

GENERAL ASSEMBLY OF NORTH CAROLINA  
1987 SESSION

CHAPTER 1028  
HOUSE BILL 858

AN ACT TO PROHIBIT WITHDRAWAL OF CANDIDACY AFTER FILING  
DEADLINE AND TO ADDRESS OTHER CAMPAIGN AND ELECTION  
MATTERS.

The General Assembly of North Carolina enacts:

—NO WITHDRAWING NOTICE OF CANDIDACY IN PRIMARY AFTER FILING  
DEADLINE.

**Section 1.** Effective with respect to elections held on or after January 1, 1989, G.S. 163-106(e) reads as rewritten:

"(e) Withdrawal of Notice of Candidacy. – Any person who has filed notice of candidacy for an office shall have the right to withdraw it at any time prior to the date on which the right to file for that office expires under the terms of subsection (c) of this section. If a candidate does not withdraw before the filing deadline, except as provided in G.S. 163-112, his name shall be printed on the primary ballot, any votes for him shall be counted, and he shall not be refunded his filing fee."

—THRESHOLD OF \$500.00 FOR CAMPAIGN FINANCIAL REPORTING.

**Sec. 2.** Effective with respect to elections held on or after January 1, 1989, Chapter 163 of the General Statutes is amended by inserting a new section to read:

"§ 163-278.10A. **Threshold of \$500.00 for Financial Reports.**—Notwithstanding any other provision of this Chapter, no candidate who receives in contributions or expends \$500.00 or less shall be required to file any of the contribution and expenditure reports required in G.S. 163-278.9(a) or 163-278.40B, 278.40C, 278.40D, or 278.40E. To qualify for the exemption from those reports, the candidate's treasurer shall file a certification under oath that he does not intend to receive in contributions or expend more than \$500.00 to further his campaign. The certification shall be filed with the Board at the same time the candidate files his Organizational Report as required in G.S. 163-278.7, G.S. 163-278.9, and G.S. 163-278.40A. If the candidate's campaign is being conducted by a political committee which is handling all contributions and expenditures for his campaign, the treasurer of the political committee shall file a certification of intent to stay within the threshold amount. If the intent to stay within the threshold changes, or if the \$500.00 threshold is exceeded, the treasurer shall immediately notify the Board and shall be responsible for filing all reports required in G.S. 163-278.9 and 163-278.40B, 278.40C, 278.40D, and 278.40E; provided that any contribution or expenditure which would have been required to be reported on an earlier report but for this section shall be included on the next report required after the intent changes or the threshold is exceeded."

—ECONOMIC INTEREST REPORTING.

**Sec. 3.** Effective January 1, 1989, Chapter 120 of the General Statutes is amended by repealing G.S. 120-91, 120-95, 120-97, and the final sentence of G.S. 120-92.

**Sec. 4.** Effective January 1, 1989, G.S. 120-98(a) reads as rewritten:

"(a) ~~In the case of a candidate, if~~ If a candidate does not file the statement of economic interest within the time required by this Article is not filed when required herein, the county board of elections shall immediately serve notice on the candidate by registered mail, restricted delivery to addressee only, that, his name will not be placed on the ballot. If if the statement is not received within 15 days after receiving notice, the candidate shall not be certified as the nominee of his party. If the statement is not received within 15 days of notification, the board of elections authorized to certify a candidate as nominee to the office shall not certify the candidate as nominee under any circumstances, regardless of the number of candidates for the nomination and regardless of the number of votes the candidate receives in the primary, be disqualified and his filing fee returned. A vacancy thus created on a party's ticket shall be considered a vacancy for the purposes of G.S. 163-114, and shall be filled according to the procedures set out in G.S. 163-114."

**Sec. 5.** Effective January 1, 1989, G.S. 120-98(b) is repealed.

—DEADLINE FOR FILING ANNUAL CAMPAIGN FINANCIAL REPORT.

