

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1012

Short Title: Sec. of State-Run Elections.

(Public)

Sponsors: Representatives Michaux; Cummings and Jack Hunt.

Referred to: State Government.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO TRANSFER THE FUNCTIONS OF THE STATE BOARD OF ELECTIONS OTHER THAN CAMPAIGN FINANCE TO THE SECRETARY OF STATE, TO CREATE THE POSITION OF DEPUTY SECRETARY OF STATE FOR ELECTIONS TO HANDLE THE PREVIOUS FUNCTIONS OF THE EXECUTIVE SECRETARY-DIRECTOR OF THAT BOARD AND TO CANVASS ELECTIONS AND TO CREATE A CAMPAIGN FINANCE BOARD.

The General Assembly of North Carolina enacts:

Section 1. G.S. 7A-147(a) reads as rewritten:

"(a) Prior to January 1 of each year in which elections for district court judges are to be held, the Administrative Officer of the Courts may, with the approval of the chief district judge, designate one or more judgeships in districts having three or more judgeships, as specialized judgeships, naming in each case the specialty. Designations shall become effective when filed with the ~~State Board of Elections~~ Secretary of State. Nominees for the position or positions of specialist judge shall be made in the ensuing primary and the position or positions shall be filled at the general election thereafter. The ~~State Board of Elections~~ Secretary of State shall prepare primary and general election ballots to effectuate the purposes of this section."

Sec. 2. G.S. 105-159.1 reads as rewritten:

**"§ 105-159.1. Designation of tax by individual to political party.**

(a) Every individual whose income tax liability for the taxable year is one dollar (\$1.00) or more may designate on his or her income tax return that one dollar (\$1.00) of the tax shall be credited to the North Carolina Political Parties Financing Fund. In the case of a married couple filing a joint return whose income tax liability for the taxable

1 year is two dollars (\$2.00) or more, each spouse may designate on the income tax return  
2 that one dollar (\$1.00) of the tax shall be credited to the North Carolina Political Parties  
3 Financing Fund. Amounts credited to the Fund shall be allocated among the political  
4 parties on a pro rata basis according to their respective party voter registrations as  
5 determined by the most recent certification of the ~~State Board of Elections, Secretary of~~  
6 State. As used in this section, the term 'political party' means one of the following that  
7 has at least one percent (1%) of the total number of registered voters in the State:

8 (1) A political party that at the last preceding general State election  
9 received at least ten percent (10%) of the entire vote cast in the State  
10 for Governor or for presidential electors.

11 (2) A group of voters who by July 1 of the preceding calendar year, by  
12 virtue of a petition as a new political party, had duly qualified as a new  
13 political party within the meaning of Chapter 163 of the General  
14 Statutes.

15 (b) Amounts designated under subsection (a) shall be credited to the North  
16 Carolina Political Parties Financing Fund on a quarterly basis. Interest earned by the  
17 Fund shall be credited to the Fund and shall be allocated among the political parties on  
18 the same basis as the principal of the Fund. The ~~State Board of Elections, Secretary of~~  
19 State, which administers the Fund, shall make a quarterly report to each State party  
20 chairman stating the amount of funds allocated to each party for that quarter, the  
21 cumulative total of funds allocated to each party to date for the year, and an estimate of  
22 the probable total amount to be collected and allocated to each party for that calendar  
23 year.

24 (c) Repealed by Session Laws 1983, c. 481.

25 (d) The Secretary shall amend the income tax return in order that all taxpayers  
26 desiring to make the political contributions authorized in this section may do so by  
27 designating on the front face of the tax return. The line of authorization for the  
28 designation shall be color contrasted with the color scheme of the remainder of the  
29 income tax return. The return or its accompanying explanatory instruction shall readily  
30 indicate that any designations neither increase nor decrease an individual's tax liability.

31 (e) A paid preparer of tax returns may not designate on a return that the taxpayer  
32 does or does not desire to make the political contribution authorized in this section  
33 unless the taxpayer or the taxpayer's spouse has consented to the designation."

34 Sec. 3. G.S. 114-15(a) reads as rewritten:

35 "(a) The Bureau shall, through its Director and upon request of the Governor,  
36 investigate and prepare evidence in the event of any lynching or mob violence in the  
37 State; shall investigate all cases arising from frauds in connection with elections when  
38 requested to do so by the ~~Board of Elections, Secretary of State~~, and when so directed  
39 by the Governor. Such investigation, however, shall in no wise interfere with the power  
40 of the Attorney General to make such investigation as he is authorized to make under  
41 the laws of the State. The Bureau is authorized further, at the request of the Governor, to  
42 investigate cases of frauds arising under the Social Security Laws of the State, of  
43 violations of the gaming laws, and lottery laws, and matters of similar kind when called  
44 upon by the Governor so to do. In all such cases it shall be the duty of the Department to

1 keep such records as may be necessary and to prepare evidence in the cases  
2 investigated, for the use of enforcement officers and for the trial of causes. The services  
3 of the Director of the Bureau, and of his assistants, may be required by the Governor in  
4 connection with the investigation of any crime committed anywhere in the State when  
5 called upon by the enforcement officers of the State, and when, in the judgment of the  
6 Governor, such services may be rendered with advantage to the enforcement of the  
7 criminal law. The State Bureau of Investigation is hereby authorized to investigate  
8 without request the attempted arson of, or arson of, damage of, theft from, or theft of, or  
9 misuse of, any State-owned personal property, buildings, or other real property or any  
10 assault upon or threats against any legislative officer named in G.S. 147-2(1), (2), or (3)  
11 or any executive officer named in G.S. 147-3(c). The Bureau also is authorized at the  
12 request of the Governor to conduct a background investigation on a person that the  
13 Governor plans to nominate for a position that must be confirmed by the General  
14 Assembly, the Senate, or the House of Representatives. The background investigation  
15 of the proposed nominee shall be limited to an investigation of the person's criminal  
16 record, educational background, employment record, records concerning the listing and  
17 payment of taxes, and credit record, and to a requirement that the person provide the  
18 information contained in the statements of economic interest required to be filed by  
19 persons subject to Executive Order Number 1, filed on January 31, 1985, as contained  
20 on pages 1405 through 1419 of the 1985 Session Laws (First Session, 1985). The  
21 Governor must give the person being investigated written notice that he intends to  
22 request a background investigation at least 10 days prior to the date that he requests the  
23 State Bureau of Investigation to conduct the background investigation. The written  
24 notice shall be sent by regular mail, and there is created a rebuttable presumption that  
25 the person received the notice if the governor has a copy of the notice."

26 Sec. 4. G.S. 115C-37(b) reads as rewritten:

27 "(b) County Board of Elections to Provide for Elections. – The county board of  
28 elections under the direction of the ~~State Board of Elections, Secretary of State,~~ shall  
29 make all necessary provisions for elections of county boards of education as are herein  
30 provided for. The county board of elections of each county shall file with the ~~State~~  
31 ~~Board of Elections–Secretary of State~~ a statement specifying the size and method of  
32 election of members of its county board of education."

33 Sec. 5. G.S. 120-30.9B reads as rewritten:

34 "**§ 120-30.9B. Statewide statutes; ~~State Board of Elections–Secretary of State.~~**

35 The ~~Executive Secretary–Director of the State Board of Deputy Secretary of State for~~  
36 Elections shall submit to the Attorney General of the United States:

37 (1) Within 30 days of ratification all acts of the General  
38 Assembly that amend, delete, add to, modify or repeal any provision  
39 of Chapter 163 of the General Statutes or any other statewide  
40 legislation, except relating to Chapter 7A of the General Statutes,  
41 which constitutes a 'change affecting voting' under Section 5 of the  
42 Voting Rights Act of 1965; and

1 (2) Within 30 days all alterations of precinct boundaries under G.S. 163-  
 2 132.2(c) in counties covered by Section 5 of the Voting Rights Act of  
 3 1965."

4 Sec. 6. G.S. 128-1.1(d) reads as rewritten:

5 "(d) The term 'elective office,' as used herein, shall mean any office filled by  
 6 election by the people when the election is conducted by a county or municipal board of  
 7 elections under the supervision of the ~~State Board of Elections.~~ Secretary of State."

8 Sec. 7. G.S. 147-45 reads as rewritten:

9 **"§ 147-45. Distribution of copies of State publications.**

10 The Secretary of State shall, at the State's expense, as soon as possible after  
 11 publication, provide such number of copies of the Session Laws and Senate and House  
 12 Journals to federal, State, and local governmental officials, departments and agencies,  
 13 and to educational institutions of instruction and exchange use, as is set out in the table  
 14 below:

<u>Agency or Institution</u>	<u>Laws</u>	<u>Journals</u>	Session	Assembly
Governor, Office of the			3	2
Lieutenant Governor, Office of the			1	1
Secretary of State, Department of the			3	3
<u>Deputy Secretary of State for Elections</u>				<u>2</u>
Auditor, Department of the State			3	1
Treasurer, Department of the State			3	1
Local Government Commission			2	0
Public Education, Department of			1	0
Superintendent of Public Instruction			3	1
Controller			1	0
Division of Community Colleges			3	1
Regional Service Centers			1 ea.	0
Justice, Department of				
Office of the Attorney General			25	3
Budget Bureau (Administration)			1	0
Property Control (Administration)			1	1
State Bureau of Investigation			1	0
Agriculture, Department of			3	1
Labor, Department of			5	1
Insurance, Department of			5	1
Administration, Department of			1	1
Budget Bureau			2	1
Controller			1	0
Property Control			1	0
Purchase and Contract			2	0
Policy and Development			1	0
Veterans Affairs Commission			1	0
Environment, Health, and Natural				

1	Resources, Department of	1	0
2	Division of Environmental Management	2	0
3	Board of Environment, Health, and		
4	Natural Resources	1	0
5	Soil and Water Conservation Commission	1	0
6	Wildlife Resources Commission	2	0
7	Revenue, Department of	5	1
8	Human Resources, Department of	3	0
9	Board of Human Resources	1	0
10	Health Services, Division of	3	0
11	Mental Health, Developmental		
12	Disabilities, and Substance Abuse Services,		
13	Division of	1	0
14	Social Services, Division of	3	0
15	Facilities Services, Division of	1	0
16	Youth Services, Division of	1	0
17	Hospitals and Institutions	1 ea.	0
18	Transportation, Department of	1	0
19	Board of Transportation	3	0
20	Motor Vehicles, Division of	1	0
21	Commerce, Department of	1	0
22	Economic Development, Division of	2	0
23	State Ports Authority	1	0
24	Alcoholic Beverage Control Commission,		
25	North Carolina	2	0
26	Banking Commission	2	0
27	Utilities Commission	8	1
28	Industrial Commission	7	0
29	Labor Force Development Council	1	0
30	Milk Commission	5	0
31	Employment Security Commission	1	1
32	Correction, Department of	1	0
33	Department of Correction	2	0
34	Parole Commission	2	0
35	State Prison	1	0
36	Correctional Institutions	1 ea.	0
37	Cultural Resources, Department of	1	0
38	Archives and History, Division of	5	1
39	State Library	5	5
40	Publications Division	1	1
41	Crime Control and Public Safety, Department of	2	1
42	North Carolina Crime Commission	1	0
43	Adjutant General	2	0
44	<del>Elections, State Board of</del>	<del>2</del>	<del>0</del>

1	Office of Administrative Hearings	2	0
2	Legislative Branch		
3	State Senators	1 ea.	1 ea.
4	State Representatives	1 ea.	1 ea.
5	Principal Clerk – Senate	1	1
6	Principal Clerk – House	1	1
7	Reading Clerk – Senate	1	1
8	Reading Clerk – House	1	1
9	Sergeant at Arms – House	1	1
10	Sergeant at Arms – Senate	1	1
11	Enrolling Clerk	1	0
12	Engrossing Clerk	1	0
13	Indexer of the Laws	1	0
14	Legislative Building Library	35	15
15	Judicial System		
16	Justices of the Supreme Court	1 ea.	1 ea.
17	Judges of the Court of Appeals	1 ea.	1 ea.
18	Judges of the Superior Court	1 ea.	0
19	Emergency and Special Judges of the		
20	Superior Court	1 ea.	0
21	District Court Judges	1 ea.	0
22	District Attorneys	1 ea.	0
23	Clerk of the Supreme Court	1	1
24	Clerk of the Court of Appeals	1	1
25	Administrative Office of the Courts	4	1
26	Supreme Court Library	AS MANY AS REQUESTED	
27	Colleges and Universities		
28	The University North Carolina System		
29	Administrative Offices	3	0
30	University of North Carolina, Chapel Hill	65	25
31	University of North Carolina, Charlotte	3	1
32	University of North Carolina, Greensboro	3	1
33	University of North Carolina, Asheville	2	1
34	University of North Carolina, Wilmington	2	1
35	North Carolina State University, Raleigh	5	3
36	Appalachian State University	2	1
37	East Carolina University	3	2
38	Elizabeth City State University	2	1
39	Fayetteville State University	2	1
40	North Carolina Agricultural and		
41	Technical University	2	1
42	North Carolina Central University	5	5
43	Western Carolina University	2	1
44	Pembroke State University	2	1

1	Winston-Salem State University	2	1
2	North Carolina School of the Arts	1	1
3	Private Institutions		
4	Duke University	6	
5	Davidson College	3	2
6	Wake Forest University	5	5
7	Lenoir Rhyne College	1	1
8	Elon College	1	
9	Guilford College	1	1
10	Campbell College	5	5
11	Wingate College	1	1
12	Pfeiffer College	1	1
13	Barber Scotia College	1	1
14	Atlantic Christian College	1	1
15	Shaw University	1	1
16	St. Augustine's College	1	1
17	J.C. Smith University	1	1
18	Belmont Abbey College	1	1
19	Bennett College	1	1
20	Catawba College	1	1
21	Gardner-Webb College	1	1
22	Greensboro College	1	
23	High Point College	1	1
24	Livingstone College	1	1
25	Mars Hill College	1	1
26	Meredith College	1	1
27	Methodist College	1	1
28	North Carolina Wesleyan College	1	1
29	Queens College	1	1
30	Sacred Heart College	1	1
31	St. Andrews Presbyterian College	1	1
32	Salem College	1	1
33	Warren Wilson College	1	1
34	County and Local Officials		
35	Clerks of the Superior Court	1 ea.	1 ea.
36	Register of Deeds	1 ea.	1 ea.
37	Federal, Out-of-State and Foreign		
38	Secretary to the President	1	0
39	Secretary of State	1	1
40	Secretary of Defense	1	0
41	Secretary of Agriculture	1	0
42	Secretary of the Interior	1	0
43	Secretary of Labor	1	1
44	Secretary of Commerce	1	1

1	Secretary of the Treasury	1	0
2	Secretary of Health, Education and Welfare	1	0
3	Secretary of Housing and Urban Development	1	0
4	Secretary of Transportation	1	0
5	Attorney General	1	0
6	Postmaster General	1	0
7	Bureau of Census	1	0
8	Bureau of Public Roads	1	0
9	Department of Justice	1	0
10	Department of Internal Revenue	1	0
11	Veterans' Administration	1	0
12	Farm Credit Administration	1	0
13	Securities and Exchange Commission	1	0
14	Social Security Board	1	0
15	Environmental Protection Agency	1	0
16	Library of Congress	8	2
17	Federal Judges resident in North Carolina	1 ea.	0
18	Federal District Attorneys resident in		
19	North Carolina	1 ea.	0
20	Marshal of the United States Supreme Court	1	0
21	Federal Clerks of Court resident in North Carolina	1 ea.	0
22	Supreme Court Library exchange list	1 ea.	0
23	One copy of the Session Laws shall be furnished the head of any department of State		
24	government created in the future.		
25	State agencies, institutions, etc., not found in or covered by this list may, upon		
26	written request from their respective department head to the Secretary of State, and		
27	upon the discretion of the Secretary of State as to need, be issued copies of the Session		
28	Laws on a permanent loan basis with the understanding that should said copies be		
29	needed they will be recalled."		
30	Sec. 8. G.S. 147-54 reads as rewritten:		
31	<b>"§ 147-54. Printing, distribution and sale of the North Carolina Manual.</b>		
32	The Secretary of State shall have printed biennially for distribution and sale, five		
33	thousand (5,000) copies of the North Carolina Manual, and shall make distribution to		
34	the State agencies, individuals, institutions and others as herein set forth.		
35	NORTH CAROLINA STATE GOVERNMENT:		
36	Members of the General Assembly		2 ea.
37	Officers of the General Assembly		1 ea.
38	Offices of the Clerk of each House of the General Assembly	1 ea.	
39	Legislative Services Officer		1
40	Legislative Library		6
41	Members of the Council of State		2 ea.
42	Appointed Secretaries of Executive Departments		2 ea.
43	Personnel of the Department of the Secretary of State		1 ea.
44	<del>State Board of Elections</del>		<del>2</del>



1	Divisions of Archives and History, Director	1	
2	Search Room	3	
3	Publications Section	2	
4	State Library	10	
5	Libraries within State Agencies	1 ea.	
6	Justices of the North Carolina Supreme Court	1 ea.	
7	Judges of the North Carolina Court of Appeals	1 ea.	
8	Judges of the North Carolina Superior Court	1 ea.	
9	Supreme Court Library	12	
10	Court of Appeals Library	2	
11	Clerk of the Supreme Court	1	
12	Clerk of the Court of Appeals	1	
13	Reporter of the Supreme Court and Court of Appeals	1	
14	Administrative Office of the Courts	5	
15	NORTH CAROLINA EDUCATIONAL INSTITUTIONS:		
16	University of North Carolina System		
17	General Administration Offices	12	
18	Chancellors of the Constituent Institutions	1 ea.	
19	University of North Carolina – Chapel Hill Library	15	
20	North Carolina State University Library	5	
21	East Carolina University Library	5	
22	North Carolina Central University Library	5	
23	Appalachian State University Library	4	
24	University of North Carolina – Charlotte Library		4
25	University of North Carolina – Greensboro Library	4	
26	Western Carolina University Library	4	
27	Other Constituent Institutions Libraries	3 ea.	
28	North Carolina School of the Arts	2	
29	Institute of Government	2	
30	Community Colleges and Technical Institutes	2 ea.	
31	Private Colleges and Universities		
32	Duke University Library	6	
33	Wake Forest University	6	
34	Campbell College Library	5	
35	Davidson College Library	4	
36	All other Libraries of Senior and Junior Colleges		2 ea.
37	Public and Private Schools containing grades 8-12		1 ea.
38	COUNTY GOVERNMENT:		
39	Clerks of Court		1 ea.
40	Registers of Deeds		1 ea.
41	Public Libraries of North Carolina		1 ea.
42	FEDERAL GOVERNMENT:		
43	President of the United States		1
44	North Carolina Members of the Presidential Cabinet		1 ea.

1	North Carolina Members of the United States Congress	2 ea.
2	Library of Congress	3
3	Resident Judges of the Federal Judiciary	
4	and United States Attorneys in North Carolina	1 ea.
5	Secretaries of State of the United States	
6	and Territories	1 ea.

7 After making the above distribution, the remainder shall be sold at the cost of  
8 publication plus tax and postage and the proceeds from such sales deposited with the  
9 State Treasurer for use by the Publications Division of the Secretary of State's Office to  
10 defray the expense of publishing the North Carolina Manual. Libraries and educational  
11 institutions not covered in the above distribution shall be entitled to a twenty percent  
12 (20%) discount on the cost of any purchase(s)."

13 Sec. 9. G.S. 150B-2(8a)b reads as rewritten:

14 "b. Budgets and budget policies and procedures issued by the  
15 Director of the Budget, by the head of a department, as defined  
16 by G.S. 143A-2 or G.S. 143B-3, by an occupational licensing  
17 board, as defined by G.S. 93B-1, or by the ~~State Board of~~  
18 ~~Elections~~ Secretary of State."

19 Sec. 10. G.S. 159-60 reads as rewritten:

20 **"§ 159-60. Petition for referendum on bond issue.**

21 A petition demanding that a bond order be submitted to the voters may be filed with  
22 the clerk within 30 days after the date of publication of the bond order as introduced.  
23 The petition shall be in writing, and shall be signed by a number of voters of the issuing  
24 unit equal to not less than ten percent (10%) of the total number of voters registered to  
25 vote in elections of the issuing unit according to the most recent figures certified by the  
26 ~~State Board of Elections~~ Secretary of State. The residence address of each signer shall  
27 be written after his signature. The petition need not contain the text of the order to  
28 which it refers, and need not be all on one sheet.

29 The clerk shall investigate the sufficiency of the petition and present it to the  
30 governing board, with a certificate stating the results of his investigation. The governing  
31 board, after hearing any taxpayer who may request to be heard, shall thereupon  
32 determine the sufficiency of the petition, and its determination shall be conclusive.

33 This section does not apply to bonds issued pursuant to G.S. 159-48(a)(1), (2), (3),  
34 or (5)."

35 Sec. 11. G.S. 160A-103 reads as rewritten:

36 **"§ 160A-103. Referendum on charter amendments by ordinance.**

37 An ordinance adopted under G.S. 160A-102 that is not made effective upon approval  
38 by a vote of the people shall be subject to a referendum petition. Upon receipt of a  
39 referendum petition bearing the signatures and residence addresses of a number of  
40 qualified voters of the city equal to at least 10 percent of the whole number of voters  
41 who are registered to vote in city elections according to the most recent figures certified  
42 by the ~~State Board of Elections~~ Secretary of State or 5,000, whichever is less, the  
43 council shall submit an ordinance adopted under G.S. 160A-102 to a vote of the people.  
44 The date of the special election shall be fixed at not more than 120 nor fewer than 60

1 days after receipt of the petition. A referendum petition shall be addressed to the council  
2 and shall identify the ordinance to be submitted to a vote. A referendum petition must  
3 be filed with the city clerk not later than 30 days after publication of the notice of  
4 adoption of the ordinance."

5 Sec. 12. G.S. 160A-104 reads as rewritten:

6 **"§ 160A-104. Initiative petitions for charter amendments.**

7 The people may initiate a referendum on proposed charter amendments. An initiative  
8 petition shall bear the signatures and resident addresses of a number of qualified voters  
9 of the city equal to at least ten percent (10%) of the whole number of voters who are  
10 registered to vote in city elections according to the most recent figures certified by the  
11 ~~State Board of Elections~~ Secretary of State or 5,000, whichever is less. The petition  
12 shall set forth the proposed amendments by describing them briefly but completely and  
13 with reference to the pertinent provisions of G.S. 160A-101, but it need not contain the  
14 precise text of the charter amendments necessary to implement the proposed changes.  
15 The petition may not propose changes in the alternative, or more than one integrated set  
16 of charter amendments. Upon receipt of a valid initiative petition, the council shall call a  
17 special election on the question of adopting the charter amendments proposed therein,  
18 and shall give public notice thereof in accordance with G.S. 163-287. The date of the  
19 special election shall be fixed at not more than 120 nor fewer than 60 days after receipt  
20 of the petition. If a majority of the votes cast in the special election shall be in favor of  
21 the proposed changes, the council shall adopt an ordinance amending the charter to put  
22 them into effect. Such an ordinance shall not be subject to a referendum petition. No  
23 initiative petition may be filed (i) between the time the council initiates proceedings  
24 under G.S. 160A-102 by publishing a notice of hearing on proposed charter  
25 amendments and the time proceedings under that section have been carried to a  
26 conclusion either through adoption or rejection of a proposed ordinance or lapse of time,  
27 nor (ii) within one year and six months following the effective date of an ordinance  
28 amending the city charter pursuant to this Article, nor (iii) within one year and six  
29 months following the date of any election on charter amendments that were defeated by  
30 the voters.

31 The restrictions imposed by this section on filing initiative petitions shall apply only  
32 to petitions concerning the same subject matter. For example, pendency of council  
33 action on amendments concerning the method of electing the council shall not preclude  
34 an initiative petition on adoption of the council-manager form of government.

35 Nothing in this section shall be construed to prohibit the submission of more than  
36 one proposition for charter amendments on the same ballot so long as no proposition  
37 offers a different plan under the same option as another proposition on the same ballot."

38 Sec. 13. G.S. 163-13(b) reads as rewritten:

39 "(b) Nominating Procedures. – If a congressional vacancy occurs beginning on the  
40 tenth day before the filing period ends under G.S. 163-106(c) preceding the next  
41 succeeding general election, candidates for the special election to fill the vacancy shall  
42 not be nominated in primaries. Instead, nominations may be made by the political party  
43 congressional district executive committees in the district in which the vacancy occurs.  
44 The chairman and secretary of each political party congressional district executive

1 committee nominating a candidate shall immediately certify his name and party  
2 affiliation to the ~~State Board of Elections~~ Secretary of State so that it may be printed on  
3 the special election ballots.

4 If the congressional vacancy occurs before the tenth day before the filing period  
5 ends under G.S. 163-106(c) prior to the next succeeding general election, the  
6 Governor shall call a special primary for the purpose of nominating candidates to be  
7 voted on in a special election called by the Governor in accordance with the provisions  
8 of subsection (a) of this section. Such a primary election shall be conducted in  
9 accordance with the general laws governing primaries, except that the opening and  
10 closing dates for filing notices of candidacy with the ~~State Board of Elections~~ Secretary  
11 of State shall be fixed by the Governor in his call for the special primary. The Governor  
12 may also fix the absentee voting period for the special election and for the special first  
13 primary, but such period shall not be less than 30 days."

14 Sec. 14. G.S. 163-19 reads as rewritten:

15 "**§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath of**  
16 **office abolished.**

17 All of the terms of office of the present members of the State Board of Elections  
18 shall expire on May 1, 1969, or when their successors in office are appointed and  
19 qualified 1993, and the State Board of Elections is abolished as of that date.

20 The ~~State Board of Elections~~ shall consist of five registered voters whose terms of  
21 office shall begin on May 1, 1969, and shall continue for four years, and until their  
22 successors are appointed and qualified. The Governor shall appoint the members of this  
23 Board and likewise shall appoint their successors every four years at the expiration of  
24 each four-year term. Not more than three members of the Board shall be members of the  
25 same political party. The Governor shall appoint the members from a list of nominees  
26 submitted to him by the State party chairman of each of the two political parties having  
27 the highest number of registered affiliates as reflected by the latest registration statistics  
28 published by the State Board of Elections. Each party chairman shall submit a list of  
29 five nominees who are affiliated with that political party.

30 Any vacancy occurring in the Board shall be filled by the Governor, and the person  
31 so appointed shall fill the unexpired term. The Governor shall fill the vacancy from a  
32 list of three nominees submitted to him by the State party chairman of the political party  
33 that nominated the vacating member as provided by the preceding paragraph. The three  
34 nominees must be affiliated with that political party.

35 At the first meeting held after new appointments are made, the members of the State  
36 Board of Elections shall take the following oath:

37 I, ....., do solemnly swear (or affirm) that I will support the Constitution  
38 of the United States; that I will be faithful and bear true allegiance to the  
39 State of North Carolina, and to the constitutional powers and authorities  
40 which are or may be established for the government thereof; that I will  
41 endeavor to support, maintain and defend the Constitution of said State,  
42 and that I will well and truly execute the duties of the office of member of  
43 the State Board of Elections according to the best of my knowledge and  
44 ability, according to law, so help me, God.!

1 ~~After taking the prescribed oath, the Board shall organize by electing one of its~~  
2 ~~members chairman and another secretary.~~

3 ~~No person shall be eligible to serve as a member of the State Board of Elections who~~  
4 ~~holds any elective or appointive office under the government of the United States, or of~~  
5 ~~the State of North Carolina or any political subdivision thereof. No person who holds~~  
6 ~~any office in a political party, or organization, or who is a candidate for nomination or~~  
7 ~~election to any office, or who is a campaign manager or treasurer of any candidate in a~~  
8 ~~primary or election shall be eligible to serve as a member of the State Board of~~  
9 ~~Elections."~~

10 Sec. 15. G.S. 163-20 is repealed.

11 Sec. 16. G.S. 163-21 is repealed.

12 Sec. 17. G.S. 163-22 reads as rewritten:

13 **"§ 163-22. Powers and duties of State Board of Elections. Secretary of State.**

14 (a) ~~The State Board of Elections~~ Secretary of State shall have general supervision  
15 over the primaries and elections in the State, and ~~it~~ the Secretary of State shall have  
16 authority to make such reasonable rules and regulations with respect to the conduct of  
17 primaries and elections as ~~it~~ the Secretary of State may deem advisable so long as they  
18 do not conflict with any provisions of this Chapter.

19 (b) From time to time, the ~~Board~~ Secretary of State shall publish and furnish to  
20 the county and municipal boards of elections and other election officials a sufficient  
21 number of indexed copies of all election laws and ~~Board~~ Secretary of State rules and  
22 regulations then in force. It shall also publish, issue, and distribute to the electorate such  
23 materials explanatory of primary and election laws and procedures as the ~~Board~~  
24 Secretary of State shall deem necessary.

25 (c) ~~The State Board of Elections~~ Secretary of State shall appoint, in the manner  
26 provided by law, all members of the county boards of elections and advise them and  
27 municipal elections board members as to the proper methods of conducting primaries  
28 and elections. The ~~Board~~ Secretary of State shall require such reports from the county  
29 and municipal boards and election officers as are provided by law, or as are deemed  
30 necessary by the ~~Board~~ Secretary of State, and shall compel observance of the  
31 requirements of the election laws by county and municipal boards of elections and other  
32 election officers. In performing these duties, the Board shall have the right to hear and  
33 act on complaints arising by petition or otherwise, on the failure or neglect of a county  
34 or municipal board of elections to comply with any part of the election laws imposing  
35 duties upon such a board. The ~~State Board of Elections~~ Secretary of State shall have  
36 power to remove from office any member of a county or municipal board of elections  
37 for incompetency, neglect or failure to perform duties, fraud, or for any other  
38 satisfactory cause. Before exercising this power, the ~~State Board~~ Secretary of State shall  
39 notify the county or municipal board member affected and give him an opportunity to  
40 be heard. When any county board member shall be removed by the ~~State Board of~~  
41 ~~Elections~~ Secretary of State, the vacancy occurring shall be filled by the ~~State Board of~~  
42 ~~Elections~~ Secretary of State. When any municipal board member shall be removed by  
43 the ~~State Board of Elections~~ Secretary of State, the vacancy occurring shall be filled by  
44 the city council of the city appointing members of that board.

1 (d) ~~The State Board of Elections~~ Secretary of State shall investigate when  
2 necessary or advisable, the administration of election laws, frauds and irregularities in  
3 elections in any county and municipality and special district, and shall report violations  
4 of the election laws to the Attorney General or district attorney or prosecutor of the  
5 district for further investigation and prosecution.

6 (e) ~~The State Board of Elections~~ Secretary of State shall determine, in the  
7 manner provided by law, the form and content of ballots, instruction sheets, pollbooks,  
8 talley sheets, abstract and return forms, certificates of election, and other forms to be  
9 used in primaries and elections. ~~The Board~~ Secretary of State shall furnish to the county  
10 and municipal boards of elections the registration application forms required pursuant to  
11 G.S. 163-67. ~~The State Board of Elections~~ Secretary of State shall direct the county  
12 boards of elections to purchase a sufficient quantity of all forms attendant to the  
13 registration and elections process. In addition, ~~the State Board~~ Secretary of State shall  
14 provide a source of supply from which the county boards of elections may purchase the  
15 quantity of pollbooks needed for the execution of its responsibilities. In the preparation  
16 of ballots, pollbooks, abstract and return forms, and all other forms, ~~the State Board of~~  
17 ~~Elections~~ Secretary of State may call to its aid the Attorney General of the State, and it  
18 shall be the duty of the Attorney General to advise and aid in the preparation of these  
19 books, ballots and forms.

20 (f) ~~The State Board of Elections~~ Secretary of State shall prepare, print, distribute  
21 to the county and municipal boards of elections all ballots for use in any primary or  
22 election held in the State which the law provides shall be printed and furnished by the  
23 State to the counties. ~~The Board~~ Secretary of State shall instruct the county boards of  
24 elections as to the printing of county and local ballots.

25 (g) ~~The State Board of Elections~~ Secretary of State shall certify to the appropriate  
26 county boards of elections the names of candidates for district offices who have filed  
27 notice of candidacy with the ~~Board~~ Secretary of State and whose names are required to  
28 be printed on county ballots.

