

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

S

4

SENATE BILL 17  
Judiciary I Committee Substitute Adopted 4/9/01  
House Committee Substitute Favorable 7/17/01  
House Committee Substitute #2 Favorable 7/26/01

Short Title: Election Rewrite-1.

(Public)

Sponsors:

Referred to:

January 29, 2001

A BILL TO BE ENTITLED

AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO PROVIDE FOR THE ROTATION OF POLITICAL PARTIES ON THE GENERAL ELECTION OFFICIAL BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Articles 13 and 14 of Chapter 163 of the General Statutes are repealed.

**SECTION 2.** G.S. 163-2 is repealed.

**SECTION 3.** Chapter 163 of the General Statutes is amended by adding a new Article to read:

"Article 13A.

"Voting.

"Part 1. Definitions.

**§ 163-165. Definitions.**

In addition to the definitions stated below, the definitions set forth in Article 15A of Chapter 163 of the General Statutes also apply to this Article. As used in this Article:

- (1) 'Ballot' means an instrument on which a voter indicates a choice so that it may be recorded as a vote for or against a certain candidate or referendum proposal. The term 'ballot' may include a paper ballot to be counted by hand, a paper ballot to be counted on an electronic scanner, the face of a lever voting machine, the image on a direct record electronic unit, or a ballot used on any other voting system.

- 1           (2) 'Ballot item' means a single item on a ballot in which the voters are to  
2           choose between or among the candidates or proposals listed.
- 3           (3) 'Ballot style' means the version of a ballot within a jurisdiction that an  
4           individual voter is eligible to vote. For example, in a county that uses  
5           essentially the same official ballot, a group office such as county  
6           commissioner may be divided into districts so that different voters in  
7           the same county vote for commissioner in different districts. The  
8           different versions of the county's official ballot containing only those  
9           district ballot items one individual voter may vote are the county's  
10           different ballot styles.
- 11           (4) 'Election' means the event in which voters cast votes in ballot items  
12           concerning proposals or candidates for office in this State or the  
13           United States. The term includes primaries, general elections,  
14           referenda, and special elections.
- 15           (5) 'Official ballot' means a ballot that has been certified by the State  
16           Board of Elections and produced by or with the approval of the county  
17           board of elections. The term does not include a sample ballot or a  
18           specimen ballot.
- 19           (6) 'Provisional official ballot' means an official ballot that is voted and  
20           then placed in an envelope that contains an affidavit signed by the  
21           voter certifying identity and eligibility to vote.
- 22           (7) 'Referendum' means the event in which voters cast votes for or against  
23           ballot questions other than the election of candidates to office.
- 24           (8) 'Voting booth' means the private space in which a voter is to mark an  
25           official ballot.
- 26           (9) 'Voting enclosure' means the room or connected rooms within the  
27           voting place that is used for voting.
- 28           (10) 'Voting place' means the building that contains the voting enclosure.
- 29           (11) 'Voting system' means a system of casting and tabulating ballots. The  
30           term includes systems of paper ballots counted by hand as well as  
31           systems utilizing mechanical and electronic voting equipment.

32           "Part 2. Ballots and Voting Systems.

33   **"§ 163-165.1. Scope and general rules.**

34       (a) Scope. – This Article shall apply to all elections in this State.

35       (b) Requirements of Official Ballots in Voting. – In any election conducted under  
36       this Article:

37           (1) All voting shall be by official ballot.

38           (2) Only votes cast on an official ballot shall be counted.

39       (c) Compliance With This Article. – All ballots shall comply with the provisions  
40       of this Article.

41       (d) Other Uses Prohibited. – An official ballot shall not be used for any purpose  
42       not authorized by this Article.

43   **"§ 163-165.2. Sample ballots.**

1       (a) County Board to Produce and Distribute Sample Ballots. – The county board  
2 of elections shall produce sample ballots, in all the necessary ballot styles of the official  
3 ballot, for every election to be held in the county. The sample ballots shall be given an  
4 appearance that clearly distinguishes them from official ballots. The county board shall  
5 distribute sample ballots to the chief judge of every precinct in which the election is to  
6 be conducted. The chief judge shall post a sample ballot in the voting place and may use  
7 it for instructional purposes. The county board of elections may use the sample ballot  
8 for other informational purposes.

9       (b) Document Resembling an Official Ballot to Contain Disclaimer. – No person  
10 other than a board of elections shall produce or disseminate a document substantially  
11 resembling an official ballot unless the document contains on its face a prominent  
12 statement that the document was not produced by a board of elections and is not an  
13 official ballot.

