

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 219

Short Title: Appointive Judges Statute.

(Public)

Sponsors: Senators Winner, Bryan, and Daniel.

Referred to: Constitution.

February 21, 1989

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR APPOINTMENT OF JUDGES BY THE GOVERNOR SUBJECT TO THE ADVICE AND CONSENT OF THE GENERAL ASSEMBLY, TO PROVIDE FOR THE RECONFIRMATION OF SITTING JUDGES BY THE GENERAL ASSEMBLY AND TO PROVIDE FOR TRANSITIONAL AND OTHER PROVISIONS NECESSARY TO MOVE FROM AN ELECTIVE TO AN APPOINTIVE SYSTEM.

The General Assembly of North Carolina enacts:

Section 1. Chapter 7A of the General Statutes is amended by adding a new Article to read:

ARTICLE 1A.

Appointment, Confirmation and Reconfirmation of Justices and Judges.

7A-5. Appointment of Justices and Judges by Governor and confirmation by General Assembly.

(a) When a new judgeship on the Supreme Court, Court of Appeals, Superior Court or District Court is created, the Governor shall within 90 days after the act creating the judgeship becomes law nominate a person to serve in the judgeship. Unless otherwise provided, the nominee shall be subject to confirmation by the Senate and the House of Representatives in the first regular session held in an odd-numbered year convening after the judgeship is created.

(b) When a vacancy occurs in the office of Chief Justice of the Supreme Court, Associate Justice of the Supreme Court, Judge of the Court of Appeals, Judge of the Superior Court, and Judge of the District Court, the Governor shall nominate a person to fill the vacancy. If the vacancy occurs because the holder of the office indicates that he

1 will not seek reconfirmation at the end of his term, the Governor must submit his
2 nomination to the General Assembly by February 1 of the year after that intention is
3 made known. If the vacancy occurs for any other reason, the Governor must submit his
4 nomination to the General Assembly no later than 90 days after the vacancy is created.

5 (c) Nominees are subject to confirmation by the Senate and by the House of
6 Representatives by majority vote of each house. If the nominee is filling a vacancy to
7 be created at the end of a term and his nomination is the first such nomination for that
8 office, the nomination is subject to confirmation during the regular session held in an
9 odd-numbered year after the holder of the office indicates his intention not to seek
10 reconfirmation. All other nominations shall be subject to confirmation during the first
11 such session conducted after the nomination is submitted unless it is submitted during
12 such a session but after April 1. Nominations submitted during such a session and after
13 April 1 may be considered for confirmation in that session by the General Assembly,
14 but if the nomination is not considered, it shall be subject to confirmation at the next
15 regular session held in an odd-numbered year. Failure of the nomination to receive a
16 majority vote in either house during the session in which the nomination is submitted
17 constitutes a failure to confirm and creates a vacancy in the office to be filled as
18 provided in this section, unless the nomination is submitted after April 1 during such a
19 session and no vote is taken in either house. A nominee confirmed by both the Senate
20 and House of Representatives shall be appointed by the Governor for an initial term of
21 four years, to begin on September 1 in the year in which he is confirmed. For the
22 purpose of this subsection, a session ends when it adjourns or recesses for more than 30
23 days, or adjourns **sine die**, whichever comes first.

24 (d) In addition to any other lawful requirement for service as a Justice or Judge, a
25 nominee, to be eligible to be nominated for any judgeship shall be a registered voter in
26 this State, and if the judgeship requires residence in a district, shall have been a resident
27 for the six months immediately preceding the date on which he is nominated.

28 (e) The Governor, in making nominations, shall make reasonable efforts to
29 ensure that his nominees are broadly representative of the people of this State.

30 **"§ 7A-6. Service by nominee pending confirmation.**

31 A nominee for a vacancy for a judgeship listed in G.S. 7A-5(b) may begin service
32 in the office upon being nominated if there is an actual vacancy in the office. If the
33 nominee is not confirmed, as provided in G.S. 7A-5(c), his eligibility to serve is
34 terminated on the date of any negative vote, or if the confirmation fails because of a
35 failure to vote in one or both houses, on the adjournment date of the session. The
36 provisions of Article VI, Section 10 of the North Carolina Constitution are not
37 applicable to nominees who are not confirmed by the General Assembly. For the
38 purpose of this section, the adjournment date is the date the session adjourns or recesses
39 for more than 30 days, or adjourns **sine die**, whichever comes first.

40 **"§ 7A-7. Reconfirmation procedure.**

41 (a) Any Justice or Judge, to be eligible to be reconfirmed, shall by November 1
42 in the year immediately preceding the year in which his term expires, file a written
43 declaration of his intent to seek reconfirmation. The declaration shall be filed with the
44 Governor. The Governor shall promptly notify the General Assembly and the Judicial

1 Standards Commission of his receipt of the declaration. Failure to file the declaration in
2 a timely manner results in the creation of a vacancy in the office at the expiration of the
3 term. A Justice or Judge may indicate in writing to the Governor that he does not intend
4 to seek reconfirmation, and the filing of that intention creates a vacancy in the office at
5 the expiration of the term, unless the Justice or Judge leaves office at an earlier date.

6 (b) The Judicial Standards Commission, upon receipt of a Justice's or Judge's
7 written declaration of his intent to seek confirmation, shall investigate the Judge's
8 performance as a Justice or Judge to determine if it should recommend that he be
9 reconfirmed. The Commission shall conduct a public hearing to allow comment from
10 interested persons on the Justice's or Judge's fitness to continue in office. Documents
11 prepared or received in the course of the investigation are confidential and not subject to
12 public inspection without the consent of the Justice or Judge, notwithstanding the
13 provisions of Chapter 132 of the General Statutes. The investigation shall include an
14 evaluation of the Justice's or Judge's ethical conduct, his knowledge of and application
15 of the law, his management of the courts over which he has presided, his work habits,
16 his health, his judicial demeanor, and any other matter that the Commission determines
17 to be relevant to its inquiry. The Judge shall be given an opportunity to present to the
18 Commission any information he determines to be appropriate. The Commission's
19 recommendation shall be by majority vote.