**Sec. 6.** Effective with respect to elections held on or after September 1, 1988, G.S. 163-278.9(a)(6) reads as rewritten:

"(6) Annual Reports. – If contributions are received or expenditures made during a calendar year, for which no reports are otherwise required by this Article, any and all such contributions and expenditures shall be reported by ~~January 7~~ the last Friday in January of the following year."

**Sec. 7.** Effective with respect to elections held on or after September 1, 1988, G.S. 163-278.40B(4) reads as rewritten:

"(4) Annual Report. – If contributions are received or expenditures made during a calendar year, for which no reports are otherwise required by this section, any and all contributions and expenditures shall be reported by ~~January 7~~ the last Friday in January of the following year."

**Sec. 8.** Effective with respect to elections held on or after September 1, 1988, G.S. 163-278.40C(3) reads as rewritten:

"(3) Annual Report. – If contributions are received or expenditures made during a calendar year, for which no reports are otherwise required by this section, any and all such contributions and expenditures shall be reported by ~~January 7~~ the last Friday in January of the following year."

**Sec. 9.** Effective with respect to elections held on or after September 1, 1988, G.S. 163-278.40D(3) reads as rewritten:

"(3) Annual Report. – If contributions are received or expenditures made during a calendar year, for which no reports are otherwise required by this section, any and all contributions and expenditures shall be reported by ~~January 7~~ the last Friday in January of the following year."

**Sec. 10.** Effective with respect to elections held on or after September 1, 1988, G.S. 163-278.40E(3) reads as rewritten:

"(3) Annual Report. – If contributions are received or expenditures made during a calendar year, for which no reports are otherwise required by this section, any and all such contributions and expenditures shall be reported by ~~January 7~~ the last Friday in January of the following year."

—CLARIFICATION OF APPEAL PROCEDURE FOR CHALLENGES.

**Sec. 11.** Effective with respect to challenges made on or after the date of ratification of this act, G.S. 163-90.2 is amended by adding a new subsection to read:

"(d) A decision by a county board of elections on any challenge made under the provisions of this Article shall be appealable to the Superior Court of the county in which the offices of that board are located within 10 days. Only those persons against whom a challenge is sustained or persons who have made a challenge which is overruled shall have standing to file such appeal."

—REPLACING OF REGISTRARS AND JUDGES.

**Sec. 12.** This section is effective upon ratification, except that if any person was appointed a registrar or judge of election during calendar year 1988 by the chairman of the county board of elections because a vacancy occurred, the term of office of the person appointed shall expire September 1, 1988, unless the successor was a person nominated by the chairman of the county political party of the vacating officer. G.S. 163-41(a) reads as rewritten:

"(a) Appointment of Registrar and Judges. – At the meeting required by G.S. 163-31 to be held on the Tuesday following the third Monday in August of the year in which they are appointed, the county board of elections shall appoint one person to act as registrar and two other persons to act as judges of election for each precinct in the county. Their terms of office shall continue for two years from the specified date of appointment and until their successors are appointed and qualified. It shall be their duty to conduct the primaries and elections within their respective precincts. Persons appointed to these offices must be registered voters and residents of the precinct for which appointed, of good repute, and able to read and write. Not more than one judge in each precinct shall belong to the same political party as the registrar.

The term 'precinct official' shall mean registrars and judges appointed pursuant to this section, and all assistants appointed pursuant to G.S. 163-42, unless the context of a statute clearly indicates a more restrictive meaning.

No person shall be eligible to serve as a precinct official, as that term is defined above, who holds any elective office under the government of the United States, or of the State of North Carolina or any political subdivision thereof.

No person shall be eligible to serve as a precinct official who is a candidate for nomination or election.

No person shall be eligible to serve as a precinct official who holds any office in a state, congressional district, county, or precinct political party or political organization, or who is a manager or treasurer for any candidate or political party, provided however that the position of delegate to a political party convention shall not be considered an office for the purpose of this subsection.

