

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1013

Short Title: No Party Registration.

(Public)

Sponsors: Representatives Grady; and J. Preston.

Referred to: Judiciary I.

April 19, 1993

A BILL TO BE ENTITLED

AN ACT TO ABOLISH VOTER REGISTRATION BY PARTY AND TO MAKE OTHER CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

PART ONE – ABOLITION OF REGISTRATION BY PARTY.

Section 1.1. G.S. 163-74 is repealed.

Sec. 1.2. G.S. 163-72(a) reads as rewritten:

"(a) Before questioning any applicant for registration as to his qualifications, the registrar shall present to the applicant a certification which shall be read by or to the applicant on his request and then signed by the applicant: "I hereby certify that the information I shall give with respect to my qualifications and identity is true and correct to the best of my knowledge.

(Signature of applicant)'

After signing the certification, the applicant shall state as accurately as possible his name, age, place of birth, place of residence, ~~political party affiliation, if any, under the provisions of G.S. 163-74,~~ the name of any municipalities in which he resides, and any other information which may be material to a determination of his identity and qualification to be admitted to registration. The applicant shall also present to the registrar written or documentary evidence that he is the person he represents himself to be. The registrar, if in doubt as to the right of the applicant to register, may require other evidence satisfactory to him as to the applicant's qualifications."

Sec. 1.3. 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 shall have authority to approve types, sizes and kinds of binders to be used
14 for the loose-leaf registration book system. Uniform registration sheets of paper
15 approved by the State Board of Elections which are necessary for the binders shall be
16 furnished by the State Board of Elections from funds provided by the State from the
17 Contingency and Emergency Fund. One or more duplicate sets of registration sheets
18 shall be maintained by the chairman of the county board of elections at all times in a
19 safe place."

20 Sec. 1.4. G.S. 163-66 reads as rewritten:

21 **"§ 163-66. Custody of registration records and pollbooks; access; obtaining copies.**

22 In all counties the registration records, books, registration certificates, indexes,
23 computer lists, discs, labels and tapes and other records of registration and voting shall
24 be and remain in the possession of the county board of elections. The county board of
25 elections shall keep all such records in a safe and secure place where they may not be
26 tampered with, stolen or destroyed. If possible, the board shall keep them in a fireproof
27 vault or file. The board may exercise supervision and control of these records through
28 its properly designated officers and employees. It shall be the duty of the county board
29 of elections, on application of any candidate, or the county chairman of any political
30 party, or any other person, to furnish a list of the persons registered to vote in the county
31 or in any precinct or precincts therein. No registrar shall furnish lists of registered voters
32 or permit the registration records of his precinct to be copied. The county board of
33 elections shall furnish such lists and upon request, it may furnish selective lists
34 according to ~~party affiliation~~, sex, race, date of registration, or any other reasonable
35 category. In all instances, however, the county board of elections shall require persons
36 to whom any list is furnished to make full reimbursement for the expense incurred in
37 preparing it. Notwithstanding the above, however, the chairman of each political party
38 in the county, as defined in G.S. 163-96, shall be entitled biennially, upon written
39 request, to one free list of all registered voters in his county showing the following
40 information about each registered voter: name, address, sex, ~~political affiliation and~~
41 ~~precinct of each registered voter, precinct, and voting history showing which party's~~
42 primary the voter has chosen to vote in during the past two years, provided, that in
43 counties having voter records maintained on electronic data processing equipment, such
44 lists shall not be furnished biennially but instead on the following schedule: once in

1 each odd-numbered year, once during the first six calendar months of each even-
2 numbered year, and once during the last six months of each even-numbered year. In
3 addition to the typed, mimeographed, xeroxed or computer print-out lists required
4 hereinabove, each county that provides voters' lists from computers shall, upon written
5 request from the State chairman of each political party, provide once in each odd-
6 numbered year, once during the first six calendar months of each even-numbered year,
7 and once during the last six months of each even-numbered year a computer disc or tape
8 containing the name, address, sex, race, age, ~~political affiliation~~ and precinct of each
9 registered voter and it shall be the responsibility of each State chairman receiving such
10 discs or tapes to provide them to candidates for election who are candidates of their
11 respective political parties and who request the discs or tapes in writing. The free list to
12 be furnished to the county chairman of each political party shall group the registered
13 voters by precinct and shall be furnished as soon as practicable but no later than 30 days
14 after said request. The discs or tapes to be furnished to the State chairman shall be
15 furnished as soon as practicable but no later than 30 days after the request, and the State
16 chairman is required to return the tapes or discs to the county board of elections within
17 30 days after receiving them."

18 Sec. 1.5. G.S. 163-97.1 is repealed.

19 **PART TWO – RIGHT TO VOTE IN PRIMARY.**

20 Sec. 2.1. G.S. 163-59 reads as rewritten:

21 **"§ 163-59. Right to participate or vote in party primary.**

22 ~~No person shall be entitled to vote or otherwise participate in the primary election of~~
23 ~~any political party unless he~~

24 (1) ~~Is a registered voter, and~~

25 (2) ~~Has declared and has had recorded on the registration book or record~~
26 ~~the fact that he affiliates with the political party in whose primary he~~
27 ~~proposes to vote or participate, and~~

28 (3) ~~Is in good faith a member of that party.~~

29 ~~Notwithstanding the previous paragraph, any unaffiliated voter who is authorized~~
30 ~~under G.S. 163-74(a1) may also vote in the primary if the voter is otherwise eligible to~~
31 ~~vote in that primary except for subdivisions (2) and (3) of the previous paragraph.~~

32 Any registered voter is entitled to vote in the primary election of a political party in
33 contests for offices that voter's residence qualifies him to vote for. The voter may vote
34 in the primary of the party he chooses on the day he votes, in accordance with G.S. 163-
35 150 and 163-226.1. No person shall vote in the primary of more than one party in the
36 same election.

37 Any person who will become qualified by age or residence to register and vote in the
38 general election or regular municipal election for which the primary is held, even
39 though not so qualified by the date of the primary, shall be entitled to register for the
40 primary and general or regular municipal election prior to the primary and then to vote
41 in the primary after being registered. Such person may register not earlier than 60 days
42 nor later than the last day for making application to register under G.S. 163-67. In
43 addition, persons who will become qualified by age to register and vote in the general
44 election or regular municipal election for which the primary is held, who do not register

1 during the special period may register to vote after such period as if they were qualified
2 on the basis of age, but until they are qualified by age to vote, they may vote only in
3 primary elections."

4 Sec. 2.2. G.S. 163-87 reads as rewritten:

5 **"§ 163-87. Challenges allowed on day of primary or election.**

6 On the day of a primary or election, at the time a registered voter offers to vote, any
7 other registered voter of the precinct may exercise the right of challenge, and when he
8 does so may enter the voting enclosure to make the challenge, but he shall retire
9 therefrom as soon as the challenge is heard.

10 On the day of a primary or election, any other registered voter of the precinct may
11 challenge a person for one or more of the following reasons:

- 12 (1) One or more of the reasons listed in G.S. 163-85(c), or
- 13 (2) That the person has already voted in that primary or election, or
- 14 (3) That the person presenting himself to vote is not who he represents
15 himself to be.

16 ~~On the day of a party primary, any voter of the precinct who is registered as a~~
17 ~~member of the political party conducting the primary may, at the time any registrant~~
18 ~~proposes to vote, challenge his right to vote upon the ground that he does not affiliate~~
19 ~~with the party conducting the primary or does not in good faith intend to support the~~
20 ~~candidates nominated in that party's primary, and it shall be the duty of the registrar and~~
21 ~~judges of election to determine whether or not the challenged registrant has a right to~~
22 ~~vote in that primary according to the procedures prescribed in G.S. 163-88; provided~~
23 ~~that no challenge may be made on the grounds specified in the paragraph against an~~
24 ~~unaffiliated voter voting in the primary under G.S. 163-74(a1).~~

25 If a person is challenged under this subsection, and the challenge is sustained under
26 G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. 163-72.3, if
27 eligible under that section, and the registration shall not be cancelled under G.S. 163-
28 90.2(a) if the transfer is made. A person who has transferred his registration under G.S.
29 163-72.3 may be challenged at the precinct to which the registration is being
30 transferred."