20 (c) If a member of the Commission is seeking to be reconfirmed, he shall recuse
21 himself from any deliberation or investigation related to his reconfirmation.

22 (d) No later than 30 days after the convening of the General Assembly in the year
23 following the filing of a Justice's or Judge's intent to seek reconfirmation, the
24 commission shall report to the General Assembly as to whether it recommends that the
25 Justice or Judge be reconfirmed. A two-thirds majority in both the Senate and the
26 House of Representatives shall be necessary to reject the recommendation of the
27 Commission. If either house fails to vote on the report of the Commission during the
28 session in which it is submitted, the recommendation of the Commission shall be
29 deemed to have been approved by the General Assembly. For the purpose of this
30 subsection, a session ends when it adjourns or recesses for more than 30 days, or
31 adjourns **sine die**, whichever comes first.

32 (e) A Justice or Judge reconfirmed by the General Assembly serves an eight-year
33 term, to begin at the expiration of the term he is serving at the time of reconfirmation. If
34 the General Assembly does not reconfirm a Justice or Judge, either by a negative vote or
35 by failing to vote on a negative recommendation of the Commission, a vacancy in that
36 office is created at the expiration of the term. The provisions of Article VI, Section 10
37 of the North Carolina Constitution are not applicable to Justices or Judges who are not
38 reconfirmed by the General Assembly.

39 **"§ 7A-8. Governor to issue commissions to Justices and Judges.**

40 Every person duly appointed by the Governor as a Justice or Judge, and every
41 Justice or Judge duly reconfirmed by the General Assembly shall procure from the
42 Governor a commission attesting that fact, which the Governor shall issue upon receipt
43 of a certification by the principal clerks of the Senate and House of Representatives that
44 the person has been confirmed or reconfirmed by the house in which the clerk serves.

1 The principal clerk of the Senate and the principal clerk of the House of Representatives
2 shall promptly certify the results to the Governor of any judicial confirmation and
3 reconfirmation votes taken in their respective houses. The Secretary of State shall
4 inform the Governor whenever the General Assembly adjourns or recesses for more
5 than 30 days, or adjourns sine die.

6 **"§ 7A-9. Transitional provisions for judges in office on effective date of Article.**

7 (a) Any Justice or Judge holding a judgeship on January 15, 1990, that on
8 January 14, 1990, is required by law to be filled by election shall be subject to the
9 reconfirmation procedures in G.S. 7A-7, and to the provisions of subsections (b) and (c)
10 below, to retain his office.

11 (b) A Justice or Judge covered by the provisions of subsection (a) who, at the end
12 of his term of office has at least four years of service in the office he is holding on
13 January 15, 1990, shall be subject to the reconfirmation process during the first regular
14 session convening in an odd-numbered year after the term expires. Terms of such
15 Justices and Judges are extended until August 31 of the year following the year in which
16 the term would have normally expired.

17 (c) A Justice or Judge covered by the provisions of subsection (a) who, at the end
18 of his term of office has less than four years in the office he is holding on January 15,
19 1990, shall be subject to the reconfirmation process in the first regular session
20 convening in an odd-numbered year after he would have four years in service in that
21 office, if continued in office past the expiration of his term. Terms of office of such
22 Justices and Judges shall be extended until August 31 of the year in which a
23 reconfirmation decision is made by the General Assembly."

24 Sec. 2. G.S. 7A-10(a) reads as rewritten:

25 "(a) The Supreme Court shall consist of a Chief Justice and six associate justices,
26 elected by the qualified voters of the State for terms of eight years selected as provided by
27 Article 1A of this Chapter. Before entering upon the duties of his office, each justice
28 shall take an oath of office. Four justices shall constitute a quorum for the transaction of
29 the business of the court. Sessions of the court shall be held in the city of Raleigh, and
30 scheduled by rule of court so as to discharge expeditiously the court's business."

31 Sec. 3. G.S. 7A-16 reads as rewritten:

32 **"§ 7A-16. Creation and organization.**

33 The Court of Appeals is created effective January 1, 1967. It shall consist initially of
34 six judges, elected by the qualified voters of the State for terms of eight years. The
35 Chief Justice of the Supreme Court shall designate one of the judges as Chief Judge, to
36 serve in such capacity at the pleasure of the Chief Justice. Before entering upon the
37 duties of his office, a judge of the Court of Appeals shall take the oath of office
38 prescribed for a judge of the General Court of Justice.

39 The Governor on or after July 1, 1967, shall make temporary appointments to the six
40 initial judgeships. The appointees shall serve until January 1, 1969. Their successors
41 shall be elected at the general election for members of the General Assembly in
42 November, 1968, and shall take office on January 1, 1969, to serve for the remainder of
43 the unexpired term which began on January 1, 1967.

1 ~~Upon the appointment of at least five judges, and the designation of a Chief Judge,~~
2 ~~the court is authorized to convene, organize, and promulgate, subject to the approval of~~
3 ~~the Supreme Court, such supplementary rules as it deems necessary and appropriate for~~
4 ~~the discharge of the judicial business lawfully assigned to it.~~

5 ~~Effective January 1, 1969, the number of judges is increased to nine, and the~~
6 ~~Governor, on or after March 1, 1969, shall make temporary appointments to the~~
7 ~~additional judgeships thus created. The appointees shall serve until January 1, 1971.~~
8 ~~Their successors shall be elected at the general election for members of the General~~
9 ~~Assembly in November, 1970, and shall take office on January 1, 1971, to serve for the~~
10 ~~remainder of the unexpired term which began on January 1, 1969.~~

11 ~~Effective January 1, 1977, the number of judges is increased to 12; and the~~
12 ~~Governor, on or after July 1, 1977, shall make temporary appointments to the additional~~
13 ~~judgeships thus created. The appointees shall serve until January 1, 1979. Their~~
14 ~~successors shall be elected at the general election for members of the General Assembly~~
15 ~~in November, 1978, and shall take office on January 1, 1979, to serve the remainder of~~
16 ~~the unexpired term which began on January 1, 1977.~~

17 The Court of Appeals shall consist of 12 judges, selected as provided in Article 1A
18 of this Chapter. The Chief Justice of the Supreme Court shall designate one of the
19 Judges as Chief Judge, to serve in such capacity at the pleasure of the Chief Justice.
20 Before entering upon the duties of his office, a judge of the Court of Appeals shall take
21 the oath of office prescribed for a judge of the General Court of Justice.