29 (h) It shall be the duty of the ~~State Board of Elections~~ Deputy Secretary of State  
30 for Elections to tabulate the primary and election returns, to declare the results, and to  
31 prepare abstracts of the votes cast in each county in the State for offices which,  
32 according to law, shall be tabulated by the Board.

33 (i) ~~The State Board of Elections~~ Secretary of State shall make recommendations  
34 to the Governor and legislature relative to the conduct and administration of the  
35 primaries and elections in the State as it may deem advisable.

36 (j) Notwithstanding the provisions of any other section of this Chapter, the ~~State~~  
37 ~~Board of Elections~~ Secretary of State is empowered to have access to any ballot boxes  
38 and their contents, any voting machines and their contents, any registration records,  
39 pollbooks, voter authorization cards or voter lists, any lists of absentee voters, any lists  
40 of presidential registrants under the Voting Rights Act of 1965 as amended, and any  
41 other voting equipment or similar records, books or lists in any precinct, county,  
42 municipality or electoral district over whose elections it has jurisdiction or for whose  
43 elections it has responsibility.

1 (k) Notwithstanding the provisions contained in Article 20 or Article 21 of  
2 Chapter 163 the ~~State Board of Elections~~ Secretary of State shall be authorized, by  
3 resolution adopted prior to the printing of the primary ballots, to reduce the time by  
4 which absentee ballots are required to be printed and distributed for the primary election  
5 from 50 days to 45 days. This authority shall not be authorized for absentee ballots to be  
6 voted in the general election.

7 (l) Notwithstanding any other provision of law, in order to obtain judicial review  
8 of any decision of the ~~State Board of Elections~~ Secretary of State rendered in the  
9 performance of its duties or in the exercise of its powers under this Chapter, the person  
10 seeking review must file his petition in the Superior Court of Wake County.

11 (m) The ~~State Board of Elections~~ Deputy Secretary of State for Elections shall  
12 issue rules to regulate recounts held under the provisions of G.S. 163-179.1 or G.S. 163-  
13 192.1.

14 (n) The ~~State Board of Elections~~ Secretary of State shall provide specific training  
15 to county boards of elections regarding rules for registering students.

16 (o) The ~~State Board of Elections~~ Secretary of State shall promulgate minimum  
17 requirements for the number of pollbooks, voting machines and curbside ballots to be  
18 available at each precinct, such that more of such will be available at general elections  
19 and a sufficient number will be available to allow voting without excessive delay. The  
20 ~~State Board of Elections~~ Secretary of State shall provide for a training and screening  
21 program for registrars and judges. The ~~State Board of Elections~~ Secretary of State shall  
22 provide additional testing of voting machines to ensure that they operate properly even  
23 with complicated ballots.

24 The ~~State Board of Elections~~ Secretary of State shall require counties with voting  
25 systems to have sufficient personnel available on election day with technical expertise  
26 to make repairs in such equipment, to investigate election day problems, and assist in  
27 curbside voting."

28 Sec. 18. G.S. 163-22.1 reads as rewritten:

29 "**§ 163-22.1. Power of ~~State Board~~ Secretary of State for Elections to order new**  
30 **elections.**

31 If the ~~State Board of Elections~~, Secretary of State, ~~acting upon the agreement of at~~  
32 ~~least four of its members~~, and after holding public hearings on election contests, alleged  
33 election irregularities or fraud, or violations of elections laws, determines that a new  
34 primary, general or special election should be held, the ~~Board~~ Secretary of State may  
35 order that a new primary, general or special election be held, either statewide, or in any  
36 counties, electoral districts, special districts, or municipalities over whose elections it  
37 has jurisdiction. The ~~State Board~~ Secretary of State shall be authorized to order a new  
38 election without conducting a public hearing provided a public hearing on the  
39 allegations was held by the county or municipal board of elections and the ~~State Board~~  
40 Secretary of State is satisfied that such hearing gave sufficient opportunity for  
41 presentation of evidence and provided further that the ~~State Board~~ Secretary of State  
42 adopts the findings of the county or municipal board of elections.

43 Any new primary, general or special election so ordered shall be conducted under  
44 applicable constitutional and statutory authority and shall be supervised by the ~~State~~

1 ~~Board of Elections Secretary of State~~ and conducted by the appropriate elections  
2 officials.

3 The ~~State Board of Elections Secretary of State~~ has authority to adopt rules and  
4 regulations and to issue orders to carry out its authority under this section.

5 Notwithstanding any other provision of this Chapter, when the incumbent Secretary  
6 of State is a candidate in the primary or election for an office, the duties of the Secretary  
7 of State as to the election contest for that office under this Chapter shall be exercised by  
8 the Lieutenant Governor, or if there is no Lieutenant Governor, by the Attorney  
9 General. Such other officer may use the rules previously established for the conduct of  
10 the contest."

11 Sec. 19. G.S. 163-22.2 reads as rewritten:

12 **"§ 163-22.2. Power of ~~State Board~~ Secretary of State to promulgate temporary**  
13 **rules and regulations.**

14 In the event any portion of Chapter 163 of the General Statutes or any State election  
15 law or form of election of any county board of commissioners, local board of education,  
16 or city officer is held unconstitutional or invalid by a State or federal court or is  
17 unenforceable because of objection interposed by the United States Justice Department  
18 under the Voting Rights Act of 1965 and such ruling adversely affects the conduct and  
19 holding of any pending primary or election, the ~~State Board of Elections Secretary of~~  
20 State shall have authority to make reasonable interim rules and regulations with respect  
21 to the pending primary or election as it deems advisable so long as they do not conflict  
22 with any provisions of Chapter 163 of the General Statutes and such rules and  
23 regulations shall become null and void 60 days after the convening of the next regular  
24 session of the General Assembly. The ~~State Board of Elections Secretary of State~~ shall  
25 also be authorized, upon recommendation of the Attorney General, to enter into  
26 agreement with the courts in lieu of protracted litigation until such time as the General  
27 Assembly convenes."

28 Sec. 20. G.S. 163-23 reads as rewritten:

29 **"§ 163-23. Powers of ~~chairman~~ Secretary of State in execution of ~~Board~~ duties.**

30 In the performance of the duties enumerated in this Chapter, the ~~chairman of the~~  
31 ~~State Board of Elections Secretary of State~~ shall have power to administer oaths, issue  
32 subpoenas, summon witnesses, and compel the production of papers, books, records and  
33 other evidence. ~~Upon the written request or requests of two or more members of the~~  
34 ~~State Board of Elections, The Secretary of State, he~~ shall issue subpoenas for designated  
35 witnesses or identified papers, books, records and other evidence. ~~In the absence of the~~  
36 ~~chairman or upon his refusal to act, any two members of the State Board of Elections~~  
37 ~~may issue subpoenas, summon witnesses, and compel the production of papers, books,~~  
38 ~~records and other evidence. In the absence of the chairman or upon his refusal to act,~~  
39 ~~any member of the Board Secretary of State may administer oaths."~~

40 Sec. 21. G.S. 163-24 reads as rewritten:

41 **"§ 163-24. Power of ~~State Board of Elections~~ Secretary of State to maintain order.**

42 The ~~State Board of Elections the~~ Secretary of State and the Deputy Secretary of  
43 State for Elections shall possess full power and authority to maintain order, and to  
44 enforce obedience to its lawful commands during its sessions, ~~and shall be constituted~~



1 ~~an inferior court for that purpose~~ meetings either of them holds under this Chapter. If  
 2 any person shall refuse to obey the lawful commands of ~~the State Board of Elections or~~  
 3 ~~its chairman, them,~~ or by disorderly conduct in its hearing or presence shall interrupt or  
 4 disturb ~~its~~ their proceedings, ~~it may, either of them,~~ by an order in writing, signed by ~~its~~  
 5 ~~chairman~~ the officer issuing it, and attested by ~~its secretary, any Deputy Secretary of~~  
 6 State, commit the person so offending to the ~~common~~ jail of the county for a period not  
 7 exceeding 30 days. Such order shall be executed by any sheriff ~~or constable~~ to whom  
 8 the same shall be delivered, or if a sheriff ~~or constable~~ shall not be present, or shall  
 9 refuse to act, by any other person who shall be deputed by the ~~State Board of Elections~~  
 10 Secretary of State in writing, and the keeper of the jail shall receive the person so  
 11 committed and safely keep him for such time as shall be mentioned in the commitment:  
 12 Provided, that any person committed under the provisions of this section shall have the  
 13 right to post a two hundred dollar (\$200.00) bond with the clerk of the superior court  
 14 and appeal to the superior court for a trial on the merits of his commitment."

15 Sec. 22. G.S. 163-25 reads as rewritten:

16 "**§ 163-25. Authority of ~~State Board~~ Secretary of State to assist in litigation.**

17 The ~~State Board of Elections~~ Secretary of State shall possess authority to assist any  
 18 county or municipal board of elections in any matter in which litigation is contemplated  
 19 or has been initiated, provided, the county or municipal board of elections in such  
 20 county petitions, by majority resolution, for such assistance from the ~~State Board of~~  
 21 ~~Elections~~ Secretary of State and, provided further, that the ~~State Board of Elections~~  
 22 Secretary of State determines, in ~~its~~ that officer's sole discretion ~~by majority vote,~~ to  
 23 assist in any such matter. It is further stipulated that the ~~State Board of Elections~~  
 24 Secretary of State shall not be authorized under this provision to enter into any litigation  
 25 in assistance to counties, except in those instances where the uniform administration of  
 26 Chapter 163 of the General Statutes of North Carolina has been, or would be threatened.

27 The Attorney General shall provide the ~~State Board of Elections~~ Secretary of State  
 28 with legal assistance in execution of ~~its~~ that officer's authority under this section or, in  
 29 his discretion, recommend that private counsel be employed.

30 If the Attorney General recommends employment of private counsel, the ~~State Board~~  
 31 Secretary of State may employ counsel with the approval of the Governor."

32 Sec. 23. G.S. 163-26 reads as rewritten:

33 "**§ 163-26. ~~Executive Secretary~~ Elections. ~~Deputy Secretary of State for Elections.~~**

34 There is hereby created the position of ~~Executive Secretary~~ Director of the State  
 35 ~~Board of Elections~~, Deputy Secretary of State for Elections, who shall perform all duties  
 36 imposed upon him by statute and such duties as might be assigned to him by the ~~State~~  
 37 ~~Board of Election~~ Secretary of State. In addition to the authority provided by G.S. 147-  
 38 36.1, the Secretary of State may delegate to the Deputy Secretary of State for Elections  
 39 any duty or power concerning elections imposed by law upon the Secretary of State."

40 Sec. 24. G.S. 163-27 reads as rewritten:

41 "**§ 163-27. ~~Executive Secretary~~ for Elections to be appointed by ~~Board~~. Secretary**  
 42 **of State.**

43 The appointment of the ~~Executive Secretary~~ Director of the State Board of Elections  
 44 is ~~extended to May 15, 1989, unless removed for proper cause, and thereafter the Board~~

1 ~~The Secretary of State shall appoint an Executive Secretary-Director a Deputy Secretary~~  
2 ~~of State for Elections~~ for a term of four years beginning May 1, 1993, with  
3 compensation to be determined by the ~~Department of~~ Office of State Personnel. ~~He The~~  
4 Deputy Secretary of State for Elections shall serve, unless removed for cause, until his  
5 successor is appointed. Such ~~Executive Secretary-Director~~ Deputy Secretary of State for  
6 Elections shall be responsible for staffing, administration, execution of the ~~Board's~~  
7 Secretary of State's decisions and orders and shall perform such other responsibilities as  
8 may be assigned by the ~~Board~~ Secretary of State. In the event of a vacancy, the vacancy  
9 shall be filled for the remainder of the term."

10 Sec. 25. G.S. 163-28 is repealed.

11 Sec. 26. G.S. 163-30 reads as rewritten:

12 **"§ 163-30. County boards of elections; appointments; terms of office;**  
13 **qualifications; vacancies; oath of office; instructional meetings.**

14 In every county of the State there shall be a county board of elections, to consist of  
15 three persons of good moral character who are registered voters in the county in which  
16 they are to act. Members of county boards of elections shall be appointed by the ~~State~~  
17 ~~Board of Elections-Secretary of State~~ on the last Tuesday in June 1985, and every two  
18 years thereafter, and their terms of office shall continue for two years from the specified  
19 date of appointment and until their successors are appointed and qualified. Not more  
20 than two members of the county board of elections shall belong to the same political  
21 party.

22 No person shall be eligible to serve as a member of a county board of elections who  
23 holds any elective office under the government of the United States, or of the State of  
24 North Carolina or any political subdivision thereof.

25 No person who holds any office in a state, congressional district, county or precinct  
26 political party or organization, or who is a campaign manager or treasurer of any  
27 candidate or political party in a primary or election, shall be eligible to serve as a  
28 member of a county board of elections, provided however that the position of delegate  
29 to a political party convention shall not be considered an office for the purpose of this  
30 section.

31 No person shall be eligible to serve as a member of a county board of elections who  
32 is a candidate for nomination or election.

33 No person shall be eligible to serve as a member of a county board of elections who  
34 is the wife, husband, son, daughter, mother, father, sister, or brother of any candidate for  
35 nomination or election.

36 The State chairman of each political party shall have the right to recommend to the  
37 ~~State Board of Elections-Secretary of State~~ three registered voters in each county for  
38 appointment to the board of elections for that county. If such recommendations are  
39 received by the ~~Board~~ Secretary of State 15 or more days before the last Tuesday in  
40 June 1985, and each two years thereafter, it shall be the duty of the ~~State Board of~~  
41 ~~Elections-Secretary of State~~ to appoint the county boards from the names thus  
42 recommended.

43 Whenever a vacancy occurs in the membership of a county board of elections for  
44 any cause the State chairman of the political party of the vacating member shall have

1 the right to recommend two registered voters of the affected county for such office, and  
2 it shall be the duty of the ~~State Board of Elections~~ Secretary of State to fill the vacancy  
3 from the names thus recommended.

4 At the meeting of the county board of elections required by G.S. 163-31 to be held  
5 on Tuesday following the third Monday in July in the year of their appointment the  
6 members shall take the following oath of office:

7 'I, ....., do solemnly swear (or affirm) that I will support the Constitution  
8 of the United States; that I will be faithful and bear true allegiance to the  
9 State of North Carolina and to the constitutional powers and authorities  
10 which are or may be established for the government thereof; that I will  
11 endeavor to support, maintain and defend the Constitution of said State,  
12 not inconsistent with the Constitution of the United States; and that I will  
13 well and truly execute the duties of the office of member of the .....  
14 County Board of Elections to the best of my knowledge and ability,  
15 according to law; so help me God.'

16 Each member of the county board of elections shall attend each instructional  
17 meeting held pursuant to G.S. 163-46, unless excused for good cause by the chairman of  
18 the board, and shall be paid the sum of twenty-five dollars (\$25.00) per day for  
19 attending each of those meetings."

20 Sec. 27. G.S. 163-31 reads as rewritten:

21 **"§ 163-31. Meetings of county boards of elections; quorum; minutes.**

22 In each county of the State the members of the county board of elections shall meet  
23 at the courthouse or board office at noon on the Tuesday following the third Monday in  
24 July in the year of their appointment by the ~~State Board of Elections~~ Secretary of State  
25 and, after taking the oath of office provided in G.S. 163-30, they shall organize by  
26 electing one member chairman and another member secretary of the county board of  
27 elections. On the Tuesday following the third Monday in August of the year in which  
28 they are appointed the county board of elections shall meet and appoint precinct  
29 registrars and judges of elections. The board may hold other meetings at such times as  
30 the chairman of the board, or any two members thereof, may direct, for the performance  
31 of duties prescribed by law. A majority of the members shall constitute a quorum for the  
32 transaction of board business. The chairman shall notify, or cause to be notified, all  
33 members regarding every meeting to be held by the board.

34 The county board of elections shall keep minutes recording all proceedings and  
35 findings at each of its meetings. The minutes shall be recorded in a book which shall be  
36 kept in the board office and it shall be the responsibility of the secretary, elected by the  
37 board, to keep the required minute book current and accurate. The secretary of the board  
38 may designate the supervisor of elections to record and maintain the minutes under his  
39 supervision."

40 Sec. 28. G.S. 163-33 reads as rewritten:

41 **"§ 163-33. Powers and duties of county boards of elections.**

42 The county boards of elections within their respective jurisdictions shall exercise all  
43 powers granted to such boards in this Chapter, and they shall perform all the duties  
44 imposed upon them by law, which shall include the following:

- 1 (1) To make and issue such rules, regulations, and instructions, not  
2 inconsistent with law or the rules established by the ~~State Board of~~  
3 ~~Elections, Secretary of State,~~ as it may deem necessary for the  
4 guidance of election officers and voters.
- 5 (2) To appoint all registrars, judges, assistants, and other officers of  
6 elections, and designate the precinct in which each shall serve; and,  
7 after notice and hearing, to remove any registrar, judge of elections,  
8 assistant, or other officer of election appointed by it for incompetency,  
9 failure to discharge the duties of office, failure to qualify within the  
10 time prescribed by law, fraud, or for any other satisfactory cause. In  
11 exercising the powers and duties of this subdivision, the board may act  
12 only when a majority of its members are present at any meeting at  
13 which such powers or duties are exercised.
- 14 (3) To investigate irregularities, nonperformance of duties, and violations  
15 of laws by election officers and other persons, and to report violations  
16 to the ~~State Board of Elections, Secretary of State.~~ In exercising the  
17 powers and duties of this subdivision, the board may act only when a  
18 majority of its members are present at any meeting at which such  
19 powers or duties are exercised.
- 20 (4) As provided in G.S. 163-128, to establish, define, provide, rearrange,  
21 discontinue, and combine election precincts as it may deem expedient,  
22 and to fix and provide for places of registration and for holding  
23 primaries and elections.
- 24 (5) To review, examine, and certify the sufficiency and validity of  
25 petitions and nomination papers.
- 26 (6) To advertise and contract for the printing of ballots and other supplies  
27 used in registration and elections; and to provide for the delivery of  
28 ballots, pollbooks, and other required papers and materials to the  
29 voting places.
- 30 (7) To provide for the purchase, preservation, and maintenance of voting  
31 booths, ballot boxes, registration and pollbooks, maps, flags, cards of  
32 instruction, and other forms, papers, and equipment used in  
33 registration, nominations, and elections; and to cause the voting places  
34 to be suitably provided with voting booths and other supplies required  
35 by law.
- 36 (8) To provide for the issuance of all notices, advertisements, and  
37 publications concerning elections required by law. In addition, the  
38 county board of elections shall give notice at least 20 days prior to the  
39 date on which the registration books or records are closed that there  
40 will be a primary, general or special election, the date on which it will  
41 be held, and the hours the voting places will be open for voting in that  
42 election. The notice also shall describe the nature and type of election,  
43 and the issues, if any, to be submitted to the voters at that election.  
44 Notice shall be given by advertisement at least once weekly during the

1 20-day period in a newspaper having general circulation in the county  
 2 and by posting a copy of the notice at the courthouse door. Notice may  
 3 additionally be made on a radio or television station or both, but such  
 4 notice shall be in addition to the newspaper and other required notice.  
 5 This subdivision shall not apply in the case of bond elections called  
 6 under the provisions of Chapter 159.

- 7 (9) To receive the returns of primaries and elections, canvass the returns,  
 8 make abstracts thereof, transmit such abstracts to the proper  
 9 authorities, and to issue certificates of election to county officers and  
 10 members of the General Assembly except those elected in districts  
 11 composed of more than one county.
- 12 (10) To appoint and remove the board's clerk, assistant clerks, and other  
 13 employees; and to appoint and remove precinct transfer assistants as  
 14 provided in G.S. 163-72.3.
- 15 (11) To prepare and submit to the proper appropriating officers a budget  
 16 estimating the cost of elections for the ensuing fiscal year.
- 17 (12) To perform such other duties as may be prescribed by this Chapter or  
 18 the rules of the ~~State Board of Elections~~. Secretary of State.
- 19 (13) Notwithstanding the provisions of any other section of this Chapter, to  
 20 have access to any ballot boxes and their contents, any voting  
 21 machines and their contents, any registration records, pollbooks, voter  
 22 authorization cards or voter lists, any lists of absentee voters, any lists  
 23 of presidential registrants under the Voting Rights Act of 1965 as  
 24 amended, and any other voting equipment or similar records, books or  
 25 lists in any precinct or municipality over whose elections it has  
 26 jurisdiction or for whose elections it has responsibility."

27 Sec. 29. G.S. 163-35 reads as rewritten:

28 "**§ 163-35. Supervisor of elections to county board of elections; appointment;  
 29 compensation; duties; dismissal.**

30 (a) In the event a vacancy occurs in the office of county supervisor of elections in  
 31 any of the county boards of elections in this State, the county board of elections shall  
 32 submit the name of the person it recommends to fill the vacancy, in accordance with  
 33 provisions specified in this section, to the ~~Executive Secretary~~ Director of the State  
 34 ~~Board of Deputy Secretary of State for Elections~~ who shall issue a letter of appointment.

35 A person shall not serve as a supervisor of elections if he:

- 36 (1) Holds any elective public office;  
 37 (2) Is a candidate for any office in a primary or election;  
 38 (3) Holds any office in a political party or committee thereof;  
 39 (4) Is a campaign chairman or finance chairman for any candidate for  
 40 public office or serves on any campaign committee for any candidate;  
 41 (5) Has been convicted of a felony in any court unless his rights of  
 42 citizenship have been restored pursuant to the provisions of Chapter 13  
 43 of the General Statutes of North Carolina;

- 1           (6) Has been removed at any time by the State Board of Elections or by  
2           the Secretary of State following a public hearing; or  
3           (7) Is a member or a spouse, child, spouse of child, parent, sister, or  
4           brother of a member of the county board of elections by whom he  
5           would be employed.

6           (b) Appointment, Duties; Termination. – Upon receipt of a nomination from the  
7 county board of elections stating that the nominee for supervisor of elections is  
8 submitted for appointment upon majority selection by the county board of elections the  
9 ~~Executive Secretary Director~~ Deputy Secretary of State shall issue a letter of  
10 appointment of such nominee to the chairman of the county board of elections within 10  
11 days after receipt of the nomination. Thereafter, the county board of elections shall enter  
12 in its official minutes the specified duties, responsibilities and designated authority  
13 assigned to the supervisor by the county board of elections. A copy of the specified  
14 duties, responsibilities and designated authority assigned to the supervisor shall be filed  
15 with the ~~State Board of Elections~~ Secretary of State.

16           The county board of elections may, by petition signed by a majority of the board,  
17 recommend to the ~~Executive Secretary Director of the State Board of~~ Deputy Secretary  
18 of State for Elections the termination of the employment of the county board's  
19 supervisor of elections. The petition shall clearly state the reasons for termination. Upon  
20 receipt of the petition, the ~~Executive Secretary Director~~ Deputy Secretary of State shall  
21 forward a copy of same by certified mail, return receipt requested, to the county  
22 supervisor of elections involved. The county supervisor of elections may reply to said  
23 petition within 15 days of receipt thereof. Within 20 days of receipt of the county  
24 supervisor of elections' reply or the expiration of the time period allowed for the filing  
25 of said reply, the ~~State Executive Secretary Director~~ Deputy Secretary of State shall  
26 render a decision as to the termination or retention of the county supervisor of elections.  
27 The decision of the ~~Executive Secretary Director of the State Board of~~ Deputy Secretary  
28 of State for Elections shall be final unless such decision shall, within 20 days from the  
29 official date on which it was made, be deferred by the ~~State Board of Elections,~~  
30 Secretary of State in which event a public hearing shall be conducted by said ~~State~~  
31 ~~Board Secretary of State~~ any single member designated by the remaining four  
32 ~~members~~, in the county seat of the county involved. Following the conduct of such  
33 public hearing and a decision by the ~~State Board of Elections,~~ Secretary of State, the  
34 ~~chairman of said Board~~ Secretary of State shall notify the ~~Executive Secretary Director~~  
35 ~~of the State Board of~~ Deputy Secretary of State for Elections, in writing, of the decision  
36 resulting from the public hearing. If the decision, rendered by the ~~State Board of~~  
37 ~~Elections,~~ Secretary of State, results in concurrence with the decision entered by the  
38 ~~Executive Secretary Director,~~ Deputy Secretary of State, the decision becomes final. If  
39 the decision rendered by the ~~Board~~ Secretary of State is contrary to that entered by the  
40 ~~Executive Secretary Director,~~ Deputy Secretary of State, then the ~~Executive Secretary~~  
41 ~~Director~~ Deputy Secretary of State shall, within 15 days from the written notification,  
42 enter an amended decision consistent with the results of the decision by the ~~State Board~~  
43 ~~of Elections.~~ Secretary of State. The employment of any supervisor of elections  
44 presently employed or hereafter employed shall not be terminated except in compliance

1 with the procedures herein prescribed. ~~For the purposes of this subsection the individual~~  
2 ~~designated by the remaining four members of the State Board shall possess the same~~  
3 ~~authority conferred upon the chairman pursuant to G.S. 163-23.~~

4 (c) Compensation of Supervisors of Elections. – Compensation paid to  
5 supervisors of elections in all counties maintaining full-time registration (five days per  
6 week) shall be in the form of a salary in an amount recommended by the county board  
7 of elections and approved by the Board of County Commissioners and shall be  
8 commensurate with the salary paid to supervisors in counties similarly situated and  
9 similar in population and number of registered voters.

10 Beginning July 1, 1991, in any county operating under modified registration PLAN  
11 A, B, C, or D, the Board of County Commissioners shall compensate the supervisor of  
12 elections at a minimum rate of eight dollars (\$8.00) per hour for hours worked in  
13 attendance to his or her duties as prescribed by law, including rules and regulations  
14 adopted by the ~~State Board of Elections, Secretary of State.~~ In addition, the county shall  
15 pay to the supervisor an hourly wage of at least eight dollars (\$8.00) per hour for all  
16 hours worked in excess of those prescribed in rules and regulations adopted by the ~~State~~  
17 ~~Board of Elections, Secretary of State,~~ when such additional hours have been approved  
18 by the county board of elections and such approval has been recorded in the official  
19 minutes of the county board of elections.

20 In addition to the compensation provided for herein, the supervisor of elections to  
21 the county board of elections shall be granted the same vacation leave, sick leave, and  
22 petty leave as granted to all other county employees. It shall also be the responsibility of  
23 the Board of County Commissioners to appropriate sufficient funds to compensate a  
24 replacement for the supervisor of elections when authorized leave is taken.

25 (d) Duties. – The supervisor of elections may be empowered by the county board  
26 of elections to perform such administrative duties as might be assigned by the board and  
27 the chairman. In addition to any administrative duties the supervisor of elections shall  
28 be authorized to receive applications for registration and in pursuit of such authority  
29 shall be given the oath required of all registrars. In addition, the supervisor of elections  
30 may be authorized by the chairman to execute the responsibilities devolving upon the  
31 chairman provided such authorization by any chairman shall in no way transfer the  
32 responsibility for compliance with the law. The chairman shall remain liable for proper  
33 execution of all matters specifically assigned to him by law.

34 The county board of elections shall have authority, by resolution adopted by  
35 majority vote, to delegate to its supervisor of elections so much of the administrative  
36 detail of the election functions, duties, and work of the board, its officers and members,  
37 as is now, or may hereafter be vested in the board or its members as the county board of  
38 elections may see fit: Provided, that the board shall not delegate to a supervisor of  
39 elections any of its quasi-judicial or policy-making duties and authority. Within the  
40 limitations imposed upon him by the resolution of the county board of elections the acts  
41 of a properly appointed supervisor of elections shall be deemed to be the acts of the  
42 county board of elections, its officers and members."

43 Sec. 30. G.S. 163-45 reads as rewritten:

44 "**§ 163-45. Observers; appointment.**

1 The chairman of each political party in the county shall have the right to designate  
2 two observers to attend each voting place at each primary and election and such  
3 observers may, at the option of the designating party chairman, be relieved during the  
4 day of the primary or election after serving no less than four hours and provided the list  
5 required by this section to be filed by each chairman contains the names of all persons  
6 authorized to represent such chairman's political party. Not more than two observers  
7 from the same political party shall be permitted in the voting enclosure at any time.  
8 This right shall not extend to the chairman of a political party during a primary unless  
9 that party is participating in the primary. In any election in which an unaffiliated  
10 candidate is named on the ballot, he or his campaign manager shall have the right to  
11 appoint two observers for each voting place consistent with the provisions specified  
12 herein. Persons appointed as observers must be registered voters of the precinct for  
13 which appointed and must have good moral character. Observers shall take no oath of  
14 office.

15 Individuals authorized to appoint observers must submit in writing to the registrar of  
16 each precinct a signed list of the observers appointed for that precinct. Individuals  
17 authorized to appoint observers must, prior to 10:00 A.M. on the fifth day prior to any  
18 primary or general election, submit in writing to the chairman of the county board of  
19 elections two signed copies of a list of observers appointed by them, designating the  
20 precinct for which each observer is appointed. Before the opening of the voting place  
21 on the day of a primary or general election, the chairman shall deliver one copy of the  
22 list to the registrar for each affected precinct. He shall retain the other copy. The  
23 chairman, or the registrar and judges for each affected precinct, may for good cause  
24 reject any appointee and require that another be appointed. The names of any persons  
25 appointed in place of those persons rejected shall be furnished in writing to the registrar  
26 of each affected precinct no later than the time for opening the voting place on the day  
27 of any primary or general election, either by the chairman of the county board of  
28 elections or the person making the substitute appointment.

29 An observer shall do no electioneering at the voting place, and he shall in no manner  
30 impede the voting process or interfere or communicate with or observe any voter in  
31 casting his ballot, but, subject to these restrictions, the registrar and judges of elections  
32 shall permit him to make such observation and take such notes as he may desire.

33 Whether or not the observer attends to the polls for the requisite time provided by  
34 this section, each observer shall be entitled to obtain at times specified by the ~~State~~  
35 ~~Board of Elections, Secretary of State,~~ but not less than three times during election day  
36 with the spacing not less than one hour apart, a list of the persons who have voted in the  
37 precinct so far in that election day. Counties that use an 'authorization to vote  
38 document' instead of poll books may comply with the requirement in the previous  
39 sentence by permitting each observer to inspect election records so that the observer  
40 may create a list of persons who have voted in the precinct so far that election day; each  
41 observer shall be entitled to make the inspection at times specified by the ~~State Board of~~  
42 ~~Elections, Secretary of State,~~ but not less than three times during election day with the  
43 spacing not less than one hour apart."

44 Sec. 31. G.S. 163-65(a) reads as rewritten:



1       "(a) Precinct Records. – The county board of elections shall furnish each precinct  
2 registrar with a proper book or books in which to record registration. This book shall be  
3 prepared to contain all of the information pertaining to a registered voter required by  
4 G.S. 163-72, including the registrant's political party affiliation, if any. On each page of  
5 the book shall be printed a column index giving the first two letters of the surnames and  
6 the pages on which persons bearing those names are registered.

7       In lieu of a bound book, the county boards of elections shall install a loose-leaf  
8 registration book system in all of the precincts of the county prior to January 1, 1970;  
9 provided that nothing herein shall alter the power of the county board of elections, with  
10 the approval of the county board of commissioners, to establish by resolution a full-time  
11 system of registration as provided in G.S. 163-67(b). The necessary binders for the  
12 loose-leaf registration book system shall be purchased by each county. The ~~State Board  
13 of Elections~~ Secretary of State shall have authority to approve types, sizes and kinds of  
14 binders to be used for the loose-leaf registration book system. Uniform registration  
15 sheets of paper approved by the ~~State Board of Elections~~ Secretary of State which are  
16 necessary for the binders shall be furnished by the ~~State Board of Elections~~ Secretary of  
17 State from funds provided by the State from the Contingency and Emergency Fund. One  
18 or more duplicate sets of registration sheets shall be maintained by the chairman of the  
19 county board of elections at all times in a safe place."

