

**GENERAL ASSEMBLY OF NORTH CAROLINA
FIRST EXTRA SESSION 2018**

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**SENATE BILL 3
Second Edition Engrossed 7/24/18**

Short Title: Party Disclosure/2018 Judicial Races. (Public)

Sponsors: Senators Hise and Brown (Primary Sponsors).

Referred to: Select Committee on Elections

July 24, 2018

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY POLITICAL PARTY DISCLOSURE ON THE BALLOT FOR
2 JUDICIAL RACES IN 2018.
3

4 Whereas, the General Assembly finds that the purpose of listing partisan affiliation
5 on the ballot in judicial races is to provide voters with information about candidates; and

6 Whereas, the General Assembly finds that political organizations and groups made
7 efforts to recruit candidates that could confuse voters as to candidates long-held partisan
8 affiliations; and

9 Whereas, the General Assembly finds that listing only partisan affiliations that a
10 candidate has held for 90 days prior to filing would reduce the opportunity for voter confusion;
11 and

12 Whereas, the General Assembly finds that a similar requirement exists for candidates
13 to run in a party primary for legislative or other partisan office under G.S. 163A-973; and

14 Whereas, the General Assembly finds that listing party affiliations held for 90 days
15 or more prior to the time of filing should apply to all judicial offices; and

16 Whereas, the General Assembly finds that it is possible a candidate who filed for
17 judicial office may not desire to remain on the ballot knowing only party affiliation held for 90
18 days or more will be disclosed on the ballot; and

19 Whereas, the General Assembly finds that providing a period allowing candidates to
20 withdraw from running for judicial office would provide opportunities for any judicial candidate
21 to be taken off the ballot;

22 Now, therefore, the General Assembly of North Carolina enacts:

23 **SECTION 1.** Section 4(b) of S.L. 2017-214 reads as rewritten:

24 "**SECTION 4.(b)** Form of Notice. – Each person offering to be a candidate for election shall
25 do so by filing a notice of candidacy with the State Board of Elections and Ethics Enforcement
26 in the following form, inserting the words in parentheses when appropriate:

27 Date _____

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

30 Signed _____

(Name of Candidate)

31 Witness: _____

32 The notice of candidacy shall be either signed in the presence of the chair or secretary
33 of the State Board of Elections and Ethics Enforcement or signed and acknowledged before an
34 officer authorized to take acknowledgments who shall certify the notice under seal. An
35 acknowledged and certified notice may be mailed to the State Board of Elections and Ethics
36



1 Enforcement. In signing a notice of candidacy, the candidate shall use only the candidate's legal
2 name and, in the candidate's discretion, any nickname by which commonly known. A candidate
3 may also, in lieu of that candidate's first name and legal middle initial or middle name, if any,
4 sign that candidate's nickname, provided the candidate appends to the notice of candidacy an
5 affidavit that the candidate has been commonly known by that nickname for at least five years
6 prior to the date of making the affidavit. The candidate shall also include with the affidavit the
7 way the candidate's name (as permitted by law) should be listed on the ballot if another candidate
8 with the same last name files a notice of candidacy for that office.

9 A notice of candidacy signed by an agent or any person other than the candidate shall
10 be invalid.

11 A candidate, at the time of filing the notice of candidacy under this section, shall
12 indicate on the notice of candidacy the political party recognized under Article 18 of Chapter
13 163A of the General Statutes with which that candidate is affiliated or any unaffiliated status.
14 ~~The certificate required by subsection (d) of this section shall verify the party designation or~~
15 ~~unaffiliated status, and the verified~~ If the candidate's political party affiliation or unaffiliated
16 status is the same as on their voter registration at the time they filed to run for office and 90 days
17 prior to that filing, the political party designation or unaffiliated status shall be included on the
18 ballot."

19 **SECTION 2.** Section 2(a) of S.L. 2018-13 reads as rewritten:

20 "**SECTION 2.(a)** The General Assembly finds that both chambers of the General Assembly
21 have carefully examined judicial redistricting and the forms of judicial selection with multiple
22 committees considering various proposals of selection and new judicial district maps. The
23 General Assembly finds that, to allow for more time to thoughtfully consider these changes, the
24 General Assembly enacted S.L. 2017-214, the Electoral Freedom Act of 2017, which, among
25 other items, provided for a one-time cancellation of partisan primaries for the offices of district
26 court judge, superior court judge, judges of the Court of Appeals, and Supreme Court justices for
27 the 2018 election cycle. The General Assembly finds that all elections for judges in 2018 were
28 to be treated uniformly under S.L. 2017-214, the Electoral Freedom Act of 2017, while those
29 changes were considered.

30 The General Assembly notes that election to these offices will be held under a plurality
31 election system, with candidates running under a political party label on the ballot, without
32 having gone through a party primary. The General Assembly finds that ballot language above the
33 sections of 2018 general election ballots regarding these impacted offices setting forth ~~that~~ the
34 listed party affiliation is only the self-identified party of a candidate at least 90 days prior to the
35 time of filing with filing, consistent with G.S. 163A-973, would aid voters' understanding of the
36 2018 judicial races."

37 **SECTION 3.** Section 2(c) of S.L. 2018-13 reads as rewritten:

38 "**SECTION 2.(c)** Notwithstanding G.S. 163A-1112, immediately prior to the placement of
39 the judicial offices listed in subsection (b) of this section on the ballot, the following information
40 shall be printed:

41 "No primaries for judicial office were held in 2018. The party information listed by each of
42 the following candidates' names ~~indicates~~ is shown only if the candidates' party affiliation or
43 unaffiliated status is the same as on their voter registration at the time they filed to run for
44 office. office and 90 days prior to that filing."

45 **SECTION 3.1.** Section 4(c) of S.L. 2017-214 reads as rewritten:

46 "**SECTION 4.(c)** Withdrawal of Notice of Candidacy. – Any person who has filed a notice
47 of candidacy for an office under this section shall have the right to withdraw it at any time prior
48 to either of the following:

49 (1) ~~the~~ The close of business on the third business day prior to the date on which
50 the right to file for that office expires under the terms of subsection (b) of this
51 section.

1 (2) The close of business August 8, 2018."

2 **SECTION 3.2.** The State Board of Elections and Ethics Enforcement shall notify, as
3 expeditiously as possible, all candidates for Justices and judges of the General Court of Justice
4 for the 2018 general election who have changed party affiliation or unaffiliated status during the
5 period from 90 days prior the time the candidate filed to run for office and the date the candidate
6 filed to run for office of the requirements of this act. The State Board of Elections and Ethics
7 Enforcement may give notice under this section by written, telephonic, or e-mail or other
8 electronic means.

9 **SECTION 4.** This act is effective when it becomes law and applies to the 2018
10 elections only.