22 The Court of Appeals shall sit in panels of three judges each. The Chief Judge
23 insofar as practicable shall assign the members to panels in such fashion that each
24 member sits a substantially equal number of times with each other member. He shall
25 preside over the panel of which he is a member, and shall designate the presiding judge
26 of the other panel or panels.

27 Three judges shall constitute a quorum for the transaction of the business of the
28 court, except as may be provided in G.S. 7A-32.

29 In the event the Chief Judge is unable, on account of absence or temporary
30 incapacity, to perform the duties placed upon him as Chief Judge, the Chief Justice shall
31 appoint an acting Chief Judge from the other judges of the Court, to temporarily
32 discharge the duties of Chief Judge."

33 Sec. 4. G.S. 7A-41(d) is repealed.

34 Sec. 5. G.S. 7A-140 reads as rewritten:

35 **"§ 7A-140. Number; election; term; qualification; oath.**

36 There shall be at least one district judge for each district. ~~Each district judge shall be~~
37 ~~elected by the qualified voters of the district court district in which he is to serve at the~~
38 ~~time of the election for members of the General Assembly. Each district judge shall be~~
39 ~~selected as provided by Article 1A of this Chapter. The number of judges for each~~
40 ~~district shall be determined by the General Assembly. Each judge shall be a resident of~~
41 ~~the district for which elected, and shall serve a term of four years, beginning on the first~~
42 ~~Monday in December following his election. selected.~~

1 Each district judge shall devote his full time to the duties of his office. He shall not
2 practice law during his term, nor shall he during such term be the partner or associate of
3 any person engaged in the practice of law.

4 Before entering upon his duties, each district judge, in addition to other oaths
5 prescribed by law, shall take the oath of office prescribed for a judge of the General
6 Court of Justice.”

7 Sec. 6. G.S. 7A-142 is repealed.

8 Sec. 7. G.S. 7A-147 reads as rewritten:

9 **"§ 7A-147. Specialized judgeships.**

10 ~~(a) Prior to January 1 of each year in which elections for district court judges are~~
11 ~~to be held, the Administrative Officer of the Courts may, with the approval of the chief~~
12 ~~district judge, designate one or more judgeships in districts having three or more~~
13 ~~judgeships, as specialized judgeships, naming in each case the specialty. Designations~~
14 ~~shall become effective when filed with the State Board of Elections. Nominees for the~~
15 ~~position or positions of specialist judge shall be made in the ensuing primary and the~~
16 ~~position or positions shall be filled at the general election thereafter. The State Board of~~
17 ~~Elections shall prepare primary and general election ballots to effectuate the purposes of~~
18 ~~this section.~~

19 ~~(b) The designation of a specialized judgeship shall in no way impair the right of~~
20 ~~the chief district judge to arrange sessions for the trial of specialized cases and to assign~~
21 ~~any district judge to preside over these sessions. A judge elected to a specialized~~
22 ~~judgeship has the same powers as a regular district judge.~~

23 (c) The policy of the State is to encourage specialization in juvenile cases by
24 district court judges who are qualified by training and temperament to be effective in
25 relating to youth and in the use of appropriate community resources to meet their needs.
26 The Administrative Office of the Courts is therefore authorized to encourage judges
27 who hear juvenile cases to secure appropriate training whether or not they were elected
28 to a specialized judgeship as provided herein. Such training shall be provided within the
29 funds available to the Administrative Office of the Courts for such training, and judges
30 attending such training shall be reimbursed for travel and subsistence expenses at the
31 same rate as is applicable to other State employees.

32 The Administrative Office of the Courts shall develop a plan whereby a district court
33 judge may be better qualified to hear juvenile cases by reason of training, experience,
34 and demonstrated ability. Any district court judge who completes the training under this
35 plan shall receive a certificate to this effect from the Administrative Office of the
36 Courts. In districts where there is a district court judge who has completed this training
37 as herein provided, the chief district judge shall give due consideration in the
38 assignment of such cases where practical and feasible."

39 Sec. 8. G.S. 163-106 reads as rewritten:

40 **"§ 163-106. Notices of candidacy; pledge; with whom filed; date for filing;**
41 **withdrawal.**

42 (a) Notice and Pledge. – No one shall be voted for in a primary election unless he
43 shall have filed a notice of candidacy with the appropriate board of elections, State or
44 county, as required by this section. To this end every candidate for selection as the

1 seeks to be a candidate for at least 90 days prior to the filing date for the office for
2 which he desires to file his notice of candidacy.

3 A person registered as 'unaffiliated' shall be ineligible to file as a candidate in
4 a party primary election.

5 (c) Time for Filing Notice of Candidacy. – Candidates seeking party primary
6 nominations for the following offices shall file their notice of candidacy with the State
7 Board of Elections no earlier than 12:00 noon on the first Monday in January and no
8 later than 12:00 noon on the first Monday in February preceding the primary:

9 Governor

10 Lieutenant Governor

11 All State executive officers

12 ~~Justices of the Supreme Court, Judges of the Court of Appeals~~

13 ~~Judges of the superior courts~~

14 ~~Judges of the district courts~~

15 United States Senators

16 Members of the House of Representatives of the United States

17 District attorneys

18 Candidates seeking party primary nominations for the following offices shall
19 file their notice of candidacy with the county board of elections no earlier than 12:00
20 noon on the first Monday in January and no later than 12:00 noon on the first Monday
21 in February preceding the primary:

22 State Senators

23 Members of the State House of Representatives

24 All county offices.

25 (d) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any
26 primary in which there are ~~two or more vacancies for Chief Justice and associate~~
27 ~~justices of the Supreme Court, two or more vacancies for judge of the Court of Appeals,~~
28 ~~or two vacancies for United States Senator from North Carolina or two or more~~
29 ~~vacancies for the office of district court judge~~ to be filled by nominations, each
30 candidate shall, at the time of filing notice of candidacy, file with the State Board of
31 Elections a written statement designating the vacancy to which he seeks nomination.
32 Votes cast for a candidate shall be effective only for his nomination to the vacancy for
33 which he has given notice of candidacy as provided in this subsection.

