

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1776\*  
Committee Substitute Favorable 6/20/94

Short Title: Voter Registration Rewrite.

(Public)

Sponsors:

Referred to:

May 26, 1994

A BILL TO BE ENTITLED  
AN ACT TO REWRITE THE VOTER REGISTRATION LAWS OF NORTH  
CAROLINA AND TO MAKE OTHER ELECTION-LAW CHANGES.

The General Assembly of North Carolina enacts:

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 Article 7 of Chapter 163 of the General Statutes is repealed.

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

**"ARTICLE 7A.**

**"REGISTRATION OF VOTERS.**

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

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

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

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

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

(2) The registrant becomes disqualified through death, conviction of a  
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, gender, or telephone number.

6 (b) Notice of Requirements, Attestation, Notice of Penalty, and Notice of  
7 Confidentiality. – The form required by G.S. 163-82.3(a) shall contain, in uniform type,  
8 the following:

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

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

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

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

31 **"§ 163-82.5. Distribution of application forms.**

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

35 **"§ 163-82.6. Acceptance of application forms.**

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

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

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

42 (1) If submitted by mail, must be postmarked at least 25 days before the  
43 election, except that any mailed application on which the postmark is

1 missing or unclear is validly submitted if received in the mail not later  
2 than 20 days before the election,

3 (2) If submitted in person (by the applicant or another person), must be  
4 received by the county board of elections by 5:00 p.m. on the twenty-  
5 fifth day before the election,

6 except as provided in subsection (d) of this section.

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

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

12 (2) The county supervisor of elections; or

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

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

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

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

37 **§ 163-82.7. Verification of qualifications and address of applicant; denial or**  
38 **approval of application.**

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

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

1           (2) Shall make a tentative determination that the applicant is qualified to  
2 vote at the address given, subject to the mail verification notice  
3 procedure outlined in subsection (c) of this section,  
4 within a reasonable time after receiving the application.

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

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

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

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

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

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

34           (1) If the county board has made a tentative determination that an  
35 applicant is qualified to vote under subsection (a) of this section, then  
36 that person shall not be denied the right to vote in person in an election  
37 unless the Postal Service has returned as undeliverable two notices to  
38 the applicant: one mailed pursuant to subsection (c) of this section and  
39 one mailed pursuant to subsection (e) of this section. This subdivision  
40 does not preclude a challenge to the voter's qualifications under Article  
41 8 of this Chapter.

42           (2) If the Postal Service has returned as undeliverable a notice sent within  
43 25 days before the election to the applicant under subsection (c) of this  
44 section, then the applicant may vote only in person in that first election

1 and may not vote by mailed absentee ballot. The county board of  
2 elections shall establish a procedure at the voting site for:

- 3 a. Obtaining the correct address of any person described in this  
4 subdivision who appears to vote in person; and  
5 b. Assuring that the person votes in the proper place and in the  
6 proper contests.

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

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

17 **"§ 163-82.8. Voter registration cards.**

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

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

- 23 (1) List the voter's name, address, and voting place;  
24 (2) Contain the address and telephone number of the county board of  
25 elections, along with blanks to report a change of address within the  
26 county, change of name, and change of party affiliation; and  
27 (3) Be wallet size.

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

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

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

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

43 **"§ 163-82.9. Cancellation of prior registration.**

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

6 **"§ 163-82.10. Official record of voter registration.**

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

12 (b) Access to Registration Records. – Upon request by that person, the county  
13 board of elections shall provide to any person a list of the registered voters of the county  
14 or of any precinct or precincts in the county. The county board may furnish selective  
15 lists according to party affiliation, sex, race, date of registration, or any other reasonable  
16 category. The county board shall require each person to whom a list is furnished to  
17 reimburse the board for the actual cost incurred in preparing it, except as provided in  
18 subsection (c) of this section.

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

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

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

24 b. The county chair of each political party

25 once in every odd-numbered year, once during the first six calendar  
26 months of every even-numbered year, and once during the latter six  
27 calendar months of every even-numbered year.

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

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

40 **"§ 163-82.11. Establishment of statewide computerized voter registration.**

41 The State Board of Elections shall develop and implement a statewide  
42 computerized voter registration system to facilitate voter registration and to provide a  
43 central database containing voter registration information for each county. The system

1 shall encompass both software development and purchasing of the necessary hardware  
2 for the central and distributed-network systems.

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

- 5 (1) Verify that an applicant to register in its county is not also registered in  
6 another county;
- 7 (2) Be notified automatically that a registered voter in its county has  
8 registered to vote in another county; and
- 9 (3) Receive automatically data about a person who has applied to vote at a  
10 drivers license office or at another public agency that is authorized to  
11 accept voter registration applications.

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

19 **"§ 163-82.12. Promulgation of rules relating to computerized voter registration.**

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

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

34 **"§ 163-82.13. Access to statewide voter registration file.**

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

42 (b) Copies for Sale to Others. – Beginning January 1, 1996, the State Board of  
43 Elections shall sell, upon written request, to other public and private organizations and  
44 persons magnetic copies of the statewide computerized voter registration file. The State



1 Board of Elections may sell selective lists of registered voters according to county,  
2 congressional or legislative district, party affiliation, sex, race, date of registration, or  
3 any other reasonable category, or a combination of categories. The State Board of  
4 Elections shall require all persons to whom any list is furnished under this subsection to  
5 reimburse the board for the actual cost incurred in preparing it.

6 **"§ 163-82.14. List maintenance.**

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

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

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

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

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

30 (c) Conviction of a Felony. –

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

41 (2) Report of Federal Conviction. – The Executive Secretary-Director of  
42 the State Board of Elections, upon receipt of a notice of conviction  
43 sent by a United States Attorney pursuant to section 8(g) of the

1           National Voter Registration Act, shall notify the appropriate county  
2           boards of elections of the conviction.

3           (3)   County Board's Duty Upon Receiving Report of Conviction. – When a  
4           county board of elections receives a notice pursuant to subdivision (1)  
5           or (2) of this subsection relating to a resident of that county and that  
6           person is registered to vote in that county, the board shall, after giving  
7           30 days' written notice to the voter at his registration address, and if  
8           the voter makes no objection, remove the person's name from its  
9           registration records. If the voter notifies the county board of elections  
10           of his objection to the removal within 30 days of the notice, the  
11           chairman of the board of elections shall enter a challenge under G.S.  
12           163-85(c)(5), and the notice the county board received pursuant to this  
13           subsection shall be **prima facie** evidence for the preliminary hearing  
14           that the registrant was convicted of a felony.

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

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

22           a.   A report to the county board from the Department of  
23           Transportation or from a voter registration agency listed in G.S.  
24           163-82.20 that the voter has reported a change of address for  
25           voting purposes outside the county;

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

27           c.   A notice of cancellation received from an election jurisdiction  
28           outside the State.

29           (2)   Fails to respond to a confirmation mailing sent by the county board in  
30           accordance with this subdivision and does not vote or appear to vote in  
31           an election beginning on the date of the notice and ending on the day  
32           after the date of the second general election for the United States  
33           House of Representatives that occurs after the date of the notice. A  
34           county board sends a confirmation notice in accordance with this  
35           subdivision if the notice:

36           a.   Is a postage prepaid and preaddressed return card, sent by  
37           forwardable mail, on which the registrant may state current  
38           address;

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

1 c. Contains or is accompanied by information as to how the  
2 registrant may continue to be eligible to vote if the registrant  
3 has moved outside the county.

4 A county board shall send a confirmation mailing in accordance with  
5 this subdivision if the registrant remains on the list, the registrant has  
6 not voted in two successive presidential elections or in any election in  
7 between, and the county board has not confirmed the registrant's  
8 address by another means. The county board may send a confirmation  
9 mailing in accordance with this subdivision if the registrant has been  
10 identified as residing outside the county through change-of-address  
11 information supplied by the Postal Service through its licensees.

12 **"§ 163-82.15. Change of address within the county.**

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

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

29 (1) Send a second notice by nonforwardable mail to the new address and,  
30 if it is returned as undeliverable, send to the registrant's old address a  
31 confirmation notice as described in G.S. 163-82.14(d)(2); or

32 (2) Send to the registrant's old address a confirmation notice as described  
33 in G.S. 163-82.14(d)(2) without first sending a second nonforwardable  
34 notice to the new address.

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

38 (c) Board's Duty to Make Change. – If the county board confirms the registrant's  
39 new address in accordance with subsection (b) of this section, the county board shall as  
40 soon as practicable change the record to reflect the new address.

41 (d) Unreported Move Within the Same Precinct. – A registrant who has moved  
42 from one address to another within the same precinct shall, notwithstanding failure to  
43 notify the county board of the change of address before an election, be permitted to vote

1 at the voting place of that precinct upon oral or written affirmation by the registrant of  
2 the change of address before a precinct official at that voting place.

3 (e) Unreported Move to Another Precinct Within the County. – If a registrant has  
4 moved from an address in one precinct to an address in another precinct within the same  
5 county more than 30 days before an election and has failed to notify the county board of  
6 the change of address before the close of registration for that election, the county board  
7 shall permit that person to vote in that election. The county board shall permit the  
8 registrant described in this subsection to vote at the registrant's new precinct, upon the  
9 registrant's written affirmation of the new address, or, if the registrant prefers, at a  
10 central location in the county to be chosen by the county board. If the registrant appears  
11 at the old precinct, the precinct officials there shall send the registrant to the new  
12 precinct or, if the registrant prefers, to the central location, according to rules which  
13 shall be prescribed by the State Board of Elections. At the new precinct, the registrant  
14 shall be processed by a precinct transfer assistant, according to rules which shall be  
15 prescribed by the State Board of Elections.

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

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

29 **"§ 163-82.16. Change of name.**

30 (a) Registrant's Duty to Report. – If the name of a registrant is changed in  
31 accordance with G.S. 48-36, G.S. 50-12, or Chapter 101 of the General Statutes, or if a  
32 married registrant assumes the last name of the registrant's spouse, the registrant shall  
33 not be required to re-register, but shall report the change of name to the county board  
34 not later than the last day for applying to register to vote for an election in G.S. 163-  
35 82.6. The registrant shall report the change on a form described in G.S. 163-82.3 or on a  
36 voter registration card described in G.S. 163-82.8 or in another written statement that is  
37 signed, contains the registrant's full names, old and new, and the registrant's current  
38 residence address.

39 (b) Verification of New Name by Mail. – When a county board of elections  
40 receives a notice of name change from a registrant in that county, the county board shall  
41 send a notice, by nonforwardable mail, to the registrant's residence address. The notice  
42 shall state that the registrant's records will be changed to reflect the new name if the  
43 registrant does not respond that the name change is incorrect. If the Postal Service  
44 returns the county board's notice to the registrant as undeliverable, the county board

1 shall send to the registrant's residence address a confirmation notice as described in G.S.  
2 163-82.14(d)(2).

3 If the registrant does not respond to the confirmation notice as described in G.S.  
4 163-82.14(d)(2), then the county board shall proceed with the removal of the registrant  
5 from the list of voters in accordance with G.S. 163-82.14(d).

6 (c) Board's Duty to Make Change. – If the county board confirms the registrant's  
7 address in accordance with subsection (b) of this section and the registrant does not  
8 deny making the application for the name change, the county board shall as soon as  
9 practicable change the record of the registrant's name to conform to that stated in the  
10 application.