31 Sec. 2.3. G.S. 163-88 reads as rewritten:

32 **"§ 163-88. Hearing on challenge made on day of primary or election.**

33 A challenge entered on the day of a primary or election shall be heard and decided
34 by the registrar and judges of election of the precinct in which the challenged registrant
35 is registered before the polls are closed on the day the challenge is made. When the
36 challenge is heard the precinct officials conducting the hearing shall explain to the
37 challenged registrant the qualifications for registration and voting in this State, and shall
38 examine him as to his qualifications to be registered and to vote. If the challenged
39 registrant insists that he is qualified, and if, by sworn testimony, he shall prove his
40 identity with the person in whose name he offers to vote and his continued residence in
41 the precinct since he was registered, one of the judges of election or the registrar shall
42 tender to him the following oath or affirmation, omitting the portions in brackets if the
43 challenge is heard on the day of an election other than a primary:

1 'You do solemnly swear (or affirm) that you are a citizen of the United
 2 States; that you are at least 18 years of age [or will become 18 by the date
 3 of the next general election]; that you have [or will have] resided in this
 4 State and in the precinct for which registered for 30 days [by the date of
 5 the next general election]; that you are not disqualified from voting by the
 6 Constitution and laws of this State; that your name is, and that in
 7 such name you were duly registered as a voter of this precinct; that you
 8 are the person you represent yourself to be; ~~[that you are affiliated with~~
 9 ~~the party];~~ and that you have not voted in this [primary] election at
 10 this or any other voting place. So help you, God.'

11 If the challenged registrant refuses to take the tendered oath, the challenge shall be
 12 sustained, and the precinct officials conducting the hearing shall mark the registration
 13 records to reflect their decision, and they shall erase the challenged registrant's name
 14 from the pollbook if it has been entered therein. If the challenged registrant takes the
 15 tendered oath, the precinct officials conducting the hearing may, nevertheless, sustain
 16 the challenge unless they are satisfied that the challenged registrant is a legal voter. If
 17 they are satisfied that he is a legal voter, they shall overrule the challenge and permit
 18 him to vote. Whenever any person's vote is received after having taken the oath
 19 prescribed in this section, the registrar or one of the judges of election shall write on the
 20 registration record and on the pollbook opposite the registrant's name the word 'sworn.'

21 Precinct election officials conducting hearings on challenges on the day of a primary
 22 or election shall have authority to administer the necessary oaths or affirmations to all
 23 witnesses brought before them to testify to the qualifications of the person challenged.

24 A letter or postal card mailed by returnable mail and returned by the United States
 25 Postal Service purportedly because the person no longer lives at that address or because
 26 a forwarding order has expired shall not be admissible evidence in a challenge heard
 27 under this section which was made under G.S. 163-87."

28 Sec. 2.4. G.S. 163-90.1(b) reads as rewritten:

29 "(b) No challenge shall be sustained unless the challenge is substantiated by
 30 affirmative proof. In the absence of such proof, the presumption shall be that the voter is
 31 properly registered ~~or affiliated.~~"

32 Sec. 2.5. G.S. 163-90.2 reads as rewritten:

33 "**§ 163-90.2. Action when challenge sustained, overruled, or dismissed.**

34 (a) When any challenge is sustained for any cause listed under G.S. 163-85(c),
 35 the board shall cancel the voter registration of the voter and shall remove his card from
 36 the book, but shall maintain such record for at least six months and during the pendency
 37 of any appeal.

38 ~~(b) When any challenge heard under G.S. 163-88 or 163-89 is sustained on the~~
 39 ~~ground that the voter is not affiliated with the political party shown on his registration~~
 40 ~~record, the board shall change the voter's party affiliation to "unaffiliated."~~

41 (c) When any challenge made under G.S. 163-85 is overruled or dismissed,
 42 the board shall erase the word 'challenged' which appears on the person's registration
 43 records.

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

6 Sec. 2.6. G.S. 163-150 reads as rewritten:

7 **"§ 163-150. Voting procedures.**

8 (a) Checking Registration. – A person seeking to vote shall enter the voting
9 enclosure at the voting place through the appropriate entrance and shall at once state his
10 name and place of residence to one of the judges of election. ~~In a primary election, the~~
11 ~~voter shall also state the political party with which he affiliates and in whose primary he~~
12 ~~desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of~~
13 ~~a particular party under G.S. 163-74(a1), the voter shall state the name of the~~
14 ~~authorizing political party in whose primary he wishes to vote. In a primary election,~~
15 the voter shall state the political party in whose primary he chooses to vote that day. The
16 judge to whom the voter gives this information shall announce the name and residence
17 of the voter in a distinct tone of voice. After examining the precinct registration
18 records, the registrar shall state whether the person seeking to vote is duly registered.

19 (b) Distribution of Ballots; Information. – If the voter is found to be registered
20 and is not challenged, or, if challenged and the challenge is overruled as provided in
21 G.S. 163-88, the responsible judge of election shall hand him an official ballot of each
22 kind he is entitled to vote. In a primary election the voter shall be furnished ballots of
23 the political party ~~with which he affiliates and no others, except that unaffiliated voters~~
24 ~~who are permitted to vote in a party primary under G.S. 163-74(a1) shall be furnished~~
25 ~~ballots for that primary. No such unaffiliated voter shall vote in the primary of more~~
26 ~~than one party on the same day. in whose primary he wishes to vote according to~~
27 subsection (a) of this section. No person shall vote in the primary of more than one
28 party in the same election. It shall be the duty of the registrar and judges holding the
29 primary or election to give any voter any information he desires in regard to the kinds of
30 ballots he is entitled to vote and the names of the candidates on the ballots. In response
31 to questions asked by the voter, the registrar and judges shall communicate to him any
32 information necessary to enable him to mark his ballot as he desires.

33 (c) Act of Voting. – When a person is given official ballots by the judge, he shall
34 be deemed to have begun the act of voting, and he shall not leave the voting enclosure
35 until he has deposited his ballots in the ballot boxes or returned them to the precinct
36 officials. When he leaves the voting enclosure, whether or not he has deposited his
37 ballots in the ballot boxes, he shall not be entitled to enter the voting enclosure again for
38 the purpose of voting. On receiving his ballots, the voter shall immediately retire alone
39 to one of the voting booths unless he is entitled to assistance under the provisions of
40 G.S. 163-152, and without undue delay he shall mark his ballots in accordance with the
41 provisions of G.S. 163-151.

42 (d) Spoiled and Damaged Ballots. – If a voter spoils or damages a ballot, he may
43 obtain another upon returning the spoiled or damaged ballot to the registrar. A voter
44 shall not be given a replacement ballot until he has returned the spoiled or damaged

1 ballot, and he shall not be given more than three replacement ballots in all. The registrar
2 shall deposit each spoiled or damaged ballot in the box provided for that purpose.

3 (e) Depositing Ballots and Leaving Enclosure. – When the voter has marked his
4 ballots he shall leave the voting booth and deposit them in the appropriate boxes or hand
5 them to the registrar or a judge who shall deposit them for him. If he does not mark a
6 ballot he shall return it to one of the precinct officials before leaving the voting
7 enclosure. If the voter has been challenged and the challenge has been overruled, before
8 depositing his ballots in the boxes he shall write his name on each of his ballots so they
9 may be identified in the event his right to vote is again questioned. After depositing his
10 ballots in the ballot boxes, the voter shall immediately leave the voting enclosure unless
11 he is one of the persons authorized by law to remain within the enclosure for purposes
12 other than voting.

