

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 1776\*

Short Title: Voter Registration Rewrite.

(Public)

---

Sponsors: Representatives Luebke, Michaux; Braswell, Church, Colton, Michaux, and Mosley.

---

Referred to: Judiciary I.

---

May 26, 1994

1 A BILL TO BE ENTITLED  
2 AN ACT TO REWRITE THE VOTER REGISTRATION LAWS OF NORTH  
3 CAROLINA.

4 The General Assembly of North Carolina enacts:

5 Section 1. Article 7 of Chapter 163 of the General Statutes is repealed.

6 Sec. 2. Chapter 163 of the General Statutes is amended by adding a new  
7 Article to read:

8 **"ARTICLE 7A.**

9 **"REGISTRATION OF VOTERS.**

10 **"§ 163-82.1. General principles of voter registration.**

11 (a) Prerequisite to Voting. – No person shall be permitted to vote who has not  
12 been registered under the provisions of this Article or registered as previously provided  
13 by law.

14 (b) County Board's Duty to Register. – A county board of elections shall register,  
15 in accordance with this Article, every person qualified to vote in that county who makes  
16 an application in accordance with this Article.

17 (c) Permanent Registration. – Every person registered to vote by a county board  
18 of elections in accordance with this Article shall remain registered until:

19 (1) The registrant requests in writing to the county board of elections to be  
20 removed from the list of registered voters; or

21 (2) The registrant becomes disqualified through death, conviction of a  
22 felony, or removal out of the county; or

1           (3) The county board of elections determines, through the procedure  
2           outlined in G.S. 163-82.14, that it can no longer confirm where the  
3           voter resides.

4 **"§ 163-82.2. Chief State Election Official.**

5           The Executive Secretary-Director of the State Board of Elections is the 'Chief State  
6           Election Official' of North Carolina for purposes of P.L. 103-31, The National Voter  
7           Registration Act of 1993, subsequently referred to in this Article as the 'National Voter  
8           Registration Act'. As such the Executive Secretary-Director is responsible for  
9           coordination of State responsibilities under the National Voter Registration Act.

10 **"§ 163-82.3. Voter registration application forms.**

11           (a) Form Developed by State Board of Elections. – The State Board of Elections  
12           shall develop an application form for voter registration. Any person may use the form  
13           to apply to do any of the following:

- 14           (1) Register to vote;
- 15           (2) Change party affiliation or unaffiliated status;
- 16           (3) Report a change of address within a county;
- 17           (4) Report a change of name.

18           The county board of elections for the county where the applicant resides shall accept  
19           the form as application for any of those purposes if the form is submitted as set out in  
20           G.S. 163-82.3.

21           (b) Interstate Form. – The county board of elections where an applicant resides  
22           shall accept as application for any of the purposes set out in subsection (a) of this  
23           section the interstate registration form designed by the Federal Election Commission  
24           pursuant to section 9 of the National Voter Registration Act, if the interstate form is  
25           submitted in accordance with G.S. 163-82.6.

26           (c) Agency Application Form. – The county board of elections where an  
27           applicant resides shall accept as application for any of the purposes set out in subsection  
28           (a) of this section a form developed pursuant to G.S. 163-82.19 or G.S. 163-82.20.

29 **"§ 163-82.4. Contents of application form.**

30           (a) Information Requested of Applicant. – The form required by G.S. 163-82.3(a)  
31           shall request the applicant's:

- 32           (1) Name,
- 33           (2) Date of birth,
- 34           (3) Residence address,
- 35           (4) County of residence,
- 36           (5) Date of application,
- 37           (6) Gender,
- 38           (7) Race,
- 39           (8) Political party affiliation, if any, in accordance with subsection (c) of  
40           this section,
- 41           (9) Telephone number (to assist the county board of elections in  
42           contacting the voter if needed in processing the application),

43           and any other information the State Board finds is necessary to enable officials of the  
44           county where the person resides to satisfactorily process the application. The form shall

1 require the applicant to state whether currently registered to vote anywhere, and at what  
2 address, so that any prior registration can be cancelled. The county board shall make a  
3 diligent effort to complete for the registration records any information requested on the  
4 form that the applicant does not complete, but no application shall be denied because an  
5 applicant does not state race or gender.

6 (b) Notice of Requirements, Attestation, Notice of Penalty, and Notice of  
7 Confidentiality. – The form shall contain, in uniform type, the following:

8 (1) A statement that specifies each eligibility requirement (including  
9 citizenship) and an attestation that the applicant meets each such  
10 requirement, with a requirement for the signature of the applicant,  
11 under penalty of a Class I felony under G.S. 163-275(a).

12 (2) A statement that, if the applicant declines to register to vote, the fact  
13 that the applicant has declined to register will remain confidential and  
14 will be used only for voter registration purposes.

15 (3) A statement that, if the applicant does register to vote, the office at  
16 which the applicant submits a voter registration application will remain  
17 confidential and will be used only for voter registration purposes.

18 (c) Party Affiliation or Unaffiliated Status. – The application form described in  
19 G.S. 163-82.3(a) shall provide a place for the applicant to state a preference to be  
20 affiliated with one of the political parties in G.S. 163-96, or a preference to be an  
21 'unaffiliated' voter. Every person who applies to register shall state his preference. If  
22 the applicant fails to declare a preference for a party or for unaffiliated status, that  
23 person shall be listed as 'unaffiliated', except that if the person is already registered to  
24 vote in the county and that person's registration already contains a party affiliation, the  
25 county board shall not change the registrant's status to 'unaffiliated' unless the registrant  
26 clearly indicates a desire in accordance with G.S. 163-82.17 for such a change. An  
27 unaffiliated registrant shall not be eligible to vote in any political party primary, except  
28 as provided in G.S. 163-116, but may vote in any other primary or general election. The  
29 application form shall so state.

30 **"§ 163-82.5. Distribution of application forms.**

31 The State Board of Elections shall make the forms described in G.S. 163-82.3  
32 available for distribution through governmental and private entities, with particular  
33 emphasis on making them available for organized voter registration drives.

34 **"§ 163-82.6. Acceptance of application forms.**

35 (a) How the Form May Be Submitted. – The county board of elections shall  
36 accept any form described in G.S. 163-82.3 if the applicant submits the form by mail or  
37 in person. The applicant may delegate the submission of the form to another person.

38 (b) Signature. – The form shall be valid only if signed by the applicant.

39 (c) Registration Deadlines for an Election. – In order to be valid for an election,  
40 the form:

41 (1) If submitted by mail, must be postmarked at least 25 days before the  
42 election, except that any mailed application on which the postmark is  
43 missing or unclear is validly submitted if received in the mail not later  
44 than 20 days before the election,

1           (2) If submitted in person (by the applicant or another person), must be  
2           received at least 25 days before the election,  
3 except as provided in subsection (d) of this section.

4           (d) Instances When Person May Register and Vote on Election Day. – If a person  
5 has become qualified to register and vote between the twenty-fifth day before an  
6 election and election day, then that person may apply to register on election day by  
7 submitting an application form described in G.S. 163-82.3(a) or (b) to:

8           (1) A member of the county board of elections;

9           (2) The county supervisor of elections; or

10          (3) The chief judge or a judge of the precinct in which the person is  
11 eligible to vote,

12 and, if the application is approved, that person may vote the same day. The official in  
13 subdivisions (1) through (3) of this subsection to whom the application is submitted  
14 shall decide whether the applicant is eligible to vote. The applicant shall present to the  
15 official written or documentary evidence that the applicant is the person he represents  
16 himself to be. The official, if in doubt as to the right of the applicant to register, may  
17 require other evidence satisfactory to that official as to the applicant's qualifications. If  
18 the official determines that the person is eligible, the person shall be permitted to vote in  
19 the election and the county board shall add the person's name to the list of registered  
20 voters. If the official denies the application, the person shall be permitted to vote a  
21 challenged ballot under the provisions of G.S. 163-88.1, and may appeal the denial to  
22 the full county board of elections. The State Board of Elections shall promulgate rules  
23 for the county boards of elections to follow in hearing appeals for denial of election-day  
24 applications to register. No person shall be permitted to register on the day of a second  
25 primary unless he shall have become qualified to register and vote between the date of  
26 the first primary and the date of the succeeding second primary. For purposes of this  
27 subsection, persons who 'become qualified to register and vote' during a time period:

28          (1) Include those who during that time period are naturalized as citizens of  
29 the United States or who are restored to citizenship after a conviction  
30 of a felony; but

31          (2) Do not include persons who reach the age of 18 during that time  
32 period, if those persons were eligible to register while 17 years old  
33 during an earlier period.

34 **"§ 163-82.7. Verification of qualifications and address of applicant; denial or**  
35 **approval of application.**

36          (a) Tentative Determination of Qualification. – When a county board of elections  
37 receives an application for registration submitted pursuant to G.S. 163-82.6, the board  
38 either:

39          (1) Shall make a determination that the applicant is not qualified to vote at  
40 the address given, or

41          (2) Shall make a tentative determination that the applicant is qualified to  
42 vote at the address given, subject to the mail verification notice  
43 procedure outlined in subsection (c) of this section

44 within two business days after receiving the application.

1       (b) Denial of Registration. – If the county board of elections makes a  
2 determination pursuant to subsection (a) of this section that the applicant is not qualified  
3 to vote at the address given, the board shall send, by certified mail, a notice of denial of  
4 registration. The notice of denial shall contain the date on which registration was  
5 denied, and shall be mailed within two business days after denial. The notice of denial  
6 shall inform the applicant of alternatives that the applicant may pursue to exercise the  
7 franchise. If the applicant disagrees with the denial, the applicant may appeal the  
8 decision under G.S. 163-82.18.

9       (c) Verification of Address by Mail. – If the county board of elections tentatively  
10 determines that the applicant is qualified to vote at the address given, then the county  
11 board shall send a notice to the applicant, by nonforwardable mail, at the address the  
12 applicant provides on the application form. The notice shall state that the county will  
13 register the applicant to vote if the Postal Service does not return the notice as  
14 undeliverable to the county board. The notice shall also inform the applicant of the  
15 precinct and voting place to which the applicant will be assigned if registered.

16       (d) Approval of Application. – If the Postal Service does not return the notice as  
17 undeliverable, the county board shall register the applicant to vote.

18       (e) Second Notice if First Notice Is Returned as Undeliverable. – If the Postal  
19 Service returns the notice as undeliverable, the county board shall send a second notice  
20 by nonforwardable mail to the same address to which the first was sent. If the second  
21 notice is not returned as undeliverable, the county board shall register the applicant to  
22 vote.

23       (f) Denial of Application Based on Lack of Verification of Address. – If the  
24 Postal Service returns as undeliverable the notice sent by nonforwardable mail pursuant  
25 to subsection (e) of this section, the county board shall deny the application. The  
26 county board need not try to notify the applicant further.

27       (g) Voting When Verification Process Is Incomplete. – In cases where an election  
28 occurs before the process of verification outlined in this section has had time to be  
29 completed, the county board of elections shall be guided by the following rules:

30           (1) If the county board has made a tentative determination that an  
31 applicant is qualified to vote under subsection (a) of this section, then  
32 that person shall not be denied the right to vote in person in an election  
33 unless the Postal Service has returned as undeliverable two notices to  
34 the applicant: one mailed pursuant to subsection (c) of this section and  
35 one mailed pursuant to subsection (e) of this section. This subdivision  
36 does not preclude a challenge to the voter's qualifications under Article  
37 8 of this Chapter.

38           (2) If the Postal Service has returned as undeliverable a notice sent within  
39 25 days before the election to the applicant under subsection (c) of this  
40 section, then the applicant may vote only in person in that first election  
41 and may not vote by mailed absentee ballot. The county board of  
42 elections shall establish a procedure at the voting site for:

43           a. Obtaining the correct address of any person described in this  
44 subdivision who appears to vote in person; and

1           b. Assuring that the person votes in the proper place and in the  
2           proper contests.

3           If a notice mailed under subsection (c) or subsection (e) of this section  
4           is returned as undeliverable after a person has already voted by  
5           absentee ballot, then that person's ballot may be challenged in  
6           accordance with G.S. 163-89.

7           (3) If a notice sent pursuant to subsection (c) or (e) of this section is  
8           returned by the Postal Service as undeliverable after a person has  
9           already voted in an election, then the county board shall treat the  
10           person as a registered voter but shall send a confirmation mailing  
11           pursuant to G.S. 163-82.14(d)(2) and remove or retain the person on  
12           the registration records in accordance with that subdivision.

13 **"§ 163-82.8. Voter registration cards.**

14           (a) Authority to Issue Card. – With the approval of the board of county  
15           commissioners, the county board of elections may issue to each voter in the county a  
16           voter registration card, or may issue cards to all voters registered after January 1, 1995.

17           (b) Content and Format of Card. – At a minimum, the voter registration card  
18           shall:

19                   (1) List the voter's name, address, and voting place;

20                   (2) Contain the address and telephone number of the county board of  
21                   elections, along with blanks to report a change of address within the  
22                   county; and

23                   (3) Be wallet size.

24           No voter registration card may be issued by a county board of elections unless the  
25           State Board of Elections has approved the format of the card.

26           (c) Ways County Board and Registrant May Use Card. – If the county board of  
27           elections issues voter registration cards, the county board may use that card as a notice  
28           of tentative approval of the voter's application pursuant to G.S. 163-82.7(c), provided  
29           that the mailing contains the statements and information required in that subsection.  
30           The county board may also satisfy the requirements of G.S. 163-82.15(b), 163-82.16(b),  
31           or 163-82.17(b) by sending the registrant a replacement of the voter registration card to  
32           verify change of address, change of name, or change of party affiliation. A registrant  
33           may use the card to report a change of address, change of name, or change of party  
34           affiliation, satisfying G.S. 163-82.15, 163-82.16, or 163-82.17.

35           (d) Card as Evidence of Registration. – A voter registration card shall be  
36           evidence of registration but shall not preclude a challenge as permitted by law.

37           (e) Display of Card May Not Be Required to Vote. – No county board of  
38           elections may require that a voter registration card be displayed in order to vote.

39 **"§ 163-82.9. Cancellation of prior registration.**

40           If an applicant indicates on an application form described in G.S. 163-82.3 a current  
41           registration to vote in any other county, municipality, or State, the county board of  
42           elections, upon registering the person to vote, shall send a notice to the appropriate  
43           officials in the other county, municipality, or State and shall ask them to cancel the  
44           person's voter registration there.

1 **"§ 163-82.10. Official record of voter registration.**

2 (a) Application Form Becomes Official Record. – A completed and signed  
3 registration application form described in G.S. 163-82.3, once approved by the county  
4 board of elections, becomes the official registration record of the voter. The county  
5 board of elections shall maintain custody of the official registration records of all voters  
6 in the county and shall keep them in a place where they are secure.

7 (b) Access to Registration Records. – Upon request by that person, the county  
8 board of elections shall provide to any person a list of the registered voters of the county  
9 or of any precinct or precincts in the county. The county board may furnish selective  
10 lists according to party affiliation, sex, race, date of registration, or any other reasonable  
11 category. The county board shall require each person to whom a list is furnished to  
12 make full reimbursement for the expense incurred in preparing it, except as provided in  
13 subsection (c) of this section.

14 (c) Free Lists. – Free lists of all registered voters in the county shall be provided  
15 in the following cases:

16 (1) A county board that maintains voter records on computer shall  
17 provide, upon written request, one free list to:

18 a. The State chair of each political party; and

19 b. The county chair of each political party

20 once in every odd-numbered year, once during the first six calendar  
21 months of every even-numbered year, and once during the latter six  
22 calendar months of every even-numbered year.

23 (2) A county board that does not maintain voter records on computer shall  
24 provide one free paper list every two years to the county chair of each  
25 political party.

26 Each free list shall include the name, address, sex, political affiliation, voting history,  
27 and precinct of each registered voter. The list to the State party chairs shall additionally  
28 include the date of birth and race of each registered voter. The free paper list to the  
29 county party chairs shall group voters by precinct. All free lists shall be provided as  
30 soon as practicable but no later than 30 days after written request. Each State party  
31 chair shall provide the discs or tapes received from the county boards to candidates of  
32 that party who request the discs or tapes in writing. Each State party chair shall return  
33 discs and tapes to the county boards within 30 days after receiving them. As used in  
34 this section, 'political party' means a political party as defined in G.S. 163-96.

35 **"§ 163-82.11. Establishment of statewide computerized voter registration.**

36 The State Board of Elections shall develop and implement a statewide  
37 computerized voter registration system to facilitate voter registration and to provide a  
38 central database containing voter registration information for each county. The system  
39 shall encompass both software development and purchasing of the necessary hardware  
40 for the central and distributed-network systems.

41 The State Board of Elections shall develop and implement the system so that each  
42 county board of elections can:

43 (1) Verify that an applicant to register in its county is not also registered in  
44 another county;

- 1           (2) Be notified automatically that a registered voter in its county has  
2           registered to vote in another county; and  
3           (3) Receive automatically data about a person who has applied to vote at a  
4           drivers license office or at another public agency that is authorized to  
5           accept voter registration applications.

6           Each county board of elections shall be responsible for registering voters within  
7           its county according to law. Each county board of elections shall maintain its own  
8           computer file of registered voters in accordance with rules promulgated by the State  
9           Board of Elections. Each county board of elections shall transmit through the computer  
10          network all additions, deletions, and changes in its list of registered voters promptly to  
11          the statewide computer file. The State Board of Elections shall maintain a continually  
12          updated duplicate file of each county's registered voters.

13          "**§ 163-82.12. Promulgation of rules relating to computerized voter registration.**

14          The State Board of Elections shall make all rules necessary to administer the  
15          statewide voter registration system established by this Article. These rules shall include  
16          provisions for:

- 17           (1) Establishing, developing, and maintaining a computerized central voter  
18           registration file;  
19           (2) Linking the central file through a network with computerized voter  
20           registration files in each of the counties;  
21           (3) Interacting with the computerized drivers license records of the  
22           Division of Motor Vehicles and with the computerized records of other  
23           public agencies authorized to accept voter registration applications;  
24           (4) Protecting and securing the data; and  
25           (5) Converting current voter registration records in the counties in  
26           computer files that can be used on the statewide computerized  
27           registration system.