20             Sec. 32. G.S. 163-67 reads as rewritten:

21 **"§ 163-67. Full-time registration; application to register.**

22       (a) The county boards of elections shall establish, prior to January 1, 1971, a  
23 full-time system of registration, as prescribed by the ~~State Board of Elections,~~ Secretary  
24 of State, under which the registration books, process, and records shall be open  
25 continuously for the acceptance of registration applications and for the registration of  
26 voters at all reasonable hours and time consistent with the daily function of all other  
27 county offices. In such counties no registration shall entitle a registrant to vote in any  
28 primary, general or special election unless the registrant shall have made application not  
29 later than the sixteenth day, excluding Saturdays and Sundays, immediately preceding  
30 such primary, general or special election, provided that nothing shall prohibit registrants  
31 from registering to vote in future elections during such period.

32       When full-time registration has been established in a county, the official record of  
33 registration shall be made and kept in the form of an application to register which, as  
34 prescribed by the ~~State Board of Elections,~~ Secretary of State, shall contain all  
35 information necessary to show the applicant's qualifications to register. In such a  
36 county, no person shall be registered to vote without first making a written, sworn, and  
37 signed application to register upon the form prescribed by the ~~State Board of Elections.~~  
38 Secretary of State. If the applicant cannot write because of physical disability, his name  
39 shall be written on the application for him by the election official to whom he makes  
40 application, but the specific reason for the applicant's failure to sign shall be clearly  
41 stated upon the face of the application.

42       Registrars, judges of election, and special registration commissioners appointed  
43 under the provisions of G.S. 163-41 may take registration applications from and  
44 administer registration oaths to qualified applicants without regard to the precinct

1 residence of the registrar, judge of election, special registration commissioner, or  
2 applicant.

3 Applications to register which have been completed by persons who have taken the  
4 required oath shall be forwarded promptly, and in no case more than 72 hours after the  
5 close of registration, to the county board of elections. Failure to forward the application  
6 within 72 hours shall not disqualify an otherwise properly qualified voter from voting.  
7 An application to register shall constitute a valid registration unless the county board of  
8 elections shall notify the applicant of its rejection within 30 days after its completion;  
9 provided that where the application is completed during the last 51 days prior to the  
10 election but at least 16 days, excluding Saturdays and Sundays, prior to the election, the  
11 notification of rejection shall be made no less than seven days prior to the election or the  
12 application shall constitute a valid registration. If the application is rejected after the  
13 close of the registration books as provided in G.S. 163-67(a) the board shall notify the  
14 applicant at least seven days before the election that it has rejected his application. The  
15 applicant may appear before the board and, if he establishes his qualifications to register  
16 prior to the election, he shall be permitted to vote. The loose-leaf binders containing the  
17 precinct records and the duplicate registration record, required by G.S. 163-65(a), shall  
18 be kept at all times in a safe place.

19 For the purpose of receiving registration applications, registrars shall attend the  
20 voting places in their precincts only on such days and at such hours as may be fixed by  
21 the county board of elections: Provided, the county board of elections shall not require  
22 registrars to be present at the voting places for this purpose on any day later than the  
23 sixteenth day, excluding Saturdays and Sundays, prior to a primary or election. In its  
24 discretion, the county board of elections may require no attendance by registrars at the  
25 voting places for the purpose of receiving registration applications.

26 The county board of elections is authorized to make reasonable rules and  
27 regulations, not inconsistent with law and ~~State Board~~ Secretary of State regulations, to  
28 insure full-time registration as provided in this section.

29 (b) In counties which have less than 14,001 registered voters the ~~State Board of~~  
30 ~~Elections~~ Secretary of State shall prescribe reasonable regulations permitting such  
31 counties to operate a modified full-time office to the extent that the operation of such  
32 full-time office will not necessarily be required to be open such as is required in  
33 counties with total registered voters in excess of 14,000; provided, that nothing herein  
34 shall preclude such counties from maintaining office hours for registration consistent  
35 with the hours observed by all other offices within said county.

36 (c) No Registration on Day of Primary or Election; Exception. – No person shall  
37 be permitted to register on the day of an election or primary, unless he shall have  
38 become qualified to register and vote between the date the registration period expired  
39 and the date of the succeeding primary or election. No one shall be permitted to register  
40 on the day of a second primary unless he shall have become qualified to register and  
41 vote between the date of the first primary and the date of the succeeding second  
42 primary.

43 (d) The cost of maintaining the registration and election processes required by  
44 this section and G.S. 163-67.1 shall be allocated by the respective boards of county

1 commissioners upon approval of budget requirements submitted by the respective  
2 county board of elections. The respective boards of county commissioners shall  
3 appropriate reasonable and adequate funds necessary for the legal functions of the  
4 county boards of elections, including reasonable and just compensation of the  
5 supervisor of elections.

6 (e) With the approval of the board of county commissioners, the county board of  
7 elections may issue to each voter in the county a voter registration card. At a minimum,  
8 the voter registration card shall:

9 (1) List the voter's name, address and polling place;

10 (2) Contain the address and telephone number of the county board of  
11 elections, along with blanks to report a change of address within the  
12 county; and

13 (3) Be wallet size.

14 No voter registration card may be issued by a county board of elections unless the  
15 ~~State Board of Elections~~ Secretary of State has approved the format of the card.

16 If a county board of elections issues voter registration cards, when a voter reports a  
17 change of address within the county or when the polling place is changed, the county  
18 board of elections shall issue a replacement card to the voter. If a voter returns the card,  
19 reporting a change of address within the county, and if that card is signed by the voter, it  
20 shall be accepted as a written address change report under G.S. 163-72.2.

21 The card shall be evidence of registration but shall not preclude a challenge as  
22 permitted by law. No county board of elections or municipal board of elections may  
23 require that a voter registration card be displayed in order to vote. This subsection does  
24 not change voting procedures."

25 Sec. 33. G.S. 163-69.2 reads as rewritten:

26 **"§ 163-69.2. Accessible polling places.**

27 (a) The ~~State Board of Elections~~ Secretary of State shall promulgate rules to  
28 assure that any handicapped or elderly voter assigned to an inaccessible polling place,  
29 upon advance request of such voter, will be assigned to an accessible polling place.  
30 Such rules should allow the request to be made in advance of the day of the election.

31 (b) Words in this section have the meanings prescribed by P.L. 98-435."

32 Sec. 34. G.S. 163-70 reads as rewritten:

33 **"§ 163-70. Chairman to certify to ~~State Board of Elections~~ Secretary of State**  
34 **number of registered voters in county.**

35 The chairman of a county or municipal board of elections shall certify to the ~~State~~  
36 ~~Board of Elections~~ Secretary of State the number of registered voters in the county or  
37 municipality. The certification shall be made on such forms as the ~~State Board~~ Secretary  
38 of State may prescribe and at such times as the ~~State Board~~ Secretary of State may fix."

39 Sec. 35. G.S. 163-72.1(g) reads as rewritten:

40 "(g) The authorization form and the form for written notice of receipt of  
41 authorization shall be prescribed or approved by the ~~State Board of Elections~~ Secretary  
42 of State. No county or municipality may use any other such forms."

43 Sec. 36. G.S. 163-72.3(c) reads as rewritten:

1       "(c) The board may appoint precinct transfer assistants in addition to those  
2 authorized by subsection (b) and assign them to locations other than the board of  
3 elections' office. The board may provide that each polling place open for an election  
4 shall be an additional location, and that each voter shall, after receiving a certificate  
5 under subdivision (2) of subsection (a), go to vote at the polling place where they would  
6 have been assigned if they had filed a change of address report under G.S. 163-72.2  
7 prior to the time that registration closed for the election. If such provision is made, the  
8 registrar, judge, or precinct assistant issuing a certificate under subdivision (2) of  
9 subsection (a) shall notify the voter of the location of such polling place. If additional  
10 locations are established, the county board may make the appropriate changes in the  
11 forms and procedures to be used under subsection (a). To exercise any option permitted  
12 to it in this subsection, the county board of elections shall adopt a resolution and give  
13 written notice to the ~~State Board of Elections~~ Secretary of State at least 60 days before  
14 the election. The notice shall include the additional locations at which transfer voting  
15 will be allowed."

16               Sec. 37. G.S. 163-72.4(b) reads as rewritten:

17       "(b) The ~~State Board of Elections~~ Secretary of State shall develop a registration by  
18 mail form, which shall request sufficient information to enable officials of the county  
19 where a person resides to satisfactorily process the application for any purpose  
20 permitted under subsection (a) of this section. The ~~State Board of Elections~~ Secretary of  
21 State shall print sufficient copies of the form so that they may be publicly distributed.  
22 Registration forms shall be available from the ~~State Board of Elections~~ Secretary of  
23 State and county boards of elections, and may be distributed by any person. The single  
24 form shall permit all of the purposes listed under subsection (a) of this section to be  
25 carried out by filling in the appropriate information and marking boxes to indicate the  
26 action requested."

27               Sec. 38. G.S. 163-74(a1) reads as rewritten:

28       "(a1) Voting by Unaffiliated Voter in Party Primary. – If a political party has, by  
29 action of its State Executive Committee reported to the ~~State Board of Elections~~  
30 Secretary of State by resolution delivered no later than the first day of December  
31 preceding a primary, provided that unaffiliated voters may vote in the primary of that  
32 party, an unaffiliated voter may vote in the primary of that party by announcing that  
33 intention under G.S. 163-150(a). For a party to withdraw its permission, it must do so  
34 by action of its State Executive Committee, similarly reported to the ~~State Board of~~  
35 ~~Elections~~ Secretary of State no later than the first day of December preceding the  
36 primary where the withdrawal is to become effective."

37               Sec. 39. G.S. 163-80 reads as rewritten:

38       "**§ 163-80. Officers authorized to register voters.**

39       (a) Only the following election officials shall be authorized to register voters:

- 40       (1) Any member of a county board of elections who has been duly  
41       appointed pursuant to G.S. 163-22(c) and properly installed as required  
42       by G.S. 163-30 and 163-31.
- 43       (2) The supervisor of elections of a county board of elections appointed  
44       pursuant to the provisions of G.S. 163-35.

- 1 (3) Precinct registrars and judges of election appointed pursuant to the  
2 provisions of G.S. 163-41.
- 3 (4) Special registration commissioners appointed pursuant to the authority  
4 and limitation contained in G.S. 163-41(b).
- 5 (5) Full-time and salaried deputy supervisors of elections employed by the  
6 county board of elections and who work under the direct supervision  
7 of the board's supervisor of elections appointed pursuant to the  
8 provisions contained in G.S. 163-35.
- 9 (6) Local public library employees designated by the governing board of  
10 such public library to be appointed by the county board of elections as  
11 special library registration deputies. Appointment of such deputies is  
12 mandatory for libraries covered by G.S. 153A-272; appointment is  
13 optional for other libraries. Persons appointed under this subsection  
14 shall be given the oath contained in G.S. 163-41(b), and shall be  
15 authorized to accept applications to register on those days and during  
16 those hours said special deputies are on duty with their respective  
17 libraries. If, for good and valid reasons, the local public library director  
18 shall request that the county board of elections appoint 'replacement'  
19 special library registration deputies before the two-year term ends, the  
20 county board of elections shall do so. To serve as a special library  
21 registration deputy and accept applications to register in a county  
22 under this subdivision, a library employee need not reside in that  
23 county.
- 24 (7) Public high school employees appointed under this subdivision. A  
25 local board of education may, but is not required to, designate high  
26 school employees to be appointed by the county board of elections as  
27 special high school registration commissioners. Only employees who  
28 volunteer for this duty, and who are acceptable to the county board of  
29 elections, may be designated by boards of education. A special high  
30 school registration commissioner may register voters only while on  
31 duty as a high school employee and only at times and under  
32 arrangements approved by the local school board of education. A  
33 person appointed under this subdivision shall take the oath prescribed  
34 in G.S. 163-41(b). To serve as a special high school registration  
35 commissioner and accept applications to register in a county under this  
36 subdivision, a high school employee need not reside in that county.
- 37 (b) All election officials authorized to register voters under authority of this  
38 section shall not be authorized to register voters who reside outside the boundaries of  
39 their respective counties except in those specific instances involving municipalities  
40 which lie within the boundaries of two or more counties. The ~~State Board of Elections~~  
41 Secretary of State shall have authority to promulgate rules for the processing of voters  
42 in such instances.

1 (c) All election officials authorized by this section to register voters shall register  
2 any qualified voter without regard to political party affiliation and without  
3 discrimination in any manner whatsoever.

4 (d) ~~The State Board of Elections~~ Secretary of State shall promulgate rules for the  
5 proper training of those persons qualifying under this section as registrars."

6 Sec. 40. G.S. 163-81 reads as rewritten:

7 "**§ 163-81. Driver license examiners to accept applications to register voters.**

8 (a) Notwithstanding any other provision of law, drivers license examiners are  
9 ex officio special registration commissioners for the purpose of this section. No  
10 additional oath is required.

11 (b) Special registration commissioners appointed under this section are  
12 authorized to accept applications to register persons who are qualified for registration  
13 regardless of that person's voting precinct or county of residence in the State. The  
14 special registration commissioners appointed pursuant to this section shall have the  
15 same authority to accept applications to register voters as is conferred upon registration  
16 officials in this Chapter.

17 (c) The Division of Motor Vehicles shall, pursuant to the rules adopted by the  
18 ~~State Board of Elections~~, Secretary of State, modify its forms so that any eligible person  
19 who applies for original issuance, renewal or correction of a driver's license or special  
20 identification card issued under G.S. 20-37.7 may, on a part of the form, complete an  
21 application to register to vote or to update his registration if the voter has changed his  
22 address or moved from one precinct to another or from one county to another. Any  
23 person who willfully and knowingly and with fraudulent intent gives false information  
24 on the application is guilty of a Class I felony. The application shall state in clear  
25 language the penalty for violation of this subsection. The necessary forms shall be  
26 prescribed by the ~~State Board of Elections~~. Secretary of State. All applications shall be  
27 forwarded by the Department of Transportation to the appropriate county board of  
28 elections. The form must ask for the previous voter registration address of the voter, if  
29 any. If a previous address is listed, and it is not in the county of residence of the  
30 applicant, the appropriate county board of elections shall treat the application as an  
31 authorization to cancel the previous registration and also process it as such under the  
32 procedures of G.S. 163-72.1(c) through (e). If a previous address is listed and that  
33 address is in the county where the voter applies to register, the application shall be  
34 processed as if it had been submitted under G.S. 163-72.2.

35 Registration shall become effective as provided in G.S. 163-67(a). Applications to  
36 register to vote accepted by a special registration commissioner under this section until  
37 the deadline established in G.S. 163-67(a) shall be treated as timely made for an  
38 election, and no person who applies to that special registration commissioner shall be  
39 denied the vote in that election for failure to apply earlier than that deadline.

40 (d) ~~The State Board of Elections~~ Secretary of State is authorized to promulgate  
41 rules necessary to implement the provisions of this section."

42 Sec. 41. G.S. 163-82 reads as rewritten:

43 "**§ 163-82. Mandated registration drive.**

1 The Governor shall proclaim as Citizens Awareness Month the month designated by  
2 the ~~State Board of Elections~~ Secretary of State during every even-numbered year.  
3 During that month, the ~~State Board of Elections~~ Secretary of State shall initiate a  
4 statewide voter registration drive and shall adopt rules under which county boards of  
5 elections shall conduct the drives. Each county board of elections shall participate in the  
6 statewide registration drive in accordance with the rules adopted by the ~~State Board~~  
7 Secretary of State."

8 Sec. 42. G.S. 163-85(b) reads as rewritten:

9 "(b) Challenges Shall Be Made to the County Board of Elections. – Each  
10 challenge shall be made separately, in writing, under oath and on forms prescribed by  
11 the ~~State Board of Elections~~, Secretary of State, and shall specify the reasons why the  
12 challenged voter is not entitled to register, remain registered, or vote. When a challenge  
13 is made, the board of elections shall cause the word 'challenged' to be written in pencil  
14 on the registration records of the voter challenged. The challenge shall be signed by the  
15 challenger and shall set forth the challenger's address."

16 Sec. 43. G.S. 163-88.1(a) reads as rewritten:

17 "(a) If the decision of the registrar and judges pursuant to G.S. 163-88 is to sustain  
18 the challenge, the challenged voter may request a challenged ballot by submitting an  
19 application to the registrar, such application shall include as part thereof an affidavit that  
20 such person possesses all the qualifications for voting and is entitled to vote at the  
21 election. The form of such affidavit shall be prescribed by the ~~State Board of Elections~~  
22 Secretary of State and shall be available at the polls."

23 Sec. 44. G.S. 163-89 reads as rewritten:

24 "**§ 163-89. Procedures for challenging absentee ballots.**

25 (a) Time for Challenge. – The absentee ballot of any voter may be challenged on  
26 the day of any statewide primary or general election or county bond election beginning  
27 no earlier than noon and ending no later than 5:00 P.M., or by the registrar at the time of  
28 closing of the polls as provided in G.S. ~~163-233~~ [~~163-232~~] 163-232 and G.S. 163-  
29 251(b).

30 (b) Who May Challenge. – Any registered voter of the same precinct as the  
31 absentee voter may challenge that voter's absentee ballot.

32 (c) Form and Nature of Challenge. – Each challenged absentee ballot shall be  
33 challenged separately. The burden of proof shall be on the challenger. Each challenge  
34 shall be made in writing and, if they are available, shall be made on forms prescribed by  
35 the ~~State Board of Elections~~ Secretary of State. Each challenge shall specify the reasons  
36 why the ballot does not comply with the provisions of this Article or why the absentee  
37 voter is not legally entitled to vote in the particular primary or election. The challenge  
38 shall be signed by the challenger.

39 (d) To Whom Challenge Addressed; to Whom Challenge Delivered. – Each  
40 challenge shall be addressed to the county board of elections. It may be filed with the  
41 board at its offices or with the registrar of the precinct in which the challenger and  
42 absentee voter are registered. If it is delivered to the registrar, the registrar shall  
43 personally deliver the challenge to the chairman of the county board of elections on the  
44 day of the county canvass.

1 (e) Hearing Procedure. – All challenges filed under this section shall be heard by  
2 the county board of elections on the day set for the canvass of the returns. All members  
3 of the board shall attend the canvass and all members shall be present for the hearing of  
4 challenges to absentee ballots.

5 Before the board hears a challenge to an absentee ballot, the chairman shall mark the  
6 word 'challenged' after the voter's name in the register of absentee ballot applications  
7 and ballots issued and in the pollbook of absentee voters.

8 The board then shall hear the challenger's reasons for the challenge, and it shall  
9 make its decision without opening the container-return envelope or removing the ballots  
10 from it.

11 The board shall have authority to administer the necessary oaths or affirmations to  
12 all witnesses brought before it to testify to the qualifications of the voter challenged or  
13 to the validity or invalidity of the ballot.

14 If the challenge is sustained, the chairman shall mark the word 'sustained' after the  
15 word 'challenged' following the voter's name in the register of absentee ballot  
16 applications and ballots issued and in the pollbook of absentee voters; the voter's ballots  
17 shall not be counted; and the container-return envelope shall not be opened but shall be  
18 marked 'Challenge Sustained.' All envelopes so marked shall be preserved intact by the  
19 chairman for a period of six months from canvass day or longer if any contest then is  
20 pending concerning the validity of any absentee ballot.

21 If the challenge is overruled, the absentee ballots shall be removed from the  
22 container-return envelopes and counted by the board of elections, and the board shall  
23 adjust the appropriate abstracts of returns to show that the ballots have been counted and  
24 tallied in the manner provided for unchallenged absentee ballots.

25 If the challenge was delivered to the board by the registrar of the precinct and was  
26 sustained, the board shall reopen the appropriate ballot boxes, remove such ballots,  
27 determine how those ballots were voted, deduct such ballots from the returns, and adjust  
28 the appropriate abstracts of returns.

29 Any voter whose ballots have been challenged may, either personally or through an  
30 authorized representative, appear before the board at the hearing on the challenge and  
31 present evidence as to the validity of the ballot."

32 Sec. 45. G.S. 163-96 reads as rewritten:

33 **"§ 163-96. 'Political party' defined; creation of new party.**

34 (a) Definition. – A political party within the meaning of the election laws of this  
35 State shall be either:

36 (1) Any group of voters which, at the last preceding general State election,  
37 polled for its candidate for Governor, or for presidential electors, at  
38 least ten percent (10%) of the entire vote cast in the State for Governor  
39 or for presidential electors; or

40 (2) Any group of voters which shall have filed with the ~~State Board of~~  
41 ~~Elections—Secretary of State~~ petitions for the formulation of a new  
42 political party which are signed by registered and qualified voters in  
43 this State equal in number to two percent (2%) of the total number of  
44 voters who voted in the most recent general election for Governor.



1 Also the petition must be signed by at least 200 registered voters from  
2 each of four congressional districts in North Carolina. To be effective,  
3 the petitioners must file their petitions with the ~~State Board of~~  
4 ~~Elections~~ Secretary of State before 12:00 noon on the first day of June  
5 preceding the day on which is to be held the first general State election  
6 in which the new political party desires to participate. The ~~State Board~~  
7 ~~of Elections~~ Secretary of State shall forthwith determine the  
8 sufficiency of petitions filed with it and shall immediately  
9 communicate its determination to the State chairman of the proposed  
10 new political party.

11 (b) Petitions for New Political Party. – Petitions for the creation of a new  
12 political party shall contain on the heading of each page of the petition in bold print or  
13 all in capital letters the words: 'THE UNDERSIGNED REGISTERED VOTERS IN  
14 ..... COUNTY HEREBY PETITION FOR THE FORMATION OF A NEW  
15 POLITICAL PARTY TO BE NAMED ..... AND WHOSE STATE CHAIRMAN IS  
16 ....., RESIDING AT..... AND WHO CAN BE REACHED BY  
17 TELEPHONE AT..... THE SIGNERS OF THIS PETITION INTEND TO ORGANIZE  
18 A NEW POLITICAL PARTY TO PARTICIPATE IN THE NEXT SUCCEEDING  
19 GENERAL ELECTION.'

20 All printing required to appear on the heading of the petition shall be in type no smaller  
21 than 10 point or in all capital letters, double spaced typewriter size. In addition to the  
22 form of the petition, the organizers and petition circulators shall inform the signers of  
23 the general purpose and intent of the new party.

24 The petitions must specify the name selected for the proposed political party. The  
25 ~~State Board of Elections~~ Secretary of State shall reject petitions for the formation of a  
26 new party if the name chosen contains any word that appears in the name of any  
27 existing political party recognized in this State or if, in the ~~Board's~~ Secretary of State's  
28 opinion, the name is so similar to that of an existing political party recognized in this  
29 State as to confuse or mislead the voters at an election.

30 The petitions must state the name and address of the State chairman of the proposed  
31 new political party.

32 The validity of the signatures on the petitions shall be proved in accordance with  
33 one of the following alternative procedures:

- 34 (1) The signers may acknowledge their signatures before an officer  
35 authorized to take acknowledgments, after which that officer shall  
36 certify the validity of the signatures by appropriate notation attached to  
37 the petition, or
- 38 (2) A person in whose presence a petition was signed may go before an  
39 officer authorized to take acknowledgments and, after being sworn,  
40 testify to the genuineness of the signatures on the petition, after which  
41 the officer before whom he has testified shall certify his testimony by  
42 appropriate notation attached to the petition.

43 Each petition shall be presented to the chairman of the board of elections of the  
44 county in which the signatures were obtained, and it shall be the chairman's duty:

- 1 (1) To examine the signatures on the petition and place a check mark on  
2 the petition by the name of each signer who is qualified and registered  
3 to vote in his county.
- 4 (2) To attach to the petition his signed certificate
  - 5 a. Stating that the signatures on the petition have been checked  
6 against the registration records and
  - 7 b. Indicating the number found qualified and registered to vote in  
8 his county.
- 9 (3) To return each petition, together with the certificate required by the  
10 preceding subdivision, to the person who presented it to him for  
11 checking.

12 The group of petitioners shall submit the petitions to the chairman of the county  
13 board of elections in the county in which the signatures were obtained no later than 5:00  
14 P.M. on the fifteenth day preceding the date the petitions are due to be filed with the  
15 ~~State Board of Elections~~ Secretary of State as provided in subsection (a)(2) of this  
16 section. Provided the petitions are timely submitted, the chairman of the county board of  
17 elections shall require a fee of five cents (5¢) for each signature appearing and shall  
18 proceed to examine and verify the signatures under the provisions of this subsection.  
19 Verification shall be completed within two weeks from the date such petitions are  
20 presented and the required fee received.

21 (c) Repealed by Session Laws 1983, c. 576, s. 3, effective July 1, 1983."

22 Sec. 46. G.S. 163-97.1 reads as rewritten:

23 **"§ 163-97.1. Voters affiliated with expired political party.**

24 The ~~State Board of Elections~~ Secretary of State shall be authorized to promulgate  
25 appropriate procedures to order the county boards of elections to change the registration  
26 affiliation of all voters who are recorded on the voter registration books as being  
27 affiliated with a political party which has lost its legal status as provided in G.S. 163-97.  
28 The ~~State Board of Elections~~ Secretary of State shall not implement the authority  
29 contained in this section earlier than 90 days following the certification of the election  
30 in which the political party failed to continue its legal status as provided in G.S. 163-97.  
31 All voters affiliated with such expired political party shall be changed to 'unaffiliated'  
32 designation by the ~~State Board's~~ Secretary of State's order and all such registrants shall  
33 be entitled to declare a political party affiliation as provided in G.S. 163-74(b)."

34 Sec. 47. G.S. 163-98 reads as rewritten:

35 **"§ 163-98. General election participation by new political party.**

36 In the first general election following the date on which a new political party  
37 qualifies under the provisions of G.S. 163-96, it shall be entitled to have the names of its  
38 candidates for State, congressional, and national offices printed on the official ballots,  
39 but it shall not be entitled to have the names of candidates for other offices printed on  
40 State, district, or county ballots at that election.

41 For the first general election following the date on which it qualifies under G.S. 163-  
42 96, a new political party shall select its candidates by party convention. Following  
43 adjournment of the nominating convention, but not later than the first day of July prior  
44 to the general election, the president of the convention shall certify to the ~~State Board of~~

1 ~~Elections~~ Secretary of State the names of persons chosen in the convention as the new  
2 party's candidates for State, congressional, and national offices in the ensuing general  
3 election. The ~~State Board of Elections~~ Secretary of State shall print names thus certified  
4 on the appropriate ballots as the nominees of the new party."

5 Sec. 48. G.S. 163-104 reads as rewritten:

6 **"§ 163-104. Primaries governed by general election laws; authority of ~~State Board~~  
7 ~~of Elections~~ Secretary of State to modify time schedule.**

8 Unless otherwise provided in this Chapter, primary elections shall be conducted as  
9 far as practicable in accordance with the general election laws of this State. All  
10 provisions of this Chapter and of other laws governing elections, not inconsistent with  
11 this Article and other provisions of law dealing specifically with primaries, shall apply  
12 as fully to primary elections and to the acts and things done thereunder as to general  
13 elections. Nevertheless, for purposes of primary elections the ~~State Board of Elections~~  
14 Secretary of State may, by general rule, modify the general election law time schedule  
15 with regard to ascertaining, declaring, and reporting results.

16 All acts made criminal if committed in connection with a general election shall  
17 likewise be criminal, with the same punishment, when committed in a primary election  
18 held under the provisions of this Chapter."

19 Sec. 49. G.S. 163-105 reads as rewritten:

20 **"§ 163-105. Payment of expense of conducting primary elections.**

21 The expense of printing and distributing the poll and registration books, blanks, and  
22 ballots for those offices required by G.S. 163-109(b) to be furnished by the State, and  
23 the ~~per diem and~~ expenses of the ~~State Board of Elections~~ Secretary of State while  
24 engaged in the discharge of primary election duties imposed by law upon ~~that Board,~~  
25 the Secretary of State, shall be paid by the State.

26 The expenses of printing and distributing the ballots for those offices required by  
27 G.S. 163-109(c) to be furnished by counties, and the per diem (or salary) and  
28 expenses of the county board of elections and the registrars and judges of election,  
29 while engaged in the discharge of primary election duties imposed by law upon them,  
30 shall be paid by the counties."

31 Sec. 49.1. G.S. 163-106 reads as rewritten:

32 **"§ 163-106. Notices of candidacy; pledge; with whom filed; date for filing;  
33 withdrawal.**

34 (a) Notice and Pledge. – No one shall be voted for in a primary election unless he  
35 shall have filed a notice of candidacy with the appropriate board of elections, State or  
36 county, as required by this section. To this end every candidate for selection as the  
37 nominee of a political party shall file with and place in the possession of the board of  
38 elections specified in subsection (c) of this section, a notice and pledge in the following  
39 form: 'Date I hereby file notice as a candidate for nomination as ..... in the .....  
40 party primary election to be held on ....., 19..... I affiliate with the ..... party, (and I  
41 certify that I am now registered on the registration records of the precinct in which I  
42 reside as an affiliate of the ..... party.)

43 I pledge that if I am defeated in the primary, I will not run for any  
44 office as a write-in candidate in the next general election. Signed

Name of candidate Witness:

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(Title of witness)'Each candidate shall sign his notice of candidacy in the presence of the chairman or secretary of the board of elections, State or county, with which he files. In the alternative, a candidate may have his signature on the notice of candidacy acknowledged and certified to by an officer authorized to take acknowledgments and administer oaths, in which case the candidate may mail his notice of candidacy to the appropriate board of elections.

In signing his notice of candidacy the candidate shall use only his legal name and, in his discretion, any nickname by which he is commonly known. A candidate may also, in lieu of his legal first name and legal middle initial or middle name (if any) sign his nickname, provided that he appends to the notice of candidacy an affidavit that he has been commonly known by that nickname for at least five years prior to the date of making the affidavit. The candidate shall also include with the affidavit the way his name (as permitted by law) should be listed on the ballot if another candidate with the same last name files a notice of candidacy for that office.

A notice of candidacy signed by an agent or any person other than the candidate himself shall be invalid.

Prior to the date on which candidates may commence filing, the ~~State Board of Elections~~ Secretary of State shall print and furnish, at State expense, to each county board of elections a sufficient number of the notice of candidacy forms prescribed by this subsection for use by candidates required to file with county boards of elections.

(b) Eligibility to File. – No person shall be permitted to file as a candidate in a primary if, at the time he offers to file notice of candidacy, he is registered on the appropriate registration book or record as an affiliate of a political party other than that in whose primary he is attempting to file. No person who has changed his political party affiliation or who has changed from unaffiliated status to party affiliation as permitted in G.S. 163-74(b), shall be permitted to file as a candidate in the primary of the party to which he changed unless he has been affiliated with the political party in which he seeks to be a candidate for at least 90 days prior to the filing date for the office for which he desires to file his notice of candidacy.

A person registered as 'unaffiliated' shall be ineligible to file as a candidate in a party primary election.

(c) Time for Filing Notice of Candidacy. – Candidates seeking party primary nominations for the following offices shall file their notice of candidacy with the ~~State Board of Elections~~ Secretary of State no earlier than 12:00 noon on the first Monday in January and no later than 12:00 noon on the first Monday in February preceding the primary:

- Governor
- Lieutenant Governor
- All State executive officers
- Justices of the Supreme Court, Judges of the Court of Appeals
- Judges of the superior courts

- 1 Judges of the district courts
- 2 United States Senators
- 3 Members of the House of Representatives of the United States
- 4 District attorneys

5 Candidates seeking party primary nominations for the following offices shall file  
6 their notice of candidacy with the county board of elections no earlier than 12:00 noon  
7 on the first Monday in January and no later than 12:00 noon on the first Monday in  
8 February preceding the primary:

- 9 State Senators
- 10 Members of the State House of Representatives
- 11 All county offices.

12 (d) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any  
13 primary in which there are two or more vacancies for Chief Justice and associate  
14 justices of the Supreme Court, two or more vacancies for judge of the Court of Appeals,  
15 or two vacancies for United States Senator from North Carolina or two or more  
16 vacancies for the office of district court judge to be filled by nominations, each  
17 candidate shall, at the time of filing notice of candidacy, file with the ~~State Board of~~  
18 ~~Elections~~ Secretary of State a written statement designating the vacancy to which he  
19 seeks nomination. Votes cast for a candidate shall be effective only for his nomination  
20 to the vacancy for which he has given notice of candidacy as provided in this  
21 subsection.

22 A person seeking party nomination for a specialized district judgeship established  
23 under G.S. 7A-147 shall, at the time of filing notice of candidacy, file with the ~~State~~  
24 ~~Board of Elections~~ Secretary of State a written statement designating the specialized  
25 judgeship to which he seeks nomination.