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

15 **"§ 163-82.17. Change of party affiliation.**

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

24 (b) Verification of Affiliation Change by Mail. – When a county board of  
25 elections receives a notice of change of party affiliation or unaffiliated status from a  
26 registrant in that county, the county board shall send a notice, by nonforwardable mail,  
27 to the registrant's residence address. The notice shall state that the registrant's records  
28 will be changed to reflect the change of status if the registrant does not respond by  
29 stating that he does not desire a change in status. The notice shall also inform the  
30 registrant of the time that the change of affiliation status will occur, and shall explain  
31 the provisions of subsection (d) of this section. If the Postal Service returns the county  
32 board's notice to the registrant as undeliverable, the county board shall send to the  
33 registrant's residence address a confirmation notice as described in G.S. 163-  
34 82.14(d)(2). If the registrant does not respond to the confirmation notice as described in  
35 G.S. 163-82.14(d)(2), then the county board shall proceed with the removal of the  
36 registrant from the list of voters in accordance with G.S. 163-82.14(d).

37 (c) Board's Duty to Make Change. – If the county board confirms the registrant's  
38 address in accordance with subsection (b) of this section and the registrant does not  
39 deny making the application to change affiliated or unaffiliated status, the county board  
40 of elections shall as soon as practicable change the record of the registrant's party  
41 affiliation, or unaffiliated status, to conform to that stated in the application. Thereafter  
42 the voter shall be considered registered and qualified to vote in accordance with the  
43 change, except as provided in subsection (d) of this section.

1       (d) Deadline to Change Status Before Primary. – If a registrant applies to change  
2 party affiliation or unaffiliated status later than the last day for applying to register  
3 under G.S. 163-82.6 before a primary, the registrant shall not be entitled to vote in the  
4 primary of a party in which the registrant's status on that last day did not entitle the  
5 registrant to vote.

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

12 **"§ 163-82.18. Appeal from denial of registration.**

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

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

25       Two members of the county board of elections shall constitute a quorum for the  
26 purpose of hearing appeals on questions of registration. The decision of a majority of  
27 the members of the board shall be the decision of the board. The board shall be  
28 authorized to subpoena witnesses and to compel their attendance and testimony under  
29 oath, and it is further authorized to subpoena papers and documents relevant to any  
30 matters pending before the board.

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

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

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

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

11 **"§ 163-82.19. Voter registration at drivers license offices.**

12 The Division of Motor Vehicles shall, pursuant to the rules adopted by the State  
13 Board of Elections, modify its forms so that any eligible person who applies for original  
14 issuance, renewal or correction of a drivers license, or special identification card issued  
15 under G.S. 20-37.7 may, on a part of the form, complete an application to register to  
16 vote or to update his registration if the voter has changed his address or moved from one  
17 precinct to another or from one county to another. Any person who willfully and  
18 knowingly and with fraudulent intent gives false information on the application is guilty  
19 of a Class I felony. The application shall state in clear language the penalty for  
20 violation of this section. The necessary forms shall be prescribed by the State Board of  
21 Elections. The form must ask for the previous voter registration address of the voter, if  
22 any. If a previous address is listed, and it is not in the county of residence of the  
23 applicant, the appropriate county board of elections shall treat the application as an  
24 authorization to cancel the previous registration and also process it as such under the  
25 procedures of G.S. 163-82.9. If a previous address is listed and that address is in the  
26 county where the voter applies to register, the application shall be processed as if it had  
27 been submitted under G.S. 163-82.9.

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

33 All applications shall be forwarded by the Department of Transportation to the  
34 appropriate board of elections not later than five business days after the date of  
35 acceptance, according to rules which shall be promulgated by the State Board of  
36 Elections.

37 **"§ 163-82.20. Voter registration at other public agencies.**

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

39 (1) Applications for a program of public assistance under Article 2 of  
40 Chapter 108A of the General Statutes or under Article 13 of Chapter  
41 130A of the General Statutes;

42 (2) Applications for State-funded State or local government programs  
43 primarily engaged in providing services to persons with disabilities,  
44 with such office designated by the State Board of Elections; or

1           (3) Claims for benefits under Chapter 96 of the General Statutes, the  
2           Employment Security Law.

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

6           (1) Distribute with each application for service or assistance, and with  
7 each recertification, renewal, or change of address relating to such  
8 service or assistance:

9           a. The voter registration application form described in G.S. 163-  
10 82.3(a) or (b); or

11           b. The voter registration agency's own form, if it is substantially  
12 equivalent to the form described in G.S. 163-82.3(a) or (b) and  
13 has been approved by the State Board of Elections, provided  
14 that the agency's own form may be a detachable part of the  
15 agency's paper application or may be a paperless computer  
16 process, as long as the applicant is required to sign an  
17 attestation as part of the application to register.

18           (2) Provide a form that contains the elements required by section  
19 7(a)(6)(B) of the National Voter Registration Act; and

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

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

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

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

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

35           (3) Make any statement to an applicant or take any action the purpose or  
36 effect of which is to discourage the applicant from registering to vote;  
37 or

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

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



1       (f) Transmittal From Agency to Board of Elections. – Any voter registration  
2 application completed at a voter registration agency shall be accepted by that agency in  
3 lieu of the applicant's mailing the application. Any such application so received shall be  
4 transmitted to the appropriate board of elections not later than five business days after  
5 acceptance, according to rules which shall be promulgated by the State Board of  
6 Elections.

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

13       (h) Ineligible Applications Prohibited. – No person shall make application to  
14 register to vote under this section if that person is ineligible to vote on account of age,  
15 citizenship, lack of residence for the period of time provided by law, or because of  
16 conviction of a felony.

17 **"§ 163-82.21. Voter registration at military recruitment offices.**

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

22 **"§ 163-82.22. Voter registration at public libraries.**

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

28 **"§ 163-82.23. Voter registration at public high schools.**

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

35 **"§ 163-82.24. Statewide training for election officials.**

36       The State Board of Elections shall conduct training programs in election law and  
37 procedures. Every county elections supervisor shall receive training conducted by the  
38 State Board at least as often as required in the following schedule:

- 39           (1) Once during each odd-numbered year before the municipal election  
40           held in the county;
- 41           (2) Once during each even-numbered year before the first partisan  
42           primary; and
- 43           (3) Once during each even-numbered year after the partisan primaries but  
44           before the general election.

1 Every member of a county board of elections shall receive training conducted by the  
2 State Board at least once during the six months after initial appointment and at least  
3 once again during the first two years of the member's service. The State Board of  
4 Elections shall promulgate rules for the training of precinct officials, which shall be  
5 followed by the county boards of elections.

6 **"§ 163-82.25. Mandated voter registration drive.**

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

13 **"§ 163-82.26. Rule-making authority.**

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

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

17 **"§ 163-41. Precinct ~~registrars~~ chief judges and judges of election; ~~special~~  
18 ~~registration commissioners~~; ~~appointment~~; ~~terms of office~~; ~~qualifications~~;  
19 ~~vacancies~~; ~~oaths of office~~.**

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

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

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

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

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

1 The chairman of each political party in the county where possible shall recommend  
2 two registered voters in each precinct who are otherwise qualified, are residents of the  
3 precinct, have good moral character, and are able to read and write, for appointment as  
4 ~~registrar~~ chief judge in the precinct, and he shall also recommend where possible the  
5 same number of similarly qualified voters for appointment as judges of election in that  
6 precinct. If such recommendations are received by the county board of elections no  
7 later than the fifth day preceding the date on which appointments are to be made, it must  
8 make precinct appointments from the names of those recommended. Provided that if  
9 only one name is submitted by the fifth day preceding the date on which appointments  
10 are to be made, by a party for judge of election by the chairman of one of the two  
11 political parties in the county having the greatest numbers of registered voters in the  
12 State, the county board of elections must appoint that person.

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

29 If any person appointed ~~registrar~~ chief judge shall fail to be present at the voting  
30 place at the hour of opening the polls on primary or election day, or if a vacancy in that  
31 office shall occur on primary or election day for any reason whatever, the precinct  
32 judges of election shall appoint another to act as ~~registrar~~ chief judge until such time as  
33 the chairman of the county board of elections shall appoint to fill the vacancy. If such  
34 appointment by the chairman of the county board of elections is not a person nominated  
35 by the county chairman of the political party of the vacating officer, then the term of  
36 office of the person appointed to fill the vacancy shall expire upon the conclusion of the  
37 next canvass held by the county board of elections under this Chapter. If a judge of  
38 election shall fail to be present at the voting place at the hour of opening the polls on  
39 primary or election day, or if a vacancy in that office shall occur on primary or election  
40 day for any reason whatever, the ~~registrar~~ chief judge shall appoint another to act as  
41 judge until such time as the chairman of the county board of elections shall appoint to  
42 fill the vacancy. Persons appointed to fill vacancies shall, whenever possible, be chosen  
43 from the same political party as the person whose vacancy is being filled, and all such  
44 appointees shall be sworn before acting.

1 As soon as practicable, following their training as prescribed in G.S. ~~163-80(d), 163-~~  
2 ~~82.24~~, each ~~registrar-chief judge~~ and judge of ~~elections-election~~ shall take and subscribe  
3 the following oath of office to be administered by an officer authorized to administer  
4 oaths and file it with the county board of elections:

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

19 Notwithstanding the previous paragraph, a person appointed ~~registrar-chief judge~~ by  
20 the judges of election under this section, or appointed judge of election by the ~~registrar~~  
21 ~~chief judge~~ under this section may take the oath of office immediately upon  
22 appointment.

23 Before the opening of the polls on the morning of the primary or election, the  
24 ~~registrar-chief judge~~ shall administer the oath set out in the preceding paragraph to each  
25 assistant, and any judge of ~~elections-election~~ not previously sworn, substituting for the  
26 words '~~registrar-chief judge~~ of' the words 'assistant in' or 'judge of ~~elections-election~~ in'  
27 whichever is appropriate.

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

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

- 40 (1) ~~One per 2,500 (or major fraction) residents of the county according to~~  
41 ~~the most recent decennial federal census; or~~
- 42 (2) ~~Five, whichever is greater, but in no case greater than 100. If such~~  
43 ~~recommendations are received by the county board of elections at least~~  
44 ~~seven days prior to the next meeting of the county board of elections,~~

~~the county board of elections shall at that meeting appoint as special registration commissioners the qualified persons on each list. The county board of elections shall meet within 45 days of receiving such nominations.~~

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

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

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

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

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

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

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

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

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

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

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

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

14 "**§ 163-47. Powers and duties of ~~registrars~~ chief judges and judges of election.**

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

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

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

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

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

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

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

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

44 "**§ 163-36. Modified full-time offices.**

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

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

8 **"§ 163-116. Voting by unaffiliated voter in party primary.**

9       If a political party has, by action of its State Executive Committee reported to the  
10 State Board of Elections by resolution delivered no later than the first day of December  
11 preceding a primary, provided that unaffiliated voters may vote in the primary of that  
12 party, an unaffiliated voter may vote in the primary of that party by announcing that  
13 intention under G.S. 163-150(a). For a party to withdraw its permission, it must do so  
14 by action of its State Executive Committee, similarly reported to the State Board of  
15 Elections no later than the first day of December preceding the primary where the  
16 withdrawal is to become effective."

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

18       "(i) Observers. – The proponents and opponents for an alcoholic beverage  
19 election, as determined by the local board of elections, shall have the right to appoint  
20 two ~~watchers-observers~~ to attend each voting place. The persons authorized to appoint  
21 ~~watchers-observers~~ shall, three days before the election, submit in writing to the  
22 ~~registrar-chief judge~~ of each precinct a signed list of the ~~watchers-observers~~ appointed  
23 for that precinct. The persons appointed as ~~watchers-observers~~ shall be registered voters  
24 of the precinct for which appointed. The ~~registrar-chief judge~~ and judges for the  
25 precinct may for good cause reject any appointee and require that another be appointed.  
26 ~~Watchers-Observers~~ shall do no electioneering at the voting place nor in any manner  
27 impede the voting process, interfere or communicate with or observe any voter in  
28 casting his ballot. ~~Watchers-Observers~~ shall be permitted in the voting place to make  
29 such observation and to take such notes as they may desire."