28          "**§ 163-82.13. Access to statewide voter registration file.**

29           (a) Free Copy for Political Parties. – Beginning January 1, 1996, the State Board  
30           of Elections shall make available free of charge, upon written request, one magnetic  
31           copy of the statewide computerized voter registration file to the chairman of each  
32           political party as defined in G.S. 163-96 as soon as practicable after the close of  
33           registration before every statewide primary and election. The file made available to the  
34           political party chairmen shall contain the name, address, sex, voting history, political  
35           affiliation, and precinct of every registered voter in the State.

36           (b) Copies for Sale to Others. – Beginning January 1, 1996, the State Board of  
37           Elections shall sell, upon written request, to other public and private organizations and  
38           persons magnetic copies of the statewide computerized voter registration file. The State  
39           Board of Elections may sell selective lists of registered voters according to county,  
40           congressional or legislative district, party affiliation, sex, race, date of registration, or  
41           any other reasonable category, or a combination of categories. The State Board of  
42           Elections shall require all persons to whom any list is furnished under this subsection to  
43           make full reimbursement of the expenses incurred in preparing it.

44          "**§ 163-82.14. List maintenance.**



1       (a) Uniform Program. – The State Board of Elections shall adopt a uniform  
2 program that makes a reasonable effort:

3           (1) To remove the names of ineligible voters from the official lists of  
4 eligible voters, and

5           (2) To update the addresses and other necessary data of persons who  
6 remain on the official lists of eligible voters.

7 That program shall be nondiscriminatory and shall comply with the provisions of the  
8 Voting Rights Act of 1965, as amended, and with the provisions of the National Voter  
9 Registration Act. The State Board of Elections, in addition to the methods set forth in  
10 this section, may use other methods toward the ends set forth in subdivisions (1) and (2)  
11 of this subsection, including address-updating services provided by the Postal Service.  
12 Each county board of elections shall conduct systematic efforts to remove names from  
13 its list of registered voters in accordance with this section and with the program adopted  
14 by the State Board.

15       (b) Death. – The Department of Environment, Health, and Natural Resources, on  
16 or before the fifteenth day of March, June, September, and December, shall furnish free  
17 of charge to each county board of elections a certified list of the names of deceased  
18 persons who were residents of that county. The Department of Environment, Health,  
19 and Natural Resources shall base each list upon information supplied by death  
20 certifications it received during the preceding quarter. Upon the receipt of the certified  
21 list, the county board of elections shall remove from its voter registration records any  
22 person the list shows to be dead. The county board need not send any notice to the  
23 address of the person so removed.

24       (c) Conviction of a Felony. –

25           (1) Report of Conviction Within the State. – The clerk of superior court,  
26 on or before the fifteenth day of March, June, September, and  
27 December of every year, shall report to the county board of elections  
28 of that county the name, county of residence, and residence address if  
29 available, of each individual against whom a final judgment of  
30 conviction of a felony has been entered in that county in the preceding  
31 calendar quarter. Any county board of elections receiving such a  
32 report about an individual who is a resident of another county in this  
33 State shall forward a copy of that report to the board of elections of  
34 that county as soon as possible.

35           (2) Report of Federal Conviction. – The Executive Secretary-Director of  
36 the State Board of Elections, upon receipt of a notice of conviction  
37 sent by a United States Attorney pursuant to section 8(g) of the  
38 National Voter Registration Act, shall notify the appropriate county  
39 boards of elections of the conviction.

40           (3) County Board's Duty Upon Receiving Report of Conviction. – When a  
41 county board of elections receives a notice pursuant to subdivision (1)  
42 or (2) of this subsection relating to a resident of that county and that  
43 person is registered to vote in that county, the board shall, after giving  
44 30 days' written notice to the voter at his registration address, and if

1           the voter makes no objection, remove the person's name from its  
2           registration records. If the voter notifies the county board of elections  
3           of his objection to the removal within 30 days of the notice, the  
4           chairman of the board of elections shall enter a challenge under G.S.  
5           163-85(c)(5), and the notice the county board received pursuant to this  
6           subsection shall be **prima facie** evidence for the preliminary hearing  
7           that the registrant was convicted of a felony.

8           (d) Change of Address. – A county board of elections shall conduct a systematic  
9           program to remove from its list of registered voters those who have moved out of the  
10           county, and to update the registration records of persons who have moved within the  
11           county. The county board shall remove a person from its list if the registrant:

12           (1) Gives confirmation in writing of a change of address for voting  
13           purposes out of the county. 'Confirmation in writing' for purposes of  
14           this subdivision shall include:

15           a. A report to the county board from the Department of  
16           Transportation or from a voter registration agency listed in G.S.  
17           163-82.20 that the voter has reported a change of address for  
18           voting purposes outside the county;

19           b. A notice of cancellation received under G.S. 163-82.9; or

20           c. A notice of cancellation received from an election jurisdiction  
21           outside the State.

22           (2) Fails to respond to a confirmation mailing sent by the county board in  
23           accordance with this subdivision and does not vote or appear to vote in  
24           an election beginning on the date of the notice and ending on the day  
25           after the date of the second general election for the United States  
26           House of Representatives that occurs after the date of the notice. A  
27           county board sends a confirmation notice in accordance with this  
28           subdivision if the notice:

29           a. Is a postage prepaid and preaddressed return card, sent by  
30           forwardable mail, on which the registrant may state current  
31           address;

32           b. Contains or is accompanied by a notice to the effect that if the  
33           registrant did not change residence but remained in the county,  
34           the registrant should return the card not later than the deadline  
35           for registration by mail in G.S. 163-82.6(c)(1); and

36           c. Contains or is accompanied by information as to how the  
37           registrant may continue to be eligible to vote if the registrant  
38           has moved outside the county.

39           A county board shall send a confirmation mailing in accordance with  
40           this subdivision if the registrant remains on the list, the registrant has  
41           not voted in two successive presidential elections or in any election in  
42           between, and the county board has not confirmed the registrant's  
43           address by another means. The county board may send a confirmation  
44           mailing in accordance with this subdivision if the registrant has been

1 identified as residing outside the county through change-of-address  
2 information supplied by the Postal Service through its licensees.

3 **"§ 163-82.15. Change of address within the county.**

4 (a) Registrant's Duty to Report. – No registered voter shall be required to re-  
5 register upon moving from one precinct to another within the same county. Instead, a  
6 registrant shall notify the county board of the change of address by the close of  
7 registration for an election as set out in G.S. 163-82.6(c). The registrant shall make the  
8 notification by means of a voter registration form as described in G.S. 163-82.3, or by  
9 another written notice, signed by the registrant, that includes the registrant's full name,  
10 former residence address, new residence address, and date of moving from the old to the  
11 new address.

12 (b) Verification of New Address by Mail. – When a county board of elections  
13 receives a notice that a registrant in that county has changed residence within the same  
14 county, the county board shall send a notice, by nonforwardable mail, to the registrant at  
15 the new address. The notice shall inform the registrant of any new precinct and voting  
16 place that will result from the change of address, and it shall state whether the registrant  
17 shall vote at the new voting place during the upcoming election or at a later election. If  
18 the Postal Service returns the county board's notice to the registrant as undeliverable,  
19 the county board shall either:

- 20 (1) Send a second notice by nonforwardable mail to the new address and,  
21 if it is returned as undeliverable, send to the registrant's old address a  
22 confirmation notice as described in G.S. 163-82.14(d)(2); or  
23 (2) Send to the registrant's old address a confirmation notice as described  
24 in G.S. 163-82.14(d)(2) without first sending a second nonforwardable  
25 notice to the new address.

26 In either case, if the registrant does not respond to the confirmation notice as described  
27 in G.S. 163-82.14(d)(2), then the county board shall proceed with the removal of the  
28 registrant from the list of voters in accordance with G.S. 163-82.14(d).

29 (c) Board's Duty to Make Change. – If the county board confirms the registrant's  
30 new address in accordance with subsection (b) of this section, the county board shall  
31 immediately change the record to reflect the new address.

32 (d) Unreported Move Within the Same Precinct. – A registrant who has moved  
33 from one address to another within the same precinct shall, notwithstanding failure to  
34 notify the county board of the change of address before an election, be permitted to vote  
35 at the voting place of that precinct upon oral or written affirmation by the registrant of  
36 the change of address before a precinct official at that voting place.

37 (e) Unreported Move to Another Precinct Within the County. – If a registrant has  
38 moved from an address in one precinct to an address in another precinct within the same  
39 county more than 30 days before an election and has failed to notify the county board of  
40 the change of address before the close of registration for that election, the county board  
41 shall permit that person to vote in that election. The county board shall permit the  
42 registrant described in this subsection to vote at the registrant's new precinct, upon the  
43 registrant's written affirmation of the new address, or, if the registrant prefers, at a  
44 central location in the county to be chosen by the county board. If the registrant appears

1 at the old precinct, the precinct officials there shall send the registrant to the new  
2 precinct or, at the registrant's choice, to the central location, according to rules which  
3 shall be prescribed by the State Board of Elections. At the new precinct, the registrant  
4 shall be processed by a precinct transfer assistant, according to rules which shall be  
5 prescribed by the State Board of Elections.

6 (f) When Registrant Disputes Registration Records. – If the registration records  
7 indicate that the registrant has moved outside the precinct, but the registrant denies  
8 having moved from the address within the precinct previously shown on the records, the  
9 registrant shall be permitted to vote at the voting place for the precinct where the  
10 registrant claims to reside, if the registrant gives oral or written affirmation before a  
11 precinct official at that voting place.

12 (g) Precinct Transfer Assistants. – The county board of elections shall either  
13 designate a board employee or appoint other persons to serve as precinct transfer  
14 assistants to receive the election-day transfers of the voters described in subsection (e)  
15 of this section. In addition, board members and employees may perform the duties of  
16 precinct transfer assistants. The State Board of Elections shall promulgate uniform  
17 rules to carry out the provisions of this section, and shall define in those rules the duties  
18 of the precinct transfer assistant.

19 **§ 163-82.16. Change of name.**

20 (a) Registrant's Duty to Report. – If the name of a registrant is changed in  
21 accordance with G.S. 48-36, G.S. 50-12, or Chapter 101 of the General Statutes, of if a  
22 married registrant assumes the last name of the registrant's spouse, the registrant shall  
23 not be required to re-register, but shall report the change of name to the county board  
24 not later than the last day for applying to register to vote for an election in G.S. 163-  
25 82.6. The registrant shall report the change on a form described in G.S. 163-82.3 or on a  
26 voter registration card described in G.S. 163-82.8 or in another written statement that is  
27 signed, contains the registrant's full names, old and new, and the registrant's current  
28 residence address.

29 (b) Verification of New Name by Mail. – When a county board of elections  
30 receives a notice of name change from a registrant in that county, the county board shall  
31 send a notice, by nonforwardable mail, to the registrant's residence address. The notice  
32 shall state that the registrant's records will be changed to reflect the new name if the  
33 registrant does not respond that the name change is incorrect. If the Postal Service  
34 returns the county board's notice to the registrant as undeliverable, the county board  
35 shall send to the registrant's residence address a confirmation notice as described in G.S.  
36 163-82.14(d)(2).

37 If the registrant does not respond to the confirmation notice as described in G.S.  
38 163-82.14(d)(2), then the county board shall proceed with the removal of the registrant  
39 from the list of voters in accordance with G.S. 163-82.14(d).

40 (c) Board's Duty to Make Change. – If the county board confirms the registrant's  
41 address in accordance with subsection (b) of this section and the registrant does not  
42 deny making the application for the name change, the county board shall immediately  
43 change the record of the registrant's name to conform to that stated in the application.

1       (d) Unreported Name Change. – A registrant who has not reported a name  
2 change in accordance with subsection (a) of this section shall be permitted to vote if the  
3 registrant reports the name change to the chief judge at the voting place, or to the county  
4 board along with the voter's application for an absentee ballot.

5 **"§ 163-82.17. Change of party affiliation.**

6       (a) Registrant's Duty to Report. – Any registrant who desires to have the record  
7 of his party affiliation or unaffiliated status changed on the registration list shall, no  
8 later than the last day for making application to register under G.S. 163-82.6 before the  
9 election, indicate the change on an application form as described in G.S. 163-82.3 or on  
10 a voter registration card described in G.S. 163-82.8. No registrant shall be permitted to  
11 change party affiliation or unaffiliated status for a primary, second primary, or special  
12 or general election after the deadline for registration applications for that election as set  
13 out in G.S. 163-82.6.

14       (b) Verification of Affiliation Change by Mail. – When a county board of  
15 elections receives a notice of change of party affiliation or unaffiliated status from a  
16 registrant in that county, the county board shall send a notice, by nonforwardable mail,  
17 to the registrant's residence address. The notice shall state that the registrant's records  
18 will be changed to reflect the change of status if the registrant does not respond by  
19 stating that he does not desire a change in status. The notice shall also inform the  
20 registrant of the time that the change of affiliation status will occur, and shall explain  
21 the provisions of subsection (d) of this section. If the Postal Service returns the county  
22 board's notice to the registrant as undeliverable, the county board shall send to the  
23 registrant's residence address a confirmation notice as described in G.S. 163-  
24 82.14(d)(2). If the registrant does not respond to the confirmation notice as described in  
25 G.S. 163-82.14(d)(2), then the county board shall proceed with the removal of the  
26 registrant from the list of voters in accordance with G.S. 163-82.14(d).

27       (c) Board's Duty to Make Change. – If the county board confirms the registrant's  
28 address in accordance with subsection (b) of this section and the registrant does not  
29 deny making the application to change affiliated or unaffiliated status, the county board  
30 of elections shall immediately change the record of the registrant's party affiliation, or  
31 unaffiliated status, to conform to that stated in the application. Thereafter the voter shall  
32 be considered registered and qualified to vote in accordance with the change, except as  
33 provided in subsection (d) of this section.

34       (d) Deadline to Change Status Before Primary. – If a registrant applies to change  
35 party affiliation or unaffiliated status later than the last day for applying to register  
36 under G.S. 163-82.6 before a primary, the registrant shall not be entitled to vote in that  
37 primary.

38       (e) Authority of County Board or Supervisor to Make Correction. – If at any time  
39 the chairman or supervisor of elections of the county board of elections is satisfied that  
40 an error has been made in designating the party affiliation of any voter on the  
41 registration records, then the chairman or supervisor of elections of the county board of  
42 elections shall make the necessary correction after receiving from the voter a sworn  
43 statement as to the error and the correct status.

44 **"§ 163-82.18. Appeal from denial of registration.**

1       (a) Right to Appeal. – Any applicant who receives notice of denial of registration  
2 pursuant to G.S. 163-82.7 may appeal the denial within five days after receipt of the  
3 notice of denial. The county board of elections shall promptly set a date for a public  
4 hearing. The notice of appeal shall be in writing and shall be signed by the appealing  
5 party, shall include the appealing party's name, date of birth, address, and reasons for  
6 the appeal.

7       (b) Hearing Before County Board of Elections. – The county board of elections  
8 shall set a date and time for a public hearing and shall notify the appealing party. Every  
9 person appealing to the county board of elections from denial of registration shall be  
10 entitled to a prompt and fair hearing on the question of the denied applicant's right and  
11 qualifications to register as a voter. All cases on appeal to a county board of elections  
12 shall be heard **de novo**.

13       Two members of the county board of elections shall constitute a quorum for the  
14 purpose of hearing appeals on questions of registration. The decision of a majority of  
15 the members of the board shall be the decision of the board. The board shall be  
16 authorized to subpoena witnesses and to compel their attendance and testimony under  
17 oath, and it is further authorized to subpoena papers and documents relevant to any  
18 matters pending before the board.

19       If at the hearing the board shall find that the person appealing from a denial of  
20 registration meets all requirements of law for registration as a voter in the county, the  
21 board shall enter an order directing that the appellant be registered and assign the  
22 appellant to the appropriate precinct. Not later than five days after an appeal is heard  
23 before the county board of elections, the board shall give written notice of its decision to  
24 the appealing party.

25       (c) Appeal to Superior Court. – Any person aggrieved by a final decision of a  
26 county board of elections denying registration may at any time within 10 days from the  
27 date on which he receives notice of the decision appeal to the superior court of the  
28 county in which the board is located. Upon such an appeal, the appealing party shall be  
29 the plaintiff and the county board of elections shall be the defendant, and the matter  
30 shall be heard **de novo** in the superior court in the manner in which other civil actions  
31 are tried and disposed of in that court.

32       If the decision of the court is that the order of the county board of elections shall be  
33 set aside, then the court shall enter its order so providing and adjudging that the plaintiff  
34 is entitled to be registered as a qualified voter in the precinct in which he originally  
35 made application to register, and in such case the plaintiff's name shall be entered in the  
36 registration book of that precinct. The court shall not order the registration of any  
37 person in a precinct in which he did not apply to register prior to the proceeding in  
38 court.

39       From the judgment of the superior court an appeal may be taken to the appellate  
40 division in the same manner as other appeals are taken from judgments of that court in  
41 civil actions.

42 **"§ 163-82.19. Voter registration at drivers license offices.**

43       The Division of Motor Vehicles shall, pursuant to the rules adopted by the State  
44 Board of Elections, modify its forms so that any eligible person who applies for original

1 issuance, renewal or correction of a drivers license, or special identification card issued  
2 under G.S. 20-37.7 may, on a part of the form, complete an application to register to  
3 vote or to update his registration if the voter has changed his address or moved from one  
4 precinct to another or from one county to another. Any person who willfully and  
5 knowingly and with fraudulent intent gives false information on the application is guilty  
6 of a Class I felony. The application shall state in clear language the penalty for  
7 violation of this section. The necessary forms shall be prescribed by the State Board of  
8 Elections. The form must ask for the previous voter registration address of the voter, if  
9 any. If a previous address is listed, and it is not in the county of residence of the  
10 applicant, the appropriate county board of elections shall treat the application as an  
11 authorization to cancel the previous registration and also process it as such under the  
12 procedures of G.S. 163-82.9. If a previous address is listed and that address is in the  
13 county where the voter applies to register, the application shall be processed as if it had  
14 been submitted under G.S. 163-82.9.