The chairman of each political party in the county where possible shall recommend two registered voters in each precinct who are otherwise qualified, are residents of the precinct, have good moral character, and are able to read and write, for appointment as registrar in the precinct, and he shall also recommend where possible the same number of similarly qualified voters for appointment as judges of election in that precinct. If such recommendations are received by the county board of elections no later than the fifth day preceding the date on which appointments are to be made, it must make precinct appointments from the names of those recommended. Provided that if only one name is submitted by the fifth day preceding the date on which appointments are to be made, by a party for judge of election by the chairman of one of the two political parties in the county having the greatest numbers of registered voters in the State, the county board of elections must appoint that person.

If, at any time other than on the day of a primary or election, a registrar or judge of election shall be removed from office, or shall die or resign, or if for any other cause there be a vacancy in a precinct election office, the chairman of the county board of elections shall appoint another in his place, promptly notifying him of his appointment. If at all possible, the chairman of the county board of elections shall consult with the county chairman of the political party of the vacating official, and if the chairman of the county political party nominates a qualified voter of that precinct to fill the vacancy, the chairman of the county board of elections shall appoint that person. In filling such a vacancy, the chairman shall appoint a person who belongs to the same political party as that to which the vacating member belonged when appointed. If the chairman of the county board of elections did not appoint a person upon recommendation of the chairman of the party to fill such a vacancy, then the term of office of the person appointed to fill the vacancy shall expire upon the conclusion of the next canvass held by the county board of elections under this Chapter, and any successor must be a person nominated by the chairman of the party of the vacating officer.

If any person appointed registrar shall fail to be present at the voting place at the hour of opening the polls on primary or election day, or if a vacancy in that office shall occur on primary or election day for any reason whatever, the precinct judges of election shall appoint another to act as registrar until such time as the chairman of the county board of elections shall appoint to fill the vacancy. If such appointment by the chairman of the county board of elections is not a person nominated by the county chairman of the political party of the vacating officer, then the term of office of the person appointed to fill the vacancy shall expire upon the conclusion of the next canvass held by the county board of elections under this Chapter. If a judge of election shall fail to be present at the voting place at the hour of opening the polls on primary or election day, or if a vacancy in that office shall occur on primary or election day for any reason whatever, the registrar shall appoint another to act as judge until such time as the chairman of the county board of elections shall appoint to fill the vacancy. Persons appointed to fill vacancies shall, whenever possible, be chosen from the same political party as the person whose vacancy is being filled, and all such appointees shall be sworn before acting.

As soon as practicable, following their training as prescribed in G.S. 163-80(d), each registrar and judge of elections shall take and subscribe the following oath of office to be administered by an officer authorized to administer oaths and file it with the county board of elections:

I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support the Constitution of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution of said State not inconsistent with the Constitution of the United States; that I will administer the duties of my office as registrar of (judge of elections in) \_\_\_\_\_ precinct, \_\_\_\_\_ County, without fear or favor; that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or proposition; and that I will not keep or make any memorandum of anything occurring within a voting booth, unless I am called upon to testify in a judicial proceeding for a violation of the election laws of this State; so help me, God.'

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.

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."

—COUNTING OF VOTES IN MULTI-SEAT RACE WHERE VOTER MARKS STRAIGHT-TICKET, THEN MARKS LESS THAN A FULL SLATE OF THAT PARTY'S NOMINEES.

**Section 13.** Effective with respect to elections held on or after September 1, 1988, G.S. 163-170.1 reads as rewritten:

"§ 163-170.1. **Counting of ballots in multi-seat races where voter votes straight-party ticket and for individual candidates of that party but not for individual candidates of another party.**—Notwithstanding any other provision of this act, in the case of a multi-seat race, if a voter votes a straight-party ticket, and also votes for individual candidates of that party but not for individual candidates of another party, the ballot shall be counted for that office only for the individual candidates so marked ~~for all the candidates for that multi seat race of the party whose straight ticket has been marked~~. The State Board of Elections shall by ~~regulation~~ directive amend the instructions provided by this act, if necessary, to effectuate this section."

—EFFECTIVE DATES.

**Sec. 14.** This act is effective as provided herein.

In the General Assembly read three times and ratified this the 30th day of June, 1988.