies or otherwise
17 becomes disqualified before the election and before the ballots are printed, the State Board shall,
18 upon notification of the death or other disqualification, immediately reopen the filing period for
19 an additional five days during which time additional candidates shall be permitted to file for
20 election. If the ballots have been printed at the time the State Board receives notice of the
21 candidate's death or other disqualification, the State Board shall determine whether there will be
22 sufficient time to reprint them before the election if the filing period is reopened for three days.
23 If the State Board determines that there will be sufficient time to reprint the ballots, it shall reopen
24 the filing period for three days to allow other candidates to file for election, and that election
25 shall be conducted as provided in G.S. 163A-1708(b).

26 (d) Later Vacancies; Ballots Not Reprinted. – If the ballots have been printed at the time
27 the State Board receives notice of a candidate's death or other disqualification, and if the Board
28 determines that there is not enough time to reprint the ballots before the election if the filing
29 period is reopened for three days, then regardless of the number of candidates remaining for the
30 office or group of offices, the ballots shall not be reprinted and the name of the vacated candidate
31 shall remain on the ballots. If a vacated candidate should poll the highest number of votes in the
32 election for a single office or enough votes to be elected to one of a group of offices, the State
33 Board shall declare the office vacant and it shall be filled in the manner provided by law.

34 (e) No Withdrawal Permitted of Living, Qualified Candidate After Close of Filing. –
35 After the close of the candidate filing period, a candidate who has filed a notice of candidacy for
36 the office, who has not withdrawn notice before the close of filing as permitted by
37 G.S. 163A-1702(b), who remains alive, and has not become disqualified for the office may not
38 withdraw his or her candidacy. That candidate's name shall remain on the ballot, any votes cast
39 for the candidacy shall be counted in primary or election, and if the candidate wins, the candidate
40 may fail to qualify by refusing to take the oath of office.

41 (f) Death, Disqualification, or Failure to Qualify After Election. – If a person elected to
42 the office of justice of the Supreme Court, judge of the Court of Appeals, or superior or district
43 court judge dies or becomes disqualified on or after election day and before the person has
44 qualified by taking the oath of office, or fails to qualify by refusing to take the oath of office, the
45 office shall be deemed vacant and shall be filled as provided by law.

46 **"§ 163A-1708. Elections to fill vacancy in office created after primary filing period opens.**

47 (a) General. – If a vacancy is created in the office of justice of the Supreme Court, judge
48 of the Court of Appeals, or judge of superior court after the filing period for the primary opens
49 but more than 60 days before the general election, and under the Constitution of North Carolina
50 an election is to be held for that position, such that the office shall be filled in the general election
51 as provided in G.S. 163A-717, the election to fill the office for the remainder of the term shall be

1 conducted without a primary using the method provided in subsection (b) of this section. If a
2 vacancy is created in the office of justice of the Supreme Court, judge of the Court of Appeals,
3 or judge of superior court before the filing period for the primary opens, and under the
4 Constitution of North Carolina an election is to be held for that position, such that the office shall
5 be filled in the general election as provided in G.S. 163A-717, the election to fill the office for
6 the remainder of the term shall be conducted in accordance with G.S. 163A-1701.

7 (b) Method for Vacancy Election. – If a vacancy for the office of justice of the Supreme
8 Court, judge of the Court of Appeals, or judge of superior court occurs more than 60 days before
9 the general election and after the opening of the filing period for the primary, then the State Board
10 shall designate a special filing period of one week for candidates for the office. If more than two
11 candidates file and qualify for the office in accordance with G.S. 163A-1702, then the Board
12 shall conduct the election for the office as follows:

13 (1) When the vacancy described in this section occurs more than 63 days before
14 the date of the second primary for members of the General Assembly, a special
15 primary shall be held on the same day as the second primary. The two
16 candidates with the most votes in the special primary shall have their names
17 placed on the ballot for the general election held on the same day as the general
18 election for members of the General Assembly.

19 (2) When the vacancy described in this section occurs less than 64 days before
20 the date of the second primary, a general election for all the candidates shall
21 be held on the same day as the general election for members of the General
22 Assembly and the results shall be determined on a plurality basis as provided
23 by G.S. 163A-1616.

24 (c) Applicable Provisions. – Except as provided in this section, the provisions of this
25 Article apply to elections conducted under this section.

26 **"§ 163A-1709. Voting in primary.**

27 Any person who will become qualified by age or residence to register and vote in the general
28 election for which the primary is held, even though not so qualified by the date of the primary,
29 shall be entitled to register for the primary and general election prior to the primary and then to
30 vote in the primary after being registered. The person may register not earlier than 60 days nor
31 later than the last day for making application to register under G.S. 163A-865(d) prior to the
32 primary.

33 **"§ 163A-1710. Date of primary.**

34 The primary shall be held on the same date as established for primary elections under
35 G.S. 163A-700(b).

36 **"§ 163A-1711. Ballots.**

37 (a) General. – In elections there shall be official ballots. The ballots shall be printed to
38 conform to the requirement of G.S. 163A-1114(c) and to show the name of each person who has
39 filed notice of candidacy and the office for which each aspirant is a candidate.

40 Only those who have filed the required notice of candidacy with the proper board of elections,
41 and who have paid the required filing fee or qualified by petition, shall have their names printed
42 on the official primary ballots. Only those candidates properly nominated shall have their names
43 appear on the official general election ballots.

44 (b) Ballots to Be Furnished by County Board of Elections. – It shall be the duty of the
45 county board of elections to print official ballots for the following offices to be voted for in the
46 primary:

47 Justice of the Supreme Court.

48 Judge of the Court of Appeals.

49 Superior court judge.

50 District court judge.

1 In printing ballots, the county board of elections shall be governed by instructions of the State
2 Board with regard to width, color, kind of paper, form, and size of type.

3 Three days before the election, the chairman of the county board of elections shall distribute
4 official ballots to the chief judge of each precinct in the chairman's county, and the chief judge
5 shall give a receipt for the ballots received. On the day of the primary, it shall be the chief judge's
6 duty to have all the ballots so delivered available for use at the precinct voting place.

7 **"§ 163A-1712. Counting of ballots.**

8 Counting of ballots in primaries and elections held under this Article shall be under the same
9 rules as for counting of ballots in nonpartisan municipal elections under Part 2 of Article 27 of
10 this Chapter.

11 **"§ 163A-1713. Other rules.**

12 Except as provided by this Article, the conduct of elections shall be governed by Article 20
13 of this Chapter."

14 **SECTION 1.2.** This Part becomes effective with respect to primaries and elections
15 held on or after January 1, 2020.

16
17 **PART II. CONFORMING STATUTORY CHANGES**

18 **SECTION 2.1.** G.S. 18C-112(e)(1) reads as rewritten:

19 "(e) If any member takes any of the following actions, the member vacates office as a
20 member of the Commission and the vacancy shall be filled as provided by G.S. 18C-111(c):

- 21 (1) Files a notice of candidacy under G.S. 163A-972 through 163A-978 or
22 G.S. 163A-1702 or a petition under ~~G.S. 163A-980~~ G.S. 163A-980 or
23 G.S. 163A-1704."