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

31 **"§ 115C-506. Action of board of county commissioners or governing body of**  
32 **municipality.**

33       Petitions requesting special school elections and bearing the approval of the board of  
34 education of the local school administrative unit shall be presented to the board of  
35 county commissioners, and it shall be the duty of said board of county commissioners to  
36 call an election and fix the date for the same: Provided, that the board of education  
37 requesting the election may, for any reason deemed sufficient by said board which shall  
38 be specified and recorded in the minutes of the board, withdraw the petition ~~before the~~  
39 ~~close of the registration books, by the twenty-fifth day before the election,~~ and if the  
40 petition be so withdrawn, the election shall not be held unless by some other provision  
41 of law the holding of such election is mandatory. In the case of a city administrative  
42 unit in any incorporated city or town and formed from portions of contiguous counties,  
43 said petition shall be presented to the governing body of the city or town situated within,  
44 coterminous with, or embracing such city administrative unit, and the election shall be

1 ordered by said governing body, and said governing body shall perform all the duties  
2 pertaining to said election performed by the board of county commissioners in elections  
3 held under this Article."

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

5 **"§ 139-40. Conduct of election.**

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

16       (b) The form of the question shall be substantially the words 'For Watershed  
17 Improvement Tax of Not More Than ..... Cents Per One Hundred Dollar (\$100.00)  
18 Valuation,' and 'Against Watershed Improvement Tax of Not More Than ..... Cents  
19 Per One Hundred Dollar (\$100.00) Valuation,' which alternates shall appear separated  
20 from each other on one ballot containing opposite, and to the left of each alternate,  
21 squares of appropriate size in one of which squares the voter may make a mark 'X' to  
22 designate the voter's choice for or against such tax, provided, the board of county  
23 commissioners may vary the aforesaid form of the question to be placed upon the ballot  
24 for the watershed improvement tax election in such manner as the board deems  
25 appropriate, and the board of elections shall cause to be placed upon the ballot such  
26 form of the question as may be requested by the board of county commissioners. The  
27 board of county commissioners shall designate the amount of the maximum annual rate  
28 of such tax to be levied, which amount may be less than but may not exceed twenty-five  
29 cents (25¢) on the one hundred dollar (\$100.00) valuation of property in the county, and  
30 said amount shall be stated on the ballot in the question to be voted upon. Such ballot  
31 shall be printed on white paper and each polling place shall be supplied with a sufficient  
32 number of ballots not later than the day before the election. At such special election the  
33 election board shall cause to be placed at each voting precinct in said county a ballot  
34 box marked 'Watershed Improvement Tax Election'.

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

41       (d) If a majority of those voting in such election favor the levying of such a tax,  
42 the board of commissioners of such county is authorized to levy a special tax at a rate  
43 not to exceed twenty-five cents (25¢) on each one hundred dollars (\$100.00) of assessed  
44 value of real and personal property taxable in said county, not to exceed the maximum



1 rate of tax approved by the voters in such election, and the General Assembly does  
2 hereby give its special approval for the levy of such special tax."

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

4 **"§ 158-17. Registration of voters; election under supervision of county board of**  
5 **elections.**

6 There shall be no new registration of voters for such an election. ~~The registration~~  
7 ~~books~~ Registration shall be open for registration of new voters in said county and  
8 registration of any and all legal residents of said county, who are or could legally be  
9 enfranchised as qualified voters for regular general elections, shall be carried out in  
10 accordance with the general election laws of the State of North Carolina as provided for  
11 local elections. Notice of such registration of new voters shall be published in a  
12 newspaper circulated in said county, once, not less than ~~30-55~~ days before and not more  
13 than ~~40-65~~ days before, ~~the close of the registration books, the election,~~ stating the hours  
14 and days for registration. The special election, if called, shall be under the control and  
15 supervision of the county board of elections."

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

17 "(o) The State Board of Elections shall promulgate minimum requirements for the  
18 number of pollbooks, voting machines and curbside ballots to be available at each  
19 precinct, such that more of such will be available at general elections and a sufficient  
20 number will be available to allow voting without excessive delay. The State Board of  
21 Elections shall provide for a training and screening program for ~~registrars~~ chief judges  
22 and judges. The State Board of Elections shall provide additional testing of voting  
23 machines to ensure that they operate properly even with complicated ballots.

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

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

28 **"§ 163-31. Meetings of county boards of elections; quorum; minutes.**

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

41 The county board of elections shall keep minutes recording all proceedings and  
42 findings at each of its meetings. The minutes shall be recorded in a book which shall be  
43 kept in the board office and it shall be the responsibility of the secretary, elected by the  
44 board, to keep the required minute book current and accurate. The secretary of the

1 board may designate the supervisor of elections to record and maintain the minutes  
2 under his supervision."

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

4 **"§ 163-32. Compensation of members of county boards of elections.**

5 In full compensation of their services, members of the county board of elections  
6 (including the chairman) shall be paid by the county twenty-five dollars (\$25.00) per  
7 meeting for the time they are actually engaged in the discharge of their duties, together  
8 with reimbursement of expenditures necessary and incidental to the discharge of their  
9 duties; provided that members are not entitled to be compensated for more than one  
10 meeting held in any one 24-hour period. In its discretion, the board of county  
11 commissioners of any county may pay the chairman and members of the county board  
12 of elections compensation in addition to the per meeting and expense allowance  
13 provided in this paragraph.

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

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

20 "(2) To appoint all ~~registrars, chief judges,~~ judges, assistants, and other  
21 officers of elections, and designate the precinct in which each shall  
22 serve; and, after notice and hearing, to remove any ~~registrar, chief~~  
23 judge, judge of elections, assistant, or other officer of election  
24 appointed by it for incompetency, failure to discharge the duties of  
25 office, failure to qualify within the time prescribed by law, fraud, or  
26 for any other satisfactory cause. In exercising the powers and duties of  
27 this subdivision, the board may act only when a majority of its  
28 members are present at any meeting at which such powers or duties are  
29 exercised."

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

31 "(d) Duties. – The supervisor of elections may be empowered by the county board  
32 of elections to perform such administrative duties as might be assigned by the board and  
33 the chairman. ~~In addition to any administrative duties the supervisor of elections shall~~  
34 ~~be authorized to receive applications for registration and in pursuit of such authority~~  
35 ~~shall be given the oath required of all registrars.~~ In addition, the supervisor of elections  
36 may be authorized by the chairman to execute the responsibilities devolving upon the  
37 chairman provided such authorization by any chairman shall in no way transfer the  
38 responsibility for compliance with the law. The chairman shall remain liable for proper  
39 execution of all matters specifically assigned to him by law.

40 The county board of elections shall have authority, by resolution adopted by  
41 majority vote, to delegate to its supervisor of elections so much of the administrative  
42 detail of the election functions, duties, and work of the board, its officers and members,  
43 as is now, or may hereafter be vested in the board or its members as the county board of  
44 elections may see fit. Provided, that the board shall not delegate to a supervisor of

1 elections any of its quasi-judicial or policy-making duties and authority. Within the  
2 limitations imposed upon him by the resolution of the county board of elections the acts  
3 of a properly appointed supervisor of elections shall be deemed to be the acts of the  
4 county board of elections, its officers and members."

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

6 **"§ 163-42. Assistants at polls; appointment; term of office; qualifications; oath of**  
7 **office.**

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

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

21 Before entering upon the duties of the office, each assistant shall take the oath  
22 prescribed in G.S. 163-41(a) to be administered by the ~~registrar~~ chief judge of the  
23 precinct for which the assistant is appointed. Assistants serve for the particular primary  
24 or election for which they are appointed, unless the county board of elections appoints  
25 them for a term to expire on the date appointments are to be made pursuant to G.S. 163-  
26 41."

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

28 **"§ 163-43. Ballot counters; appointment; qualifications; oath of office.**

29 The county board of elections of any county may authorize the use of precinct ballot  
30 counters to aid the ~~registrars~~ chief judges and judges of election in the counting of  
31 ballots in any precinct or precincts within the county. The county board of elections  
32 shall appoint the ballot counters it authorizes for each precinct or, in its discretion, the  
33 board may delegate authority to make such appointments to the precinct ~~registrar~~ chief  
34 judge, specifying the number of ballot counters to be appointed for each precinct. A  
35 ballot counter must be a resident of that precinct.

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

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

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

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

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

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

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

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

20 "**§ 163-45. Observers; appointment.**

21 The chairman of each political party in the county shall have the right to designate  
22 two observers to attend each voting place at each primary and election and such  
23 observers may, at the option of the designating party chairman, be relieved during the  
24 day of the primary or election after serving no less than four hours and provided the list  
25 required by this section to be filed by each chairman contains the names of all persons  
26 authorized to represent such chairman's political party. Not more than two observers  
27 from the same political party shall be permitted in the voting enclosure at any time.  
28 This right shall not extend to the chairman of a political party during a primary unless  
29 that party is participating in the primary. In any election in which an unaffiliated  
30 candidate is named on the ballot, he or his campaign manager shall have the right to  
31 appoint two observers for each voting place consistent with the provisions specified  
32 herein. Persons appointed as observers must be registered voters of the precinct for  
33 which appointed and must have good moral character. Observers shall take no oath of  
34 office.

35 Individuals authorized to appoint observers must submit in writing to the ~~registrar~~  
36 chief judge of each precinct a signed list of the observers appointed for that precinct.  
37 Individuals authorized to appoint observers must, prior to 10:00 A.M. on the fifth day  
38 prior to any primary or general election, submit in writing to the chairman of the county  
39 board of elections two signed copies of a list of observers appointed by them,  
40 designating the precinct for which each observer is appointed. Before the opening of  
41 the voting place on the day of a primary or general election, the chairman shall deliver  
42 one copy of the list to the ~~registrar~~chief judge for each affected precinct. He shall  
43 retain the other copy. The chairman, or the ~~registrar~~chief judge and judges for each  
44 affected precinct, may for good cause reject any appointee and require that another be

1 appointed. The names of any persons appointed in place of those persons rejected shall  
2 be furnished in writing to the ~~registrar~~ chief judge of each affected precinct no later than  
3 the time for opening the voting place on the day of any primary or general election,  
4 either by the chairman of the county board of elections or the person making the  
5 substitute appointment.

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

11 Whether or not the observer attends to the polls for the requisite time provided by  
12 this section, each observer shall be entitled to obtain at times specified by the State  
13 Board of Elections, but not less than three times during election day with the spacing  
14 not less than one hour apart, a list of the persons who have voted in the precinct so far in  
15 that election day. Counties that use an 'authorization to vote document' instead of poll  
16 books may comply with the requirement in the previous sentence by permitting each  
17 observer to inspect election records so that the observer may create a list of persons who  
18 have voted in the precinct so far that election day; each observer shall be entitled to  
19 make the inspection at times specified by the State Board of Elections, but not less than  
20 three times during election day with the spacing not less than one hour apart."

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

22 **"§ 163-46. Compensation of precinct officials and assistants.**

23 The precinct ~~registrar~~ chief judge shall be paid the state minimum wage for his  
24 services on the day of a primary, special or general election. Judges of election shall  
25 each be paid the state minimum wage for their services on the day of a primary, special  
26 or general election. Assistants, appointed pursuant to G.S. 163-42, shall each be paid  
27 the state minimum wage for their services on the day of a primary, special or general  
28 election. Ballot counters appointed pursuant to G.S. 163-43 shall be paid a minimum of  
29 five dollars (\$5.00) for their services on the day of a primary, general or special  
30 election.

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

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

42 In its discretion, the board of county commissioners of any county may provide  
43 funds with which the county board of elections may pay ~~registrars,~~ chief judges, judges,

1 assistants, and ballot counters in addition to the amounts specified in this section.  
2 Observers shall be paid no compensation for their services.