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

32 (f) Candidates required to file their notice of candidacy with the ~~State Board of~~  
33 ~~Elections~~ Secretary of State under subsection (c) of this section shall file along with  
34 their notice a certificate signed by the chairman of the board of elections or the  
35 supervisor of elections of the county in which they are registered to vote, stating that the  
36 person is registered to vote in that county, stating the party with which the person is  
37 affiliated, and that the person has not changed his affiliation from another party or from  
38 unaffiliated within three months prior to the filing deadline under subsection (c) of this  
39 section. In issuing such certificate, the chairman or supervisor shall check the  
40 registration records of the county to verify such information. During the period  
41 commencing 36 hours immediately preceding the filing deadline the ~~State Board of~~  
42 ~~Elections~~ Secretary of State shall accept, on a conditional basis, the notice of candidacy  
43 of a candidate who has failed to secure the verification ordered herein subject to receipt  
44 of verification no later than three days following the filing deadline. The ~~State Board of~~

1 ~~Elections~~ Secretary of State shall prescribe the form for such certificate, and distribute it  
2 to each county board of elections no later than the last Monday in December of each  
3 odd-numbered year.

4 (g) When any candidate files a notice of candidacy with a county board of  
5 elections under subsection (c) of this section or under G.S. 163-291(2), the chairman or  
6 supervisor of elections shall, immediately upon receipt of the notice of candidacy,  
7 inspect the registration records of the county, and cancel the notice of candidacy of any  
8 person who is not eligible under subsection (c) of this section. The Board shall give  
9 notice of cancellation to any candidate whose notice of candidacy has been cancelled  
10 under this subsection by mail or by having the notice served on him by the sheriff.

11 (h) No person may file a notice of candidacy for more than one office described  
12 in subsection (c) of this section for any one election. If a person has filed a notice of  
13 candidacy with a board of elections under this section for one office, then a notice of  
14 candidacy may not later be filed for any other office under this section when the  
15 election is on the same date unless the notice of candidacy for the first office is  
16 withdrawn under subsection (e) of this section; provided that this subsection shall not  
17 apply unless the deadline for filing notices of candidacy for both offices is the same.  
18 Notwithstanding this subsection, a person may file a notice of candidacy for a full term  
19 as United States Senator, and also file a notice of candidacy for the remainder of the  
20 unexpired term of that same seat in an election held under G.S. 163-12, and may file a  
21 notice of candidacy for a full term as a member of the United States House of  
22 Representatives, and also file a notice of candidacy for the remainder of the unexpired  
23 term in an election held under G.S. 163-13.

24 (i) No person may file a notice of candidacy for superior court judge unless that  
25 person is at the time of filing the notice of candidacy a resident of the judicial district as  
26 it will exist at the time the person would take office if elected. No person may be  
27 nominated as a superior court judge under G.S. 163-114 unless that person is at the time  
28 of nomination a resident of the judicial district as it will exist at the time the person  
29 would take office if elected. This subsection implements Article IV Section 9 (1) of the  
30 North Carolina Constitution which requires regular Superior Court Judges to reside in  
31 the district for which elected."

32 Sec. 50. G.S. 163-107(b) reads as rewritten:

33 "(b) Refund of Fees. – If any person who has filed a notice of candidacy and paid  
34 the filing fee prescribed in subsection (a) of this section, withdraws his notice of  
35 candidacy within the period prescribed in G.S. 163-106(e), he shall be entitled to have  
36 the fee he paid refunded. If the fee was paid to the ~~State Board of Elections, Secretary of~~  
37 ~~State~~, the chairman of that board shall cause a warrant to be drawn on the Treasurer of  
38 the State for the refund payment. If the fee was paid to a county board of elections, the  
39 chairman of the Board shall certify to the county accountant that the refund should be  
40 made, and the county accountant shall make the refund in accordance with the  
41 provisions of the County Fiscal Control Act.

42 If any person files a notice of candidacy and pays a filing fee to a board of elections  
43 other than that with which he is required to file under the provisions of G.S. 163-106(e),  
44 he shall be entitled to have the fee refunded in the manner prescribed in this subsection

1 if he requests the refund before the date on which the right to file for that office expires  
2 under the provisions of G.S. 163-106(e)."

3 Sec. 51. G.S. 163-107.1 reads as rewritten:

4 **"§ 163-107.1. Petition in lieu of payment of filing fee.**

5 (a) Any qualified voter who seeks nomination in the party primary of the  
6 political party with which he affiliates may, in lieu of payment of any filing fee required  
7 for the office he seeks, file a written petition requesting him to be a candidate for a  
8 specified office with the appropriate board of elections, State, county or municipal.

9 (b) If the candidate is seeking the office of United States Senator, Governor,  
10 Lieutenant Governor, any State executive officer, Justice of the Supreme Court or Judge  
11 of the Court of Appeals, the petition must be signed by 10,000 registered voters who are  
12 members of the political party in whose primary the candidate desires to run, except that  
13 in the case of a political party as defined by G.S. 163-96(a)(2) which will be making  
14 nominations by primary election, the petition must be signed by ten percent (10%) of  
15 the registered voters of the State who are affiliated with the same political party in  
16 whose primary the candidate desires to run, or in the alternative, the petition shall be  
17 signed by no less than 10,000 registered voters regardless of the voter's political party  
18 affiliation, whichever requirement is greater. The petition must be filed with the ~~State~~  
19 ~~Board of Elections~~ Secretary of State not later than 12:00 noon on Monday preceding  
20 the filing deadline before the primary in which he seeks to run. The names on the  
21 petition shall be verified by the board of elections of the county where the signer is  
22 registered, and the petition must be presented to the county board of elections at least 15  
23 days before the petition is due to be filed with the ~~State Board of Elections~~ Secretary of  
24 State. When a proper petition has been filed, the candidate's name shall be printed on  
25 the primary ballot.

26 (c) County, Municipal and District Primaries. – If the candidate is seeking one of  
27 the offices set forth in G.S. 163-106(c) but which is not listed in subsection (b) of this  
28 section, or a municipal or any other office requiring a partisan primary which is not set  
29 forth in G.S. 163-106(c) or (d), he shall file a written petition with the appropriate board  
30 of elections no later than 12:00 noon on Monday preceding the filing deadline before  
31 the primary. The petition shall be signed by ten percent (10%) of the registered voters of  
32 the election area in which the office will be voted for, who are affiliated with the same  
33 political party in whose primary the candidate desires to run, or in the alternative, the  
34 petition shall be signed by no less than 200 registered voters regardless of said voter's  
35 political party affiliation, whichever requirement is greater. The board of elections shall  
36 verify the names on the petition, and if the petition is found to be sufficient, the  
37 candidate's name shall be printed on the appropriate primary ballot. Petitions for  
38 candidates for member of the U.S. House of Representatives, District Attorney, judge of  
39 the District Court and judge of the Superior Court, or members of the State House of  
40 Representatives from multi-county districts or members of the State Senate from multi-  
41 county districts must be presented to the county board of elections for verification at  
42 least 15 days before the petition is due to be filed with the ~~State Board of Elections~~,  
43 Secretary of State, and such petition must be filed with the ~~State Board of Elections~~  
44 Secretary of State no later than 12:00 noon on Monday preceding the filing deadline.

1 The ~~State Board of Elections~~ Secretary of State may adopt rules to implement this  
2 section and to provide standard petition forms.

3 (d) Nonpartisan Primaries and Elections. – Any qualified voter who seeks to be a  
4 candidate in any nonpartisan primary or election may, in lieu of payment of the filing  
5 fee required, file a written petition signed by ten percent (10%) of the registered voters  
6 in the election area in which the office will be voted for with the appropriate board of  
7 elections. Any qualified voter may sign the petition. The petition shall state the  
8 candidate's name, address and the office which he is seeking. The petition must be filed  
9 with the appropriate board of elections no later than 60 days prior to the filing deadline  
10 for the primary or election, and if found to be sufficient, the candidate's name shall be  
11 printed on the ballot."

12 Sec. 52. G.S. 163-108 reads as rewritten:

13 "**§ 163-108. Certification of notices of candidacy.**

14 (a) Within three days after the time for filing notices of candidacy with the ~~State~~  
15 ~~Board of Elections~~ Secretary of State under the provisions of G.S. 163-106(c) has  
16 expired, the ~~chairman or secretary of that Board~~ Secretary of State shall certify to the  
17 ~~Secretary of State~~ the name, address, and party affiliation of each person who has filed  
18 with the ~~State Board of Elections~~, Secretary of State, indicating in each instance the  
19 office sought.

20 (b) No later than 10 days after the time for filing notices of candidacy under the  
21 provisions of G.S. 163-106(c) has expired, the ~~chairman of the State Board of Elections~~  
22 Secretary of State shall certify to the chairman of the county board of elections in each  
23 county in the appropriate district the names of candidates for nomination to the  
24 following offices who have filed the required notice and pledge and paid the required  
25 filing fee to the ~~State Board of Elections~~, Secretary of State, so that their names may be  
26 printed on the official county ballots: Superior court judge, district court judge, and  
27 district attorney.

28 (c) In representative districts composed of more than one county and in multi-  
29 county senatorial districts the chairman or secretary of the county board of elections in  
30 each county shall, within three days after the time for filing notices of candidacy under  
31 the provisions of G.S. 163-106(c) has expired, certify to the ~~State Board of Elections~~  
32 Secretary of State (i) the names of all candidates who have filed notice of candidacy in  
33 his county for member of the State Senate, or, if such is the fact, that no candidates have  
34 filed in his county for that office, and (ii) the names of all candidates who have filed  
35 notice of candidacy in his county for the office of member of the State House of  
36 Representatives or, if such is the fact, that no candidates have filed in his county for that  
37 office. The chairman of the county board of elections shall forward a copy of this report  
38 to the chairman of the board of elections of each of the other counties in the  
39 representative or senatorial district. Within 10 days after the time for filing notices of  
40 candidacy for those offices has expired the ~~chairman or secretary of the State Board of~~  
41 ~~Elections~~ Secretary of State or Deputy Secretary of State for Elections shall certify to  
42 the chairman of the county board of elections in each county of each multi-county  
43 representative or senatorial district the names of all candidates for the House of  
44 Representatives and Senate which must be printed on the county ballots.



1 (d) Within two days after he receives each of the letters of certification from the  
2 ~~chairman of the State Board of Elections~~ Secretary of State required by subsections (b)  
3 and (c) of this section, each county elections board chairman shall acknowledge receipt  
4 by letter addressed to the ~~chairman of the State Board of Elections~~ Secretary of State."

5 Sec. 53. G.S. 163-109 reads as rewritten:

6 "**§ 163-109. Primary ballots; printing and distribution.**

7 (a) General. – In primary elections there shall be as many kinds of official State,  
8 district, and county ballots as there are legally recognized political parties, members of  
9 which have filed notice of their candidacy for nomination. The ballots for each political  
10 party shall be printed to conform to the requirements of G.S. 163-140(c) and to show  
11 the party's name, the name of each party member who has filed notice of candidacy, and  
12 the office for which each aspirant is a candidate.

13 Only those who have filed the required notice of candidacy and pledge with the  
14 proper board of elections, and who have paid the required filing fee, shall have their  
15 names printed on the official ballots of the political party with which affiliated.

16 (b) Ballots to Be Furnished by ~~State Board of Elections~~ Secretary of State. – It  
17 shall be the duty of the ~~State Board of Elections~~ Secretary of State to print official  
18 ballots for each political party having candidates for the following offices to be voted  
19 for in the primary:

20 United States Senator,

21 Member of the House of Representatives of the United States Congress,

22 Governor, and

23 All other State offices, except superior court judge, district court judge, and district  
24 attorney.

25 In its discretion, the ~~State Board of Elections~~ Secretary of State may print separate  
26 primary ballots for each of these offices, or it may combine some or all of them on a  
27 single ballot.

28 At least 60 days before the date of the primary, the ~~State Board of Elections~~  
29 ~~Secretary of State~~ shall deliver a sufficient number of these ballots to each county board  
30 of elections. The chairman of the county board of elections shall furnish the ~~chairman of~~  
31 ~~the State Board of Elections~~ Secretary of State with a written receipt for the ballots  
32 delivered to him within two days after their receipt.

33 (c) Ballots to Be Furnished by County Board of Elections. – It shall be the duty  
34 of the county board of elections to print official ballots for each political party having  
35 candidates for the following offices to be voted for in the primary:

36 Superior court judge,

37 District court judge,

38 District attorney,

39 State Senator,

40 Member of the House of Representatives of the General Assembly, and

41 All county offices.

42 In printing primary ballots, the county board of elections shall be governed by  
43 instructions of the ~~State Board of Elections~~ Secretary of State with regard to width,  
44 color, kind of paper, form, and size of type.

1 In its discretion, the county board of elections may print separate primary ballots for  
2 the district and county offices listed in this subsection, or it may combine some or all of  
3 them on a single ballot. In a primary election, if there shall be 10 or more candidates for  
4 nomination to any one office, the county board of elections in its discretion may prepare  
5 a separate ballot for said office.

6 Three days before the primary election, the chairman of the county board of  
7 elections shall distribute official State, district, and county ballots to the registrar of  
8 each precinct in his county, and the registrar shall give him a receipt for the ballots  
9 received. On the day of the primary it shall be the registrar's duty to have all the ballots  
10 delivered to him available for use at the precinct voting place.

11 (d) Repealed by Session Laws 1977, c. 265, s. 8."

12 Sec. 54. G.S. 163-110 reads as rewritten:

13 **"§ 163-110. Candidates declared nominees without primary.**

14 If a nominee for a single office is to be selected and only one candidate of a political  
15 party files for that office, or if nominees for two or more offices (constituting a group)  
16 are to be selected, and only the number of candidates equal to the number of the  
17 positions to be filled file for a political party for said offices, then the appropriate board  
18 of elections shall, upon the expiration of the filing period for said office, declare such  
19 persons as the nominees or nominee of that party, and the names shall not be printed on  
20 the primary ballot, but shall be printed on the general election ballot as candidate for  
21 that political party for that office. For the following offices, this declaration shall be  
22 made by the county board of elections with which the aspirant filed notice of candidacy:  
23 All county offices, State Senators in single-county senatorial districts, and members of  
24 the State House of Representatives in single-county representative districts. For all other  
25 offices, this declaration shall be made by the ~~State Board of Elections~~. Secretary of  
26 State."

27 Sec. 55. G.S. 163-111 reads as rewritten:

28 **"§ 163-111. Determination of primary results; second primaries.**

29 (a) Nomination Determined by Substantial Plurality; Definition of Substantial  
30 Plurality. – Except as otherwise provided in this section, nominations in primary  
31 elections shall be determined by a substantial plurality of the votes cast. A substantial  
32 plurality within the meaning of this section shall be determined as follows:

33 (1) If a nominee for a single office is to be selected, and there is more than  
34 one person seeking nomination, the substantial plurality shall be  
35 ascertained by multiplying the total vote cast for all aspirants by forty  
36 percent (40%). Any excess of the sum so ascertained shall be a  
37 substantial plurality, and the aspirant who obtains a substantial  
38 plurality shall be declared the nominee. If two candidates receive a  
39 substantial plurality, the candidate receiving the highest vote shall be  
40 declared the nominee.

41 (2) If nominees for two or more offices (constituting a group) are to be  
42 selected, and there are more persons seeking nomination than there are  
43 offices, the substantial plurality shall be ascertained by dividing the  
44 total vote cast for all aspirants by the number of positions to be filled,

1 and by multiplying the result by forty percent (40%). Any excess of  
2 the sum so ascertained shall be a substantial plurality, and the aspirants  
3 who obtain a substantial plurality shall be declared the nominees. If  
4 more candidates obtain a substantial plurality than there are positions  
5 to be filled, those having the highest vote (equal to the number of  
6 positions to be filled) shall be declared the nominees.

7 (b) Right to Demand Second Primary. – If an insufficient number of aspirants  
8 receive a substantial plurality of the votes cast for a given office or group of offices in a  
9 primary, a second primary, subject to the conditions specified in this section, shall be  
10 held:

11 (1) If a nominee for a single office is to be selected and no aspirant  
12 receives a substantial plurality of the votes cast, the aspirant receiving  
13 the highest number of votes shall be declared nominated by the  
14 appropriate board of elections unless the aspirant receiving the second  
15 highest number of votes shall request a second primary in accordance  
16 with the provisions of subsection (c) of this section. In the second  
17 primary only the two aspirants who received the highest and next  
18 highest number of votes shall be voted for.

19 (2) If nominees for two or more offices (constituting a group) are to be  
20 selected and aspirants for some or all of the positions within the group  
21 do not receive a substantial plurality of the votes, those candidates  
22 equal in number to the positions remaining to be filled and having the  
23 highest number of votes shall be declared the nominees unless some  
24 one or all of the aspirants equal in number to the positions remaining  
25 to be filled and having the second highest number of votes shall  
26 request a second primary in accordance with the provisions of  
27 subsection (c) of this section. In the second primary to select nominees  
28 for the positions in the group remaining to be filled, the names of all  
29 those candidates receiving the highest number of votes and all those  
30 receiving the second highest number of votes and demanding a second  
31 primary shall be printed on the ballot.

32 (c) Procedure for Requesting Second Primary. –

33 (1) A candidate who is apparently entitled to demand a second primary,  
34 according to the unofficial results, for one of the offices listed below,  
35 and desiring to do so, shall file a request for a second primary in  
36 writing or by telegram with the ~~Executive Secretary Director of the~~  
37 ~~State Board of Deputy Secretary of State for Elections~~ no later than  
38 12:00 noon on the seventh day (including Saturdays and Sundays)  
39 following the date on which the primary was conducted, and such  
40 request shall be subject to the certification of the official results by the  
41 ~~State Board of Elections Secretary of State~~. If the vote certification by  
42 the ~~State Board of Elections Secretary of State~~ determines that a  
43 candidate who was not originally thought to be eligible to call for a  
44 second primary is in fact eligible to call for a second primary, the

1 ~~Executive Secretary Director of the State Board of Deputy Secretary~~  
2 ~~of State for Elections~~ shall immediately notify such candidate and  
3 permit him to exercise any options available to him within a 48-hour  
4 period following the notification:

5 Governor,

6 Lieutenant Governor,

7 All State executive officers,

8 Justices, Judges, or District Attorneys of the General Court of  
9 Justice,

10 United States Senators,

11 Members of the United States House of Representatives, State  
12 Senators in multi-county senatorial districts, and Members of  
13 the State House of Representatives in multi-county  
14 representative districts.

- 15 (2) A candidate who is apparently entitled to demand a second primary,  
16 according to the unofficial results, for one of the offices listed below  
17 and desiring to do so, shall file a request for a second primary in  
18 writing or by telegram with the chairman or supervisor of the county  
19 board of elections no later than 12:00 noon on the seventh day  
20 (including Saturdays and Sundays) following the date on which the  
21 primary was conducted, and such request shall be subject to the  
22 certification of the official results by the county board of elections:

23 State Senators in single-county senatorial districts, Members of  
24 the State House of Representatives in single-county  
25 representative districts, and

26 All county officers.

- 27 (3) Immediately upon receipt of a request for a second primary the  
28 appropriate board of elections, State or county, shall notify all  
29 candidates entitled to participate in the second primary, by telephone  
30 followed by written notice, that a second primary has been requested  
31 and of the date of the second primary.

32 (d) Tie Votes; How Determined. –

- 33 (1) In the event of a tie for the highest number of votes in a first primary  
34 between two candidates for party nomination for a single county, or  
35 single-county legislative district office, the board of elections of the  
36 county in which the two candidates were voted for shall conduct a  
37 recount and declare the results. If the recount shows a tie vote, a  
38 second primary shall be held on the date prescribed in subsection (e) of  
39 this section between the two candidates having an equal vote, unless  
40 one of the aspirants, within three days after the result of the recount  
41 has been officially declared, files a written notice of withdrawal with  
42 the board of elections with which he filed notice of candidacy. Should  
43 that be done, the remaining aspirant shall be declared the nominee. In  
44 the event of a tie for the highest number of votes in a first primary

1 among more than two candidates for party nomination for one of the  
2 offices mentioned in this subdivision, no recount shall be held, but all  
3 of the tied candidates shall be entered in a second primary.

4 (2) In the event of a tie for the highest number of votes in a first primary  
5 between two candidates for a State office, for United States Senator, or  
6 for any district office (including State Senator in a multi-county  
7 senatorial district and member of the State House of Representatives in  
8 a multi-county representative district), no recount shall be held solely  
9 by reason of the tie, but the two candidates having an equal vote shall  
10 be entered in a second primary to be held on the date prescribed in  
11 subsection (e) of this section, unless one of the two candidates files a  
12 written notice of withdrawal with the ~~State Board of Elections~~  
13 Secretary of State within three days after the result of the first primary  
14 has been officially declared and published. Should that be done, the  
15 remaining aspirant shall be declared the nominee. In the event of a tie  
16 for the highest number of votes in a first primary among more than two  
17 candidates for party nomination for one of the offices mentioned in  
18 this subdivision, no recount shall be held, but all of the tied candidates  
19 shall be entered in a second primary.

20 (3) In the event one candidate receives the highest number of votes cast in  
21 a first primary, but short of a substantial plurality, and two or more of  
22 the other candidates receive the second highest number of votes cast in  
23 an equal number, the proper board of elections shall declare the  
24 candidate having the highest vote to be the party nominee, unless all  
25 but one of the tied candidates give written notice of withdrawal to the  
26 proper board of elections within three days after the result of the first  
27 primary has been officially declared. If all but one of the tied  
28 candidates withdraw within the prescribed three-day period, and the  
29 remaining candidate demands a second primary in accordance with the  
30 provisions of subsection (c) of this section, a second primary shall be  
31 held between the candidate who received the highest vote and the  
32 remaining candidate who received the second highest vote.

33 (e) Date of Second Primary; Procedures. – If a second primary is required under  
34 the provisions of this section, the appropriate board of elections, State or county, shall  
35 order that it be held four weeks after the first primary.

36 There shall be no registration of voters between the dates of the first and second  
37 primaries. Persons whose qualifications to register and vote mature after the day of the  
38 first primary and before the day of the second primary may register on the day of the  
39 second primary and, when thus registered, shall be entitled to vote in the second  
40 primary. The second primary is a continuation of the first primary and any voter who  
41 files a proper and timely affidavit of transfer of precinct, under the provisions of G.S.  
42 163-72(c), before the first primary may vote in the second primary without having to  
43 refile the affidavit of transfer if he is otherwise qualified to vote in the second primary.

1 Subject to this provision for registration, the second primary shall be held under the  
2 laws, rules, and regulations provided for the first primary.

3 (f) No Third Primary Permitted. – In no case shall there be a third primary. The  
4 candidates receiving the highest number of votes in the second primary shall be  
5 nominated. If in a second primary there is a tie for the highest number of votes between  
6 two candidates, the proper party executive committee shall select the party nominee for  
7 the office in accordance with the provisions of G.S. 163-114."

8 Sec. 56. G.S. 162-122(a) reads as rewritten:

9 "(a) Procedure for Having Name Printed on Ballot as Unaffiliated Candidate. –  
10 Any qualified voter who seeks to have his name printed on the general election ballot as  
11 an unaffiliated candidate shall:

12 (1) If the office is a statewide office, file written petitions with the ~~State~~  
13 ~~Board of Elections~~ Secretary of State supporting his candidacy for a  
14 specified office. These petitions must be filed with the ~~State Board of~~  
15 ~~Elections~~ Secretary of State on or before 12:00 noon on the last Friday  
16 in June preceding the general election and must be signed by qualified  
17 voters of the State equal in number to two percent (2%) of the total  
18 number of registered voters in the State as reflected by the most recent  
19 statistical report issued by the ~~State Board of Elections~~ Secretary of  
20 State. Each petition shall be presented to the chairman of the board of  
21 elections of the county in which the signatures were obtained. The  
22 chairman shall examine the names on the petition and place a check  
23 mark on the petition by the name of each signer who is qualified and  
24 registered to vote in his county and shall attach to the petition his  
25 signed certificate. Said certificates shall state that the signatures on the  
26 petition have been checked against the registration records and shall  
27 indicate the number of signers to be qualified and registered to vote in  
28 his county. The chairman shall return each petition, together with the  
29 certificate required in this section, to the person who presented it to  
30 him for checking. Verification by the chairman of the county board of  
31 elections shall be completed within two weeks from the date such  
32 petitions are presented and a fee of five cents (5¢) for each name  
33 appearing on the petition has been received.

34 (2) If the office is a district office comprised of two or more counties, file  
35 written petitions with the ~~State Board of Elections~~ Secretary of State  
36 supporting his candidacy for a specified office. These petitions must  
37 be filed with the ~~State Board of Elections~~ Secretary of State on or  
38 before 12:00 noon on the last Friday in June preceding the general  
39 election and must be signed by qualified voters of the district equal in  
40 number to four percent (4%) of the total number of registered voters in  
41 the district as reflected by the latest statistical report issued by the  
42 ~~State Board of Elections~~ Secretary of State. Each petition shall be  
43 presented to the chairman of the board of elections of the county in  
44 which the signatures were obtained. The chairman shall examine the

- 1 names on the petition and the procedure for certification shall be the  
2 same as specified in (1) above.
- 3 (3) If the office is a county office or a single county legislative district, file  
4 written petitions with the chairman or supervisor of the county board  
5 of elections supporting his candidacy for a specified county office.  
6 These petitions must be filed with the county board of elections on or  
7 before 12:00 noon on the last Friday in June preceding the general  
8 election and must be signed by qualified voters of the county equal in  
9 number to four percent (4%) of the total number of registered voters in  
10 the county as reflected by the most recent statistical report issued by  
11 the ~~State Board of Elections, Secretary of State~~, except if the office is  
12 for a district consisting of less than the entire county and only the  
13 voters in that district vote for that office, the petitions must be signed  
14 by qualified voters of the district equal in number to four percent (4%)  
15 of the total number of voters in the district according to the most recent  
16 figures certified by the ~~State Board of Elections, Secretary of State~~.  
17 Each petition shall be presented to the chairman or supervisor of the  
18 county board of elections. The chairman shall examine, or cause to be  
19 examined, the names on the petition and the procedure for certification  
20 shall be the same as specified in (1) above.
- 21 (4) If the office is a partisan municipal office, file written petitions with  
22 the chairman or supervisor of the county board of elections in the  
23 county wherein the municipality is located supporting his candidacy  
24 for a specified municipal office. These petitions must be filed with the  
25 county board of elections on or before the time and date specified in  
26 G.S. 163-296 and must be signed by the number of qualified voters  
27 specified in G.S. 163-296. The procedure for certification shall be the  
28 same as specified in (1) above.

29 Upon compliance with the provisions of (1), (2), (3), or (4) of this subsection, the  
30 board of elections with which the petitions and affidavit have been timely filed shall  
31 cause the unaffiliated candidate's name to be printed on the general election ballots in  
32 accordance with G.S. 163-140.

33 An individual whose name appeared on the ballot in a primary election preliminary  
34 to the general election shall not be eligible to have his name placed on the general  
35 election ballot as an unaffiliated candidate for the same office in that year."

36 Sec. 57. G.S. 163-123(c) reads as rewritten:

- 37 "(c) Petitions for Write-in Candidacy. – An applicant for write-in candidacy shall:
- 38 (1) If the office is a statewide office, file written petitions with the ~~State~~  
39 ~~Board of Elections, Secretary of State~~ supporting his candidacy for a  
40 specified office. These petitions shall be filed on or before noon on the  
41 90th day before the general election. They shall be signed by 500  
42 qualified voters of the State. Before being filed with the ~~State Board of~~  
43 ~~Elections, Secretary of State~~, each petition shall be presented to the  
44 board of elections of the county in which the signatures were obtained.

1 A petition presented to a county board of elections shall contain only  
2 names of voters registered in that county. The chairman of the county  
3 board of elections shall examine the names on the petition and place a  
4 check mark by the name of each signer who is qualified and registered  
5 to vote in his county. The chairman of the county board shall attach to  
6 the petition his signed certificate. On his certificate the chairman shall  
7 state that the signatures on the petition have been checked against the  
8 registration records and shall indicate the number of signers who are  
9 qualified and registered to vote in his county and eligible to vote for  
10 that office. The chairman shall return each petition, together with the  
11 certificate required in this section, to the person who presented it to  
12 him for checking. The chairman of the county board shall complete the  
13 verification within two weeks from the date the petition is presented.  
14 At the time of submitting the petition, a fee of five cents (5¢) shall be  
15 paid for each name appearing on the petition.

16 (2) If the office is a district office comprising all or part of two or more  
17 counties, file written petitions with the ~~State Board of Elections~~  
18 Secretary of State supporting his candidacy for a specified office.  
19 These petitions must be filed with the ~~State Board of Elections~~  
20 Secretary of State on or before noon on the 90th day before the general  
21 election and must be signed by 250 qualified voters. Before being filed  
22 with the ~~State Board of Elections, Secretary of State,~~ each petition  
23 shall be presented to the board of elections of the county in which the  
24 signatures were obtained. A petition presented to a county board of  
25 elections shall contain only names of voters registered in that county  
26 who are eligible to vote for that office. The chairman of the county  
27 board shall examine the names on the petition and the procedure for  
28 certification shall be the same as specified in subdivision (1).

29 (3) If the office is a county office, or is a school administrative unit office  
30 elected on a partisan basis, or is a legislative district consisting of a  
31 single county or a portion of a county, file written petitions with the  
32 county board of elections supporting his candidacy for a specified  
33 office. A petition presented to a county board of elections shall contain  
34 only names of voters registered in that county. These petitions must be  
35 filed on or before noon on the 90th day before the general election and  
36 must be signed by 100 qualified voters who are eligible to vote for the  
37 office, unless fewer than 5,000 persons are eligible to vote for the  
38 office as shown by the most recent records of the appropriate board of  
39 elections. If fewer than 5,000 persons are eligible to vote for the office,  
40 an applicant's petition must be signed by not less than one percent  
41 (1%) of those registered voters. Before being filed with the county  
42 board of elections, each petition shall be presented to the county board  
43 of elections for examination. The chairman of the county board of



1 elections shall examine the names on the petition and the procedure for  
2 certification shall be the same as specified in subdivision (1)."

3 Sec. 58. G.S. 163-125, which has been held unconstitutional by the Supreme  
4 Court, is repealed.

5 Sec. 59. G.S. 163-128 reads as rewritten:

6 **"§ 163-128. Election precincts and voting places established or altered.**

7 (a) Each county shall be divided into a convenient number of precincts for the  
8 purpose of voting, and there shall be at least one precinct encompassed within the  
9 territory of each township; provided, however, that upon a resolution adopted by the  
10 county board of elections and approved by the ~~Secretary-Director of the State Board of~~  
11 Deputy Secretary of State for Elections voters from a given precinct within a township  
12 may be temporarily transferred, for the purpose of voting, to a precinct in an adjacent  
13 township. Any such transfers shall be for the period of time equal only to the term of  
14 office of the county board of elections making such transfer. When such a resolution has  
15 been adopted by the county board of elections to assign voters from more than one  
16 township to the same precinct, then the county board of elections shall maintain separate  
17 registration and voting records, consistent with the procedure prescribed by the ~~State~~  
18 ~~Board of Elections, Secretary of State,~~ so as to properly identify the township in which  
19 such voters reside. Except as provided in G.S. 163-132.2(a)(1), the polling place for a  
20 precinct shall be located within the precinct.

21 Except as provided by Article 12A of this Chapter, the county board of elections  
22 shall have power from time to time, by resolution, to establish, alter, discontinue, or  
23 create such new election precincts or voting places as it may deem expedient. Upon  
24 adoption of a resolution establishing, altering, discontinuing, or creating a precinct or  
25 voting place, the board shall give 20 days' notice thereof prior to the date on which the  
26 registration books or records next close pursuant to G.S. 163-67. Notice shall be given  
27 by advertisement in a newspaper having general circulation in the county, by posting a  
28 copy of the resolution at the courthouse door, and by mailing a copy of the resolution to  
29 the chairman of every political party in the county. Notice may additionally be made on  
30 a radio or television station or both, but such notice shall be in addition to the  
31 newspaper and other required notice.

