

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 203

Short Title: Eliminate Straight-Ticket Voting.

(Public)

Sponsors: Representatives Cummings; Allred, Cansler, Clary, Cocklereece, Davis, Ellis, Grady, Hayes, Linney, K. Miller, Mitchell, Neely, Pate, Reynolds, Sexton, Shubert, Snowden, Watson, Weatherly, G. Wilson, and Wood.

Referred to: Judiciary II.

February 16, 1995

A BILL TO BE ENTITLED

1 AN ACT TO ELIMINATE STRAIGHT-TICKET VOTING, BY WHICH A VOTER
2 CAN MARK ONE CIRCLE TO CAST VOTES FOR ALL THE CANDIDATES OF
3 A PARTY.
4

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 163-140 reads as rewritten:

7 "**§ 163-140. Kinds of ballots; what they shall contain; arrangement.**

8 (a) Kinds of General Election Ballots; Right to Combine. – For purposes of
9 general elections, there shall be seven kinds of official ballots entitled:

- 10 (1) Ballot for presidential electors
11 (2) Ballot for United States Senator
12 (3) Ballot for member of the United States House of Representatives
13 (4) State ballot
14 (5) County ballot
15 (6) Repealed by Session Laws 1973, c. 793, s. 56.
16 (7) Ballot for constitutional amendments and other propositions submitted
17 to the people.

1 Use of official ballots shall be limited to the purposes indicated by their titles. The
2 printing on all ballots shall be plain and legible but, unless large type is specified by this
3 section, type larger than 10-point shall not be used in printing ballots. All general election
4 ballots shall be prepared in such a way as to leave sufficient blank space beneath each
5 name printed thereon in which a voter may conveniently write the name of any person for
6 whom he may desire to vote.

7 ~~Unless prohibited by this section, the~~ The board of elections, State or county, charged by
8 law with printing ballots may, in its discretion, combine any two or more official ballots.
9 Whenever two or more ballots are combined, the voting instructions for the State ballot
10 set out in subsection (b)(4) of this section shall be used, ~~except that if the two ballots being~~
11 ~~combined do not contain a multi-seat race, then the second sentence of instruction b. shall not~~
12 ~~appear on the ballot.~~ used.

13 ~~Contests in the general election for seats in the State House of Representatives and~~
14 ~~State Senate shall be on ballots that are separate from ballots containing non-legislative~~
15 ~~contests, except where the voting system used makes separation of ballots impractical.~~
16 ~~State House and State Senate contests shall be on the same ballot, unless one is a single-~~
17 ~~seat contest and the other a multi-seat contest.~~

18 If the State Board of Elections divides the State ballot into two or more ballots, all
19 candidates for superior court shall appear on the same ballot except that the State Board
20 of Elections may divide the election of superior court judges into two ballots either
21 because of length of the ballot ~~or to provide a separate ballot for multi-seat races~~ but only
22 superior court judges shall be on those ballots, and all candidates for the Appellate
23 Division shall appear on the same ballot.

24 (b) General Election Ballots. –

- 25 (1) Ballot for Presidential Electors: On the ballot for presidential electors
26 there shall be printed, under the titles of the offices, the names of the
27 candidates for President and Vice-President of the United States
28 nominated by each political party qualified under the provisions of G.S.
29 163-96, and the names of the unaffiliated candidates for President and
30 Vice-President qualified under the provisions of G.S. 163-122 and G.S.
31 163-209. A separate column shall be assigned to each political party
32 with candidates on the ballot, and a separate column shall be assigned to
33 each pair of unaffiliated candidates for President and Vice-President, if
34 any, and the columns shall be separated by distinct black lines. At the
35 head of each party column the party name shall be printed in large type
36 and below it a circle, one-half inch in diameter, and below the circle the
37 names of the party's candidates for President and Vice-President in that
38 order. At the head of the columns for unaffiliated candidates shall be
39 printed in large type the words 'Unaffiliated Candidates', and below it a
40 circle, one-half inch in diameter, and below the circle the names of a
41 pair of unaffiliated candidates for President and Vice-President. On the
42 face of the ballot, above the party column division, the following
43 instructions shall be printed in heavy black type:

- 1 a. To vote this ballot, make a cross (X) mark in the circle below the
2 name of the political party for whose candidates you wish to vote
3 or below the heading for the unaffiliated candidates for whom
4 you wish to vote.
- 5 b. A vote for the names of a political party's candidates for
6 President and Vice-President is a vote for the electors of that
7 party, and a vote for the names of unaffiliated candidates for
8 President and Vice-President is a vote for electors named by the
9 unaffiliated candidate for President, the names of whom are on
10 file with the Secretary of State.
- 11 c. If you tear or deface or wrongly mark this ballot, return it and get
12 another.

13 On the bottom of the ballot shall be printed an identified facsimile of the
14 signature of the Chairman of the State Board of Elections.

15 ~~The official ballot for presidential electors shall not be combined~~
16 ~~with any other official ballots.~~

- 17 (2) Ballot for United States Senator: Beneath the title and general
18 instructions set out in this subsection, the ballot for United States
19 Senator shall be divided into parallel columns separated by distinct
20 black lines. The State Board of Elections shall assign a separate column
21 to each political party having a candidate for the office and one to
22 unaffiliated candidates, if any. At the head of each party column the
23 party's name shall be printed in large type, and at the head of the column
24 for unaffiliated candidates shall be printed in large type the words
25 'Unaffiliated Candidates.' The name of each political party's candidate
26 for United States Senator shall be printed in the appropriate party
27 column, and the names of unaffiliated candidates for the office shall be
28 printed in the column headed 'Unaffiliated Candidates.' At the left of
29 each name shall be printed a voting square, and in each column all
30 voting squares shall be arranged in a perpendicular line. On the face of
31 the ballot, above the party and unaffiliated column division, the
32 following instructions shall be printed in heavy black type:

- 33 'a. Vote for only one candidate.
34 b. If you tear or deface or wrongly mark this ballot, return it and get
35 another.'

36 On the bottom of the ballot shall be printed an identified facsimile of
37 the signature of the Chairman of the State Board of Elections.

38 ~~When the ballot for United States Senator is combined with a ballot~~
39 ~~for another office, below the party name in each column shall be printed~~
40 ~~a circle, one half inch in diameter, around which shall be plainly printed~~
41 ~~the following instruction: 'For a straight ticket, mark within this circle.'~~
42 ~~The following instructions, in lieu of those specified in the preceding~~
43 ~~paragraph, shall be printed in heavy black type on the face of the~~

1 combined ballot to the top above the party and unaffiliated column
2 division:

3 a. To vote for all candidates of one party (a straight ticket), make a
4 cross (X) mark in the circle of the party for whose candidates you
5 wish to vote.

6 b. You may vote a split ticket by marking a cross (X) mark in the
7 party circle and then making a cross (X) mark in the square
8 opposite the name of the candidate(s) of a different party for
9 whom you wish to vote.

10 e. You may also vote a split ticket by not marking a cross (X) mark
11 in the party circle, but by making a cross (X) mark in the square
12 opposite the name of each candidate for whom you wish to vote.

13 d. If you tear or deface or wrongly mark this ballot, return it and get
14 another.'

- 15 (3) Ballot for Member of the United States House of Representatives:
16 Beneath the title and general instructions set out in this subsection, the
17 congressional district ballot for member of the United States House of
18 Representatives shall be divided into parallel columns separated by
19 distinct black lines. The State Board of Elections shall assign a separate
20 column to each political party having a candidate for the office and one
21 to unaffiliated candidates, if any. At the head of each party column the
22 party's name shall be printed in large type, and at the head of the column
23 for unaffiliated candidates shall be printed in large type the words
24 'Unaffiliated Candidates.' The name of each political party's candidate
25 for member of the United States House of Representatives from the
26 congressional district shall be printed in the appropriate party column,
27 and the names of unaffiliated candidates for the office shall be printed in
28 the column headed 'Unaffiliated Candidates.' At the left of each name
29 shall be printed a voting square, and in each column all voting squares
30 shall be arranged in a perpendicular line. On the face of the ballot,
31 above the party and unaffiliated column division, the following
32 instructions shall be printed in heavy black type:

33 'a. Vote for only one candidate.