24 **SECTION 2.2.** G.S. 163A-700(b) reads as rewritten:

25 "(b) On Tuesday next after the first Monday in March preceding each general election to
26 be held in November for the officers referred to in subsection (a) of this section, there shall be
27 held in all election precincts within the territory for which the officers are to be elected a primary
28 election for the purpose of nominating candidates for each political party in the State for those
29 ~~offices~~ offices and nonpartisan candidates as to the offices elected under the provisions of Article
30 28 of this Chapter."

31 **SECTION 2.3.** G.S. 163A-743 reads as rewritten:

32 **"§ 163A-743. State Board littering notification.**

33 At the time an individual files with the State Board a notice of candidacy pursuant to
34 G.S. 163A-972, 163A-973, 163A-974, 163A-975, 163A-976, 163A-977, and 163A-978,
35 163A-985, 163A-1615, ~~or 163A-1620,~~ 163A-1620, or 163A-1702, is certified to the State Board
36 by a political party executive committee to fill a nomination vacancy pursuant to G.S. 163A-987,
37 is certified to the State Board by a new political party as that party's nominee pursuant to
38 G.S. 163A-953, qualifies with the State Board as an unaffiliated or write-in candidate pursuant
39 to Part 2 of Article 19 of this Chapter, or formally initiates a candidacy with the State Board
40 pursuant to any statute or local act, the State Board shall notify the candidate of the provisions
41 concerning campaign signs in G.S. 136-32 and G.S. 14-156, and the rules adopted by the
42 Department of Transportation pursuant to G.S. 136-18."

43 **SECTION 2.4.** G.S. 163A-873 reads as rewritten:

44 **"§ 163A-873. Confidentiality of date of birth.**

45 Boards of elections shall keep confidential the date of birth of every voter-registration
46 applicant and registered voter, except in the following situations:

- 47 (1) When a voter has filed notice of candidacy for elective office under
48 G.S. 163A-972, 163A-973, 163A-974, 163A-975, 163A-976, 163A-977, and
49 163A-978, 163A-1005, 163A-1006, ~~or 163A-1620,~~ 163A-1620, or
50 163A-1702, has been nominated as a candidate under G.S. 163A-953 or
51 G.S. 163A-987, or has otherwise formally become a candidate for elective

1 office. The exception of this subdivision does not extend to an individual who
 2 meets the definition of "candidate" only by beginning a tentative candidacy
 3 by receiving funds or making payments or giving consent to someone else to
 4 receive funds or transfer something of value for the purpose of exploring a
 5 candidacy.

6"

7 **SECTION 2.5.** G.S. 163A-974(a) reads as rewritten:

8 "(a) Candidates seeking party primary nominations for the following offices shall file their
 9 notice of candidacy with the State Board no earlier than 12:00 noon on the first Monday in
 10 December and no later than 12:00 noon on the third Friday in December preceding the primary:

11 Governor

12 Lieutenant Governor

13 All State executive officers

14 ~~Justices of the Supreme Court~~

15 ~~Judges of the Court of Appeals~~

16 ~~Judges of the superior court~~

17 ~~Judges of the district court~~

18 United States Senators

19 Members of the House of Representatives of the United States

20 ~~District attorneys~~attorneys."

21 **SECTION 2.6.** G.S. 163A-975 reads as rewritten:

22 **"§ 163A-975. Notice of candidacy for certain offices to indicate vacancy.**

23 In any primary in which there are ~~two or more vacancies for associate justices for the Supreme~~
 24 ~~Court, two or more vacancies for the Court of Appeals, two or more vacancies for superior or~~
 25 ~~district court judge, or two vacancies for United States Senator from North Carolina, each~~
 26 candidate shall, at the time of filing notice of candidacy, file with the State Board a written
 27 statement designating the vacancy to which the candidate seeks nomination. The designation
 28 shall not be the name or names of any incumbent or other individual but shall be designated as
 29 determined by the State Board. ~~A person seeking election for a specialized district judgeship~~
 30 ~~established under G.S. 7A-147 shall, at the time of filing notice of candidacy, file with the State~~
 31 ~~Board a written statement designating the specialized judgeship to which the person seeks~~
 32 ~~nomination.~~ Votes cast for a candidate shall be effective only for nomination to the vacancy for
 33 which the candidate has given notice of candidacy as provided in this section."

34 **SECTION 2.7.** G.S. 163A-977 reads as rewritten:

35 **"§ 163A-977. Certificate of registration to vote in county and party affiliation; cancellation**
 36 **of candidacy; residency requirements for judges' candidacy.**

37 (a) Candidates required to file their notice of candidacy with the State Board under
 38 G.S. 163A-974 shall file along with their notice a certificate signed by the chairman of the board
 39 of elections or the director of elections of the county in which they are registered to vote, stating
 40 that the person is registered to vote in that county, ~~if the candidacy is for superior court judge and~~
 41 ~~the county contains more than one superior court district, stating the superior court district of~~
 42 ~~which the person is a resident,~~ stating the party with which the person is affiliated, and that the
 43 person has not changed ~~his~~ the person's affiliation from another party or from unaffiliated within
 44 three months prior to the filing deadline under G.S. 163A-974. In issuing such certificate, the
 45 chairman or director shall check the registration records of the county to verify such information.
 46 During the period commencing 36 hours immediately preceding the filing deadline the State
 47 Board shall accept, on a conditional basis, the notice of candidacy of a candidate who has failed
 48 to secure the verification ordered herein subject to receipt of verification no later than three days
 49 following the filing deadline. The State Board ~~of Elections~~ shall prescribe the form for such
 50 certificate, and distribute it to each county board of elections no later than the last Monday in
 51 December of each odd-numbered year.

(b) When any candidate files a notice of candidacy with a board of elections under G.S. 163A-974 or under G.S. 163A-1615(2), the board of elections shall, immediately upon receipt of the notice of candidacy, inspect the registration records of the county, and cancel the notice of candidacy of any person who does not meet the constitutional or statutory qualifications for the office, including residency.

The board shall give notice of cancellation to any candidate whose notice of candidacy has been cancelled under this section by mail or by having the notice served on ~~him~~ the candidate by the sheriff, and to any other candidate filing for the same office. A candidate who has been adversely affected by a cancellation or another candidate for the same office affected by a substantiation under this section may request a hearing on the cancellation. If the candidate requests a hearing, the hearing shall be conducted in accordance with Part 3 of Article 19 of this Chapter.