3 A person appointed to serve as ~~registrar-chief judge~~ or judge of election when a  
4 previously appointed ~~registrar-chief judge~~ or judge fails to appear at the voting place or  
5 leaves his post on the day of an election or primary shall be paid the same compensation  
6 as the ~~registrar-chief judge~~ or judge appointed prior to that date.

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

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

11 **"§ 163-48. Maintenance of order at place of registration and voting.**

12 The ~~registrar-chief judge~~ and judges of election shall enforce peace and good order  
13 in and about the place of registration and voting. They shall especially keep open and  
14 unobstructed the place at which voters or persons seeking to register or vote have access  
15 to the place of registration and voting. They shall prevent and stop improper practices  
16 and attempts to obstruct, intimidate, or interfere with any person in registering or voting.  
17 They shall protect challenger and witnesses against molestation and violence in the  
18 performance of their duties, and they may eject from the place of registration or voting  
19 any challenger or witness for violation of any provisions of the election laws. They  
20 shall prevent riots, violence, tumult, or disorder.

21 In the discharge of the duties prescribed in the preceding paragraph of this section,  
22 the ~~registrar-chief judge~~ and judges may call upon the sheriff, the police, or other peace  
23 officers to aid them in enforcing the law. They may order the arrest of any person  
24 violating any provision of the election laws, but such arrest shall not prevent the person  
25 arrested from registering or voting if he is entitled to do so. The sheriff, ~~constables~~,  
26 police officers, and other officers of the peace shall immediately obey and aid in the  
27 enforcement of any lawful order made by the precinct election officials in the  
28 enforcement of the election laws. The ~~registrar-chief judge~~ and judges of election of any  
29 precinct, or any two of such election officials, shall have the authority to deputize any  
30 person or persons as police officers to aid in maintaining order at the place of  
31 registration or voting."

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

33 **"§ 163-57. Residence defined for registration and voting.**

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

- 37 (1) That place shall be considered the residence of a person in which his  
38 habitation is fixed, and to which, whenever he is absent, he has the  
39 intention of returning.
- 40 (2) A person shall not be considered to have lost his residence who leaves  
41 his home and goes into another state or county of this State, for  
42 temporary purposes only, with the intention of returning.
- 43 (3) A person shall not be considered to have gained a residence in any  
44 county of this State, into which he comes for temporary purposes only,

- 1 without the intention of making such county his permanent place of  
2 abode.
- 3 (4) If a person removes to another state or county within this State, with  
4 the intention of making such state or county his permanent residence,  
5 he shall be considered to have lost his residence in the state or county  
6 from which he has removed.
- 7 (5) If a person removes to another state or county within this State, with  
8 the intention of remaining there an indefinite time and making such  
9 state or county his place of residence, he shall be considered to have  
10 lost his place of residence in this State or the county from which he has  
11 removed, notwithstanding he may entertain an intention to return at  
12 some future time.
- 13 (6) If a person goes into another state or county, or into the District of  
14 Columbia, and while there exercises the right of a citizen by voting in  
15 an election, he shall be considered to have lost his residence in this  
16 State or county.
- 17 (7) School teachers who remove to a county for the purpose of teaching in  
18 the schools of that county temporarily and with the intention or  
19 expectation of returning during vacation periods to live in the county  
20 in which their parents or other relatives reside, and who do not have  
21 the intention of becoming residents of the county to which they have  
22 moved to teach, for purposes of registration and voting shall be  
23 considered residents of the county in which their parents or other  
24 relatives reside.
- 25 (8) If a person removes to the District of Columbia or other federal  
26 territory to engage in the government service, he shall not be  
27 considered to have lost his residence in this State during the period of  
28 such service unless he votes there, and the place at which he resided at  
29 the time of his removal shall be considered and held to be his place of  
30 residence.
- 31 (9) If a person removes to a county to engage in the service of the State  
32 government, he shall not be considered to have lost his residence in the  
33 county from which he removed, unless he demonstrates a contrary  
34 intention.
- 35 (10) For the purpose of voting a spouse shall be eligible to establish a  
36 separate domicile.
- 37 (11) So long as a student intends to make his home in the community where  
38 he is physically present for the purpose of attending school while he is  
39 attending school and has no intent to return to his former home after  
40 graduation, he may claim the college community as his domicile. He  
41 need not also intend to stay in the college community beyond  
42 graduation in order to establish his domicile there. This subdivision is  
43 intended to codify the case law."

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

1 **"§ 163-59. Right to participate or vote in party primary.**

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

4 (1) Is a registered voter, and

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

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

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

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

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

25 **"§ 163-84. Time for challenge other than on day of primary or election.**

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

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

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

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

38 **"§ 163-87. Challenges allowed on day of primary or election.**

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

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



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

5 On the day of a party primary, any voter of the precinct who is registered as a  
 6 member of the political party conducting the primary may, at the time any registrant  
 7 proposes to vote, challenge his right to vote upon the ground that he does not affiliate  
 8 with the party conducting the primary or does not in good faith intend to support the  
 9 candidates nominated in that party's primary, and it shall be the duty of the ~~registrar~~  
 10 chief judge and judges of election to determine whether or not the challenged registrant  
 11 has a right to vote in that primary according to the procedures prescribed in G.S. 163-  
 12 88; provided that no challenge may be made on the grounds specified in the paragraph  
 13 against an unaffiliated voter voting in the primary under G.S. 163-74(a1).

14 If a person is challenged under this subsection, and the challenge is sustained under  
 15 G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. ~~163-72.3, 163-~~  
 16 ~~82.15(e)~~ if eligible under that section, and the registration shall not be cancelled under  
 17 G.S. 163-90.2(a) if the transfer is made. A person who has transferred his registration  
 18 under G.S. ~~163-72.3-163-82.15(e)~~ may be challenged at the precinct to which the  
 19 registration is being transferred."

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

21 "**§ 163-88. Hearing on challenge made on day of primary or election.**

22 A challenge entered on the day of a primary or election shall be heard and decided  
 23 by the ~~registrar~~ chief judge and judges of election of the precinct in which the  
 24 challenged registrant is registered before the polls are closed on the day the challenge is  
 25 made. When the challenge is heard the precinct officials conducting the hearing shall  
 26 explain to the challenged registrant the qualifications for registration and voting in this  
 27 State, and shall examine him as to his qualifications to be registered and to vote. If the  
 28 challenged registrant insists that he is qualified, and if, by sworn testimony, he shall  
 29 prove his identity with the person in whose name he offers to vote and his continued  
 30 residence in the precinct since he was registered, one of the judges of election or the  
 31 ~~registrar~~ chief judge shall tender to him the following oath or affirmation, omitting the  
 32 portions in brackets if the challenge is heard on the day of an election other than a  
 33 primary:

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

43 If the challenged registrant refuses to take the tendered oath, the challenge shall be  
 44 sustained, and the precinct officials conducting the hearing shall mark the registration

1 records to reflect their decision, and they shall erase the challenged registrant's name  
2 from the pollbook if it has been entered therein. If the challenged registrant takes the  
3 tendered oath, the precinct officials conducting the hearing may, nevertheless, sustain  
4 the challenge unless they are satisfied that the challenged registrant is a legal voter. If  
5 they are satisfied that he is a legal voter, they shall overrule the challenge and permit  
6 him to vote. Whenever any person's vote is received after having taken the oath  
7 prescribed in this section, the ~~registrar~~-chief judge or one of the judges of election shall  
8 write on the registration record and on the pollbook opposite the registrant's name the  
9 word 'sworn.'

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

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

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

18 **"§ 163-88.1. Request for challenged ballot.**

19 (a) If the decision of the ~~registrar~~-chief judge and judges pursuant to G.S. 163-88  
20 is to sustain the challenge, the challenged voter may request a challenged ballot by  
21 submitting an application to the ~~registrar~~-chief judge, such application shall include as  
22 part thereof an affidavit that such person possesses all the qualifications for voting and  
23 is entitled to vote at the election. The form of such affidavit shall be prescribed by the  
24 State Board of Elections and shall be available at the polls.

25 (b) Any person requesting a challenged ballot shall have the letter 'C' entered at  
26 the appropriate place on the voter's permanent registration record. The voter's name  
27 shall be entered on a separate page in the pollbook entitled 'Challenged Ballot,' and  
28 serially numbered. The challenged ballot shall be the same type of ballot used for  
29 absentee voters, and the ~~registrar~~-chief judge shall write across the top of the ballot  
30 'Challenged Ballot # ... .', and shall insert the same serial number as entered in the  
31 pollbook. The ~~registrar~~-chief judge shall deliver to such voter a challenged ballot  
32 together with an envelope marked 'Challenged Ballot' and serially numbered. The  
33 challenged voter shall forthwith mark the ballot in the presence of the ~~registrar~~-chief  
34 judge in such manner that the ~~registrar~~-chief judge shall not know how the ballot is  
35 marked. He shall then fold the ballot in the presence of the ~~registrar~~-chief judge so as to  
36 conceal the markings and deposit and seal it in the serially numbered envelope. He  
37 shall then deliver such envelope to the ~~registrar~~-chief judge. The ~~registrar~~-chief judge  
38 shall retain all such envelopes in an envelope provided by the county board of elections,  
39 which he shall seal immediately after the polls close, and deliver to the board chairman  
40 at the canvass.

41 (c) The chairman of the county board of elections shall preserve such ballots in  
42 the sealed envelopes for a period of six months after the election. However, in the case  
43 of a contested election, either party to such action may request the court to order that the  
44 sealed envelopes containing challenged ballots be delivered to the board of elections by

1 the chairman. If so ordered, the board of elections shall then convene and consider each  
2 challenged ballot and rule as to which ballots shall be counted. In such consideration,  
3 the board may take such further evidence as it deems necessary, and shall have the  
4 power of subpoena. If any ballots are ordered to be counted, they shall be added to the  
5 vote totals."

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

7 "**§ 163-89. Procedures for challenging absentee ballots.**

8 (a) Time for Challenge. – The absentee ballot of any voter may be challenged on  
9 the day of any statewide primary or general election or county bond election beginning  
10 no earlier than noon and ending no later than 5:00 P.M., or by the ~~registrar~~ chief judge  
11 at the time of closing of the polls as provided in G.S. ~~163-233~~ 163-232 and G.S. 163-  
12 251(b).

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

15 (c) Form and Nature of Challenge. – Each challenged absentee ballot shall be  
16 challenged separately. The burden of proof shall be on the challenger. Each challenge  
17 shall be made in writing and, if they are available, shall be made on forms prescribed by  
18 the State Board of Elections. Each challenge shall specify the reasons why the ballot  
19 does not comply with the provisions of this Article or why the absentee voter is not  
20 legally entitled to vote in the particular primary or election. The challenge shall be  
21 signed by the challenger.

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

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

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

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

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

41 If the challenge is sustained, the chairman shall mark the word 'sustained' after the  
42 word 'challenged' following the voter's name in the register of absentee ballot  
43 applications and ballots issued and in the pollbook of absentee voters; the voter's ballots  
44 shall not be counted; and the container-return envelope shall not be opened but shall be

1 marked 'Challenge Sustained.' All envelopes so marked shall be preserved intact by the  
2 chairman for a period of six months from canvass day or longer if any contest then is  
3 pending concerning the validity of any absentee ballot.

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

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

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

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

16 **"§ 163-105. Payment of expense of conducting primary elections.**

17 The expense of printing and distributing the poll and registration books, blanks, and  
18 ballots for those offices required by G.S. 163-109(b) to be furnished by the State, and  
19 the per diem and expenses of the State Board of Elections while engaged in the  
20 discharge of primary election duties imposed by law upon that Board, shall be paid by  
21 the State.

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

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

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

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

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

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

43 Superior court judge,

44 District court judge,

1 District attorney,  
2 State Senator,  
3 Member of the House of Representatives of the General Assembly, and  
4 All county offices.