34 b. If you tear or deface or wrongly mark this ballot, return it and get
35 another.'

36 On the bottom of the ballot shall be printed an identified facsimile of
37 the signature of the Chairman of the State Board of Elections.

38 ~~When the ballot for member of the United States House of~~
39 ~~Representatives is combined with a ballot for another office, below the~~
40 ~~party name in each column shall be printed a circle, one half inch in~~
41 ~~diameter, around which shall be plainly printed the following~~
42 ~~instruction: 'For a straight ticket, mark within this circle.'~~ The following
43 ~~instructions, in lieu of those specified in the preceding paragraph, shall~~

1 be printed in heavy black type on the face of the combined ballot at the
2 top above the party and unaffiliated column division:

3 'a. To vote for all candidates of one party (a straight ticket), make a
4 cross (X) mark in the circle of the party for whose candidates you
5 wish to vote.

6 b. You may vote a split ticket by marking a cross (X) mark in the
7 party circle and then making a cross (X) mark in the square
8 opposite the name of the candidate(s) of a different party for
9 whom you wish to vote.

10 e. You may also vote a split ticket by not marking a cross (X) mark
11 in the party circle, but by making a cross (X) mark in the square
12 opposite the name of each candidate for whom you wish to vote.

13 d. If you tear or deface or wrongly mark this ballot, return it and get
14 another.'

- 15 (4) State Ballot: Beneath the title and general instructions set out in this
16 subsection, the ballot for single-seat contests for State officers, and for
17 all State officers where mechanical voting machines are used (including
18 judges of the superior court) shall be divided into parallel columns
19 separated by distinct black lines. The State Board of Elections shall
20 assign a separate column to each political party having candidates for
21 State offices and one to unaffiliated candidates, if any. At the head of
22 each party column the party's name shall be printed in large type, and at
23 the head of the column for unaffiliated candidates shall be printed in
24 large type the words 'Unaffiliated Candidates.' ~~Below the party name in~~
25 ~~each column shall be printed a circle, one half inch in diameter, around which~~
26 ~~shall be plainly printed the following instruction: 'For a straight ticket, mark~~
27 ~~within this circle.'~~—With distinct black lines, the State Board of Elections
28 shall divide the columns into horizontal sections and, in the customary
29 order of office, assign a separate section to each office or group of
30 offices to be filled. On a single line at the top of each section shall be
31 printed a direction as to the number of candidates for whom a vote may
32 be cast. If candidates are to be chosen for different terms to the same
33 office, the term in each instance shall be printed as part of the title of the
34 office.

35 The name or names of each political party's candidate or candidates
36 for each office listed on the ballot shall be printed in the appropriate
37 office section of the proper party column, and the names of unaffiliated
38 candidates shall be printed in the appropriate office section of the
39 column headed 'Unaffiliated Candidates.' At the left of each name shall
40 be printed a voting square, and in each column all voting squares shall
41 be arranged in a perpendicular line.

1 On the face of the ballot, above the party and unaffiliated column
2 division, the following instructions shall be printed in heavy black type,
3 and the words 'you must also' in instruction c. shall be underlined:

- 4 'a. To vote for all candidates of one party (a straight ticket), make a
5 cross (X) mark in the circle of the party for whose candidates you
6 wish to vote.
7 b. You may vote a split ticket by not marking a cross (X) mark in
8 the party circle, but by making a cross (X) mark in the square
9 opposite the name of each candidate for whom you wish to vote.
10 c. You may also vote a split ticket by marking a cross (X) mark in
11 the party circle and then making a cross (X) mark in the square
12 opposite the name of any candidate you choose of a different
13 party. In any multi-seat race where a party circle is marked and
14 you vote for candidates of another party, you must also make a
15 cross (X) mark opposite the name of any candidate you choose of
16 the party for which you marked the party circle to assure your
17 vote will count.
18 d. type: If you tear or deface or wrongly mark this ballot, return it
19 and get another.'

