

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 300
PROPOSED COMMITTEE SUBSTITUTE H300-PCS70242-ST-60

Short Title: Election Fairness Act of 2011.

(Public)

Sponsors:

Referred to:

March 10, 2011

A BILL TO BE ENTITLED

AN ACT TO ROTATE THE ORDER OF CANDIDATES AND POLITICAL PARTIES AS
THEY APPEAR ON BALLOTS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 163-165.6 reads as rewritten:

"§ 163-165.6. **Arrangement of official ballots.**

(a) Order of Precedence Generally. – Candidate ballot items shall be arranged on the
official ballot before referenda.

(b) Order of Precedence for Candidate Ballot Items. – The State Board of Elections
shall promulgate rules prescribing the order of offices to be voted on the official ballot. Those
rules shall adhere to the following guidelines:

(1) Federal offices shall be listed before State and local offices. Member of the
United States House of Representatives shall be listed immediately after
United States Senator.

(2) State and local offices shall be listed according to the size of the electorate.

(3) Partisan offices, regardless of the size of the constituency, shall be listed
before nonpartisan offices.

(4) When offices are in the same class, they shall be listed in alphabetical order
by office name, or in numerical or alphabetical order by district name.
Governor and Lieutenant Governor, in that order, shall be listed before other
Council of State offices. Mayor shall be listed before other citywide offices.
Chair of a board, where elected separately, shall be listed before other board
seats having the same electorate. Chief Justice shall be listed before
Associate Justices.

(5) Ballot items for full terms of an office shall be listed before ballot items for
partial terms of the same office.

(c) Order of Candidates on Primary Official Ballots. – The order in which candidates
shall appear on a county's official ballots in any primary ballot item shall be determined by the
county board of elections using a process designed by the State Board of Elections for random
selection.

(d) Order of Party Candidates on General Election Official Ballot. – Candidates in any
ballot item on a general election official ballot shall appear in the following order:



1 (1) Nominees of political parties that reflect at least five percent (5%) of
2 statewide voter registration, according to the most recent statistical report
3 published by the State Board of Elections, ~~in alphabetical order by party and~~
4 in alphabetical order within the party.

5 (2) Nominees of other political parties, ~~in alphabetical order by party and~~ in
6 alphabetical order within the party.

7 (3) Unaffiliated candidates, in alphabetical order.

8 (d1) Rotation of Parties on General Election Official Ballot. – The order of the political
9 parties under subdivision (d)(1) of this section shall rotate every four years. The order of the
10 political parties under subdivision (d)(2) of this section shall rotate every four years.

11 (e) Straight-Party Voting. – Each official ballot shall be arranged so that the voter may
12 cast one vote for a party's nominees for all offices except President and Vice President. A vote
13 for President and Vice President shall be cast separately from a straight-party vote. The official
14 ballot shall be prepared so that a voter may cast a straight-party vote, but then make an
15 exception to that straight-party vote by voting for a candidate not nominated by that party or by
16 voting for fewer than all the candidates nominated by that party. Instructions for general
17 election ballots shall clearly advise voters of the rules in this subsection and of the statutes
18 providing for the counting of ballots.

19 (f) Write-In Voting. – Each official ballot shall be so arranged so that voters may cast
20 write-in votes for candidates except where prohibited by G.S. 163-123 or other statutes
21 governing write-in votes. Instructions for general election ballots shall clearly advise voters of
22 the rules of this subsection and of the statutes governing write-in voting.

23 (g) Order of Precedence for Referenda. – The referendum questions to be voted on shall
24 be arranged on the official ballot in the following order:

25 (1) Proposed amendments to the North Carolina Constitution, in the
26 chronological order in which the proposals were approved by the General
27 Assembly.

28 (2) Other referenda to be voted on by all voters in the State, in the chronological
29 order in which the proposals were approved by the General Assembly.

30 (3) Referenda to be voted on by fewer than all the voters in the State, in the
31 chronological order of the acts by which the referenda were properly
32 authorized."

33 **SECTION 2.** This act becomes effective with respect to elections conducted on or
34 after January 1, 2012, with the political parties not listed first in that political party's category
35 under G.S. 163-165.6(d) in the last statewide general election being listed as first under
36 G.S. 163-165.6(d1) as enacted by this act.