15 Registration shall become effective as provided in G.S. 163-82.7. Applications to  
16 register to vote accepted at a drivers license office under this section until the deadline  
17 established in G.S. 163-82.6(c)(2) shall be treated as timely made for an election, and no  
18 person who completes an application at that drivers license office shall be denied the  
19 vote in that election for failure to apply earlier than that deadline.

20 All applications shall be forwarded by the Department of Transportation to the  
21 appropriate board of elections not later than two business days after the date of  
22 acceptance, according to rules which shall be promulgated by the State Board of  
23 Elections.

24 **"§ 163-82.20. Voter registration at other public agencies.**

25 (a) Voter Registration Agencies. – Every office in this State which accepts:

- 26 (1) Applications for a program of public assistance under Article 2 of  
27 Chapter 108A of the General Statutes;  
28 (2) Applications for State-funded State or local government programs  
29 primarily engaged in providing services to persons with disabilities,  
30 with such office designated by the State Board of Elections; or  
31 (3) Claims for benefits under Chapter 96 of the General Statutes, the  
32 Employment Security Law.

33 (b) Duties of Voter Registration Agencies. – A voter registration agency  
34 described in subsection (a) of this section shall, unless the applicant declines, in writing,  
35 to register to vote:

- 36 (1) Distribute with each application for service or assistance, and with  
37 each recertification, renewal, or change of address relating to such  
38 service or assistance:  
39 a. The voter registration application form described in G.S. 163-  
40 82.3(a) or (b); or  
41 b. The voter registration agency's own form, if it is substantially  
42 equivalent to the form described in G.S. 163-82.3(a) or (b) and  
43 has been approved by the State Board of Elections, provided  
44 that the agency's own form may be a detachable part of the

1                   agency's paper application or may be a paperless computer  
2                   process, as long as the applicant is required to sign an  
3                   attestation as part of the application to register.

4           (2)   Provide a form that contains the elements required by section  
5                   7(a)(6)(B) of the National Voter Registration Act; and

6           (3)   Provide to each applicant who does not decline to register to vote the  
7                   same degree of assistance with regard to the completion of the  
8                   registration application as is provided by the office with regard to the  
9                   completion of its own forms.

10       (c)   Home Registration for Disabled. – If a voter registration agency provides  
11           services to a person with disability at the person's home, the voter registration agency  
12           shall provide the services described in subsection (b) of this section at the person's  
13           home.

14       (d)   Prohibitions. – Any person providing any service under subsection (b) of this  
15           section shall not:

16           (1)   Seek to influence an applicant's political preference or party  
17                   registration, except that this shall not be construed to prevent the  
18                   notice provided by G.S. 163-82.4(c) to be given if the applicant refuses  
19                   to declare his party affiliation;

20           (2)   Display any such political preference or party allegiance;

21           (3)   Make any statement to an applicant or take any action the purpose or  
22                   effect of which is to discourage the applicant from registering to vote;  
23                   or

24           (4)   Make any statement to an applicant or take any action the purpose or  
25                   effect of which is to lead the applicant to believe that a decision to  
26                   register or not to register has any bearing on the availability of services  
27                   or benefits.

28       (e)   Confidentiality of Declination to Register. – No information relating to a  
29           declination to register to vote in connection with an application made at a voter  
30           registration agency may be used for any purpose other than voter registration.

31       (f)   Transmittal From Agency to Board of Elections. – Any voter registration  
32           application completed at a voter registration agency shall be accepted by that agency in  
33           lieu of the applicant's mailing the application. Any such application so received shall be  
34           transmitted to the appropriate board of elections not later than two business days after  
35           acceptance, according to rules which shall be promulgated by the State Board of  
36           Elections.

37       (g)   Twenty-Five-Day Deadline for an Election. – Applications to register  
38           accepted by a voter registration agency shall entitle a registrant to vote in any primary,  
39           general, or special election unless the registrant shall have made application later than  
40           the twenty-fifth calendar day immediately preceding such primary, general, or special  
41           election, provided that nothing shall prohibit voter registration agencies from continuing  
42           to accept applications during that period.

43       (h)   Ineligible Applications Prohibited. – No person shall make application to  
44           register to vote under this section if that person is ineligible to vote on account of age,



1 citizenship, lack of residence for the period of time provided by law, or because of  
2 conviction of a felony.

3 **"§ 163-82.21. Voter registration at military recruitment offices.**

4 The Executive Secretary-Director, jointly with the Department of Defense, shall  
5 develop and implement procedures for persons to apply to register to vote at recruitment  
6 offices of the armed forces of the United States in compliance with section 7(c) of  
7 the National Voter Registration Act.

8 **"§ 163-82.22. Voter registration at public libraries.**

9 Every library covered by G.S. 153A-272 shall make available to the public the  
10 application forms described in G.S. 163-82.3, and shall keep a sufficient supply of the  
11 forms so that they are always available. Every library covered by G.S. 153A-272 shall  
12 designate at least one employee to assist voter registration applicants in completing the  
13 form during all times that the library is open.

14 **"§ 163-82.23. Voter registration at public high schools.**

15 Every public high school shall make available to its students and others who are  
16 eligible to register to vote the application forms described in G.S. 163-82.3, and shall  
17 keep a sufficient supply of the forms so that they are always available. A local board of  
18 education may, but is not required to, designate high school employees to assist in  
19 completing the forms. Only employees who volunteer for this duty may be designated  
20 by boards of education.

21 **"§ 163-82.24. Statewide training for election officials.**

22 The State Board of Elections shall conduct training programs in election law and  
23 procedures. All the following officers shall attend a training program conducted by the  
24 State Board at least once within six months after their initial appointment:

- 25 (1) Members of county boards of elections; and  
26 (2) County supervisors of elections.

27 In addition, members of the county boards of elections and supervisors shall attend a  
28 training program conducted by the State Board at least once a year after their initial  
29 appointment. The State Board of Elections shall promulgate rules for the training of  
30 precinct officials.

31 **"§ 163-82.25. Mandated voter registration drive.**

32 The Governor shall proclaim as Citizens Awareness Month the month designated by  
33 the State Board of Elections during every even-numbered year. During that month, the  
34 State Board of Elections shall initiate a statewide voter registration drive and shall adopt  
35 rules under which county boards of elections shall conduct the drives. Each county  
36 board of elections shall participate in the statewide voter registration drives in  
37 accordance with the rules adopted by the State Board.

38 **"§ 163-82.26. Rule-making authority.**

39 The State Board of Elections shall promulgate rules necessary to implement the  
40 provisions of this Article."

41 Sec. 3. G.S. 163-41 reads as rewritten:

42 **"§ 163-41. Precinct registrars—chief judges and judges of election; special**  
43 **registration commissioners; appointment; terms of office; qualifications;**  
44 **vacancies; oaths of office.**

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

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

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

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

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

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

37 If, at any time other than on the day of a primary or election, a ~~registrar~~ chief judge  
38 or judge of election shall be removed from office, or shall die or resign, or if for any  
39 other cause there be a vacancy in a precinct election office, the chairman of the county  
40 board of elections shall appoint another in his place, promptly notifying him of his  
41 appointment. If at all possible, the chairman of the county board of elections shall  
42 consult with the county chairman of the political party of the vacating official, and if the  
43 chairman of the county political party nominates a qualified voter of that precinct to fill  
44 the vacancy, the chairman of the county board of elections shall appoint that person. In

1 filling such a vacancy, the chairman shall appoint a person who belongs to the same  
2 political party as that to which the vacating member belonged when appointed. If the  
3 chairman of the county board of elections did not appoint a person upon  
4 recommendation of the chairman of the party to fill such a vacancy, then the term of  
5 office of the person appointed to fill the vacancy shall expire upon the conclusion of the  
6 next canvass held by the county board of elections under this Chapter, and any  
7 successor must be a person nominated by the chairman of the party of the vacating  
8 officer.

9 If any person appointed ~~registrar~~ chief judge shall fail to be present at the voting  
10 place at the hour of opening the polls on primary or election day, or if a vacancy in that  
11 office shall occur on primary or election day for any reason whatever, the precinct  
12 judges of election shall appoint another to act as ~~registrar~~ chief judge until such time as  
13 the chairman of the county board of elections shall appoint to fill the vacancy. If such  
14 appointment by the chairman of the county board of elections is not a person nominated  
15 by the county chairman of the political party of the vacating officer, then the term of  
16 office of the person appointed to fill the vacancy shall expire upon the conclusion of the  
17 next canvass held by the county board of elections under this Chapter. If a judge of  
18 election shall fail to be present at the voting place at the hour of opening the polls on  
19 primary or election day, or if a vacancy in that office shall occur on primary or election  
20 day for any reason whatever, the ~~registrar~~ chief judge shall appoint another to act as  
21 judge until such time as the chairman of the county board of elections shall appoint to  
22 fill the vacancy. Persons appointed to fill vacancies shall, whenever possible, be chosen  
23 from the same political party as the person whose vacancy is being filled, and all such  
24 appointees shall be sworn before acting.

25 As soon as practicable, following their training as prescribed in G.S. ~~163-80(d)~~, 163-  
26 82.24, each ~~registrar~~ chief judge and judge of ~~elections~~ election shall take and subscribe  
27 the following oath of office to be administered by an officer authorized to administer  
28 oaths and file it with the county board of elections:

29 'I, ....., do solemnly swear (or affirm) that I will support the  
30 Constitution of the United States; that I will be faithful and bear true  
31 allegiance to the State of North Carolina, and to the constitutional powers  
32 and authorities which are or may be established for the government  
33 thereof; that I will endeavor to support, maintain and defend the  
34 Constitution of said State not inconsistent with the Constitution of the  
35 United States; that I will administer the duties of my office as ~~registrar~~  
36 chief judge of (judge of ~~elections~~ election in) ..... precinct, ..... County,  
37 without fear or favor; that I will not in any manner request or seek to  
38 persuade or induce any voter to vote for or against any particular  
39 candidate or proposition; and that I will not keep or make any  
40 memorandum of anything occurring within a voting booth, unless I am  
41 called upon to testify in a judicial proceeding for a violation of the  
42 election laws of this State; so help me, God.'

43 Notwithstanding the previous paragraph, a person appointed ~~registrar~~ chief judge by  
44 the judges of election under this section, or appointed judge of election by the ~~registrar~~

1 chief judge under this section may take the oath of office immediately upon  
2 appointment.

3 Before the opening of the polls on the morning of the primary or election, the  
4 ~~registrar~~ chief judge shall administer the oath set out in the preceding paragraph to each  
5 assistant, and any judge of ~~elections~~ election not previously sworn, substituting for the  
6 words '~~registrar~~ chief judge of' the words 'assistant in' or 'judge of ~~elections~~ election in'  
7 whichever is appropriate.

8 (b) ~~Appointment of Special Registration Commissioners.~~—~~In each county the~~  
9 ~~county board of elections shall appoint as special registration commissioners the~~  
10 ~~persons required by the next paragraph of this subsection, and may appoint additional~~  
11 ~~persons as special registration commissioners. Special registration commissioners shall~~  
12 ~~serve a term to expire on the date on which registrars and judges are appointed pursuant~~  
13 ~~to subsection (a) of this subsection, and may be removed with cause. A special~~  
14 ~~registration commissioner for a county must be a registered voter of that county.~~

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

- 20 (1) ~~One per 2,500 (or major fraction) residents of the county according to~~  
21 ~~the most recent decennial federal census; or~~
- 22 (2) ~~Five, whichever is greater, but in no case greater than 100. If such~~  
23 ~~recommendations are received by the county board of elections at least~~  
24 ~~seven days prior to the next meeting of the county board of elections,~~  
25 ~~the county board of elections shall at that meeting appoint as special~~  
26 ~~registration commissioners the qualified persons on each list. The~~  
27 ~~county board of elections shall meet within 45 days of receiving such~~  
28 ~~nominations.~~

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

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

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

37 ~~No special registration commissioner who is the wife, husband, mother, father, son,~~  
38 ~~daughter, brother or sister of any candidate for nomination or election may serve as~~  
39 ~~special registration commissioner during the period beginning when the person files a~~  
40 ~~notice of candidacy or otherwise obtains ballot access and ending on the date of the~~  
41 ~~primary if the candidate is on the primary ballot or ending on the day of the general~~  
42 ~~election if the candidate is on the general election ballot. The county board of elections~~  
43 ~~shall temporarily disqualify the special registration commissioner for that period and~~  
44 ~~shall have authority to appoint a temporary substitute who is a member of the same~~

1 political party, to serve until the special registration commissioner is no longer  
2 disqualified.

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

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

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

13 I, \_\_\_\_\_, do solemnly swear (or affirm) that I will  
14 support the Constitution of the United States; that I will be faithful and  
15 bear true allegiance to the State of North Carolina, and to the  
16 constitutional powers and authorities which are or may be established for  
17 the government thereof; that I will endeavor to support, maintain and  
18 defend the Constitution of said State, not inconsistent with the  
19 Constitution of the United States; that I will administer the duties of my  
20 office as special registration commissioner for \_\_\_\_\_ County  
21 without fear or favor, to the best of my knowledge and ability, according  
22 to law; so help me, God!

23 Special Registration Commissioners Abolished; Optional Training. – The office of  
24 special registration commissioner is abolished. The State Board of Elections and county  
25 boards of elections may provide training to persons assisting in voter registration.

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

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

35 Sec. 4. G.S. 163-47 reads as rewritten:

36 "**§ 163-47. Powers and duties of registrars chief judges and judges of election.**

37 (a) The registrars chief judges and judges of election shall conduct the primaries  
38 and elections within their respective precincts fairly and impartially, and they shall  
39 enforce peace and good order in and about the place of registration and voting. On the  
40 day of each primary and general and special election, the precinct registrar chief judge  
41 and judges shall remain at the voting place from the time fixed by law for the  
42 commencement of their duties there until they have completed all those duties, and they  
43 shall not separate nor shall any one of them leave the voting place except for  
44 unavoidable necessity.

1 (b) ~~The registrar shall have in his charge the actual registration of voters within~~  
2 ~~his precinct and shall not delegate this responsibility. On the days required by law, he~~  
3 ~~shall attend the voting place for the registration of new voters and for hearing~~  
4 ~~challenges, but in the performance of these duties the registrar shall be subject to the~~  
5 ~~observance of such reasonable rules and regulations as the county board of elections~~  
6 ~~may prescribe, not inconsistent with law. On the day of an election or primary, the~~  
7 ~~registrar~~ chief judge shall have charge of the registration ~~book~~ list for the purpose of  
8 passing on the registration of persons who present themselves at the polls to vote.

9 (c) ~~The registrars~~ chief judge and judges shall hear challenges of the right of  
10 registered voters to vote as provided by law.

11 (d) ~~The registrars~~ chief judge and judges shall count the votes cast in their  
12 precincts and make such returns of the same as is provided by law.

13 (e) ~~The registrars~~ chief judge and judges shall make such an accounting to the  
14 chairman of the county board of elections for ballots and for election supplies as is  
15 required by law.

16 (f) ~~The registrar~~ chief judge and judges of election shall act by a majority vote on  
17 all matters not assigned specifically by law to the ~~registrar~~ chief judge or to a judge."

18 Sec. 5. Wherever the term "registrar" appears in Chapter 163 of the General  
19 Statutes, the term shall be changed to read "chief judge".

20 Sec. 6. Article 4 of Chapter 163 of the General Statutes is amended by  
21 adding a new section to read:

22 **"§ 163-36. Modified full-time offices.**

23 The State Board of Elections shall promulgate rules permitting counties that have  
24 fewer than 14,001 registered voters to operate a modified full-time elections office to  
25 the extent that the operation of a full-time office is not necessary. Nothing in this  
26 section shall preclude any county from keeping an elections office open at hours  
27 consistent with the hours observed by other county offices."

28 Sec. 7. Article 10 of Chapter 163 of the General Statutes is amended by  
29 adding a new section to read:

30 **"§ 163-116. Voting by unaffiliated voter in party primary.**

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

39 Sec. 8. G.S. 18B-601(i) reads as rewritten:

40 "(i) Observers. – The proponents and opponents for an alcoholic beverage  
41 election, as determined by the local board of elections, shall have the right to appoint  
42 two ~~watchers~~ observers to attend each voting place. The persons authorized to appoint  
43 ~~watchers~~ observers shall, three days before the election, submit in writing to the  
44 ~~registrar~~ chief judge of each precinct a signed list of the ~~watchers~~ observers appointed

1 for that precinct. The persons appointed as ~~watchers~~observers shall be registered voters  
2 of the precinct for which appointed. The ~~registrar~~chief judge and judges for the  
3 precinct may for good cause reject any appointee and require that another be appointed.  
4 ~~Watchers~~Observers shall do no electioneering at the voting place nor in any manner  
5 impede the voting process, interfere or communicate with or observe any voter in  
6 casting his ballot. ~~Watchers~~Observers shall be permitted in the voting place to make  
7 such observation and to take such notes as they may desire."

8 Sec. 9. G.S. 115C-506 reads as rewritten:

9 **"§ 115C-506. Action of board of county commissioners or governing body of**  
10 **municipality.**

11 Petitions requesting special school elections and bearing the approval of the board of  
12 education of the local school administrative unit shall be presented to the board of  
13 county commissioners, and it shall be the duty of said board of county commissioners to  
14 call an election and fix the date for the same: Provided, that the board of education  
15 requesting the election may, for any reason deemed sufficient by said board which shall  
16 be specified and recorded in the minutes of the board, withdraw the petition ~~before the~~  
17 ~~close of the registration books, by the twenty-fifth day before the election,~~ and if the  
18 petition be so withdrawn, the election shall not be held unless by some other provision  
19 of law the holding of such election is mandatory. In the case of a city administrative  
20 unit in any incorporated city or town and formed from portions of contiguous counties,  
21 said petition shall be presented to the governing body of the city or town situated within,  
22 coterminous with, or embracing such city administrative unit, and the election shall be  
23 ordered by said governing body, and said governing body shall perform all the duties  
24 pertaining to said election performed by the board of county commissioners in elections  
25 held under this Article."