14 **"§ 163-165.3. Responsibilities for preparing official ballots.**

15       (a) State Board to Certify Official Ballots and Instructions to Voters. – The State  
16 Board of Elections shall certify the official ballots and voter instructions to be used in  
17 every election that is subject to this Article. In conducting its certification, the State  
18 Board shall adhere to the following:

19           (1) No later than January 31 of every calendar year, the State Board shall  
20 establish a schedule for the certification of all official ballots and  
21 instructions during that year. The schedule shall include a time for  
22 county boards of elections to submit their official ballots and  
23 instructions to the State Board for certification and times for the State  
24 Board to complete the certification.

25           (2) The State Board of Elections shall compose model ballot instructions,  
26 which county boards of elections may amend subject to approval by  
27 the State Board as part of the certification process. The State Board of  
28 Elections may permit a county board of elections to place instructions  
29 elsewhere than on the official ballot itself, where placing them on the  
30 official ballot would be impractical.

31           (3) With regard only to multicounty ballot items on the official ballot, the  
32 State Board shall certify the accuracy of the content on the official  
33 ballot.

34           (4) With regard to the entire official ballot, the State Board shall certify  
35 that the content and arrangement of the official ballot are in substantial  
36 compliance with the provisions of this Article and standards adopted  
37 by the State Board.

38           (5) The State Board shall proofread the official ballot of every county, if  
39 practical, prior to final production.

40           (6) The State Board is not required to certify or review every official  
41 ballot style in the county but may require county boards to submit and  
42 may review a composite official ballot showing races that will appear  
43 in every district in the county.

1       (b) County Board to Prepare and Produce Official Ballots and Instructions. –  
2 Each county board of elections shall prepare and produce official ballots for all  
3 elections in that county. The county board of elections shall submit the format of each  
4 official ballot and set of instructions to the State Board of Elections for review and  
5 certification in accordance with the schedule established by the State Board. The county  
6 board of elections shall follow the directions of the State Board in placing candidates,  
7 referenda, and other material on official ballots and in placing instructions.

8       (c) Late Changes in Ballots. – The State Board shall promulgate rules for late  
9 changes in ballots. The rules shall provide for the reprinting, where practical, of official  
10 ballots as a result of replacement candidates to fill vacancies in accordance with G.S.  
11 163-114 or other late changes. If an official ballot is not reprinted, a vote for a candidate  
12 who has been replaced in accordance with G.S. 163-114 will count for the replacement  
13 candidate.

14       (d) Special Ballots. – The State Board of Elections, with the approval of a county  
15 board of elections, may produce special official ballots, such as those for disabled  
16 voters, where production by the State Board would be more practical than production by  
17 the county board.

18 **"§ 163-165.4. Standards for official ballots.**

19       The State Board of Elections shall seek to ensure that official ballots throughout the  
20 State have all the following characteristics:

- 21           (1) Are readily understandable by voters.
- 22           (2) Present all candidates and questions in a fair and nondiscriminatory  
23 manner.
- 24           (3) Allow every voter to cast a vote in every ballot item without difficulty.
- 25           (4) Facilitate an accurate vote count.
- 26           (5) Are uniform in content and format, subject to varied presentations  
27 required or made desirable by different voting systems.

28 **"§ 163-165.5. Contents of official ballots.**

29       Each official ballot shall contain all the following elements:

- 30           (1) The heading prescribed by the State Board of Elections. The heading  
31 shall include the term 'Official Ballot'.
- 32           (2) The title of each office to be voted on and the number of seats to be  
33 filled in each ballot item.
- 34           (3) The names of the candidates as they appear on their notice of  
35 candidacy filed pursuant to G.S. 163-106 or G.S. 163-323, or on  
36 petition forms filed in accordance with G.S. 163-122. No title,  
37 appendage, or appellation indicating rank, status, or position shall be  
38 printed on the official ballot in connection with the candidate's name.  
39 Candidates, however, may use the title Mr., Mrs., Miss, or Ms.  
40 Nicknames shall be permitted on an official ballot if used in the notice  
41 of candidacy or qualifying petition, but the nickname shall appear  
42 according to standards adopted by the State Board of Elections. Those  
43 standards shall allow the presentation of legitimate nicknames in ways

1                   that do not mislead the voter or unduly advertise the candidacy. In the  
2                   case of candidates for presidential elector, the official ballot shall not  
3                   contain the names of the candidates for elector but instead shall  
4                   contain the nominees for President and Vice President which the  
5                   candidates for elector represent.