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

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

13 Three days before the primary election, the chairman of the county board of  
14 elections shall distribute official State, district, and county ballots to the ~~registrar-chief~~  
15 judge of each precinct in his county, and the ~~registrar-chief judge~~ shall give him a  
16 receipt for the ballots received. On the day of the primary it shall be the ~~registrar's chief~~  
17 judge's duty to have all the ballots delivered to him available for use at the precinct  
18 voting place."

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

20 "(a) Each county shall be divided into a convenient number of precincts for the  
21 purpose of voting, and there shall be at least one precinct encompassed within the  
22 territory of each township; provided, however, that upon a resolution adopted by the  
23 county board of elections and approved by the Secretary-Director of the State Board of  
24 Elections voters from a given precinct within a township may be temporarily  
25 transferred, for the purpose of voting, to a precinct in an adjacent township. Any such  
26 transfers shall be for the period of time equal only to the term of office of the county  
27 board of elections making such transfer. When such a resolution has been adopted by  
28 the county board of elections to assign voters from more than one township to the same  
29 precinct, then the county board of elections shall maintain separate registration and  
30 voting records, consistent with the procedure prescribed by the State Board of Elections,  
31 so as to properly identify the township in which such voters reside. Except as provided  
32 in G.S. 163-132.2(a)(1), the polling place for a precinct shall be located within the  
33 precinct.

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

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

2   "**§ 163-129. Structure at voting place; marking off limits of voting place.**

3       At the voting place in each precinct established under the provisions of G.S. 163-  
4 128, the county board of elections shall provide or procure by lease or otherwise a  
5 suitable structure or part of a structure in which registration and voting may be  
6 conducted. To this end, the county board of elections shall be entitled to demand and  
7 use any school or other State, county, or municipal building, or a part thereof, or any  
8 other building, or a part thereof, which is supported or maintained, in whole or in part  
9 by or through tax revenues provided, however, that this section shall not be construed to  
10 permit any board of elections to demand and use any tax exempt church property for  
11 such purposes without the express consent of the individual church involved, for the  
12 purpose of conducting registration and voting for any primary or election, and it may  
13 require that the requisitioned premises, or a part thereof, be vacated for these purposes.

14       The county board of elections shall inspect each precinct voting place to ascertain  
15 how it should be arranged for voting purposes, and shall direct the ~~registrar~~chief judge  
16 and judges of any precinct to define the voting place by roping off the area or otherwise  
17 enclosing it or by marking its boundaries. The boundaries of the voting place shall at  
18 any point lie no more than 100 feet from each ballot box or voting machine. The space  
19 so roped off or enclosed or marked for the voting place may contain area both inside  
20 and outside the structure in which registration and voting are to take place."

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

22   "**§ 163-141. Sample ballots.**

23       Sample ballots of each kind to be voted in each primary and election shall be printed  
24 by the board of elections responsible for printing the official ballots. Sample ballots  
25 shall be printed on paper of a color different from that used for the official ballots, and  
26 each sample ballot shall have the words 'Sample Ballot' printed conspicuously on its  
27 face. Sample ballots shall be used for instructional purposes and shall not be used as  
28 official ballots.

29       The State Board of Elections shall distribute the sample ballots for which it is  
30 responsible to the county boards of elections at the time it distributes the official ballots;  
31 and the county board of elections, at the time it is required to distribute official ballots,  
32 shall furnish each precinct ~~registrar~~chief judge with an adequate supply of the sample  
33 ballots prepared by the State Board of Elections as well as of those the county board is  
34 required to prepare."

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

36   "**§ 163-142. Number of ballots to be furnished each voting place; packaging; date**  
37       **of delivery; receipt for ballots; accounting for ballots.**

38       The county board of elections shall furnish each precinct voting place with each kind  
39 of ballot to be voted in the primary or election in a number equal to at least eighty  
40 percent (80%) of the number of persons registered to vote in the primary or election in  
41 the precinct. Provided that in those instances where precincts are provided with less  
42 than a number of ballots equal to one hundred percent (100%) of the number of voters  
43 registered to vote in the primary or election in the precinct, the responsible board of  
44 elections shall ensure that a number of additional ballots are stored in its offices for

1 distribution to precincts where the need for additional ballots becomes evident so that a  
2 number of ballots equal to one hundred percent (100%) of the number of registered  
3 voters in the primary or election in each precinct is available.

4 Each kind of ballot shall be wrapped in a separate package or packages for each  
5 precinct voting place. The number of ballots to be placed in each package shall be  
6 determined by the chairman of the county board of elections, and the outside of each  
7 package shall be marked or stamped to show the kind of ballot and the number  
8 contained.

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

14 Within three days after the primary or election, the ~~registrar~~ chief judge shall deliver  
15 to the county board of elections all ballots spoiled in his precinct. At the same time he  
16 shall also deliver to the county board of elections all unused ballots from his precinct.  
17 Thereupon, the county board of elections shall make a check to ascertain whether the  
18 total of spoiled ballots and unused ballots, when added to the number of ballots cast in  
19 the precinct, equal the number of ballots furnished to and receipted for by the ~~registrar~~  
20 chief judge prior to the primary or election.

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

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

24 "**§ 163-143. Ballot boxes to be furnished each voting place; date of delivery; receipt**  
25 **for boxes.**

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

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

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

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

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

43 "**§ 163-144. Lost, destroyed, damaged, and stolen ballots; replacement; report.**

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

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

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

10 **"§ 163-146. Voting enclosure at voting place; furnishings; arrangement.**

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

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

- 19 (1) A table or desk on which the ~~registrar~~ chief judge shall place and use  
20 the precinct registration books and records.
- 21 (2) A table or desk on which the responsible judge shall place and  
22 superintend the ballots for distribution and the box for spoiled ballots.
- 23 (3) A table or desk on which the responsible judge shall place and  
24 maintain the pollbook.
- 25 (4) The ballot boxes.
- 26 (5) The voting booths.

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

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

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

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



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

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

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

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

17 "**§ 163-148. Procedures at voting place before polls are opened.**

18 At least one-half hour before the time set for opening the polls for each primary and  
19 election, the judges of elections and assistants, shall meet the ~~registrar~~ chief judge at the  
20 precinct voting place, at which time the ~~registrar~~ chief judge shall administer to them  
21 the appropriate oaths set out in G.S. 163-41(a) and G.S. 163-42.

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

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

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

37 "**§ 163-150. Voting procedures.**

38 (a) Checking Registration. – A person seeking to vote shall enter the voting  
39 enclosure at the voting place through the appropriate entrance and shall at once state his  
40 name and place of residence to one of the judges of election. In a primary election, the  
41 voter shall also state the political party with which he affiliates and in whose primary he  
42 desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of  
43 a particular party under G.S. ~~163-74(a1)~~, 163-116, the voter shall state the name of the  
44 authorizing political party in whose primary he wishes to vote. The judge to whom the

1 voter gives this information shall announce the name and residence of the voter in a  
2 distinct tone of voice. After examining the precinct registration records, the ~~registrar~~  
3 chief judge shall state whether the person seeking to vote is duly registered.

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

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

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

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

42 (f) Maintenance of Pollbook or Other Record of Voting. – At each primary,  
43 general or special election, the precinct ~~registrar~~ chief judge shall appoint two precinct  
44 assistants (one from each political party as recommended by the county chairman

1 thereof), one to be assigned to keep the pollbook or other voting record used in the  
2 county as approved by the State Board of Elections, and the other to keep the  
3 registration books under the supervision of the precinct officials. The names of all  
4 persons voting shall be checked on the registration records and entered on the pollbook  
5 or other voting record. In an election where observers may be appointed under G.S.  
6 163-45 each voter's party affiliation shall be entered in the proper column of the book or  
7 other approved record opposite his name. The precinct assistant shall make each entry  
8 at the time the ballots are handed to the voter. As soon as the polls are closed, the  
9 ~~registrar~~ chief judge and judges of election shall sign the pollbook or other approved  
10 record immediately beneath the last voter's name entered therein. The ~~registrar~~ chief  
11 judge or the judge appointed to attend the county canvass shall deliver the pollbook or  
12 other approved record to the chairman of the county board of elections at the time of the  
13 county canvass, and the chairman shall remain responsible for its safekeeping.

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

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

21 "(2) Procedure for Obtaining Assistance: A person seeking assistance in a  
22 primary or general election shall, upon arriving at the voting place,  
23 first request the ~~registrar~~ chief judge to permit him to have assistance,  
24 stating his reasons. If the ~~registrar~~ chief judge determines that the voter  
25 is entitled to assistance, he shall ask the voter to point out and identify  
26 the person he desires to help him and to whose assistance he is entitled  
27 under this section. The ~~registrar~~ chief judge shall thereupon request the  
28 person indicated to render the requested aid. The ~~registrar~~ chief judge,  
29 one of the judges, or one of the assistants may provide aid to the voter  
30 if so requested, if the election official is not prohibited by sub-  
31 subdivision (a)(1)b. of this section. Under no circumstances shall any  
32 precinct official be assigned to assist a voter who qualifies for  
33 assistance under this section, who was not specified by the voter."

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

35 **"§ 163-152.1. Assistance to blind voters in primaries and elections.**

36 Any blind voter may record a certificate issued by the Department of Human  
37 Resources, by an optometrist or by a physician, stating that the named individual should  
38 be entitled to assistance as a blind voter. Upon receipt of such certification the ~~registrar~~  
39 ~~or special registration commissioner~~ appropriate election official shall enter on the  
40 voter's registration record the words 'blind voter' so as to establish such fact and so as to  
41 entitle such voter to the same assistance in subsequent primaries and elections. The  
42 certification presented to the precinct ~~registrar~~ ~~or special registrar~~ chief judge, the  
43 county board of elections, or the person accepting the application to register shall be

1 forwarded to the chairman of the county board of elections to be filed as a permanent  
2 record with the voter's duplicate registration record as required by G.S. 163-65."

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

4 "(1) Officers of election, that is, members of the State Board of Elections,  
5 members of the county board of elections, supervisors of elections, and  
6 the precinct ~~registrar~~, chief judge, precinct judges of election, and  
7 assistants appointed for the precinct under the provisions of G.S. 163-  
8 42."

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

10 **"§ 163-155. Aged and disabled persons allowed to vote outside voting enclosure.**

11 In any primary or election any qualified voter who is able to travel to the voting  
12 place, but because of age, or physical disability and physical barriers encountered at the  
13 voting place is unable to enter the voting place or enclosure to vote in person without  
14 physical assistance, shall be allowed to vote either in the vehicle conveying such person  
15 to the voting place or in the immediate proximity of the voting place under the  
16 following restrictions:

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

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

21 State of North Carolina

22 County of \_\_\_\_\_

23 I do solemnly swear (or affirm) that I am a registered voter in  
24 \_\_\_\_\_ precinct. That because of age or physical  
25 disability I am unable to enter the voting place to vote in person  
26 without physical assistance. That I desire to vote outside the voting  
27 place and enclosure.

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

31  
32 \_\_\_\_\_  
33 Date

\_\_\_\_\_  
Signature of Voter

34  
35 \_\_\_\_\_  
36 Address

37  
38 \_\_\_\_\_  
39 Signature of assistant

40 who administered oath.'