26 Sec. 10. G.S. 139-40 reads as rewritten:

27 **"§ 139-40. Conduct of election.**

28 (a) There shall be no new registration of voters for such an election. ~~The~~  
29 ~~registration books~~Registration shall be open for registration of new voters in said  
30 county and registration of any and all legal residents of said county, who are or could  
31 legally be enfranchised as qualified voters for regular general elections, shall be carried  
32 out in accordance with the general election laws of the State of North Carolina as  
33 provided for local elections. Notice of such registration of new voters shall be  
34 published in a newspaper circulated in said county, once, not less than ~~30~~55 days  
35 before and not more than ~~40~~65 days ~~before, the close of the registration books, before~~  
36 the election, stating the hours and days for registration. The special election, if called,  
37 shall be under the control and supervision of the county board of elections.

38 (b) The form of the question shall be substantially the words 'For Watershed  
39 Improvement Tax of Not More Than ..... Cents Per One Hundred Dollar (\$100.00)  
40 Valuation,' and 'Against Watershed Improvement Tax of Not More Than ..... Cents  
41 Per One Hundred Dollar (\$100.00) Valuation,' which alternates shall appear separated  
42 from each other on one ballot containing opposite, and to the left of each alternate,  
43 squares of appropriate size in one of which squares the voter may make a mark 'X' to  
44 designate the voter's choice for or against such tax, provided, the board of county

1 commissioners may vary the aforesaid form of the question to be placed upon the ballot  
2 for the watershed improvement tax election in such manner as the board deems  
3 appropriate, and the board of elections shall cause to be placed upon the ballot such  
4 form of the question as may be requested by the board of county commissioners. The  
5 board of county commissioners shall designate the amount of the maximum annual rate  
6 of such tax to be levied, which amount may be less than but may not exceed twenty-five  
7 cents (25¢) on the one hundred dollar (\$100.00) valuation of property in the county, and  
8 said amount shall be stated on the ballot in the question to be voted upon. Such ballot  
9 shall be printed on white paper and each polling place shall be supplied with a sufficient  
10 number of ballots not later than the day before the election. At such special election the  
11 election board shall cause to be placed at each voting precinct in said county a ballot  
12 box marked 'Watershed Improvement Tax Election'.

13 (c) The duly appointed judges and other election officials who are named and  
14 fixed by the county board of elections shall count the ballots so cast in such election and  
15 the results of the election shall be officially canvassed, certified and announced by the  
16 proper officials of the board of elections, according to the manner of canvassing,  
17 certifying and announcing the elections held under the general election laws of the State  
18 as provided for local elections.

19 (d) If a majority of those voting in such election favor the levying of such a tax,  
20 the board of commissioners of such county is authorized to levy a special tax at a rate  
21 not to exceed twenty-five cents (25¢) on each one hundred dollars (\$100.00) of assessed  
22 value of real and personal property taxable in said county, not to exceed the maximum  
23 rate of tax approved by the voters in such election, and the General Assembly does  
24 hereby give its special approval for the levy of such special tax."

25 Sec. 11. G.S. 158-17 reads as rewritten:

26 **"§ 158-17. Registration of voters; election under supervision of county board of**  
27 **elections.**

28 There shall be no new registration of voters for such an election. ~~The registration~~  
29 ~~books—Registration~~ shall be open for registration of new voters in said county and  
30 registration of any and all legal residents of said county, who are or could legally be  
31 enfranchised as qualified voters for regular general elections, shall be carried out in  
32 accordance with the general election laws of the State of North Carolina as provided for  
33 local elections. Notice of such registration of new voters shall be published in a  
34 newspaper circulated in said county, once, not less than ~~30-55~~ days before and not more  
35 than ~~40-65~~ days before, ~~the close of the registration books, the election,~~ stating the hours  
36 and days for registration. The special election, if called, shall be under the control and  
37 supervision of the county board of elections."

38 Sec. 12. G.S. 163-22(o) reads as rewritten:

39 "(o) The State Board of Elections shall promulgate minimum requirements for the  
40 number of pollbooks, voting machines and curbside ballots to be available at each  
41 precinct, such that more of such will be available at general elections and a sufficient  
42 number will be available to allow voting without excessive delay. The State Board of  
43 Elections shall provide for a training and screening program for ~~registrars—chief judges~~



1 and judges. The State Board of Elections shall provide additional testing of voting  
2 machines to ensure that they operate properly even with complicated ballots.

3 The State Board of Elections shall require counties with voting systems to have  
4 sufficient personnel available on election day with technical expertise to make repairs in  
5 such equipment, to investigate election day problems, and assist in curbside voting."

6 Sec. 13. G.S. 163-31 reads as rewritten:

7 **"§ 163-31. Meetings of county boards of elections; quorum; minutes.**

8 In each county of the State the members of the county board of elections shall meet  
9 at the courthouse or board office at noon on the Tuesday following the third Monday in  
10 July in the year of their appointment by the State Board of Elections and, after taking  
11 the oath of office provided in G.S. 163-30, they shall organize by electing one member  
12 chairman and another member secretary of the county board of elections. On the  
13 Tuesday following the third Monday in August of the year in which they are appointed  
14 the county board of elections shall meet and appoint precinct ~~registrars~~ chief judges and  
15 judges of elections. The board may hold other meetings at such times as the chairman  
16 of the board, or any two members thereof, may direct, for the performance of duties  
17 prescribed by law. A majority of the members shall constitute a quorum for the  
18 transaction of board business. The chairman shall notify, or cause to be notified, all  
19 members regarding every meeting to be held by the board.

20 The county board of elections shall keep minutes recording all proceedings and  
21 findings at each of its meetings. The minutes shall be recorded in a book which shall be  
22 kept in the board office and it shall be the responsibility of the secretary, elected by the  
23 board, to keep the required minute book current and accurate. The secretary of the  
24 board may designate the supervisor of elections to record and maintain the minutes  
25 under his supervision."

26 Sec. 14. G.S. 163-32 reads as rewritten:

27 **"§ 163-32. Compensation of members of county boards of elections.**

28 In full compensation of their services, members of the county board of elections  
29 (including the chairman) shall be paid by the county twenty-five dollars (\$25.00) per  
30 meeting for the time they are actually engaged in the discharge of their duties, together  
31 with reimbursement of expenditures necessary and incidental to the discharge of their  
32 duties; provided that members are not entitled to be compensated for more than one  
33 meeting held in any one 24-hour period. In its discretion, the board of county  
34 commissioners of any county may pay the chairman and members of the county board  
35 of elections compensation in addition to the per meeting and expense allowance  
36 provided in this paragraph.

37 In all counties the board of elections shall pay its clerk, assistant clerks, and other  
38 employees such compensation as it shall fix within budget appropriations. Counties  
39 which adopt full-time and permanent registration shall have authority to pay supervisors  
40 of elections ~~and special registration commissioners~~ whatever compensation they may  
41 fix within budget appropriations."

42 Sec. 15. G.S. 163-33(2) reads as rewritten:

43 "(2) To appoint all ~~registrars~~ chief judges, judges, assistants, and other  
44 officers of elections, and designate the precinct in which each shall

1 serve; and, after notice and hearing, to remove any ~~registrar, chief~~  
2 ~~judge,~~ judge of elections, assistant, or other officer of election  
3 appointed by it for incompetency, failure to discharge the duties of  
4 office, failure to qualify within the time prescribed by law, fraud, or  
5 for any other satisfactory cause. In exercising the powers and duties of  
6 this subdivision, the board may act only when a majority of its  
7 members are present at any meeting at which such powers or duties are  
8 exercised."

9 Sec. 16. G.S. 163-35(d) reads as rewritten:

10 "(d) Duties. – The supervisor of elections may be empowered by the county board  
11 of elections to perform such administrative duties as might be assigned by the board and  
12 the chairman. ~~In addition to any administrative duties the supervisor of elections shall~~  
13 ~~be authorized to receive applications for registration and in pursuit of such authority~~  
14 ~~shall be given the oath required of all registrars.~~ In addition, the supervisor of elections  
15 may be authorized by the chairman to execute the responsibilities devolving upon the  
16 chairman provided such authorization by any chairman shall in no way transfer the  
17 responsibility for compliance with the law. The chairman shall remain liable for proper  
18 execution of all matters specifically assigned to him by law.

19 The county board of elections shall have authority, by resolution adopted by  
20 majority vote, to delegate to its supervisor of elections so much of the administrative  
21 detail of the election functions, duties, and work of the board, its officers and members,  
22 as is now, or may hereafter be vested in the board or its members as the county board of  
23 elections may see fit: Provided, that the board shall not delegate to a supervisor of  
24 elections any of its quasi-judicial or policy-making duties and authority. Within the  
25 limitations imposed upon him by the resolution of the county board of elections the acts  
26 of a properly appointed supervisor of elections shall be deemed to be the acts of the  
27 county board of elections, its officers and members."

28 Sec. 17. G.S. 163-42 reads as rewritten:

29 "**§ 163-42. Assistants at polls; appointment; term of office; qualifications; oath of**  
30 **office.**

31 Each county and municipal board of elections is authorized, in its discretion, to  
32 appoint two or more assistants for each precinct to aid the ~~registrar chief judge~~ and  
33 judges. Not more than two assistants shall be appointed in precincts having 500 or less  
34 registered voters. Assistants shall be qualified voters of the precinct for which  
35 appointed. When the board of elections determines that assistants are needed in a  
36 precinct an equal number shall be appointed from different political parties, unless the  
37 requirement as to party affiliation cannot be met because of an insufficient number of  
38 voters of different political parties within a precinct.

39 The chairman of each political party in the county shall have the right to recommend  
40 from three to 10 registered voters in each precinct for appointment as precinct assistants  
41 in that precinct. If the recommendations are received by it no later than the thirtieth day  
42 prior to the primary or election, the board shall make appointments of the precinct  
43 assistants for each precinct from the names thus recommended.

1 Before entering upon the duties of the office, each assistant shall take the oath  
2 prescribed in G.S. 163-41(a) to be administered by the ~~registrar~~chief judge of the  
3 precinct for which the assistant is appointed. Assistants serve for the particular primary  
4 or election for which they are appointed, unless the county board of elections appoints  
5 them for a term to expire on the date appointments are to be made pursuant to G.S. 163-  
6 41."

7 Sec. 18. G.S. 163-43 reads as rewritten:

8 **"§ 163-43. Ballot counters; appointment; qualifications; oath of office.**

9 The county board of elections of any county may authorize the use of precinct ballot  
10 counters to aid the ~~registrars~~chief judges and judges of election in the counting of  
11 ballots in any precinct or precincts within the county. The county board of elections  
12 shall appoint the ballot counters it authorizes for each precinct or, in its discretion, the  
13 board may delegate authority to make such appointments to the precinct ~~registrar~~chief  
14 judge, specifying the number of ballot counters to be appointed for each precinct. A  
15 ballot counter must be a resident of that precinct.

16 No person shall be eligible to serve as a ballot counter, who holds any elective office  
17 under the government of the United States, or of the State of North Carolina or any  
18 political subdivision thereof.

19 No person shall be eligible to serve as a ballot counter, who serves as chairman of a  
20 state, congressional district, county, or precinct political party or political organization.

21 No person who is the wife, husband, mother, father, son, daughter, brother or sister  
22 of any candidate for nomination or election may serve as ballot counter during any  
23 primary or election in which such candidate qualifies.

24 No person shall be eligible to serve as a ballot counter who is a candidate for  
25 nomination or election.

26 Upon acceptance of appointment, each ballot counter shall appear before the  
27 precinct ~~registrar~~chief judge at the voting place immediately at the close of the polls on  
28 the day of the primary or election and take the following oath to be administered by the  
29 ~~registrar~~chief judge:

30 'I, ....., do solemnly swear (or affirm) that I will support the Constitution of the  
31 United States; that I will be faithful and bear true allegiance to the State of North  
32 Carolina, and to the constitutional powers and authorities which are or may be  
33 established for the government thereof; that I will endeavor to support, maintain and  
34 defend the Constitution of said State not inconsistent with the Constitution of the United  
35 States; that I will honestly discharge the duties of ballot counter in ..... precinct, .....  
36 County for primary (or election) held this day, and that I will fairly and honestly  
37 tabulate the votes cast in said primary (or election); so help me, God.'

38 The names and addresses of all ballot counters serving in any precinct, whether  
39 appointed by the county board of elections or by the ~~registrar~~chief judge, shall be  
40 reported by the ~~registrar~~chief judge to the county board of elections at the county  
41 canvass following the primary or election."

42 Sec. 19. G.S. 163-45 reads as rewritten:

43 **"§ 163-45. Observers; appointment.**

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

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

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

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

1           Sec. 20. G.S. 163-46 reads as rewritten:

2   **"§ 163-46. Compensation of precinct officials and assistants.**

3           The precinct ~~registrar~~ chief judge shall be paid the state minimum wage for his  
4 services on the day of a primary, special or general election. Judges of election shall  
5 each be paid the state minimum wage for their services on the day of a primary, special  
6 or general election. Assistants, appointed pursuant to G.S. 163-42, shall each be paid  
7 the state minimum wage for their services on the day of a primary, special or general  
8 election. Ballot counters appointed pursuant to G.S. 163-43 shall be paid a minimum of  
9 five dollars (\$5.00) for their services on the day of a primary, general or special  
10 election.

11          ~~Registrars~~ Chief judges shall be paid the sum of twenty dollars (\$20.00) per day and  
12 judges shall be paid the sum of fifteen dollars (\$15.00) per day for attendance at the  
13 county canvass, pursuant to G.S. 163-173; ~~or for attending the polling place for the~~  
14 ~~purpose of registering voters upon instruction from the chairman of the county board of~~  
15 ~~elections.~~ 163-173.

16          The chairman of the county board of elections, along with the supervisor of  
17 elections, shall conduct an instructional meeting prior to each primary and general  
18 election which shall be attended by each ~~registrar~~ chief judge and judge of election,  
19 unless excused by the chairman, and such precinct election officials shall be paid the  
20 sum of fifteen dollars (\$15.00) for attending the instructional meetings required by this  
21 section.

22          In its discretion, the board of county commissioners of any county may provide  
23 funds with which the county board of elections may pay ~~registrars,~~ chief judges, judges,  
24 assistants, and ballot counters in addition to the amounts specified in this section.  
25 Observers shall be paid no compensation for their services.

26          A person appointed to serve as ~~registrar~~ chief judge, or judge of election when a  
27 previously appointed ~~registrar~~ chief judge or judge fails to appear at the voting place or  
28 leaves his post on the day of an election or primary shall be paid the same compensation  
29 as the ~~registrar~~ chief judge or judge appointed prior to that date.

30          For the purpose of this section, the phrase 'the State minimum wage,' means the  
31 amount set by G.S. 95-25.3(a). For the purpose of this section, no other provision of  
32 Article 2A of Chapter 95 of the General Statutes shall apply."

33           Sec. 21. G.S. 163-48 reads as rewritten:

34   **"§ 163-48. Maintenance of order at place of registration and voting.**

35           The ~~registrar~~ chief judge and judges of election shall enforce peace and good order  
36 in and about the place of registration and voting. They shall especially keep open and  
37 unobstructed the place at which voters or persons seeking to register or vote have access  
38 to the place of registration and voting. They shall prevent and stop improper practices  
39 and attempts to obstruct, intimidate, or interfere with any person in registering or voting.  
40 They shall protect challenger and witnesses against molestation and violence in the  
41 performance of their duties, and they may eject from the place of registration or voting  
42 any challenger or witness for violation of any provisions of the election laws. They  
43 shall prevent riots, violence, tumult, or disorder.

1 In the discharge of the duties prescribed in the preceding paragraph of this section,  
2 the ~~registrar-chief judge~~ and judges may call upon the sheriff, the police, or other peace  
3 officers to aid them in enforcing the law. They may order the arrest of any person  
4 violating any provision of the election laws, but such arrest shall not prevent the person  
5 arrested from registering or voting if he is entitled to do so. The sheriff, ~~constables,~~  
6 police officers, and other officers of the peace shall immediately obey and aid in the  
7 enforcement of any lawful order made by the precinct election officials in the  
8 enforcement of the election laws. The ~~registrar-chief judge~~ and judges of election of any  
9 precinct, or any two of such election officials, shall have the authority to deputize any  
10 person or persons as police officers to aid in maintaining order at the place of  
11 registration or voting."

12 Sec. 22. G.S. 163-57 reads as rewritten:

13 **"§ 163-57. Residence defined for registration and voting.**

14 All ~~registrars and judges, election officials~~ in determining the residence of a person  
15 offering to register or vote, shall be governed by the following rules, so far as they may  
16 apply:

- 17 (1) That place shall be considered the residence of a person in which his  
18 habitation is fixed, and to which, whenever he is absent, he has the  
19 intention of returning.
- 20 (2) A person shall not be considered to have lost his residence who leaves  
21 his home and goes into another state or county of this State, for  
22 temporary purposes only, with the intention of returning.
- 23 (3) A person shall not be considered to have gained a residence in any  
24 county of this State, into which he comes for temporary purposes only,  
25 without the intention of making such county his permanent place of  
26 abode.
- 27 (4) If a person removes to another state or county within this State, with  
28 the intention of making such state or county his permanent residence,  
29 he shall be considered to have lost his residence in the state or county  
30 from which he has removed.
- 31 (5) If a person removes to another state or county within this State, with  
32 the intention of remaining there an indefinite time and making such  
33 state or county his place of residence, he shall be considered to have  
34 lost his place of residence in this State or the county from which he has  
35 removed, notwithstanding he may entertain an intention to return at  
36 some future time.
- 37 (6) If a person goes into another state or county, or into the District of  
38 Columbia, and while there exercises the right of a citizen by voting in  
39 an election, he shall be considered to have lost his residence in this  
40 State or county.
- 41 (7) School teachers who remove to a county for the purpose of teaching in  
42 the schools of that county temporarily and with the intention or  
43 expectation of returning during vacation periods to live in the county  
44 in which their parents or other relatives reside, and who do not have

1 the intention of becoming residents of the county to which they have  
 2 moved to teach, for purposes of registration and voting shall be  
 3 considered residents of the county in which their parents or other  
 4 relatives reside.