6                   (4) Party designations in partisan ballot items.

7                   (5) A means by which the voter may cast write-in votes, as provided in  
8                   G.S. 163-123.

9                   (6) Instructions to voters, unless the State Board of Elections allows  
10                  instructions to be placed elsewhere than on the official ballot.

11                  (7) The printed title and facsimile signature of the chair of the county  
12                  board of elections.

13 **"§ 163-165.6. Arrangement of official ballots.**

14                  (a) Order of Precedence Generally. – Candidate ballot items shall be arranged on  
15 the official ballot before referenda.

16                  (b) Order of Precedence for Candidate Ballot Items. – The State Board of  
17 Elections shall promulgate rules prescribing the order of offices to be voted on the  
18 official ballot. Those rules shall adhere to the following guidelines:

19                   (1) Federal offices shall be listed before State and local offices. Federal  
20 offices shall be listed according to the size of the electorate.

21                   (2) State and local offices shall be listed according to the size of the  
22 electorate.

23                   (3) Partisan offices shall be listed before nonpartisan offices.

24                   (4) When offices are in the same class, they shall be listed in alphabetical  
25 order by office name, or in numerical or alphabetical order by district  
26 name. Governor and Lieutenant Governor, in that order, shall be listed  
27 before other Council of State offices. Mayor shall be listed before  
28 other citywide offices. Chair of a board, where elected separately, shall  
29 be listed before other board seats having the same electorate. Chief  
30 Justice shall be listed before Associate Justices.

31                   (5) Ballot items for full terms of an office shall be listed before ballot  
32 items for partial terms of the same office.

33                  (c) Order of Candidates on Primary Official Ballots. – The order in which  
34 candidates shall appear on a county's official ballots in any primary ballot item shall be  
35 determined by the county board of elections using a process designed by the State Board  
36 of Elections for random selection.

37                  (d) Order of Party Candidates on General Election Official Ballot. – Candidates  
38 in any ballot item on a general election official ballot shall appear in the following  
39 order:

40                   (1) Nominees of political parties that reflect at least five percent (5%) of  
41 statewide voter registration, according to the most recent statistical  
42 report published by the State Board of Elections so that such parties  
43 rotate order each three years, and if there are more than two eligible

1                    parties, then the order among those parties shall be determined by lot,  
2                    with no party being eligible for the top slot for three years after it has  
3                    left the top slot.

4                    (2) Nominees of other political parties, in random order of the name of the  
5                    party.

6                    (3) Unaffiliated candidates, in random order.

7                    (e) Straight-Party Voting. – Each official ballot shall be arranged so that the  
8 voter may cast one vote for a party's nominees for all offices except President and Vice  
9 President. A vote for President and Vice President shall be cast separately from a  
10 straight-party vote. The official ballot shall be prepared so that a voter may cast a  
11 straight-party vote, but then make an exception to that straight-party vote by voting for a  
12 candidate not nominated by that party or by voting for fewer than all the candidates  
13 nominated by that party. Instructions for general election ballots shall clearly advise  
14 voters of the rules in this subsection and of the statutes providing for the counting of  
15 ballots.

16                    (f) Write-In Voting. – Each official ballot shall be so arranged so that voters may  
17 cast write-in votes for candidates except where prohibited by G.S. 163-123 or other  
18 statutes governing write-in votes. Instructions for general election ballots shall clearly  
19 advise voters of the rules of this subsection and of the statutes governing write-in  
20 voting.

21                    (g) Order of Precedence for Referenda. – The referendum questions to be voted  
22 on shall be arranged on the official ballot in the following order:

23                    (1) Proposed amendments to the North Carolina Constitution, in the  
24 chronological order in which the proposals were approved by the  
25 General Assembly.

26                    (2) Other referenda to be voted on by all voters in the State, in the  
27 chronological order in which the proposals were approved by the  
28 General Assembly.

29                    (3) Referenda to be voted on by fewer than all the voters in the State, in  
30 the chronological order of the acts by which the referenda were  
31 properly authorized.