41 (2) The ~~registrar~~ chief judge shall designate one of the assistants,  
42 appointed under G.S. 163-42 to attend the voter. Upon arrival outside  
43 the voting place, the voter shall execute the affidavit after being sworn  
44 by the assistant. The ballots shall then be delivered to the voter who

shall mark the ballots and hand them to the assistant. The ballots shall then be delivered to one of the judges of elections who shall deposit the ballots in the proper boxes. The affidavit shall be delivered to the other judge of election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (e) Counting Primary Ballots. – In a primary election the ballots shall be emptied  
18 on a table in full view of the precinct election officials, ballot counters, if used, and  
19 witnesses present. Identically marked ballots may be arranged in orderly piles to be  
20 counted. The results of those counts shall be stated aloud and the totals recorded on the  
21 tally sheet. For all other ballots, the name of each candidate voted for shall be read  
22 aloud distinctly, and the vote received by each candidate shall be tallied on the tally  
23 sheet. This procedure shall be followed for all boxes being counted.

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

- 26 (1) All those ballots marked in the circle of one political party to indicate a  
27 vote for all of the candidates of that party, that is, 'straight tickets,'  
28 which shall be so counted and tallied.
- 29 (2) All those ballots marked for candidates of more than one political  
30 party, that is, 'split tickets,' which shall be called and tallied in the  
31 manner prescribed for counting primary ballots in subsection (e) of  
32 this section.

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

37 (h) Unofficial Report of Precinct Returns. – On the night of the primary or  
38 election, as soon as the votes have been counted and the precinct returns certified, the  
39 ~~registrar~~chief judge, or one of the judges selected by the ~~registrar~~chief judge, shall  
40 report the total precinct vote for each candidate, constitutional amendment, and  
41 proposition by telephone or otherwise to the county board of elections. This report shall  
42 be unofficial and shall have no binding effect upon the official county canvass to  
43 follow. As soon as the precinct reports are received, the chairman, secretary, or clerk to  
44 the county board of elections shall publish the reports to the press, radio, and television.

1 The costs incurred in executing the provisions of this subsection shall be charged to the  
2 operating expense of the county board of elections.

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

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

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

8 **"§ 163-171. Preservation of ballots; locking and sealing ballot boxes; signing**  
9 **certificates.**

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

18 Ballot boxes in which ballots have been placed and which have been locked and  
19 sealed as required by the preceding paragraph shall remain in the safe custody of the  
20 ~~registrar-chief judge~~, subject to the orders of the chairman of the county board of  
21 elections as to their disposition; provided that ballot boxes with paper ballots shall be  
22 delivered in person to the office of the county board of elections; provided further that  
23 in the case of paper ballots which have been counted either mechanically or  
24 electronically either the counting machines with the paper ballots sealed inside shall be  
25 delivered in person to the office of the county board of elections, or the paper ballots  
26 shall be placed in ballot boxes, sealed, and those boxes shall be delivered in person to  
27 the office of the county board of elections. The ballots and ballot boxes shall be  
28 delivered at a time specified by the county board of elections. No ballot box shall be  
29 opened except upon the written order of the county board of elections or upon a proper  
30 order of court.

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

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

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

42 In the event that a recount is requested as provided by law or there is other filing of  
43 an appeal of the election results, the county board of elections shall seal and secure the  
44 ballots, ballot boxes, and voting machines within a uniform period of time set by the

1 State Board of Elections, to the extent that such actions have not already been taken as  
2 required by law. The aforementioned items shall then be stored in locations that are  
3 securely locked by members of the county board of elections. In counties that utilize  
4 voting machines or voting systems the county board of elections shall be required to  
5 store in one location that record on which the official vote cast is recorded."

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

7 **"§ 163-173. How precinct returns are to be made.**

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

12 One of the statements of the voting in the precincts shall be placed in a sealed  
13 envelope and delivered to the ~~registrar~~-chief judge or a judge selected by the precinct  
14 officials for the purpose of delivery to the county board of elections for review at its  
15 meeting on the second day after the primary or election. The other copy of the statement  
16 shall either be mailed immediately or delivered in person immediately, as directed by  
17 the county board of elections, by one of the other two precinct election officials, to the  
18 chairman of the county board of elections or the supervisor of elections if authorized by  
19 the chairman to receive the statement.

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

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

25 **"§ 163-174. Registration and pollbooks to be returned to chairman of county  
26 board of elections.**

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

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

33 **"§ 163-213.7. Voting in presidential preference primary; ballots.**

34 The names of all candidates in the presidential preference primary shall appear at an  
35 appropriate place on the ballot or voting machine. In addition the State Board of  
36 Elections shall provide a category on the ballot or voting machine allowing voters in  
37 each political party to vote an 'uncommitted' or 'no preference' status. The voter shall be  
38 able to cast his ballot for one of the presidential candidates of a political party or for an  
39 'uncommitted' or 'no preference' status, but shall not be permitted to vote for candidates  
40 or 'uncommitted' status of a political party different from his registration. ~~Persons~~  
41 ~~registered as 'Independents' or 'No Party' shall not participate in the presidential~~  
42 ~~preference primary except upon changing such affiliation in accordance with law.~~  
43 Persons registered as 'Unaffiliated' shall not participate in the presidential primary  
44 except as provided in G.S. 163-116."



1           Sec. 53. G.S. 163-227.2(b) reads as rewritten:

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

11           Sec. 53.1. G.S. 163-227.2(f) reads as rewritten:

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

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

20 **"§ 163-232. Certified list of executed absentee ballots; distribution of list.**

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

25           'State of North Carolina  
26           County of .....

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

36           This the ..... day of ....., 19 .....

37           .....  
38           (Signature of chairman of  
39           county board of elections)

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

42           .....  
43           (Signature of officer  
44           administering oath)

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.....  
(Title of officer)'

No earlier than 3:00 P.M. on the day before the election and no later than 10:00 A.M. on election day, the chairman shall cause one copy of the list of executed absentee ballots, which may be a continuing countywide list or a separate list for each precinct, to be immediately deposited as 'first-class' mail to the State Board of Elections, Post Office Box 1166, Raleigh, N.C. 27602. Elections. He shall retain one copy in the board office for public inspection and he shall cause two copies of the appropriate precinct list to be delivered to the registrar-chief judge of each precinct in the county. The chairman shall be authorized to call upon the sheriff of the county to distribute the list to the precincts. In addition the chairman shall, upon request, provide a copy of the complete list to the chairman of each political party, recognized under the provisions of G.S. 163-96, represented in the county.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 1           "(8) For any ~~registrar~~-chief judge or any clerk or copyist to make any entry  
2           or copy with intent to commit a fraud;"
- 3           (e) G.S. 163-275(10) reads as rewritten:
- 4           "(10) For any person to assault any ~~registrar~~, chief judge, judge of election  
5           or other election officer while in the discharge of his duty in the  
6           registration of voters or in conducting any primary or election;"
- 7           (f) G.S. 163-275(11) reads as rewritten:
- 8           "(11) For any person, by threats, menaces or in any other manner, to  
9           intimidate or attempt to intimidate any ~~registrar~~, chief judge, judge of  
10          election or other election officer in the discharge of his duties in the  
11          registration of voters or in conducting any primary or election;"
- 12          (g) G.S. 163-275(12) reads as rewritten:
- 13          "(12) For any ~~registrar~~, chief judge, judge of election, member of a board of  
14          elections, assistant, marker, or other election official, directly or  
15          indirectly, to seek, receive or accept money or the promise of money,  
16          the promise of office, or other reward or compensation from a  
17          candidate in any primary or election or from any source other than  
18          such compensation as may be provided by law for his services;"
- 19          (h) This section applies to offenses committed on or after January 1, 1995.  
20          Sec. 59. G.S. 163-280(c) reads as rewritten:
- 21          "(c) On the Monday following the seventh Saturday before each regular municipal  
22          primary or election, the municipal board of elections shall meet and appoint precinct  
23          ~~registrars~~-chief judges and judges of elections. The municipal board of elections may  
24          then or at any time thereafter appoint a supervisor of elections, who shall have all of the  
25          powers and duties of a supervisor of elections to a county board of elections. The board  
26          may hold other meetings at such times and places as the chairman of the board, or any  
27          two members thereof, may direct, for the performance of duties prescribed by law. A  
28          majority of the members shall constitute a quorum for the transaction of business."
- 29          Sec. 60. G.S. 163-281 reads as rewritten:
- 30          "**§ 163-281. Municipal precinct election officials.**
- 31          (a) ~~Registrars-Chief Judges~~ and Judges. – At the meeting required by G.S. 163-  
32          280(c), the municipal board of elections shall appoint one person to act as ~~registrar~~-chief  
33          judge and two other persons to act as judges of election for each precinct in the city. Not  
34          more than one judge in each precinct where there are registered voters of more than one  
35          political party shall belong to the same political party as the ~~registrar~~, chief judge, if the  
36          municipal elections are on a nonpartisan or partisan basis. If the city and county  
37          precincts are identical and the board so chooses, it may decline to exercise its power to  
38          appoint precinct ~~registrar~~-chief judge and judges, in which event the persons appointed  
39          by the county board of elections as precinct ~~registrar~~-chief judge and judges in each  
40          precinct within the city shall serve as such for municipal elections under authority and  
41          subject to the supervision and control of the municipal board of elections. Nothing  
42          herein shall prohibit a municipal board of elections from using the ~~registrar~~-chief judge  
43          and judges of election appointed by the county board of elections in those precincts  
44          which are not identical provided the county board of elections agrees, in writing, to such

1 arrangement. ~~Registrars~~ Chief judges and judges shall be appointed for terms of two  
2 years. Except as modified by this Article, municipal precinct ~~registrar~~ chief judge and  
3 judges shall meet all of the qualifications, perform all the duties, and have all of the  
4 powers imposed and conferred on county precinct ~~registrar~~ chief judge and judges by  
5 G.S. 163-41(a), G.S. 163-47, and G.S. 163-48. Municipal precinct ~~registrar~~ chief judge  
6 and judges shall not have the powers and duties with respect to registration of voters  
7 prescribed by G.S. 163-47(b). Immediately after appointing ~~registrar~~ chief judge and  
8 judges as herein provided, the municipal board of elections shall publish the names of  
9 the persons appointed in some newspaper having a general circulation in the city, or in  
10 lieu thereof, by posting at the city hall or some other prominent place within the city,  
11 and shall notify each person appointed of his appointment. Notice may additionally be  
12 made on a radio or television station or both, but such notice shall be in addition to the  
13 newspaper and other required notice.

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

17 (c) Ballot Counters. – Municipal boards of elections shall have the same  
18 authority to appoint ballot counters as is conferred on county boards of elections by G.S.  
19 163-43.

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

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

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

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

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

42 (i) Powers and Duties. – Except as otherwise provided in this Chapter, precinct  
43 assistants, ballot counters, observers, and supervisors of elections and other officers of  
44 elections appointed by the municipal board of elections shall have the same powers and

1 duties with respect to municipal elections as precinct assistants, ballot counters,  
2 observers, and supervisors of elections and other officers of elections appointed by  
3 county boards of elections."

4 Sec. 61. Any person who on December 31, 1994, was a registrar under G.S.  
5 163-41 shall be a chief judge under G.S. 163-41.

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

7 **"§ 163-283. Right to participate or vote in party primary.**

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

10 (1) Is a registered voter, and

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

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

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

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

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

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

33 **"§ 163-286. Conduct of municipal and special district elections; application of**  
34 **Chapter 163.**

35 (a) To the extent that the laws, rules and procedures applicable to the conduct of  
36 primary, general and special elections by county boards of elections under Articles 3, 4,  
37 5, 6, ~~7, 7A~~, 8, 9, 10, 11, 12, 13, 14, 15, 19 and 22 of this Chapter are not inconsistent  
38 with provisions of this Article, those laws, rules and procedures shall apply to municipal  
39 and special district elections and their conduct by the board of elections conducting  
40 those elections. The State Board of Elections shall have the same authority over all such  
41 elections as it has over county and State elections under those Articles.