5 (8) If a person removes to the District of Columbia or other federal  
 6 territory to engage in the government service, he shall not be  
 7 considered to have lost his residence in this State during the period of  
 8 such service unless he votes there, and the place at which he resided at  
 9 the time of his removal shall be considered and held to be his place of  
 10 residence.

11 (9) If a person removes to a county to engage in the service of the State  
 12 government, he shall not be considered to have lost his residence in the  
 13 county from which he removed, unless he demonstrates a contrary  
 14 intention.

15 (10) For the purpose of voting a spouse shall be eligible to establish a  
 16 separate domicile.

17 (11) So long as a student intends to make his home in the community where  
 18 he is physically present for the purpose of attending school while he is  
 19 attending school and has no intent to return to his former home after  
 20 graduation, he may claim the college community as his domicile. He  
 21 need not also intend to stay in the college community beyond  
 22 graduation in order to establish his domicile there. This subdivision is  
 23 intended to codify the case law."

24 Sec. 23. G.S. 163-59 reads as rewritten:

25 **"§ 163-59. Right to participate or vote in party primary.**

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

28 (1) Is a registered voter, and

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

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

33 Notwithstanding the previous paragraph, any unaffiliated voter who is authorized  
 34 under G.S. ~~163-74(a1)~~ 163-116 may also vote in the primary if the voter is  
 35 otherwise eligible to vote in that primary except for subdivisions (2) and (3) of the  
 36 previous paragraph.

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~~ 163-  
 43 82.6(c) prior to the primary. In addition, persons who will become qualified by age  
 44 to register and vote in the general election or regular municipal election for which the

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

4 Sec. 24. G.S. 163-84 reads as rewritten:

5 **"§ 163-84. Time for challenge other than on day of primary or election.**

6 The registration records of each county shall be open to inspection by any registered  
7 voter of the county, including any ~~registrar~~ chief judge or judge of elections, during the  
8 normal business hours of the county board of elections on the days when the board's  
9 office is ~~open pursuant to G.S. 163-67.~~ open. At those times the right of any person to  
10 register, remain registered, or vote shall be subject to objection and challenge."

11 Sec. 25. G.S. 163-85(a) reads as rewritten:

12 "(a) Right to Challenge; When Challenge May Be Made. – Any registered voter  
13 of the county may challenge the right of any person to register, remain registered or vote  
14 in such county. No such challenge may be made after the ~~close of the registration books,~~  
15 ~~pursuant to G.S. 163-67,~~ twenty-fifth day before each primary, general, or special  
16 election."

17 Sec. 26. G.S. 163-87 reads as rewritten:

18 **"§ 163-87. Challenges allowed on day of primary or election.**

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

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

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

29 On the day of a party primary, any voter of the precinct who is registered as a  
30 member of the political party conducting the primary may, at the time any registrant  
31 proposes to vote, challenge his right to vote upon the ground that he does not affiliate  
32 with the party conducting the primary or does not in good faith intend to support the  
33 candidates nominated in that party's primary, and it shall be the duty of the ~~registrar~~  
34 chief judge and judges of election to determine whether or not the challenged registrant  
35 has a right to vote in that primary according to the procedures prescribed in G.S. 163-  
36 88; provided that no challenge may be made on the grounds specified in the paragraph  
37 against an unaffiliated voter voting in the primary under G.S. 163-74(a1).

38 If a person is challenged under this subsection, and the challenge is sustained under  
39 G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. ~~163-72.3,~~ 163-  
40 82.15(e) if eligible under that section, and the registration shall not be cancelled under  
41 G.S. 163-90.2(a) if the transfer is made. A person who has transferred his registration  
42 under G.S. ~~163-72.3~~ 163-82.15(e) may be challenged at the precinct to which the  
43 registration is being transferred."

44 Sec. 27. G.S. 163-88 reads as rewritten:



1 **"§ 163-88. Hearing on challenge made on day of primary or election.**

2 A challenge entered on the day of a primary or election shall be heard and decided  
3 by the ~~registrar~~ chief judge and judges of election of the precinct in which the  
4 challenged registrant is registered before the polls are closed on the day the challenge is  
5 made. When the challenge is heard the precinct officials conducting the hearing shall  
6 explain to the challenged registrant the qualifications for registration and voting in this  
7 State, and shall examine him as to his qualifications to be registered and to vote. If the  
8 challenged registrant insists that he is qualified, and if, by sworn testimony, he shall  
9 prove his identity with the person in whose name he offers to vote and his continued  
10 residence in the precinct since he was registered, one of the judges of election or the  
11 ~~registrar~~ chief judge shall tender to him the following oath or affirmation, omitting the  
12 portions in brackets if the challenge is heard on the day of an election other than a  
13 primary:

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

23 If the challenged registrant refuses to take the tendered oath, the challenge shall be  
24 sustained, and the precinct officials conducting the hearing shall mark the registration  
25 records to reflect their decision, and they shall erase the challenged registrant's name  
26 from the pollbook if it has been entered therein. If the challenged registrant takes the  
27 tendered oath, the precinct officials conducting the hearing may, nevertheless, sustain  
28 the challenge unless they are satisfied that the challenged registrant is a legal voter. If  
29 they are satisfied that he is a legal voter, they shall overrule the challenge and permit  
30 him to vote. Whenever any person's vote is received after having taken the oath  
31 prescribed in this section, the ~~registrar~~ chief judge or one of the judges of election shall  
32 write on the registration record and on the pollbook opposite the registrant's name the  
33 word 'sworn.'

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

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

41 Sec. 28. G.S. 163-88.1 reads as rewritten:

42 **"§ 163-88.1. Request for challenged ballot.**

43 (a) If the decision of the ~~registrar~~ chief judge and judges pursuant to G.S. 163-88  
44 is to sustain the challenge, the challenged voter may request a challenged ballot by

1 submitting an application to the ~~registrar, chief judge,~~ such application shall include as  
2 part thereof an affidavit that such person possesses all the qualifications for voting and  
3 is entitled to vote at the election. The form of such affidavit shall be prescribed by the  
4 State Board of Elections and shall be available at the polls.

5 (b) Any person requesting a challenged ballot shall have the letter 'C' entered at  
6 the appropriate place on the voter's permanent registration record. The voter's name  
7 shall be entered on a separate page in the pollbook entitled 'Challenged Ballot,' and  
8 serially numbered. The challenged ballot shall be the same type of ballot used for  
9 absentee voters, and the ~~registrar chief judge~~ shall write across the top of the ballot  
10 'Challenged Ballot # . . . .,' and shall insert the same serial number as entered in the  
11 pollbook. The ~~registrar chief judge~~ shall deliver to such voter a challenged ballot  
12 together with an envelope marked 'Challenged Ballot' and serially numbered. The  
13 challenged voter shall forthwith mark the ballot in the presence of the ~~registrar chief~~  
14 ~~judge~~ in such manner that the ~~registrar chief judge~~ shall not know how the ballot is  
15 marked. He shall then fold the ballot in the presence of the ~~registrar chief judge~~ so as to  
16 conceal the markings and deposit and seal it in the serially numbered envelope. He  
17 shall then deliver such envelope to the ~~registrar chief judge~~. The ~~registrar chief judge~~  
18 shall retain all such envelopes in an envelope provided by the county board of elections,  
19 which he shall seal immediately after the polls close, and deliver to the board chairman  
20 at the canvass.

21 (c) The chairman of the county board of elections shall preserve such ballots in  
22 the sealed envelopes for a period of six months after the election. However, in the case  
23 of a contested election, either party to such action may request the court to order that the  
24 sealed envelopes containing challenged ballots be delivered to the board of elections by  
25 the chairman. If so ordered, the board of elections shall then convene and consider each  
26 challenged ballot and rule as to which ballots shall be counted. In such consideration,  
27 the board may take such further evidence as it deems necessary, and shall have the  
28 power of subpoena. If any ballots are ordered to be counted, they shall be added to the  
29 vote totals."

30 Sec. 29. G.S. 163-89 reads as rewritten:

31 "**§ 163-89. Procedures for challenging absentee ballots.**

32 (a) Time for Challenge. – The absentee ballot of any voter may be challenged on  
33 the day of any statewide primary or general election or county bond election beginning  
34 no earlier than noon and ending no later than 5:00 P.M., or by the ~~registrar chief judge~~  
35 at the time of closing of the polls as provided in G.S. ~~163-233-163-232~~ and G.S. 163-  
36 251(b).

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

39 (c) Form and Nature of Challenge. – Each challenged absentee ballot shall be  
40 challenged separately. The burden of proof shall be on the challenger. Each challenge  
41 shall be made in writing and, if they are available, shall be made on forms prescribed by  
42 the State Board of Elections. Each challenge shall specify the reasons why the ballot  
43 does not comply with the provisions of this Article or why the absentee voter is not

1 legally entitled to vote in the particular primary or election. The challenge shall be  
2 signed by the challenger.

3 (d) To Whom Challenge Addressed; to Whom Challenge Delivered. – Each  
4 challenge shall be addressed to the county board of elections. It may be filed with the  
5 board at its offices or with the ~~registrar~~chief judge of the precinct in which the  
6 challenger and absentee voter are registered. If it is delivered to the ~~registrar,~~chief  
7 judge, the ~~registrar~~chief judge shall personally deliver the challenge to the chairman of  
8 the county board of elections on the day of the county canvass.

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

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

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

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

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

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

33 If the challenge was delivered to the board by the ~~registrar~~chief judge of the  
34 precinct and was sustained, the board shall reopen the appropriate ballot boxes, remove  
35 such ballots, determine how those ballots were voted, deduct such ballots from the  
36 returns, and adjust the appropriate abstracts of returns.

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

40 Sec. 30. G.S. 163-105 reads as rewritten:

41 "**§ 163-105. Payment of expense of conducting primary elections.**

42 The expense of printing and distributing the poll and registration books, blanks, and  
43 ballots for those offices required by G.S. 163-109(b) to be furnished by the State, and  
44 the per diem and expenses of the State Board of Elections while engaged in the

1 discharge of primary election duties imposed by law upon that Board, shall be paid by  
2 the State.

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

8 Sec. 31. G.S. 163-106(b) reads as rewritten:

9 "(b) Eligibility to File. – No person shall be permitted to file as a candidate in a  
10 primary if, at the time he offers to file notice of candidacy, he is registered on the  
11 appropriate registration book or record as an affiliate of a political party other than that  
12 in whose primary he is attempting to file. No person who has changed his political  
13 party affiliation or who has changed from unaffiliated status to party affiliation as  
14 permitted in G.S. ~~163-74(b)~~, 163-82.17, shall be permitted to file as a candidate in the  
15 primary of the party to which he changed unless he has been affiliated with the political  
16 party in which he seeks to be a candidate for at least 90 days prior to the filing date for  
17 the office for which he desires to file his notice of candidacy.

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

20 Sec. 32. G.S. 163-109(c) reads as rewritten:

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

24 Superior court judge,

25 District court judge,

26 District attorney,

27 State Senator,

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

29 All county offices.

30 In printing primary ballots, the county board of elections shall be governed by  
31 instructions of the State Board of Elections with regard to width, color, kind of paper,  
32 form, and size of type.

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

38 Three days before the primary election, the chairman of the county board of  
39 elections shall distribute official State, district, and county ballots to the ~~registrar~~ chief  
40 judge of each precinct in his county, and the ~~registrar~~ chief judge shall give him a  
41 receipt for the ballots received. On the day of the primary it shall be the ~~registrar's~~ chief  
42 judge's duty to have all the ballots delivered to him available for use at the precinct  
43 voting place."

44 Sec. 33. G.S. 163-128(a) reads as rewritten:

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

15       Except as provided by Article 12A of this Chapter, the county board of elections  
16 shall have power from time to time, by resolution, to establish, alter, discontinue, or  
17 create such new election precincts or voting places as it may deem expedient. Upon  
18 adoption of a resolution establishing, altering, discontinuing, or creating a precinct or  
19 voting place, the board shall give 20-45 days' notice thereof prior to the ~~date on which~~  
20 ~~the registration books or records next close pursuant to G.S. 163-67. next primary or~~  
21 election. Notice shall be given by advertisement in a newspaper having general  
22 circulation in the county, by posting a copy of the resolution at the courthouse door, and  
23 by mailing a copy of the resolution to the chairman of every political party in the  
24 county. Notice may additionally be made on a radio or television station or both, but  
25 such notice shall be in addition to the newspaper and other required notice."

26       Sec. 34. G.S. 163-129 reads as rewritten:

27       "**§ 163-129. Structure at voting place; marking off limits of voting place.**

28       At the voting place in each precinct established under the provisions of G.S. 163-  
29 128, the county board of elections shall provide or procure by lease or otherwise a  
30 suitable structure or part of a structure in which registration and voting may be  
31 conducted. To this end, the county board of elections shall be entitled to demand and  
32 use any school or other State, county, or municipal building, or a part thereof, or any  
33 other building, or a part thereof, which is supported or maintained, in whole or in part  
34 by or through tax revenues provided, however, that this section shall not be construed to  
35 permit any board of elections to demand and use any tax exempt church property for  
36 such purposes without the express consent of the individual church involved, for the  
37 purpose of conducting registration and voting for any primary or election, and it may  
38 require that the requisitioned premises, or a part thereof, be vacated for these purposes.

39       The county board of elections shall inspect each precinct voting place to ascertain  
40 how it should be arranged for voting purposes, and shall direct the ~~registrar~~ chief judge  
41 and judges of any precinct to define the voting place by roping off the area or otherwise  
42 enclosing it or by marking its boundaries. The boundaries of the voting place shall at  
43 any point lie no more than 100 feet from each ballot box or voting machine. The space

1 so roped off or enclosed or marked for the voting place may contain area both inside  
2 and outside the structure in which registration and voting are to take place."

3 Sec. 35. G.S. 163-141 reads as rewritten:

4 **"§ 163-141. Sample ballots.**

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

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

17 Sec. 36. G.S. 163-142 reads as rewritten:

18 **"§ 163-142. Number of ballots to be furnished each voting place; packaging; date  
19 of delivery; receipt for ballots; accounting for ballots.**

20 The county board of elections shall furnish each precinct voting place with each kind  
21 of ballot to be voted in the primary or election in a number equal to at least eighty  
22 percent (80%) of the number of persons registered to vote in the primary or election in  
23 the precinct. Provided that in those instances where precincts are provided with less  
24 than a number of ballots equal to one hundred percent (100%) of the number of voters  
25 registered to vote in the primary or election in the precinct, the responsible board of  
26 elections shall ensure that a number of additional ballots are stored in its offices for  
27 distribution to precincts where the need for additional ballots becomes evident so that a  
28 number of ballots equal to one hundred percent (100%) of the number of registered  
29 voters in the primary or election in each precinct is available.

30 Each kind of ballot shall be wrapped in a separate package or packages for each  
31 precinct voting place. The number of ballots to be placed in each package shall be  
32 determined by the chairman of the county board of elections, and the outside of each  
33 package shall be marked or stamped to show the kind of ballot and the number  
34 contained.

35 Three days before the primary or election, the county board of elections shall deliver  
36 to such precinct ~~registrar~~ chief judge the required number of ballots of each kind to be  
37 voted in his precinct, and the ~~registrar~~ chief judge shall immediately give a receipt for  
38 the ballots delivered to him in accordance with the information marked or stamped on  
39 the ballot packages.

40 Within three days after the primary or election, the ~~registrar~~ chief judge shall deliver  
41 to the county board of elections all ballots spoiled in his precinct. At the same time he  
42 shall also deliver to the county board of elections all unused ballots from his precinct.  
43 Thereupon, the county board of elections shall make a check to ascertain whether the  
44 total of spoiled ballots and unused ballots, when added to the number of ballots cast in

1 the precinct, equal the number of ballots furnished to and receipted for by the ~~registrar~~  
2 chief judge prior to the primary or election.

3 The provisions of this section shall not apply to voting places at which voting  
4 machines are used."

5 Sec. 37. G.S. 163-143 reads as rewritten:

6 **"§ 163-143. Ballot boxes to be furnished each voting place; date of delivery; receipt  
7 for boxes.**

8 The county board of elections shall furnish each precinct voting place with a ballot  
9 box for each kind of ballot to be voted in the primary or election, together with one  
10 additional box in which spoiled ballots are to be deposited. Each box shall be plainly  
11 marked to indicate the ballots to be deposited therein, and the extra box to be delivered  
12 to each precinct shall be marked 'For Spoiled Ballots.'

13 Each ballot box shall be designed so that it may be locked and sealed and shall be  
14 constructed with an opening in the top large enough to allow a single ballot to be easily  
15 passed through, but no larger. At the time ballot boxes are delivered to the precinct, the  
16 chairman of the county board of elections shall furnish each ~~registrar~~ chief judge with a  
17 lock and proper seals for each box to be used in his precinct, with instructions as to how  
18 each box is to be securely locked and sealed in compliance with G.S. 163-171.

19 Three days before the primary or election, the county board of elections shall deliver  
20 to each precinct ~~registrar~~ chief judge the number of ballot boxes required for his  
21 precinct, and the ~~registrar~~ chief judge shall immediately give a receipt for them.

