

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

H

2

HOUSE BILL 1073
Committee Substitute Favorable 5/6/91

Short Title: Clarify Ballot Instructions.

(Public)

Sponsors:

Referred to:

April 23, 1991

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE CERTAIN CHANGES IN BALLOT INSTRUCTIONS AND
3 BALLOT FORMAT.

4 The General Assembly of North Carolina enacts:

5 Section 1. G.S. 163-140(a) reads as rewritten:

6 "(a) Kinds of General Election Ballots; Right to Combine. – For purposes of
7 general elections, there shall be seven kinds of official ballots entitled:

- 8 (1) Ballot for presidential electors
- 9 (2) Ballot for United States Senator
- 10 (3) Ballot for member of the United States House of Representatives
- 11 (4) State ballot
- 12 (5) County ballot
- 13 (7) Ballot for constitutional amendments and other propositions submitted
14 to the people.

15 Use of official ballots shall be limited to the purposes indicated by their titles. The
16 printing on all ballots shall be plain and legible but, unless large type is specified by this
17 section, type larger than 10-point shall not be used in printing ballots. All general
18 election ballots shall be prepared in such a way as to leave sufficient blank space
19 beneath each name printed thereon in which a voter may conveniently write the name of
20 any person for whom he may desire to vote.

21 Unless prohibited by this section, the board of elections, State or county, charged by
22 law with printing ballots may, in its discretion, combine any two or more official
23 ballots. Whenever two or more ballots are combined, the voting instructions for the

1 State ballot set out in subsection (b)(4) of this section shall be used, except that if the
2 two ballots being combined do not contain a multi-seat race, then the second sentence of
3 instruction b. shall not appear on the ballot.

4 Except on mechanical voting machines, candidates in the general election for offices
5 in any multi-county district shall appear on a ballot for that district that is separate from
6 any other ballot.

7 If the State Board of Elections divides the State ballot into two or more ballots, all
8 candidates for superior court shall appear on the same ballot except that the State Board
9 of Elections may divide the election of superior court judges into two ballots either
10 because of length of the ballot or to provide a separate ballot for multi-seat races but
11 only superior court judges shall be on those ballots, and all candidates for the Appellate
12 Division shall appear on the same ballot."

13 Sec. 2. G.S. 163-140(b)(4) reads as rewritten:

14 "(4) State Ballot: Beneath the title and general instructions set out in this
15 subsection, the ballot for single-seat contests for State officers, and for
16 all State officers where mechanical voting machines are used
17 (including judges of the superior court) shall be divided into parallel
18 columns separated by distinct black lines. The State Board of
19 Elections shall assign a separate column to each political party having
20 candidates for State offices and one to unaffiliated candidates, if any.
21 At the head of each party column the party's name shall be printed in
22 large type, and at the head of the column for unaffiliated candidates
23 shall be printed in large type the words 'Unaffiliated Candidates.'
24 Below the party name in each column shall be printed a circle, one-
25 half inch in diameter, around which shall be plainly printed the
26 following instruction: 'For a straight ticket, mark within this circle.'
27 With distinct black lines, the State Board of Elections shall divide the
28 columns into horizontal sections and, in the customary order of office,
29 assign a separate section to each office or group of offices to be filled.
30 On a single line at the top of each section shall be printed a direction as
31 to the number of candidates for whom a vote may be cast. If
32 candidates are to be chosen for different terms to the same office, the
33 term in each instance shall be printed as part of the title of the office.

34 The name or names of each political party's candidate or candidates for each
35 office listed on the ballot shall be printed in the appropriate office
36 section of the proper party column, and the names of unaffiliated
37 candidates shall be printed in the appropriate office section of the
38 column headed 'Unaffiliated Candidates.' At the left of each name
39 shall be printed a voting square, and in each column all voting squares
40 shall be arranged in a perpendicular line.

41 On the face of the ballot, above the party and unaffiliated column
42 division, the following instructions shall be printed in heavy black
43 type, and the words 'you must also' in instruction b. shall be
44 underlined:

- 1 'a. To vote for all candidates of one party (a straight ticket), make a
2 cross (X) mark in the circle of the party for whose candidates
3 you wish to vote.
- 4 b. You may vote a split ticket by marking a cross (X) mark in the
5 party circle and then making a cross (X) mark in the square
6 opposite the name of the candidate(s) you choose of a different
7 party ~~for whom you wish to vote~~. In any multi-seat race where a
8 party circle is marked and you vote for candidates of another
9 party, ~~in order for your vote to count for any candidates for that~~
10 ~~office of the party for which you marked the party circle~~ you must
11 also make a cross (X) mark opposite the name of those
12 candidate(s) you choose of the party for which you marked the
13 party circle to assure your vote will count.
- 14 c. You may also vote a split ticket by not marking a cross (X)
15 mark in the party circle, but by making a cross (X) mark in the
16 square opposite the name of each candidate for whom you wish
17 to vote.
- 18 d. If you tear or deface or wrongly mark this ballot, return it and
19 get another.'

