

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 373
Committee Substitute Favorable 4/16/15
PROPOSED SENATE COMMITTEE SUBSTITUTE H373-PCS10415-TC-51

Short Title: 2016 Presidential Primary.

(Public)

Sponsors:

Referred to:

March 30, 2015

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH PROCEDURES FOR THE CONDUCT OF THE 2016
PRESIDENTIAL PRIMARY.

The General Assembly of North Carolina enacts:

SECTION 1. Conduct of 2016 Presidential Preference Primary Election. –
Notwithstanding Article 18A of Chapter 163 of the General Statutes, the 2016 presidential
preference primary election shall be conducted as provided in this act.

SECTION 2. Primary Date. – On March 15, 2016, the voters of this State shall be
given an opportunity to express the voters' preference for the person to be the presidential
candidate of the voters' political party.

SECTION 3. Qualifications and Registration of Voters. – Any person otherwise
qualified who will become qualified by age to vote in the general election held in 2016 shall be
entitled to register and vote in the 2016 presidential preference primary. Such persons may
register not earlier than 60 days nor later than the last day for making application to register
under G.S. 163-82.6 prior to the said primary. In addition, persons who will become qualified
by age to register and vote in the 2016 general election who do not register during the special
period may register to vote after such period as if the person was qualified on the basis of age,
but until the person is qualified by age to vote, the person may vote only in primary elections.

SECTION 4. Conduct of Election. – The 2016 presidential preference primary
election shall be conducted and canvassed by the same authority and in the manner provided by
law for the conduct and canvassing of the primary election for the office of Governor and all
other offices enumerated in G.S. 163-182.4(b) and under the same provisions stipulated in
G.S. 163-182.5(c). The State Board of Elections shall have authority to adopt rules and
regulations, not inconsistent with provisions contained herein, pursuant to the administration of
this act.

SECTION 5. Nomination of Presidential Candidates by State Board of Elections. –
No later than December 16, 2015, the chair of each political party shall submit to the State
Board of Elections a list of its presidential candidates to be placed on the 2016 presidential
preference primary ballot. The list must be comprised of candidates whose candidacy is
generally advocated and recognized in the news media throughout the United States or in North
Carolina, unless any such candidate executes and files with the chair of the political party an
affidavit stating without qualification that the candidate is not and does not intend to become a
candidate for nomination in the 2016 North Carolina presidential preference primary election.
The State Board of Elections shall prepare and publish a list of the names of the presidential
candidates submitted. The State Board of Elections shall convene in Raleigh on January 5,



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1 2016. At the meeting required by this section, the State Board of Elections shall nominate as
2 presidential primary candidates all candidates affiliated with a political party, recognized
3 pursuant to the provisions of Article 9 of Chapter 163 of the General Statutes, who have been
4 submitted to the State Board of Elections. Additionally, the State Board of Elections, by vote of
5 at least three of its members in the affirmative, may nominate as a presidential primary
6 candidate any other person affiliated with a political party that it finds is generally advocated
7 and recognized in the news media throughout the United States or in North Carolina as
8 candidates for the nomination by that party. Immediately upon completion of these
9 requirements, the Board shall release to the news media all such nominees selected. Provided,
10 however, nothing shall prohibit the partial selection of nominees prior to the meeting required
11 by this section, if all provisions herein have been complied with.

12 **SECTION 6.** Nomination of Presidential Candidates by Petition. – Any person
13 seeking the endorsement by the national political party for the office of President of the United
14 States in 2016, or any group organized in this State on behalf of, and with the consent of, such
15 person, may file with the State Board of Elections petitions signed by 10,000 persons who, at
16 the time of the signing, are registered and qualified voters in this State and are affiliated, by
17 such registration, with the same political party as the candidate for whom the petitions are filed.
18 Such petitions shall be presented to the county board of elections 10 days before the filing
19 deadline and shall be certified promptly by the chair of the board of elections of the county in
20 which the signatures were obtained and shall be filed by the petitioners with the State Board of
21 Elections no later than 5:00 P.M. on January 4, 2016.

22 The petitions must state the name of the candidate for nomination, along with a
23 letter of approval signed by such candidate. Said petitions must also state the name and address
24 of the chair of any such group organized to circulate petitions authorized under this section.
25 The requirements of G.S. 163-221 prohibiting signing the name of another to a petition shall
26 apply to any submitted petition. The requirement of the respective chair of county boards of
27 elections shall be the same as now required under the provisions of G.S. 163-96 as those
28 requirements relate to the chair of the county board of elections.

29 The State Board of Elections shall forthwith determine the sufficiency of petitions
30 filed with it and shall immediately communicate its determination to the chair of such group
31 organized to circulate petitions. The form and style of petition shall be as prescribed by the
32 State Board of Elections.

33 **SECTION 7.** Notification to Candidates. – The State Board of Elections shall
34 forthwith contact each person who has been nominated by the Board or by petition and notify
35 the candidate in writing that the candidate's name will be printed as a candidate of a specified
36 political party on the 2016 North Carolina presidential preference primary ballot. A candidate
37 who participates in the 2016 North Carolina presidential preference primary of a particular
38 party shall have the candidate's name placed on the general election ballot only as a nominee of
39 that political party. The State Board of Election shall send a copy of this act to each candidate
40 with the notice specified above.

41 **SECTION 8.** Voting in Presidential Preference Primary. – The names of all
42 candidates in the 2016 presidential preference primary shall appear at an appropriate place on
43 the ballot or voting machine. In addition, the State Board of Elections shall provide a category
44 on the ballot or voting machine allowing voters in each political party to vote an
45 "uncommitted" or "no preference" status. The voter shall be able to cast the voter's ballot for
46 one of the presidential candidates of a political party or for an "uncommitted" or "no
47 preference" status but shall not be permitted to vote for candidates or "uncommitted" status of a
48 political party different from the voter's registration. Persons registered as "Unaffiliated" shall
49 not participate in the presidential primary except as provided in G.S. 163-119.

50 **SECTION 9.** Allocation of Delegate Positions. – Upon completion and
51 certification of the primary results by the State Board of Elections, the Secretary of State shall

1 certify the results of the 2016 presidential preference primary to the State chair of each political
2 party. The candidate receiving the highest number of votes in the presidential preference
3 primary of each party shall be nominated. Each political party shall require the delegate
4 positions appointed by that party to support the candidate certified as receiving the highest
5 number of votes until one convention nominating ballot has been taken at the 2016 national
6 party convention, unless that candidate has withdrawn from the race and has ceased to actively
7 seek election to the office of President of the United States in more than one State at the time
8 the first convention nominating ballot is taken at the 2016 national party convention.

9 **SECTION 10.** Conflict With National Rules. – In case of conflict between the
10 requirements of Section 9 of this act and the national rules of a political party, the State
11 executive committee of that party has the authority to resolve the conflict by adopting for that
12 party the national rules, which shall then supersede any provision in Section 9 of this act with
13 which it conflicts, provided that the executive committee shall take only such action under this
14 section necessary to resolve the conflict.

15 **SECTION 11.** Notification of National Committee. – It shall be the responsibility
16 of the State chair of each political party, qualified under the laws of this State, to notify his or
17 her party's national committee no later than December 10, 2015, of the provisions contained
18 under this act.

19 **SECTION 12.** This act is effective when it becomes law and applies only to the
20 2016 presidential preference primary.