34 ~~A person seeking party nomination for a specialized district judgeship~~
35 ~~established under G.S. 7A-147 shall, at the time of filing notice of candidacy, file with~~
36 ~~the State Board of Elections a written statement designating the specialized judgeship to~~
37 ~~which he seeks nomination.~~

38 (e) Withdrawal of Notice of Candidacy. – Any person who has filed notice of
39 candidacy for an office shall have the right to withdraw it at any time prior to the date
40 on which the right to file for that office expires under the terms of subsection (c) of this
41 section. If a candidate does not withdraw before the filing deadline, except as provided
42 in G.S. 163-112, his name shall be printed on the primary ballot, any votes for him shall
43 be counted, and he shall not be refunded his filing fee.

1 (f) Candidates required to file their notice of candidacy with the State Board
2 of Elections under subsection (c) of this section shall file along with their notice a
3 certificate signed by the chairman of the board of elections or the supervisor of elections
4 of the county in which they are registered to vote, stating that the person is registered to
5 vote in that county, stating the party with which the person is affiliated, and that the
6 person has not changed his affiliation from another party or from unaffiliated within
7 three months prior to the filing deadline under subsection (c) of this section. In issuing
8 such certificate, the chairman or supervisor shall check the registration records of the
9 county to verify such information. During the period commencing 36 hours immediately
10 preceding the filing deadline the State Board of Elections shall accept, on a conditional
11 basis, the notice of candidacy of a candidate who has failed to secure the verification
12 ordered herein subject to receipt of verification no later than three days following the
13 filing deadline. The State Board of Elections shall prescribe the form for such
14 certificate, and distribute it to each county board of elections no later than the last
15 Monday in December of each odd-numbered year.

16 (g) When any candidate files a notice of candidacy with a county board of
17 elections under subsection (c) of this section or under G.S. 163-291(2), the chairman or
18 supervisor of elections shall, immediately upon receipt of the notice of candidacy,
19 inspect the registration records of the county, and cancel the notice of candidacy of any
20 person who is not eligible under subsection (c) of this section. The Board shall give
21 notice of cancellation to any candidate whose notice of candidacy has been cancelled
22 under this subsection by mail or by having the notice served on him by the sheriff.

23 (h) No person may file a notice of candidacy for more than one office
24 described in subsection (c) of this section for any one election. If a person has filed a
25 notice of candidacy with a board of elections under this section for one office, then a
26 notice of candidacy may not later be filed for any other office under this section when
27 the election is on the same date unless the notice of candidacy for the first office is
28 withdrawn under subsection (e) of this section; provided that this subsection shall not
29 apply unless the deadline for filing notices of candidacy for both offices is the same.
30 Notwithstanding this subsection, a person may file a notice of candidacy for a full term
31 as United States Senator, and also file a notice of candidacy for the remainder of the
32 unexpired term of that same seat in an election held under G.S. 163-12, and may file a
33 notice of candidacy for a full term as a member of the United States House of
34 Representatives, and also file a notice of candidacy for the remainder of the unexpired
35 term in an election held under G.S. 163-13.

36 ~~(i) No person may file a notice of candidacy for superior court judge unless~~
37 ~~that person is at the time of filing the notice of candidacy a resident of the judicial~~
38 ~~district as it will exist at the time the person would take office if elected. No person~~
39 ~~may be nominated as a superior court judge under G.S. 163-114 unless that person is at~~
40 ~~the time of nomination a resident of the judicial district as it will exist at the time the~~
41 ~~person would take office if elected. This subsection implements Article IV Section 9(1)~~
42 ~~of the North Carolina Constitution which requires regular Superior Court Judges to~~
43 ~~reside in the district for which elected."~~

44 Sec. 9. G.S. 163-107(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 he files under the provisions of G.S. 163-106 a filing fee for the office he seeks 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
Lieutenant Governor sought	One percent (1%) of the annual salary of the office
All Justices, Judges, and sought	One percent (1%) of the annual salary of the office
District Attorneys of the General Court of Justice sought	One percent (1%) of the annual salary of the office
United States Senator sought	One percent (1%) of the annual salary of the office
Members of the United States House of Representatives sought	One percent (1%) of the annual salary of the office
State Senator sought	One percent (1%) of the annual salary of the office
Member of the State House of Representatives sought	One percent (1%) of the annual salary of the office
All county offices not compensated by fees sought	One percent (1%) of the annual salary of the office
County commissioners, if compensated entirely by fees sought	Ten dollars (\$10.00)
Members of county board of Education, if compensated entirely by fees sought	Five dollars (\$5.00)
Sheriff, if compensated	

1 entirely by fees Forty dollars(\$40.00), plus
2 one percent (1%) of the
3 income of the office above
4 Clerk of superior court, if four thousand dollars
5 compensated entirely by (\$4,000)
6 fees Forty dollars (\$40.00), plus
7 one percent (1%) of the
8 income of the office above
9 Register of deeds, if four thousand dollars
10 compensated entirely by (\$4,000)
11 Fees Forty dollars (\$40.00), plus
12 one percent (1%) of the
13 income of the office above
14 Any other county office, if four thousand dollars
15 compensated entirely by (\$4,000)
16 fees Twenty dollars (\$20.00), plus
17 one percent (1%) of the
18 income of the office above
19 All county offices two thousand dollars
20 compensated partly by (\$2,000)
21 salary and partly by fees One percent (1%) of the first
22 annual salary to be
23 received (exclusive of
24 fees)"

25
26 Sec. 10. G.S. 163-107.1 reads as rewritten:

27 **"§ 163-107.1. Petition in lieu of payment of filing fee.**

28 (a) Any qualified voter who seeks nomination in the party primary of the
29 political party with which he affiliates may, in lieu of payment of any filing fee required
30 for the office he seeks, file a written petition requesting him to be a candidate for a
31 specified office with the appropriate board of elections, State, county or municipal.
32 (b) If the candidate is seeking the office of United States Senator, Governor,
33 Lieutenant Governor, any State executive officer, ~~Justice of the Supreme Court or Judge of~~
34 ~~the Court of Appeals,~~ the petition must be signed by 10,000 registered voters who are
35 members of the political party in whose primary the candidate desires to run, except that
36 in the case of a political party as defined by G.S. 163-96(a)(2) which will be making
37 nominations by primary election, the petition must be signed by ten percent (10%) of
38 the registered voters of the State who are affiliated with the same political party in
39 whose primary the candidate desires to run, or in the alternative, the petition shall be
40 signed by no less than 10,000 registered voters regardless of the voter's political party
41 affiliation, whichever requirement is greater. The petition must be filed with the State
42 Board of Elections not later than 12:00 noon on Monday preceding the filing deadline
43 before the primary in which he seeks to run. The names on the petition shall be verified
44 by the board of elections of the county where the signer is registered, and the petition

1 must be presented to the county board of elections at least 15 days before the petition is
2 due to be filed with the State Board of Elections. When a proper petition has been filed,
3 the candidate's name shall be printed on the primary ballot.

4 (c) County, Municipal and District Primaries. – If the candidate is seeking one of
5 the offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this
6 section, or a municipal or any other office requiring a partisan primary which is not set
7 forth in G.S. 163-106(c) or (d), he shall file a written petition with the appropriate board
8 of elections no later than 12:00 noon on Monday preceding the filing deadline before
9 the primary. The petition shall be signed by ten percent (10%) of the registered voters of
10 the election area in which the office will be voted for, who are affiliated with the same
11 political party in whose primary the candidate desires to run, or in the alternative, the
12 petition shall be signed by no less than 200 registered voters regardless of said voter's
13 political party affiliation, whichever requirement is greater. The board of elections shall
14 verify the names on the petition, and if the petition is found to be sufficient, the
15 candidate's name shall be printed on the appropriate primary ballot. Petitions for
16 candidates for member of the U.S. House of Representatives, District Attorney, ~~judge of~~
17 ~~the District Court and judge of the Superior Court,~~ or members of the State House of
18 Representatives from multi-county districts or members of the State Senate from multi-
19 county districts must be presented to the county board of elections for verification at
20 least 15 days before the petition is due to be filed with the State Board of Elections, and
21 such petition must be filed with the State Board of Elections no later than 12:00 noon on
22 Monday preceding the filing deadline. The State Board of Elections may adopt rules to
23 implement this section and to provide standard petition forms.

24 (d) Nonpartisan Primaries and Elections. – Any qualified voter who seeks to be a
25 candidate in any nonpartisan primary or election may, in lieu of payment of the filing
26 fee required, file a written petition signed by ten percent (10%) of the registered voters
27 in the election area in which the office will be voted for with the appropriate board of
28 elections. Any qualified voter may sign the petition. The petition shall state the
29 candidate's name, address and the office which he is seeking. The petition must be filed
30 with the appropriate board of elections no later than 60 days prior to the filing deadline
31 for the primary or election, and if found to be sufficient, the candidate's name shall be
32 printed on the ballot."

33 Sec. 11. G.S. 163-108(b) reads as rewritten:

34 "(b) No later than 10 days after the time for filing notices of candidacy under the
35 provisions of G.S. 163-106(c) has expired, the chairman of the State Board of Elections
36 shall certify to the chairman of the county board of elections in each county in the
37 appropriate district the names of candidates for nomination to the ~~following offices~~ office
38 of District Attorney who have filed the required notice and pledge and paid the required
39 filing fee to the State Board of Elections, so that their names may be printed on the
40 official county ballots: ~~Superior court judge, district court judge, and district~~ District
41 attorney."

42 Sec. 12. G.S. 163-109 reads as rewritten:

43 "**§ 163-109. Primary ballots; printing and distribution.**

1 (a) General. – In primary elections there shall be as many kinds of official State,
2 district, and county ballots as there are legally recognized political parties, members of
3 which have filed notice of their candidacy for nomination. The ballots for each political
4 party shall be printed to conform to the requirements of G.S. 163-140(c) and to show
5 the party's name, the name of each party member who has filed notice of candidacy, and
6 the office for which each aspirant is a candidate.

7 Only those who have filed the required notice of candidacy and pledge with the
8 proper board of elections, and who have paid the required filing fee, shall have their
9 names printed on the official ballots of the political party with which affiliated.

10 (b) Ballots to Be Furnished by State Board of Elections. – It shall be the duty of
11 the State Board of Elections to print official ballots for each political party having
12 candidates for the following offices to be voted for in the primary:

13 United States Senator,

14 Member of the House of Representatives of the United States Congress,

15 Governor, and

16 All other State offices, except ~~superior court judge, district court judge, and district~~
17 attorney.

18 In its discretion, the State Board of Elections may print separate primary ballots for each
19 of these offices, or it may combine some or all of them on a single ballot.

20 At least 60 days before the date of the primary, the State Board of Elections shall
21 deliver a sufficient number of these ballots to each county board of elections. The
22 chairman of the county board of elections shall furnish the chairman of the State Board
23 of Elections with a written receipt for the ballots delivered to him within two days after
24 their receipt.

25 (c) Ballots to Be Furnished by County Board of Elections. – It shall be the duty
26 of the county board of elections to print official ballots for each political party having
27 candidates for the following offices to be voted for in the primary:

28 ~~Superior court judge,~~

29 ~~District court judge,~~

30 District attorney,

31 State Senator,

32 Member of the House of Representatives of the General Assembly, and

33 All county offices.

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

37 In its discretion, the county board of elections may print separate primary ballots for
38 the district and county offices listed in this subsection, or it may combine some or all of
39 them on a single ballot. In a primary election, if there shall be 10 or more candidates for
40 nomination to any one office, the county board of elections in its discretion may prepare
41 a separate ballot for said office.

42 Three days before the primary election, the chairman of the county board of
43 elections shall distribute official State, district, and county ballots to the registrar of
44 each precinct in his county, and the registrar shall give him a receipt for the ballots

1 received. On the day of the primary it shall be the registrar's duty to have all the ballots
2 delivered to him available for use at the precinct voting place."