22 The provisions of this section shall not apply to voting places at which voting  
23 machines are used."

24 Sec. 38. G.S. 163-144 reads as rewritten:

25 **"§ 163-144. Lost, destroyed, damaged, and stolen ballots; replacement; report.**

26 Should official ballots furnished to any precinct in accordance with the provisions of  
27 this chapter be lost, destroyed, damaged, or stolen, the county board of elections, upon  
28 ascertaining that a shortage of ballots exists in the precinct, shall furnish the needed  
29 replacement ballots.

30 Within three days after the primary or election, the ~~registrar~~ chief judge of the  
31 precinct in which the loss occurred shall make a written report, under oath, to the county  
32 board of elections describing in detail the circumstances of the loss, destruction,  
33 damage, or theft of the ballots."

34 Sec. 39. G.S. 163-146 reads as rewritten:

35 **"§ 163-146. Voting enclosure at voting place; furnishings; arrangement.**

36 At each precinct voting place as described in G.S. 163-129, there shall be a room or  
37 area set apart as the voting enclosure. The limits of the voting enclosure shall be  
38 defined by walls, guardrails, or other boundary markers which at no point stand nearer  
39 than 10 feet nor farther than 20 feet from each ballot box or voting machine. This  
40 enclosure shall be arranged so that a single door or opening (not more than three feet  
41 wide) can be used as the entrance for persons seeking to vote.

42 Within the voting enclosure and in plain view of the qualified voters present at the  
43 voting place shall be placed:

- 1 (1) A table or desk on which the ~~registrar~~ chief judge shall place and use  
2 the precinct registration books and records.
- 3 (2) A table or desk on which the responsible judge shall place and  
4 superintend the ballots for distribution and the box for spoiled ballots.
- 5 (3) A table or desk on which the responsible judge shall place and  
6 maintain the pollbook.
- 7 (4) The ballot boxes.
- 8 (5) The voting booths.

9 All voting booths and ballot boxes shall be placed in plain view of the ~~registrar~~ chief  
10 judge and judges as well as of the qualified voters present at the voting place.

11 The ~~registrar's~~ chief judge's table shall be placed near the entrance to the voting  
12 enclosure.

13 Each voting booth shall be located and arranged so that it is impossible for a voter in  
14 one booth to see a voter in another booth in the act of marking his ballots. Each voting  
15 booth shall be kept properly lighted and provided with pencils or pens for marking  
16 ballots.

17 In precincts in which voting machines are used, ballot boxes and voting booths shall  
18 not be used. Within the voting enclosure at the voting place in such a precinct, each  
19 machine shall be placed so that the exterior from all its sides is visible and so that  
20 whenever it is not in use by a voter the ballot labels on its face may be plainly seen by  
21 the precinct officials and assistants, and by observers appointed under the provisions of  
22 G.S. 163-45. Precinct election officials and assistants shall not place themselves, nor  
23 shall they permit any other person to place himself, in any position that will permit one  
24 to see or ascertain how a voter votes on a voting machine except when the voter obtains  
25 assistance as provided in this Chapter.

26 No political banner, poster, or placard shall be allowed in or upon the voting place  
27 during the day of a primary or election."

28 Sec. 40. G.S. 163-147(a) reads as rewritten:

29 "(a) No person or group of persons shall, while the polls are open at the voting  
30 place on the day of the primary or election, loiter about, congregate, distribute campaign  
31 material, or do any electioneering within the voting place, or within 50 feet in any  
32 direction of the entrance or entrances to the building in which the voting place is  
33 located. Notwithstanding the above provision, if the voting place is located in a large  
34 building, the ~~registrar~~ chief judge and judges of the precinct may designate the entrance  
35 to the voting place within said building and none of the above activity shall be permitted  
36 within 50 feet of said entrance or entrances of said voting place. This section shall not,  
37 however, prohibit any candidate for nomination or election from visiting such voting  
38 place in person, provided he does not enter the voting enclosure except to cast his vote  
39 as a registered voter in said precinct. The county boards of elections and precinct  
40 ~~registrars~~ chief judges shall have full authority to enforce the provisions of this section."

41 Sec. 41. G.S. 163-148 reads as rewritten:

42 "**§ 163-148. Procedures at voting place before polls are opened.**

43 At least one-half hour before the time set for opening the polls for each primary and  
44 election, the judges of elections and assistants, shall meet the ~~registrar~~ chief judge at the



1 precinct voting place, at which time the ~~registrar~~ chief judge shall administer to them  
2 the appropriate oaths set out in G.S. 163-41(a) and G.S. 163-42.

3 The ~~registrar~~ chief judge and judges shall arrange the voting enclosure according to  
4 the requirements of G.S. 163-146 and the instructions of the county board of elections.  
5 They shall then unlock the official ballot boxes, see that they are empty, allow  
6 authorized observers and other voters present to examine the boxes, and then they shall  
7 relock them while still empty. They shall open the sealed packages of ballots, and one  
8 of the judges, at the ~~registrar's~~ chief judge's request, shall announce that the polls are  
9 open and state the hour at which they will be closed.

10 If voting machines are used in the precinct, immediately before the polls are opened  
11 the ~~registrar~~ chief judge and judges shall open each voting machine, examine the ballot  
12 labels, and check the counters to see that they are set to indicate that no votes have been  
13 cast or recorded; at the same time, the precinct officials shall allow authorized observers  
14 and other voters present to examine the machines. If found to be in order and the ballot  
15 labels in proper form, the precinct officials shall lock and seal each machine, and it shall  
16 remain locked until after the polls are closed."

17 Sec. 42. G.S. 163-150 reads as rewritten:

18 "**§ 163-150. Voting procedures.**

19 (a) Checking Registration. – A person seeking to vote shall enter the voting  
20 enclosure at the voting place through the appropriate entrance and shall at once state his  
21 name and place of residence to one of the judges of election. In a primary election, the  
22 voter shall also state the political party with which he affiliates and in whose primary he  
23 desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of  
24 a particular party under G.S. ~~163-74(a1), 163-116,~~ the voter shall state the name of the  
25 authorizing political party in whose primary he wishes to vote. The judge to whom the  
26 voter gives this information shall announce the name and residence of the voter in a  
27 distinct tone of voice. After examining the precinct registration records, the ~~registrar~~  
28 chief judge shall state whether the person seeking to vote is duly registered.

29 (b) Distribution of Ballots; Information. – If the voter is found to be registered  
30 and is not challenged, or, if challenged and the challenge is overruled as provided in  
31 G.S. 163-88, the responsible judge of election shall hand him an official ballot of each  
32 kind he is entitled to vote. In a primary election the voter shall be furnished ballots of  
33 the political party with which he affiliates and no others, except that unaffiliated voters  
34 who are permitted to vote in a party primary under G.S. ~~163-74(a1)–163-116~~ shall be  
35 furnished ballots for that primary. No such unaffiliated voter shall vote in the primary  
36 of more than one party on the same day. It shall be the duty of the ~~registrar~~ chief judge  
37 and judges holding the primary or election to give any voter any information he desires  
38 in regard to the kinds of ballots he is entitled to vote and the names of the candidates on  
39 the ballots. In response to questions asked by the voter, the ~~registrar~~ chief judge and  
40 judges shall communicate to him any information necessary to enable him to mark his  
41 ballot as he desires.

42 (c) Act of Voting. – When a person is given official ballots by the judge, he shall  
43 be deemed to have begun the act of voting, and he shall not leave the voting enclosure  
44 until he has deposited his ballots in the ballot boxes or returned them to the precinct

1 officials. When he leaves the voting enclosure, whether or not he has deposited his  
2 ballots in the ballot boxes, he shall not be entitled to enter the voting enclosure again for  
3 the purpose of voting. On receiving his ballots, the voter shall immediately retire alone  
4 to one of the voting booths unless he is entitled to assistance under the provisions of  
5 G.S. 163-152, and without undue delay he shall mark his ballots in accordance with the  
6 provisions of G.S. 163-151.

7 (d) Spoiled and Damaged Ballots. – If a voter spoils or damages a ballot, he may  
8 obtain another upon returning the spoiled or damaged ballot to the ~~registrar~~ chief judge.  
9 A voter shall not be given a replacement ballot until he has returned the spoiled or  
10 damaged ballot, and he shall not be given more than three replacement ballots in all.  
11 The ~~registrar~~ chief judge shall deposit each spoiled or damaged ballot in the box  
12 provided for that purpose.

13 (e) Depositing Ballots and Leaving Enclosure. – When the voter has marked his  
14 ballots he shall leave the voting booth and deposit them in the appropriate boxes or hand  
15 them to the ~~registrar~~ chief judge or a judge who shall deposit them for him. If he does  
16 not mark a ballot he shall return it to one of the precinct officials before leaving the  
17 voting enclosure. If the voter has been challenged and the challenge has been overruled,  
18 before depositing his ballots in the boxes he shall write his name on each of his ballots  
19 so they may be identified in the event his right to vote is again questioned. After  
20 depositing his ballots in the ballot boxes, the voter shall immediately leave the voting  
21 enclosure unless he is one of the persons authorized by law to remain within the  
22 enclosure for purposes other than voting.

23 (f) Maintenance of Pollbook or Other Record of Voting. – At each primary,  
24 general or special election, the precinct ~~registrar~~ chief judge shall appoint two precinct  
25 assistants (one from each political party as recommended by the county chairman  
26 thereof), one to be assigned to keep the pollbook or other voting record used in the  
27 county as approved by the State Board of Elections, and the other to keep the  
28 registration books under the supervision of the precinct officials. The names of all  
29 persons voting shall be checked on the registration records and entered on the pollbook  
30 or other voting record. In an election where observers may be appointed under G.S.  
31 163-45 each voter's party affiliation shall be entered in the proper column of the book or  
32 other approved record opposite his name. The precinct assistant shall make each entry  
33 at the time the ballots are handed to the voter. As soon as the polls are closed, the  
34 ~~registrar~~ chief judge and judges of election shall sign the pollbook or other approved  
35 record immediately beneath the last voter's name entered therein. The ~~registrar~~ chief  
36 judge or the judge appointed to attend the county canvass shall deliver the pollbook or  
37 other approved record to the chairman of the county board of elections at the time of the  
38 county canvass, and the chairman shall remain responsible for its safekeeping.

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

1 Sec. 43. G.S. 163-152(a)(2) reads as rewritten:

2 "(2) Procedure for Obtaining Assistance: A person seeking assistance in a  
3 primary or general election shall, upon arriving at the voting place,  
4 first request the ~~registrar~~chief judge to permit him to have assistance,  
5 stating his reasons. If the ~~registrar~~chief judge determines that the voter  
6 is entitled to assistance, he shall ask the voter to point out and identify  
7 the person he desires to help him and to whose assistance he is entitled  
8 under this section. The ~~registrar~~chief judge shall thereupon request the  
9 person indicated to render the requested aid. The ~~registrar~~chief judge,  
10 one of the judges, or one of the assistants may provide aid to the voter  
11 if so requested, if the election official is not prohibited by sub-  
12 subdivision (a)(1)b. of this section. Under no circumstances shall any  
13 precinct official be assigned to assist a voter who qualifies for  
14 assistance under this section, who was not specified by the voter."

15 Sec. 44. G.S. 163-152.1 reads as rewritten:

16 "**§ 163-152.1. Assistance to blind voters in primaries and elections.**

17 Any blind voter may record a certificate issued by the Department of Human  
18 Resources, by an optometrist or by a physician, stating that the named individual should  
19 be entitled to assistance as a blind voter. Upon receipt of such certification the ~~registrar~~  
20 ~~or special registration commissioner~~appropriate election official shall enter on the  
21 voter's registration record the words 'blind voter' so as to establish such fact and so as to  
22 entitle such voter to the same assistance in subsequent primaries and elections. The  
23 certification presented to the precinct ~~registrar~~or special registrar~~chief judge~~, the  
24 county board of elections, or the person accepting the application to register shall be  
25 forwarded to the chairman of the county board of elections to be filed as a permanent  
26 record with the voter's duplicate registration record as required by G.S. 163-65."

27 Sec. 45. G.S. 163-153(1) reads as rewritten:

28 "(1) Officers of election, that is, members of the State Board of Elections,  
29 members of the county board of elections, supervisors of elections, and  
30 the precinct ~~registrar~~chief judge, precinct judges of election, and  
31 assistants appointed for the precinct under the provisions of G.S. 163-  
32 42."

33 Sec. 46. G.S. 163-155 reads as rewritten:

34 "**§ 163-155. Aged and disabled persons allowed to vote outside voting enclosure.**

35 In any primary or election any qualified voter who is able to travel to the voting  
36 place, but because of age, or physical disability and physical barriers encountered at the  
37 voting place is unable to enter the voting place or enclosure to vote in person without  
38 physical assistance, shall be allowed to vote either in the vehicle conveying such person  
39 to the voting place or in the immediate proximity of the voting place under the  
40 following restrictions:

41 (1) The county board of elections shall have printed and numbered a  
42 sufficient supply of affidavits to be distributed to each precinct  
43 ~~registrar~~chief judge which shall be in the following form:

44 'Affidavit of person voting outside voting place or enclosure.

1 State of North Carolina  
2 County of \_\_\_\_\_

3 I do solemnly swear (or affirm) that I am a registered voter in  
4 \_\_\_\_\_ precinct. That because of age or physical  
5 disability I am unable to enter the voting place to vote in person  
6 without physical assistance. That I desire to vote outside the voting  
7 place and enclosure.

8 I understand that a false statement as to my condition will subject  
9 me to a fine not to exceed one thousand dollars (\$1,000) or  
10 imprisonment not to exceed six months, or both.

11 \_\_\_\_\_  
12 Date Signature of Voter

13 \_\_\_\_\_  
14 Address

15 \_\_\_\_\_  
16 Signature of assistant

17 who administered oath.'

18  
19  
20  
21 (2) The ~~registrar~~ chief judge shall designate one of the assistants,  
22 appointed under G.S. 163-42 to attend the voter. Upon arrival outside  
23 the voting place, the voter shall execute the affidavit after being sworn  
24 by the assistant. The ballots shall then be delivered to the voter who  
25 shall mark the ballots and hand them to the assistant. The ballots shall  
26 then be delivered to one of the judges of elections who shall deposit  
27 the ballots in the proper boxes. The affidavit shall be delivered to the  
28 other judge of election.

29 (3) The voter shall be entitled to the same assistance in marking the ballots  
30 as is authorized by G.S. 163-152.

31 (4) The affidavit executed by the voter shall be retained by the county  
32 board of elections for a period of six months. In those precincts using  
33 voting machines, the county board of elections shall furnish paper  
34 ballots of each kind for use by persons authorized to vote outside the  
35 voting place by this section.

36 (5) If there is no assistant appointed under G.S. 163-42 to perform the  
37 duties required by this section, the precinct ~~registrar~~ chief judge or one  
38 of the precinct judges, to be designated by the voter, if he chooses, or,  
39 if he does not, by the precinct ~~registrar~~ chief judge, shall perform  
40 those duties.

41 A violation of this section is a Class 2 misdemeanor."

42 Sec. 47. G.S. 163-168 reads as rewritten:

43 "§ 163-168. Proceedings when polls are closed.

1 At the time set by G.S. 163-2 for closing the polls on the day of a primary, general  
2 or special election, the precinct ~~registrar~~chief judge shall announce that the polls are  
3 closed, but any qualified voters who are then in the process of voting or who are in line  
4 at the voting place waiting to vote, whether or not they are within the voting enclosure  
5 or voting place boundaries, shall be allowed to vote.

6 At closing time, the ~~registrar~~chief judge, or a judge designated by the ~~registrar~~,  
7 chief judge, shall enter into the pollbook, on a separate page labeled 'Persons Waiting to  
8 Vote at Closing Time in the Primary Election Held the ... .. Day of... .. ,  
9 19... ..,' the names of all persons then in line at the voting place waiting to vote,  
10 beginning with the person last in line and proceeding to the person first in line at closing  
11 time. No persons shall be allowed to vote after closing time unless their names are so  
12 listed."

13 Sec. 48. G.S. 163-169 reads as rewritten:

14 "**§ 163-169. Counting ballots at precincts; unofficial report of precinct vote to**  
15 **county board of elections.**

16 (a) Instructions. – Before each primary and election, the chairman of the county  
17 board of elections shall furnish each ~~registrar~~chief judge written instructions on how  
18 ballots shall be marked and counted. Before starting the counting of ballots in his  
19 precinct, the ~~registrar~~chief judge shall instruct all of the judges, assistants, and ballot  
20 counters in how differently marked ballots shall be counted and tallied.

21 (b) General Rule. – Only official ballots shall be voted and counted. No official  
22 ballot shall be rejected because of technical errors in marking it, unless it is impossible  
23 to determine the voter's choice under the rules for counting ballots. Such determination  
24 shall be made by the county board of elections if the ~~registrar~~chief judge and judges are  
25 unable to determine the voter's choice, or whether a particular ballot should be counted.

26 (c) Right to Witness Precinct Count. – The counting of the ballots in each box  
27 shall be made in the presence of the precinct election officials and witnesses and  
28 observers who are present and desire to observe the count. Observers shall not interfere  
29 with the orderly counting of the ballots.

30 (d) Counting to Be Continuous; Precinct Officials Not to Separate. – As soon as  
31 the polls are closed the ~~registrar~~chief judge and judges shall, without adjournment or  
32 postponement, open the ballot boxes and count the ballots. The counting of ballots at the  
33 precinct shall be continuous until completed. More than one box may be counted at the  
34 same time by the precinct officials, assistants, and ballot counters, but the ~~registrar~~chief  
35 judge and judges shall supervise the counting of all boxes and shall be responsible for  
36 them. From the time the first ballot box is opened and the count of votes begun until the  
37 votes are counted and the statement of returns made out, signed, certified as required by  
38 G.S. 163-173, and delivered to the ~~registrar~~chief judge or judge chosen to deliver them  
39 to the county board of elections, the precinct ~~registrar~~chief judge and judges shall not  
40 separate, nor shall any one of them leave the voting place except for unavoidable  
41 necessity.

