

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1073

Short Title: Clarify Ballot Instructions.

(Public)

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Sponsors: Representative Gamble.

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Referred to: Courts, Justice, Constitutional Amendments and Referenda.

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April 23, 1991

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THE INSTRUCTIONS FOR SPLITTING TICKETS IN  
2 MULTISEAT RACES, TO MAKE IT CLEAR THAT IF THE VOTER MARKS A  
3 STRAIGHT TICKET AND THEN MARKS CANDIDATES OF THE OTHER  
4 PARTY, THE BALLOT WILL NOT BE COUNTED FOR ANY CANDIDATES  
5 FOR THAT OFFICE OF THE PARTY WHOSE CIRCLE WAS MARKED  
6 UNLESS THOSE CANDIDATES ARE VOTED FOR INDIVIDUALLY AS  
7 WELL.  
8

9 The General Assembly of North Carolina enacts:

10 Section 1. G.S. 163-140(b)(4) reads as rewritten:

11 "(4) State Ballot: Beneath the title and general instructions set out in this  
12 subsection, the ballot for single-seat contests for State officers, and for  
13 all State officers where mechanical voting machines are used  
14 (including judges of the superior court) shall be divided into parallel  
15 columns separated by distinct black lines. The State Board of  
16 Elections shall assign a separate column to each political party having  
17 candidates for State offices and one to unaffiliated candidates, if any.  
18 At the head of each party column the party's name shall be printed in  
19 large type, and at the head of the column for unaffiliated candidates  
20 shall be printed in large type the words 'Unaffiliated Candidates.'  
21 Below the party name in each column shall be printed a circle, one-  
22 half inch in diameter, around which shall be plainly printed the  
23 following instruction: 'For a straight ticket, mark within this circle.'  
24 With distinct black lines, the State Board of Elections shall divide the

1 columns into horizontal sections and, in the customary order of office,  
2 assign a separate section to each office or group of offices to be filled.  
3 On a single line at the top of each section shall be printed a direction as  
4 to the number of candidates for whom a vote may be cast. If  
5 candidates are to be chosen for different terms to the same office, the  
6 term in each instance shall be printed as part of the title of the office.

7 The name or names of each political party's candidate or candidates  
8 for each office listed on the ballot shall be printed in the appropriate  
9 office section of the proper party column, and the names of  
10 unaffiliated candidates shall be printed in the appropriate office section  
11 of the column headed 'Unaffiliated Candidates.' At the left of each  
12 name shall be printed a voting square, and in each column all voting  
13 squares shall be arranged in a perpendicular line.

14 On the face of the ballot, above the party and unaffiliated column  
15 division, the following instructions shall be printed in heavy black  
16 type, and the words 'you must also' in instruction b. shall be  
17 underlined:

- 18 'a. To vote for all candidates of one party (a straight ticket), make a  
19 cross (X) mark in the circle of the party for whose candidates  
20 you wish to vote.
- 21 b. You may vote a split ticket by marking a cross (X) mark in the  
22 party circle and then making a cross (X) mark in the square  
23 opposite the name of the candidate(s) you choose of a different  
24 party ~~for whom you wish to vote~~. In any multi-seat race where a  
25 party circle is marked and you vote for candidates of another  
26 party, ~~in order for your vote to count for any candidates for that~~  
27 ~~office of the party for which you marked the party circle~~ you must  
28 also make a cross (X) mark opposite the name of those  
29 candidate(s) you choose of the party for which you marked the  
30 party circle to assure your vote will count.
- 31 c. You may also vote a split ticket by not marking a cross (X)  
32 mark in the party circle, but by making a cross (X) mark in the  
33 square opposite the name of each candidate for whom you wish  
34 to vote.
- 35 d. If you tear or deface or wrongly mark this ballot, return it and  
36 get another.'

37 On the bottom of the ballot shall be printed an identified facsimile  
38 of the signature of the Chairman of the State Board of Elections. If the  
39 State ballot contains no multi-seat race, then the second sentence of  
40 instruction b. shall not appear on the ballot."

41 Sec. 2. G.S. 163-140(b)(5) reads as rewritten:

42 "(5) County Ballot: Beneath the title and general instructions set out in this  
43 subsection, the ballot for single-seat contests for county officers  
44 (including district attorney for the prosecutorial district in which the

1 county is situated, district judge for the district court district in which  
2 the county is situated, and members of the General Assembly in the  
3 senatorial and representative districts in which the county is situated),  
4 and for all county offices where mechanical voting machines are used,  
5 shall be divided into parallel columns separated by distinct black lines.  
6 The county board of elections shall assign a separate column to each  
7 political party having candidates for the offices on the ballot and one  
8 to unaffiliated candidates, if any. At the head of each party column the  
9 party's name shall be printed in large type and at the head of the  
10 column for unaffiliated candidates shall be printed in large type the  
11 words 'Unaffiliated Candidates.' Below the party name in each column  
12 shall be printed a circle, one-half inch in diameter, around which shall  
13 be plainly printed the following instruction: 'For a straight ticket, mark  
14 within this circle.' With distinct black lines, the county board of  
15 elections shall divide the columns into horizontal sections and, in the  
16 customary order of office, assign a separate section to each office or  
17 group of offices to be filled. On a single line at the top of each section  
18 shall be printed the title of the office, and directly below the title shall  
19 be printed a direction as to the number of candidates for whom a vote  
20 may be cast. If candidates are to be chosen for different terms to the  
21 same office, the term in each instance shall be printed as part of the  
22 title of the office.