32 (b) Each county board of elections shall prepare a map of the county on which  
33 the precinct boundaries are drawn or described, shall revise the map when boundaries  
34 are changed, and shall keep a copy of the current map on file and posted for public  
35 inspection at the office of the Board of Elections, and shall file a copy with the ~~State~~  
36 ~~Board of Elections, Secretary of State.~~ "

37 Sec. 60. G.S. 163-130 reads as rewritten:

38 **"§ 163-130. Satellite voting places.**

39 A county board of elections may, upon approval of a request submitted in writing to  
40 the ~~State Board of Elections, Secretary of State,~~ establish a plan whereby elderly or  
41 disabled voters in a precinct may vote at designated sites within the precinct other than  
42 the regular voting place for that precinct. The ~~State Board of Elections, Secretary of~~  
43 State shall approve a county board's proposed plan if:

- 1 (1) All the satellite voting places to be used are listed in the county's  
2 written request;
- 3 (2) The plan will in the ~~State Board's~~ Secretary of State's judgment  
4 overcome a barrier to voting by the elderly or disabled;
- 5 (3) Adequate security against fraud is provided for; and
- 6 (4) The plan does not unfairly favor or disfavor voters with regard to race  
7 or party affiliation."

8 Sec. 61. G.S. 163-132.2 reads as rewritten:

9 **"§ 163-132.2. Precinct boundaries for other counties.**

10 (a) The Legislative Services Office shall send as directed by the schedule  
11 contained in subsection (g) of this section the relevant copies of the U.S. Census  
12 Bureau's official census block maps of the 1990 U.S. Census to each county board of  
13 elections. Not later than 90 days after receiving copies of those maps, the county board  
14 of elections shall:

- 15 (1) Alter, where necessary, precinct boundaries to be coterminous with  
16 those of:
- 17 a. Townships, as certified by the county manager, or the chairman  
18 of the board of county commissioners if there is not a county  
19 manager, on the official map of the county;
- 20 b. The census blocks established under the latest U.S. Census;
- 21 c. Named roads and streets and drainage features of 40 feet or  
22 more in width, as certified by the North Carolina Department of  
23 Transportation on its highway maps or the planning department  
24 of the relevant county;
- 25 d. Municipalities, as certified by the city clerk on the official map  
26 of the city; or
- 27 e. A combination of these boundaries;
- 28 Provided that if, as a result of the alteration, the polling place is no  
29 longer in the precinct, it may continue to be the polling place as long  
30 as the lot or tract on which the polling place is situated adjoins the  
31 precinct;

- 32 (1a) Alter, where necessary, precinct boundaries so that each precinct is  
33 composed solely of contiguous territory;
- 34 (2) Mark all precinct boundaries on the maps sent by the Legislative  
35 Services Office, showing the precinct boundaries in effect as of the  
36 time of marking, but with any changes effective at a later time as  
37 provided by subsection (d) of this section; and
- 38 (3) File at a time deemed necessary by the ~~Executive Secretary~~ Director of  
39 ~~the State Board of~~ Deputy Secretary of State for Elections with the  
40 ~~State Board~~ Secretary of State and the Legislative Services Office the  
41 maps identifying the precinct boundaries. The ~~Executive Secretary~~  
42 ~~Director~~ Deputy Secretary of State for Elections may require a county  
43 board of elections to file a written description of the boundaries of any  
44 precinct or part thereof.

1 (b) ~~The Executive Secretary Director of the State Board of Deputy Secretary of~~  
2 ~~State for Elections~~ and the Legislative Services Office shall examine the returned maps  
3 and their written descriptions. After its examination of the maps and their written  
4 descriptions, the Legislative Services Office shall submit to the ~~Executive Secretary-~~  
5 ~~Director of the State Board of Deputy Secretary of State for Elections~~ its opinion as to  
6 whether the county board of elections has complied with the provisions of subsection  
7 (a) of this section, with notations as to where those boundaries do not comply with these  
8 standards. If the ~~Executive Secretary Director of the State Board Deputy Secretary of~~  
9 ~~State for Elections~~ determines that the county board of elections has complied with the  
10 provisions of subsection (a) of this section, the ~~Executive Secretary Director of the State~~  
11 ~~Board Deputy Secretary of State for Elections~~ shall approve the maps and written  
12 descriptions as filed and these precincts shall be the official precincts.

13 (c) If the ~~Executive Secretary Director of the State Board Deputy Secretary of~~  
14 ~~State for Elections~~ determines that the county board of elections has not complied with  
15 the provisions of subsection (a) of this section, he shall not approve those precinct  
16 boundaries but shall alter the precinct boundaries so that each precinct consists solely of  
17 contiguous territory and that each precinct's boundaries are coterminous with those  
18 boundaries set forth in subsection (a)(1) of this section nearest to those existing precinct  
19 boundaries. These altered precincts shall then be the official precincts.

20 (d) The changes in precinct boundaries under subsections (b) and (c) of this  
21 section shall be made effective not later than January 1, 1997; unless the change would  
22 result in placing a precinct in more than one State House of Representatives, State  
23 Senate, or Congressional district, in which case it shall be made effective not later than  
24 January 1, 2002.

25 (e), (f) Repealed by Session Laws 1991 (Regular Session, 1992), c. 927, s. 1,  
26 effective July 1, 1992.

27 (g) The Legislative Services Office shall send maps, under subsection (a) of this  
28 section, to the counties named below by the dates indicated:

29 (1) Maps to be sent not later than January 1, 1993, to the following  
30 counties: Alexander, Alleghany, Anson, Ashe, Avery, Beaufort,  
31 Bertie, Bladen, Brunswick, Camden, Carteret, Caswell, Currituck,  
32 Cherokee, Clay, Franklin, Gates, and Hoke;

33 (2) Maps to be sent not later than January 1, 1994, to the following  
34 counties: Columbus, Dare, Davie, Graham, Haywood, Hertford, Hyde,  
35 Jackson, Lee, Lincoln, Madison, Martin, Mitchell, Montgomery,  
36 Northampton, and Pasquotank; and

37 (3) Maps to be sent not later than January 1, 1995, to the following  
38 counties: Macon, McDowell, Moore, Pamlico, Perquimans, Person,  
39 Polk, Rutherford, Stanly, Stokes, Swain, Transylvania, Tyrrell, Vance,  
40 Warren, and Yadkin.

41 (h) This section shall apply only to the following counties: Alexander,  
42 Alleghany, Anson, Ashe, Avery, Beaufort, Bertie, Bladen, Brunswick, Camden,  
43 Carteret, Caswell, Cherokee, Clay, Columbus, Currituck, Dare, Davie, Franklin, Gates,  
44 Graham, Greene, Haywood, Hertford, Hoke, Hyde, Jackson, Lee, Lincoln, Macon,

1 Madison, Martin, McDowell, Mitchell, Montgomery, Moore, Northampton, Pamlico,  
2 Pasquotank, Perquimans, Person, Polk, Rutherford, Stanly, Stokes, Swain,  
3 Transylvania, Tyrrell, Vance, Warren, Watauga, and Yadkin."

4 Sec. 62. G.S. 163-132.3 reads as rewritten:

5 **"§ 163-132.3. Alterations to approved precinct boundaries.**

6 (a) No county board of elections of a county listed in G.S. 163-132.1A(b), after  
7 January 1, 1990, and no county board of elections of a county listed in G.S. 163-  
8 132.2(h), after its precinct boundaries are approved pursuant to G.S. 163-132.2, may  
9 change any precinct boundary unless the proposed new precinct consists solely of  
10 contiguous territory and its new boundaries are coterminous with those of:

- 11 (1) Townships, as certified by the county manager, or the chairman of the  
12 board of county commissioners if there is not a county manager, on the  
13 official map of the county;
- 14 (2) The census blocks established under the latest U.S. Census;
- 15 (3) Named roads and streets and drainage features of 40 feet or more in  
16 width, as certified by the North Carolina Department of Transportation  
17 on its highway maps or the planning department of the relevant  
18 county;
- 19 (4) Municipalities, as certified by the city clerk on the official map of the  
20 city; or
- 21 (5) A combination of these boundaries.

22 The county boards of elections shall report precinct boundary changes by filing with  
23 the Legislative Services Office on current official census maps or maps certified by the  
24 North Carolina Department of Transportation or the county's planning department the  
25 new boundaries of these precincts. The ~~Executive Secretary-Director-Deputy Secretary~~  
26 of State for Elections may require a county board of elections to file a written  
27 description of the boundaries of any precinct or part thereof. No newly created or  
28 altered precinct boundary is effective until approved by the ~~Executive Secretary-~~  
29 ~~Director of the State Board-Deputy Secretary of State for Elections~~ as being in  
30 compliance with this subsection.

31 (b) The ~~Executive Secretary-Director of the State Board of-Deputy Secretary of~~  
32 State for Elections and the Legislative Services Office shall examine the maps of the  
33 proposed new or altered precincts and any required written descriptions. After its  
34 examination of the maps and their written descriptions, the Legislative Services Office  
35 shall submit to the ~~Executive Secretary-Director of the State Board of-Deputy Secretary~~  
36 of State for Elections its opinion as to whether all of the proposed precinct boundaries  
37 are in compliance with subsection (a) of this section, with notations as to where those  
38 boundaries do not comply with these standards. If the ~~Executive Secretary-Director of~~  
39 ~~the State Board-Deputy Secretary of State for Elections~~ determines that all precinct  
40 boundaries are in compliance with this section, the ~~Executive Secretary-Director of the~~  
41 ~~State Board-Deputy Secretary of State for Elections~~ shall approve the maps and written  
42 descriptions as filed and these precincts shall be the official precincts.

43 (c) If the ~~Executive Secretary-Director of the State Board-Deputy Secretary of~~  
44 State for Elections determines that the proposed precinct boundaries are not in

1 compliance with subsection (a) of this section, he shall not approve those precinct  
2 boundaries. He shall notify the county board of elections of his disapproval specifying  
3 the reasons. The county board of elections may then resubmit new precinct maps and  
4 written descriptions to cure the reasons for their disapproval."

5 Sec. 63. G.S. 163-132.4 reads as rewritten:

6 **"§ 163-132.4. Directives.**

7 The ~~Executive Secretary Director of the State Board of~~ Deputy Secretary of State for  
8 Elections may promulgate directives concerning its duties and those of the county  
9 boards of elections under this Article."

10 Sec. 64. G.S. 163-132.5 reads as rewritten:

11 **"§ 163-132.5. Cooperation of State and local agencies.**

12 The State Budget Office, the Department of Transportation and county and  
13 municipal planning departments shall cooperate and assist the Legislative Services  
14 Office, the ~~Executive Secretary Director of the State Board of~~ Deputy Secretary of State  
15 for Elections and the county boards of elections in the implementation of this Article."

16 Sec. 65. G.S. 163-132.5B reads as rewritten:

17 **"§ 163-132.5B. Exemption from Administrative Procedure Act.**

18 The ~~State Board of Elections Secretary of State~~ is exempt from the provisions of  
19 Chapter 150B of the General Statutes while acting under the authority of this Article.  
20 Appeals from a final decision of the ~~Executive Secretary Director of the State Board of~~  
21 ~~Elections~~ Deputy Secretary of State for Elections under this Article shall be taken to the  
22 ~~State Board of Elections Secretary of State~~ within 30 days of that decision. The ~~State~~  
23 ~~Board Secretary of State~~ shall approve, disapprove or modify the ~~Executive Secretary's~~  
24 Deputy Secretary of State's decision within 30 days of receipt of notice of appeal.  
25 Failure of the ~~State Board Secretary of State~~ to act within 30 days of receipt of notice of  
26 appeal shall constitute a final decision approving that of the ~~Executive Secretary~~.  
27 Deputy Secretary of State for Elections. Appeals from a final decision of the ~~State~~  
28 ~~Board Secretary of State~~ under this Article shall be taken to the Superior Court of Wake  
29 County."

30 Sec. 66. G.S. 163-132.5D reads as rewritten:

31 **"§ 163-132.5D. Retention of precinct maps.**

32 The ~~Executive Secretary Director of the State Board of~~ Deputy Secretary of State for  
33 Elections shall retain the maps and written descriptions which he approves pursuant to  
34 G.S. 163-132.3."

35 Sec. 67. G.S. 163-136(b) reads as rewritten:

36 "(b) Printing and Distribution. – The printing and distribution of ballots shall be  
37 arranged, handled, and paid for as follows:

- 38 (1) For municipal elections, primaries, and referenda, by the municipal  
39 authorities conducting the election, primary, or referendum, at the  
40 expense of the municipality.
- 41 (2) For county, single-county district, and legislative district elections,  
42 primaries, and referenda, by the responsible county board of elections,  
43 at the expense of the county.

1 (3) For all elections, primaries, and referenda not specified in the two  
2 preceding subdivisions, by the ~~State Board of Elections, Secretary of~~  
3 ~~State~~ at the expense of the State.

4 Provided, that the ~~State Board of Elections, Secretary of State~~, in its  
5 discretion, may direct some or all counties to print the ballots required  
6 by this subdivision under the supervision of the ~~State Board of~~  
7 ~~Elections, Secretary of State~~. If the ~~State Board of Elections, Secretary~~  
8 ~~of State~~ prints and distributes the ballots required by this subdivision at  
9 the expense of the State, the ~~State Board, Secretary of State~~ shall have  
10 the authority to negotiate for the ballots to be printed and distributed  
11 on a regional or centralized basis, and the ~~State Board, Secretary of~~  
12 ~~State~~ shall be exempt from securing competitive bids for printing and  
13 distribution of all ballots, abstracts and precinct return forms."

14 Sec. 68. G.S. 163-137(b) reads as rewritten:

15 "(b) The ballots prepared for use in general and special elections under the  
16 provisions of this Article by the ~~State Board of Elections, Secretary of State~~ shall be  
17 printed and delivered to the county boards of elections at least 60 days prior to the date  
18 of any election in which absentee voting is permitted and at least 60 days prior to the  
19 date of any election in which absentee voting is not permitted."

20 Sec. 69. G.S. 163-140 reads as rewritten:

21 "**§ 163-140. Kinds of ballots; what they shall contain; arrangement.**

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

- 24 (1) Ballot for presidential electors
- 25 (2) Ballot for United States Senator
- 26 (3) Ballot for member of the United States House of Representatives
- 27 (4) State ballot
- 28 (5) County ballot
- 29 (6) Repealed by Session Laws 1973, c. 793, s. 56.
- 30 (7) Ballot for constitutional amendments and other propositions submitted  
31 to the people.

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

38 Unless prohibited by this section, the board of elections, State or county, charged by  
39 law with printing ballots may, in its discretion, combine any two or more official  
40 ballots. Whenever two or more ballots are combined, the voting instructions for the  
41 State ballot set out in subsection (b)(4) of this section shall be used, except that if the  
42 two ballots being combined do not contain a multi-seat race, then the second sentence of  
43 instruction b. shall not appear on the ballot.

1 Contests in the general election for seats in the State House of Representatives and  
2 State Senate shall be on ballots that are separate from ballots containing non-legislative  
3 contests, except where the voting system used makes separation of ballots impractical.  
4 State House and State Senate contests shall be on the same ballot, unless one is a single-  
5 seat contest and the other a multi-seat contest.

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

12 (b) General Election Ballots. –

13 (1) Ballot for Presidential Electors: On the ballot for presidential electors  
14 there shall be printed, under the titles of the offices, the names of the  
15 candidates for President and Vice-President of the United States  
16 nominated by each political party qualified under the provisions of  
17 G.S. 163-96, and the names of the unaffiliated candidates for President  
18 and Vice-President qualified under the provisions of G.S. 163-122 and  
19 G.S. 163-209. A separate column shall be assigned to each political  
20 party with candidates on the ballot, and a separate column shall be  
21 assigned to each pair of unaffiliated candidates for President and Vice-  
22 President, if any, and the columns shall be separated by distinct black  
23 lines. At the head of each party column the party name shall be printed  
24 in large type and below it a circle, one-half inch in diameter, and  
25 below the circle the names of the party's candidates for President and  
26 Vice-President in that order. At the head of the columns for  
27 unaffiliated candidates shall be printed in large type the words  
28 'Unaffiliated Candidates', and below it a circle, one-half inch in  
29 diameter, and below the circle the names of a pair of unaffiliated  
30 candidates for President and Vice-President. On the face of the ballot,  
31 above the party column division, the following instructions shall be  
32 printed in heavy black type:

- 33 a. To vote this ballot, make a cross (X) mark in the circle below  
34 the name of the political party for whose candidates you wish to  
35 vote or below the heading for the unaffiliated candidates for  
36 whom you wish to vote.
- 37 b. A vote for the names of a political party's candidates for  
38 President and Vice-President is a vote for the electors of that  
39 party, and a vote for the names of unaffiliated candidates for  
40 President and Vice-President is a vote for electors named by the  
41 unaffiliated candidate for President, the names of whom are on  
42 file with the Secretary of State.
- 43 c. If you tear or deface or wrongly mark this ballot, return it and  
44 get another.

1 On the bottom of the ballot shall be printed an identified facsimile of  
2 the signature of the ~~Chairman of the State Board of Elections.~~ Deputy  
3 Secretary of State for Elections.

4 The official ballot for presidential electors shall not be combined  
5 with any other official ballots.

- 6 (2) Ballot for United States Senator: Beneath the title and general  
7 instructions set out in this subsection, the ballot for United States  
8 Senator shall be divided into parallel columns separated by distinct  
9 black lines. The ~~State Board of Elections~~ Secretary of State shall  
10 assign a separate column to each political party having a candidate for  
11 the office and one to unaffiliated candidates, if any. At the head of  
12 each party column the party's name shall be printed in large type, and  
13 at the head of the column for unaffiliated candidates shall be printed in  
14 large type the words 'Unaffiliated Candidates.' The name of each  
15 political party's candidate for United States Senator shall be printed in  
16 the appropriate party column, and the names of unaffiliated candidates  
17 for the office shall be printed in the column headed 'Unaffiliated  
18 Candidates.' At the left of each name shall be printed a voting square,  
19 and in each column all voting squares shall be arranged in a  
20 perpendicular line. On the face of the ballot, above the party and  
21 unaffiliated column division, the following instructions shall be printed  
22 in heavy black type:

23 'a. Vote for only one candidate.

24 b. If you tear or deface or wrongly mark this ballot, return it and  
25 get another.'

26 On the bottom of the ballot shall be printed an identified facsimile  
27 of the signature of the ~~Chairman of the State Board of Elections.~~  
28 Deputy Secretary of State for Elections.

29 When the ballot for United States Senator is combined with a ballot  
30 for another office, below the party name in each column shall be  
31 printed a circle, one-half inch in diameter, around which shall be  
32 plainly printed the following instruction: 'For a straight ticket, mark  
33 within this circle.' The following instructions, in lieu of those specified  
34 in the preceding paragraph, shall be printed in heavy black type on the  
35 face of the combined ballot to the top above the party and unaffiliated  
36 column division:

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 for whose candidates  
39 you wish to vote.

40 b. You may vote a split ticket by marking a cross (X) mark in the  
41 party circle and then making a cross (X) mark in the square  
42 opposite the name of the candidate(s) of a different party for  
43 whom you wish to vote.



1 c. You may also vote a split ticket by not marking a cross (X)  
2 mark in the party circle, but by making a cross (X) mark in the  
3 square opposite the name of each candidate for whom you wish  
4 to vote.

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

7 (3) Ballot for Member of the United States House of Representatives:  
8 Beneath the title and general instructions set out in this subsection, the  
9 congressional district ballot for member of the United States House of  
10 Representatives shall be divided into parallel columns separated by  
11 distinct black lines. The ~~State Board of Elections~~ Secretary of State  
12 shall assign a separate column to each political party having a  
13 candidate for the office and one to unaffiliated candidates, if any. At  
14 the head of each party column the party's name shall be printed in  
15 large type, and at the head of the column for unaffiliated candidates  
16 shall be printed in large type the words 'Unaffiliated Candidates.' The  
17 name of each political party's candidate for member of the United  
18 States House of Representatives from the congressional district shall  
19 be printed in the appropriate party column, and the names of  
20 unaffiliated candidates for the office shall be printed in the column  
21 headed 'Unaffiliated Candidates.' At the left of each name shall be  
22 printed a voting square, and in each column all voting squares shall be  
23 arranged in a perpendicular line. On the face of the ballot, above the  
24 party and unaffiliated column division, the following instructions shall  
25 be printed in heavy black type:

26 'a. Vote for only one candidate.

27 b. If you tear or deface or wrongly mark this ballot, return it and  
28 get another.'

29 On the bottom of the ballot shall be printed an identified facsimile  
30 of the signature of the ~~Chairman of the State Board of Elections~~.  
31 Deputy Secretary of State for Elections.

32 When the ballot for member of the United States House of  
33 Representatives is combined with a ballot for another office, below the  
34 party name in each column shall be printed a circle, one-half inch in  
35 diameter, around which shall be plainly printed the following  
36 instruction: 'For a straight ticket, mark within this circle.' The  
37 following instructions, in lieu of those specified in the preceding  
38 paragraph, shall be printed in heavy black type on the face of the  
39 combined ballot at the top above the party and unaffiliated column  
40 division:

41 'a. To vote for all candidates of one party (a straight ticket), make a  
42 cross (X) mark in the circle of the party for whose candidates  
43 you wish to vote.

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

- 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 Elections~~  
16          Secretary of State shall assign a separate column to each political party  
17          having candidates for State offices and one to unaffiliated candidates,  
18          if any. At the head of each party column the party's name shall be  
19          printed in large type, and at the head of the column for unaffiliated  
20          candidates shall be printed in large type the words 'Unaffiliated  
21          Candidates.' Below the party name in each column shall be printed a  
22          circle, one-half inch in diameter, around which shall be plainly printed  
23          the following instruction: 'For a straight ticket, mark within this circle.'  
24          With distinct black lines, the ~~State Board of Elections~~ Secretary of  
25          State shall divide the columns into horizontal sections and, in the  
26          customary order of office, assign a separate section to each office or  
27          group of offices to be filled. On a single line at the top of each section  
28          shall be printed a direction as to the number of candidates for whom a  
29          vote may be cast. If candidates are to be chosen for different terms to  
30          the same office, the term in each instance shall be printed as part of the  
31          title of the office.

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

39                On the face of the ballot, above the party and unaffiliated column  
40                division, the following instructions shall be printed in heavy black  
41                type, and the words 'you must also' in instruction c. shall be  
42                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 not marking a cross (X) mark in  
 5 the party circle, but by making a cross (X) mark in the square  
 6 opposite the name of each candidate for whom you wish to  
 7 vote.  
 8 c. You ~~make [may]~~ may also vote a split ticket by marking a cross  
 9 (X) mark in the party circle and then making a cross (X) mark  
 10 in the square opposite the name of any candidate you choose of  
 11 a different party. In any multi-seat race where a party circle is  
 12 marked and you vote for candidates of another party, you must  
 13 also make a cross (X) mark opposite the name of any candidate  
 14 you choose of the party for which you marked the party circle  
 15 to assure your vote will count.  
 16 d. If you tear or deface or wrongly mark this ballot, return it and  
 17 get another.'

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

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

1 may be cast. If candidates are to be chosen for different terms to the  
2 same office, the term in each instance shall be printed as part of the  
3 title of the office.

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

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

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

32 On the bottom of the ballot shall be printed an identified facsimile  
33 of the signature of the chairman of the county board of elections. If the  
34 county ballot contains no multi-seat race, then the second sentence of  
35 instruction b. shall not appear on the ballot.

36 (6) Repealed by Session Laws 1973, c. 793, s. 56.

37 (7) Ballot for Constitutional Amendments and Other Propositions  
38 Submitted to the People: The form of ballot used in submitting a  
39 constitutional amendment or other proposition or issue to the voters of  
40 the entire State shall be prepared by the ~~State Board of Elections~~  
41 Secretary of State and approved by the Attorney General. The form of  
42 ballot used in submitting propositions and issues to the voters of a  
43 single county or subdivision shall be prepared by the county board of  
44 elections. In a referendum the issue presented to the voters with

1 respect to each constitutional amendment, question, or proposition,  
2 shall be printed in the form laid down by the General Assembly or  
3 other body submitting it. If more than one amendment, question, or  
4 proposition is submitted on a single ballot, each shall be printed in a  
5 separate section, and the sections shall be numbered consecutively. On  
6 the face of the ballot, above the issue or issues being submitted, shall  
7 be printed instructions for marking the voter's choice, in addition to the  
8 following instruction: 'If you tear or deface or wrongly mark this  
9 ballot, return it and get another.' On the bottom of the ballot shall be  
10 printed an identified facsimile of the signature of the chairman of the  
11 responsible board of elections, State or county.

12 (8) Order of candidates in multi-seat races. In a multi-seat race, within  
13 each political party that has nominated more than one candidate, the  
14 names of candidates shall appear on the ballot in alphabetical order  
15 from A to Z within that party's column.

16 (c) Primary Election Ballots. –

17 (1) Kinds of Primary Ballots; Right to Combine: For the purposes of  
18 primary elections, there shall be five kinds of official ballots, entitled:

- 19 a. Primary ballot for United States Senator
- 20 b. Primary ballot for member of the United States House of  
21 Representatives
- 22 c. State primary ballot
- 23 d. County primary ballot
- 24 e. Repealed by Session Laws 1973, c. 793, s. 56.

25 Use of official primary ballots shall be limited to the purposes  
26 indicated by their titles. The printing on all primary ballots shall be  
27 plain and legible but, unless large type is specified by this Chapter,  
28 type larger than 10-point shall not be used in printing primary ballots.

29 Primary ballots shall be prepared in accordance with the provisions  
30 of G.S. 163-109 and the provisions of this section as modified by the  
31 provisions of this subsection.

32 (2) Separate Ballots for Each Political Party: For each political party  
33 conducting a primary election separate ballots shall be printed, and the  
34 paper used for each party's ballots shall be different in color from that  
35 used for the ballots of other parties. Primary ballots shall not provide  
36 for voting a straight-party ticket, but a voting square shall be printed to  
37 the left of the name of each candidate appearing on the ballot.

38 (3) Rotation of Positions on Ballots Among Candidates: The board of  
39 elections, State or county, responsible for printing and distributing  
40 primary election ballots shall have them printed so that the names of  
41 opposing candidates for any office shall, as far as practicable, occupy  
42 alternate positions upon the ballot, to the end that the name of each  
43 candidate shall occupy with reference to the name of every other  
44 candidate for the same office, first position, second position, and every

1 other position, if any, upon an equal number of ballots; and the ballots  
2 shall be distributed among the precinct voting places impartially and  
3 without discrimination.

4 (4) Facsimile Signatures: On the bottom of each primary ballot shall be  
5 printed an identified facsimile of the signature of the chairman of the  
6 board of elections, State or county, responsible for its preparation.

7 (d) Municipal Primary and Election Ballots. – In all municipal elections there  
8 shall be an official ballot on which shall be printed the names of all candidates for  
9 offices in the municipality. The municipal ballot shall conform as nearly as possible to  
10 the provisions of subsections (a) through (c) of this section, but on the bottom of the  
11 municipal ballot shall be printed an identified facsimile of the signature of the chairman  
12 of the county or municipal board of elections, as appropriate.

13 (e) Repealed by Session Laws 1977, c. 265, s. 10.

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~~ Secretary of State shall assign a separate column to each  
33 political party having candidates in multi-seat races and one to unaffiliated candidates,  
34 if any. At the head of each party column the party's name shall be printed in large type,  
35 and at the head of the column for unaffiliated candidates shall be printed in large type  
36 the words 'Unaffiliated Candidates.' Below the party name in each column shall be  
37 printed a 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~~ Secretary of State shall divide the columns into  
40 horizontal sections and, in the customary order of office, assign a separate section to  
41 each group of offices to be filled. On a single line at the top of each section shall be  
42 printed a direction as to the number of candidates for whom a vote may be cast. If  
43 candidates are to be chosen for different terms to the same office, the term in each  
44 instance shall be printed as part of 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  
 11 cross (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  
 14 candidate for whom you wish to vote and making no  
 15 mark in the party circle, or  
 16 (2) By marking the party circle and then making a cross  
 17 mark opposite the name of each candidate you choose of  
 18 the party whose circle you marked as well as each  
 19 candidate you choose of any other party in the race(s)  
 20 where you wish to vote a split ticket.  
 21 c. If you tear or deface or wrongly mark this ballot, return it and  
 22 get another.'

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

25 Sec. 70. G.S. 163-140.1 reads as rewritten:

26 **"§ 163-140.1. Political party alignment on ballots.**

27 All ballots printed for use in general elections in the State, district, county or any  
 28 other political subdivision, shall be aligned with the number of political party columns  
 29 required pursuant to instructions contained in G.S. 163-140(b) and the columns shall be  
 30 assigned in strict alphabetical order, beginning with the left column, to the political  
 31 parties entitled to ballot position provided such political parties reflect at least five  
 32 percent (5%) of the total statewide voter registration, according to the latest statistical  
 33 report published by the ~~State Board of Elections~~ Secretary of State. Political parties  
 34 having less than five percent (5%) of the total statewide voter registration, but otherwise  
 35 eligible for ballot position shall be assigned column alignment to the right of all other  
 36 qualified political parties. The ~~State Board of Elections~~ Secretary of State shall be  
 37 responsible for implementing the procedures required by this section and shall issue  
 38 instructions to those counties using voting machines so as to accomplish the effect of  
 39 this section whether such counties utilize voting machines that list party columns in a  
 40 horizontal or vertical alignment. Every county board of elections shall follow the  
 41 column alignment prescribed by the ~~State Board of Elections~~ Secretary of State."

42 Sec. 71. G.S. 163-141 reads as rewritten:

43 **"§ 163-141. Sample ballots.**

1 Sample ballots of each kind to be voted in each primary and election shall be printed  
2 by the board of elections responsible for printing the official ballots. Sample ballots  
3 shall be printed on paper of a color different from that used for the official ballots, and  
4 each sample ballot shall have the words 'Sample Ballot' printed conspicuously on its  
5 face. Sample ballots shall be used for instructional purposes and shall not be used as  
6 official ballots.

7 The ~~State Board of Elections~~ Secretary of State shall distribute the sample ballots for  
8 which it is responsible to the county boards of elections at the time it distributes the  
9 official ballots; and the county board of elections, at the time it is required to distribute  
10 official ballots, shall furnish each precinct registrar with an adequate supply of the  
11 sample ballots prepared by the ~~State Board of Elections~~ Secretary of State as well as of  
12 those the county board is required to prepare."

13 Sec. 72. G.S. 164-150(f) reads as rewritten:

14 "(f) Maintenance of Pollbook or Other Record of Voting. – At each primary,  
15 general or special election, the precinct registrar shall appoint two precinct assistants  
16 (one from each political party as recommended by the county chairman thereof), one to  
17 be assigned to keep the pollbook or other voting record used in the county as approved  
18 by the ~~State Board of Elections~~ Secretary of State, and the other to keep the registration  
19 books under the supervision of the precinct officials. The names of all persons voting  
20 shall be checked on the registration records and entered on the pollbook or other voting  
21 record. In an election where observers may be appointed under G.S. 163-45 each voter's  
22 party affiliation shall be entered in the proper column of the book or other approved  
23 record opposite his name. The precinct assistant shall make each entry at the time the  
24 ballots are handed to the voter. As soon as the polls are closed, the registrar and judges  
25 of election shall sign the pollbook or other approved record immediately beneath the  
26 last voter's name entered therein. The registrar or the judge appointed to attend the  
27 county canvass shall deliver the pollbook or other approved record to the chairman of  
28 the county board of elections at the time of the county canvass, and the chairman shall  
29 remain responsible for its safekeeping."

30 Sec. 73. G.S. 163-153(1) reads as rewritten:

31 "(1) Officers of election, that is, ~~members of the State Board of Elections,~~  
32 Secretary of State, the Deputy Secretary of State for Elections,  
33 members of the county board of elections, supervisors of elections,  
34 and the precinct registrar, precinct judges of election, and assistants  
35 appointed for the precinct under the provisions of G.S. 163-42."

36 Sec. 74. G.S. 163-160 reads as rewritten:

37 **"§ 163-160. Voting systems; approval; rules and regulations.**

38 The ~~State Board of Elections~~ Secretary of State shall have authority to approve types  
39 of voting systems for use in primaries and elections held in this State. The use of voting  
40 systems that have been approved by the ~~State Board of Elections~~ Secretary of State in  
41 any primary or election held in any county or municipality shall be as valid as the use of  
42 paper ballots by the voters.