42 (e) Counting Primary Ballots. – In a primary election the ballots shall be emptied  
43 on a table in full view of the precinct election officials, ballot counters, if used, and  
44 witnesses present. Identically marked ballots may be arranged in orderly piles to be

1 counted. The results of those counts shall be stated aloud and the totals recorded on the  
2 tally sheet. For all other ballots, the name of each candidate voted for shall be read  
3 aloud distinctly, and the vote received by each candidate shall be tallied on the tally  
4 sheet. This procedure shall be followed for all boxes being counted.

5 (f) Counting General Election Ballots. – In a general election the contents of a  
6 ballot box may be emptied upon a table and the ballots divided into two piles:

7 (1) All those ballots marked in the circle of one political party to indicate a  
8 vote for all of the candidates of that party, that is, 'straight tickets,'  
9 which shall be so counted and tallied.

10 (2) All those ballots marked for candidates of more than one political  
11 party, that is, 'split tickets,' which shall be called and tallied in the  
12 manner prescribed for counting primary ballots in subsection (e) of  
13 this section.

14 (g) Questioned Ballots. – All questions arising with respect to how a ballot shall  
15 be counted or tallied shall be referred to the ~~registrar~~ chief judge and judges of election  
16 for determination before the completion of the counting of the ballots in the box from  
17 which the questioned ballot was taken.

18 (h) Unofficial Report of Precinct Returns. – On the night of the primary or  
19 election, as soon as the votes have been counted and the precinct returns certified, the  
20 ~~registrar~~ chief judge, or one of the judges selected by the ~~registrar~~ chief judge, shall  
21 report the total precinct vote for each candidate, constitutional amendment, and  
22 proposition by telephone or otherwise to the county board of elections. This report shall  
23 be unofficial and shall have no binding effect upon the official county canvass to  
24 follow. As soon as the precinct reports are received, the chairman, secretary, or clerk to  
25 the county board of elections shall publish the reports to the press, radio, and television.  
26 The costs incurred in executing the provisions of this subsection shall be charged to the  
27 operating expense of the county board of elections.

28 (i) Absentee Ballots. – Absentee ballots shall be deposited and voted in  
29 accordance with the provisions of G.S. 163-234; they shall be counted and tabulated as  
30 provided in this section and G.S. 163-170.

31 (j) Repealed by Session Laws 1977, c. 265, s. 12."

32 Sec. 49. G.S. 163-171 reads as rewritten:

33 **"§ 163-171. Preservation of ballots; locking and sealing ballot boxes; signing**  
34 **certificates.**

35 When the precinct count is completed after a primary or election, all ballots shall be  
36 put back in the ballot boxes from which they were taken, and the ~~registrar~~ chief judge  
37 and judges shall promptly lock and place a seal around the top of each ballot box, so  
38 that no ballot may be taken from or put in it. The ~~registrar~~ chief judge and judges shall  
39 then sign the seal on each ballot box. In the alternative, the county board of elections  
40 may permit the precinct officials to put the counted ballots back in one ballot box or  
41 more to facilitate safekeeping provided the board prescribes an appropriate procedure to  
42 keep the different kinds of ballots separated in bundles or bags within the box.

43 Ballot boxes in which ballots have been placed and which have been locked and  
44 sealed as required by the preceding paragraph shall remain in the safe custody of the

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

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

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

19 Willful failure to securely lock, seal, and sign the seal on each ballot box on the  
20 night of any primary or election, and willful failure to sign the certificate on the  
21 duplicate return forms certifying that this was done, shall constitute a Class 2  
22 misdemeanor.

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

31 Sec. 50. G.S. 163-173 reads as rewritten:

32 "**§ 163-173. How precinct returns are to be made.**

33 In each precinct, when the results of the counting of the ballots have been  
34 ascertained they shall be recorded in original and duplicate statements to be prepared,  
35 signed, and certified to by the ~~registrar chief judge~~ and judges on forms provided by the  
36 county board of elections.

37 One of the statements of the voting in the precincts shall be placed in a sealed  
38 envelope and delivered to the ~~registrar chief judge~~ or a judge selected by the precinct  
39 officials for the purpose of delivery to the county board of elections for review at its  
40 meeting on the second day after the primary or election. The other copy of the statement  
41 shall either be mailed immediately or delivered in person immediately, as directed by  
42 the county board of elections, by one of the other two precinct election officials, to the  
43 chairman of the county board of elections or the supervisor of elections if authorized by  
44 the chairman to receive the statement.

1 Any ~~registrar-chief judge~~ or judge appointed to deliver the certified precinct returns  
2 who shall fail to deliver them to the county board of elections by 12:00 noon, on the day  
3 the board meets to canvass the returns shall be guilty of a Class 2 misdemeanor, unless  
4 the failure resulted from illness or other good cause."

5 Sec. 51. G.S. 163-174 reads as rewritten:

6 **"§ 163-174. Registration and pollbooks to be returned to chairman of county**  
7 **board of elections.**

8 On the day preceding the county canvass or on the day of the county canvass,  
9 following each primary and election, as may be directed by the chairman of the county  
10 board of elections, the ~~registrar-chief judge~~ (or judge appointed to bring in the precinct  
11 returns) shall deliver the precinct registration book or records and the pollbook to the  
12 chairman of the county board of elections at the time directed by the chairman."

13 Sec. 52. G.S. 163-213.7 reads as rewritten:

14 **"§ 163-213.7. Voting in presidential preference primary; ballots.**

15 The names of all candidates in the presidential preference primary shall appear at an  
16 appropriate place on the ballot or voting machine. In addition the State Board of  
17 Elections shall provide a category on the ballot or voting machine allowing voters in  
18 each political party to vote an 'uncommitted' or 'no preference' status. The voter shall be  
19 able to cast his ballot for one of the presidential candidates of a political party or for an  
20 'uncommitted' or 'no preference' status, but shall not be permitted to vote for candidates  
21 or 'uncommitted' status of a political party different from his registration. ~~Persons~~  
22 ~~registered as 'Independents' or 'No Party' shall not participate in the presidential~~  
23 ~~preference primary except upon changing such affiliation in accordance with law.~~  
24 Persons registered as 'Unaffiliated' shall not participate in the presidential primary  
25 except as provided in G.S. 163-116."

26 Sec. 53. G.S. 163-227.2 reads as rewritten:

27 **"§ 163-227.2. Alternate procedures for requesting application for absentee ballot;**  
28 **'one-stop' voting procedure in board office.**

29 (a) A person expecting to be absent from the county in which he is registered  
30 during the entire period that the polls are open on the day of an election in which  
31 absentee ballots are authorized or is eligible under G.S. 163-226(a)(2) or 163-226(a)(4)  
32 may request an application for absentee ballots, complete the application, receive the  
33 absentee ballots, vote and deliver them sealed in a container-return envelope to the  
34 county board of elections in the county in which he is registered under the provisions of  
35 this section.

36 (b) ~~Not earlier than the day following the day on which the registration books~~  
37 ~~close twenty-fourth day~~ before an election, in which absentee ballots are authorized, in  
38 which he seeks to vote and not later than 5:00 P.M. on the Friday prior to that election,  
39 the voter shall appear in person only at the office of the county board of elections and  
40 request that the chairman, a member, or the supervisor of elections of the board, or an  
41 employee of the board of elections, authorized by the board, furnish him with an  
42 application form as specified in G.S. 163-227. The voter shall complete the application  
43 in the presence of the chairman, member, supervisor of elections or authorized  
44 employee of the board, and shall deliver the application to that person.



1 (c) If the application is properly filled out, the chairman, member, supervisor of  
2 elections of the board, or employee of the board of elections, authorized by the board,  
3 shall enter the voter's name in the register of absentee ballot applications and ballots  
4 issued; shall furnish the voter with the instruction sheets called for by G.S. 163-229(c);  
5 shall furnish the voter with the ballots to which the application for absentee ballots  
6 applies; and shall furnish the voter with a container-return envelope. The voter  
7 thereupon shall comply with the provisions of G.S. 163-231(a) except that he shall  
8 deliver the container-return envelope to the chairman, member, supervisor of elections  
9 of the board, or an employee of the board of elections, authorized by the board,  
10 immediately after making and subscribing the certificate printed on the container-return  
11 envelope as provided in G.S. 163-229(b). All actions required by this subsection shall  
12 be performed in the office of the board of elections. For the purposes of this section  
13 only, the chairman, member, supervisor of elections of the board, or full-time employee,  
14 authorized by the board shall sign the application and certificate as the witness and  
15 indicate the official title held by him or her. Notwithstanding G.S. 163-231(a), in the  
16 case of this subsection, only one witness shall be required on the certificate.

17 (d) Only the chairman, member or supervisor of elections of the board shall keep  
18 the voter's application for absentee ballots and the sealed container-return envelope in a  
19 safe place, separate and apart from other applications and container-return envelopes.  
20 At the first meeting of the board pursuant to G.S. 163-230(2) held after receipt of the  
21 application and envelope, the chairman shall comply with the requirements of G.S. 163-  
22 230(1) and 163-230(2) b. and c. If the voter's application for absentee ballots is  
23 approved by the board at that meeting, the application form and container-return  
24 envelope, with the ballots enclosed, shall be handled in the same manner and under the  
25 same provisions of law as applications and container-return envelopes received by the  
26 board under other provisions of this Article. If the voter's application for absentee  
27 ballots is disapproved by the board, the board shall so notify the voter stating the reason  
28 for disapproval by first-class mail addressed to the voter at his residence address or at  
29 the address shown in the application for absentee ballots; and the board chairman shall  
30 retain the container-return envelope in its unopened condition until the day of the  
31 primary or election to which it relates and on that day he shall destroy the container-  
32 return envelope and the ballots therein, without, however, revealing the manner in  
33 which the voter marked the ballots.

34 (e) The voter shall vote his absentee ballot in a voting booth and the county  
35 board of elections shall provide a voting booth for that purpose, provided however, that  
36 the county board of elections may in the alternative provide a private room for the voter  
37 adjacent to the office of the board, in which case the voter shall vote his absentee ballot  
38 in that room. The voting booth shall be in the office of the county board of elections. If  
39 the voter needs assistance in getting to and from the voting booth and in preparing and  
40 marking his ballots or if he is a blind voter, only a member of the county board of  
41 elections, the supervisor of elections, an employee of the board of elections authorized  
42 by the board, a near relative of the voter as defined in G.S. 163-227(c)(4), or the voter's  
43 legal guardian shall be entitled to assist the voter.

1 (f) Notwithstanding the exception specified in G.S. ~~163-67(b)~~ 163-116, counties  
2 which operate a modified full-time office shall remain open five days each week during  
3 regular business hours consistent with daily hours presently observed by the county  
4 board of elections, commencing with the date prescribed in G.S. 163-227.2(b) and  
5 continuing until 5:00 P.M. on the Friday prior to that election or primary. The boards of  
6 county commissioners shall provide necessary funds for the additional operation of the  
7 office during such time."

8 Sec. 54. G.S. 163-232 reads as rewritten:

9 **"§ 163-232. Certified list of executed absentee ballots; distribution of list.**

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

14 'State of North Carolina  
15 County of .....

16 I, ....., chairman of the ..... County board of elections, do hereby certify  
17 that the foregoing is a list of all executed absentee ballots to be voted in the election to  
18 be conducted on the .... day of ....., 19 ....., which have been approved by the county  
19 board of elections. I further certify that I have issued ballots to no other persons than  
20 those listed herein, whose original applications or original applications made by near  
21 relatives are filed in the office of the county board of elections; and I further certify that  
22 I have not delivered ballots for absentee voting to any person other than the voter  
23 himself, by mail or in person, except as provided by law, in the case of approved  
24 applications received after 5:00 P.M. on the Tuesday or Friday before the election.

25 This the ..... day of ....., 19 .....

26 .....  
27 (Signature of chairman of  
28 county board of elections)

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

31 .....  
32 (Signature of officer  
33 administering oath)  
34 .....  
35 (Title of officer)'

36 No earlier than 3:00 P.M. on the day before the election and no later than 10:00  
37 A.M. on election day, the chairman shall cause one copy of the list of executed absentee  
38 ballots, which may be a continuing countywide list or a separate list for each precinct, to  
39 be immediately deposited as 'first-class' mail to the State Board of Elections, Post Office  
40 ~~Box 1166, Raleigh, N.C. 27602.~~ Elections. He shall retain one copy in the board office  
41 for public inspection and he shall cause two copies of the appropriate precinct list to be  
42 delivered to the ~~registrar~~ chief judge of each precinct in the county. The chairman shall  
43 be authorized to call upon the sheriff of the county to distribute the list to the precincts.  
44 In addition the chairman shall, upon request, provide a copy of the complete list to the

1 chairman of each political party, recognized under the provisions of G.S. 163-96,  
2 represented in the county.

3 The ~~registrar~~ chief judge shall post one copy of the list immediately in a conspicuous  
4 location in the voting place and retain one copy until all challenges of absentee ballots  
5 have been heard by the county board of elections. Challenges shall be made to absentee  
6 ballots as provided in G.S. 163-89.

7 After receipt of the list of absentee voters required by this section the ~~registrar~~ chief  
8 judge shall call the name of each person recorded on the list and enter an 'A' in the  
9 appropriate voting square on the voter's permanent registration record. If such person is  
10 already recorded as having voted in that election, the ~~registrar~~ chief judge shall enter a  
11 challenge which shall be presented to the chairman of the county board of elections for  
12 resolution by the board of elections prior to certification of results by the board.

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

15 Sec. 55. G.S. 163-234(5) reads as rewritten:

16 "(5) As each ballot envelope is opened, the board shall cause to be entered  
17 into a pollbook designated 'Pollbook of Absentee Voters' the name of  
18 the absentee voter. Preserving secrecy, the ballots shall be placed in  
19 the appropriate ballot boxes, at least one of which shall be provided for  
20 each type of ballot.

21 After all ballots have been placed in the boxes, the counting  
22 process shall begin.

23 If a challenge transmitted to the board on canvass day by a ~~registrar~~  
24 chief judge is sustained, the ballots challenged and sustained shall be  
25 withdrawn from the appropriate boxes, as provided in G.S. 163-89(e).

26 As soon as the absentee ballots have been counted and the names  
27 of the absentee voters entered in the pollbook as required herein, the  
28 board members and assistants employed to count the absentee ballots  
29 shall each sign the pollbook immediately beneath the last absentee  
30 voter's name entered therein. The chairman shall be responsible for  
31 the safekeeping of the pollbook of absentee voters."

32 Sec. 56. G.S. 163-251(b) reads as rewritten:

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

1 After receipt of the list of absentee voters required by this section the ~~registrar~~ chief  
2 judge shall call the name of each person recorded on the list and enter an 'A' in the  
3 appropriate voting square on the voter's permanent registration record, if any. If such  
4 person is already recorded as having voted in that election, the ~~registrar~~ chief judge shall  
5 enter a challenge which shall be presented to the chairman of the county board of  
6 elections for resolution by the board of elections prior to certification of results by the  
7 board."

8 Sec. 57. G.S. 163-251(c) reads as rewritten:

9 "(c) List Constitutes Registration. – The 'List of Applicants for Military Absentee  
10 Ballots to Whom Ballots Have Been Issued' prescribed by this section, when delivered  
11 to the ~~registrars~~ chief judges of the various precincts, shall constitute the only precinct  
12 registration of the military absentee voters listed thereon whose names are not already  
13 entered in the registration records of the appropriate precinct. ~~Registrars~~ Chief judges  
14 shall not add the names of persons listed on the military absentee list to the regular  
15 registration books of their precincts."

16 Sec. 58. (a) G.S. 163-274(1) reads as rewritten:

17 "(1) For any person to fail, as an officer or as a judge or ~~registrar~~ chief  
18 judge of a primary or election, or as a member of any board of  
19 elections, to prepare the books, ballots, and return blanks which it is  
20 his duty under the law to prepare, or to distribute the same as required  
21 by law, or to perform any other duty imposed upon him within the  
22 time and in the manner required by law;".

23 (b) G.S. 163-274(2) reads as rewritten:

24 "(2) For any person to continue or attempt to act as a judge or ~~registrar~~  
25 chief judge of a primary or election, or as a member of any board of  
26 elections, after having been legally removed from such position and  
27 after having been given notice of such removal;".

28 (c) G.S. 163-274(4) reads as rewritten:

29 "(4) For any person to be guilty of any boisterous conduct so as to disturb  
30 any member of any election board or any ~~registrar~~ chief judge or judge  
31 of election in the performance of his duties as imposed by law;".

32 (d) G.S. 163-275(8) reads as rewritten:

33 "(8) For any ~~registrar~~ chief judge or any clerk or copyist to make any entry  
34 or copy with intent to commit a fraud;".

35 (e) G.S. 163-275(10) reads as rewritten:

36 "(10) For any person to assault any ~~registrar~~ chief judge, judge of election  
37 or other election officer while in the discharge of his duty in the  
38 registration of voters or in conducting any primary or election;".

39 (f) G.S. 163-275(11) reads as rewritten:

40 "(11) For any person, by threats, menaces or in any other manner, to  
41 intimidate or attempt to intimidate any ~~registrar~~ chief judge, judge of  
42 election or other election officer in the discharge of his duties in the  
43 registration of voters or in conducting any primary or election;".

44 (g) G.S. 163-275(12) reads as rewritten:

1           "(12) For any ~~registrar, chief judge~~, judge of election, member of a board of  
2           elections, assistant, marker, or other election official, directly or  
3           indirectly, to seek, receive or accept money or the promise of money,  
4           the promise of office, or other reward or compensation from a  
5           candidate in any primary or election or from any source other than  
6           such compensation as may be provided by law for his services;"

7           (h) This section applies to offenses committed on or after January 1, 1995.