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

29 (g) Occupation of Voting Booth. – Subject to the provisions of G.S. 163-152 and
30 G.S. 163-152.1, no voter shall be allowed to occupy a voting booth or voting machine
31 already occupied by another voter, provided, however, husbands and wives may occupy
32 the same voting booth if both wish to do so. No voter shall be allowed to occupy a
33 voting booth or voting machine more than five minutes if all the booths or machines are
34 in use and other voters are waiting to obtain booths or machines."

35 Sec. 2.7. G.S. 163-111(e) reads as rewritten:

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

39 There shall be no registration of voters between the dates of the first and second
40 primaries. Persons whose qualifications to register and vote mature after the day of the
41 first primary and before the day of the second primary may register on the day of the
42 second primary and, when thus registered, shall be entitled to vote in the second
43 primary. The second primary is a continuation of the first primary and any voter who
44 files a proper and timely affidavit of transfer of precinct, under the provisions of G.S.

1 163-72(c), before the first primary may vote in the second primary without having to
2 refile the affidavit of transfer if he is otherwise qualified to vote in the second primary.
3 No person who voted in the first primary of one party may vote in the second primary of
4 another party in the same election cycle. Subject to this provision for registration, the
5 second primary shall be held under the laws, rules, and regulations provided for the first
6 primary."

7 Sec. 2.8. G.S. 163-283 reads as rewritten:

8 "**§ 163-283. Right to participate or vote in party primary.**

9 ~~No person shall be entitled to vote or otherwise participate in the primary election of~~
10 ~~any political party unless he~~

11 (1) ~~Is a registered voter, and~~

12 (2) ~~Has declared and has had recorded on the registration book or record~~
13 ~~the fact that he affiliates with the political party in whose primary he~~
14 ~~proposes to vote or participate, and~~

15 (3) ~~Is in good faith a member of that party.~~

16 ~~Notwithstanding the previous paragraph, any unaffiliated voter who is~~
17 ~~authorized under G.S. 163-74(a1) may also vote in the primary if the voter is otherwise~~
18 ~~eligible to vote in that primary except for subdivisions (2) and (3) of the previous~~
19 ~~paragraph.~~

20 Any registered voter is entitled to vote in the primary election of a political party in
21 contests for offices that voter's residence qualifies him to vote for. The voter may vote
22 in the primary of the party he chooses on the day he votes, in accordance with G.S. 163-
23 150 and G.S. 163-226.1. No person shall vote in the primary of more than one party in
24 the same election.

25 Any person who will become qualified by age or residence to register and vote in the
26 general election for which the primary is held, even though not so qualified by the date
27 of the primary election, shall be entitled to register while the registration books are open
28 during the regular registration period prior to the primary and then to vote in the
29 primary after being registered, provided however, under full-time and permanent
30 registration, such an individual may register not earlier than 60 days nor later than the
31 last day for making application to register under G.S. 163-67 prior to the primary. In
32 addition, persons who will become qualified by age to register and vote in the general
33 election for which the primary is held, who do not register during the special period may
34 register to vote after such period as if they were qualified on the basis of age, but until
35 they are qualified by age to vote, they may vote only in primary elections."

36 **PART THREE – ABSENTEE VOTING.**

37 Sec. 3.1. G.S. 163-226.1 reads as rewritten:

38 "**§ 163-226.1. Absentee voting in primary.**

39 A qualified voter may vote by absentee ballot in a statewide or countywide primary
40 ~~provided he is affiliated, at the time he makes application for absentee ballots, with the~~
41 ~~political party in whose primary he wishes to vote. The official registration records of~~
42 ~~the county in which the voter is registered shall be proof of whether he is affiliated with~~
43 ~~a political party and of the party, if any, with which he is affiliated. the voter states:~~

- 1 (1) In the written request for an absentee-ballot application he makes
2 pursuant to G.S. 163-230.1;
3 (2) In person when he requests an application to vote by one-stop absentee
4 ballot pursuant to G.S. 163-227.2; or
5 (3) In person when he requests an absentee-ballot application pursuant to
6 G.S. 163-227
7 the party in whose primary he wishes to vote. No person shall vote in the primaries of
8 more than one party in the same election."

9 Sec. 3.2. G.S. 163-227(c)(5) reads as rewritten:

10 "(5) The form of application for persons applying to vote in a primary
11 under the provisions of this section shall be as designed and prescribed
12 by the State Board of Elections. No voter shall be furnished ballots for
13 voting in a primary except the ballots for candidates for nomination in
14 the primary of the political party ~~with which he is affiliated at the time~~
15 ~~he makes application for absentee ballots. The official registration~~
16 ~~records of the county in which the voter is registered shall be proof of~~
17 ~~the party, if any, with which the voter is affiliated. designated by the~~
18 ~~voter in accordance with G.S. 163-226.1."~~

19 Sec. 3.3. G.S. 163-227.1 reads as rewritten:

20 "**§ 163-227.1. Second primary; applications for absentee ballots for voting in**
21 **second primary.**

22 A voter applying for an absentee ballot for a primary election who will be absent
23 from the county of his residence on the day of the primary and second primary shall be
24 permitted by the county board of elections to indicate such fact on his application and
25 such voter shall automatically be issued an absentee ballot for the second primary if one
26 is called. The county board of elections shall consider such indication a separate
27 application for the second primary and, at the proper time, shall enter such voter's name
28 in the absentee register along with the listing of other applicants for absentee ballots for
29 the second primary.

30 In addition, a voter entitled to absentee ballots under the provisions of this Article
31 who did not make application for the primary or who failed to apply for a second
32 primary ballot at the time of application for a first primary ballot may apply for absentee
33 ballots for a second primary not earlier than the day a second primary is called and not
34 later than 5:00 P.M. on the Tuesday prior to the date on which the second primary is
35 held.

36 No person who voted in the first primary of one party shall vote, by absentee ballot
37 or otherwise, in the second primary of another party in the same election cycle.

38 All procedures with respect to absentee ballots in a second primary shall be the same
39 as with respect to absentee ballots in a first primary except as otherwise provided by this
40 section."

41 Sec. 3.4. G.S. 163-230(1) reads as rewritten:

42 "(1) Record of Applications Received and Ballots Issued. – Upon receipt of
43 a voter's written application for absentee ballots, the chairman of the
44 county board of elections shall promptly enter in the register of

1 absentee ballot application and ballots issued so much of the following
2 information as he has not already entered there under the provisions of
3 G.S. 163-227(4) [163-227(b)(4)]:

- 4 a. Name of voter applying for absentee ballots, and, if applicable,
5 the name and address of the voter's near relative who applied
6 for the application for absentee ballots.
7 b. Number of assigned voter's application when issued.
8 c. Precinct in which applicant is registered.
9 d. Address to which ballots are to be mailed, or that the voter
10 voted pursuant to G.S. 163-227.2.
11 e. Reason assigned for requesting absentee ballots.
12 f. Date application for ballots is received by chairman.
13 ~~g. The voter's party affiliation."~~

14 Sec. 3.5. G.S. 163-134(3) reads as rewritten:

15 "(3) The counting of absentee ballots shall not commence until a majority
16 and at least one board member ~~of each political party represented on~~
17 ~~the board~~ appointed from the nominees of each political party is
18 present and such fact is publicly declared and entered in the official
19 minutes of the county board."