~~(c) No person may file a notice of candidacy for superior court judge, unless that person is, at the time of filing the notice of candidacy, a resident of the judicial district as it will exist at the time the person would take office if elected. No person may be nominated as a superior court judge under G.S. 163A-987, unless that person is, at the time of nomination, a resident of the judicial district as it will exist at the time the person would take office if elected. This subsection implements Section 9(1) of Article IV of the North Carolina Constitution, which requires regular superior court judges to reside in the district for which elected."~~

SECTION 2.8. G.S. 163A-979(a) reads as rewritten:

"(a) Fee Schedule. – At the time of filing a notice of candidacy, each candidate shall pay to the board of elections with which the candidate files under the provisions of G.S. 163A-972, 163A-973, 163A-974, 163A-975, 163A-976, 163A-977, and 163A-978, a filing fee for the office sought in the amount specified in the following tabulation:

Office Sought	Amount of Filing Fee
Governor	One percent (1%) of the annual salary of the office sought
Lieutenant Governor	One percent (1%) of the annual salary of the office sought
All State executive offices	One percent (1%) of the annual salary of the office sought
All Justices, Judges, and District Attorneys of the General Court of Justice	One percent (1%) of the annual salary of the office sought
United States Senator	One percent (1%) of the annual salary of the office sought
Members of the United States House of Representatives	One percent (1%) of the annual salary of the office sought
State Senator	One percent (1%) of the annual salary of the office sought
Member of the State House of Representatives	One percent (1%) of the annual salary of the office sought
All county offices not compensated by fees	One percent (1%) of the annual salary of the office sought
All county offices compensated partly by salary and partly by fees	One percent (1%) of the first annual salary to be received (exclusive of fees)

The salary of any office that is the basis for calculating the filing fee is the starting salary for the office, rather than the salary received by the incumbent, if different. If no starting salary can be determined for the office, then the salary used for calculation is the salary of the incumbent, as of January 1 of the election year."

SECTION 2.9. G.S. 163A-980 reads as rewritten:

1 "§ 163A-980. Petition in lieu of payment of filing fee.

2 (a) Any qualified voter who seeks nomination in the party primary of the political party
3 with which ~~he~~ the qualified voter affiliates may, in lieu of payment of any filing fee required for
4 the office ~~he seeks, sought,~~ file a written petition requesting ~~him~~ to be a candidate for a specified
5 office with the appropriate board of elections, State, county or municipal.

6 (b) If the candidate is seeking the office of United States Senator, Governor, Lieutenant
7 Governor, or any State executive officer, ~~Justice of the Supreme Court, or Judge of the Court of~~
8 ~~Appeals, officer,~~ the petition must be signed by 10,000 registered voters who are members of the
9 political party in whose primary the candidate desires to run, except that in the case of a political
10 party as defined by G.S. 163A-950(a)(2) which will be making nominations by primary election,
11 the petition must be signed by five percent (5%) of the registered voters of the State who are
12 affiliated with the same political party in whose primary the candidate desires to run, or in the
13 alternative, the petition shall be signed by no less than 8,000 registered voters regardless of the
14 voter's political party affiliation, whichever requirement is greater. The petition must be filed
15 with the State Board not later than 12:00 noon on Monday preceding the filing deadline before
16 the primary in which he seeks to run. The names on the petition shall be verified by the board of
17 elections of the county where the signer is registered, and the petition must be presented to the
18 county board of elections at least 15 days before the petition is due to be filed with the State
19 Board. When a proper petition has been filed, the candidate's name shall be printed on the primary
20 ballot.

21 (c) County, Municipal and District Primaries. – If the candidate is seeking one of the
22 offices set forth in G.S. 163A-974 but which is not listed in subsection (b) of this section, or a
23 municipal or any other office requiring a partisan primary which is not set forth in G.S. 163A-974
24 or 163A-975, the candidate shall file a written petition with the appropriate board of elections no
25 later than 12:00 noon on Monday preceding the filing deadline before the primary. The petition
26 shall be signed by five percent (5%) of the registered voters of the election area in which the
27 office will be voted for, who are affiliated with the same political party in whose primary the
28 candidate desires to run, or in the alternative, the petition shall be signed by no less than 200
29 registered voters regardless of said voter's political party affiliation, whichever requirement is
30 greater. The board of elections shall verify the names on the petition, and if the petition is found
31 to be sufficient, the candidate's name shall be printed on the appropriate primary ballot. Petitions
32 for candidates for member of the U.S. House of Representatives, District Attorney, ~~judge of the~~
33 ~~superior court, judge of the district court,~~ and members of the State House of Representatives
34 from multi-county districts or members of the State Senate from multi-county districts must be
35 presented to the county board of elections for verification at least 15 days before the petition is
36 due to be filed with the State Board, and such petition must be filed with the State Board no later
37 than 12:00 noon on Monday preceding the filing deadline. The State Board may adopt rules to
38 implement this section and to provide standard petition forms.

39"

40 **SECTION 2.10.** G.S. 163A-981(b) reads as rewritten:

41 "(b) No later than 10 days after the time for filing notices of candidacy under the
42 provisions of G.S. 163A-974 has expired, the chairman of the State Board shall certify to the
43 chairman of the county board of elections in each county in the appropriate district the names of
44 candidates for nomination to the ~~following offices~~ office of district attorney who have filed the
45 required notice and pledge and paid the required filing fee to the State Board, so that their names
46 may be printed on the official county ballots: ~~Superior court judge, district court judge, and~~
47 ~~district attorney ballots.~~"

48 **SECTION 2.11.** G.S. 163A-984(c)(1) reads as rewritten:

49 "(c) Procedure for Requesting Second Primary. –

50 (1) A candidate who is apparently entitled to demand a second primary, according
51 to the unofficial results, for one of the offices listed below, and desiring to do

1 so, shall file a request for a second primary in writing with the Executive
 2 Director of the State Board no later than 12:00 noon on the ninth day
 3 (including Saturdays and Sundays) following the date on which the primary
 4 was conducted, and such request shall be subject to the certification of the
 5 official results by the State Board. If the vote certification by the State Board
 6 determines that a candidate who was not originally thought to be eligible to
 7 call for a second primary is in fact eligible to call for a second primary, the
 8 Executive Director of the State Board shall immediately notify such candidate
 9 and permit the candidate to exercise any options available to the candidate
 10 within a 48-hour period following the notification:

- 11 Governor,
- 12 Lieutenant Governor,
- 13 All State executive officers,
- 14 ~~Justices, Judges, or~~ District Attorneys of the General Court of Justice,
- 15 United States Senators,
- 16 Members of the United States House of Representatives,
- 17 State Senators in multi-county senatorial districts, and
- 18 Members of the State House of Representatives in multi-county
 19 representative districts."

20 **SECTION 2.12.** G.S. 163A-987 reads as rewritten:

21 **"§ 163A-987. Filling vacancies among party nominees occurring after nomination and**
 22 **before election.**

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

27 Position	
28	
29	
30 President	Vacancy is to be filled by appointment of
31 Vice President	national executive committee of
32	political party in which vacancy occurs
33	
34 Presidential elector or alternate elector	Vacancy is to be filled by appointment of
35 Any elective State office	State executive committee of political
36 United States Senator	party in which vacancy occurs
37	
38 A district office, including:	Appropriate district executive committee of
39 Member of the United States House	political party in which vacancy occurs
40 of Representatives	
41 Judge of district court	
42 District Attorney	
43 State Senator in a multi-county	
44 senatorial district	
45 Member of State House of	
46 Representatives in a multi-county	
47 representative district	
48	
49 State Senator in a single- county	County executive committee of political
50 senatorial district	party in which vacancy occurs,
51 Member of State House of	provided, in the case of the State

1 Representatives in a single-county
 2 representative district
 3 Any elective county office
 4
 5
 6
 7 Senator or State Representative in a
 8 single-county district where not all the
 9 county is located in that district, then in
 10 voting, only those members of the
 11 county executive committee who reside
 12 within the district shall vote

8 ~~Judge of superior court in a
 9 single-county judicial
 10 district where the district is
 11 the whole county or part of the
 12 county~~
 13
 14
 15 County executive committee of political
 16 party in which vacancy occurs;
 17 provided, in the case of a superior court
 18 judge in a single-county district where
 19 not all the county is located in that
 20 district, then in voting, only those
 21 members of the county executive
 22 committee who reside within the district
 23 shall vote

18 ~~Judge of superior court in a
 19 multicounty judicial district~~
 20
 21 Appropriate district executive committee of
 22 political party in which vacancy occurs.