32 **"§ 163-165.7. Voting systems: powers and duties of State Board of Elections.**

33                    The State Board of Elections shall have authority to approve types, makes, and  
34 models of voting systems for use in elections and referenda held in this State. Only  
35 voting systems that have been approved by the State Board shall be used to conduct  
36 elections under this Chapter, and the approved systems shall be valid in any election or  
37 referendum held in any county or municipality. The State Board may, upon request of a  
38 local board of elections, authorize the use of a voting system not approved for general  
39 use. The State Board may also, upon notice and hearing, disapprove types, makes, and  
40 models of voting systems. Upon disapproving a type, make, or model of voting system,  
41 the State Board shall determine the process by which the disapproved system is  
42 discontinued in any county. If a county makes a showing that discontinuance would  
43 impose a financial hardship upon it, the county shall be given up to four years from the

1 time of State Board disapproval to replace the system. A county may appeal a decision  
2 by the State Board concerning discontinuance of a voting system to the superior court in  
3 that county or to the Superior Court of Wake County. The county has 30 days from the  
4 time of the State Board's decision on discontinuance to make that appeal.

5 Subject to the provisions of this Chapter, the State Board of Elections shall prescribe  
6 rules for the adoption, handling, operation, and honest use of voting systems, including,  
7 but not limited to, the following:

8 (1) Types, makes, and models of voting systems approved for use in this  
9 State.

10 (2) Form of official ballot labels to be used on voting systems.

11 (3) Operation and manner of voting on voting systems.

12 (4) Instruction of precinct officials in the use of voting systems.

13 (5) Instruction of voters in the use of voting systems.

14 (6) Assistance to voters using voting systems.

15 (7) Duties of custodians of voting systems.

16 (8) Examination of voting systems before use in an election.

17 **"§ 163-165.8. Voting systems: powers and duties of board of county commissioners.**

18 The board of county commissioners, with the approval of the county board of  
19 elections, may adopt and purchase or lease a voting system of a type, make, and model  
20 approved by the State Board of Elections for use in some or all voting places in the  
21 county at some or all elections.

22 The board of county commissioners may decline to adopt and purchase or lease any  
23 voting system recommended by the county board of elections but may not adopt and  
24 purchase or lease any voting system that has not been approved by the county board of  
25 elections.

26 **"§ 163-165.9. Voting systems: powers and duties of county board of elections.**

27 Before approving the adoption and purchase or lease of any voting system by the  
28 board of county commissioners, the county board of elections shall do all of the  
29 following:

30 (1) Obtain a current financial statement from the proposed vendor or  
31 lessor of the voting system and send copies of the statement to the  
32 county attorney and the chief county financial officer.

33 (2) Witness a demonstration, in that county or at a site designated by the  
34 State Board of Elections, of the voting system by the proposed vendor  
35 or lessor and also witness a demonstration of at least one other type of  
36 voting system approved by the State Board of Elections.

37 (3) Test, during an election, the proposed voting system in at least one  
38 precinct in the county where the system would be used if adopted.

39 **"§ 163-165.10. Adequacy of voting system for each precinct.**

40 The county board of elections shall make available for each precinct voting place an  
41 adequate quantity of official ballots or equipment so that all voters qualified to vote at  
42 the precinct may do so. When the board of county commissioners has decided to adopt  
43 and purchase or lease a voting system for voting places under the provisions of G.S.

1 165-165.8, the board of county commissioners shall, as soon as practical, provide for  
2 each of those voting places sufficient equipment of the approved voting system in  
3 complete working order. If it is impractical to furnish each voting place with the  
4 equipment of the approved voting system, that which has been obtained may be placed  
5 in voting places chosen by the county board of elections. In that case, the county board  
6 of elections shall choose the voting places and allocate the equipment in a way that as  
7 nearly as practicable provides equal access to the voting system for each voter. The  
8 county board of elections shall appoint as many voting system custodians as may be  
9 necessary for the proper preparation of the system for each election and for its  
10 maintenance, storage, and care.

11 "Part 3. Procedures at the Voting Place.

12 **"§ 163-166. Hours for voting.**

13 In every election, the voting place shall be open at 6:30 A.M. and shall be closed at  
14 7:30 P.M. In extraordinary circumstances, the county board of elections may direct that  
15 the polls remain open until 8:30 P.M. If any voter is in line to vote at the time the polls  
16 are closed, that voter shall be permitted to vote. No voter shall be permitted to vote who  
17 arrives at the voting place after the closing of the polls.

18 **"§ 163-166.1. Duties of county board of elections.**

19 The county board of elections shall:

- 20 (1) Provide for the timely delivery to each voting place of the supplies,  
21 records, and equipment necessary for the conduct of the election.
- 22 (2) Ensure that adequate procedures are in place at each voting place for a  
23 safe, secure, fair, and honest election.
- 24 (3) Respond to precinct officials' questions and problems where necessary.

