

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1263
Select Committee on Government and Election Reform Committee Substitute
Adopted 5/8/07

Short Title: Election Law Amendments.

(Public)

Sponsors:

Referred to:

March 26, 2007

A BILL TO BE ENTITLED

1 AN ACT TO AMEND THE ELECTION LAWS; TO REQUIRE THAT A PERSON
2 APPOINTED TO FILL A VACANCY IN AN ELECTIVE OFFICE BE
3 QUALIFIED TO VOTE FOR THAT OFFICE IF AN ELECTION WAS HELD ON
4 THE DATE OF APPOINTMENT.
5

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 163-59 reads as rewritten:

8 **"§ 163-59. Right to participate or vote in party primary.**

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

11 (1) Is a registered voter, and

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

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

16 Notwithstanding the previous paragraph, any unaffiliated voter who is authorized
17 under G.S. 163-116 may also vote in the primary if the voter is otherwise eligible to
18 vote in that primary except for subdivisions (2) and (3) of the previous paragraph.

19 Any person who will become qualified by age ~~or residence~~ to register and vote in the
20 general election or regular municipal election for which the primary is held, even
21 though not so qualified by the date of the primary, shall be entitled to register for the
22 primary and general or regular municipal election prior to the primary and then to vote
23 in the primary after being registered. Such person may register not earlier than 60 days
24 nor later than the last day for making application to register under G.S. 163-82.6(c)
25 prior to the primary. In addition, persons who will become qualified by age to register
26 and vote in the general election or regular municipal election for which the primary is
27 held, who do not register during the special period may register to vote after such period

1 as if they were qualified on the basis of age, but until they are qualified by age to vote,
2 they may vote only in primary elections."

3 **SECTION 2.(a)** G.S. 163-226.3(a)(4) reads as rewritten:

4 "(a) Any person who shall, in connection with absentee voting in any election
5 held in this State, do any of the acts or things declared in this section to be unlawful,
6 shall be guilty of a Class I felony. It shall be unlawful:

7 ...

8 (4) For any owner, manager, director, employee, or other person, other
9 than the voter's near relative or verifiable legal guardian, to make a
10 written request pursuant to G.S. 163-230.1 or an application on behalf
11 of a registered voter who is a patient in any hospital, clinic, nursing
12 home or rest home in this State or for any owner, manager, director,
13 employee, or other person other than the voter's near relative or
14 verifiable legal guardian, to mark the voter's absentee ballot or assist
15 such a voter in marking an absentee ~~ballot;~~ballot. This subdivision
16 does not apply to members, employees, or volunteers of the county
17 board of elections, if those members, employees, or volunteers are
18 working as part of a multipartisan team trained and authorized by the
19 county board of elections to assist voters with absentee ballots. Each
20 county board of elections shall train and authorize such teams,
21 pursuant to procedures which shall be adopted by the State Board of
22 Elections.

23"

24 **SECTION 2.(b)** This section becomes effective on January 1, 2008.

25 **SECTION 3.** G.S. 163-33.1 reads as rewritten:

26 **"§ 163-33.1. Power of chairman to administer oaths.**

27 The chairman of the county board of elections is authorized to administer to election
28 officials specified in ~~G.S. 163-80~~ Articles 4, 5, and 20 of this Chapter the required oath,
29 and may also administer the required oath to witnesses appearing before the county
30 board at a duly called public hearing."

31 **SECTION 4.(a)** G.S. 163-165.1(e) reads as rewritten:

32 "(e) Voted ballots and paper records of individual voted ballots shall be treated as
33 confidential, and no person other than elections officials performing their duties may
34 have access to voted ballots or paper records of individual voted ballots except by court
35 order or order of the appropriate board of elections as part of the resolution of an
36 election protest or investigation of an alleged election irregularity or violation. Voted
37 ballots and paper records of individual voted ballots shall not be disclosed to members
38 of the public in such a way as to disclose how a particular voter voted, unless a court
39 orders otherwise. Any person who has access to an official voted ballot and knowingly
40 discloses in violation of this section how an individual has voted that ballot is guilty of a
41 Class 2 misdemeanor."

42 **SECTION 4.(b)** G.S. 163-274 is amended by adding a new subdivision to
43 read:

1 "(14) For any person who has access to an official voted ballot or record to
2 knowingly disclose in violation of G.S. 163-165.1(e) how an
3 individual has voted that ballot."

4 **SECTION 4.(c)** This section becomes effective December 1, 2007.

5 **SECTION 5.(a)** Chapter 128 of the General Statutes is amended by adding a
6 new section to read:

7 "**§ 128-7.2. Qualifications for appointment to fill vacancy in elective office.**

8 No person is eligible for appointment to fill a vacancy in any elective office, whether
9 State or local, unless that person would have been qualified to vote as an elector for that
10 office if an election were to be held on the date of appointment. This section is intended
11 to implement the provisions of Section 8 of Article VI of the Constitution."

12 **SECTION 5.(b)** G.S. 163-11 is amended by adding a new subsection to
13 read:

14 "(e) No person is eligible for appointment to fill a vacancy in the Senate or the
15 House of Representatives under this section, unless that person would have been
16 qualified to vote as an elector for that office if an election were to be held on the date of
17 appointment. This section is intended to implement the provisions of Section 8 of
18 Article VI of the Constitution."

19 **SECTION 6.** Except as otherwise provided in this act, this act is effective
20 when it becomes law.