21 The party executive making a nomination in accordance with the provisions of this section shall
 22 certify the name of its nominee to the chairman of the board of elections, State or county, that
 23 has jurisdiction over the ballot item under G.S. 163A-1171. If at the time a nomination is made
 24 under this section the general election ballots have already been printed, the provisions of
 25 G.S. 163A-1107(c) shall apply. If a vacancy occurs in a nomination of a political party and that
 26 vacancy arises from a cause other than death and the vacancy in nomination occurs more than
 27 120 days before the general election, the vacancy in nomination may be filled under this section
 28 only if the appropriate executive committee certifies the name of the nominee in accordance with
 29 this paragraph at least 75 days before the general election.

30 ~~(b) In a county which is partly in a multicounty judicial district, in choosing that county's
 31 member or members of the judicial district executive committee for the multicounty district, only
 32 the county convention delegates or county executive committee members who reside within the
 33 area of the county which is within that multicounty district may vote.~~

34 "

35 **SECTION 2.13.** G.S. 163A-1005 is amended by adding a new subsection to read:
 36 "**§ 163A-1005. Unaffiliated candidates nominated by petition.**

37 ...

38 (c1) This section does not apply to elections under Article 28 of this Chapter.

39 "

40 **SECTION 2.14.** G.S. 163A-1006(h) reads as rewritten:

41 "(h) Municipal Elections Excluded. – This section does not apply to municipal elections
 42 conducted under Article 27 of this ~~Chapter~~ Chapter and does not apply to nonpartisan elections
 43 except for elections under Article 28 of this Chapter."

44 **SECTION 2.15.** G.S. 163A-1112(a)(3) reads as rewritten:

45 "(a) Except as provided in this section, each official ballot shall contain all the following
 46 elements:

47 ...

48 (3) The names of the candidates as they appear on their notice of candidacy filed
 49 pursuant to G.S. 163A-972, 163A-973, 163A-974, 163A-975, 163A-976,
 50 163A-977, ~~and~~ 163A-978, and 163A-1702, or on petition forms filed in
 51 accordance with G.S. 163A-1005. No title, appendage, or appellation

1 indicating rank, status, or position shall be printed on the official ballot in
2 connection with the candidate's name. Candidates, however, may use the title
3 Mr., Mrs., Miss, or Ms. Nicknames shall be permitted on an official ballot if
4 used in the notice of candidacy or qualifying petition, but the nickname shall
5 appear according to standards adopted by the State Board. Those standards
6 shall allow the presentation of legitimate nicknames in ways that do not
7 mislead the voter or unduly advertise the candidacy. In the case of candidates
8 for presidential elector, the official ballot shall not contain the names of the
9 candidates for elector but instead shall contain the nominees for President and
10 Vice President which the candidates for elector represent. The State Board
11 shall establish a review procedure that local boards of elections shall follow
12 to ensure that candidates' names appear on the official ballot in accordance
13 with this subdivision.

14"

15 **SECTION 2.16.** G.S. 163A-1114(c) reads as rewritten:

16 "(c) Order of Candidates on Official Ballots. – The order in which candidates shall appear
17 on official ballots in any election ballot item shall be either alphabetical order or reverse
18 alphabetical order by the last name of the candidate, which order shall be determined each
19 election by drawing at the State Board of Elections and Ethics Enforcement after the closing of
20 the filing period for all offices on the ballot."

21 **SECTION 2.17.** This Part becomes effective with respect to primaries and elections
22 held on or after January 1, 2020.

23 24 **PART III. REESTABLISH JUDICIAL CAMPAIGN FUND**

25 **SECTION 3.1.** G.S. 163A-1520 is recodified as G.S. 163A-1520.9.

26 **SECTION 3.2.** Article 24 of Chapter 163A of the General Statutes is amended by
27 adding the following new sections to read:

28 **"§ 163A-1520.1. Purpose of the North Carolina Public Campaign Fund.**

29 The purpose of this Article is to ensure the fairness of democratic elections in North Carolina
30 and to protect the constitutional rights of voters and candidates from the detrimental effects of
31 increasingly large amounts of money being raised and spent to influence the outcome of
32 elections, those effects being especially problematic in elections of the judiciary, since
33 impartiality is uniquely important to the integrity and credibility of the courts. Accordingly, this
34 Article establishes the North Carolina Public Campaign Fund as an alternative source of
35 campaign financing for candidates who demonstrate public support and voluntarily accept strict
36 fund-raising and spending limits. This Article is available to candidates for justice of the Supreme
37 Court and judge of the Court of Appeals in elections to be held in 2020 and thereafter.

38 **"§ 163A-1520.2. Definitions.**

39 The following definitions apply in this Article:

- 40 (1) Board. – The State Board of Elections.
- 41 (2) Candidate. – An individual who becomes a candidate as described in
42 G.S. 163A-1411(9). The term includes a political committee authorized by the
43 candidate for that candidate's election.
- 44 (3) Certified candidate. – A candidate running for office who chooses to receive
45 campaign funds from the Fund and who is certified under
46 G.S. 163A-1520.4(c).
- 47 (4) Contested primary and contested general election. – An election in which
48 there are more candidates than the number to be elected. A distribution from
49 the Fund pursuant to this Article is not a "contribution" and is not subject to
50 the limitations of G.S. 163A-1425 or the prohibitions of G.S. 163A-1430 or
51 G.S. 163A-1436.