20 On the bottom of the ballot shall be printed an identified
21 facsimile of the signature of the Chairman of the State Board of
22 Elections. If the State ballot contains no multi-seat race, then the
23 second sentence of instruction b. shall not appear on the ballot.

- 24 (5) County Ballot: Beneath the title and general instructions set out in this
25 subsection, the ballot for single-seat contests for county officers
26 (including district attorney for the prosecutorial district in which the
27 county is situated, district judge for the district court district in which
28 the county is situated, and members of the General Assembly in the
29 senatorial and representative districts in which the county is situated),
30 and for all county offices where mechanical voting machines are used,
31 shall be divided into parallel columns separated by distinct black lines.
32 The county board of elections shall assign a separate column to each
33 political party having candidates for the offices on the ballot and one to
34 unaffiliated candidates, if any. At the head of each party column the
35 party's name shall be printed in large type and at the head of the column
36 for unaffiliated candidates shall be printed in large type the words
37 'Unaffiliated Candidates.' Below the party name in each column shall be
38 printed a circle, one half inch in diameter, around which shall be plainly
39 printed the following instruction: 'For a straight ticket, mark within this circle.'
40 With distinct black lines, the county board of elections shall divide the
41 columns into horizontal sections and, in the customary order of office,
42 assign a separate section to each office or group of offices to be filled.
43 On a single line at the top of each section shall be printed the title of the

1 office, and directly below the title shall be printed a direction as to the
2 number of candidates for whom a vote may be cast. If candidates are to
3 be chosen for different terms to the same office, the term in each
4 instance shall be printed as part of the title of the office.

5 The name or names of each political party's candidate or candidates
6 for each office listed on the ballot shall be printed in the appropriate
7 office section of the proper party column, and the names of unaffiliated
8 candidates shall be printed in the appropriate office section of the
9 column headed 'Unaffiliated Candidates.' At the left of each name shall
10 be printed a voting square, and in each column all voting squares shall
11 be arranged in a perpendicular line.

12 On the face of the ballot, above the party and unaffiliated column
13 division, the following instructions shall be printed in heavy black type,
14 and the words 'you must also' in instruction c. shall be underlined:

- 15 'a. ~~To vote for all candidates of one party (a straight ticket), make a~~
16 ~~cross (X) mark in the circle of the party for whose candidates you~~
17 ~~wish to vote.~~
- 18 b. ~~You may vote a split ticket by not marking a cross (X) mark in~~
19 ~~the party circle, but by making a cross (X) mark in the square~~
20 ~~opposite the name of each candidate for whom you wish to vote.~~
- 21 c. ~~You may also vote a split ticket by marking a cross (X) mark in~~
22 ~~the party circle and then making a cross (X) mark in the square~~
23 ~~opposite the name of any candidate you choose of a different~~
24 ~~party. In any multi-seat race where a party circle is marked and~~
25 ~~you vote for candidates of another party, you must also make a~~
26 ~~cross (X) mark opposite the name of any candidate you choose of~~
27 ~~the party for which you marked the party circle to assure your~~
28 ~~vote will count.~~
- 29 d. type: ~~If you tear or deface or wrongly mark this ballot, return it~~
30 ~~and get another.'~~

31 On the bottom of the ballot shall be printed an identified facsimile of
32 the signature of the chairman of the county board of elections. ~~If the~~
33 ~~county ballot contains no multi-seat race, then the second sentence of~~
34 ~~instruction b. shall not appear on the ballot.~~

35 (6) Repealed by Session Laws 1973, c. 793, s. 56.