25 **"§ 163-166.2. Arrangement of the voting enclosure.**

26 Each voting enclosure shall contain at a minimum:

- 27 (1) A sufficient number of private spaces for all voters to mark their  
28 official ballots in secrecy.
- 29 (2) Adequate space and furniture for the separate functions of:
  - 30 a. The checking of voter registration records.
  - 31 b. The distribution of official ballots.
  - 32 c. Private discussion with voters concerning irregular situations.
- 33 (3) A telephone or some facility for communication with the county board  
34 of elections.

35 The equipment and furniture in the voting enclosure shall be arranged so that it can  
36 be generally seen from the public space of the enclosure.

37 **"§ 163-166.3. Limited access to the voting enclosure.**

38 During the time allowed for voting in the voting place, only the following persons  
39 may enter the voting enclosure:

- 40 (1) An election official.
- 41 (2) An observer appointed pursuant to G.S. 163-45.
- 42 (3) A person seeking to vote in that voting place on that day but only  
43 while in the process of voting or seeking to vote.



- 1           (4) A voter in that precinct while entering or explaining a challenge  
2 pursuant to G.S. 163-87 or G.S. 163-88.
- 3           (5) A person authorized under G.S. 163-166.8 to assist a voter but, except  
4 as provided in subdivision (6) of this section, only while assisting that  
5 voter.
- 6           (6) Minor children of the voter under the age of 18, or minor children  
7 under the age of 18 in the care of the voter, but only while  
8 accompanying the voter and while under the control of the voter.
- 9           (7) Persons conducting or participating in a simulated election within the  
10 voting place or voting enclosure, if that simulated election is approved  
11 by the county board of elections.
- 12           (8) Any other person determined by election officials to have an urgent  
13 need to enter the voting enclosure but only to the extent necessary to  
14 address that need.

15 **§ 163-166.4. Limitation on activity in the voting place and in a buffer zone around**  
16 **it.**

17       No person or group of persons shall hinder access, harass others, distribute campaign  
18 literature, place political advertising, solicit votes, or otherwise engage in election-  
19 related activity in the voting place or in a buffer zone which shall be prescribed by the  
20 county board of elections around the voting place. In determining the dimensions of that  
21 buffer zone for each voting place, the county board of elections shall, where practical,  
22 set the limit at 50 feet from the entrance to the voting place, but in no event shall it set  
23 the limit at less than 25 feet. The county board of elections shall also, where practical,  
24 provide an area outside the buffer zone for each voting place in which persons or groups  
25 of persons may distribute campaign literature, place political advertising, solicit votes,  
26 or otherwise engage in election-related activity.

27 **§ 163-166.5. Procedures at voting place before voting begins.**

28       The State Board of Elections shall promulgate rules for precinct officials to set up  
29 the voting place before voting begins. Those rules shall emphasize:

- 30           (1) Continual participation or monitoring by officials of more than one  
31 party.
- 32           (2) Security of official ballots, records, and equipment.
- 33           (3) The appearance as well as the reality of care, efficiency, impartiality,  
34 and honest election administration.

35       The county boards of elections and precinct officials shall adhere to those  
36 procedures.

37 **§ 163-166.6. Designation of tasks.**

38       The State Board of Elections shall promulgate rules for the delegation of tasks  
39 among the election officials at each precinct. Those rules shall emphasize:

- 40           (1) The need to place primary managerial responsibility upon the chief  
41 judge.
- 42           (2) The need to have maximum multiparty participation in all duties where  
43 questions of partisan partiality might be raised.

- 1           (3)   The need to provide flexibility of management to the county board of  
2           elections and to the chief judge, in consideration of different abilities  
3           of officials, the different availability of officials, and the different  
4           needs of voters precinct by precinct.

5   **§ 163-166.7. Voting procedures.**

6           (a)   Checking Registration. – A person seeking to vote shall enter the voting  
7           enclosure through the appropriate entrance. A precinct official assigned to check  
8           registration shall at once ask the voter to state current name and residence address. The  
9           voter shall answer by stating current name and residence address. In a primary election,  
10          that voter shall also be asked to state, and shall state, the political party with which the  
11          voter is affiliated or, if unaffiliated, the authorizing party in which the voter wishes to  
12          vote. After examination, that official shall state whether that voter is duly registered to  
13          vote in that precinct and shall direct that voter to the voting equipment or to the official  
14          assigned to distribute official ballots.

15          (b)   Distribution of Official Ballots. – If the voter is found to be duly registered  
16          and has not been successfully challenged, the official assigned to distribute the official  
17          ballots shall hand the voter the official ballot that voter is entitled to vote, or that voter  
18          shall be directed to the voting equipment that contains the official ballot. No voter in a  
19          primary shall be permitted to vote in more than one party's primary. The precinct  
20          officials shall provide the voter with any information the voter requests to enable that  
21          voter to vote as that voter desires.