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

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

2   "**§ 163-287. Special elections; procedure for calling.**

3           Any city, whether its elections are conducted by the county board of elections or the  
4 municipal board of elections, or any special district shall have authority to call special  
5 elections as permitted by law. Prior to calling a special election, the city council or the  
6 governing body of the special district shall adopt a resolution specifying the details of  
7 the election, and forthwith deliver the resolution to the appropriate board of elections.  
8 The resolution shall call on the board of elections to conduct the election described in  
9 the resolution and shall state the date on which the special election is to be conducted.  
10 The special election may be held at the same time as any other State, county or  
11 municipal primary, election or special election or referendum, but may not otherwise be  
12 held within the period of time beginning 30 days before and ending 30 days after the  
13 date of any other primary, election, special election or referendum held for that city or  
14 special district.

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

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

22   "**§ 163-288. Registration for city elections; county and municipal boards of**  
23   **elections.**

24           ~~(a) Where the county board of elections conducts the municipal election,~~  
25 Regardless of whether the municipal election is conducted by the county board of  
26 elections or by a municipal board of elections, the registration record of the county  
27 board of elections shall be the official registration record for voters to vote in all  
28 elections, city, district, county, State or national.

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

32           ~~The loose leaf registration forms shall be those approved by the State Board of~~  
33 ~~Elections. When completed by each municipal registrant, the forms shall be the official~~  
34 ~~registration record in each municipality and shall be kept in agreement with the county~~  
35 ~~registration records for that registrant. They shall be prepared, completed, maintained~~  
36 ~~and kept current pursuant to the same provisions of Article 7, Chapter 163, as apply to~~  
37 ~~registration records of county boards of elections. They also shall be furnished by the~~  
38 ~~State Board of Elections, through the respective county boards of elections, to the~~  
39 ~~municipalities.~~

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

1       ~~(e) Registration of voters and preparation of registration books for city elections~~  
2 ~~in cities electing to conduct their own elections shall be conducted under one of the~~  
3 ~~following alternative methods:~~

4           ~~(1) METHOD A. — A permanent, full-time registration office shall be~~  
5 ~~established in a convenient place within a city, and the municipal~~  
6 ~~board of elections shall appoint a special registration commissioner to~~  
7 ~~be in charge of the office, and the commissioner shall have full power~~  
8 ~~and authority to register voters who reside within the city without~~  
9 ~~regard to their precinct or county of residence. A municipal board of~~  
10 ~~elections may appoint special registration commissioners~~  
11 ~~notwithstanding the population limitation contained in G.S. 163-67(b).~~

12           ~~(2) METHOD B. — The municipal board of elections may contract with~~  
13 ~~the county board of elections to prepare two extra sets of registration~~  
14 ~~forms for each person who registers with the county board of elections~~  
15 ~~and who resides in the municipality which negotiates such agreement.~~  
16 ~~Any such agreement shall be in writing and shall be on such terms as~~  
17 ~~is agreeable to the majority of the county board of elections involved.~~

18           ~~(3) (For effective date see note) METHOD C. — The county board of~~  
19 ~~elections shall permit the municipal board of elections to copy county~~  
20 ~~registration books from the precinct binder record or from the~~  
21 ~~duplicate required to be maintained by said county board of elections.~~  
22 ~~During the period beginning on the last day for making application to~~  
23 ~~register under G.S. 163-67, the municipal board of elections shall~~  
24 ~~compare the municipal registration books with the appropriate county~~  
25 ~~books and shall add or delete registration certificates in order that the~~  
26 ~~city and county records shall agree. The precincts established for~~  
27 ~~municipal elections may differ from those established by the county~~  
28 ~~board of elections.~~

29           ~~(4) METHOD D. — The county board of elections may, in its sole~~  
30 ~~discretion, deliver to the municipal board of elections the county~~  
31 ~~precinct registration books for each precinct wholly or partially located~~  
32 ~~within the city, and these books shall be used in conducting the~~  
33 ~~municipal elections.~~

34       ~~(d) The State Board of Elections shall have authority to promulgate rules and~~  
35 ~~regulations for the detailed administration of each alternative method of registration~~  
36 ~~offered by this section.~~

37       ~~(e) Each city, town or incorporated village electing to conduct its own elections~~  
38 ~~shall select one of the registration methods offered by this section by joint agreement~~  
39 ~~with the appropriate county boards of elections, subject to the approval of the State~~  
40 ~~Board of Elections. The selection of method shall be evidenced by concurrent~~  
41 ~~resolutions of the city council and each affected county board of elections, which shall~~  
42 ~~be filed with the State Board of Elections, and which shall become effective upon the~~  
43 ~~State Board's approval thereof. Provided, however, if METHOD A is selected, the~~  
44 ~~municipal board of elections shall only be required to send a copy of the resolution to~~



1 the State Board of Elections and the county board of elections. If the city and the county  
2 board of elections fail to agree then METHOD C shall be used."

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

4 **"§ 163-288.2. Registration in area proposed for incorporation or annexed.**

5 (a) Whenever the General Assembly incorporates a new city and provides in the  
6 act of incorporation for a referendum on the question of incorporation or for a special  
7 election for town officials or for both, or whenever an existing city or special district  
8 annexes new territory under the provisions of Chapter 160A, Article 4A, or other  
9 general or local law, the board of elections of the county in which the proposed city is  
10 located or in which the newly annexed territory is located shall determine those  
11 individuals eligible to vote in the referendum or special election or in the city or special  
12 district elections. In determining the eligible voters the board may, in its discretion, use  
13 either of the following methods:

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

34 METHOD B. – The board of elections shall conduct a special registration of eligible  
35 persons desiring to vote in the referendum or special election or in the newly annexed  
36 territory. The registration records shall be open for a two-week period (except Sundays)  
37 ending on the ~~last day for making application to register under G.S. 163-67~~ twenty-fifth  
38 day before the day of the referendum or special election or the next scheduled city or  
39 special district election. On the two Saturdays during that two-week period, the records  
40 shall be located at the voting place for the referendum or special election or the next  
41 scheduled city or special district election; on the other days it may, in the discretion of  
42 the board, be kept at the voting place, at the office of the board, or at the place of  
43 business of a person designated by the board to conduct the special registration. At least  
44 one week and no more than two weeks before the day the period of special registration

1 is to begin, the board shall cause notice of the registration to be posted in at least two  
2 prominent places within the proposed city or newly annexed territory and may cause the  
3 notice to be published in a newspaper of general circulation within the county. The  
4 notice shall state the purpose and times of the special registration, the location of the  
5 registration records, that only those persons registered in the special registration may  
6 vote in the referendum or special election, and that persons in newly annexed territory  
7 should present themselves so their registration records may be activated for voting in  
8 city or special district elections in the newly annexed territory. Notice may additionally  
9 be made on a radio or television station or both, but such notice shall be in addition to  
10 the newspaper and other required notice.

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

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

19 **"§ 163-295. Municipal and special district elections; application of Chapter 163.**

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

27 Sec. 68.1. G.S. 163-226(a) reads as rewritten:

28 "(a) Who May Vote Absentee Ballot; Generally. – Any qualified voter of the State  
29 may vote by absentee ballot in a statewide primary, general, or special election on  
30 constitutional amendments, referenda or bond proposals, and any qualified voter of a  
31 county is authorized to vote by absentee ballot in any primary or election conducted by  
32 the county board of elections, in the manner provided in this Article if:

33 (1) He expects to not be present at the voting place to vote in person ~~be~~  
34 ~~absent from the county in which he is registered during the entire~~  
35 ~~period that the polls are open~~ on the day of the specified election in  
36 which he desires to vote; or

37 (2) He is unable to be present at the voting place to vote in person on the  
38 day of the specified election in which he desires to vote because of his  
39 sickness or other physical disability where such illness or other  
40 physical disability arises after 5:00 P.M. on the Tuesday preceding the  
41 election but before 5:00 P.M. on the day prior to the date of the  
42 specified election.; ~~or~~

43 (3) ~~He is incarcerated, whether in his county of residence or elsewhere,~~  
44 ~~shall be entitled to vote by absentee ballot in the county of his~~

1 residence in any election, specified herein, in which he otherwise  
 2 would be entitled to vote. Absentee voting shall be in the same manner  
 3 as provided in this Article. The chief custodian or superintendent of  
 4 the institution or other place of confinement shall certify that the  
 5 applicant is not a felon, and the certification shall be as prescribed by  
 6 the State Board of Elections. The State Board of Elections is  
 7 authorized to prescribe procedures to carry out the intent and purpose  
 8 of this subsection;

- 9 (4) ~~He is an employee of the county board of elections and his assigned  
 10 duties on the day of the election will cause him to be unable to be  
 11 present at the voting place to vote in person and provided such  
 12 employee has his application witnessed by the chairman of the county  
 13 board of elections."~~

14 Sec. 68.2. G.S. 163-227 reads as rewritten:

15 **"§ 163-227. State Board to prescribe form of application for absentee ballots;  
 16 county to secure.**

17 (a) Applications for Absentee Ballots Generally. – A voter falling in any one of  
 18 the categories defined in G.S. 163-226, 163-226.1 or 163-226.2 may apply for absentee  
 19 ballots not earlier than 50 days prior to the statewide, county or municipal election in  
 20 which he seeks to vote and not later than 5:00 P.M. on the Tuesday before that election.  
 21 Subject to all other provisions contained in this Article, a voter applying for an absentee  
 22 ballot shall complete the standard application form to be secured by the county board of  
 23 elections, as designed and prescribed by the State Board of Elections. The form shall  
 24 contain lines to be checked off by each of the kinds of voters specified below:

- 25 (1) ~~A voter expecting to be absent from the county of his residence all day~~  
 26 expecting to not be present at the voting place to vote in person on the  
 27 day of the specified election. (G.S. 163-226(a)(1)).  
 28 (2) A voter who is unable to be present at the voting place to vote in  
 29 person on the day of the specified election because of his sickness or  
 30 other physical disability occurring after 5:00 P.M. on the Tuesday  
 31 preceding the election but before 5:00 P.M. on the day prior to the date  
 32 of the specified election. (G.S. 163-226(a)(2)).  
 33 (3) Repealed by Session Laws 1991, c. 727, s. 6.1.  
 34 (4) A voter expecting to ~~be absent from the county~~not be present at the  
 35 voting place to vote in person, or due to emergency disability will be  
 36 unable to vote in person, ~~or a person who qualifies under G.S. 163-~~  
 37 ~~226(a)(4),~~ and who, in lieu of making application by mail, wishes to  
 38 apply in person and receive a ballot which he may immediately vote in  
 39 the office of the county board of elections.

40 (b) Types of Applications; Instructions. –

- 41 (1) ~~Expected Absence from County~~ Not To Be Present at the Voting Place  
 42 on Election Day. – A voter expected to ~~be absent from the county~~ not  
 43 be present at the voting place in which registered during the entire  
 44 period that the polls will be open on primary or general election day,

1 or a near relative, or verifiable legal guardian, shall make written  
2 application for absentee ballots to the chairman of the board of  
3 elections of the county in which the voter is registered not earlier than  
4 50 days nor later than 5:00 P.M. on the Tuesday before the election.  
5 The application shall be submitted in the form set out in this  
6 subdivision upon a copy which shall be furnished the voter or a near  
7 relative by the chairman of the county board of elections.

8 The applicant shall sign his application personally, or it shall be  
9 signed by a near relative or verifiable legal guardian. The application  
10 shall be signed in the presence of a witness, who shall sign his name in  
11 the place provided on the form. The application form when properly  
12 filled out shall be transmitted by mail or delivered in person by the  
13 applicant or a near relative to the chairman or the supervisor of  
14 elections of the county board of elections.