36 (7) Ballot for Constitutional Amendments and Other Propositions
37 Submitted to the People: The form of ballot used in submitting a
38 constitutional amendment or other proposition or issue to the voters of
39 the entire State shall be prepared by the State Board of Elections and
40 approved by the Attorney General. The form of ballot used in
41 submitting propositions and issues to the voters of a single county or
42 subdivision shall be prepared by the county board of elections. In a
43 referendum the issue presented to the voters with respect to each

1 constitutional amendment, question, or proposition, shall be printed in
2 the form laid down by the General Assembly or other body submitting
3 it. If more than one amendment, question, or proposition is submitted on
4 a single ballot, each shall be printed in a separate section, and the
5 sections shall be numbered consecutively. On the face of the ballot,
6 above the issue or issues being submitted, shall be printed instructions
7 for marking the voter's choice, in addition to the following instruction:
8 'If you tear or deface or wrongly mark this ballot, return it and get
9 another.' On the bottom of the ballot shall be printed an identified
10 facsimile of the signature of the chairman of the responsible board of
11 elections, State or county.

12 (8) Order of candidates in multi-seat races. In a multi-seat race, within each
13 political party that has nominated more than one candidate, the names of
14 candidates shall appear on the ballot in alphabetical order from A to Z
15 within that party's column.

16 (c) Primary Election Ballots. –

17 (1) Kinds of Primary Ballots; Right to Combine: For the purposes of
18 primary elections, there shall be five kinds of official ballots, entitled:

- 19 a. Primary ballot for United States Senator
- 20 b. Primary ballot for member of the United States House of
21 Representatives
- 22 c. State primary ballot
- 23 d. County primary ballot
- 24 e. Repealed by Session Laws 1973, c. 793, s. 56.

25 Use of official primary ballots shall be limited to the purposes
26 indicated by their titles. The printing on all primary ballots shall be plain
27 and legible but, unless large type is specified by this Chapter, type
28 larger than 10-point shall not be used in printing primary ballots.

29 Primary ballots shall be prepared in accordance with the provisions
30 of G.S. 163-109 and the provisions of this section as modified by the
31 provisions of this subsection.

32 (2) Separate Ballots for Each Political Party: For each political party
33 conducting a primary election separate ballots shall be printed, and the
34 paper used for each party's ballots shall be different in color from that
35 used for the ballots of other parties. Primary ballots shall not provide for
36 voting a straight-party ticket, but a voting square shall be printed to the
37 left of the name of each candidate appearing on the ballot.

38 (3) Rotation of Positions on Ballots Among Candidates: The board of
39 elections, State or county, responsible for printing and distributing
40 primary election ballots shall have them printed so that the names of
41 opposing candidates for any office shall, as far as practicable, occupy
42 alternate positions upon the ballot, to the end that the name of each
43 candidate shall occupy with reference to the name of every other

1 candidate for the same office, first position, second position, and every
2 other position, if any, upon an equal number of ballots; and the ballots
3 shall be distributed among the precinct voting places impartially and
4 without discrimination.

5 (4) Facsimile Signatures: On the bottom of each primary ballot shall be
6 printed an identified facsimile of the signature of the chairman of the
7 board of elections, State or county, responsible for its preparation.

8 (d) Municipal Primary and Election Ballots. – In all municipal elections there shall
9 be an official ballot on which shall be printed the names of all candidates for offices in
10 the municipality. The municipal ballot shall conform as nearly as possible to the
11 provisions of subsections (a) through (c) of this section, but on the bottom of the
12 municipal ballot shall be printed an identified facsimile of the signature of the chairman
13 of the county or municipal board of elections, as appropriate.

14 (e) Repealed by Session Laws 1977, c. 265, s. 10.