20 Sec. 3.6. G.S. 163-247(2) reads as rewritten:

21 "(2) Application to Chairman of County Board of Elections. – In lieu of
22 applying on the federal post card as provided in the preceding
23 subdivision, at any time prior to the statewide primary or general
24 election in which he seeks to vote the applicant may make and sign a
25 written application to the chairman of the board of elections of the
26 county of his residence upon a form prepared and furnished him upon
27 request by the county board of elections. This form shall require the
28 applicant's signature and shall elicit from him:

- 29 a. A request for absentee ballots to be voted in a specified
30 statewide primary or general election.
31 b. ~~A statement of his political party affiliation if~~ If he seeks to vote
32 by absentee ballot in a primary election, a statement of
33 the party in whose primary he wishes to vote. No person shall
34 vote in the primaries of more than one party in the same
35 election.
36 c. A statement of his membership in the armed forces of the
37 United States, or his membership in one of the other categories
38 to which this Article is made applicable in G.S. 163-245.
39 d. A statement of the precinct in which he is registered to vote, or,
40 if the applicant is not registered, a statement of his address
41 before entering military or other qualifying service and the
42 period of time he resided at that address.
43 e. A statement of the address to which the absentee ballots should
44 be mailed.

In lieu of using a form prepared and furnished by the county board of elections, the voter may apply in an informal writing. If the written application is signed by the voter and if it contains all the information required by this subdivision, it shall be regarded as sufficient to permit the chairman of the county board of elections to act upon it."

Sec. 3.7. G.S. 163-248(c) reads as rewritten:

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

- (1) On one side shall be arranged identified spaces in which the chairman of the county board of elections may insert the name of the applicant, the number assigned his application, and the designation of the precinct in which his ballots are to be voted.
- (2) On the other side shall be printed the return address of the chairman of the county board of elections and the following certificate:

'CERTIFICATE OF ABSENTEE VOTER

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

Serving in the armed forces of the United States

The spouse of a member of the armed forces of the United States residing outside the county of my spouse's residence

A disabled war veteran in a United States government hospital

A civilian attached to and serving outside the United States with the armed forces of the United States

A member of the Peace Corps

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

I further certify that the following is my official address:

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

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

[Street number, APO, or FPO number]

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

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

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

3
4 (Signature of voter)

5 Signature of witness #1

6 Address of witness #1

7 Signature of witness #2

8 Address of witness #2

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

11 Sec. 3.8. G.S. 163-249(1) reads as rewritten:

12 "(1) Record of Applications Received and Ballots Issued. – Upon receipt of
13 a voter's written application for absentee ballots in either of the forms
14 permitted by G.S. 163-247, the chairman of the county board of
15 elections shall promptly enter in the register of military absentee ballot
16 applications and ballots issued:

- 17 a. Name of voter applying for absentee ballots.
- 18 b. ~~Applicant's political party affiliation as stated in an application~~
19 ~~for ballots in a primary.~~ The political party in whose primary
20 the voter chose to vote.
- 21 c. Number assigned voter's application. (Numbers assigned
22 applications received under the provisions of this Article shall
23 be chosen so as not to be identical with numbers assigned
24 applications received under the provisions of Article 20.)
- 25 d. Precinct in which applicant is registered if he is already
26 registered, or precinct in which applicant is registered by the
27 chairman of the county board of elections under the provisions
28 of subdivisions (2) and (3) of this section.
- 29 e. Address to which ballots are to be mailed.
- 30 f. Statement of basis on which applicant asserts his qualifications
31 for obtaining absentee ballots under the provisions of this
32 Article.
- 33 g. Date application for ballots is received by chairman."

34 **PART FOUR – PRESIDENTIAL PRIMARY.**

35 Sec. 4.1. G.S. 163-213.2 reads as rewritten:

36 **"§ 163-213.2. Primary to be held; date; qualifications and registration of voters.**

37 On the Tuesday after the first Monday in May, 1992, and every four years thereafter,
38 the voters of this State shall be given an opportunity to express their preference for the
39 person to be the presidential candidate of ~~their a~~ political party.

40 Any person otherwise qualified who will become qualified by age to vote in the
41 general election held in the same year of the presidential preference primary shall be
42 entitled to register and vote in the presidential preference primary. Such persons may
43 register not earlier than 60 days nor later than the last day for making application to
44 register under G.S. 163-67 prior to the said primary. In addition, persons who will

1 become qualified by age to register and vote in the general election for which the
2 primary is held, who do not register during the special period may register to vote after
3 such period as if they were qualified on the basis of age, but until they are qualified by
4 age to vote, they may vote only in primary elections."

5 Sec. 4.2. G.S. 163-213.5 reads as rewritten:

6 **"§ 163-213.5. Nomination by petition.**

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

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

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

29 The State Board of Elections shall forthwith determine the sufficiency of petitions
30 filed with it and shall immediately communicate its determination to the chairman of
31 such group organized to circulate petitions. The form and style of petition shall be as
32 prescribed by the State Board of Elections."

33 Sec. 4.3. G.S. 163-213.7 reads as rewritten:

34 **"§ 163-213.7. Voting in presidential preference primary; ballots.**

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

44 **PART FIVE – CANDIDACY FOR ELECTIVE OFFICE.**

1 Sec. 5.1. G.S. 163-106 reads as rewritten:

2 **"§ 163-106. Notices of candidacy; pledge; with whom filed; date for filing;**
3 **withdrawal.**

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

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

15 Name of candidate Witness:

16

17

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

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

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

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

38 ~~(b) Eligibility to File. — No person shall be permitted to file as a candidate in a~~
39 ~~primary if, at the time he offers to file notice of candidacy, he is registered on the~~
40 ~~appropriate registration book or record as an affiliate of a political party other than that~~
41 ~~in whose primary he is attempting to file. No person who has changed his political party~~
42 ~~affiliation or who has changed from unaffiliated status to party affiliation as permitted~~
43 ~~in G.S. 163-74(b), shall be permitted to file as a candidate in the primary of the party to~~
44 ~~which he changed unless he has been affiliated with the political party in which he seeks~~

1 ~~to be a candidate for at least 90 days prior to the filing date for the office for which he~~
2 ~~desires to file his notice of candidacy.~~

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

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

9 Governor

10 Lieutenant Governor

11 All State executive officers

12 Justices of the Supreme Court, Judges of the Court of Appeals

13 Judges of the superior courts

14 Judges of the district courts

15 United States Senators

16 Members of the House of Representatives of the United States

17 District attorneys

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

22 State Senators

23 Members of the State House of Representatives

24 All county offices.

25 (d) Notice of Candidacy for Certain Offices to Indicate Vacancy. – In any
26 primary in which there are two or more vacancies for Chief Justice and associate
27 justices of the Supreme Court, two or more vacancies for judge of the Court of Appeals,
28 or two vacancies for United States Senator from North Carolina or two or more
29 vacancies for the office of district court judge to be filled by nominations, each
30 candidate shall, at the time of filing notice of candidacy, file with the State Board of
31 Elections a written statement designating the vacancy to which he seeks nomination.
32 Votes cast for a candidate shall be effective only for his nomination to the vacancy for
33 which he has given notice of candidacy as provided in this subsection.

34 A person seeking party nomination for a specialized district judgeship established
35 under G.S. 7A-147 shall, at the time of filing notice of candidacy, file with the State
36 Board of Elections a written statement designating the specialized judgeship to which he
37 seeks nomination.

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

1 (f) Candidates required to file their notice of candidacy with the State Board of
2 Elections under subsection (c) of this section shall file along with their notice a
3 certificate signed by the chairman of the board of elections or the supervisor of elections
4 of the county in which they are registered to vote, stating that the person is registered to
5 vote in that county, ~~stating the party with which the person is affiliated, and that the~~
6 ~~person has not changed his affiliation from another party or from unaffiliated within~~
7 ~~three months prior to the filing deadline under subsection (c) of this section.~~ In issuing
8 such certificate, the chairman or supervisor shall check the registration records of the
9 county to verify such information. During the period commencing 36 hours immediately
10 preceding the filing deadline the State Board of Elections shall accept, on a conditional
11 basis, the notice of candidacy of a candidate who has failed to secure the verification
12 ordered herein subject to receipt of verification no later than three days following the
13 filing deadline. The State Board of Elections shall prescribe the form for such
14 certificate, and distribute it to each county board of elections no later than the last
15 Monday in December of each odd-numbered year.