22          (c)   The State Board of Elections shall promulgate rules for the process of voting.  
23          Those rules shall emphasize the appearance as well as the reality of dignity, good order,  
24          impartiality, and the convenience and privacy of the voter. Those rules, at a minimum,  
25          shall include procedures to ensure that all the following occur:

- 26               (1)   The voting system remains secure throughout the period voting is  
27               being conducted.
- 28               (2)   Only properly voted official ballots are introduced into the voting  
29               system.
- 30               (3)   No official ballots leave the voting enclosure during the time voting is  
31               being conducted there.
- 32               (4)   All improperly voted official ballots are returned to the precinct  
33               officials and marked as spoiled.
- 34               (5)   Voters leave the voting place promptly after voting.
- 35               (6)   Voters not clearly eligible to vote in the precinct but who seek to vote  
36               there are given proper assistance in voting a provisional official ballot  
37               or guidance to another voting place where they are eligible to vote.
- 38               (7)   Information gleaned through the voting process that would be helpful  
39               to the accurate maintenance of the voter registration records is  
40               recorded and delivered to the county board of elections.
- 41               (8)   The registration records are kept secure.
- 42               (9)   Party observers are given access as provided by G.S. 163-45 to current  
43               information about which voters have voted.

1 **"§ 163-166.8. Assistance to voters.**

2 (a) Any registered voter qualified to vote in the election shall be entitled to  
3 assistance with entering and exiting the voting booth and in preparing ballots in  
4 accordance with the following rules:

5 (1) Any voter is entitled to assistance from the voter's spouse, brother,  
6 sister, parent, grandparent, child, grandchild, mother-in-law, father-in-  
7 law, daughter-in-law, son-in-law, stepparent, or stepchild, as chosen by  
8 the voter.

9 (2) A voter in any of the following four categories is entitled to assistance  
10 from a person of the voter's choice, other than the voter's employer or  
11 agent of that employer or an officer or agent of the voter's union:

12 a. A voter who, on account of physical disability, is unable to  
13 enter the voting booth without assistance.

14 b. A voter who, on account of physical disability, is unable to  
15 mark a ballot without assistance.

16 c. A voter who, on account of illiteracy, is unable to mark a ballot  
17 without assistance.

18 d. A voter who, on account of blindness, is unable to enter the  
19 voting booth or mark a ballot without assistance.

20 (b) A qualified voter seeking assistance in an election shall, upon arriving at the  
21 voting place, request permission from the chief judge to have assistance, stating the  
22 reasons. If the chief judge determines that such assistance is appropriate, the chief judge  
23 shall ask the voter to point out and identify the person the voter desires to provide such  
24 assistance. If the identified person meets the criteria in subsection (a) of this section, the  
25 chief judge shall request the person indicated to render the assistance. The chief judge,  
26 one of the judges, or one of the assistants may provide aid to the voter if so requested, if  
27 the election official is not prohibited by subdivision (a)(2) of this section. Under no  
28 circumstances shall any precinct official be assigned to assist a voter qualified for  
29 assistance, who was not specified by the voter.

30 (c) A person rendering assistance to a voter in an election shall be admitted to the  
31 voting booth with the voter being assisted. The State Board of Elections shall  
32 promulgate rules governing voter assistance, and those rules shall adhere to the  
33 following guidelines:

34 (1) The person rendering assistance shall not in any manner seek to  
35 persuade or induce any voter to cast any vote in any particular way.

36 (2) The person rendering assistance shall not make or keep any  
37 memorandum of anything which occurs within the voting booth.

38 (3) The person rendering assistance shall not, directly or indirectly, reveal  
39 to any person how the assisted voter marked ballots, unless the person  
40 rendering assistance is called upon to testify in a judicial proceeding  
41 for a violation of the election laws.

42 **"§ 163-166.9. Curbside voting.**

1 In any election or referendum, if any qualified voter is able to travel to the voting  
 2 place, but because of age or physical disability and physical barriers encountered at the  
 3 voting place is unable to enter the voting enclosure to vote in person without physical  
 4 assistance, that voter shall be allowed to vote either in the vehicle conveying that voter  
 5 or in the immediate proximity of the voting place. The State Board of Elections shall  
 6 promulgate rules for the administration of this section.