- 1 (5) Contribution. – Defined in G.S. 163A-1411. A distribution from the Fund
2 pursuant to this Article is not a "contribution" and is not subject to the
3 limitations of G.S. 163A-1425 or the prohibitions of G.S. 163A-1430 or
4 G.S. 163A-1436.
- 5 (6) Electioneering communication. – As defined in G.S. 163A-1411, except that
6 it is made during the period beginning 30 days before absentee ballots become
7 available for a primary and ending on primary election day and during the
8 period 60 days before absentee ballots become available for a general election
9 and ending on general election day.
- 10 (7) Expenditure. – Defined in G.S. 163A-1411.
- 11 (8) Fund. – The North Carolina Public Campaign Fund established in
12 G.S. 163A-1520.3.
- 13 (9) Independent expenditure. – Defined in G.S. 163A-1411.
- 14 (10) Maximum qualifying contributions. – An amount of qualifying contributions
15 equal to 60 times the filing fee for candidacy for the office.
- 16 (11) Minimum qualifying contributions. – An amount of qualifying contributions
17 equal to 30 times the filing fee for candidacy for the office.
- 18 (12) Nonparticipating candidate. – A candidate running for office who is not
19 seeking to be certified under G.S. 163A-1520.4(c).
- 20 (13) Office. – A position on the North Carolina Court of Appeals or North Carolina
21 Supreme Court.
- 22 (14) Participating candidate. – A candidate for office who has filed a declaration
23 of intent to participate under G.S. 163A-1520.4.
- 24 (15) Political committee. – Defined in G.S. 163A-1411.
- 25 (16) Qualifying contribution. – A contribution of not less than ten dollars (\$10.00)
26 and not more than five hundred dollars (\$500.00) in the form prescribed for
27 noncash monetary contributions in G.S. 163A-1428(b) to the candidate or the
28 candidate's committee that meets both of the following conditions:
- 29 a. Made by an individual who is a registered voter in this State at the time
30 of the submittal of the report specified in G.S. 163A-1520.4(c).
- 31 b. Made during the qualifying period and obtained with the approval of
32 the candidate or candidate's committee.
- 33 (17) Qualifying period. – The period beginning September 1 in the year before the
34 election and ending on the day of the primary of the election year.
- 35 (18) Referendum committee. – Defined in G.S. 163A-1411.
- 36 (19) Trigger for matching funds. – The dollar amount at which matching funds are
37 released for certified candidates. In the case of a primary, the trigger equals
38 the maximum qualifying contributions for participating candidates. In the case
39 of a contested general election, the trigger equals the base level of funding
40 available under G.S. 163A-1520.6(b)(4).

41 **"§ 163A-1520.3. North Carolina Public Campaign Fund established; sources of funding.**

42 (a) Establishment of Fund. – The North Carolina Public Campaign Fund is established to
43 finance the election campaigns of certified candidates for office and to pay administrative and
44 enforcement costs of the Board related to this Article. The Fund is a special, dedicated,
45 nonlapsing, nonreverting fund. All expenses of administering this Article, including production
46 and distribution of the Voter Guide required by G.S. 163A-1520.9 and personnel and other costs
47 incurred by the Board, including public education about the Fund, shall be paid from the Fund
48 and not from the General Fund. Any interest generated by the Fund is credited to the Fund. The
49 Board shall administer the Fund.

50 (b) Sources of Funding. – Money received from all the following sources shall be
51 deposited in the Fund:

- 1 (1) Designations made to the Public Campaign Fund by individual taxpayers
2 pursuant to G.S. 105-159.3.
- 3 (2) Public Campaign Fund revenues distributed for an election that remain
4 unspent or uncommitted at the time the recipient is no longer a certified
5 candidate in the election.
- 6 (3) Money ordered returned to the Public Campaign Fund in accordance with
7 G.S. 163A-1520.10.
- 8 (4) Voluntary donations made directly to the Public Campaign Fund.
9 Corporations, other business entities, labor unions, and professional
10 associations may make donations to the Fund.
- 11 (5) Money collected from the fifty-dollar (\$50.00) surcharge on attorney
12 membership fees in G.S. 84-34.

13 (c) Determination of Fund Amount. – By October 1, 2020, and every two years thereafter,
14 the State Board shall prepare and provide to the Joint Legislative Elections Oversight Committee
15 a report documenting, evaluating, and making recommendations relating to the administration,
16 implementation, and enforcement of this Article. In its report, the Board shall set out the funds
17 received to date and the expected needs of the Fund for the next election.

18 **§ 163A-1520.4. Requirements for participation; certification of candidates.**

19 (a) Declaration of Intent to Participate. – Any individual choosing to receive campaign
20 funds from the Fund shall first file with the Board a declaration of intent to participate under this
21 Article as a candidate for a stated office. The declaration of intent shall be filed before or during
22 the qualifying period and before collecting any qualifying contributions. In the declaration, the
23 candidate shall swear or affirm that only one political committee, identified with its treasurer,
24 shall handle all contributions, expenditures, and obligations for the participating candidate and
25 that the candidate will comply with the contribution and expenditure limits set forth in subsection
26 (d) of this section and all other requirements set forth in this Article or adopted by the Board.
27 Failure to comply is a violation of this Article.

28 (b) Demonstration of Support of Candidacy. – Participating candidates who seek
29 certification to receive campaign funds from the Fund shall first, during the qualifying period,
30 obtain qualifying contributions from at least 350 registered voters in an aggregate sum that at
31 least equals the amount of minimum qualifying contributions described in G.S. 163A-1520.2(11)
32 but that does not exceed the amount of maximum qualifying contributions described in
33 G.S. 163A-1520.2(10).

34 No payment, gift, anything of value, or the opportunity to win anything of value shall be
35 given in exchange for a qualifying contribution.

36 (c) Certification of Candidates. – Upon receipt of a submittal of the record of
37 demonstrated support by a participating candidate, the Board shall determine whether or not the
38 candidate has complied with all the following requirements:

- 39 (1) Signed and filed a declaration of intent to participate in this Article.
- 40 (2) Submitted a report itemizing the appropriate number of qualifying
41 contributions received from registered voters, which the Board shall verify
42 through a random sample or other means it adopts. The report shall include
43 the county of residence of each registered voter listed.
- 44 (3) Filed a valid notice of candidacy pursuant to Article 28 of this Chapter.
- 45 (4) Otherwise met the requirements for participation in this Article.

46 The Board shall certify candidates complying with the requirements of this section as soon
47 as possible and no later than five business days after receipt of a satisfactory record of
48 demonstrated support.

49 (d) Restrictions on Contributions and Expenditures for Participating and Certified
50 Candidates. – The following restrictions shall apply to contributions and expenditures with
51 respect to participating and certified candidates:

- 1 (1) Beginning January 1 of the year before the election and before the filing of a
2 declaration of intent, a candidate for office may accept in contributions up to
3 ten thousand dollars (\$10,000) from sources and in amounts permitted by
4 Article 23 of this Chapter and may expend up to ten thousand dollars
5 (\$10,000) for any campaign purpose. A candidate who exceeds either of these
6 limits shall be ineligible to file a declaration of intent or receive funds from
7 the Public Campaign Fund.
- 8 (2) From the filing of a declaration of intent through the end of the qualifying
9 period, a candidate may accept only qualifying contributions, contributions
10 under ten dollars (\$10.00) from North Carolina voters, and personal and
11 family contributions permitted under subdivision (4) of this subsection. The
12 total contributions the candidate may accept during this period shall not
13 exceed the maximum qualifying contributions for that candidate. In addition
14 to these contributions, the candidate may only expend during this period the
15 remaining money raised pursuant to subdivision (1) of this subsection and
16 possible matching funds received pursuant to G.S. 163A-1520.8. Except for
17 personal and family contributions permitted under subdivision (4) of this
18 subsection, multiple contributions from the same contributor to the same
19 candidate shall not exceed five hundred dollars (\$500.00).
- 20 (3) After the qualifying period and through the date of the general election, the
21 candidate shall expend only the funds the candidate receives from the Fund
22 pursuant to G.S. 163A-1520.6(b)(4) plus any funds remaining from the
23 qualifying period and possible matching funds.
- 24 (4) During the qualifying period, the candidate may contribute up to one thousand
25 dollars (\$1,000) of that candidate's own money to the campaign. Debt incurred
26 by the candidate for a campaign expenditure shall count toward that limit. The
27 candidate may accept in contributions one thousand dollars (\$1,000) from
28 each member of that candidate's family consisting of spouse, parent, child,
29 brother, and sister. Up to five hundred dollars (\$500.00) of a contribution from
30 the candidate's family member may be treated as a qualifying contribution if
31 it meets the requirements of G.S. 163A-1520.2(16)a. and b.
- 32 (5) A candidate and the candidate's committee shall limit the use of all revenues
33 permitted by this subsection to expenditures for campaign-related purposes
34 only. The Board shall publish guidelines outlining permissible
35 campaign-related expenditures. In establishing those guidelines, the Board
36 shall differentiate expenditures that reasonably further a candidate's campaign
37 from expenditures for personal use that would be incurred in the absence of
38 the candidacy. In establishing the guidelines, the Board shall review relevant
39 provisions of the Federal Election Campaign Act, and rules adopted pursuant
40 to it, and similar provisions in other states.
- 41 (6) Any contribution received by a participating or certified candidate that falls
42 outside that permitted by this subsection shall be returned to the donor as soon
43 as practicable. Contributions intentionally made, solicited, or accepted in
44 violation of this Article are subject to civil penalties as specified in
45 G.S. 163A-1520.10. The funds involved shall be forfeited to the Civil Penalty
46 and Forfeiture Fund.
- 47 (7) A candidate shall return to the Fund any amount distributed for an election
48 that is unspent and uncommitted at the date of the election, or at the time the
49 individual ceases to be a certified candidate, whichever occurs first. For
50 accounting purposes, all qualifying, personal, and family contributions shall
51 be considered spent before revenue from the Fund is spent or committed.

1 (e) Revocation. – A candidate may revoke, in writing to the Board, a decision to
2 participate in the Public Campaign Fund at any time before the deadline set by the Board for the
3 candidate's submission of information for the Voter Guide described in G.S. 163A-1520.9. After
4 a timely revocation, that candidate may accept and expend outside the limits of this Article
5 without violating this Article. Within 10 days after revocation, a candidate shall return to the
6 State Board all money received from the Fund.

7 **"§ 163A-1520.5. Special participation provisions for candidates in vacancy elections.**

8 (a) Participation Provisions Modified. – Candidates involved in elections described in
9 G.S. 163A-1708 may participate in the Fund subject to the provisions of G.S. 163A-1520.4 as
10 modified by this section. The Board shall adapt other provisions of this Article, including
11 G.S. 163A-1520.8, to those elections.

12 (b) Qualifying. – The Board shall designate a special qualifying period of no less than
13 four weeks for these candidates, beginning at the close of the notice-of-candidacy filing period.
14 To receive certification, a participating candidate shall raise at least 225 qualifying contributions,
15 totaling at least 20 times the amount of the filing fee for the office, for a four-week qualifying
16 period. If the Board sets a longer qualifying period, then for each additional week that the
17 qualifying period extends beyond four weeks, the minimum number of qualifying contributions
18 required for certification shall increase by 25, and the minimum amount of the qualifying
19 contributions shall increase by two times the filing fee. The minimum qualifying contributions
20 shall not exceed the limit set by G.S. 163A-1520.4(b).

21 (c) Allocations. – Certified candidates shall receive one percent (1%) of the funding to
22 which they would be eligible under G.S. 163A-1520.6 times the number of calendar days
23 between the end of the special qualifying period and the day of the general election. That amount
24 shall not exceed one hundred percent (100%) of the funding to which they would be eligible
25 under G.S. 163A-1520.6.

26 **"§ 163A-1520.6. Distribution from the Fund.**

27 (a) Timing of Fund Distribution. – The Board shall distribute to a certified candidate
28 revenue from the Fund in an amount determined under subdivision (b)(4) of this section within
29 five business days after the certified candidate's name is approved to appear on the ballot in a
30 contested general election, but no earlier than five business days after the primary.

31 (b) Amount of Fund Distribution. – By August 1, 2020, and no less frequently than every
32 two years thereafter, the Board shall determine the amount of funds, rounded to the nearest one
33 hundred dollars (\$100.00), to be distributed to certified candidates as follows:

34 (1) Uncontested primaries. – No funds shall be distributed.

35 (2) Contested primaries. – No funds shall be distributed except as provided in
36 G.S. 163A-1520.8.

37 (3) Uncontested general elections. – No funds shall be distributed.

38 (4) Contested general elections. – Funds shall be distributed to a certified
39 candidate for a position on the Court of Appeals in an amount equal to 125
40 times the candidate's filing fee as set forth in G.S. 163A-1703. Funds shall be
41 distributed to a certified candidate for a position on the Supreme Court in an
42 amount equal to 175 times the candidate's filing fee as set forth in
43 G.S. 163A-1703.

44 (c) Method of Fund Distribution. – The Board, in consultation with the State Treasurer
45 and the State Controller, shall develop a rapid, reliable method of conveying funds to certified
46 candidates. In all cases, the Board shall distribute funds to certified candidates in a manner that
47 is expeditious, ensures accountability, and safeguards the integrity of the Fund. If the money in
48 the Fund is insufficient to fully fund all certified candidates, then the available money shall be
49 distributed proportionally, according to each candidate's eligible funding, and the candidate may
50 raise additional money in the same manner as a noncertified candidate for the same office up to
51 the unfunded amount of the candidate's eligible funding.

"§ 163A-1520.7. Reporting requirements.

(a) Reporting by Noncertified Candidates and Other Entities. – Any noncertified candidate with a certified opponent shall report total contributions received to the Board by facsimile machine or electronically within 24 hours after the total amount of contributions received exceeds eighty percent (80%) of the trigger for matching funds as defined in G.S. 163A-1520.2(19). Any entity making independent expenditures in support of or opposition to a certified candidate or in support of a candidate opposing a certified candidate, or paying for electioneering communications, referring to one of those candidates, shall report the total expenditures or payments made to the Board by facsimile machine or electronically within 24 hours after the total amount of expenditures or payments made for the purpose of making the independent expenditures or electioneering communications exceeds five thousand dollars (\$5,000). After the initial 24-hour filing, the noncertified candidate or other reporting entity shall comply with an expedited reporting schedule. The schedule and forms for reports required by this subsection shall be supplied by the Board.

(b) Reporting by Participating and Certified Candidates. – Notwithstanding other provisions of law, participating and certified candidates shall report any money received, including all previously unreported qualifying contributions, all campaign expenditures, obligations, and related activities to the Board according to procedures developed by the Board. A certified candidate who ceases to be certified or ceases to be a candidate or who loses an election shall file a final report with the Board and return any unspent revenues received from the Fund. In developing these procedures, the Board shall utilize existing campaign reporting procedures whenever practical.

(c) Timely Access to Reports. – The Board shall ensure prompt public access to the reports received in accordance with this Article. The Board may utilize electronic means of reporting and storing information.

"§ 163A-1520.8. Matching funds.