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

23 (h) No person may file a notice of candidacy for more than one office described
24 in subsection (c) of this section for any one election. If a person has filed a notice of
25 candidacy with a board of elections under this section for one office, then a notice of
26 candidacy may not later be filed for any other office under this section when the
27 election is on the same date unless the notice of candidacy for the first office is
28 withdrawn under subsection (e) of this section; provided that this subsection shall not
29 apply unless the deadline for filing notices of candidacy for both offices is the same.
30 Notwithstanding this subsection, a person may file a notice of candidacy for a full term
31 as United States Senator, and also file a notice of candidacy for the remainder of the
32 unexpired term of that same seat in an election held under G.S. 163-12, and may file a
33 notice of candidacy for a full term as a member of the United States House of
34 Representatives, and also file a notice of candidacy for the remainder of the unexpired
35 term in an election held under G.S. 163-13.

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

44 **PART SIX – APPOINTING ELECTIONS OFFICIALS.**

1 Sec. 6.1. G.S. 163-19 reads as rewritten:

2 "**§ 163-19. State Board of Elections; appointment; term of office; vacancies; oath**
3 **of office.**

4 All of the terms of office of the present members of the State Board of Elections
5 shall expire on May 1, 1969, or when their successors in office are appointed and
6 qualified.

7 The State Board of Elections shall consist of five registered voters whose terms of
8 office shall begin on May 1, 1969, and shall continue for four years, and until their
9 successors are appointed and qualified. The Governor shall appoint the members of this
10 Board and likewise shall appoint their successors every four years at the expiration of
11 each four-year term. ~~Not more than three members of the Board shall be members of the~~
12 ~~same political party.~~—The Governor shall appoint the members from a list of nominees
13 submitted to him by the State party chairman of each of the two political parties having
14 the highest number of registered affiliates as reflected by the latest registration statistics
15 published by the State Board of Elections. Each party chairman shall submit a list of
16 five nominees who are affiliated with that political party. Not more than three members
17 of the Board shall be appointed from the same party chairman's list of nominees.

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

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

25 'I,, do solemnly swear (or affirm) that I will support the Constitution
26 of the United States; that I will be faithful and bear true allegiance to the
27 State of North Carolina, and to the constitutional powers and authorities
28 which are or may be established for the government thereof; that I will
29 endeavor to support, maintain and defend the Constitution of said State,
30 and that I will well and truly execute the duties of the office of member of
31 the State Board of Elections according to the best of my knowledge and
32 ability, according to law, so help me, God.'

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

35 No person shall be eligible to serve as a member of the State Board of Elections who
36 holds any elective or appointive office under the government of the United States, or of
37 the State of North Carolina or any political subdivision thereof. No person who holds
38 any office in a political party, or organization, or who is a candidate for nomination or
39 election to any office, or who is a campaign manager or treasurer of any candidate in a
40 primary or election shall be eligible to serve as a member of the State Board of
41 Elections."

42 Sec. 6.2. G.S. 163-30 reads as rewritten:

43 "**§ 163-30. County boards of elections; appointments; terms of office;**
44 **qualifications; vacancies; oath of office; instructional meetings.**

1 In every county of the State there shall be a county board of elections, to consist of
2 three persons of good moral character who are registered voters in the county in which
3 they are to act. Members of county boards of elections shall be appointed by the State
4 Board of Elections on the last Tuesday in June 1985, and every two years thereafter, and
5 their terms of office shall continue for two years from the specified date of appointment
6 and until their successors are appointed and qualified. ~~Not more than two members of
7 the county board of elections shall belong to the same political party.~~

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

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

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

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

22 The State chairman of each political party shall have the right to recommend to the
23 State Board of Elections three registered voters in each county for appointment to the
24 board of elections for that county. If such recommendations are received by the Board
25 15 or more days before the last Tuesday in June 1985, and each two years thereafter, it
26 shall be the duty of the State Board of Elections to appoint the county boards from the
27 names thus recommended. No more than two Board members shall be from the same
28 political party chairman's list of recommendations.

29 Whenever a vacancy occurs in the membership of a county board of elections for
30 any cause the State chairman of the political party ~~of the vacating member from whose~~
31 list the vacating member was appointed shall have the right to recommend two
32 registered voters of the affected county for such office, and it shall be the duty of the
33 State Board of Elections to fill the vacancy from the names thus recommended.

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

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 not inconsistent with the Constitution of the United States; and that I will
43 well and truly execute the duties of the office of member of the

1 County Board of Elections to the best of my knowledge and ability,
2 according to law; so help me God.'

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

7 Sec. 6.3. G.S. 163-41 reads as rewritten:

8 **"§ 163-41. Precinct registrars and judges of election; special registration**
9 **commissioners; appointment; terms of office; qualifications; vacancies;**
10 **oaths of office.**

11 (a) Appointment of Registrar and Judges. – At the meeting required by G.S. 163-
12 31 to be held on the Tuesday following the third Monday in August of the year in which
13 they are appointed, the county board of elections shall appoint one person to act as
14 registrar and two other persons to act as judges of election for each precinct in the
15 county. Their terms of office shall continue for two years from the specified date of
16 appointment and until their successors are appointed and qualified. It shall be their duty
17 to conduct the primaries and elections within their respective precincts. Persons
18 appointed to these offices must be registered voters and residents of the precinct for
19 which appointed, of good repute, and able to read and write. ~~Not more than one judge in~~
20 ~~each precinct shall belong to the same political party as the registrar.~~

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

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

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

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

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

1 board of elections must appoint that person. No more than one judge in each precinct
2 shall have been recommended by the same political party chairman.

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

19 If any person appointed registrar shall fail to be present at the voting place at the
20 hour of opening the polls on primary or election day, or if a vacancy in that office shall
21 occur on primary or election day for any reason whatever, the precinct judges of
22 election shall appoint another to act as registrar until such time as the chairman of the
23 county board of elections shall appoint to fill the vacancy. If such appointment by the
24 chairman of the county board of elections is not a person nominated by the county
25 chairman of the political party ~~of that nominated~~ the vacating officer, then the term of
26 office of the person appointed to fill the vacancy shall expire upon the conclusion of the
27 next canvass held by the county board of elections under this Chapter. If a judge of
28 election shall fail to be present at the voting place at the hour of opening the polls on
29 primary or election day, or if a vacancy in that office shall occur on primary or election
30 day for any reason whatever, the registrar shall appoint another to act as judge until such
31 time as the chairman of the county board of elections shall appoint to fill the vacancy.
32 Persons appointed to fill vacancies ~~shall, whenever possible, be chosen from the same~~
33 ~~political party as the person whose vacancy is being filled, and all such appointees shall~~
34 ~~be sworn before acting. If the registrar or judge being temporarily replaced was~~
35 ~~appointed from a list of names which the board of elections was required to appoint one~~
36 ~~of, then whenever possible, those filling the temporary vacancies pursuant to this~~
37 ~~paragraph shall do so from the same list of nominees made by the political party~~
38 ~~chairman who nominated the official being replaced.~~

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

43 I,, do solemnly swear (or affirm) that I will support the
44 Constitution of the United States; that I will be faithful and bear true

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

12 Notwithstanding the previous paragraph, a person appointed registrar by the judges
13 of election under this section, or appointed judge of election by the registrar under this
14 section may take the oath of office immediately upon appointment.

15 Before the opening of the polls on the morning of the primary or election, the
16 registrar shall administer the oath set out in the preceding paragraph to each assistant,
17 and any judge of elections not previously sworn, substituting for the words 'registrar of
18 the words 'assistant in' or 'judge of elections in' whichever is appropriate.