15 (f) ~~Multi-seat Races. — The General Assembly finds that since the federal court~~
16 ~~opinion voiding the law which provided that a straight ticket ballot shall take precedence~~
17 ~~in counting over a ballot marked for individual candidates, confusion has occurred in the~~
18 ~~counting of ballots in multi-seat races. In order to minimize the confusion of instructions~~
19 ~~for marking ballots in multi-seat races, which must be different than those in single-seat~~
20 ~~races, the General Assembly finds it necessary that these ballots be printed separately,~~
21 ~~except in the case of mechanical voting machines. On such machines, where it is~~
22 ~~physically impossible to vote both a straight ticket and for an individual candidate,~~
23 ~~without pulling up the lever of an individual candidate, clearly showing the voter's~~
24 ~~intention, it is unnecessary to have a separate ballot for multi-seat races, and having such~~
25 ~~a separate ballot would result in more columns and rows on the machine than the~~
26 ~~mechanical machine can handle.~~

27 ~~Multi-seat races in partisan general elections, which except as provided in this section~~
28 ~~would have appeared on the State ballot or county ballot, and except for multi-seat races~~
29 ~~on mechanical voting machines, shall be placed on a separate multi-seat ballot or ballots,~~
30 ~~which shall not be combined with any ballot other than a multi-seat ballot. Beneath the~~
31 ~~title and general instructions set out in this subsection, the ballot(s) for multi-seat races~~
32 ~~shall be divided into parallel columns separated by distinct black lines. The State Board~~
33 ~~of Elections shall assign a separate column to each political party having candidates in~~
34 ~~multi-seat races and one to unaffiliated candidates, if any. At the head of each party~~
35 ~~column the party's name shall be printed in large type, and at the head of the column for~~
36 ~~unaffiliated candidates shall be printed in large type the words 'Unaffiliated Candidates.'~~
37 ~~Below the party name in each column shall be printed a circle, one half inch in diameter,~~
38 ~~and around which shall be plainly printed the following instruction: 'For a straight ticket,~~
39 ~~mark within this circle.' With distinct black lines, the State Board of Elections shall~~
40 ~~divide the columns into horizontal sections and, in the customary order of office, assign a~~
41 ~~separate section to each group of offices to be filled. On a single line at the top of each~~
42 ~~section shall be printed a direction as to the number of candidates for whom a vote may~~

1 ~~be cast. If candidates are to be chosen for different terms to the same office, the term in~~
2 ~~each instance shall be printed as part of the title of the office.~~

3 ~~The name or names of each political party's candidate or candidates for each office~~
4 ~~listed on the ballot shall be printed in the appropriate office section of the proper party~~
5 ~~column and the names of unaffiliated candidates shall be printed in the appropriate office~~
6 ~~section of the column headed 'Unaffiliated Candidates.' At the left of each name shall be~~
7 ~~printed a voting square, and in each column all voting squares shall be arranged in a~~
8 ~~perpendicular line.~~

9 ~~On the face of the ballot, above the party and unaffiliated column division, the~~
10 ~~following instructions shall be printed in heavy red type to contrast with the type of the~~
11 ~~rest of the ballot:~~

- 12 ~~'a. To vote for all candidates of one party (a straight ticket), make a~~
13 ~~cross (X) mark in the circle of the party of your choice.~~
- 14 ~~b. You may vote a split ticket in one of two ways:~~
- 15 ~~(1) By making a cross mark opposite the name of each~~
16 ~~candidate for whom you wish to vote and making no mark~~
17 ~~in the party circle, or~~
- 18 ~~(2) By marking the party circle and then making a cross mark~~
19 ~~opposite the name of each candidate you choose of the~~
20 ~~party whose circle you marked as well as each candidate~~
21 ~~you choose of any other party in the race(s) where you~~
22 ~~wish to vote a split ticket.~~
- 23 ~~e. If you tear or deface or wrongly mark this ballot, return it and get~~
24 ~~another.'~~

25 ~~Ballot instructions need not be printed in red type except on the separate ballot(s)~~
26 ~~for multi-seat races."~~

27 ~~Sec. 2. G.S. 163-151 reads as rewritten:~~

28 **"§ 163-151. Marking ballots in primary and election.**

29 ~~The voter shall adhere to the following rules and those instructions printed on the~~
30 ~~ballot in marking his ballots:~~

