

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 170  
Committee Substitute Favorable 3/19/09  
PROPOSED COMMITTEE SUBSTITUTE H170-PCS50526-LB-20

Short Title: Secretary of State Notify Electors.

(Public)

Sponsors:

Referred to:

February 18, 2009

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE THAT THE SECRETARY OF STATE SHALL NOTIFY PARTIES  
3 OF THE REQUIREMENT TO NOMINATE FIRST AND SECOND ALTERNATE  
4 ELECTORS, NOTIFY PARTIES AND ELECTORS OF THE DUAL-OFFICE HOLDING  
5 RULE, AND TO ALLOW PRESIDENTIAL ELECTORS TO HOLD THAT OFFICE IN  
6 ADDITION TO THE NUMBER OF APPOINTIVE OFFICES ALLOWED BY LAW.

7 The General Assembly of North Carolina enacts:

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

10 "**§ 163-209.2. Elector may be held in addition to other appointive offices.**

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

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

14 "**§ 163-209. Names of presidential electors not printed on ballots; notification.**

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

31 (b) Upon receiving the filing of a name as a candidate for elector under this section, the  
32 Secretary of State shall notify that candidate of the dual-office holding requirements of the  
33 North Carolina Constitution and the General Statutes, including specifically that if a person



1 electd as elector holds another elective office at the time of taking the oath of office as elector,  
2 that other office is vacated upon taking the oath of office."

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

5 **"§ 163-209.1. Notification of political parties of dual-office holding rules.**

6 During January of each year in which electors are elected, the Secretary of State shall notify  
7 each political party authorized to nominate electors of (i) the requirement under G.S. 163-1(c)  
8 to nominate first and second alternate electors under G.S. 163-1(c), and (ii) the dual-office  
9 holding requirements of the North Carolina Constitution and the General Statutes, including  
10 specifically that if a person elected as elector holds another elective office at the time of taking  
11 the oath of office as elector, that other office is vacated upon taking the oath of office."

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