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

24 Sec. 3. G.S. 163-140(b)(5) reads as rewritten:

- 25 "(5) County Ballot: Beneath the title and general instructions set out in this
26 subsection, the ballot for single-seat contests for county officers
27 (including district attorney for the prosecutorial district in which the
28 county is situated, district judge for the district court district in which
29 the county is situated, and members of the General Assembly in the
30 senatorial and representative districts in which the county is situated),
31 and for all county offices where mechanical voting machines are used,
32 shall be divided into parallel columns separated by distinct black lines.
33 The county board of elections shall assign a separate column to each
34 political party having candidates for the offices on the ballot and one
35 to unaffiliated candidates, if any. At the head of each party column the
36 party's name shall be printed in large type and at the head of the
37 column for unaffiliated candidates shall be printed in large type the
38 words 'Unaffiliated Candidates.' Below the party name in each column
39 shall be printed a circle, one-half inch in diameter, around which shall
40 be plainly printed the following instruction: 'For a straight ticket, mark
41 within this circle.' With distinct black lines, the county board of
42 elections shall divide the columns into horizontal sections and, in the
43 customary order of office, assign a separate section to each office or
44 group of offices to be filled. On a single line at the top of each section

1 shall be printed the title of the office, and directly below the title shall
2 be printed a direction as to the number of candidates for whom a vote
3 may be cast. If candidates are to be chosen for different terms to the
4 same office, the term in each instance shall be printed as part of the
5 title of the office.

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

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

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

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

40 Sec. 4. G.S. 163-140(f) reads as rewritten:

41 "(f) Multi-seat Races. – The General Assembly finds that since the federal court
42 opinion voiding the law which provided that a straight-ticket ballot shall take
43 precedence in counting over a ballot marked for individual candidates, confusion has
44 occurred in the counting of ballots in multi-seat races. In order to minimize the

1 confusion of instructions for marking ballots in multi-seat races, which must be
2 different than those in single-seat races, the General Assembly finds it necessary that
3 these ballots be printed separately, except in the case of mechanical voting machines.
4 On such machines, where it is physically impossible to vote both a straight-ticket and
5 for an individual candidate, without pulling up the lever of an individual candidate,
6 clearly showing the voter's intention, it is unnecessary to have a separate ballot for
7 multi-seat races, and having such a separate ballot would result in more columns and
8 rows on the machine than the mechanical machine can handle.

9 Multi-seat races in partisan general elections, which except as provided in this
10 section would have appeared on the State ballot or county ballot, and except for multi-
11 seat races on mechanical voting machines, shall be placed on a separate multi-seat ballot
12 or ballots, which shall not be combined with any ballot other than a multi-seat ballot.
13 Beneath the title and general instructions set out in this subsection, the ballot(s) for
14 multi-seat races shall be divided into parallel columns separated by distinct black lines.
15 The State Board of Elections shall assign a separate column to each political party
16 having candidates in multi-seat races and one to unaffiliated candidates, if any. At the
17 head of each party column the party's name shall be printed in large type, and at the
18 head of the column for unaffiliated candidates shall be printed in large type the words
19 'Unaffiliated Candidates.' Below the party name in each column shall be printed a
20 circle, one-half inch in diameter, and around which shall be plainly printed the
21 following instruction: 'For a straight ticket, mark within this circle.' With distinct black
22 lines, the State Board of Elections shall divide the columns into horizontal sections and,
23 in the customary order of office, assign a separate section to each group of offices to be
24 filled. On a single line at the top of each section shall be printed a direction as to the
25 number of candidates for whom a vote may be cast. If candidates are to be chosen for
26 different terms to the same office, the term in each instance shall be printed as part of
27 the title of the office.

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

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

- 37 'a. To vote for all candidates of one party (a straight ticket), make a
38 cross (X) mark in the circle of the party of your choice.
- 39 b. You may vote a split ticket in one of two ways:
 - 40 (1) By making a cross mark opposite the name of each
41 candidate for whom you wish to vote and making no
42 mark in the party circle, or
 - 43 (2) By marking the party circle and then making a cross
44 mark opposite the name of each candidate you choose of o

1 the party whose circle you marked as well as each
2 candidate you choose of any other party in the race(s)
3 where you wish to vote a split ticket.

4 c. If you tear or deface or wrongly mark this ballot, return it and
5 get another.'

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

8 Sec. 5. This act is effective upon ratification.