- 31 (1) ~~How Ballots to Be Marked. – In both primaries and elections, a voter~~
32 ~~may designate his choice of candidates by making a cross mark (X), a~~
33 ~~check mark, or some other clear indicative mark in the appropriate~~
34 ~~voting square or circle.~~
- 35 (2) ~~No More Names to Be Marked Than Positions to Be Filled. – In both~~
36 ~~primaries and elections, a voter should not mark more names for any~~
37 ~~office than there are positions to be filled by election.~~
- 38 (3) ~~Stickers, Rubber Stamps, etc., Prohibited. – A voter should not affix a~~
39 ~~sticker to a ballot, mark a ballot with a rubber stamp, attach anything to~~
40 ~~a ballot, wrap or fold anything in a ballot or do anything to a ballot~~
41 ~~except to mark it properly with a pencil or pen.~~

- 1 (4) Straight Ticket. – In an election, but not a primary, if the voter desires to
2 vote for all candidates of one political party (a straight ticket), he shall
3 either: shall:
4 a. ~~Mark the party circle printed above the party column; or~~
5 b. Mark in the voting square at the left of the name of every
6 candidate printed on the ballot in the party column for whom he
7 desires to ~~vote; or~~ vote.
8 c. ~~Mark the party circle and also mark some or all names printed in~~
9 ~~that party column.~~
- 10 (5) ~~Split Ticket.— In an election but not in a primary, if the voter desires to~~
11 ~~vote for candidates of more than one political party (a split ticket), he~~
12 ~~shall do so in either of the following ways:~~
13 a. ~~Omit marking in the party circle of any party and mark in the~~
14 ~~voting square opposite the name of each candidate of any party~~
15 ~~printed on the ballot for whom the voter wishes to vote.~~
16 b. ~~Mark the party circle of one party and also mark the voting~~
17 ~~square opposite the name of any candidate or candidates of any~~
18 ~~other party. The ballot shall be counted as a straight ticket for all~~
19 ~~candidates of the party whose circle was marked except for a~~
20 ~~candidate for an office for which the voter has marked the~~
21 ~~candidate of any other party, in which case the vote marked for~~
22 ~~any candidate or candidates of any other party shall be counted~~
23 ~~instead for that office.~~
- 24 (6) Write-In Votes. –
25 a. In an election but not in a primary, if a voter desires to vote for a
26 person whose name is not printed on the ballot, he shall write in
27 the name of the person in the space immediately beneath the
28 name of a candidate, if any, printed on the ballot for that
29 particular office. The voter shall write the name himself unless he
30 is entitled to assistance under G.S. 163-152, in which case the
31 person giving assistance may write in the name at the request of
32 the voter.
33 b. The voter should not write in a name of a person whose name
34 appears as a candidate of a political party or as an unaffiliated
35 candidate. If the voter writes in the name of a candidate printed
36 on the ballot of any party, the write-in shall not be counted.
37 c. ~~If the voter has marked the party circle of one political party, he~~
38 ~~may also write in the name of a person for whom he wishes to~~
39 ~~vote beneath the name of a candidate printed in the same column~~
40 ~~whose party circle he has marked.~~
41 d. ~~If the voter has marked the party circle of one party, he may,~~
42 ~~except as prohibited by G.S. 163-123(f), write in the name of a~~
43 ~~person under the name of a candidate in any other party. In such~~

1 ~~ease, the write in shall be counted, and otherwise the ballot shall~~
2 ~~be counted for all candidates of the party whose circle was~~
3 ~~marked except for the office for which there is a write in.~~

4 e. No voter shall write the name of any person on a primary ballot.