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

- 4 (1) Types of voting systems approved for use in this State;
- 5 (2) Form of ballot labels to be used on voting systems;
- 6 (3) Operation and manner of voting on voting systems;
- 7 (4) Instruction of precinct officials in the use of voting systems;
- 8 (5) Instruction of voters in the use of voting systems;
- 9 (6) Assistance to voters using voting systems;
- 10 (7) Duties of custodians of voting systems;
- 11 (8) Examination of voting systems before use in a primary election; and
- 12 (9) Use of paper or other ballots where voting systems are used as set out  
13 in G.S. 163-162."

14 Sec. 75. G.S. 163-161 reads as rewritten:

15 **"§ 163-161. Adoption of voting systems by local governments.**

16 (a) Discretionary Authority. – The board of county commissioners, with the  
17 approval of the county board of elections, may adopt and purchase or lease a voting  
18 system of a type approved by the ~~State Board of Elections~~ Secretary of State for use in  
19 some or all voting places in the county at some or all primaries and elections.  
20 Specifically, the board may purchase a voting system upon an installment basis or  
21 otherwise, or it may lease a voting system with or without an option to purchase.

22 The board of county commissioners may decline to adopt and purchase or lease any  
23 voting system recommended by the county board of elections, but may not adopt and  
24 purchase or lease any voting system that has not been approved by the county board of  
25 elections. Provided that no board of county commissioners may purchase any item of  
26 equipment of an optical-scanning voting system if the manufacturer or supplier is no  
27 longer certified as an authorized vendor by the ~~State Board of Elections~~, Secretary of  
28 State, unless the county board of elections specifically approves the purchase of that  
29 item of equipment.

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

- 33 (1) Obtain a current financial statement from the proposed vendor or  
34 lessor of the voting system, and send copies of the statement to the  
35 county attorney and the chief county financial officer, and
- 36 (2) Witness a demonstration, in that county or at a site designated by the  
37 ~~State Board of Elections~~, Secretary of State, of the voting system by  
38 the proposed vendor or lessor, and also witness a demonstration of at  
39 least one other type of voting system approved by the ~~State Board of~~  
40 ~~Elections~~ Secretary of State.
- 41 (3) Test, during a primary or election, the proposed voting system in at  
42 least one precinct in the county where the system would be used if  
43 adopted.

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

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

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

18 The decision of the governing board of the municipality shall be subject to approval  
19 of the county board of elections, as described in subsection (a), if the county board of  
20 elections administers the elections of the municipality, or by the approval of the  
21 municipal board of elections if the municipal board of elections administers the  
22 elections of the unit. Before approving the adoption and purchase or lease of a voting  
23 system, the county or municipal board of elections shall be subject to all the  
24 requirements of subsection (b), except that in the case of a municipal board of elections,  
25 the financial statement shall be sent to the municipal attorney and the chief municipal  
26 finance officer, the demonstration shall be conducted in the municipality or at a site  
27 designated by the ~~State Board of Elections~~, Secretary of State, and the testing shall be  
28 done in a precinct of the municipality.

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

40 Sec. 76. G.S. 163-162 reads as rewritten:

41 "**§ 163-162. Use of paper ballots where voting systems are used.**

42 In counties in which voting machines are used in some or all precincts, the county  
43 board of elections shall have authority to furnish paper ballots of each kind to precincts  
44 using voting systems for use by:

- 1 (1) Persons required to sign their ballots under the provisions of G.S. 163-  
2 150(e), and persons who vote pursuant to G.S. 163-155; and
- 3 (2) Persons who wish to write in names of candidates who are not on the  
4 ballot, if it is not practical to use voting systems to record write-in  
5 votes in particular precincts because of the horizontal or vertical  
6 printing limitations of G.S. 163-137, provided the county board of  
7 elections has been issued written approval from the ~~State Board of~~  
8 ~~Elections, Secretary of State,~~ and
- 9 (3) Persons who vote at the office of the county board of elections. For  
10 voters who vote at the county board office, the county board may  
11 furnish, in lieu of paper ballots, ballots of a voting system approved by  
12 the ~~State Board of Elections, Secretary of State,~~ provided those ballots  
13 are identifiable and retrievable."

14 Sec. 77. G.S. 163-163 reads as rewritten:

15 **"§ 163-163. Standardized straight-party designation.**

16 In any general election in which voting devices are used upon which the voter must  
17 punch or mark a number in order to cast a straight-party ticket, the number used for  
18 each party shall be uniform statewide. The ~~State Board of Elections~~ Secretary of State  
19 shall adopt regulations to implement this section."

20 Sec. 78. G.S. 163-164 reads as rewritten:

21 **"§ 163-164. Use of paper ballots in multi-candidate contests where optical scan  
22 ballot counters cannot be used.**

23 The ~~State Board of Elections~~ Secretary of State shall, upon written request, authorize  
24 counties to utilize paper ballots in multi-candidate contests where the optical scan ballot  
25 counters are not programmable to count such ballots in accordance with law."

26 Sec. 79. G.S. 163-170.1 reads as rewritten:

27 **"§ 163-170.1. Counting of ballots in multi-seat races where voter votes straight-  
28 party ticket and for individual candidates of that party but not for  
29 individual candidates of another party.**

30 Notwithstanding any other provision of this act, in the case of a multi-seat race, if a  
31 voter votes a straight-party ticket, and also votes for individual candidates of that party  
32 but not for individual candidates of another party, the ballot shall be counted for that  
33 office only for the individual candidates so marked. The ~~State Board of Elections~~  
34 Secretary of State shall by directive amend the instructions provided by this act, if  
35 necessary, to effectuate this section."

36 Sec. 80. G.S. 163-171 reads as rewritten:

37 **"§ 163-171. Preservation of ballots; locking and sealing ballot boxes; signing  
38 certificates.**

39 When the precinct count is completed after a primary or election, all ballots shall be  
40 put back in the ballot boxes from which they were taken, and the registrar and judges  
41 shall promptly lock and place a seal around the top of each ballot box, so that no ballot  
42 may be taken from or put in it. The registrar and judges shall then sign the seal on each  
43 ballot box. In the alternative, the county board of elections may permit the precinct  
44 officials to put the counted ballots back in one ballot box or more to facilitate

1 safekeeping provided the board prescribes an appropriate procedure to keep the  
2 different kinds of ballots separated in bundles or bags within the box.

3 Ballot boxes in which ballots have been placed and which have been locked and  
4 sealed as required by the preceding paragraph shall remain in the safe custody of the  
5 registrar, subject to the orders of the chairman of the county board of elections as to  
6 their disposition; provided that ballot boxes with paper ballots shall be delivered in  
7 person to the office of the county board of elections; provided further that in the case of  
8 paper ballots which have been counted either mechanically or electronically either the  
9 counting machines with the paper ballots sealed inside shall be delivered in person to  
10 the office of the county board of elections, or the paper ballots shall be placed in ballot  
11 boxes, sealed, and those boxes shall be delivered in person to the office of the county  
12 board of elections. The ballots and ballot boxes shall be delivered at a time specified by  
13 the county board of elections. No ballot box shall be opened except upon the written  
14 order of the county board of elections or upon a proper order of court.

15 Ballots cast in a primary or general election shall be preserved for at least two  
16 months after the primary or general election in which voted.

17 On each precinct return form there shall be printed a statement to be signed by the  
18 registrar and judges certifying that, after the precinct count was completed, each ballot  
19 box was properly locked, sealed, and the seals signed, as prescribed in this section,  
20 before the precinct officials left the voting place on the night of the primary or election.

21 Willful failure to securely lock, seal, and sign the seal on each ballot box on the  
22 night of any primary or election, and willful failure to sign the certificate on the  
23 duplicate return forms certifying that this was done, shall constitute a misdemeanor.

24 In the event that a recount is requested as provided by law or there is other filing of  
25 an appeal of the election results, the county board of elections shall seal and secure the  
26 ballots, ballot boxes, and voting machines within a uniform period of time set by the  
27 ~~State Board of Elections, Secretary of State~~, to the extent that such actions have not  
28 already been taken as required by law. The aforementioned items shall then be stored in  
29 locations that are securely locked by members of the county board of elections. In  
30 counties that utilize voting machines or voting systems the county board of elections  
31 shall be required to store in one location that record on which the official vote cast is  
32 recorded."

33 Sec. 81. G.S. 163-172 reads as rewritten:

34 "**§ 163-172. ~~State Board of Elections~~ Secretary of State to prepare and distribute**  
35 **abstract forms; printing by counties.**

36 The ~~State Board of Elections~~ Secretary of State shall prepare and print appropriate  
37 abstract of returns forms and, at least 30 days before the time for holding any primary or  
38 election, send copies of them to the chairman of the county board of elections and clerk  
39 of superior court of each county. At the same time, the ~~State Board of Elections~~  
40 Secretary of State shall furnish directions for completing, certifying, signing, and  
41 transmitting abstracts of returns to the ~~State Board of Elections~~ and Secretary of State as  
42 required by this Chapter after each primary and election.

43 Provided, that the ~~State Board of Elections~~ Secretary of State, in its ~~that officer's~~  
44 discretion, may direct some or all counties to print the abstracts and precinct return

1 forms as designed by the ~~State Board~~ Secretary of State and required for any primary or  
2 election. If the ~~State Board~~ Secretary of State prints and distributes the abstracts and  
3 precinct return forms required for any primary or election, at the expense of the State,  
4 the ~~State Board~~ Secretary of State shall have the authority to negotiate for the abstracts  
5 and precinct return forms to be printed and distributed on a regional or centralized basis,  
6 and the ~~State Board~~ Secretary of State shall be exempt from securing competitive bids  
7 for printing and distribution."

8 Sec. 81.1. G.S. 163-175 reads as rewritten:

9 **"§ 163-175. County board of elections to canvass returns.**

10 On the second day (Sunday excepted) next after every primary and election, the  
11 county board of elections shall meet at 11:00 A.M. at the county courthouse or at the  
12 office of the county board of elections (the choice of location to be at the option of the  
13 county board of elections) to canvass the votes cast in the county and prepare the county  
14 abstracts. If the returns from any precinct have not been received by the county board by  
15 12:00 noon on that day, or if the returns of any precinct are incomplete or defective, the  
16 board shall have authority to dispatch a peace officer to the residences of the election  
17 officials of the delinquent precinct for the purpose of securing proper returns for that  
18 precinct.

19 In the presence of such persons as choose to attend, the members of the county board  
20 of elections shall open the precinct returns, canvass and judicially determine the results  
21 of the voting in the county, and prepare and sign duplicate abstracts showing:

- 22 (1) In a primary, the total number of votes cast in each precinct and in the  
23 county for each candidate of each political party for each office.
- 24 (2) In an election, the number of legal votes cast in each precinct for each  
25 candidate, the name of each person voted for, the political party with  
26 which he is affiliated, and the total number of votes cast in the county  
27 for each person for each different office.

28 In complying with the provisions of this section, the county board of elections shall  
29 have power and authority to pass judicially upon all facts relative to the primary or  
30 election, to make or order such recounts as it deems necessary, and to determine  
31 judicially the result of the primary or election. Provided, however, that where a  
32 petitioner has been denied a recount upon a verbal or written order of the ~~State Board of~~  
33 ~~Elections~~ Deputy Secretary of State for Elections pursuant to regulations of the ~~State~~  
34 ~~Board~~ Deputy Secretary of State for Elections, the county board of elections shall not  
35 make or order a further recount. The board shall also have power to send for papers and  
36 persons and to examine them and to pass upon the legality of any disputed ballots  
37 transmitted to it by any precinct election official.

38 When, on account of errors in tabulating returns and filling out abstracts, the result  
39 of a primary or election in any one or more precincts cannot be accurately known, the  
40 county board of elections shall be allowed access to the ballot boxes in such precincts to  
41 make or order a recount and to declare the result."

42 Sec. 82. G.S. 163-176 reads as rewritten:

43 **"§ 163-176. Preparation of original abstracts; where filed.**

1 When the county canvass has been completed, the county board of elections shall  
2 record the results determined in accordance with G.S. 163-175 on duplicate abstract  
3 forms furnished by the ~~State Board of Elections~~ Secretary of State.

4 Each abstract shall be prepared to show the total number of votes cast for each  
5 constitutional amendment and proposition and for each candidate of each political party  
6 for each office in each precinct and in the entire county.

7 When the original and two duplicate abstracts have been prepared, the members of  
8 the county board of elections shall sign an affidavit on each, stating that it is true and  
9 correct.

10 Each of the original abstracts, together with the original precinct returns, shall be  
11 filed by the county board of elections with the clerk of superior court to be recorded in  
12 the permanent file in his office."

13 Sec. 82.1. G.S. 163-177 reads as rewritten:

14 **"§ 163-177. Disposition of duplicate abstracts.**

15 Within six hours after the returns of a primary or election have been canvassed and  
16 the results judicially determined, the chairman of the county board of elections shall  
17 mail, or otherwise deliver, to the ~~State Board of Elections~~ Deputy Secretary of State for  
18 Elections the duplicate-original abstracts prepared in accordance with G.S. 163-176 for  
19 all offices and referenda for which the ~~State Board of Elections~~ Deputy Secretary of  
20 State for Elections is required to canvass the votes and declare the results including:

21 President and Vice-President of the United States

22 Governor, Lieutenant Governor, and all other State executive officers

23 United States Senators

24 Members of the House of Representatives of the United States Congress

25 Justices, Judges, and District Attorneys of the General Court of Justice

26 State Senators in multi-county senatorial districts

27 Members of the State House of Representatives in multi-county representative  
28 districts

29 Constitutional amendments and propositions submitted to the voters of the State.

30 One duplicate abstract prepared in accordance with G.S. 163-176 for all offices and  
31 referenda for which the county board of elections is required to canvass the votes and  
32 declare the results (and which are listed below) shall be retained by the county board,  
33 which shall forthwith publish and declare the results; the second duplicate abstract shall  
34 be mailed to the ~~chairman of the State Board of Elections~~ Deputy Secretary of State for  
35 Elections, to the end that there be one set of all primary and election returns available at  
36 the seat of government.

37 All county offices

38 State Senators in single-county senatorial districts

39 Members of the State House of Representatives in single-county representative  
40 districts

41 Propositions submitted to the voters of one county.

42 If the chairman of the county board of elections fails or neglects to transmit  
43 duplicate abstracts to the ~~chairman of the State Board of Elections~~ Deputy Secretary of  
44 State for Elections within the time prescribed in this section, he shall be guilty of a

1 misdemeanor. Provided, that the penalty shall not apply if the chairman was prevented  
2 from performing the prescribed duty because of sickness or other unavoidable delay, but  
3 the burden of proof shall be on the chairman to show that his failure to perform was due  
4 to sickness or unavoidable delay."

5 Sec. 82.2. G.S. 163-177.1 reads as rewritten:

6 **"§ 163-177.1. Responsibility of chairman.**

7 The chairman of the county board of elections shall be responsible for prompt  
8 delivery of the abstracts required in G.S. 163- 177 to the State Board of Elections. If the  
9 chairman of the county board of elections is notified by the ~~State Board~~Deputy  
10 Secretary of State for Elections, by telephone or otherwise, that the abstracts from his  
11 county have not been received and therefore the State canvass cannot proceed, then the  
12 chairman of the county board shall deliver immediately, or have delivered, the office  
13 copy of all abstracts due.

14 The North Carolina State Highway Patrol, in cooperation with the ~~State Board of~~  
15 ~~Elections-Deputy Secretary of State for Elections~~ and county boards of elections, may,  
16 upon request, be responsible for the delivery of the abstracts from each county to the  
17 office of the ~~State Board of Elections-Deputy Secretary of State for Elections.~~"

18 Sec. 83. G.S. 163-181 reads as rewritten:

19 **"§ 163-181. Certification of election stayed when election is contested.**

20 The chairman of the county or city board of elections shall not issue a certification  
21 of election or nomination or the results of a referendum if there is an election contest  
22 pending before the county or city board of election or before the ~~State Board of~~  
23 ~~Elections-Secretary of State~~ on appeal or otherwise.

24 Appeals from a decision of the ~~State Board of Elections-Secretary of State~~ shall be to  
25 the Superior Court of Wake County.

26 A copy of the ~~State Board of Elections'-Secretary of State's~~ final decision shall be  
27 served on the parties personally or by certified mail. After the decision by the ~~State~~  
28 ~~Board of Elections-Secretary of State~~ has been served on the parties, the certification of  
29 election shall issue unless the appealing party petitions the Superior Court of Wake  
30 County for a stay of the certification within 10 days after the date of service.

31 The Superior Court of Wake County shall not issue a stay of certification unless the  
32 petitioner shows the court that he intends to appeal the decision of the ~~State Board of~~  
33 ~~Elections-Secretary of State~~ and that he is likely to prevail and that the results of the  
34 election would be changed in his favor. Mere irregularities in the election which would  
35 not change the results of the election shall not be sufficient for the court to issue a stay  
36 of certification."

37 Sec. 83.1. G.S. 163-187 reads as rewritten:

38 **"§ 163-187. State Board of Elections to canvass returns for higher offices.**

39 In addition to the other powers and duties assigned it by this Chapter, the ~~State~~  
40 ~~Board of Elections-Deputy Secretary of State for Elections~~ shall constitute the State's  
41 legal ~~canvassing board~~ canvasser in both primaries and elections for all national, State,  
42 and district offices (including the offices of State Senator and member of the State  
43 House of Representatives in those senatorial and representative districts consisting of  
44 more than one county).

1 ~~No member of the State Board of Elections shall take part in canvassing the votes~~  
2 ~~for any office for which he himself is a candidate. Notwithstanding any other provision~~  
3 ~~of this Chapter, when the votes for an office are being canvassed, and the incumbent~~  
4 ~~Secretary of State is a candidate in the primary or election for that office, the duties of~~  
5 ~~the Deputy Secretary of State for Elections as to the canvass for that office under this~~  
6 ~~Chapter, other than setting the date on which the canvass shall take place, shall be~~  
7 ~~exercised by the Lieutenant Governor, or if there is no Lieutenant Governor, by the~~  
8 ~~Attorney General."~~

9 Sec. 83.2. G.S. 163-188 reads as rewritten:

10 **"§ 163-188. ~~Meeting of State Board of Elections to canvass~~ Canvass of returns of**  
11 **primary and election.**

12 Following each primary and election held in this State under the provisions of this  
13 Chapter, the ~~State Board of Elections~~ Deputy Secretary of State for Elections shall ~~meet~~  
14 ~~at its offices~~ at the office of the Deputy Secretary of State for Elections in the City of  
15 Raleigh ~~to~~ canvass the votes cast in all the counties of the State for all national, State,  
16 and district offices, ~~to~~ determine by the count who is nominated or elected to the  
17 respective offices, and ~~to~~ declare the results and prepare abstracts as required by G.S.  
18 163-192. The time and date of the general election canvass shall be 11:00 A.M., on the  
19 Tuesday following the third Monday after the general election. The time and date of the  
20 primary canvass shall be fixed by the ~~State Board of Elections~~ Deputy Secretary of State  
21 for Elections.

22 At the ~~meeting~~ canvass required by the preceding paragraph, if the abstracts of  
23 returns have not been received from all of the counties, the ~~Board~~ Deputy Secretary of  
24 State for Elections may adjourn the canvass for not more than 10 days for the purpose of  
25 securing the missing abstracts. In obtaining them, the ~~Board~~ Deputy Secretary of State  
26 for Elections is authorized to secure the originals or copies from the appropriate clerks  
27 of superior court or county boards of elections, at the expense of the counties. The ~~State~~  
28 ~~Board of Elections~~ Deputy Secretary of State for Elections is authorized to enforce the  
29 penalties provided in G.S. 163-177 and 163-178 for failure of a county elections board  
30 chairman or clerk of superior court to comply with the provisions of this Chapter in  
31 making returns of a primary or election.

32 At the ~~meeting~~ canvass required by the first paragraph of this section (or at any  
33 adjourned session thereof), the ~~State Board of Elections~~ Deputy Secretary of State for  
34 Elections shall examine the county abstracts when they have all been received and shall  
35 proceed with the canvass publicly."

36 Sec. 83.3. G.S. 163-189 reads as rewritten:

37 **"§ 163-189. ~~Meeting of State Board of Elections to canvass~~ Canvass of returns of a**  
38 **special election for United States Senator or Representative.**

39 If a special election is ordered by the Governor to fill a vacancy in the State's  
40 representation in the United States Senate or House of Representatives as provided for  
41 in G.S. 163-12 or G.S. 163-13, the ~~State Board of Elections~~ Deputy Secretary of State  
42 for Elections ~~may meet~~ shall conduct the canvass for the purposes prescribed in G.S.  
43 163-188 as soon as ~~its chairman~~ the Deputy Secretary of State for Elections shall have  
44 received abstracts of returns from all of the counties entitled to vote in the special



1 election. The ~~chairman of the State Board~~ Deputy Secretary of State for Elections shall  
2 fix the day of the ~~meeting~~ canvass not later than 10 days after the special election, and  
3 county boards of elections shall transmit their abstracts of returns to the ~~State Board~~  
4 Deputy Secretary of State for Elections in sufficient time to be available for the State  
5 canvass."

6 Sec. 83.4. G.S. 163-190 reads as rewritten:

7 "**§ 163-190. ~~State Board of Elections~~ Deputy Secretary of State for Elections may**  
8 **refer to ballot boxes to resolve doubts.**

9 When, on account of errors in tabulating returns and filling out abstracts, the result  
10 of a primary or election in any precinct, county, district, or the State cannot be  
11 accurately known, the ~~State Board of Elections~~ Deputy Secretary of State for Elections  
12 shall be allowed access to the ballot boxes to make or order a recount and to declare the  
13 results."

14 Sec. 83.5. G.S. 163-191 reads as rewritten:

15 "**§ 163-191. Contested primaries and elections; how tie broken.**

16 In a primary for party nomination for one or more of the offices to be canvassed by  
17 the ~~State Board of Elections~~ Deputy Secretary of State for Elections under the  
18 provisions of G.S. 163-187, the results shall be determined in accordance with the  
19 provisions of G.S. 163-111.

20 In a general election for one or more of the offices to be canvassed by the ~~State~~  
21 ~~Board of Elections~~ Deputy Secretary of State for Elections under the provisions of G.S.  
22 163-187, the persons having the highest number of votes for each office, respectively,  
23 shall be declared duly elected to that office by the ~~State Board of Elections~~ Deputy  
24 Secretary of State for Elections. But if two or more be equal and highest in votes for the  
25 office, then the ~~State Board of Elections~~ Deputy Secretary of State for Elections shall  
26 order a new election for the purpose of breaking the tie vote."

27 Sec. 83.6. G.S. 163-192 reads as rewritten:

28 "**§ 163-192. ~~State Board of Elections~~ Deputy Secretary of State for Elections to**  
29 **prepare abstracts and declare results of primaries and elections.**

30 (a) After Primary. – At the conclusion of ~~its~~ the canvass of the primary  
31 election, the ~~State Board of Elections~~ Deputy Secretary of State for Elections shall  
32 prepare separate abstracts of the votes cast:

- 33 (1) For Governor and all State officers, justices of the Supreme Court,  
34 judges of the Court of Appeals, judges of the superior court, and  
35 United States Senators.
- 36 (2) For members of the United States House of Representatives for the  
37 several congressional districts in the State.
- 38 (3) For district court judges for the several district court districts in the  
39 State.
- 40 (4) For district attorney in the several prosecutorial districts in the State.
- 41 (5) For State Senators in the several senatorial districts in the State  
42 composed of more than one county.
- 43 (6) For members of the State House of Representatives in the several  
44 representative districts in the State composed of more than one county.

1 Abstracts prepared by the ~~State Board of Elections~~ Deputy Secretary of State for  
2 Elections under this subsection shall state the total number of votes cast for each  
3 candidate of each political party for each of the various offices canvassed by the ~~State~~  
4 ~~Board of Elections~~ Deputy Secretary of State for Elections. They shall also state the  
5 name or names of the person or persons whom the ~~State Board of Elections~~ Deputy  
6 Secretary of State for Elections shall ascertain and judicially determine by the count to  
7 be nominated for each office.

8 Abstracts prepared under this subsection shall be signed by the ~~members of the State~~  
9 ~~Board of Elections~~ Deputy Secretary of State for Elections in ~~their~~ that officer's official  
10 capacity and shall have the great seal of the State affixed thereto.

11 (b) After General Election. – At the conclusion of its canvass of the general  
12 election, the ~~State Board of Elections~~ Deputy Secretary of State for Elections shall  
13 prepare abstracts of the votes cast:

- 14 (1) For President and Vice-President of the United States, when an  
15 election is held for those offices.
- 16 (2) For Governor and all State officers, justices of the Supreme Court,  
17 judges of the Court of Appeals, judges of the superior court, and  
18 United States Senators.
- 19 (3) For members of the United States House of Representatives for the  
20 several congressional districts in the State.
- 21 (4) For district court judges for the several district court district as defined  
22 in G.S. 7A-133 in the State.
- 23 (5) For district attorney in the several prosecutorial districts in the State.
- 24 (6) For State Senators in the several senatorial districts in the State  
25 composed of more than one county.
- 26 (7) For members of the State House of Representatives in the several  
27 representative districts in the State composed of more than one county.
- 28 (8) For and against any constitutional amendments or propositions  
29 submitted to the people.

30 Abstracts prepared by the ~~State Board of Elections~~ Deputy Secretary of State for  
31 Elections under this subsection shall state the names of all persons voted for, the office  
32 for which each received votes, and the number of legal ballots cast for each candidate  
33 for each office canvassed by the ~~State Board of Elections~~ Deputy Secretary of State for  
34 Elections. They shall also state the name or names of the person or persons whom the  
35 ~~State Board of Elections~~ Deputy Secretary of State for Elections shall ascertain and  
36 judicially determine by the count to be elected to each office.

37 Abstracts prepared under this subsection shall be signed by the ~~members of the State~~  
38 ~~Board of Elections~~ Deputy Secretary of State for Elections in ~~their~~ that officer's official  
39 capacity and shall have the great seal of the State affixed thereto.

40 (c) Disposition of Abstracts of Returns. – The ~~State Board of Elections~~ Deputy  
41 Secretary of State for Elections shall file with the Secretary of State the original  
42 abstracts of returns prepared by it under the provisions of subsections (a) and (b) of this  
43 section, and also the duplicate county abstracts transmitted to the ~~State Board of~~  
44 ~~Elections~~ Deputy Secretary of State for Elections under the provisions of G.S. 163-177.

1 Upon the request of the Legislative Services Office, the ~~State Board of Elections Deputy~~  
2 ~~Secretary of State for Elections~~ shall submit a copy of the original abstracts to that  
3 Office."

4 Sec. 83.7. G.S. 163-192.1 reads as rewritten:

5 "**§ 163-192.1. Mandatory recounts.**

6 (a) Whenever, according to the canvass made under this Article, the difference  
7 between the number of votes received by a candidate who:

8 (1) Has received the number of votes necessary to be declared nominated  
9 for an office in a primary election with a majority; or

10 (2) Received the number of votes necessary to be declared nominated for  
11 an office in a second primary election

12 and the number of votes received by any candidate in the race is not more than one  
13 percent (1%) of the total votes which were cast for that office, except in multi-seat races  
14 one percent (1%) of the total votes cast for those two candidates, the ~~State Board of~~  
15 ~~Elections Deputy Secretary of State for Elections~~ shall, before declaring the person  
16 nominated, order a recount of the primary if a candidate whose votes, according to a  
17 tally of the canvasses made under Article 15 of this Chapter, fell within one percent  
18 (1%) of a successful candidate shall, by noon on the eighth day (Saturdays and Sundays  
19 included) following the election, request in writing such a recount. Provided, however,  
20 that in a statewide contest, no candidate shall be entitled to an automatic recount under  
21 this section unless the difference is at least one-half of one percent (0.5%) of the votes  
22 cast, or 10,000 votes, whichever is less. Provided further that if the canvass made under  
23 this Article determines that a candidate who was not originally thought to be within the  
24 percentage entitling him to a recount based on the tally of canvasses made under Article  
25 15 of this Chapter is in fact within the percentage entitling him to a recount, the  
26 ~~Executive Secretary Director of the State Board of Elections Deputy Secretary of State~~  
27 ~~for Elections~~ shall immediately notify the candidate and the candidate shall be entitled  
28 to a recount if he so requests within 48 hours of notification.

29 (b) Whenever, according to the canvass made under this Article, the difference  
30 between the number of votes received by a candidate who has been declared elected to  
31 an office in a general election and the number of votes received by any other candidate  
32 in the race shall be not more than one percent (1%) of the total votes which were cast  
33 for that office, except in multi-seat races one percent (1%) of the total votes cast for  
34 those two candidates, or where there is a tie vote between those candidates, the ~~State~~  
35 ~~Board of Elections Deputy Secretary of State for Elections~~ shall, before certifying the  
36 result to the Secretary of State under G.S. 163-193, order a recount of the election if a  
37 candidate whose votes, according to a tally of the canvasses made under Article 15 of  
38 this Chapter, fell within one percent (1%) of a successful candidate (or in the case of a  
39 tie, either candidate) shall, by noon on the eighth day (Saturdays and Sundays included)  
40 following the election, request in writing such a recount. Provided, however, that in a  
41 statewide contest, no candidate shall be entitled to an automatic recount under this  
42 section unless the difference is at least one-half of one percent (0.5%) of the votes cast,  
43 or 10,000 votes, whichever is less. Provided further that if the canvass made under this  
44 Article determines that a candidate who was not originally thought to be within the

1 percentage entitling him to a recount based on the tally of canvasses made under Article  
2 15 of this Chapter is in fact within the percentage entitling him to a recount, the  
3 ~~Executive Secretary Director of the State Board of Elections~~ Deputy Secretary of State  
4 for Elections shall immediately notify the candidate and the candidate shall be entitled  
5 to a recount if he so requests within 48 hours of notification.

6 (c) The recount shall be conducted under the supervision of the ~~State Board of~~  
7 ~~Elections~~ Deputy Secretary of State for Elections.

8 (d) This section applies to the offices listed in G.S. 163-192."

9 Sec. 83.8. G.S. 163-193 reads as rewritten:

10 "**§ 163-193. Results of election certified to Secretary of State; certificates of**  
11 **election.**

12 After ascertaining and declaring the result of an election as provided in G.S. 163-  
13 192(b), the ~~State Board of Elections~~ Deputy Secretary of State for Elections shall certify  
14 the result to the Secretary of State. The Secretary of State shall then prepare and sign a  
15 certificate of election for each person elected and deliver it to him upon demand."

16 Sec. 83.9. G.S. 163-195 reads as rewritten:

17 "**§ 163-195. Secretary of State to record abstracts and general election results.**

18 (a) The Secretary of State shall record the State, district, and county abstracts  
19 filed with him by the ~~State Board of Elections~~ Deputy Secretary of State for Elections in  
20 a book to be kept by him for that purpose.

21 (b) Within seven days after the county board of elections meets to canvass the  
22 returns for the general election, the ~~chairman of that board~~ Deputy Secretary of State for  
23 Elections shall mail, or otherwise deliver, to the Secretary of State results of elections  
24 for:

25 President and Vice President of the United States

26 Governor, Lieutenant Governor, and all other State executive officers

27 United States Senators

28 Members of the House of Representatives of the United States Congress

29 Justices, Judges, and District Attorneys of the General Court of Justice

30 State Senators

31 Members of the State House of Representatives

32 Constitutional amendments and propositions submitted to the voters of the  
33 State.

34 The ~~chairman~~ Deputy Secretary of State for Elections shall deliver the results in a  
35 format prescribed by the Secretary of State. The ~~chairman~~ Deputy Secretary of State for  
36 Elections shall use the same format to amend the results to reflect any recounts or  
37 changes in the data that he learns of later after the initial results are sent in. In  
38 prescribing the format for any county, the Secretary of State shall, to the extent  
39 practicable, work within the limits of that county's existing reporting system.

40 The Secretary of State shall compile the results he receives in a document and  
41 deliver copies to the State Senate and the State House of Representatives within 90 days  
42 after the general election. The Secretary of State shall amend the document to correct  
43 any inaccuracies that later counts reveal in the data, and shall provide the House and  
44 Senate with the corrected data."