(a) When Matching Funds Become Available. – When any report or group of reports shows that "funds in opposition to a certified candidate or in support of an opponent to that candidate" as described in this section, exceed the trigger for matching funds as defined in G.S. 163A-1520.2(19), the Board shall issue immediately to that certified candidate an additional amount equal to the reported excess within the limits set forth in this section. "Funds in opposition to a certified candidate or in support of an opponent to that candidate" shall be equal to the sum of subdivisions (1) and (2) as follows:

(1) The greater of the following:

- a. Campaign expenditures or obligations made, or funds raised or borrowed, whichever is greater, reported by any one nonparticipating candidate who is an opponent of a certified candidate. Where a certified candidate has more than one nonparticipating candidate as an opponent, the measure shall be taken from the nonparticipating candidate showing the highest relevant dollar amount.
- b. The funds distributed in accordance with G.S. 163A-1520.6(b) to a certified opponent of the certified candidate.

(2) The aggregate total of all expenditures and payments reported in accordance with G.S. 163A-1520.7(a) of entities making independent expenditures or electioneering communications in opposition to the certified candidate or in support of any opponent of that certified candidate.

(b) Limit on Matching Funds Before Date of Primary. – Total matching funds to a certified candidate before the date of the primary shall be limited to an amount equal to two times the maximum qualifying contributions for the office sought. Matching funds are available to a certified candidate with an opponent in the primary or to a certified candidate who is clearly

1 referred to in expenditures reportable under G.S. 163A-1520.6 made in opposition to that
2 candidate.

3 (c) Limit on Matching Funds in Contested General Election. – Total matching funds to a
4 certified candidate in a contested general election shall be limited to an amount equal to two
5 times the amount described in G.S. 163A-1520.6(b)(4).

6 (d) Expedited Distribution of Matching Funds. – When a candidate becomes entitled to
7 any amount of matching funds under subsection (a) of this section, the Board shall authorize the
8 issuance of that amount to the candidate as soon as practicable. The Department of
9 Administration shall transfer that amount to the candidate as soon as practicable and in no event
10 later than 12 hours after receiving notice from the Board that the candidate has become entitled
11 to it. The Department of Administration shall develop a method of rapidly transferring funds to
12 a candidate or otherwise fulfilling the requirements of this subsection in conjunction with the
13 Board. The candidate shall return to the Board as soon as practicable any amount of the matching
14 funds that the candidate has not spent at the date of the election or at the time the individual
15 ceases to be a certified candidate, whichever occurs first.

16 (e) Determinations by Board. – In the case of electioneering communications, the Board
17 shall determine which candidate, if any, is entitled to receive matching funds as a result of the
18 communication. The Board shall issue matching funds based on the communication only if it
19 ascertains that the communication is susceptible of no reasonable interpretation other than as an
20 appeal to vote for or against a specific candidate. In making its determination, the Board shall
21 not consider evidence external to the communication itself of the intent of the sponsor or the
22 effect of the communication. The Board shall notify each candidate it determines is entitled to
23 receive matching funds based on those communications, the sponsor of those communications,
24 and any candidate who is an opponent of the candidate it determines is entitled to the matching
25 funds. The Board shall give the sponsor of the communication and any opposing candidate an
26 adequate opportunity to rebut the determination of the Board. In considering the rebuttal, all
27 candidates in the race and the sponsor shall be given adequate and equal opportunity to be heard.
28 The Board shall adopt procedures for implementing this subsection, balancing in those
29 procedures adequacy of opportunity to rebut and adequacy and equality of opportunity to be
30 heard on the rebuttal with the need to expedite the decision on awarding matching funds. The
31 Board shall distribute the matching funds, if any, at the conclusion of its process.

32 (f) Proportional Measuring of Multicandidate Communications. – In calculating the
33 amount of matching funds a certified candidate is eligible to receive under this section, the Board
34 shall include the proportion of expenditures, obligations, or payments for multicandidate
35 communications that pertain to the candidate.

36 (g) No Matching Funds for Certain Communications Involving All Candidates. – No
37 matching funds are available under this section as a result of an expenditure that supports all
38 candidates for the same office or opposes all candidates for the same office. No matching funds
39 are available under this section as a result of an electioneering communication that the Board
40 ascertains is susceptible of no reasonable interpretation other than as an appeal to vote for all
41 candidates for the same office or to vote against all candidates for the same office.

42 "**§ 163A-1520.9. Civil penalty.**

43 In addition to any other penalties that may be applicable, any individual, political committee,
44 or other entity that violates any provision of this Article is subject to a civil penalty of up to ten
45 thousand dollars (\$10,000) per violation or three times the amount of any financial transactions
46 involved in the violation, whichever is greater. In addition to any fine, for good cause shown, a
47 candidate found in violation of this Article may be required to return to the Fund all amounts
48 distributed to the candidate from the Fund. If the Board makes a determination that a violation
49 of this Article has occurred, the Board shall calculate and assess the amount of the civil penalty
50 and shall notify the entity that is assessed the civil penalty of the amount that has been assessed.
51 The Board shall then proceed in the manner prescribed in G.S. 163A-1451. In determining

1 whether or not a candidate is in violation of this Article, the Board may consider as a mitigating
2 factor any circumstances out of the candidate's control."

3 **SECTION 3.3.** G.S. 163A-1520.9, as recodified by Section 3.1 of this Part, reads as
4 rewritten:

5 **"§ 163A-1520.9. Voter education.**

6 (a) Judicial Voter Guide. – The ~~State~~ Board shall publish a Judicial Voter Guide that
7 explains the functions of the appellate courts and the laws concerning the election of appellate
8 judges, the purpose and function of the Public Campaign Fund, and the laws concerning voter
9 registration. The ~~State~~ Board shall distribute the Guide to as many voting-age individuals in the
10 State as practical, through a mailing to all residences or other means it deems effective. The
11 distribution shall occur no more than 28 days nor fewer than seven days before the one-stop
12 voting period provided in G.S. 163A-1300, 163A-1301, 163A-1302, 163A-1303, and 163A-1304
13 for the primary and no more than 28 days nor fewer than seven days before the one-stop voting
14 period provided in G.S. 163A-1300, 163A-1301, 163A-1302, 163A-1303, and 163A-1304 for
15 the general election.

16 (b) Candidate Information. – The Judicial Voter Guide shall include information
17 concerning all candidates for the Supreme Court and the Court of Appeals, as provided by those
18 candidates according to a format provided to the candidates by the Board. The ~~State~~ Board shall
19 request information for the Guide from each candidate according to the following format:

20 (1) Place of residence.

21 (2) Education.

22 (3) Occupation.

23 (4) Employer.

24 (5) Date admitted to the bar.

25 (6) Legal/judicial experience.

26 (7) Candidate statement. Concerning that statement, the Board shall send to the
27 candidates instructions as follows: "Your statement may include information
28 such as your qualifications, your endorsements, your ratings, why you are
29 seeking judicial office, why you would make a good judge, what distinguishes
30 you from your opponent(s), your acceptance of spending and fund-raising
31 limits to qualify to receive funds from the Public Campaign Fund, and any
32 other information relevant to your candidacy. The State Board of Elections
33 will reject any portion of any statement which it determines contains obscene,
34 profane, or defamatory language. The candidate shall have three days to
35 resubmit the candidate statement if the State Board of Elections rejects a
36 portion of the ~~statement~~ statement."