19 (b) Appointment of Special Registration Commissioners. – In each county the
20 county board of elections shall appoint as special registration commissioners the
21 persons required by the next paragraph of this subsection, and may appoint additional
22 persons as special registration commissioners. Special registration commissioners shall
23 serve a term to expire on the date on which registrars and judges are appointed pursuant
24 to subsection (a) of this subsection, and may be removed with cause. A special
25 registration commissioner for a county must be a registered voter of that county.

26 In each county, the county chairman of each of the two political parties having the
27 greatest voter registration in the State may each, from time to time until the maximum
28 number of special registration commissioners allowed by this sentence are appointed,
29 recommend voters who are eligible and who are residents of the county for appointment
30 as special registration commissioners in a number not to exceed:

- 31 (1) One per 2,500 (or major fraction) residents of the county according to
32 the most recent decennial federal census; or
- 33 (2) Five, whichever is greater, but in no case greater than 100. If such
34 recommendations are received by the county board of elections at least
35 seven days prior to the next meeting of the county board of elections,
36 the county board of elections shall at that meeting appoint as special
37 registration commissioners the qualified persons on each list. The
38 county board of elections shall meet within 45 days of receiving such
39 nominations.

40 No person shall be eligible to serve as a special registration commissioner, who
41 holds any elective office under the government of the United States, or of the State of
42 North Carolina or any political subdivision thereof.

1 No person shall be eligible to serve as a special registration commissioner, who
2 serves as chairman of any state, congressional district, county, or precinct political party
3 or political organization.

4 No person shall be eligible to serve as a special registration commissioner who is a
5 candidate for nomination or election.

6 No special registration commissioner who is the wife, husband, mother, father, son,
7 daughter, brother or sister of any candidate for nomination or election may serve as
8 special registration commissioner during the period beginning when the person files a
9 notice of candidacy or otherwise obtains ballot access and ending on the date of the
10 primary if the candidate is on the primary ballot or ending on the day of the general
11 election if the candidate is on the general election ballot. The county board of elections
12 shall temporarily disqualify the special registration commissioner for that period and
13 shall have authority to appoint a temporary substitute ~~who is a member of the same~~
14 ~~political party,~~ to serve until the special registration commissioner is no longer
15 disqualified.

16 If the commissioner being temporarily replaced was appointed from a list of names
17 which the board of elections was required to appoint one of, then the board of elections
18 must appoint the temporary substitute from a list of two names submitted by the
19 chairman of that political party.

20 Before being eligible to take the oath of office, each special registration
21 commissioner must receive the same training in registering voters as is required of
22 registrars and judges under G.S. 163-80(d).

23 Before entering upon his duties each special registration commissioner shall take
24 and subscribe the following oath of office to be administered by an officer authorized to
25 administer oaths and file it with the county board of elections:

26 'I,, do solemnly swear (or affirm) that I will support the
27 Constitution of the United States; that I will be faithful and bear true
28 allegiance to the State of North Carolina, and to the constitutional powers
29 and authorities which are or may be established for the government
30 thereof; that I will endeavor to support, maintain and defend the
31 Constitution of said State, not inconsistent with the Constitution of the
32 United States; that I will administer the duties of my office as special
33 registration commissioner for County without fear or favor, to the
34 best of my knowledge and ability, according to law; so help me, God.'

35 (b1) Repealed by Session Laws 1985, c. 387, s. 1.1.

36 (c) Publication of Names of Precinct Officials. – Immediately after appointing
37 registrars, judges, and special registration commissioners as herein provided, the county
38 board of elections shall publish the names of the persons appointed in some newspaper
39 having general circulation in the county or, in lieu thereof, at the courthouse door, and
40 shall notify each person appointed of his appointment, either by letter or by having a
41 notice served upon him by the sheriff. Notice may additionally be made on a radio or
42 television station or both, but such notice shall be in addition to the newspaper and other
43 required notice."

44 Sec. 6.4. G.S. 163-41.1(b) reads as rewritten:

1 "(b) No precinct official who is the wife, husband, mother, father, son, daughter,
2 brother or sister of any candidate for nomination or election may serve as precinct
3 official during any primary or election in which such candidate participates. The county
4 board of elections shall temporarily disqualify any such official for the specific primary
5 or election involved and shall have authority to appoint a substitute official, ~~from the~~
6 ~~same political party,~~ official to serve only during the primary or election at which such
7 conflict exists. If the precinct official being temporarily replaced was appointed from a
8 list of names which the board of elections was required to appoint one of, then the board
9 of elections shall appoint the temporary substitute from a list of two names submitted by
10 the chairman of that political party."

11 Sec. 6.5. G.S. 163-42 reads as rewritten:

12 **"§ 163-42. Assistants at polls; appointment; term of office; qualifications; oath of**
13 **office.**

14 Each county and municipal board of elections is authorized, in its discretion, to
15 appoint two or more assistants for each precinct to aid the registrar and judges. Not
16 more than two assistants shall be appointed in precincts having 500 or less registered
17 voters. Assistants shall be qualified voters of the precinct for which appointed. ~~When~~
18 ~~the board of elections determines that assistants are needed in a precinct an equal~~
19 ~~number shall be appointed from different political parties, unless the requirement as to~~
20 ~~party affiliation cannot be met because of an insufficient number of voters of different~~
21 ~~political parties within a precinct.~~

22 The chairman of each political party in the county shall have the right to recommend
23 from three to 10 registered voters in each precinct for appointment as precinct assistants
24 in that precinct. If the recommendations are received by it no later than the thirtieth day
25 prior to the primary or election, the board shall make appointments of the precinct
26 assistants for each precinct from the names thus recommended. When practicable, the
27 board of elections shall appoint an equal number of assistants in each precinct from the
28 list of each political party.

29 Before entering upon the duties of the office, each assistant shall take the oath
30 prescribed in G.S. 163-41(a) to be administered by the registrar of the precinct for
31 which the assistant is appointed. Assistants serve for the particular primary or election
32 for which they are appointed, unless the county board of elections appoints them for a
33 term to expire on the date appointments are to be made pursuant to G.S. 163-41."

34 **PART SEVEN – REPLACING VACANCIES IN ELECTIVE OFFICE.**

35 Sec. 7.1. G.S. 163-13(b) reads as rewritten:

36 "(b) Nominating Procedures. – If a congressional vacancy occurs beginning on the
37 tenth day before the filing period ends under G.S. 163-106(c) preceding the next
38 succeeding general election, candidates for the special election to fill the vacancy shall
39 not be nominated in primaries. Instead, nominations may be made by the political party
40 congressional district executive committees in the district in which the vacancy occurs.
41 The chairman and secretary of each political party congressional district executive
42 committee nominating a candidate shall immediately certify his name ~~and party~~
43 ~~affiliation~~ to the State Board of Elections so that it may be printed on the special
44 election ballots.

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

11 Sec. 7.2. G.S. 163-11 reads as rewritten:

12 **"§ 163-11. Filling vacancies in the General Assembly.**

13 (a) If a vacancy shall occur in the General Assembly by death, resignation, or
14 otherwise than by expiration of term, the Governor shall immediately appoint for the
15 unexpired part of the term a qualified person. If the vacating member was the nominee
16 of a political party in the last election, the Governor shall appoint the person
17 recommended by the political party executive committee provided by this section. The
18 Governor shall make the appointment within seven days of receiving the
19 recommendation of the appropriate committee. If the Governor fails to make the
20 appointment within the required period, he shall be presumed to have made the
21 appointment and the legislative body to which the appointee was recommended is
22 directed to seat the appointee as a member in good standing for the duration of the
23 unexpired term.