3 Sec. 13. G.S. 163-111(c) reads as rewritten:

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

5 (1) A candidate who is apparently entitled to demand a second primary,
6 according to the unofficial results, for one of the offices listed below, and desiring to do
7 so, shall file a request for a second primary in writing or by telegram with the Executive
8 Secretary-Director of the State Board of Elections no later than 12:00 noon on the
9 seventh day (including Saturdays and Sundays) following the date on which the primary
10 was conducted, and such request shall be subject to the certification of the official
11 results by the State Board of Elections. If the vote certification by the State Board of
12 Elections determines that a candidate who was not originally thought to be eligible to
13 call for a second primary is in fact eligible to call for a second primary, the Executive
14 Secretary-Director of the State Board of Elections shall immediately notify such
15 candidate and permit him to exercise any options available to him within a 48-hour
16 period following the notification:

17 Governor,

18 Lieutenant Governor,

19 All State executive officers,

20 ~~Justices, Judges, or~~ District Attorneys of the General Court of Justice,

21 United States Senators,

22 Members of the United States House of Representatives,

23 State Senators in multi-county senatorial districts, and

24 Members of the State House of Representatives in multi-county representative
25 districts.

26 (2) A candidate who is apparently entitled to demand a second primary,
27 according to the unofficial results, for one of the offices listed below and desiring to do
28 so, shall file a request for a second primary in writing or by telegram with the chairman
29 or supervisor of the county board of elections no later than 12:00 noon on the seventh
30 day (including Saturdays and Sundays) following the date on which the primary was
31 conducted, and such request shall be subject to the certification of the official results by
32 the county board of elections:

33 State Senators in single-county senatorial districts,

34 Members of the State House of Representatives in single-county representative
35 districts, and

36 All county officers.

37 (3) Immediately upon receipt of a request for a second primary the appropriate
38 board of elections, State or county, shall notify all candidates entitled to participate in
39 the second primary, by telephone followed by written notice, that a second primary has
40 been requested and of the date of the second primary."

41 Sec. 14. G.S. 163-114 reads as rewritten:

42 "**§ 163-114. Filling vacancies among party nominees occurring after nomination**
43 **and before election.**

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

6		
7		
8	Position	Vacancy is to be filled by
9	Any elective State office	appointment of State
10	United States Senator	executive committee of
11		political party in which
12		vacancy occurs
13		
14	A district office, including:	
15	Member of the United States	
16	House of Representatives	
17	Judge of superior court	
18	Judge of district court	Appropriate district executive
19	District Attorney	committee of political party
20	State Senator in a multi-	in which vacancy occurs
21	county senatorial district	
22	Member of State House of	
23	Representatives in a multi-	
24	county representative	
25	district	
26		
27	State Senator in a single-	County executive committee
28	county senatorial district	of political party in which
29	Member of State House of	vacancy occurs, provided, in
30	Representatives in a	the case of the State
31	single-county	Senator or State
32	representative district	Representative in a
33		
34	Any elective county office	single-county district where
35		not all the county is
36		located in that district,
37		then in voting, only those
38		members of the county
39		executive committee who
40		reside within the
41		district shall vote
42		
43	Judge of Superior Court in a	County executive committee
44	single-county superior	of political party in

1 court district where the | which vacancy occurs;
 2 district is the whole | provided, in the case of
 3 county or part of the | a superior court judge in a
 4 county | single-county district where
 5 | not all the county is
 6 | located in that district,
 7 | then in voting, only those
 8 | members of the county
 9 | executive committee who
 10 | reside within the
 11 | district shall vote
 12 |
 13 Judge of Superior Court in a | Appropriate district
 14 multi-county superior | executive committee of
 15 court district | political party in which
 16 | vacancy occurs.

17 The party executive making a nomination in accordance with the provisions of this
 18 section shall certify the name of its nominee to the chairman of the board of elections,
 19 State or county, charged with the duty of printing the ballots on which the name is to
 20 appear. If at the time a nomination is made under this section the general election ballots
 21 have already been printed, the provisions of G.S. 163-139 shall apply. If any person
 22 nominated as a candidate of a political party vacates such nomination and such vacancy
 23 arises from a cause other than death and the vacancy in nomination occurs more than
 24 120 days before the general election, the vacancy in nomination may be filled under this
 25 section only if the appropriate executive committee certifies the name of the nominee in
 26 accordance with this paragraph at least 90 days before the general election.

27 ~~In a county which is partly in a multi-county superior court district, in choosing that~~
 28 ~~county's member or members of the superior court district executive committee for the~~
 29 ~~multi-county district, only the county convention delegates or county executive~~
 30 ~~committee members who reside within the area of the county which is within that multi-~~
 31 ~~county district may vote.~~

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

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

43 Sec. 15. G.S. 163-140(a) reads as rewritten:

1 (a) Kinds of General Election Ballots; Right to Combine. – For purposes of
2 general elections, there shall be seven kinds of official ballots entitled:

3 (1) Ballot for presidential electors

4 (2) Ballot for United States Senator

5 (3) Ballot for member of the United States House of Representatives

6 (4) State ballot

7 (5) County ballot

8 (7) Ballot for constitutional amendments and other propositions submitted
9 to the people.

10 Use of official ballots shall be limited to the purposes indicated by their titles. The
11 printing on all ballots shall be plain and legible but, unless large type is specified by this
12 section, type larger than 10-point shall not be used in printing ballots. All general
13 election ballots shall be prepared in such a way as to leave sufficient blank space
14 beneath each name printed thereon in which a voter may conveniently write the name of
15 any person for whom he may desire to vote.

16 Unless prohibited by this section, the board of elections, State or county, charged by
17 law with printing ballots may, in its discretion, combine any two or more official
18 ballots. Whenever two or more ballots are combined, the voting instructions for the
19 State ballot set out in subsection (b)(4) of this section shall be used, except that if the
20 two ballots being combined do not contain a multi-seat race, then the second sentence of
21 instruction b shall not appear on the ballot.