1           Sec. 84. G.S. 163-209 reads as rewritten:

2   **"§ 163-209. Names of presidential electors not printed on ballots.**

3       The names of candidates for electors of President and Vice-President nominated by  
4 any political party recognized in this State under G.S. 163-96, or nominated under G.S.  
5 163-1(c) by a candidate for President of the United States who has qualified to have his  
6 name printed on the general election ballot as an unaffiliated candidate under G.S. 163-  
7 122, shall be filed with the Secretary of State but shall not be printed on the ballot. In  
8 the case of the unaffiliated candidate, the names of candidates for electors must be filed  
9 with the Secretary of State no later than 12:00 noon on the first Friday in August. In  
10 place of their names, in accordance with the provisions of G.S. 163-140 there shall be  
11 printed on the ballot the names of the candidates for President and Vice-President of  
12 each political party recognized in this State, and the name of any candidate for President  
13 who has qualified to have his name printed on the general election ballot under G.S.  
14 163-122. A candidate for President who has qualified for the general election ballot as  
15 an unaffiliated candidate under G.S. 163-122 shall, no later than 12:00 noon on the first  
16 Friday in August, file with the ~~State Board of Elections~~ Secretary of State the name of a  
17 candidate for Vice-President, whose name shall also be printed on the ballot. A vote for  
18 the candidates named on the ballot shall be a vote for the electors of the party or  
19 unaffiliated candidate by which those candidates were nominated and whose names  
20 have been filed with the Secretary of State."

21           Sec. 84.1. G.S. 163-210 reads as rewritten:

22   **"§ 163-210. Governor to proclaim results; casting State's vote for President and**  
23       **Vice-President.**

24       Upon receipt of the abstracts prepared by the ~~State Board of Elections~~ Deputy  
25 Secretary of State for Elections and delivered to him in accordance with G.S. 163-192,  
26 the Secretary of State, under his hand and the seal of his office, shall certify to the  
27 Governor the names of the persons elected to the office of elector for President and  
28 Vice-President of the United States as stated in the abstracts of the ~~State Board of~~  
29 ~~Elections~~ Deputy Secretary of State for Elections. Thereupon, the Governor shall  
30 immediately issue a proclamation setting forth the names of the electors and instructing  
31 them to be present in the old Hall of the House of Representatives in the State Capitol in  
32 the City of Raleigh at noon on the first Monday after the second Wednesday in  
33 December next after their election, at which time the electors shall meet and vote on  
34 behalf of the State for President and Vice-President of the United States. The Governor  
35 shall cause this proclamation to be published in the daily newspapers published in the  
36 City of Raleigh. Notice may additionally be made on a radio or television station or  
37 both, but such notice shall be in addition to the newspaper and other required notice.

38       On or before the date fixed for the meeting of the electors, the Governor shall send  
39 by registered mail to the Administrator of General Services, a certificate under the great  
40 seal of the State setting forth the names of the persons chosen as presidential electors for  
41 this State and the number of votes cast for each. At the same time he shall deliver to the  
42 electors six duplicate originals of the same certificate, each bearing the great seal of the  
43 State. At any time prior to receipt of the certificate of the Governor or within 48 hours  
44 thereafter, any person elected to the office of elector may resign by submitting his

1 resignation, written and duly verified, to the Governor. Failure to so resign shall signify  
2 consent to serve and to cast his vote for the candidate of the political party which  
3 nominated such elector.

4 In case of the absence, ineligibility or resignation of any elector chosen, or if the  
5 proper number of electors shall for any cause be deficient, those present at the required  
6 meeting shall forthwith elect from the citizens of the State a sufficient number of  
7 persons to fill the deficiency, and the persons chosen shall be deemed qualified electors  
8 to vote for President and Vice-President of the United States."

9 Sec. 85. G.S. 163-213.3 reads as rewritten:

10 **"§ 163-213.3. Conduct of election.**

11 The presidential preference primary election shall be conducted and canvassed by  
12 the same authority and in the manner provided by law for the conduct and canvassing of  
13 the primary election for the office of Governor and all other offices enumerated in G.S.  
14 163-187 and under the same provisions stipulated in G.S. 163-188. The ~~State Board of~~  
15 ~~Elections-Secretary of State~~ shall have authority to promulgate reasonable rules and  
16 regulations, not inconsistent with provisions contained herein, pursuant to the  
17 administration of this Article."

18 Sec. 86. G.S. 163-213.4 reads as rewritten:

19 **"§ 163-213.4. Nomination by ~~State Board of Elections~~. Secretary of State.**

20 ~~The State Board of Elections shall convene in Raleigh on~~ On the first Tuesday in  
21 February preceding the presidential preference primary election. ~~At the meeting~~  
22 ~~required by this section, the State Board of Elections~~ the Secretary of State shall  
23 nominate as presidential primary candidates all candidates affiliated with a political  
24 party, recognized pursuant to the provisions of Article 9 of Chapter 163 of the General  
25 Statutes, who have become eligible to receive payments from the Presidential Primary  
26 Matching Payment Account, as provided in section 9033 of the U.S. Internal Revenue  
27 Code of 1954, as amended. Immediately upon completion of these requirements, the  
28 ~~Board-Secretary of State~~ shall release to the news media all such nominees selected.  
29 Provided, however, nothing shall prohibit the partial selection of nominees prior to the  
30 meeting required by this section, if all provisions herein have been complied with."

31 Sec. 87. G.S. 163-213.5 reads as rewritten:

32 **"§ 163-213.5. Nomination by petition.**

33 Any person seeking the endorsement by the national political party for the office of  
34 President of the United States, or any group organized in this State on behalf of, and  
35 with the consent of, such person, may file with the ~~State Board of Elections~~ Secretary of  
36 State petitions signed by 10,000 persons who, at the time they signed are registered and  
37 qualified voters in this State and are affiliated, by such registration, with the same  
38 political party as the candidate for whom the petitions are filed. Such petitions shall be  
39 presented to the county board of elections 10 days before the filing deadline and shall be  
40 certified promptly by the chairman of the board of elections of the county in which the  
41 signatures were obtained and shall be filed by the petitioners with the ~~State Board of~~  
42 ~~Elections-Secretary of State~~ no later than 5:00 P.M. on the date the ~~State Board of~~  
43 ~~Elections-Secretary of State~~ is required to meet as directed by G.S. 163-213.4.

1 The petitions must state the name of the candidate for nomination, along with a  
2 letter of approval signed by such candidate. Said petitions must also state the name and  
3 address of the chairman of any such group organized to circulate petitions authorized  
4 under this section. The requirement for signers of such petitions shall be the same as  
5 now required under provisions of G.S. 163-96(b)(1) and (2). The requirement of the  
6 respective chairmen of county boards of elections shall be the same as now required  
7 under the provisions of G.S. 163-96(b)(1) and (2) as they relate to the chairman of the  
8 county board of elections.

9 The group of petitioners shall pay to the chairman of the county board of elections a  
10 fee of ten cents (10¢) for each signature he is required to examine under the provisions  
11 of this section.

12 ~~The State Board of Elections Secretary of State~~ shall forthwith determine the  
13 sufficiency of petitions filed with it and shall immediately communicate its  
14 determination to the chairman of such group organized to circulate petitions. The form  
15 and style of petition shall be as prescribed by the ~~State Board of Elections Secretary of~~  
16 ~~State.~~"

17 Sec. 88. G.S. 163-213.6 reads as rewritten:

18 **"§ 163-213.6. Notification to candidates.**

19 ~~The State Board of Elections Secretary of State~~ shall forthwith contact each person  
20 who has been nominated by the ~~Board Secretary of State~~ or by petition and notify him  
21 in writing that his name will be printed as a candidate of a specified political party on  
22 the North Carolina presidential preference primary ballot. A candidate who participates  
23 in the North Carolina presidential preference primary of a particular party shall have his  
24 name placed on the general election ballot only as a nominee of that political party. The  
25 board shall send a copy of the 'Presidential Preference Primary Act' to each candidate  
26 with the notice specified above."

27 Sec. 89. G.S. 163-213.7 reads as rewritten:

28 **"§ 163-213.7. Voting in presidential preference primary; ballots.**

29 The names of all candidates in the presidential preference primary shall appear at an  
30 appropriate place on the ballot or voting machine. In addition the ~~State Board of~~  
31 ~~Elections Secretary of State~~ shall provide a category on the ballot or voting machine  
32 allowing voters in each political party to vote an 'uncommitted' or 'no preference' status.  
33 The voter shall be able to cast his ballot for one of the presidential candidates of a  
34 political party or for an 'uncommitted' or 'no preference' status, but shall not be  
35 permitted to vote for candidates or 'uncommitted' status of a political party different  
36 from his registration. Persons registered as 'Independents' or 'No Party' shall not  
37 participate in the presidential preference primary except upon changing such affiliation  
38 in accordance with law."

39 Sec. 90. G.S. 163-213.8 reads as rewritten:

40 **"§ 163-213.8. Allocation of delegate positions to reflect division of votes in the**  
41 **primary.**

42 (a) Upon completion and certification of the primary results by the ~~State Board~~  
43 ~~of Elections, results,~~ the Secretary of State shall certify the results to the State chairman  
44 of each political party.

1 Each political party shall allocate delegate positions in a manner which reflects the  
2 division of votes of the party primary consistent with the national party rules of that  
3 political party.

4 (b) In case of conflict between subsection (a) of this section and the national  
5 rules of a political party, the State executive committee of that party has the authority to  
6 resolve the conflict by adopting for that party the national rules, which shall then  
7 supercede any provision in subsection (a) of this section with which it conflicts,  
8 provided that the executive committee shall take only such action under this subsection  
9 necessary to resolve the conflict."

10 Sec. 91. G.S. 163-226(a)(3) reads as rewritten:

11 "(3) He is incarcerated, whether in his county of residence or elsewhere,  
12 shall be entitled to vote by absentee ballot in the county of his  
13 residence in any election, specified herein, in which he otherwise  
14 would be entitled to vote. Absentee voting shall be in the same  
15 manner as provided in this Article. The chief custodian or  
16 superintendent of the institution or other place of confinement shall  
17 certify that the applicant is not a felon, and the certification shall be  
18 as prescribed by the ~~State Board of Elections~~ Secretary of State.  
19 The ~~State Board of Elections~~ Secretary of State is authorized to  
20 prescribe procedures to carry out the intent and purpose of this  
21 subsection;"

22 Sec. 92. G.S. 163-226.3(b) reads as rewritten:

23 "(b) The ~~State Board of Elections~~ Secretary of State or a county board of  
24 elections, upon receipt of a sworn affidavit from any qualified voter of the State or the  
25 county, as the case may be, attesting to first-person knowledge of any violation of  
26 subsection (a) of this section, shall transmit such affidavit to the appropriate district  
27 attorney, who shall investigate and prosecute any person violating subsection (a)."

28 Sec. 93. G.S. 163-227(a) reads as rewritten:

29 "(a) Applications for Absentee Ballots Generally. – A voter falling in any one of  
30 the categories defined in G.S. 163-226, 163-226.1 or 163-226.2 may apply for absentee  
31 ballots not earlier than 50 days prior to the statewide, county or municipal election in  
32 which he seeks to vote and not later than 5:00 P.M. on the Tuesday before that election.  
33 Subject to all other provisions contained in this Article, a voter applying for an absentee  
34 ballot shall complete the standard application form to be secured by the county board of  
35 elections, as designed and prescribed by the ~~State Board of Elections~~ Secretary of State.  
36 The form shall contain lines to be checked off by each of the kinds of voters specified  
37 below:

- 38 (1) A voter expecting to be absent from the county of his residence all day  
39 on the day of the specified election. (G.S. 163-226(a)(1)).
- 40 (2) A voter who is unable to be present at the voting place to vote in  
41 person on the day of the specified election because of his sickness or  
42 other physical disability occurring before 5:00 P.M. on the day prior to  
43 the date of the specified election. (G.S. 163-226(a)(2)).
- 44 (3) Repealed by Session Laws 1991, c. 727, s. 6.1.



- 1 (4) A voter expecting to be absent from the county, or due to emergency  
2 disability will be unable to vote in person, or a person who qualifies  
3 under G.S. 163-226(a)(4), and who, in lieu of making application by  
4 mail, wishes to apply in person and receive a ballot which he may  
5 immediately vote in the office of the county board of elections."

6 Sec. 93.1. G.S. 163-227(c) reads as rewritten:

7 "(c) Application Forms Issued by Chairman of County Board of Elections. – The  
8 chairman of the county board of elections shall be sole custodian of all absentee ballot  
9 application forms, but he, the secretary of the board and the supervisor of elections of  
10 the board, in accordance with one of the following two procedures, shall issue and  
11 deliver a single application form, upon request, to a person authorized to sign such an  
12 application under the provisions of this section:

- 13 (1) The chairman, secretary or supervisor of elections may deliver the  
14 form to a voter personally or to his near relative or verifiable legal  
15 guardian at the office of the county board of elections for the voter's  
16 own use; or  
17 (2) The chairman, secretary or supervisor of elections may mail the form  
18 to a voter for his own use upon receipt of a written request from the  
19 voter or his near relative or verifiable legal guardian.

20 At the time he issues an application form, the chairman, secretary  
21 or supervisor of elections of the county board of elections shall number  
22 it and write the name of the voter in the space provided therefor at the  
23 top of the form. At the same time the chairman, secretary or supervisor  
24 of elections shall insert the name of the voter and the number assigned  
25 his application in the register of absentee ballot applications and  
26 ballots issued provided for in G.S. 163-228. If the application is  
27 requested by the voter's near relative, or verifiable legal guardian, the  
28 chairman, secretary or supervisor of elections also shall insert that  
29 person's name in the register after the name of the voter.

30 The chairman, secretary or supervisor of elections shall issue only  
31 one application form to a voter or his near relative or verifiable legal  
32 guardian unless a form previously issued is returned to the chairman,  
33 secretary or supervisor of elections and marked 'Void' by him. In such  
34 a situation, the chairman, secretary or supervisor of elections may  
35 issue another application form to the voter or a near relative or  
36 verifiable legal guardian, but he shall retain the voided application  
37 form in the board's records. If the application is requested by the  
38 voter's near relative or verifiable legal guardian, the chairman,  
39 secretary or supervisor of elections shall write the name of the near  
40 relative or verifiable legal guardian on the index of near relatives or  
41 verifiable legal guardians, applying for applications for absentee  
42 ballots; the index shall be in such form as may be prescribed or  
43 approved by the ~~State Board of Elections; Secretary of State; a~~

1 separate index shall be maintained for each primary, general or special  
2 election in which absentee voting is allowed.

3 (3) Applications or Absentee Ballots Transmitted by Mail or in Person. –  
4 An application for absentee ballots shall be made and signed only by  
5 the voter desiring to use them or the voter's near relative or verifiable  
6 legal guardian and shall be valid only when transmitted to the  
7 chairman or supervisor of elections of the county board of elections by  
8 mail or delivered in person by the voter or his near relative or legal  
9 verifiable guardian.

10 (4) Who Is Authorized to Request Applications for Absentee Ballots. – A  
11 voter may personally request an application for absentee ballots or  
12 may cause such request to be made through a near relative or verifiable  
13 legal guardian. For the purpose of this Article, 'near relative' means  
14 spouse, brother, sister, parent, grandparent, child, or grandchild.

15 (5) The form of application for persons applying to vote in a primary  
16 under the provisions of this section shall be as designed and prescribed  
17 by the ~~State Board of Elections~~. Secretary of State. No voter shall be  
18 furnished ballots for voting in a primary except the ballots for  
19 candidates for nomination in the primary of the political party with  
20 which he is affiliated at the time he makes application for absentee  
21 ballots. The official registration records of the county in which the  
22 voter is registered shall be proof of the party, if any, with which the  
23 voter is affiliated.

24 (6) The county board of elections shall cause to be stamped or printed on  
25 the face of each application for absentee ballots the following legend,  
26 and the blank space in the legend to be completed:

27 'This application is issued for absentee ballots to be voted in the  
28 \_\_\_\_\_ (primary or general or special election) to be held in  
29 \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 19  
30 \_\_\_\_.' The county board of elections shall not issue any absentee  
31 ballots on the basis of any application that does not bear the completed  
32 legend.

33 (7) No applications shall be issued earlier than 50 days prior to the  
34 election in which the voter wishes to vote. Nothing herein shall  
35 prohibit the county board of elections from receiving written requests  
36 for applications earlier than 50 days prior to the election but such  
37 applications shall not be mailed or issued to the voter in person earlier  
38 than 50 days prior to the election.

39 (8) Applications for absentee ballots shall be issued only by mail or in the  
40 office of the county board of elections to the voter or a near relative or  
41 verifiable legal guardian authorized to make application. No election  
42 official shall issue applications for absentee ballots except in  
43 compliance with the provisions stated herein."

44 Sec. 94. G.S. 163-227.3 reads as rewritten:

1 **"§ 163-227.3. Date by which absentee ballots must be available for voting.**

2 (a) ~~The State Board of Elections~~ Secretary of State shall provide absentee ballots  
3 of the kinds to be furnished by the ~~State Board~~, Secretary of State, to the county boards  
4 of elections 50 days prior to the date on which the election shall be conducted unless  
5 there shall exist an appeal before the ~~State Board~~ Secretary of State or the courts not  
6 concluded, in which case the ~~State Board~~ Secretary of State shall provide the ballots as  
7 quickly as possible upon the conclusion of such an appeal. In every instance the ~~State~~  
8 ~~Board~~ Secretary of State shall exert every effort to provide absentee ballots, of the kinds  
9 to be furnished by the ~~State Board~~, Secretary of State, to each county by the date on  
10 which absentee voting is authorized to commence.

11 (b) Second Primary. – ~~The State Board of Elections~~ Secretary of State shall  
12 provide absentee ballots, of the kinds to be furnished by the ~~State Board~~, Secretary of  
13 State, as quickly as possible after the ballot information has been determined."

14 Sec. 95. G.S. 163-228 reads as rewritten:

15 **"§ 163-228. Register of absentee ballot applications and ballots issued; a public**  
16 **record.**

17 ~~The State Board of Elections~~ Secretary of State shall design an official register and  
18 provide a source of supply thereof from which the chairman of the county board of  
19 elections in each county of the State shall purchase a book to be called the register of  
20 absentee ballot applications and ballots issued in which shall be recorded whatever  
21 information and official action may be required by this Article.

22 The register of absentee ballot applications and ballots issued shall constitute a  
23 public record and shall be opened to the inspection of any registered voter of the county  
24 at any time within 50 days before and 30 days after an election in which absentee ballots  
25 were authorized, or at any other time when good and sufficient reason may be assigned  
26 for its inspection."

27 Sec. 96. G.S. 163-230.1(e) reads as rewritten:

28 "(e) ~~The State Board of Elections~~, Secretary of State, by regulation or by  
29 instruction to the county board of elections, shall establish procedures to provide  
30 appropriate safeguards in the implementation of this section."

31 Sec. 97. G.S. 163-232 reads as rewritten:

32 **"§ 163-232. Certified list of executed absentee ballots; distribution of list.**

33 The chairman of the county board of elections shall prepare, or cause to be prepared,  
34 a list in at least quadruplicate, of all absentee ballots returned to the county board of  
35 elections to be counted, which have been approved by the county board of elections. At  
36 the end of the list, the chairman shall execute the following certificate under oath:

37 'State of North Carolina

38 County of .....

39 I, ....., chairman of the ..... County board of elections, do  
40 hereby certify that the foregoing is a list of all executed absentee ballots to  
41 be voted in the election to be conducted on the .... day of ....., 19 .....,  
42 which have been approved by the county board of elections. I further  
43 certify that I have issued ballots to no other persons than those listed  
44 herein, whose original applications or original applications made by near

1 relatives are filed in the office of the county board of elections; and I  
2 further certify that I have not delivered ballots for absentee voting to any  
3 person other than the voter himself, by mail or in person, except as  
4 provided by law, in the case of approved applications received after 5:00  
5 P.M. on the Tuesday or Friday before the election.

6 This the ..... day of ....., 19 .....

7 .....  
8 (Signature of chairman of  
9 county board of elections)

10 Sworn to and subscribed before me this ..... day of ....., 19 ..... Witness  
11 my hand and official seal.

12 .....  
13 (Signature of officer  
14 administering oath)

15 .....  
16 (Title of officer)'

17 No earlier than 3:00 P.M. on the day before the election and no later than 10:00  
18 A.M. on election day, the chairman shall cause one copy of the list of executed absentee  
19 ballots, which may be a continuing countywide list or a separate list for each precinct, to  
20 be immediately deposited as 'first-class' mail to the ~~State Board of Elections, Post Office~~  
21 ~~Box 1166, Raleigh, N.C. 27602. Secretary of State.~~ He shall retain one copy in the  
22 board office for public inspection and he shall cause two copies of the appropriate  
23 precinct list to be delivered to the registrar of each precinct in the county. The chairman  
24 shall be authorized to call upon the sheriff of the county to distribute the list to the  
25 precincts. In addition the chairman shall, upon request, provide a copy of the complete  
26 list to the chairman of each political party, recognized under the provisions of G.S. 163-  
27 96, represented in the county.

28 The registrar shall post one copy of the list immediately in a conspicuous location in  
29 the voting place and retain one copy until all challenges of absentee ballots have been  
30 heard by the county board of elections. Challenges shall be made to absentee ballots as  
31 provided in G.S. 163-89.

32 After receipt of the list of absentee voters required by this section the registrar shall  
33 call the name of each person recorded on the list and enter an 'A' in the appropriate  
34 voting square on the voter's permanent registration record. If such person is already  
35 recorded as having voted in that election, the registrar shall enter a challenge which  
36 shall be presented to the chairman of the county board of elections for resolution by the  
37 board of elections prior to certification of results by the board.

38 All lists required by this section shall be retained by the county board of elections  
39 for a period of four years after which they may then be destroyed."

40 Sec. 98. G.S. 163-233 reads as rewritten:

41 **"§ 163-233. Applications for absentee ballots; how retained.**

42 The chairman of the county board of elections shall retain, in a safe place, the  
43 original of all applications made for absentee ballots and shall make them available to

1 inspection by the ~~State Board of Elections~~ Secretary of State or to any person upon the  
2 directive of the ~~State Board of Elections~~ Secretary of State.

3 All applications for absentee ballots shall be retained by the county board of  
4 elections for a period of one year after which they may be destroyed."

5 Sec. 99. G.S. 163-234(6) reads as rewritten:

6 "(6) Upon completion of the counting process the board members shall  
7 cause the results of the tally to be entered on the absentee abstract  
8 prescribed by the ~~State Board of Elections~~ Secretary of State. The  
9 abstract shall be signed by the members of the board in attendance and  
10 the original mailed immediately to the ~~State Board of Elections,~~  
11 Raleigh, North Carolina 27602 ~~Secretary of State~~."

12 Sec. 100. G.S. 163-238 reads as rewritten:

13 **"§ 163-238. Reports of violations to district attorneys.**

14 It shall be the duty of the ~~State Board of Elections~~ Secretary of State to report to the  
15 district attorney of the appropriate prosecutorial district, any violation of this Article, or  
16 the failure of any person charged with a duty under its provisions to comply with and  
17 perform that duty, and it shall be the duty of the district attorney to cause such a person  
18 to be prosecuted therefor."

19 Sec. 101. G.S. 163-246 reads as rewritten:

20 **"§ 163-246. Provisions of Article 20 applicable except as otherwise provided; ~~State~~**  
21 **Board of Elections Secretary of State to adopt regulations, rules.**

22 Except as otherwise provided in this Article, registration by mail and absentee  
23 voting by individuals to whom this Article is applicable shall be governed by the  
24 provisions of Article 20 of this Chapter. By way of illustration rather than limitation, the  
25 provisions of this paragraph shall apply to the form of absentee ballots, certificates and  
26 container-return envelopes; the manner of depositing and voting military absentee  
27 ballots; the counting and certifying of results; the hearing of challenges; and the  
28 preservation of container-return envelopes in which executed military absentee ballots  
29 are transmitted.

30 The ~~State Board of Elections~~ Secretary of State is authorized to adopt and  
31 promulgate whatever rules ~~and regulations~~ (not in conflict with other provisions of this  
32 Chapter) ~~it that officer~~ may deem necessary to carry out the true intent and purpose of  
33 this Article."

34 Sec. 102. G.S. 163-248 reads as rewritten:

35 **"§ 163-248. Register, ballots, container-return envelopes, and instruction sheets.**

36 (a) Register of Military Absentee Ballot Applications and Ballots Issued. – The  
37 ~~State Board of Elections~~ Secretary of State shall furnish the chairman of the board of  
38 elections in each county of the State with a book to be called the register of military  
39 absentee ballot applications and ballots issued in which shall be recorded whatever  
40 information and official action may be required by this Article. In lieu of furnishing this  
41 register, the ~~State Board of Elections~~ Secretary of State may provide for a separate  
42 military section in the register furnished under the provisions of G.S. 163-228 which  
43 shall be used for the same purpose.

1 The register of military absentee ballot applications and ballots issued, whether  
2 contained in a separate book or maintained as a separate part of the register furnished  
3 under the provisions of G.S. 163-228, shall constitute a public record and shall be  
4 opened to the inspection of any registered voter of the county at any time.

5 (b) Absentee Ballot Form. – Persons entitled to vote by absentee ballot under the  
6 terms of this Article shall be furnished with regular official ballots; separate or distinctly  
7 marked absentee ballots shall not be used. The ~~State Board of Elections~~ Secretary of  
8 State and the county boards of elections shall have all necessary absentee ballots printed  
9 and in the hands of the proper election officials not later than 50 days before the primary  
10 or election.

11 (c) Container-Return Envelope. – The county board of elections shall print a  
12 sufficient number of envelopes in which persons casting military absentee ballots may  
13 transmit their marked ballots to the chairman of the county board of elections. The  
14 container-return envelopes shall be printed and available for use not later than 50 days  
15 before the primary or election. Each container-return envelope shall be printed in  
16 accordance with the following instructions:

17 (1) On one side shall be arranged identified spaces in which the chairman  
18 of the county board of elections may insert the name of the applicant,  
19 the number assigned his application, and the designation of the  
20 precinct in which his ballots are to be voted.

21 (2) On the other side shall be printed the return address of the chairman of  
22 the county board of elections and the following certificate:

23 **'CERTIFICATE OF ABSENTEE VOTER**

24 I, ....., do hereby certify that I am a resident and qualified voter in  
25 ..... precinct, ..... County, North Carolina, and that I am [check whichever of  
26 the following statements is correct]

- 27  Serving in the armed forces of the United States
- 28  The spouse of a member of the armed forces of the United States residing outside the  
29 county of my spouse's residence
- 30  A disabled war veteran in a United States government hospital
- 31  A civilian attached to and serving outside the United States with the armed forces of  
32 the United States
- 33  A member of the Peace Corps

34 I further certify that I am affiliated with the ..... Party. [To be completed only if  
35 applicant seeks to vote in the primary of the political party to which he belongs.]

36 I further certify that the following is my official address:

37  
38 [Unit (Co., Sq., Trp., Bn., etc.), Governmental Agency, or Office]

39  
40 [Military Base, Station, Camp, Fort, Ship, Airfield, etc.]

41  
42 [Street number, APO, or FPO number]

43  
44 [City, postal zone, State, and zip code]

1 I further certify that I made application for absentee ballots and that I marked the  
 2 ballots enclosed herein, or that they were marked for me in my presence and according  
 3 to my instruction. I understand it is a felony to falsely sign this certificate.

4 Witness my hand in the presence of ..... [Insert names and addresses of witnesses]  
 5 this ..... day of....., 19.....

6  
 7 (Signature of voter)

8 Signature of witness #1

9 Address of witness #1

10 Signature of witness #2

11 Address of witness #2

12 Note: This certificate must be witnessed by any two persons who are 18 years of age or  
 13 older, and must contain their signatures and addresses.'

14 (d) Instruction Sheets. – The county board of elections shall prepare and print a  
 15 sufficient number of sheets of instructions on how voters covered by the provisions of  
 16 this Article are to prepare absentee ballots and return them to the chairman of the county  
 17 board of elections. The instruction sheets shall be printed and available for use not later  
 18 than 60 days before the primary or election."

19 Sec. 103. G.S. 163-251(b) reads as rewritten:

20 "(b) Distribution of List. – No earlier than 3:00 P.M. on the day before the  
 21 election and no later than 10:00 A.M. on election day, the chairman shall cause one  
 22 copy of the list of executed military absentee ballots, which may be a continuing  
 23 countywide list or a separate list for each precinct, to be immediately deposited as first-  
 24 class mail to the ~~State Board of Elections, Post Office Box 1166, Raleigh, North~~  
 25 ~~Carolina 27602. Secretary of State.~~ The chairman shall retain one copy in the board  
 26 office for public inspection and he shall cause two copies of the appropriate precinct list  
 27 to be delivered to the registrar of each precinct in the county. The registrar shall post  
 28 one copy in the voting place and retain one copy until all challenges of absentee ballots  
 29 have been heard by the county board of elections. Challenges shall be made as provided  
 30 in G.S. 163-89.

31 After receipt of the list of absentee voters required by this section the registrar shall  
 32 call the name of each person recorded on the list and enter an 'A' in the appropriate  
 33 voting square on the voter's permanent registration record, if any. If such person is  
 34 already recorded as having voted in that election, the registrar shall enter a challenge  
 35 which shall be presented to the chairman of the county board of elections for resolution  
 36 by the board of elections prior to certification of results by the board."

37 Sec. 104. G.S. 163-256 reads as rewritten:

38 "**§ 163-256. Regulations of State Board of Elections. Secretary of State.**

39 The ~~State Board of Elections Secretary of State~~ shall adopt rules and regulations to  
 40 carry out the intent and purpose of G.S. 163-254 and 163-255, and to ensure that a  
 41 proper list of persons voting under said sections shall be maintained by the boards of  
 42 elections, and to ensure proper registration records, and such rules and regulations shall  
 43 not be subject to the provisions of G.S. 150B-9."

44 Sec. 105. G.S. 163-278 reads as rewritten:

1 **"§ 163-278. Duty of investigating and prosecuting violations of this Article.**

2 It shall be the duty of the ~~State Board of Elections-Campaign Finance Board~~ and the  
3 district attorneys to investigate any violations of this Article, and the ~~Board-Campaign~~  
4 ~~Finance Board~~ and district attorneys are authorized and empowered to subpoena and  
5 compel the attendance of any person before them for the purpose of making such  
6 investigation. The ~~State Board of Elections-Campaign Finance Board~~ and the district  
7 attorneys are authorized to call upon the Attorney General to furnish assistance by the  
8 State Bureau of Investigation in making the investigations of such violations. The ~~State~~  
9 ~~Board of Elections-Campaign Finance Board~~ shall furnish the district attorney a copy of  
10 its investigation. The district attorney shall initiate prosecution and prosecute any  
11 violations of this Article. The provisions of G.S. 163-278.28 shall be applicable to  
12 violations of this Article."

13 Sec. 106. G.S. 163-278.6(1) reads as rewritten:

14 "(1) The term 'board' means the ~~State Board of Elections-Campaign~~  
15 ~~Finance Board~~ with respect to all candidates for State and multi-county  
16 district offices and the county board of elections with respect to all  
17 candidates for single-county district, county and municipal offices.  
18 The term means the ~~State Board of Elections-Campaign Finance Board~~  
19 with respect to all statewide referenda."

20 Sec. 107. G.S. 163-278.9(e) reads as rewritten:

21 "(e) Notwithstanding subsections (a) through (c) of this section, any political party  
22 (including a State, district, county, or precinct committee thereof) which is required to  
23 file reports under those subsections and under the Federal Election Campaign Act of  
24 1971, as amended (2 U.S.C. 434), shall instead of filing the reports required by those  
25 subsections, file with the ~~State Board of Elections-Campaign Finance Board~~:

- 26 (1) The organizational report required by subsection (a)(1) of this section,  
27 and  
28 (2) A copy of each report required to be filed under 2 U.S.C. 434, such  
29 copy to be filed on the same day as the federal report is required to be  
30 filed."

