

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 563
HOUSE BILL 404

AN ACT TO MAKE TECHNICAL AMENDMENTS TO THE ELECTION LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-105 is amended by deleting "G.S. 163-108(b)" and substituting "G.S. 163-109(b)", and deleting "G.S. 163-108(c)" and substituting "G.S. 163-109(c)".

Sec. 2. G.S. 163-227(a) is amended in the first paragraph by deleting "V" and substituting "B", in the second paragraph by deleting "163-226(1)(3)" and substituting "163-226(a)(1)", in the third paragraph by deleting "163-226(2)" and substituting "163-226(a)(2)", and in the fourth paragraph by deleting "163-226(2)" and substituting "163-226(a)(2)".

Sec. 3. G.S. 163-58 is repealed. Sec. 4. G.S. 163-226.3(a) is amended by deleting "felony and upon conviction shall be imprisoned for not less than six months or fined not less than one thousand dollars (\$1,000), or both, in the discretion of the court" and substituting "Class J felony".

Sec. 5. G.S. 69-25.9 is amended by deleting "by the joint boards of county commissioners" and substituting "jointly by the county boards of elections".

Sec. 6. The second sentence of G.S. 163-230(2)b. is repealed.

Sec. 7. G.S. 163-115 is amended by adding the following at the end:

"If a vacancy occurs on a county board of commissioners and G.S. 153A-27 or G.S. 153A-27.1 requires that a person shall be elected to the seat vacated for the remainder of the unexpired term, and the vacancy occurs:

- (1) beginning on the tenth day before the filing period ends under G.S. 163-106(c), a nomination shall be made by the county executive committee of each political party and the names of the nominees shall be printed on the general election ballots.
- (2) prior to the tenth day before the filing period ends under G.S. 163-106(c), nominations shall be made by primary election as provided by this Article."

Sec. 7.1. The third paragraph of G.S. 163-115 is amended by deleting ", unless the ballots have already been printed when the nominations are made, in which case the provisions of G.S. 163-139 shall apply".

Sec. 7.2. G.S. 153A-27.1(b) is amended by deleting "30 days", and substituting "60 days".

Sec. 7.3. The first sentence of the second paragraph of G.S. 153A-27 is rewritten to read: "If the member being replaced was serving a two-year term, or if the

member was serving a four- year term and the vacancy occurs later than 60 days before the general election held after the first two years of the term, the appointment to fill the vacancy is for the remainder of the unexpired term."

Sec. 7.4. The second sentence of the second paragraph of G.S. 153A-27 is amended by deleting "30 days", and substituting "60 days".

Sec. 8. G.S. 163-42 is amended by deleting "seventh day prior to the date the appointments are to be made pursuant to G.S. 163-31" and substituting "thirtieth day prior to the primary or election".

Sec. 8.1. G.S. 163-42 is amended by adding the following at the end:

"Assistants serve for the particular primary or election for which they are appointed, unless the county board of elections appoints them for a term to expire on the date appointments are to be made pursuant to G.S. 163-41."

Sec. 9. The last two sentences of the first paragraph of G.S. 163-41(a) are deleted and the following substituted:

"Not more than one judge in each precinct shall belong to the same political party as the registrar."

Sec. 10. G.S. 163-41(b) is amended by adding the following immediately after the second sentence:

"A special registration commissioner for a county must be a registered voter of that county."

Sec. 10.1. G.S. 163-43 is amended by adding the following at the end of the first paragraph:

"A ballot counter must be a resident of that precinct."

Sec. 11. G.S. 163-85(c)(2) and G.S. 163-85(c)(3) are each amended by adding the following immediately before the comma:

", provided that no such challenge may be made if the person removed his residency and the period of removal has been less than 30 days".

Sec. 11.1. G.S. 163-85(c)(6) is repealed. Sec. 11.2. G.S. 163-85(c)(7) is repealed. Sec. 11.3. G.S. 163-276 is amended by deleting ", and if the conviction is for a misdemeanor, he shall be disqualified from voting for a period of two years".

Sec. 11.4. G.S. 163-87 is amended by adding the following new paragraph immediately after the first paragraph:

"On the day of a primary or election, any other registered voter of the precinct may challenge a person for one or more of the following reasons:

- (1) one or more of the reasons listed in G.S. 163- 85(c), or
- (2) that the person has already voted in that primary or election, or
- (3) that the person presenting himself to vote is not who he represents himself to be."

Sec. 11.5. G.S. 163-85(c) is amended by adding the following new subsection:

"(7a) That a person is dead,".

Sec. 12. The last three sentences of G.S. 147-4 are repealed.

Sec. 13. The first sentence of G.S. 163-107.1(b) is amended by adding the following immediately before the period:

", except that in the case of a political party as defined by G.S. 163-96(a)(2) which will be making nominations by primary election, the petition must be signed by ten percent (10%) of the registered voters of the State who are affiliated with the same political party in whose primary the candidate desires to run, or in the alternative, the petition shall be signed by no less than 10,000 registered voters regardless of the voter's political party affiliation, whichever requirement is greater".

Sec. 14. G.S. 163-87 is amended by adding the following at the end:

"If a person is challenged under this subsection, and the challenge is sustained under G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. 163-72.3, if eligible under that section, and the registration shall not be cancelled under G.S. 163-90.2(a) if the transfer is made. A person who has transferred his registration under G.S. 163-72.3 may be challenged at the precinct to which the registration is being transferred."

Sec. 15. The first sentence of G.S. 163-22.2 is amended by deleting "Statutes is held" and substituting "Statutes or any State election law or form of election of any county board of commissioners, local board of education, or city officer is held", and is further amended by adding immediately after the word "court" the words "or is unenforceable because of objection interposed by the United States Justice Department under the Voting Rights Act of 1965", and is further amended by deleting "upon the convening" and substituting "60 days after the convening".

Sec. 16. G.S. 163-152(a)(1)a. is repealed. Sec. 16.1. G.S. 163-152(a)(1)b. is amended by deleting the material immediately before the colon and substituting:

"b. Any voter in any of the following four categories shall be entitled to assistance from a person of the voter's choice, other than the voter's employer or agent of that employer or officer or agent of the voter's union".

Sec. 16.2. The second through fourth sentences of G.S. 163-152(a)(2) are deleted and the following substituted:

"If the registrar determines that the voter is entitled to assistance, he shall ask the voter to point out and identify the person he desires to help him and to whose assistance he is entitled under this section. The registrar shall thereupon request the person indicated to render the requested aid. The registrar, one of the judges, or one of the assistants may provide aid to the voter if so requested, if the election official is not prohibited by sub-subdivision (a)(1)b. of this section."

Sec. 16.3. G.S. 163-152(d) is repealed. Sec. 16.4. G.S. 163-152(a)(1)b. is amended by adding the following before the period at the end:

"; 4. One who, on account of blindness, is unable to enter the voting booth or mark his ballots without assistance".

Sec. 16.5. The first sentence of G.S. 163-152.1 is rewritten to read:

"Any blind voter may record a certificate issued by the Department of Human Resources, by an optometrist or by a physician, stating that the named individual should be entitled to assistance as a blind voter."

Sec. 16.6. The second sentence of G.S. 163-152.1 is amended by deleting "whether such voter resides in a county with full-time registration or regular registration".

Sec. 17. This act shall become effective September 1, 1985, except that Sections 1, 2, 3, 6, 12, and 15 are effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1985.