

GENERAL ASSEMBLY OF NORTH CAROLINA
1987 SESSION

CHAPTER 106
HOUSE BILL 126

AN ACT TO REGULATE THE ADOPTION OF VOTING SYSTEMS BY LOCAL
GOVERNMENTS.

The General Assembly of North Carolina enacts:

Section 1. Article 14 of Chapter 163 of the General Statutes is rewritten to read:

"Article 14.
Voting Systems.

"§ 163-160. **Voting systems; approval; rules and regulations.**—The State Board of Elections shall have authority to approve types of voting systems for use in primaries and elections held in this State. The use of voting systems that have been approved by the State Board of Elections in any primary or election held in any county or municipality shall be as valid as the use of paper ballots by the voters.

The State Board of Elections shall prescribe rules and regulations for the adoption, handling, operation, and honest use of voting systems, including, but not limited to, the following:

- (1) Types of voting systems approved for use in this State;
- (2) Form of ballot labels to be used on voting systems;
- (3) Operation and manner of voting on voting systems;
- (4) Instruction of precinct officials in the use of voting systems;
- (5) Instruction of voters in the use of voting systems;
- (6) Assistance to voters using voting systems;
- (7) Duties of custodians of voting systems;
- (8) Examination of voting systems before use in a primary election; and
- (9) Use of paper or other ballots where voting systems are used as set out in G.S.

163-162.

"§ 163-160.1. **Definition of 'voting systems'.**—As used in this Article, 'voting systems' shall mean mechanical voting machines and computer-based and optical-scan election systems.

"§ 163-161. **Adoption of voting systems by local governments.**—(a) Discretionary authority. The board of county commissioners, with the approval of the county board of elections, may adopt and purchase or lease a voting system of a type approved by the State Board of Elections for use in some or all voting places in the county at some or all primaries and elections. Specifically, the board may purchase a voting system upon an installment basis or otherwise, or it may lease a voting system with or without an option to purchase.

The board of county commissioners may decline to adopt and purchase or lease any voting system recommended by the county board of elections, but may not adopt and purchase or lease any voting system that has not been approved by the county board of elections.

(b) Requirements for County Board of Elections. Before approving the adoption and purchase or lease of any voting system by the board of county commissioners, the county board of elections shall:

- (1) obtain a current financial statement from the proposed vendor or lessor of the voting system, and send copies of the statement to the county attorney and the chief county financial officer, and
- (2) witness a demonstration, in that county or at a site designated by the State Board of Elections, of the voting system by the proposed vendor or lessor, and also witness a demonstration of at least one other type of voting system approved by the State Board of Elections.
- (3) test, during a primary or election, the proposed voting system in at least one precinct in the county where the system would be used if adopted."

(c) Implementation of Decision. When the board of county commissioners has decided to adopt and purchase or lease a voting system for voting places under the provisions of subsection (a) of this section, the board of county commissioners shall, as soon as practical, provide for each of those voting places sufficient equipment of the approved voting system in complete working order. If it is impractical to furnish each voting place with the equipment of the approved voting system, that which has been obtained may be placed in voting places chosen by the county board of elections. In that case, the county board of elections shall choose the voting places and allocate the equipment in a way that as nearly as practicable provides equal access to the voting system for each voter.

The county board of elections shall appoint as many voting system custodians as may be necessary for the proper preparation of the system for each primary and election and for its maintenance, storage and care.

(d) Municipalities. The governing board of the municipality shall have the same authority with respect to the acquisition and use of a voting system for municipal primaries and elections that boards of county commissioners are granted in subsection (a) with respect to other primaries and elections.

The decision of the governing board of the municipality shall be subject to approval of the county board of elections, as described in subsection (a), if the county board of elections administers the elections of the municipality, or by the approval of the municipal board of elections if the municipal board of elections administers the elections of the unit. Before approving the adoption and purchase or lease of a voting system, the county or municipal board of elections shall be subject to all the requirements of subsection (b), except that in the case of a municipal board of elections, the financial statement shall be sent to the municipal attorney and the chief municipal finance officer, the demonstration shall be conducted in the municipality or at a site

designated by the State Board of Elections, and the testing shall be done in a precinct of the municipality.

When a municipal governing body has decided to adopt and purchase a voting system for voting places under the provisions of this subsection, that governing body shall have all the duties parallel to those imposed by subsection (c) on a board of county commissioners and a county board of elections: that is, the municipal governing body shall, as soon as practical, provide for each of those voting places sufficient equipment of the approved voting system or, if that is impractical, provide the available equipment of the approved voting system in the places it chooses, and shall appoint the necessary number of voting-system custodians. In the case that equipment of the approved system for every voting place is impractical, the municipal governing board shall choose the voting places and allocate the equipment in a way that as nearly as practicable provides equal access to the voting system for every voter.

"§ 163-162. Use of paper ballots where voting systems are used.—In counties in which voting systems are used in some or all precincts, the county board of elections shall have authority to furnish paper ballots of each kind to precincts using voting systems for use by:

(1) Persons required to sign their ballots under the provisions of G.S. 163-150(e), and persons who vote pursuant to G.S. 163-155; and

(2) Persons who wish to write in names of candidates who are not on the ballot, if it is not practical to use voting systems to record write-in votes in particular precincts because of the horizontal or vertical printing limitations of G.S. 163-137, provided the county board of elections has been issued written approval from the State Board of Elections, and

(3) Persons who vote at the office of the county board of elections. For voters who vote at the county board office, the county board may furnish, in lieu of paper ballots, ballots of a voting system approved by the State Board of Elections, provided those ballots are identifiable and retrievable."

Sec. 2. This act shall become effective July 1, 1987.

In the General Assembly read three times and ratified this the 28th day of April, 1987.