24 (b) If the district consists solely of one county and includes all of that county, the
25 Governor shall appoint the person recommended by the county executive committee of
26 the political party ~~with which the vacating member was affiliated when elected,~~ whose
27 nominee the vacating member was when last elected, it being the party executive
28 committee of the county which the vacating member was resident.

29 (c) If the district consists solely of one county but includes less than all of the
30 county, the Governor shall appoint the person recommended by the county executive
31 committee of the political party ~~with which the vacating member was affiliated when~~
32 ~~elected,~~ whose nominee the vacating member was when last elected, it being the county
33 executive committee of the county which the vacating member was resident, provided
34 that in voting only those county executive committee members who reside in the district
35 shall be eligible to vote.

36 (d) If the district consists of more than one county, the Governor shall appoint
37 for the unexpired portion of the term the person recommended by the State House of
38 Representatives district committee or the Senatorial district committee of the political
39 party ~~with which the vacating member was affiliated when elected,~~ whose nominee the
40 vacating member was when last elected. In the case where all of a county is included
41 within a district, the county convention or county executive committee of that political
42 party shall elect or appoint at least one member from that county to serve on the State
43 House of Representatives district executive committee or State Senatorial district
44 executive committee. In the case where only part of a county is included within a

1 district, the county convention or county executive committee of that political party
2 shall elect or appoint at least one member from that county to serve on the State House
3 of Representatives district committee or the State Senatorial district committee, but only
4 the delegates to the county convention or the members of the county executive
5 committee who reside in the district may vote in electing the district committee
6 member. When the State House of Representatives district committee or the State
7 Senatorial district committee meets, a member shall be entitled to cast for his county (or
8 the part of his county within the district) one vote for each 300 persons or major fraction
9 thereof residing within that county, or in the case where less than the whole county is in
10 the district one vote for each 300 persons or major fraction thereof residing in that part
11 of the district within the county.

12 A county convention or county executive committee may elect more than one
13 member to the district committee but in the event that more than one member is selected
14 from that county, then each member shall cast an equal share of the votes allotted to the
15 county."

16 Sec. 7.3. G.S. 153A-27 is repealed.

17 Sec. 7.4. G.S. 153A-27.1 reads as rewritten:

18 "**§ 153A-27.1. Vacancies on board of ~~commissioners in certain counties.~~**
19 **commissioners.**

20 (a) If a vacancy occurs on the board of commissioners, the remaining members
21 of the board shall appoint a qualified person to fill the vacancy. If the number of
22 vacancies on the board is such that a quorum of the board cannot be obtained, the
23 chairman of the board shall appoint enough members to make up a quorum, and the
24 board shall then proceed to fill the remaining vacancies. If the number of vacancies on
25 the board is such that a quorum of the board cannot be obtained and the office of
26 chairman is vacant, the clerk of superior court of the county shall fill the vacancies upon
27 the request of any remaining member of the board or upon the petition of any registered
28 voters of the county.

29 (b) If the member being replaced was serving a two-year term, or if the member
30 was serving a four-year term and the vacancy occurs later than 60 days before the
31 general election held after the first two years of the term, the appointment to fill the
32 vacancy is for the remainder of the unexpired term. Otherwise, the term of the person
33 appointed to fill the vacancy extends to the first Monday in December next following
34 the first general election held more than 60 days after the day the vacancy occurs; at that
35 general election, a person shall be elected to the seat vacated for the remainder of the
36 unexpired term.

37 (c) To be eligible for appointment to fill a vacancy, a person must ~~(i) be a~~
38 ~~member of the same political party as the member being replaced, if that member was~~
39 ~~elected as the nominee of a political party, and (ii) be a resident of the same district as~~
40 the member being replaced, if the county is divided into electoral districts.

41 (d) If the member who vacated the seat was elected as a nominee of a political
42 party, the board of commissioners, the chairman of the board, or the clerk of superior
43 court, as the case may be, shall consult the county executive committee of the
44 appropriate political party before filling the vacancy, and shall appoint the person

1 recommended by the county executive committee of ~~the~~ that political party ~~of which the~~
2 ~~commissioner being replaced was a member~~, if the party makes a recommendation
3 within 30 days of the occurrence of the vacancy.

4 (e) Whenever because of G.S. 153A-58(3)b. or because of any local act, only the
5 qualified voters of an area which is less than the entire county were eligible to vote in
6 the general election for the member whose seat is vacant, the appointing authority must
7 accept the recommendation only if the county executive committee restricted voting to
8 committee members who represent precincts all or part of which were within the
9 territorial area of the district of the county commissioner.

10 (f) The provisions of any local act which provides that a county executive
11 committee of a political party shall fill any vacancy on a board of county commissioners
12 are repealed.

13 (g) ~~Counties subject to this section are not subject to G.S. 153A-27.~~

14 (h) ~~This section shall apply only in the following counties: Alamance, Alleghany,~~
15 ~~Avery, Beaufort, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Carteret,~~
16 ~~Cherokee, Clay, Cleveland, Dare, Davidson, Davie, Forsyth, Graham, Guilford,~~
17 ~~Haywood, Henderson, Hyde, Jackson, Lincoln, Macon, Madison, McDowell,~~
18 ~~Mecklenburg, Moore, Pender, Polk, Randolph, Rockingham, Rutherford, Sampson,~~
19 ~~Stanly, Stokes, Transylvania, Wake, and Yancey."~~

20 Sec. 7.5. G.S. 160A-63 reads as rewritten:

21 "**§ 160A-63. Vacancies.**

22 A vacancy that occurs in an elective office of a city shall be filled by appointment of
23 the city council. If the term of the office expires immediately following the next regular
24 city election, or if the next regular city election will be held within 90 days after the
25 vacancy occurs, the person appointed to fill the vacancy shall serve the remainder of the
26 unexpired term. Otherwise, a successor shall be elected at the next regularly scheduled
27 city election that is held more than 90 days after the vacancy occurs, and the person
28 appointed to fill the vacancy shall serve only until the elected successor takes office.
29 The elected successor shall then serve the remainder of the unexpired term. If the
30 number of vacancies on the council is such that a quorum of the council cannot be
31 obtained, the mayor shall appoint enough members to make up a quorum, and the
32 council shall then proceed to fill the remaining vacancies. If the number of vacancies on
33 the council is such that a quorum of the council cannot be obtained and the office of
34 mayor is vacant, the Governor may fill the vacancies upon the request of any remaining
35 member of the council, or upon the petition of any five registered voters of the city.
36 Vacancies in appointive offices shall be filled by the same authority that makes the
37 initial appointment. This section shall not apply to vacancies in cities that have not held
38 a city election, levied any taxes, or engaged in any municipal functions for a period of
39 five years or more.

40 In cities whose elections are conducted on a partisan basis, ~~a person appointed to fill~~
41 ~~a vacancy in an elective office shall be a member of the same political party as the~~
42 ~~person whom he replaces if that person was elected as the nominee of a political party.~~
43 the appointing authority shall, before filling the vacancy, consult the county executive
44 committee of the political party that nominated the vacating official in the last election,

1 and shall appoint the person recommended by that party committee, provided that the
2 party committee makes a recommendation within 30 days of the occurrence of the
3 vacancy and provided that the party committee restricted voting to committee members
4 who represent precincts which contain voters who are eligible to vote in an election for
5 the seat held by the vacating official."