31 Sec. 108. G.S. 163-278.11(3) reads as rewritten:

32 "(3) Loans. – Every candidate and treasurer shall attach to the campaign  
33 transmittal submitted with each report an addendum listing all  
34 proceeds derived from loans for funds used or to be used in this  
35 campaign. The addendum shall be in the form as prescribed by the  
36 ~~State Board of Elections-Campaign Finance Board~~ and shall list the  
37 amount of the loan, the source, the period, the rate of interest, and the  
38 security pledged, if any, and all makers and endorsers."

39 Sec. 109. G.S. 163-278.13A(d) reads as rewritten:

40 "(d) A violation of this section is a misdemeanor, but no individual or person shall  
41 be prosecuted under this section for accepting or making a contribution unless the ~~State~~  
42 ~~Board of Elections-Campaign Finance Board~~ has notified the individual or person of the  
43 apparent violation in writing by certified mail, has given the individual or person an  
44 opportunity to return or to request the return of the contribution, and, within 10 days of



1 the receipt of the notification, the individual or person has failed to return or to request  
2 the return of the contribution."

3 Sec. 110. G.S. 163-278.21 reads as rewritten:

4 **"§ 163-278.21. Promulgation of policy and administration through ~~State Board of~~  
5 ~~Elections-Campaign Finance Board.~~**

6 The ~~State Board of Elections-Campaign Finance Board~~ shall have responsibility,  
7 adequate staff, equipment and facilities, for promulgating all necessary regulations, and  
8 for the administration of this Article. The ~~State Board of Elections-Campaign Finance~~  
9 ~~Board~~ shall empower the ~~Executive Secretary-Director-Deputy Secretary of State for~~  
10 ~~Elections~~ with the responsibility for the administrative operations required to administer  
11 this Article and may delegate or assign to him such other duties from time to time by  
12 regulations or orders of the ~~State Board of Elections-Campaign Finance Board.~~"

13 Sec. 111. G.S. 163-278.22 reads as rewritten:

14 **"§ 163-278.22. Duties of ~~State Board-Campaign Finance Board.~~**

15 It shall be the duty and power of the ~~State Board-Campaign Finance Board:~~

- 16 (1) To prescribe forms of statements and other information required to be  
17 filed by this Article, to furnish such forms to the county boards of  
18 elections and individuals, media or others required to file such  
19 statements and information, and to prepare, publish and distribute or  
20 cause to be distributed to all candidates at the time they file notices of  
21 candidacy a manual setting forth the provisions of this Article and a  
22 prescribed uniform system for accounts required to file statements by  
23 this Article;
- 24 (2) To accept and file any information voluntarily supplied that exceeds  
25 the requirements of this Article;
- 26 (3) To develop a filing, coding, and cross-indexing system consonant with  
27 the purposes of this Article;
- 28 (4) To make statements and other information filed with it available to the  
29 public at a charge not to exceed actual cost of copying;
- 30 (5) To preserve reports and statements filed under this Article. Such  
31 reports and statements, after a period of two years following the  
32 election year, may be transferred to the Department of Cultural  
33 Resources, Division of Archives and History, and shall be preserved  
34 for a period of 10 years.
- 35 (6) To prepare and publish such reports as it may deem appropriate;
- 36 (7) To make investigations to the extent the Board deems necessary with  
37 respect to statements filed under the provisions of this Article and with  
38 respect to alleged failures to file any statement required under the  
39 provisions of this Article, and, upon complaint under oath by any  
40 registered voter, with respect to alleged violations of any part of this  
41 Article; and
- 42 (8) After investigation, to report apparent violations by candidates,  
43 political committees, referendum committees, individuals or persons to  
44 the proper district attorney as provided in G.S. 163-278.27.

- 1 (9) To prescribe and furnish forms of statements and other material to the  
2 county boards of elections for distribution to candidates and  
3 committees required to be filed with the county boards.
- 4 (10) To instruct the chairman and supervisors of elections of each county  
5 board as to their respective duties and responsibilities relative to the  
6 administration of this Article.
- 7 (11) To require appropriate certification of delinquent or late filings from  
8 the county boards of elections and to execute the same  
9 responsibilities relative to such reports as provided in G.S. 163-  
10 278.27.
- 11 (12) To assist county boards of elections in resolving questions arising  
12 from the administration of this Article.
- 13 (13) To require county boards of elections to hold such hearings, make  
14 such investigations, and make reports to the ~~State Board~~ Campaign  
15 Finance Board as the ~~State Board~~ Campaign Finance Board deems  
16 necessary in the administration of this Article."

17 Sec. 112. G.S. 163-278.23 reads as rewritten:

18 "**§ 163-278.23. Duties of ~~Executive Secretary~~ Deputy Secretary of State for**  
19 **Elections.**

20 The ~~Executive Secretary~~ Director of the Board ~~Deputy Secretary of State for~~  
21 Elections shall inspect or cause to be inspected each statement filed with the Board  
22 under this Article within 30 days after the date it is filed. The ~~Executive Secretary~~  
23 ~~Director~~ Deputy Secretary of State for Elections shall advise, or cause to be advised, no  
24 more than 30 days and at least five days before each report is due, each candidate or  
25 treasurer whose organizational report has been filed, of the specific date each report is  
26 due. He shall immediately notify any individual, candidate, treasurer, political  
27 committee, referendum committee, or media required to file a statement under this  
28 Article if:

- 29 (1) It appears that the individual, candidate, treasurer, political ~~committee,~~  
30 committee, referendum committee or media has failed to file a  
31 statement as required by law or that a statement filed does not conform  
32 to this Article; or
- 33 (2) A written complaint is filed under oath with the Board by any  
34 registered voter of this State alleging that a statement filed with the  
35 Board does not conform to this Article or to the truth or that an  
36 individual, candidate, treasurer, political committee, referendum  
37 committee or media has failed to file a statement required by this  
38 Article.

39 The ~~Executive Secretary~~ Director of the Board ~~of Deputy Secretary of State for~~  
40 Elections shall issue written rulings to candidates and may issue written rulings to the  
41 communications media, political committees, and referendum committees upon request,  
42 regarding filing procedures and compliance with this Article. Any such ruling so issued  
43 shall specifically refer to this paragraph. If the candidate, communications media,  
44 political committees, or referendum committees rely on and comply with the ruling of

1 the ~~Executive Secretary Director of the Board of Deputy Secretary of State for~~  
2 Elections, then prosecution on account of the procedure followed pursuant thereto and  
3 prosecution for failure to comply with the statute inconsistent with the written ruling of  
4 the ~~Executive Secretary Director of the Board of Deputy Secretary of State for Elections~~  
5 issued to the candidate or committee involved shall be barred. Nothing in this paragraph  
6 shall be construed to prohibit or delay the regular and timely filing of reports."

7 Sec. 113. G.S. 163-278.26 reads as rewritten:

8 "**§ 163-278.26. Appeals from State Board of Elections; Campaign Finance Board;**  
9 **early docketing.**

10 Any candidate for nomination or election who is denied a declaration of nomination  
11 or certificate of election, pursuant to G.S. 163-278.25, may, within five days after the  
12 action of the Board under that section, appeal to the Superior Court of Wake County for  
13 a final determination of any questions of law or fact which may be involved in the  
14 Board's action. The cause shall be entitled 'In the Matter of the Candidacy of ..... .' It  
15 shall be placed on the civil docket of that court and shall have precedence over all other  
16 civil actions. In the event of an appeal, the chairman of the Board shall certify the record  
17 to the clerk of that court within five days after the appeal is noted.

18 The record on appeal shall consist of all reports filed by the candidate or his  
19 treasurer with the Board pursuant to this Article, and a memorandum of the Board  
20 setting forth with particularity the reasons for its action in denying the candidate a  
21 declaration of nomination or certificate of election. Written notice of the appeal shall be  
22 given to the Board by the candidate or his attorney, and may be effected by mail or  
23 personal delivery. On appeal, the cause shall be heard **de novo**."

24 Sec. 114. Article 22A of Chapter 163 of the General Statutes is amended by  
25 adding a new section to read:

26 "**§ 163-278.6A. Campaign Finance Board.**

27 (a) There is established within the Department of the Secretary of State the  
28 Campaign Finance Board.

29 (b) The Campaign Finance Board consists of six members, two appointed by the  
30 Governor, two appointed by the General Assembly upon the recommendation of the  
31 President Pro Tempore of the Senate under G.S. 120-121, and two appointed by the  
32 General Assembly upon the recommendation of the Speaker of the House of  
33 Representatives under G.S. 120-121.

34 (c) Except as provided in this subsection, terms of office shall be for four years.  
35 Initial appointees shall serve terms commencing May 1, 1993, and expiring June 30,  
36 1997. Successors shall be appointed for terms to commence July 1, 1997, and  
37 quadrennially thereafter.

38 (d) Each of the three categories of appointing authorities shall appoint one person  
39 who is a member of the political party having the greatest number of registered voters in  
40 the State, and one person who is a member of the political party having the second  
41 greatest number of registered members in the State. Change in party affiliation by a  
42 member shall create a vacancy.

1 (e) Vacancies shall be filled by the appointing authority for the remainder of the  
2 unexpired terms, and vacancies in legislative appointments shall be filled in accordance  
3 with G.S. 120-122.

4 (f) The Governor shall annually appoint from among the membership a chair to  
5 serve a one-year term, except the term of the initial chair expires June 30, 1994. The  
6 Deputy Secretary of State for Elections is the Secretary of the Board.

7 (g) Clerical assistance and other services for the Board shall be provided by the  
8 Department of the Secretary of State.

9 (h) A quorum is four members of the Board. Meetings may be called by the  
10 Secretary of State, the chair, or by any three members.

11 (i) Members shall be compensated as provided by law."

12 Sec. 114.1. G.S. 120-123 is amended by adding a new subdivision to read:

13 "(60) The Campaign Finance Board as established by G.S. 163-278.6A."

14 Sec. 115. G.S. 163-278.37 reads as rewritten:

15 **"§ 163-278.37. County boards of elections to preserve reports.**

16 The county boards of elections shall preserve all reports and statements filed with  
17 them pursuant to this Article for such period of time as directed by the ~~State Board of~~  
18 ~~Elections-Campaign Finance Board.~~"

19 Sec. 116. G.S. 163-278.41 reads as rewritten:

20 **"§ 163-278.41. Appropriations in general election years and other years.**

21 (a) Following the conclusion of the last primary or nominating convention held  
22 by a political party in a general election year in which a presidential election is held, the  
23 State chairman of that political party may apply to the ~~State Board of Elections~~ (~~State~~  
24 ~~Board~~) Campaign Finance Board for the disbursement of all funds deposited with the  
25 State Treasurer on behalf of such party in the North Carolina Political Parties Financing  
26 Fund (Political Parties Fund) to be administered by the ~~State Board of Elections~~  
27 Campaign Finance Board and in which shall be placed money contributed by taxpayers,  
28 as provided in G.S. 105-159.1. Upon receipt of such application, the ~~State Board~~  
29 Campaign Finance Board shall forthwith, and every 30 days thereafter, pay over to said  
30 chairman all funds currently held by the State Treasurer on behalf of said chairman's  
31 political party, but provided that all such payments shall cease 30 days after the ~~State~~  
32 ~~Board of Elections-Secretary of State~~ election. Additionally and upon receipt of such  
33 application, the ~~State Board~~ Campaign Finance Board shall pay over to the said  
34 chairman all funds currently held by the State Treasurer in the 'Presidential Election  
35 Year Candidates Fund' of that party, which funds shall be allocated and disbursed  
36 during the presidential election year by the same procedure as the funds received from  
37 the Political Parties Fund are allocated. Any remaining funds of the political party in  
38 the hands of the State Treasurer shall thereafter be held by him until eligible for  
39 distribution pursuant to this section.

41 (b) Following the conclusion of the last primary or nominating convention held  
42 by a political party in a general election year in which there is not a presidential  
43 election, the State chairman of the political party may apply to the ~~State Board~~  
44 Campaign Finance Board for the disbursement of all funds deposited on behalf of such

1 party in the Political Parties Fund. Upon receipt of such application, the ~~State Board~~  
2 Campaign Finance Board shall forthwith, and every 30 days thereafter, pay over to said  
3 chairman all funds currently held by the State Treasurer on behalf of said chairman's  
4 political party provided that all such payments to the said chairman shall cease 30 days  
5 after the ~~State Board of Elections Secretary of State~~ has certified all of the results of the  
6 general election to the ~~Secretary of State~~ election. Any remaining funds of the political  
7 party in the hands of the State Treasurer shall thereafter be held by him until eligible for  
8 distribution pursuant to this section.

9 (c) In each year in which no general election is held, each State chairman of a  
10 political party on behalf of which funds have been deposited in the Political Parties  
11 Fund may, on or between August 1 and September 1 thereof, apply to the ~~State Board~~  
12 Campaign Finance Board for payment of an amount not to exceed fifty percent (50%) of  
13 the then available funds credited to the account of his party. Upon receipt of such  
14 application, the ~~State Board Campaign Finance Board~~ shall pay over to said State  
15 chairman an amount not to exceed fifty percent (50%) of the then available funds  
16 credited to the account of his party. Additionally and upon receipt of such application,  
17 the ~~State Board Campaign Finance Board~~ shall direct the State Treasurer to place fifty  
18 percent (50%) of the said available funds in a separate interest bearing account to be  
19 known as the 'Presidential Election Year Candidates Fund of the (name of the party)  
20 Party' to be disbursed in accord with the provisions of subsection (a) above. Any  
21 remaining funds of the political party in the hands of the State Treasurer shall thereafter  
22 be held by him until eligible for distribution by the ~~State Board Campaign Finance~~  
23 Board pursuant to this section. Any interest earned on the funds deposited in such  
24 Presidential Election Year Campaign Fund shall be credited thereto."

25 Sec. 117. G.S. 163-278.43 reads as rewritten:

26 "**§ 163-278.43. Annual report to ~~State Board of Elections; Campaign Finance~~**  
27 **Board; suspension of disbursements; willful violations a misdemeanor;**  
28 **adoption of rules; reporting by candidates and political committees.**

29 (a) The State chairman of each political party receiving funds from the  
30 Political Parties Fund or the Presidential Election Year Candidates Fund or both shall  
31 maintain a full and complete record of the party's receipts and any and all subsequent  
32 expenditures and disbursements thereof, and such shall be substantiated by any records,  
33 receipts, and information that the ~~Executive Director of the State Board of Deputy~~  
34 Secretary of State for Elections shall require. Such record shall be centrally located and  
35 shall be readily available at reasonable hours for public inspection.

36 (b) By December 31 of each year, the State chairman of each political party  
37 receiving funds from the Political Parties Fund or a Presidential Election Year  
38 Candidates Fund in the 12 preceding months shall file with the ~~State Board of Elections~~  
39 Campaign Finance Board an itemized statement reporting all receipts, expenditures and  
40 disbursements from the date of the last report and attached to such report shall be the  
41 verification of such chairman that all such funds received were expended in accordance  
42 with the provisions of this Article. If the ~~Executive Secretary of the State Board of~~  
43 Deputy Secretary of State for Elections determines and finds as a fact that any such  
44 funds were not disbursed or expended in accordance with this Article, he shall order

1 such political party to reimburse the amount improperly expended or disbursed to the  
2 General Fund of the State and such political party shall not receive further  
3 disbursements from the Political Parties Fund or a Presidential Election Year  
4 Candidates Fund until such reimbursement has been accomplished in full. A copy of  
5 any such order shall be forwarded to the State Treasurer, which shall constitute notice to  
6 him to suspend further disbursements from the campaign fund.

7 (c) Repealed by Session Laws 1985, c. 259.

8 (c1) The ~~State Board of Elections~~ Campaign Finance Board shall review each application and  
9 certify that the political party is eligible to receive the funds requested. The ~~State Board~~  
10 Campaign Finance Board shall establish rules for the administration and enforcement of  
11 this Article.

12 (c2) The treasurer of any political committee or candidate receiving any funds  
13 from the Political Parties Fund or a Presidential Election Year Candidates Fund through  
14 a political party shall report such receipts as contributions according to the method and  
15 timetable set forth in Article 22A of this Chapter. The treasurer shall report  
16 disbursements of such funds as expenditures or loans according to the method and  
17 timetable set forth in Article 22A of this Chapter. The reports shall be made to the  
18 proper board of elections according to Article 22A of this Chapter. There is no  
19 requirement that a candidate or a political committee other than a political party shall  
20 maintain funds from the Political Parties Fund or a Presidential Election Year  
21 Candidates Fund in a separate account.

22 (d) Repealed by Session Laws 1985, c. 259."

23 Sec. 118. G.S. 163-278.46 reads as rewritten:

24 "**§ 163-278.46. Establishment of Candidates Fund; administrative expenses;**  
25 **financing in case of insufficiency.**

26 There is established in the State Treasury a North Carolina Candidates Financing  
27 Fund (Candidates Fund) to be administered by the ~~State Board of Elections (State~~  
28 ~~Board)~~ Campaign Finance Board in which shall be placed money contributed by  
29 taxpayers as provided in G.S. 105-163.16(f). If the money in the Candidates Fund is  
30 insufficient to fully fund qualifying candidates, available money shall be distributed  
31 proportionally."

32 Sec. 119. G.S. 163-280(i) reads as rewritten:

33 "(i) The city council with power to appoint a member of a municipal board of  
34 elections or the ~~State Board of Elections~~ Secretary of State may remove a member of a  
35 municipal board of elections for incompetency, neglect or failure to perform duties,  
36 fraud, or any other satisfactory cause. Before exercising this removal power, the city  
37 council or the ~~State Board of Elections~~ Secretary of State shall notify the municipal  
38 board member affected and give him an opportunity to be heard."

39 Sec. 120. G.S. 163-284(b) reads as rewritten:

40 "(b) The registration of voters and the conduct of all elections in municipalities  
41 and special districts covered under this section shall be under the authority of the  
42 county board of elections. Any contested election or allegations of irregularities shall be  
43 made to the county board of elections and appeals from such rulings may be made to the

1 ~~State Board of Elections~~ Secretary of State under existing statutory provisions and rules  
2 or regulations adopted by the ~~State Board of Elections~~ Secretary of State.

3 Each municipality and special district shall reimburse the county board of elections  
4 for the actual cost involved in the administration required under (a) and (b) of this  
5 section."

6 Sec. 121. G.S. 163-285 reads as rewritten:

7 "**§ 163-285. Administration by county board of elections; optional by municipality.**

8 Any city, town or incorporated village which conducts its elections on a nonpartisan  
9 basis may conduct its own elections, or it may request the county board of elections of  
10 the county in which it is located to conduct its elections. A county board of elections  
11 shall conduct the elections of each city, town or incorporated village so requesting and  
12 the city, town or incorporated village shall pay the cost thereof according to a formula  
13 mutually agreed upon by the county board of elections and the city council. If a mutual  
14 agreement cannot be reached, then the ~~State Board of Elections~~ Secretary of State shall  
15 prescribe the agreement, to which both parties are bound, or, in its discretion, the ~~State~~  
16 ~~Board of Elections~~ Secretary of State shall have authority to instruct the county board of  
17 elections to decline the administration of the elections for such city, town or  
18 incorporated village.

19 (1) The elections of cities, towns or incorporated villages which lie in  
20 more than one county shall be conducted either (i) by the county in  
21 which the greater number of the city's citizens reside, according to the  
22 most recent federal census of population, or (ii) jointly by the boards  
23 of elections of each county in which such city, town or incorporated  
24 village is located, as may be mutually agreed upon by the county  
25 boards of elections so affected, or (iii) by a municipal board of  
26 elections appointed by the governing body of the municipality. The  
27 ~~State Board of Elections~~ Secretary of State shall have authority to  
28 promulgate regulations for more detailed administration and conduct  
29 of municipal elections by county or municipal boards of elections for  
30 cities situated in more than one county.

31 (2) Any city, town or incorporated village electing to have its elections  
32 conducted by the county board of elections as provided by this section,  
33 shall do so no later than January 1, 1973 provided, however, the  
34 county board of elections shall be entitled to 90 days' notice prior to  
35 the effective date decided upon by the municipality. For efficient  
36 administration the ~~State Board of Elections~~ Secretary of State shall  
37 have the authority to delay the effective date of all such agreements  
38 under this section and shall set a date certain on which such  
39 agreements shall commence. The ~~State Board of Elections~~ Secretary of  
40 State shall also have the authority to permit any city, town or  
41 incorporated village to exercise the options under this Article  
42 subsequent to the deadline stated in this section.

43 (3) If any city, town or incorporated village, operating under this section,  
44 shall decide that a full-time registration office is needed in such city,

1 then it shall be the duty of the county board of elections to appoint  
2 such registration commissioner who shall be attendant to the duties of  
3 registration of voters or other such duties as might be assigned by the  
4 county board of elections. Such registration commissioner shall be  
5 titled 'city registrar' and shall be provided office space and equipment  
6 by the city, town or incorporated village requesting such 'city registrar.'  
7 Persons appointed by the county board of elections to such positions  
8 shall be paid by the city, town or incorporated village at the rate of not  
9 less than twenty dollars (\$20.00) per day and such persons shall be  
10 appointed by the county board of elections to be in attendance at the  
11 prescribed duties not less than one nor more than five days each  
12 week."

13 Sec. 121.1. G.S. 163-286(a) reads as rewritten:

14 "(a) To the extent that the laws, rules and procedures applicable to the conduct of  
15 primary, general and special elections by county boards of elections under Articles 3, 4,  
16 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19 and 22 of this Chapter are not inconsistent with  
17 provisions of this Article, those laws, rules and procedures shall apply to municipal and  
18 special district elections and their conduct by the board of elections conducting those  
19 elections. ~~The State Board of Elections Secretary of State~~ shall have the same authority  
20 over all such elections as it has over county and State elections under those Articles."

21 Sec. 122. G.S. 163-288 reads as rewritten:

22 "**§ 163-288. Registration for city elections; county and municipal boards of**  
23 **elections.**

24 (a) Where the county board of elections conducts the municipal election, the  
25 registration record of the county board of elections shall be the official registration  
26 record for voters to vote in all elections, city, district, county, State or national.

27 (b) Where the municipal board of elections conducts the elections, each such  
28 municipality shall purchase only those loose-leaf binders for the registration records that  
29 have been approved by the ~~State Board of Elections Secretary of State~~.

30 The loose-leaf registration forms shall be those approved by the ~~State Board of~~  
31 ~~Elections Secretary of State~~. When completed by each municipal registrant, the forms  
32 shall be the official registration record in each municipality and shall be kept in  
33 agreement with the county registration records for that registrant. They shall be  
34 prepared, completed, maintained and kept current pursuant to the same provisions of  
35 Article 7, Chapter 163, as apply to registration records of county boards of elections.  
36 They also shall be furnished by the ~~State Board of Elections Secretary of State~~, through  
37 the respective county boards of elections, to the municipalities.

38 Every municipal board of elections conducting the elections in any city, town, or  
39 incorporated village shall secure and install those binders and loose-leaf forms required  
40 by this section no later than January 1, 1973, or no later than 90 days after any such  
41 municipality elects to conduct its own elections.

42 (c) Registration of voters and preparation of registration books for city elections  
43 in cities electing to conduct their own elections shall be conducted under one of the  
44 following alternative methods:



- 1 (1) METHOD A. – A permanent, full-time registration office shall be  
2 established in a convenient place within a city, and the municipal  
3 board of elections shall appoint a special registration commissioner to  
4 be in charge of the office, and the commissioner shall have full power  
5 and authority to register voters who reside within the city without  
6 regard to their precinct or county of residence. A municipal board of  
7 elections may appoint special registration commissioners  
8 notwithstanding the population limitation contained in G.S. 163-67(b).
- 9 (2) METHOD B. – The municipal board of elections may contract with  
10 the county board of elections to prepare two extra sets of registration  
11 forms for each person who registers with the county board of elections  
12 and who resides in the municipality which negotiates such agreement.  
13 Any such agreement shall be in writing and shall be on such terms as  
14 is agreeable to the majority of the county board of elections involved.
- 15 (3) **(For effective date see note)** METHOD C. – The county board of  
16 elections shall permit the municipal board of elections to copy county  
17 registration books from the precinct binder record or from the  
18 duplicate required to be maintained by said county board of elections.  
19 During the period beginning on the twenty-first day before each  
20 municipal election (excluding Saturdays and Sundays), the municipal  
21 board of elections shall compare the municipal registration books with  
22 the appropriate county books and shall add or delete registration  
23 certificates in order that the city and county records shall agree. The  
24 precincts established for municipal elections may differ from those  
25 established by the county board of elections.
- 26 (3) **(For effective date see note)** METHOD C. – The county board of  
27 elections shall permit the municipal board of elections to copy county  
28 registration books from the precinct binder record or from the  
29 duplicate required to be maintained by said county board of elections.  
30 During the period beginning on the last day for making application to  
31 register under G.S. 163-67, the municipal board of elections shall  
32 compare the municipal registration books with the appropriate county  
33 books and shall add or delete registration certificates in order that the  
34 city and county records shall agree. The precincts established for  
35 municipal elections may differ from those established by the county  
36 board of elections.
- 37 (4) METHOD D. – The county board of elections may, in its sole  
38 discretion, deliver to the municipal board of elections the county  
39 precinct registration books for each precinct wholly or partially located  
40 within the city, and these books shall be used in conducting the  
41 municipal elections.
- 42 (d) ~~The State Board of Elections~~ Secretary of State shall have authority to  
43 promulgate rules ~~and regulations~~ for the detailed administration of each alternative  
44 method of registration offered by this section.

1 (e) Each city, town or incorporated village electing to conduct its own elections  
2 shall select one of the registration methods offered by this section by joint agreement  
3 with the appropriate county boards of elections, subject to the approval of the ~~State~~  
4 ~~Board of Elections~~ ~~Secretary of State~~. The selection of method shall be evidenced by  
5 concurrent resolutions of the city council and each affected county board of elections,  
6 which shall be filed with the ~~State Board of Elections~~, ~~Secretary of State~~, and which  
7 shall become effective upon the ~~State Board's~~ ~~Secretary of State's~~ approval thereof.  
8 Provided, however, if METHOD A is selected, the municipal board of elections shall  
9 only be required to send a copy of the resolution to the ~~State Board of Elections~~  
10 ~~Secretary of State~~ and the county board of elections. If the city and the county board of  
11 elections fail to agree then METHOD C shall be used."

12 Sec. 123. G.S. 163-288.1(c) reads as rewritten:

13 "(c) The ~~State Board of Elections~~ ~~Secretary of State~~ shall have authority to adopt  
14 ~~regulations~~ ~~rules~~ for the more detailed administration of this section."

15 Sec. 124. G.S. 163-295 reads as rewritten:

16 "**§ 163-295. Municipal and special district elections; application of Chapter 163.**

17 To the extent that the laws, rules and procedures applicable to the conduct of  
18 primary, general or special elections by county boards of elections under Articles 3, 4,  
19 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 19 and 22 of this Chapter are not inconsistent with  
20 the provisions of this Article, those laws, rules and procedures shall apply to municipal  
21 and special district elections and their conduct by the board of elections conducting  
22 those elections. The ~~State Board of Elections~~ ~~Secretary of State~~ shall have the same  
23 authority over all such elections as it has over county and State elections under those  
24 Articles."

25 Sec. 125. G.S. 163-296 reads as rewritten:

26 "**§ 163-296. Nomination by petition.**

27 In cities conducting partisan elections, any qualified voter who seeks to have his  
28 name printed on the regular municipal election ballot as an unaffiliated candidate may  
29 do so in the manner provided in G.S. 163-122, except that the petitions and affidavits  
30 shall be filed not later than 12:00 noon on the Friday preceding the seventh Saturday  
31 before the election, and the petitions shall be signed by a number of qualified voters of  
32 the municipality equal to at least four percent (4%) of the whole number of voters  
33 qualified to vote in the municipal election according to the most recent figures certified  
34 by the ~~State Board of Elections~~ ~~Secretary of State~~. A person whose name appeared on  
35 the ballot in a primary election is not eligible to have his name placed on the regular  
36 municipal election ballot as an unaffiliated candidate for the same office in that year.  
37 The ~~Board of Elections~~ ~~Secretary of State~~ shall examine and verify the signatures on the  
38 petition, and shall certify only the names of signers who are found to be qualified  
39 registered voters in the municipality. Provided that in the case where a qualified voter  
40 seeks to have his name printed on the regular municipal election ballot as an unaffiliated  
41 candidate for election from an election district within the municipality, the petition shall  
42 be signed by four percent (4%) of the voters qualified to vote for that office."

43 Sec. 126. G.S. 163-300 reads as rewritten:

44 "**§ 163-300. Disposition of duplicate abstracts in municipal elections.**

1 Within five days after a primary or election is held in any municipality, the chairman  
2 of the county or municipal board of elections shall mail to the chairman of the ~~State~~  
3 ~~Board of Elections, Secretary of State,~~ the duplicate abstract prepared in accordance  
4 with G.S. 163-176. One copy shall be retained by the county or municipal board of  
5 elections as a permanent record and one copy shall be filed with the city clerk."

6 Sec. 127. G.S. 163-302(a) reads as rewritten:

7 "(a) In any municipal election, including a primary or general election or  
8 referendum, conducted by the county board of elections, absentee voting may, upon  
9 resolution of the municipal governing body, be permitted. Such resolution must be  
10 adopted no later than 60 days prior to an election in order to be effective for that  
11 election. Any such resolution shall remain effective for all future elections unless  
12 repealed no later than 60 days before an election. A copy of all resolutions adopted  
13 under this section shall be filed with the ~~State Board of Elections Secretary of State~~ and  
14 the county board of elections conducting the election within 10 days of passage in order  
15 to be effective. Absentee voting shall not be permitted in any municipal election unless  
16 such election is conducted by the county board of elections. In addition, absentee voting  
17 shall be allowed in any referendum on incorporation of a municipality."

18 Sec. 128. G.S. 163-304 reads as rewritten:

19 "**§ 163-304. ~~State Board of Elections Secretary of State~~ to have jurisdiction over**  
20 **municipal elections and election officials, and to advise.**

21 The ~~State Board of Elections Secretary of State~~ shall have the same authority over  
22 municipal elections and election officials as it has over county and State elections and  
23 election officials. The ~~State Board of Elections Secretary of State~~ shall advise and assist  
24 cities, towns, incorporated villages and special districts, municipal boards of elections,  
25 their members and legal officers on the conduct and administration of their elections  
26 and registration procedure.

27 The county and municipal boards of elections shall be governed by the same rules  
28 for settling controversies with respect to counting ballots or certification of the returns  
29 of the vote in any municipal or special district election as are in effect for settling such  
30 controversies in county and State elections."

31 Sec. 129. (a) Except as it may be inconsistent with the provisions of this act, the  
32 State Board of Elections is transferred to the Department of the Secretary of State as a  
33 Type I Transfer under G.S. 143A-6(a).

34 (b) No action or proceeding pending on the effective date of this act and brought  
35 by or against the State Board of Elections shall be affected by any provision of this act  
36 but the same may be prosecuted or defended in the name of the Secretary of State. In all  
37 such actions and proceedings, the Secretary of State shall be substituted as a party upon  
38 appropriate application to the courts.

39 (c) The abolition of the State Board of Elections and its Executive Secretary-  
40 Director by this act does not invalidate any lawful prior act of such agency or person.

41 (d) Any reference or designation in any statute, contract, or other document,  
42 which was not specifically amended by this act, pertaining to functions, powers,  
43 obligations, and duties of the State Board of Elections or its Executive Secretary-  
44 Director shall be deemed to refer to the Secretary of State or the Deputy Secretary of

1 State for Elections, respectively, except that with respect to canvassing it shall be  
2 deemed to refer to the Deputy Secretary of State for Elections.

3 (e) Any business or other matter undertaken or commenced by the State  
4 Board of Elections and its Executive Secretary-Director, pertaining to or connected with  
5 the functions, powers, obligations, and duties hereby transferred to the Secretary of  
6 State, the Campaign Finance Board, or the Deputy Secretary of State for Elections, and  
7 pending on May 1, 1993, may be conducted and completed by the board or officer to  
8 whom the duties have been transferred, in the same manner and under the same terms  
9 and conditions and with the same effect as if conducted and completed by the State  
10 Board of Elections and its Executive Secretary-Director.

11 Sec. 130. This act becomes effective May 1, 1993.