

GENERAL ASSEMBLY OF NORTH CAROLINA
1985 SESSION

CHAPTER 759
HOUSE BILL 834

AN ACT TO MAKE ADDITIONAL TECHNICAL AMENDMENTS TO THE
ELECTION LAWS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-115 is amended by adding the following at the end:

"If a vacancy occurs in the office of United States Senator, 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 State 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. 2. G.S. 163-12 is amended by deleting "30 days", and substituting "60 days".

Sec. 3. The first sentence of G.S. 163-13(b) is amended by deleting "within eight months", and substituting "beginning on the tenth day before the filing period ends under G.S. 163-106(c)", and is further amended in the second paragraph by deleting "more than eight months", and substituting "before the tenth day before the filing period ends under G.S. 163-106(c)".

Sec. 4. The last paragraph of G.S. 163-13(b) is amended by deleting "closing date", and substituting "opening and closing dates".

Sec. 5. The last paragraph of G.S. 163-13(b) is amended by adding the following at the end:

"The Governor may also fix the absentee voting period for the special election and for the special first primary, but such period shall not be less than 30 days."

Sec. 5.1. G.S. 163-230.1(a) is rewritten to read as follows:

"(a) When a qualified voter personally requests by mail an application for absentee ballots, the county board of elections shall cause to be mailed to that voter in a single package:

- (1) The official ballots the voter is entitled to vote if his application is approved;
- (2) A container-return envelope for the ballots, upon the outside of which shall be printed the appropriate application form as provided in G.S. 163-227;

- (3) A large envelope (similar to a No. 14 or larger manila envelope) in which the container-return with the ballots may be returned and on which the affidavit provided by G.S. 163-229(b) shall be printed; and
- (4) An instruction sheet.

The ballots, envelopes and instructions shall be mailed to the voter by the county board's chairman, secretary or supervisor as determined by the board and entered in its official minutes.

On the back of the large transmittal envelope shall be clearly printed or stamped the following statement:

DO NOT PLACE THE ENVELOPE CONTAINING YOUR BALLOTS INTO THIS ENVELOPE UNTIL YOU HAVE COMPLETED THE APPLICATION ON THE ENVELOPE CONTAINING YOUR BALLOTS AND SECURED THE SIGNATURE OF A WITNESS."

Sec. 5.2. G.S. 163-230.1(b) is amended by deleting "container-return envelope affidavit" and substituting "large envelope affidavit".

Sec. 5.3. The second sentence of G.S. 163-230.1(b) is repealed.

Sec. 5.4. The third sentence of G.S. 163-230.1(b) is amended by deleting "application and the" and by deleting "separately".

Sec. 5.5. G.S. 163-230.1(c) is amended by deleting "application and container-return envelope" both places and substituting "container-return envelope, and large envelope".

Sec. 6. G.S. 163-106(h) is amended by adding the following at the end:

"Notwithstanding this subsection, a person may file a notice of candidacy for a full term as United States Senator, and also file a notice of candidacy for the remainder of the unexpired term of that same seat in an election held under G.S. 163-12, and may file a notice of candidacy for a full term as a member of the United States House of Representatives, and also file a notice of candidacy for the remainder of the unexpired term in an election held under G.S. 163-13."

Sec. 6.1. The first paragraph of G.S. 163-278.23 is amended by deleting "15 days", and substituting "30 days".

Sec. 7. G.S. 163-41(a) is amended at line 1 of paragraph 9 by deleting the words "Before entering upon his duties each registrar" and inserting in lieu thereof the words "As soon as practicable, following their training as prescribed in G.S. 163-80(d), each registrar and judge of elections" and in the oath following paragraph 9 at line 7 of the oath by inserting after the word "of" the following: "(judge of elections in)".

Sec. 7.1. G.S. 163-41(a) is amended by adding the following immediately after the ninth paragraph:

"Notwithstanding the previous paragraph, a person appointed registrar by the judges of election under this section, or appointed judge of election by the registrar under this section may take the oath of office immediately upon appointment."

Sec. 8. G.S. 163-41(a) is further amended by rewriting the last paragraph thereof to read as follows:

"Before the opening of the polls on the morning of the primary or election, the registrar shall administer the oath set out in the preceding paragraph to each assistant,

and any judge of elections not previously sworn, substituting for the words 'registrar of the words 'assistant in' or 'judge of elections in' whichever is appropriate."

Sec. 9. This act is effective upon ratification, except that Sections 5.1 through 5.5 shall become effective with respect to elections held on or after January 1, 1986.

In the General Assembly read three times and ratified, this the 15th day of July, 1985.