7 **"§ 163-166.10. Procedures after the close of voting.**

8 The State Board of Elections shall promulgate rules for closing the voting place and  
 9 delivering voting information to the county board of elections for counting, canvassing,  
 10 and record maintenance. Those rules shall emphasize the need for the appearance as  
 11 well as the reality of security, accuracy, participation by representatives of more than  
 12 one political party, openness of the process to public inspection, and honesty. The rules,  
 13 at a minimum, shall include procedures to ensure all of the following:

- 14 (1) The return and accurate accounting of all official ballots, regular,  
 15 provisional, voted, unvoted, and spoiled, according to the provisions of  
 16 Articles 15 and 16 of this Chapter.  
 17 (2) The certification of ballots and voter-authorization documents by  
 18 precinct officials of more than one political party.  
 19 (3) The delivery to the county board of elections of registration documents  
 20 and information gleaned through the voting process that would be  
 21 helpful in the accurate maintenance of the voter registration records.  
 22 (4) The return to the county board of all issued equipment.  
 23 (5) The restoration of the voting place to the condition in which it was  
 24 found."

25 **SECTION 3.1.** If Senate Bill 14, 2001 Session, becomes law, then G.S.  
 26 163-166.10(1) as enacted by Section 3 of this act reads as rewritten:

- 27 "(1) The return and accurate accounting of all official ballots, regular,  
 28 provisional, voted, unvoted, and spoiled, according to the provisions of  
 29 ~~Articles 15 and 16~~ Article 15A of this Chapter."

30 **SECTION 4.** G.S. 163-114 reads as rewritten:

31 **"§ 163-114. Filling vacancies among party nominees occurring after nomination**  
 32 **and before election.**

33 If any person nominated as a candidate of a political party for one of the offices  
 34 listed below (either in a primary or convention or by virtue of having no opposition in a  
 35 primary) dies, resigns, or for any reason becomes ineligible or disqualified before the  
 36 date of the ensuing general election, the vacancy shall be filled by appointment  
 37 according to the following instructions:

39 Position	Vacancy is to be filled by
40 Any elective State office	appointment of State
41 United States Senator	executive committee of
42	political party in which
43	vacancy occurs

- |   |   |
|---|---|
| <p>1 A district office, including:<br/>                 2 Member of the United States<br/>                 3 House of Representatives<br/>                 4 Judge of district court<br/>                 5 District Attorney<br/>                 6 State Senator in a multi-<br/>                 7 county senatorial district<br/>                 8 Member of State House of<br/>                 9 Representatives in a multi-<br/>                 10 county representative<br/>                 11 district<br/>                 12 State Senator in a single-<br/>                 13 county senatorial district<br/>                 14 Member of State House of<br/>                 15 Representatives in a<br/>                 16 single-county<br/>                 17 representative district<br/>                 18 Any elective county office<br/>                 19<br/>                 20<br/>                 21<br/>                 22<br/>                 23<br/>                 24<br/>                 25<br/>                 26</p> | <p>Appropriate district executive<br/>                 committee of political party<br/>                 in which vacancy occurs</p> <p>County executive committee<br/>                 of political party in which<br/>                 vacancy occurs, provided, in<br/>                 the case of the State<br/>                 Senator or State<br/>                 Representative in a<br/>                 single-county district where<br/>                 not all the county is<br/>                 located in that district,<br/>                 then in voting, only those<br/>                 members of the county<br/>                 executive committee who<br/>                 reside within the<br/>                 district shall vote</p> |
|---|---|

27 The party executive making a nomination in accordance with the provisions of this  
 28 section shall certify the name of its nominee to the chairman of the board of elections,  
 29 State or county, charged with the duty of printing the ballots on which the name is to  
 30 appear. If at the time a nomination is made under this section the general election ballots  
 31 have already been printed, the provisions of ~~G.S. 163-139~~ G.S. 163-165.3(c) shall  
 32 apply. If any person nominated as a candidate of a political party vacates such  
 33 nomination and such vacancy arises from a cause other than death and the vacancy in  
 34 nomination occurs more than 120 days before the general election, the vacancy in  
 35 nomination may be filled under this section only if the appropriate executive committee  
 36 certifies the name of the nominee in accordance with this paragraph at least 75 days  
 37 before the general election.

38 In a county not all of which is located in one congressional district, in choosing the  
 39 congressional district executive committee member or members from that area of the  
 40 county, only the county convention delegates or county executive committee members  
 41 who reside within the area of the county which is within the congressional district may  
 42 vote.

1 In a county which is partly in a multi-county senatorial district or which is partly in a  
2 multi-county House of Representatives district, in choosing that county's member or  
3 members of the senatorial district executive committee or House of Representatives  
4 district executive committee for the multi-county district, only the county convention  
5 delegates or county executive committee members who reside within the area of the  
6 county which is within that multi-county district may vote."

