

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 220
PROPOSED COMMITTEE SUBSTITUTE H220-PCS70290-RR-16

Short Title: Write-In Candidate Rule.

(Public)

Sponsors:

Referred to:

February 19, 2009

A BILL TO BE ENTITLED

AN ACT TO REWRITE THE PLEDGE TAKEN BY PRIMARY CANDIDATES
CONCERNING WRITE-IN CANDIDACY TO REFLECT THE WRITE-IN
ELIGIBILITY STATUTE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-106(a) reads as rewritten:

"(a) Notice and Pledge. – No one shall be voted for in a primary election without having filed a notice of candidacy with the appropriate board of elections, State or county, as required by this section. To this end every candidate for selection as the nominee of a political party shall file with and place in the possession of the board of elections specified in subsection (c) of this section, a notice and pledge in the following form:

"Date _____

I hereby file notice as a candidate for nomination as _____ in the _____ party primary election to be held on _____, _____ I affiliate with the _____ party, (and I certify that I am now registered on the registration records of the precinct in which I reside as an affiliate of the _____ party.)

I pledge that if I am defeated in the primary, I will not run for ~~any~~ the same office as a write-in candidate in the next general election.

Signed

(Name of Candidate)

Witness:

(Title of witness)"

Each candidate shall sign the notice of candidacy in the presence of the chairman or secretary of the board of elections, State or county, with which the candidate files. In the alternative, a candidate may have the candidate's signature on the notice of candidacy acknowledged and certified to by an officer authorized to take acknowledgments and administer oaths, in which case the candidate may mail or deliver by commercial courier service the candidate's notice of candidacy to the appropriate board of elections.

In signing the notice of candidacy the candidate shall use only that candidate's legal name and may use any nickname by which he is commonly known. A candidate may also, in lieu of that candidate's legal first name and legal middle initial or middle name (if any) sign a



1 nickname, provided that the candidate appends to the notice of candidacy an affidavit that the
2 candidate has been commonly known by that nickname for at least five years prior to the date
3 of making the affidavit. The candidate shall also include with the affidavit the way that
4 candidate's name (as permitted by law) should be listed on the ballot if another candidate with
5 the same last name files a notice of candidacy for that office.

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

8 Prior to the date on which candidates may commence filing, the State Board of Elections
9 shall print and furnish, at State expense, to each county board of elections a sufficient number
10 of the notice of candidacy forms prescribed by this subsection for use by candidates required to
11 file with county boards of elections."

12 **SECTION 2.** This act becomes effective January 1, 2010, and applies with respect
13 to primaries and elections held on or after that date.