22 ~~If the State Board of Elections divides the State ballot into two or more ballots, all~~
23 ~~candidates for superior court shall appear on the same ballot except that the State Board~~
24 ~~of Elections may divide the election of superior court judges into two ballots either~~
25 ~~because of length of the ballot or to provide a separate ballot for multi-seat races but~~
26 ~~only superior court judges shall be on those ballots, and all candidates for the Appellate~~
27 ~~Division shall appear on the same ballot."~~

28 Sec. 15.1. G.S. 163-140(b)(4) reads as rewritten:

29 "(4) State Ballot: Beneath the title and general instructions set out in this
30 subsection, the ballot for single-seat contests for State officers, and for all State officers
31 where mechanical voting machines are used ~~(including judges of the superior court)~~ shall
32 be divided into parallel columns separated by distinct black lines. The State Board of
33 Elections shall assign a separate column to each political party having candidates for
34 State offices and one to unaffiliated candidates, if any. At the head of each party
35 column the party's name shall be printed in large type, and at the head of the column for
36 unaffiliated candidates shall be printed in large type the words 'Unaffiliated Candidates.'
37 Below the party name in each column shall be printed a circle, one-half inch in
38 diameter, around which shall be plainly printed the following instruction: 'For a straight
39 ticket, mark within this circle.' With distinct black lines, the State Board of Elections
40 shall divide the columns into horizontal sections and, in the customary order of office,
41 assign a separate section to each office or group of offices to be filled. On a single line
42 at the top of each section shall be printed a direction as to the number of candidates for
43 whom a vote may be cast. If candidates are to be chosen for different terms to the same
44 office, the term in each instance shall be printed as part of the title of the office.

1 The name or names of each political party's candidate or candidates for each office
2 listed on the ballot shall be printed in the appropriate office section of the proper party
3 column, and the names of unaffiliated candidates shall be printed in the appropriate
4 office section of the column headed 'Unaffiliated Candidates.' At the left of each name
5 shall be printed a voting square, and in each column all voting squares shall be arranged
6 in a perpendicular line.

7 On the face of the ballot, above the party and unaffiliated column division, the
8 following instructions shall be printed in heavy black type:

- 9 'a. To vote for all candidates of one party (a straight ticket), make a cross
10 (X) mark in the circle of the party for whose candidates you wish to
11 vote.
- 12 b. You may vote a split ticket by marking a cross (X) mark in the party
13 circle and then making a cross (X) mark in the square opposite the
14 name of the candidate(s) of a different party for whom you wish to
15 vote. In any multi-seat race where a party circle is marked and you
16 vote for candidates of another party, in order for your vote to count for
17 any candidates for that office of the party for which you marked the
18 party circle you must make a cross (X) mark opposite the name of
19 those candidate(s).
- 20 c. You may also vote a split ticket by not marking a cross (X) mark in the
21 party circle, but by making a cross (X) mark in the square opposite the
22 name of each candidate for whom you wish to vote.
- 23 d. If you tear or deface or wrongly mark this ballot, return it and get
24 another.'

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

28 Sec. 15.2. G.S. 163-140(b)(5) reads as rewritten:

29 "(5) County Ballot: Beneath the title and general instructions set out in this
30 subsection, the ballot for single-seat contests for county officers (including district
31 attorney for the prosecutorial district in which the county is situated, ~~district judge for the~~
32 ~~district court district in which the county is situated,~~ and members of the General Assembly
33 in the senatorial and representative districts in which the county is situated), and for all
34 county offices where mechanical voting machines are used, shall be divided into
35 parallel columns separated by distinct black lines. The county board of elections shall
36 assign a separate column to each political party having candidates for the offices on the
37 ballot and one to unaffiliated candidates, if any. At the head of each party column the
38 party's name shall be printed in large type and at the head of the column for unaffiliated
39 candidates shall be printed in large type the words 'Unaffiliated Candidates.' Below the
40 party name in each column shall be printed a circle, one-half inch in diameter, around
41 which shall be plainly printed the following instruction: 'For a straight ticket, mark
42 within this circle.' With distinct black lines, the county board of elections shall divide
43 the columns into horizontal sections and, in the customary order of office, assign a
44 separate section to each office or group of offices to be filled. On a single line at the top

1 of each section shall be printed the title of the office, and directly below the title shall be
2 printed a direction as to the number of candidates for whom a vote may be cast. If
3 candidates are to be chosen for different terms to the same office, the term in each
4 instance shall be printed as part of the title of the office.

5 The name or names of each political party's candidate or candidates for each office
6 listed on the ballot shall be printed in the appropriate office section of the proper party
7 column, and the names of unaffiliated candidates shall be printed in the appropriate
8 office section of the column headed 'Unaffiliated Candidates.' At the left of each name
9 shall be printed a voting square, and in each column all voting squares shall be arranged
10 in a perpendicular line.

11 On the face of the ballot, above the party and unaffiliated column division, the
12 following instructions shall be printed in heavy black type:

- 13 'a. To vote for all candidates of one party (a straight ticket), make a cross
14 (X) mark in the circle of the party for whose candidates you wish to
15 vote.
- 16 b. You may vote a split ticket by marking a cross (X) mark in the party
17 circle and then making a cross (X) mark in the square opposite the
18 name of the candidate(s) of a different party for whom you wish to
19 vote. In any multi-seat race where a party circle is marked and you
20 vote for candidates of another party, in order for your vote to count for
21 any candidates for that office of the party for which you marked the
22 party circle you must make a cross (X) mark opposite the name of
23 those candidate(s).
- 24 c. You may also vote a split ticket by not marking a cross (X) mark in
25 the party circle, but by making a cross (X) mark in the square opposite
26 the name of each candidate for whom you wish to vote.
- 27 d. If you tear or deface or wrongly mark this ballot, return it and get
28 another.'

29 On the bottom of the ballot shall be printed an identified facsimile of the signature of
30 the chairman of the county board of elections. If the county ballot contains no multi-
31 seat race, then the second sentence of instruction b. shall not appear on the ballot."