7 **SECTION 5.** G.S. 163-209 reads as rewritten:

8 "**§ 163-209. Names of presidential electors not printed on ballots.**

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

27 **SECTION 6.** G.S. 163-294(b) reads as rewritten:

28 "(b) In the primary, the two candidates for a single office receiving the highest  
29 number of votes, and those candidates for a group of offices receiving the highest  
30 number of votes, equal to twice the number of positions to be filled, shall be declared  
31 nominated. In both the primary and election, a voter should not mark more names for  
32 any office than there are positions to be filled by ~~election, as provided in G.S. 163-~~  
33 ~~135(e) and G.S. 163-151(2).~~ election. If two or more candidates receiving the highest  
34 number of votes each received the same number of votes, the board of elections shall  
35 determine their relative ranking by lot, and shall declare the nominees accordingly. The  
36 canvass of the primary shall be held on the third day (Sunday excepted) following the  
37 primary. In accepting the filing of complaints concerning the conduct of an election, a  
38 board of elections shall be subject to the rules concerning Sundays and holidays set  
39 forth in G.S. 103-5."

40 **SECTION 7.** G.S. 163-299(b) reads as rewritten:

41 "(b) The form of municipal ballots to be used in partisan municipal elections shall  
42 be the same as the form prescribed in this Chapter for the county ballot. ~~A nonpartisan~~  
43 ~~municipal ballot shall be divided into sections according to the offices to be filled.~~

1 ~~Within each section the names of the candidates for that office shall be printed. At the~~  
2 ~~left of each name shall be printed a voting square, and all voting squares on the ballot~~  
3 ~~shall be arranged in a perpendicular line. On the face of the ballot, above the list of~~  
4 ~~candidates and below the title of the ballot shall be printed in heavy black type the~~  
5 ~~following instructions: "If you tear or deface or wrongly mark this ballot, return it and~~  
6 ~~get another."~~

7 **SECTION 8.** G.S. 163-299(d) reads as rewritten:

8 "(d) The provisions of ~~G.S. 163-151(1), (2) and (3)~~ Articles 13A and 15A of this  
9 Chapter shall apply to ballots used in municipal primaries and elections in the same  
10 manner as it is applied to county ballots provided, however, the exceptions contained in  
11 G.S. 163-151 shall be adhered to if applicable. ballots."

12 **SECTION 9.** G.S. 163-332(a) reads as rewritten:

13 "(a) General. – In elections there shall be official ballots. The ballots shall be  
14 printed to conform to the requirement of ~~G.S. 163-140(e)~~ G.S. 163-165.6(c) and to show  
15 the name of each person who has filed notice of candidacy, and the office for which  
16 each aspirant is a candidate.

17 Only those who have filed the required notice of candidacy with the proper board of  
18 elections, and who have paid the required filing fee or qualified by petition, shall have  
19 their names printed on the official primary ballots. Only those candidates properly  
20 nominated shall have their names appear on the official general election ballots."

21 **SECTION 10.** Article 25 of Chapter 163 of the General Statutes is amended  
22 by adding a new section to read:

23 **"§ 163-327.1. Rules when vacancies for superior court judge are to be voted on.**

24 If a vacancy occurs in a judicial district for any offices of superior court judge, and  
25 on account of the occurrence of such vacancy, there is to be an election for one or more  
26 terms in that district to fill the vacancy or vacancies, at that same election in accordance  
27 with G.S. 163-9 and Article IV, Section 19 of the North Carolina Constitution, the  
28 nomination and election shall be determined by the following special rules in addition to  
29 any other provisions of law:

30 (1) If the vacancy occurs prior to the opening of the filing period under  
31 G.S. 163-323(b), nominations shall be made by primary election as  
32 provided by this Article, without designation as to the vacancy.

33 (2) If the vacancy occurs beginning on opening of the filing period under  
34 G.S. 163-323(b), and ending on the sixtieth day before the general  
35 election, candidate filing shall be as provided by G.S. 163-329 without  
36 designation as to the vacancy.

37 (3) The general election ballot shall contain, without designation as to  
38 vacancy, spaces for the election to fill the vacancy where nominations  
39 were made or candidates filed under subdivision (1) or (2) of this  
40 section. The persons receiving the highest numbers of votes equal to  
41 the term or terms to be filled shall be elected to the term or terms."

42 **SECTION 11.** This act becomes effective January 1, 2002.