6 Sec. 7.6. G.S. 7A-142 reads as rewritten:

7 **"§ 7A-142. Vacancies in office.**

8 A vacancy in the office of district judge shall be filled for the unexpired term by
9 appointment of the Governor from nominations submitted by the bar of the judicial
10 district as defined in G.S. 84-19. If the district court district is comprised of counties in
11 more than one judicial district, the nominees shall be submitted jointly by the bars of
12 those judicial districts, but only those members who reside in the district court district
13 shall participate in the selection of the nominees. If the district court judge was elected
14 as the nominee of a political party, then the district bar shall ~~submit to the Governor the~~
15 ~~names of three persons who are residents of the district court district who are duly~~
16 ~~authorized to practice law in the district and who are members of the same political~~
17 ~~party as the vacating judge; provided that if there are not three persons who are~~
18 ~~available, the bar shall submit the names of two persons who meet the qualifications of~~
19 ~~this sentence. consult before making its choice with each county executive committee of~~
20 the political party that nominated the vacating judge in the most recent election. If the
21 county executive committees of that party, after meeting jointly and restricting voting to
22 members representing precincts which consist at least partly of territory within the
23 district court district, recommend to the district bar within 10 days after the vacancy
24 occurs the names of six persons who are duly authorized to practice law in the district,
25 the district bar shall submit to the Governor the names of three persons from that list.
26 Within 60 days after the district bar submits nominations for a vacancy, the Governor
27 shall appoint to fill the vacancy. If the Governor fails to appoint a district bar nominee
28 within 60 days, then the district bar nominee who received the highest number of votes
29 from the district bar shall fill the vacancy. If the district bar fails to submit nominations
30 within 30 days from the date the vacancy occurs, the Governor may appoint to fill the
31 vacancy without waiting for nominations."

32 **PART EIGHT – APPOINTMENTS TO BOARDS AND COMMISSIONS.**

33 Sec. 8.1. G.S. 116-6 reads as rewritten:

34 **"§ 116-6. Election and terms of members of Board of Governors.**

35 (a) As the terms of members of the Board of Governors provided for in G.S. 116-
36 5 expire, their successors shall be elected by the Senate and House of Representatives.
37 Sixteen members shall be elected at the regular legislative session in 1993 and every
38 two years thereafter. The Senate and the House of Representatives shall each elect one-
39 half of the persons necessary to fill the vacancies on the Board of Governors. Of the 16
40 members elected every two years beginning in 1993, at least two shall be women, at
41 least two other members shall be members of a minority race, and at least two other
42 members shall be ~~members chosen by a joint caucus of the members~~ of the political
43 party to which the largest minority of the members of the General Assembly belongs.

1 (b) In 1993 and every four years thereafter the Senate shall elect at least two
2 women and two members of a minority race, and the House of Representatives shall
3 elect at least two ~~members~~persons chosen by a joint caucus of the political party to
4 which the largest minority of the members of the General Assembly belongs. In 1995
5 and every four years thereafter the Senate shall elect at least two ~~members~~persons
6 chosen by a joint caucus of the political party to which the largest minority of the
7 members of the General Assembly belongs, and the House of Representatives shall elect
8 at least two women and two members of a minority race.

9 (c) In electing members to the Board of Governors, the Senate and the House of
10 Representatives shall select from a slate of candidates made in each house. The slate
11 shall be prepared as provided by resolution of each house. If a sufficient number of
12 nominees who are legally qualified are submitted in a category for which members of
13 the Board of Governors are to be elected, then the slate of candidates shall list at least
14 twice the number of candidates for the total seats open in a category. All qualified
15 candidates in a category shall compete against all other qualified candidates in a
16 category. In 1993 and biennially thereafter, each house shall hold their elections within
17 30 legislative days after appointments to their education committees are complete.

18 (d) All terms shall commence on July 1 of odd-numbered years and all members
19 shall serve for four-year overlapping terms.

20 (e) No person may be elected to:

21 (1) More than three full four-year terms in succession;

22 (2) A four-year term if preceded immediately by election to two full eight-
23 year terms in succession; or

24 (3) A four-year term if preceded immediately by election to an eight-year
25 term and a four-year term in succession.

26 Resignation from a term of office does not constitute a break in service for the purpose
27 of this subsection. Service prior to the beginning of those terms in 1989 shall be
28 included in the limitations.

29 (f) Any person who has served at least one full term as chairman of the Board of
30 Governors shall be a member emeritus of the Board of Governors for one four-year term
31 beginning at the expiration of that member's regular elected term. Any person already
32 serving as an emeritus member may serve an additional four-year term beginning July 1,
33 1991. Members emeriti have all the rights and privileges of membership except they do
34 not have a vote.

35 (g) Effective July 1, 1991, and thereafter, any person who has served at least one
36 term as a member of the Board of Governors after having served as Governor of North
37 Carolina shall be a member emeritus of the Board of Governors, with all the rights and
38 privileges of membership as in G.S. 116-6(f)."

39 Sec. 8.2. G.S. 143-533 reads as rewritten:

40 "**§ 143-533. (For applicability see note) Creation, appointment of members;**
41 **members ex officio.**

42 There is hereby created a Committee on Inaugural Ceremonies to consist of three
43 representatives to be appointed by the Speaker of the House, (or a person designated by
44 the Speaker) three senators to be appointed by the President Pro Tempore of the Senate,

1 three citizens to be appointed by the Governor, and three citizens to be appointed by the
2 Governor-elect upon certification of his election. Of the three citizens appointed to the
3 Committee by the Governor, ~~only two may be of the same political party. one must be~~
4 the nominee of the State executive committee of the largest political party, as defined by
5 G.S. 163-96, that did not nominate the Governor for any office in the most recent
6 election in which he was a candidate. The Speaker of the House, the President of the
7 Senate, (or a person designated by the President of the Senate), the Governor, and, upon
8 certification of their election, all members-elect of the Council of State, shall be ex
9 officio members of the Committee on Inaugural Ceremonies."

10 Sec. 8.3. G.S. 143B-350(c) reads as rewritten:

11 "(c) The Board of Transportation shall have 21 members appointed by the
12 Governor. One member shall be appointed from each of the 14 highway engineering
13 divisions and seven members shall be appointed from the State at large. One at-large
14 member shall be ~~a registered voter of a political party other than the political party of~~
15 ~~the Governor. the nominee of the State executive committee of the largest political party~~
16 that did not nominate the Governor in the most recent election in which he was a
17 candidate for any office. No more than two members provided for in this subsection
18 shall reside in the same engineering division while serving in office. The initial
19 members shall serve terms beginning July 1, 1977, and ending January 14, 1981, or
20 until their successors are appointed and qualified. The succeeding terms of office shall
21 be for a period of four years beginning January 15, 1981, and each four years thereafter.
22 The Governor shall have the authority to remove for cause sufficient to himself, any
23 member appointed by the Governor."

24 **PART NINE – POLITICAL PARTIES FINANCING FUND.**

25 Sec. 9. G.S. 105-159.1(a) reads as rewritten:

26 "(a) Every individual whose income tax liability for the taxable year is one dollar
27 (\$1.00) or more may designate on his or her income tax return that one dollar (\$1.00) of
28 the tax shall be credited to the North Carolina Political Parties Financing Fund for the
29 use of the political party of the taxpayer's choice. In the case of a married couple filing
30 a joint return whose income tax liability for the taxable year is two dollars (\$2.00) or
31 more, each spouse may designate on the income tax return that one dollar (\$1.00) of the
32 tax shall be credited to the North Carolina Political Parties Financing Fund for the use
33 of the political party of the couple's choice. ~~Amounts credited to the Fund shall be~~
34 ~~allocated among the political parties on a pro rata basis according to their respective~~
35 ~~party voter registrations as determined by the most recent certification of the State~~
36 ~~Board of Elections. Amounts dedicated to the Fund shall be allocated among the~~
37 political parties on a pro rata basis reflecting the choices of the taxpayers' designations
38 on their returns. As used in this section, the term 'political party' means one of the
39 following that has at least one percent (1%) of the total number of registered voters in
40 the State:

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

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

5 Sec. 10. The State Board of Elections shall adopt rules directing the county
6 boards of elections to remove party designations from their voter registration records.

7 Sec. 11. This act becomes effective January 1, 1994.