- 15 (2) Absence for Sickness or Physical Disability Occurring after 5:00 P.M.  
16 on the Tuesday Prior to the Election but before 5:00 P.M. on the day  
17 prior to the Primary or General Election. – A voter expecting to be  
18 unable to go to the voting place to vote in person on primary or general  
19 election day because of his sickness or other physical disability  
20 occurring after 5:00 P.M. on the Tuesday preceding the election but  
21 before 5:00 P.M. on the day prior to the date of the specified election,  
22 or his near relative or verifiable legal guardian, shall make written  
23 application for absentee ballots to the chairman of the board of  
24 elections of the county in which the voter is registered not earlier than  
25 ~~50 days~~ 5:00 P.M. on the Tuesday nor later than 5:00 P.M. on the day  
26 before the election. The application shall be submitted in the form set  
27 out in this subdivision upon a copy which shall be furnished the voter  
28 or a near relative or verifiable legal guardian by the chairman of the  
29 county board of elections.

30 The application shall be signed by the voter personally, or it shall  
31 be signed by a near relative or verifiable legal guardian. The  
32 application shall be signed in the presence of a witness, who shall sign  
33 his name in the place provided on the form.

34 The application form, when properly filled out, shall be transmitted  
35 by mail or delivered in person by the applicant or a near relative or  
36 verifiable legal guardian to the chairman or supervisor of elections of  
37 the county board of elections of the county in which the applicant is  
38 registered.

- 39 (3) Repealed by Session Laws 1991, c. 727, s. 6.1.  
40 (4) 'One-Stop' Voting Procedure, in Office of the County Board of  
41 Elections. – A voter falling in the category specified in G.S. 163-227.2  
42 may execute an application form and proceed to vote his absentee  
43 ballot in the office of the county board of elections only.

1 (c) Application Forms Issued by Chairman of County Board of Elections. – The  
2 chairman of the county board of elections shall be sole custodian of all absentee ballot  
3 application forms, but he, the secretary of the board and the supervisor of elections of  
4 the board, in accordance with one of the following two procedures, shall issue and  
5 deliver a single application form, upon request, to a person authorized to sign such an  
6 application under the provisions of this section:

7 (1) The chairman, secretary or supervisor of elections may deliver the  
8 form to a voter personally or to his near relative or verifiable legal  
9 guardian at the office of the county board of elections for the voter's  
10 own use; or

11 (2) The chairman, secretary or supervisor of elections may mail the form  
12 to a voter for his own use upon receipt of a written request from the  
13 voter or his near relative or verifiable legal guardian.

14 At the time he issues an application form, the chairman, secretary  
15 or supervisor of elections of the county board of elections shall number  
16 it and write the name of the voter in the space provided therefor at the  
17 top of the form. At the same time the chairman, secretary or supervisor  
18 of elections shall insert the name of the voter and the number assigned  
19 his application in the register of absentee ballot applications and  
20 ballots issued provided for in G.S. 163-228. If the application is  
21 requested by the voter's near relative, or verifiable legal guardian, the  
22 chairman, secretary or supervisor of elections also shall insert that  
23 person's name in the register after the name of the voter.

24 The chairman, secretary or supervisor of elections shall issue only  
25 one application form to a voter or his near relative or verifiable legal  
26 guardian unless a form previously issued is returned to the chairman,  
27 secretary or supervisor of elections and marked 'Void' by him. In such  
28 a situation, the chairman, secretary or supervisor of elections may  
29 issue another application form to the voter or a near relative or  
30 verifiable legal guardian, but he shall retain the voided application  
31 form in the board's records. If the application is requested by the  
32 voter's near relative or verifiable legal guardian, the chairman,  
33 secretary or supervisor of elections shall write the name of the near  
34 relative or verifiable legal guardian on the index of near relatives or  
35 verifiable legal guardians, applying for applications for absentee  
36 ballots; the index shall be in such form as may be prescribed or  
37 approved by the State Board of Elections; a separate index shall be  
38 maintained for each primary, general or special election in which  
39 absentee voting is allowed.

40 (3) Applications or Absentee Ballots Transmitted by Mail or in Person. –  
41 An application for absentee ballots shall be made and signed only by  
42 the voter desiring to use them or the voter's near relative or verifiable  
43 legal guardian and shall be valid only when transmitted to the  
44 chairman or supervisor of elections of the county board of elections by

1 mail or delivered in person by the voter or his near relative or legal  
2 verifiable guardian.

3 (4) Who Is Authorized to Request Applications for Absentee Ballots. – A  
4 voter may personally request an application for absentee ballots or  
5 may cause such request to be made through a near relative or verifiable  
6 legal guardian. For the purpose of this Article, 'near relative' means  
7 spouse, brother, sister, parent, grandparent, child, or grandchild.

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

16 (6) The county board of elections shall cause to be stamped or printed on  
17 the face of each application for absentee ballots the following legend,  
18 and the blank space in the legend to be completed:

19 'This application is issued for absentee ballots to be voted in the  
20 \_\_\_\_\_ (primary or general or special election) to be held in  
21 \_\_\_\_\_ County on the \_\_\_\_\_ day of \_\_\_\_\_, 19  
22 \_\_\_\_.' The county board of elections shall not issue any absentee  
23 ballots on the basis of any application that does not bear the completed  
24 legend.

25 (7) No applications shall be issued earlier than 50 days prior to the  
26 election in which the voter wishes to vote. Nothing herein shall  
27 prohibit the county board of elections from receiving written requests  
28 for applications earlier than 50 days prior to the election but such  
29 applications shall not be mailed or issued to the voter in person earlier  
30 than 50 days prior to the election.

31 (8) Applications for absentee ballots shall be issued only by mail or in the  
32 office of the county board of elections to the voter or a near relative or  
33 verifiable legal guardian authorized to make application. No election  
34 official shall issue applications for absentee ballots except in  
35 compliance with the provisions stated herein."

36 Sec. 68.3. G.S. 163-227.2(a) reads as rewritten:

37 "(a) A person expecting to ~~be absent from the county~~ not be present at the polling  
38 place in which he is registered during the entire period that the polls are open on the day  
39 of an election in which absentee ballots are authorized or is eligible under G.S. 163-  
40 226(a)(2) ~~or 163-226(a)(4)~~ may request an application for absentee ballots, complete the  
41 application, receive the absentee ballots, vote and deliver them sealed in a container-  
42 return envelope to the county board of elections in the county in which he is registered  
43 under the provisions of this section."

44 Sec. 68.4. G.S. 163-229(b)(2) reads as rewritten:

"(2) On the other side shall be printed the return address of the chairman of the county board of elections and the following certificate:

'Certificate of Absentee or Sick Voter

State of

County ofI, ....., do certify that I am a resident and registered voter in ..... precinct, ..... County, North Carolina; that on the day of an election, ....., 19 .... (check whichever of the following statements is correct.)

[ ] I will be absent from the county in which I reside not be present at the polling place in which I am registered during the entire time the polls will be open on election day.

[ ] Due to sickness or physical disability, occurring after 5:00 P.M. on the Tuesday before the election but before 5:00 P.M. on the day before the election, or incarceration as a misdemeanor, I will be unable to travel to the voting place in the precinct in which I reside.

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

(Signature of voter)

Signature of Witness #1

Signature of Witness #2

Address of Witness #1 Address of Witness #2" Sec. 69. G.S. 163-132.1, which was enacted by Section 205(a) of Chapter 757 of the 1985 Session Laws (First Session 1985) and was repealed by Section 2 of Chapter 1074 of the 1987 Session Laws (Regular Session 1988) is reenacted and reads as rewritten:

"§ 163-132.1. ~~Voluntary participation~~ Participation in Block Boundary Suggestion Program. Program of the United States Bureau of the Census. – The State of North Carolina shall participate in the Block Boundary Suggestion Program of the United States Bureau of the Census to the end that the maps the Census Bureau will use in the 2000 Census will contain adequate features to permit reporting of Census data by precinct for use in the 2001 redistricting efforts. ~~Not later than December 1, 1985,–1995,~~ the Legislative Services Office shall poll–send preliminary maps produced by the Census Bureau in preparation for the 2000 Census to the county boards of elections to determine which of their precincts have boundaries that are not coterminous with a major–physical feature, as identified under the criteria to be established pursuant to 13 U.S.C. § 141 (e), a current township boundary, or a current municipal boundary, as shown on those preliminary 2000 Census maps. The Legislative Services Office shall:

- 1           (1) assist county boards of elections in identifying the precincts with ~~those~~  
2           ~~nonconforming boundaries; boundaries not shown on the preliminary~~  
3           ~~Census maps and in identifying physical features the county boards~~  
4           ~~may wish to have available for future precinct boundaries;~~  
5           (2) place those boundaries and features on maps deemed appropriate by  
6           the State Board;  
7           (3) request the U.S. Census Bureau to hold for census block identification  
8           in the ~~1990-2000~~ U.S. Census all ~~major physical features on the map~~  
9           ~~near the nonconforming precinct boundary; physical features the~~  
10           ~~county boards have identified as current or potential precinct~~  
11           ~~boundaries; and~~  
12           (4) request the U.S. Census Bureau to hold for census block identification  
13           in the ~~1990-2000~~ U.S. Census all other ~~major physical features already~~  
14           on U.S. Census Bureau maps.

15           In addition to the directives promulgated by the Executive Secretary-Director of the  
16           State Board of Elections under G.S. 163-132.4, the Legislative Services Commission  
17           may promulgate rules to implement this section."

18           Sec. 70. G.S. 163-132.2(a)(1)c. reads as rewritten:

19           " c.     The following visible physical features, readily distinguishable  
20           upon the ground:

- 21           1.     Roads or streets;
- 22           2.     Water features or drainage features;
- 23           3.     Ridgelines;
- 24           4.     Ravines;
- 25           5.     Jeep trails;
- 26           6.     Rail features; ~~or~~
- 27           7.     Above-ground power ~~lines~~ lines; or
- 28           8.     Major footpaths

29           as certified by the North Carolina Department of Transportation  
30           on its highway maps or the ~~planning department~~ county  
31           manager of the relevant county or, if there is no county  
32           manager, the chair of the county board of commissioners, on  
33           official county maps."

34           Sec. 71. G.S. 163-132.3(a)(3) reads as rewritten:

35           "(3) The following visible physical features, readily distinguishable upon  
36           the ground:

- 37           a.     Roads or streets;
- 38           b.     Water features or drainage features;
- 39           c.     Ridgelines;
- 40           d.     Ravines;
- 41           e.     Jeep trails;
- 42           f.     Rail features; ~~or~~
- 43           g.     Above-ground power ~~lines~~ lines; or
- 44           h.     Major footpaths



1 as certified by the North Carolina Department of Transportation on its  
2 highway maps or the ~~planning department~~ county manager of the  
3 relevant county or, if there is no county manager, the chair of the  
4 county board of commissioners, on official county maps."

5 Sec. 72. Notwithstanding the language of G.S. 163-72.4(c), a voter  
6 registration application is valid if, before January 1, 1995, the applicant submits the  
7 form by mail or in person. The applicant may delegate the submission of the form to  
8 another person. The form shall be valid only if signed by the applicant. Before January  
9 1, 1995, in order to be valid for an election, the form:

- 10 (1) If submitted by mail, must be postmarked at least 29 days before the  
11 election, except that any mailed application on which the postmark is  
12 missing or unclear is validly submitted if received in the mail not later  
13 than 25 days before the election,  
14 (2) If submitted in person (by the applicant or another person), must be  
15 received at least 29 days before the election.

16 Sec. 73. Sections 1 through 68.5 of this act become effective January 1,  
17 1995, and apply to all primaries and elections occurring on or after that date. The  
18 remainder of this act is effective upon ratification and shall apply to all primaries and  
19 elections occurring on or after the date of ratification. Prosecutions for, or sentences  
20 based on, offenses occurring before the effective date of any section of this act are not  
21 abated or affected by this act, and the statutes that would be applicable to those  
22 prosecutions or sentences but for the provisions of this act remain applicable to those  
23 prosecutions or sentences.