23 The name or names of each political party's candidate or candidates  
24 for each office listed on the ballot shall be printed in the appropriate  
25 office section of the proper party column, and the names of  
26 unaffiliated candidates shall be printed in the appropriate office section  
27 of the column headed 'Unaffiliated Candidates.' At the left of each  
28 name shall be printed a voting square, and in each column all voting  
29 squares shall be arranged in a perpendicular line.

30 On the face of the ballot, above the party and unaffiliated column  
31 division, the following instructions shall be printed in heavy black  
32 type, and the words 'you must also' in instruction b. shall be  
33 underlined:

- 34 'a. To vote for all candidates of one party (a straight ticket), make a  
35 cross (X) mark in the circle of the party for whose candidates  
36 you wish to vote.
- 37 b. You may vote a split ticket by marking a cross (X) mark in the  
38 party circle and then making a cross (X) mark in the square  
39 opposite the name of the candidate(s) you choose of a different  
40 party ~~for whom you wish to vote~~. In any multi-seat race where a  
41 party circle is marked and you vote for candidates of another  
42 party, ~~in order for your vote to count for any candidates for that~~  
43 ~~office of the party for which you marked the party circle~~ you must  
44 also make a cross (X) mark opposite the name of those

1 candidate(s) you choose of the party for which you marked the  
2 party circle to assure your vote will count.

- 3 c. You may also vote a split ticket by not marking a cross (X)  
4 mark in the party circle, but by making a cross (X) mark in the  
5 square opposite the name of each candidate for whom you wish  
6 to vote.  
7 d. If you tear or deface or wrongly mark this ballot, return it and  
8 get another.'

9 On the bottom of the ballot shall be printed an identified facsimile  
10 of the signature of the chairman of the county board of elections. If  
11 the county ballot contains no multi-seat race, then the second sentence  
12 of instruction b. shall not appear on the ballot."

13 Sec. 3. G.S. 163-140(f) reads as rewritten:

14 "(f) Multi-seat Races. – The General Assembly finds that since the federal court  
15 opinion voiding the law which provided that a straight-ticket ballot shall take  
16 precedence in counting over a ballot marked for individual candidates, confusion has  
17 occurred in the counting of ballots in multi-seat races. In order to minimize the  
18 confusion of instructions for marking ballots in multi-seat races, which must be  
19 different than those in single-seat races, the General Assembly finds it necessary that  
20 these ballots be printed separately, except in the case of mechanical voting machines.  
21 On such machines, where it is physically impossible to vote both a straight-ticket and  
22 for an individual candidate, without pulling up the lever of an individual candidate,  
23 clearly showing the voter's intention, it is unnecessary to have a separate ballot for  
24 multi-seat races, and having such a separate ballot would result in more columns and  
25 rows on the machine than the mechanical machine can handle.

26 Multi-seat races in partisan general elections, which except as provided in this  
27 section would have appeared on the State ballot or county ballot, and except for multi-  
28 seat races on mechanical voting machines, shall be placed on a separate multi-seat ballot  
29 or ballots, which shall not be combined with any ballot other than a multi-seat ballot.  
30 Beneath the title and general instructions set out in this subsection, the ballot(s) for  
31 multi-seat races shall be divided into parallel columns separated by distinct black lines.  
32 The State Board of Elections shall assign a separate column to each political party  
33 having candidates in multi-seat races and one to unaffiliated candidates, if any. At the  
34 head of each party column the party's name shall be printed in large type, and at the  
35 head of the column for unaffiliated candidates shall be printed in large type the words  
36 'Unaffiliated Candidates.' Below the party name in each column shall be printed a  
37 circle, one-half inch in diameter, and around which shall be plainly printed the  
38 following instruction: 'For a straight ticket, mark within this circle.' With distinct black  
39 lines, the State Board of Elections shall divide the columns into horizontal sections and,  
40 in the customary order of office, assign a separate section to each group of offices to be  
41 filled. On a single line at the top of each section shall be printed a direction as to the  
42 number of candidates for whom a vote may be cast. If candidates are to be chosen for  
43 different terms to the same office, the term in each instance shall be printed as part of  
44 the title of the office.

1 The name or names of each political party's candidate or candidates for each office  
2 listed on the ballot shall be printed in the appropriate office section of the proper party  
3 column and the names of unaffiliated candidates shall be printed in the appropriate  
4 office section of the column headed 'Unaffiliated Candidates.' At the left of each name  
5 shall be printed a voting square, and in each column all voting squares shall be arranged  
6 in a perpendicular line.

7 On the face of the ballot, above the party and unaffiliated column division, the  
8 following instructions shall be printed in heavy red type to contrast with the type of the  
9 rest of the ballot:

- 10 'a. To vote for all candidates of one party (a straight ticket), make a cross  
11 (X) mark in the circle of the party of your choice.
- 12 b. You may vote a split ticket in one of two ways:
- 13 (1) By making a cross mark opposite the name of each candidate  
14 for whom you wish to vote and making no mark in the party  
15 circle, or
- 16 (2) By marking the party circle and then making a cross mark  
17 opposite the name of each candidate you choose of the party  
18 whose circle you marked as well as each candidate you choose  
19 of any other party in the race(s) where you wish to vote a split  
20 ticket.
- 21 c. If you tear or deface or wrongly mark this ballot, return it and get  
22 another.'

23 Ballot instructions need not be printed in red type except on the separate ballot(s)  
24 for multi-seat races."

25 Sec. 4. This act is effective upon ratification.