

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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HOUSE BILL 1053

Short Title: Election Amendments.

(Public)

Sponsors: Representative Kerr.

Referred to: Judiciary.

April 6, 1989

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS AMENDMENTS TO THE ELECTION LAWS.

The General Assembly of North Carolina enacts:

—CORRECTING OVERLOOKED STATUTES IN ALLOWING AN ALTERNATIVE OATH.

Section 1. Effective upon the ratification of this act, G.S. 163-79 reads as rewritten:

"§ 163-79. Alternate oaths by voters and registrants.

In the event any person taking any of the oaths in G.S. 163-19, G.S. 163-30, G.S. 163-41(a), G.S. 163-41(b), G.S. 163-43, G.S. 163-72, G.S. 163-74(a), G.S. 163-74(b), G.S. 163-74(c), and G.S. 163-78(b) objects to the phrase 'so help me, God' appearing at the end of said oaths, the words 'I do so affirm' may be substituted therefor."

—CLARIFYING THAT NO ONE MAY VOTE IN A PARTY'S PRIMARY WHO HAS NOT BECOME REGISTERED IN THAT PARTY BY THE TWENTY-FIRST DAY BEFORE THE PRIMARY.

Sec. 2. Effective with respect to all elections occurring on or after January 1, 1990, G.S. 163-74(b) reads as rewritten:

"(b) Change of Party Affiliation or Unaffiliated Status. – No registered elector shall be permitted to change the record of his party affiliation or unaffiliated status for a primary, second primary or special or general election after the close of the registration books immediately prior to any such election. Any registrant who desires to have the record of his party affiliation or unaffiliated status changed on the registration book shall, no later than the twenty-first day (not including Saturdays and Sundays) before the election go to the chairman or the supervisor of elections of the county board of

1 elections or to other registration officials specified in G.S. 163-80 and request that the
2 change be made. Before being permitted to have the change made, the chairman,
3 supervisor of elections or other registration official shall require the registrant to take
4 the following oath, and it shall be the duty of the elections officer to administer it:

5 (1) If the voter desires to change from one political party to another, or
6 from unaffiliated to a political party:

7 I,, do solemnly swear (or affirm) that I desire in good faith to
8 change my party affiliation from the Party (or from unaffiliated
9 status) to the Party, and that such change of affiliation be made
10 on the registration records in the manner provided by law, so help me,
11 God.

12 (2) If the voter desires to change his affiliation with any political party to
13 unaffiliated status:

14 I,, do solemnly swear (or affirm) that I desire in good faith to
15 change my party affiliation with the Party to unaffiliated and that
16 such change of affiliation be made on the registration records in the
17 manner provided by law, so help me, God.

18 Upon receipt of the required oath, the county board of elections shall immediately
19 change the record of the registrant's party affiliation, or unaffiliated status, to conform to
20 that stated in the oath. Thereafter the voter shall be considered registered and qualified
21 to vote in accordance with the effected change.

22 Provided, in the event that a registrant has the record of his party affiliation or
23 unaffiliated status changed later than the 21st day (not including Saturdays and
24 Sundays) before a primary, the registrant shall not be entitled to vote in that primary."

25 ~~—ALLOWING A COUNTY BOARD TO SEND LESS THAN A FULL SUPPLY OF~~
26 ~~BALLOTS TO A PRECINCT, IF A FULL SUPPLY IS AVAILABLE.~~

27 Sec. 3. Effective with respect to all elections occurring on or after September
28 1, 1989, G.S. 163-142 reads as rewritten:

29 "**§ 163-142. Number of ballots to be furnished each voting place; packaging; date**
30 **of delivery; receipt for ballots; accounting for ballots.**

31 The county board of elections shall furnish each precinct voting place with each kind
32 of ballot to be voted in the primary or election in a number equal to ~~one hundred percent~~
33 ~~(100%)—at least eighty percent (80%)~~ of the number of persons registered to vote in the
34 primary or election in the precinct. Provided that in those instances where precincts are
35 provided with less than a number of ballots equal to one hundred percent (100%) of the
36 number of voters registered to vote in the primary or election in the precinct, the
37 responsible board of elections shall ensure that a number of additional ballots are stored
38 in its offices for distribution to precincts where the need for additional ballots becomes
39 evident so that a number of ballots equal to one hundred percent (100%) of the number
40 of registered voters in the primary or election in each precinct is available.

41 Each kind of ballot shall be wrapped in a separate package or packages for each
42 precinct voting place. The number of ballots to be placed in each package shall be
43 determined by the chairman of the county board of elections, and the outside of each

1 package shall be marked or stamped to show the kind of ballot and the number
2 contained.

3 Three days before the primary or election, the county board of elections shall deliver
4 to such precinct registrar the required number of ballots of each kind to be voted in his
5 precinct, and the registrar shall immediately give a receipt for the ballots delivered to
6 him in accordance with the information marked or stamped on the ballot packages.

7 Within three days after the primary or election, the registrar shall deliver to the
8 county board of elections all ballots spoiled in his precinct. At the same time he shall
9 also deliver to the county board of elections all unused ballots from his precinct.
10 Thereupon, the county board of elections shall make a check to ascertain whether the
11 total of spoiled ballots and unused ballots, when added to the number of ballots cast in
12 the precinct, equal the number of ballots furnished to and receipted for by the registrar
13 prior to the primary or election.

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

16 Sec. 4. Effective upon ratification of this act, G.S. 163-161 reads as rewritten:

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

23 The board of county commissioners may decline to adopt and purchase or lease any
24 voting system recommended by the county board of elections, but may not adopt and
25 purchase or lease any voting system that has not been approved by the county board of
26 elections. Provided that no board of county commissioners may purchase any item of
27 equipment of an optical-scanning voting system if the equipment is no longer
28 manufactured by the original manufacturer, unless the county board of elections
29 specifically approves the purchase of that item of equipment."

30 Sec. 5. This act is effective as provided herein.