32 Sec. 16. G.S. 163-156 is repealed.

33 Sec. 17. G.S. 163-177 reads as rewritten:

34 **"§ 163-177. Disposition of duplicate abstracts.**

35 Within six hours after the returns of a primary or election have been canvassed and
36 the results judicially determined, the chairman of the county board of elections shall
37 mail, or otherwise deliver, to the State Board of Elections the duplicate-original
38 abstracts prepared in accordance with G.S. 163-176 for all offices and referenda for
39 which the State Board of Elections is required to canvass the votes and declare the
40 results including:

41 President and Vice-President of the United States

42 Governor, Lieutenant Governor, and all other State executive officers

43 United States Senators

44 Members of the House of Representatives of the United States Congress

1 ~~Justices, Judges, and~~ District Attorneys of the General Court of Justice
2 State Senators in multi-county senatorial districts
3 Members of the State House of Representatives in multi-county representative
4 districts

5 Constitutional amendments and propositions submitted to the voters of the State.
6 One duplicate abstract prepared in accordance with G.S. 163-176 for all offices and
7 referenda for which the county board of elections is required to canvass the votes and
8 declare the results (and which are listed below) shall be retained by the county board,
9 which shall forthwith publish and declare the results; the second duplicate abstract shall
10 be mailed to the chairman of the State Board of Elections, to the end that there be one
11 set of all primary and election returns available at the seat of government.

12 All county offices

13 State Senators in single-county senatorial districts

14 Members of the State House of Representatives in single-county representative
15 districts

16 Propositions submitted to the voters of one county.

17 If the chairman of the county board of elections fails or neglects to transmit
18 duplicate abstracts to the chairman of the State Board of Elections within the time
19 prescribed in this section, he shall be guilty of a misdemeanor. Provided, that the
20 penalty shall not apply if the chairman was prevented from performing the prescribed
21 duty because of sickness or other unavoidable delay, but the burden of proof shall be on
22 the chairman to show that his failure to perform was due to sickness or unavoidable
23 delay."

24 Sec. 18. G.S. 163-192 reads as rewritten:

25 **"§ 163-192. State Board of Elections to prepare abstracts and declare results of**
26 **primaries and elections.**

27 (a) After Primary. – At the conclusion of its canvass of the primary election, the
28 State Board of Elections shall prepare separate abstracts of the votes cast:

29 (1) For Governor and all State officers, ~~justices of the Supreme Court,~~
30 ~~judges of the Court of Appeals, judges of the superior court, and~~
31 United States Senators.

32 (2) For members of the United States House of Representatives for the
33 several congressional districts in the State.

34 (3) ~~For district court judges for the several district court districts in the~~
35 ~~State.~~

36 (4) For district attorney in the several prosecutorial districts in the State.

37 (5) For State Senators in the several senatorial districts in the State
38 composed of more than one county.

39 (6) For members of the State House of Representatives in the several
40 representative districts in the State composed of more than one county.

41 Abstracts prepared by the State Board of Elections under this subsection shall state
42 the total number of votes cast for each candidate of each political party for each of the
43 various offices canvassed by the State Board of Elections. They shall also state the

1 name or names of the person or persons whom the State Board of Elections shall
2 ascertain and judicially determine by the count to be nominated for each office.

3 Abstracts prepared under this subsection shall be signed by the members of the State
4 Board of Elections in their official capacity and shall have the great seal of the State
5 affixed thereto.

6 (b) After General Election. – At the conclusion of its canvass of the general
7 election, the State Board of Elections shall prepare abstracts of the votes cast:

8 (1) For President and Vice-President of the United States, when an
9 election is held for those offices.

10 (2) For Governor and all State officers, ~~justices of the Supreme Court,~~
11 ~~judges of the Court of Appeals, judges of the superior court, and~~
12 United States Senators.

13 (3) For members of the United States House of Representatives for the
14 several congressional districts in the State.

15 (4) ~~For district court judges for the several district court district as defined~~
16 ~~in G.S. 7A-133 in the State.~~

17 (5) For district attorney in the several prosecutorial districts in the State.

18 (6) For State Senators in the several senatorial districts in the State
19 composed of more than one county.

20 (7) For members of the State House of Representatives in the several
21 representative districts in the State composed of more than one county.

22 (8) For and against any constitutional amendments or propositions
23 submitted to the people.

24 Abstracts prepared by the State Board of Elections under this subsection shall state
25 the names of all persons voted for, the office for which each received votes, and the
26 number of legal ballots cast for each candidate for each office canvassed by the State
27 Board of Elections. They shall also state the name or names of the person or persons
28 whom the State Board of Elections shall ascertain and judicially determine by the count
29 to be elected to each office.

30 Abstracts prepared under this subsection shall be signed by the members of the State
31 Board of Elections in their official capacity and shall have the great seal of the State
32 affixed thereto.

33 (c) Disposition of Abstracts of Returns. – The State Board of Elections shall file
34 with the Secretary of State the original abstracts of returns prepared by it under the
35 provisions of subsections (a) and (b) of this section, and also the duplicate county
36 abstracts transmitted to the State Board of Elections under the provisions of G.S. 163-
37 177."

38 Sec. 19. G.S. 163-194 reads as rewritten:

39 **"§ 163-194. Governor to issue commissions to certain elected officials.**

40 Every person duly elected to one of the offices listed below, upon obtaining a
41 certificate of his election from the Secretary of State under the provisions of G.S. 163-
42 193, shall procure from the Governor a commission attesting his election to the
43 specified office, which the Governor shall issue upon production of the Secretary of
44 State's certificate:

1 Members of the United States House of Representatives,
2 ~~Justices, Judges, and~~ District Attorneys of the General Court of Justice."

3 Sec. 20. G.S. 163-1 is amended in the table by deleting the entries for "Judge
4 of the superior courts", "Judges of the district courts", and "Justices and Judges of the
5 Appellate Division".

6 Sec. 21. G.S. 163-9 is repealed.

7 Sec. 22. This act shall become effective only if the amendments to the
8 Constitution of North Carolina proposed by AN ACT TO AMEND THE NORTH
9 CAROLINA CONSTITUTION TO PROVIDE FOR APPOINTMENT OF JUSTICES
10 AND JUDGES BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF
11 THE GENERAL ASSEMBLY, AND TO AUTHORIZE THE GENERAL ASSEMBLY
12 TO PROVIDE FOR A PROCEDURE TO DETERMINE IF JUDGES SO APPOINTED
13 SHOULD BE RETAINED IN OFFICE are approved by the voters, and if so approved,
14 this act shall become effective January 15, 1990.