8           Sec. 59. G.S. 163-280(c) reads as rewritten:

9           "(c) On the Monday following the seventh Saturday before each regular municipal  
10          primary or election, the municipal board of elections shall meet and appoint precinct  
11          ~~registrars-chief judges~~ and judges of elections. The municipal board of elections may  
12          then or at any time thereafter appoint a supervisor of elections, who shall have all of the  
13          powers and duties of a supervisor of elections to a county board of elections. The board  
14          may hold other meetings at such times and places as the chairman of the board, or any  
15          two members thereof, may direct, for the performance of duties prescribed by law. A  
16          majority of the members shall constitute a quorum for the transaction of business."

17          Sec. 60. G.S. 163-281 reads as rewritten:

18          "**§ 163-281. Municipal precinct election officials.**

19          (a) ~~Registrars-Chief Judges~~ and Judges. – At the meeting required by G.S. 163-  
20          280(c), the municipal board of elections shall appoint one person to act as ~~registrar-chief~~  
21          ~~judge~~ and two other persons to act as judges of election for each precinct in the city. Not  
22          more than one judge in each precinct where there are registered voters of more than one  
23          political party shall belong to the same political party as the ~~registrar, chief judge~~, if the  
24          municipal elections are on a nonpartisan or partisan basis. If the city and county  
25          precincts are identical and the board so chooses, it may decline to exercise its power to  
26          appoint precinct ~~registrar-chief judge~~ and judges, in which event the persons appointed  
27          by the county board of elections as precinct ~~registrar-chief judge~~ and judges in each  
28          precinct within the city shall serve as such for municipal elections under authority and  
29          subject to the supervision and control of the municipal board of elections. Nothing  
30          herein shall prohibit a municipal board of elections from using the ~~registrar-chief judge~~  
31          and judges of election appointed by the county board of elections in those precincts  
32          which are not identical provided the county board of elections agrees, in writing, to such  
33          arrangement. ~~Registrars-Chief judges~~ and judges shall be appointed for terms of two  
34          years. Except as modified by this Article, municipal precinct ~~registrar-chief judge~~ and  
35          judges shall meet all of the qualifications, perform all the duties, and have all of the  
36          powers imposed and conferred on county precinct ~~registrar-chief judge~~ and judges by  
37          G.S. 163-41(a), G.S. 163-47, and G.S. 163-48. Municipal precinct ~~registrar-chief judge~~  
38          and judges shall not have the powers and duties with respect to registration of voters  
39          prescribed by G.S. 163-47(b). Immediately after appointing ~~registrar-chief judge~~ and  
40          judges as herein provided, the municipal board of elections shall publish the names of  
41          the persons appointed in some newspaper having a general circulation in the city, or in  
42          lieu thereof, by posting at the city hall or some other prominent place within the city,  
43          and shall notify each person appointed of his appointment. Notice may additionally be

1 made on a radio or television station or both, but such notice shall be in addition to the  
2 newspaper and other required notice.

3 (b) Assistants at Polls. – Municipal boards of elections shall have the same  
4 authority to appoint assistants to aid the ~~registrar~~chief judge and judges as is conferred  
5 on county boards of elections by G.S. 163-42.

6 (c) Ballot Counters. – Municipal boards of elections shall have the same  
7 authority to appoint ballot counters as is conferred on county boards of elections by G.S.  
8 163-43.

9 (d) Markers. – Municipal boards of elections shall not appoint markers, and  
10 markers shall not be used in municipal elections.

11 (e) Observers. – In cities holding partisan municipal elections, the chairman of  
12 each political party in the county shall have the same authority to appoint observers for  
13 municipal elections as he has for county elections under G.S. 163-45.

14 (f) Compensation. – Precinct officials and assistants appointed under this section  
15 shall be paid such sums as the city council may fix. County precinct officials and  
16 assistants serving in municipal elections in default of appointment of precinct officials  
17 by the municipal board of elections shall be compensated by the city in the sums  
18 specified in G.S. 163-46.

19 (g) Party Chairman Not to Recommend Persons for Appointment. – No  
20 municipal, county, State or national chairman of any political party shall have the right  
21 to recommend to the municipal board of elections the name of any person for  
22 appointment as a precinct ~~registrar~~chief judge, judge of elections, assistant or ballot  
23 counter.

24 (h) Designation of Precincts in Which Officials to Serve. – The municipal board  
25 of elections may designate the precinct in which each ~~registrar~~chief judge, judge,  
26 assistant, ballot counter, or observer or other officers of elections shall serve; and, after  
27 notice and hearing, may remove any ~~registrar~~chief judge, judge, assistant, ballot  
28 counter, observer, supervisor of elections or other officers of elections appointed by it  
29 for incompetency, failure to discharge the duties of office, failure to qualify within the  
30 time prescribed by law, fraud, or for any other satisfactory cause.

31 (i) Powers and Duties. – Except as otherwise provided in this Chapter, precinct  
32 assistants, ballot counters, observers, and supervisors of elections and other officers of  
33 elections appointed by the municipal board of elections shall have the same powers and  
34 duties with respect to municipal elections as precinct assistants, ballot counters,  
35 observers, and supervisors of elections and other officers of elections appointed by  
36 county boards of elections."

37 Sec. 61. Any person who on December 31, 1994, was a registrar under G.S.  
38 163-41 shall be a chief judge under G.S. 163-41.

39 Sec. 62. G.S. 163-283 reads as rewritten:

40 "**§ 163-283. Right to participate or vote in party primary.**

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

43 (1) Is a registered voter, and

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

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

5 Notwithstanding the previous paragraph, any unaffiliated voter who is authorized  
6 under G.S. ~~163-74(a1)~~ 163-116 may also vote in the primary if the voter is  
7 otherwise eligible to vote in that primary except for subdivisions (2) and (3) of the  
8 previous paragraph.

9 Any person who will become qualified by age or residence to register and vote in the  
10 general election for which the primary is held, even though not so qualified by the date  
11 of the primary election, shall be entitled to register while the registration books are open  
12 during the regular registration period prior to the primary and then to vote in the  
13 primary after being registered, provided however, under full-time and permanent  
14 registration, such an individual may register not earlier than 60 days nor later than the  
15 last day for making application to register under G.S. ~~163-67~~163-82.6(c) prior to the  
16 primary. In addition, persons who will become qualified by age to register and vote in  
17 the general election for which the primary is held, who do not register during the special  
18 period may register to vote after such period as if they were qualified on the basis of  
19 age, but until they are qualified by age to vote, they may vote only in primary  
20 elections."

21 Sec. 63. G.S. 163-285(3) is repealed.

22 Sec. 64. G.S. 163-286 reads as rewritten:

23 **"§ 163-286. Conduct of municipal and special district elections; application of**  
24 **Chapter 163.**

25 (a) To the extent that the laws, rules and procedures applicable to the conduct of  
26 primary, general and special elections by county boards of elections under Articles 3, 4,  
27 5, 6, ~~7, 7A,~~ 8, 9, 10, 11, 12, 13, 14, 15, 19 and 22 of this Chapter are not inconsistent  
28 with provisions of this Article, those laws, rules and procedures shall apply to municipal  
29 and special district elections and their conduct by the board of elections conducting  
30 those elections. The State Board of Elections shall have the same authority over all such  
31 elections as it has over county and State elections under those Articles.

32 (b) Any city, town or incorporated village which elects to conduct its own  
33 elections, under the provisions of G.S. 163-285, shall comply with the requirements  
34 contained in G.S. 163-280 and G.S. 163-281."

35 Sec. 65. G.S. 163-287 reads as rewritten:

36 **"§ 163-287. Special elections; procedure for calling.**

37 Any city, whether its elections are conducted by the county board of elections or the  
38 municipal board of elections, or any special district shall have authority to call special  
39 elections as permitted by law. Prior to calling a special election, the city council or the  
40 governing body of the special district shall adopt a resolution specifying the details of  
41 the election, and forthwith deliver the resolution to the appropriate board of elections.  
42 The resolution shall call on the board of elections to conduct the election described in  
43 the resolution and shall state the date on which the special election is to be conducted.  
44 The special election may be held at the same time as any other State, county or

1 municipal primary, election or special election or referendum, but may not otherwise be  
2 held within the period of time beginning 30 days before and ending 30 days after the  
3 date of any other primary, election, special election or referendum held for that city or  
4 special district.

5 Legal notice of the special election shall be published no less than ~~20~~45 days prior  
6 to ~~the date on which the registration books or records close for~~ the special election. The  
7 appropriate board of elections shall be responsible for publishing the legal notice. The  
8 notice shall state the date and time of the special election, the issue to be submitted to  
9 the voters, and the precincts in which the election will be held. This paragraph shall not  
10 apply to bond elections."

11 Sec. 66. G.S. 163-288 reads as rewritten:

12 **"§ 163-288. Registration for city elections; county and municipal boards of**  
13 **elections.**

14 (a) ~~Where the county board of elections conducts the municipal election,~~  
15 Regardless of whether the municipal board of elections is conducted by the county  
16 board of elections or by a municipal board of elections, the registration record of the  
17 county board of elections shall be the official registration record for voters to vote in all  
18 elections, city, district, county, State or national.

19 (b) ~~Where the municipal board of elections conducts the elections, each such~~  
20 ~~municipality shall purchase only those loose leaf binders for the registration records that~~  
21 ~~have been approved by the State Board of Elections.~~

22 ~~The loose leaf registration forms shall be those approved by the State Board of~~  
23 ~~Elections. When completed by each municipal registrant, the forms shall be the official~~  
24 ~~registration record in each municipality and shall be kept in agreement with the county~~  
25 ~~registration records for that registrant. They shall be prepared, completed, maintained~~  
26 ~~and kept current pursuant to the same provisions of Article 7, Chapter 163, as apply to~~  
27 ~~registration records of county boards of elections. They also shall be furnished by the~~  
28 ~~State Board of Elections, through the respective county boards of elections, to the~~  
29 ~~municipalities.~~

30 ~~Every municipal board of elections conducting the elections in any city, town, or~~  
31 ~~incorporated village shall secure and install those binders and loose leaf forms required~~  
32 ~~by this section no later than January 1, 1973, or no later than 90 days after any such~~  
33 ~~municipality elects to conduct its own elections.~~

34 (c) ~~Registration of voters and preparation of registration books for city elections~~  
35 ~~in cities electing to conduct their own elections shall be conducted under one of the~~  
36 ~~following alternative methods:~~

37 (1) ~~METHOD A.—A permanent, full time registration office shall be~~  
38 ~~established in a convenient place within a city, and the municipal~~  
39 ~~board of elections shall appoint a special registration commissioner to~~  
40 ~~be in charge of the office, and the commissioner shall have full power~~  
41 ~~and authority to register voters who reside within the city without~~  
42 ~~regard to their precinct or county of residence. A municipal board of~~  
43 ~~elections may appoint special registration commissioners~~  
44 ~~notwithstanding the population limitation contained in G.S. 163-67(b).~~



- 1           (2)    ~~METHOD B.—The municipal board of elections may contract with~~  
2           ~~the county board of elections to prepare two extra sets of registration~~  
3           ~~forms for each person who registers with the county board of elections~~  
4           ~~and who resides in the municipality which negotiates such agreement.~~  
5           ~~Any such agreement shall be in writing and shall be on such terms as~~  
6           ~~is agreeable to the majority of the county board of elections involved.~~
- 7           (3)    ~~(For effective date see note) METHOD C.—The county board of~~  
8           ~~elections shall permit the municipal board of elections to copy county~~  
9           ~~registration books from the precinct binder record or from the~~  
10           ~~duplicate required to be maintained by said county board of elections.~~  
11           ~~During the period beginning on the last day for making application to~~  
12           ~~register under G.S. 163-67, the municipal board of elections shall~~  
13           ~~compare the municipal registration books with the appropriate county~~  
14           ~~books and shall add or delete registration certificates in order that the~~  
15           ~~city and county records shall agree. The precincts established for~~  
16           ~~municipal elections may differ from those established by the county~~  
17           ~~board of elections.~~
- 18           (4)    ~~METHOD D.—The county board of elections may, in its sole~~  
19           ~~discretion, deliver to the municipal board of elections the county~~  
20           ~~precinct registration books for each precinct wholly or partially located~~  
21           ~~within the city, and these books shall be used in conducting the~~  
22           ~~municipal elections.~~
- 23           (d)    ~~The State Board of Elections shall have authority to promulgate rules and~~  
24           ~~regulations for the detailed administration of each alternative method of registration~~  
25           ~~offered by this section.~~
- 26           (e)    ~~Each city, town or incorporated village electing to conduct its own elections~~  
27           ~~shall select one of the registration methods offered by this section by joint agreement~~  
28           ~~with the appropriate county boards of elections, subject to the approval of the State~~  
29           ~~Board of Elections. The selection of method shall be evidenced by concurrent~~  
30           ~~resolutions of the city council and each affected county board of elections, which shall~~  
31           ~~be filed with the State Board of Elections, and which shall become effective upon the~~  
32           ~~State Board's approval thereof. Provided, however, if METHOD A is selected, the~~  
33           ~~municipal board of elections shall only be required to send a copy of the resolution to~~  
34           ~~the State Board of Elections and the county board of elections. If the city and the county~~  
35           ~~board of elections fail to agree then METHOD C shall be used."~~

36           Sec. 67. G.S. 163-288.2 reads as rewritten:

37    "**§ 163-288.2. Registration in area proposed for incorporation or annexed.**

38           (a)    Whenever the General Assembly incorporates a new city and provides in the  
39           act of incorporation for a referendum on the question of incorporation or for a special  
40           election for town officials or for both, or whenever an existing city or special district  
41           annexes new territory under the provisions of Chapter 160A, Article 4A, or other  
42           general or local law, the board of elections of the county in which the proposed city is  
43           located or in which the newly annexed territory is located shall determine those  
44           individuals eligible to vote in the referendum or special election or in the city or special

1 district elections. In determining the eligible voters the board may, in its discretion, use  
2 either of the following methods:

3 METHOD A. – The board of elections shall prepare a list of those registered voters  
4 residing within the proposed city or newly annexed territory. The board shall make this  
5 list available for public inspection in its office for a two-week period ending on the ~~last~~  
6 ~~day for making application to register under G.S. 163-67~~ twenty-fifth day before the day  
7 of the referendum or special election, or the next scheduled city or special district  
8 election. During this period, any voter resident within the proposed city or newly  
9 annexed territory and not included on the list may cause his name to be added to the list.  
10 At least one week and no more than two weeks before the day the period of public  
11 inspection is to begin, the board shall cause notice of the list's availability to be posted  
12 in at least two prominent places within the proposed city or newly annexed territory and  
13 may cause the notice to be published in a newspaper of general circulation within the  
14 county. The notice shall state that the list has been prepared, that only those persons  
15 listed may vote in the referendum or special election, that the list will be available for  
16 public inspection in the board's office, that any qualified voter not included on the list  
17 may cause his name to be added to the list during the two-week period of public  
18 inspection, and that persons in newly annexed territory should present themselves so  
19 their registration records may be activated for voting in city or special district elections  
20 in the newly annexed territory. Notice may additionally be made on a radio or television  
21 station or both, but such notice shall be in addition to the newspaper and other required  
22 notice.

23 METHOD B. – The board of elections shall conduct a special registration of eligible  
24 persons desiring to vote in the referendum or special election or in the newly annexed  
25 territory. The registration records shall be open for a two-week period (except Sundays)  
26 ending on the ~~last day for making application to register under G.S. 163-67~~ twenty-fifth  
27 day before the day of the referendum or special election or the next scheduled city or  
28 special district election. On the two Saturdays during that two-week period, the records  
29 shall be located at the voting place for the referendum or special election or the next  
30 scheduled city or special district election; on the other days it may, in the discretion of  
31 the board, be kept at the voting place, at the office of the board, or at the place of  
32 business of a person designated by the board to conduct the special registration. At least  
33 one week and no more than two weeks before the day the period of special registration  
34 is to begin, the board shall cause notice of the registration to be posted in at least two  
35 prominent places within the proposed city or newly annexed territory and may cause the  
36 notice to be published in a newspaper of general circulation within the county. The  
37 notice shall state the purpose and times of the special registration, the location of the  
38 registration records, that only those persons registered in the special registration may  
39 vote in the referendum or special election, and that persons in newly annexed territory  
40 should present themselves so their registration records may be activated for voting in  
41 city or special district elections in the newly annexed territory. Notice may additionally  
42 be made on a radio or television station or both, but such notice shall be in addition to  
43 the newspaper and other required notice.

1 (b) Only those persons registered pursuant to this section may vote in the  
2 referendum or special election, provided, however, that in cases where voters are  
3 activated under either Method A or B to vote in a city or special district that annexes  
4 territory, the city or special district shall permit them to vote in the city or special  
5 district's election and shall, as well, permit other voters to vote in such elections who did  
6 not register under the provisions of this section if they are otherwise registered,  
7 qualified and eligible to vote in the same."

8 Sec. 68. G.S. 163-295 reads as rewritten:

9 **"§ 163-295. Municipal and special district elections; application of Chapter 163.**

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

17 Sec. 69. Notwithstanding the language of G.S. 163-72.4(c), a voter  
18 registration application is valid if, before January 1, 1995, the applicant submits the  
19 form by mail or in person. The applicant may delegate the submission of the form to  
20 another person. The form shall be valid only if signed by the applicant. Before January  
21 1, 1995, in order to be valid for an election, the form:

22 (1) If submitted by mail, must be postmarked at least 29 days before the  
23 election, except that any mailed application on which the postmark is  
24 missing or unclear is validly submitted if received in the mail not later  
25 than 25 days before the election,

26 (2) If submitted in person (by the applicant or another person), must be  
27 received at least 29 days before the election.

28 Sec. 70. Sections 1 through 68 of this act become effective January 1, 1995,  
29 and apply to all primaries and elections occurring on or after that date. The remainder  
30 of this act is effective upon ratification and shall apply to all primaries and elections  
31 occurring on or after the date of ratification. Prosecutions for, or sentences based on,  
32 offenses occurring before the effective date of any section of this act are not abated or  
33 affected by this act and the statutes that would be applicable to those prosecutions or  
34 sentences but for the provisions of this act remain applicable to those prosecutions or  
35 sentences.