37 The entire entry for a candidate shall be limited to 250 words.

38 (c) Disclaimer. – The Judicial Voter Guide shall contain the following statement:
39 "Statements by candidates do not express or reflect the opinions of the ~~Bipartisan State Board of~~
40 ~~Elections and Ethics Enforcement.~~"State Board of Elections."

41 **SECTION 3.4.** G.S. 84-34 reads as rewritten:

42 **"§ 84-34. Membership fees and list of members.**

43 Every active member of the North Carolina State Bar shall, prior to the first day of July of
44 each year, pay to the secretary-treasurer an annual membership fee in an amount determined by
45 the Council but not to exceed three hundred dollars (\$300.00), plus a surcharge of fifty dollars
46 (\$50.00) for the implementation of Article 24 of Chapter 163A of the General Statutes, and every
47 member shall notify the secretary-treasurer of the member's correct mailing address. Any
48 member who fails to pay the required dues by the last day of June of each year shall be subject
49 to a late fee in an amount determined by the Council but not to exceed thirty dollars (\$30.00).
50 All dues for prior years shall be as were set forth in the General Statutes then in effect. The
51 membership fee shall be regarded as a service charge for the maintenance of the several services

1 authorized by this Article, and shall be in addition to all fees required in connection with
2 admissions to practice, and in addition to all license taxes required by law. The fee shall not be
3 prorated: Provided, that no fee shall be required of an attorney licensed after this Article shall
4 have gone into effect until the first day of January of the calendar year following that in which
5 the attorney was licensed; but this proviso shall not apply to attorneys from other states admitted
6 on certificate. The fees shall be disbursed by the secretary-treasurer on the order of the Council.
7 The fifty-dollar (\$50.00) surcharge shall be sent on a monthly schedule to the State Board of
8 Elections. The secretary-treasurer shall annually, at a time and in a law magazine or daily
9 newspaper to be prescribed by the Council, publish an account of the financial transactions of
10 the Council in a form to be prescribed by it. The secretary-treasurer shall compile and keep
11 currently correct from the names and mailing addresses forwarded to the secretary-treasurer and
12 from any other available sources of information a list of members of the North Carolina State
13 Bar and furnish to the clerk of the superior court in each county, not later than the first day of
14 October in each year, a list showing the name and address of each attorney for that county who
15 has not complied with the provisions of this Article. The name of each of the active members
16 who are in arrears in the payment of membership fees shall be furnished to the presiding judge
17 at the next term of the superior court after the first day of October of each year, by the clerk of
18 the superior court of each county wherein the member or members reside, and the court shall
19 thereupon take action that is necessary and proper. The names and addresses of attorneys so
20 certified shall be kept available to the public. The Secretary of Revenue is hereby directed to
21 supply the secretary-treasurer, from records of license tax payments, with any information for
22 which the secretary-treasurer may call in order to enable the secretary-treasurer to comply with
23 this requirement.

24 The list submitted to several clerks of the superior court shall also be submitted to the Council
25 at its October meeting of each year and it shall take the action thereon that is necessary and
26 proper."

27 **SECTION 3.5.** G.S. 105-159.2 is reenacted as it existed immediately before its
28 repeal and reads as rewritten:

29 "**§ 105-159.2. Designation of tax to North Carolina Public Campaign Fund.**

30 (a) Allocation to the North Carolina Public Campaign Fund. – To ensure the financial
31 viability of the North Carolina Public Campaign Fund established in Article ~~22D of Chapter 163~~
32 24 of Chapter 163A of the General Statutes, the Department must allocate to that Fund three
33 dollars (\$3.00) from the income taxes paid each year by each individual with an income tax
34 liability of at least that amount, if the individual agrees. A taxpayer must be given the opportunity
35 to indicate an agreement or objection to that allocation in the manner described in subsection (b)
36 of this section. In the case of a married couple filing a joint return, each individual must have the
37 option of agreeing or objecting to the allocation. The amounts allocated under this subsection to
38 the Fund must be credited to it on a monthly basis.

39"

40 **SECTION 3.6.** G.S. 163A-1410 reads as rewritten:

41 "**§ 163A-1410. Scope of Article; severability.**

42 The provisions of this Article apply to primaries and elections for North Carolina offices and
43 to North Carolina referenda and do not apply to primaries and elections for federal offices or
44 offices in other States or to non-North Carolina referenda. Any provision in this Article that
45 regulates a non-North Carolina entity does so only to the extent that the entity's actions affect
46 elections for North Carolina offices or North Carolina referenda.

47 The provisions of this Article are severable. If any provision is held invalid by a court of
48 competent jurisdiction, the invalidity does not affect other provisions of the Article that can be
49 given effect without the invalid provision.

50 This section applies to Articles ~~and [Article] 24 and 26 of the General Statutes~~ this Chapter
51 to the same extent that it applies to this Article."

1 **SECTION 3.7.** G.S. 163A-1425 is amended by adding a new subsection to read:
2 "(k) In order to make meaningful the provisions of Article 24 of this Chapter, the following
3 provisions shall apply with respect to candidates for justice of the Supreme Court and judge of
4 the Court of Appeals:

5 (1) No candidate shall accept, and no contributor shall make to that candidate, a
6 contribution in any election exceeding one thousand dollars (\$1,000) except
7 as provided for elsewhere in this subsection.

8 (2) A candidate may accept, and a family contributor may make to that candidate,
9 a contribution not exceeding two thousand dollars (\$2,000) in an election if
10 the contributor is that candidate's parent, child, brother, or sister.

11 As used in this subsection, "candidate" is also a political committee authorized by the
12 candidate for that candidate's election. Nothing in this subsection shall prohibit a candidate or
13 the spouse of that candidate from making a contribution or loan secured entirely by that
14 individual's assets to that candidate's own campaign."

15 **SECTION 3.8.** Section 38.1(a) of S.L. 2013-381 reads as rewritten:

16 "**SECTION 38.1.(a)** Article 22D of Chapter 163 of the General Statutes is ~~repealed, except~~
17 ~~that G.S. 163-278.69 is repealed effective upon exhaustion of the funds for publication of the~~
18 ~~Judicial Voter Guide, repealed."~~

19 **SECTION 3.9.** Section 38.1(l) of S.L. 2013-381 is repealed.

20 **SECTION 3.10.** Section 38.1(m) of S.L. 2013-381 is repealed.

21 **SECTION 3.11.** Section 38.1(o) of S.L. 2013-381 is repealed.

22 **SECTION 3.12.** Section 3.2 of this Part is effective when it becomes law, provided
23 that distributions from the Fund shall begin in the 2020 election year. Section 3.5 of this Part is
24 effective for taxable years beginning on or after January 1, 2020. The remainder of this Part
25 becomes effective January 1, 2020.

26 **PART IV. SEVERABILITY AND EFFECTIVE DATE**

27 **SECTION 4.1.** The provisions of this act are severable. If any provision of this act
28 is held invalid by a court of competent jurisdiction, the invalidity does not affect other provisions
29 of the act that can be given effect without the invalid provision.

30 **SECTION 4.2.** This Part is effective when it becomes law. Except as otherwise
31 provided, this act is effective when it becomes law.
32