- 5 (7) ~~Multi-Seat Races.— If the voter should mark the party circle of one~~
6 ~~party and also mark the voting square opposite the name of candidates~~
7 ~~of any other party in a multi-seat race, only those candidates of any~~
8 ~~party beside whose name the voting square is marked shall receive a~~
9 ~~vote."~~

10 Sec. 3. G.S. 163-170 reads as rewritten:

11 **"§ 163-170. Rules for counting ballots.**

12 Only official ballots shall be voted and counted. No official ballot shall be rejected
13 because of technical errors in marking it unless it is impossible to determine the voter's
14 choice. In applying the general rule, all election officials shall be governed by the
15 following rules:

- 16 (1) When Impossible to Determine Voter's Choice for Office. – If for any
17 reason it is impossible to determine a voter's choice for an office, the
18 ballot shall not be counted for that office but shall be counted for all
19 other offices.
- 20 (2) When Ballot Marked for More Names Than There are Positions to Be
21 Filled. – If a ballot is marked for more names than there are positions to
22 be filled, it shall not be counted for that office but shall be counted for
23 all other offices.
- 24 (3) When Ballot Defaced or Torn. – If a ballot has been defaced or torn by a
25 voter so that it is impossible to determine the voter's choice for one or
26 more offices, it shall not be counted for such offices but shall be
27 counted for all offices for which the voter's choice can be determined.
- 28 (4) When Voter Has Affixed Sticker, etc., or Otherwise Improperly Treated
29 Properly Marked Ballot. – If a voter has properly marked the voting
30 square with pen or pencil, and also has affixed a sticker to a ballot, or
31 marked a ballot with a rubber stamp, attached anything to a ballot,
32 wrapped or folded anything in a ballot, or done anything to a ballot
33 other than mark it properly with pen or pencil, it shall be counted unless
34 such action by the voter makes it impossible to determine the voter's
35 choice.
- 36 (5) Write-In Votes. – If a name has been written in on an official general
37 election ballot as provided in G.S. 163-151, it shall be counted in
38 accordance with the following rules:
- 39 a. The name written in shall not be counted unless written in by the
40 voter or a person authorized to assist the voter pursuant to G.S.
41 163-152.
- 42 b. The name shall be written in immediately below the name of a
43 candidate for a particular office, if any, and shall be counted as a

1 vote for the person whose name has been written in for that
2 office. If the voter has made a mark to the left of the name
3 written in, or checked in ~~the party circle or~~ the square beside the
4 name of a candidate below whose name the write-in appears, or
5 if the voter strikes out, marks through or crosses out the name
6 printed above the write-in, such action by the voter shall not
7 serve to invalidate the ballot or the vote for the person whose
8 name was written in for that particular office.

9 c. If the person whose name was written in appears as a candidate
10 of a political party or as an unaffiliated candidate for any office,
11 the write-in shall be ignored and the ballot shall be counted as
12 though no write-in appeared for such office.

13 d. ~~Marking Party Circle and Write-Ins.—~~

14 1. ~~If the voter marks the party circle above the column in~~
15 ~~which he has entered the write in, his ballot shall be~~
16 ~~counted as a vote for the person whose name has been~~
17 ~~written in, and for all other candidates of the party in~~
18 ~~whose circle he has marked, except the candidate beneath~~
19 ~~whose printed name the write in appears.~~

20 2. ~~If the voter has marked the party circle at the top of the~~
21 ~~column of a political party, and has made a write in under~~
22 ~~the name of a candidate printed in a column of a different~~
23 ~~political party, except as prohibited by G.S. 163-123(f),~~
24 ~~the write in shall be counted, and otherwise the ballot~~
25 ~~shall be counted as a vote for all candidates of the party in~~
26 ~~whose circle he has marked except for the office for which~~
27 ~~there is a write in.~~

28 3. ~~In a multi-seat race, if the voter has marked the party~~
29 ~~circle at the top of the column of a political party and has~~
30 ~~made a write in under the name of a candidate printed in a~~
31 ~~column of a different political party, only the write in and~~
32 ~~those other candidates of any party beside whose name the~~
33 ~~voting square is marked shall receive a vote. This~~
34 ~~subparagraph does not apply if the write in cannot be~~
35 ~~counted because of G.S. 163-123(f).~~

36 (6) ~~Split Ticket.—~~

37 a. ~~If the voter has marked the party circle of one party and also~~
38 ~~marked the voting square of individual candidates of another~~
39 ~~party, the ballot shall be counted as a straight ticket for all~~
40 ~~candidates of the party whose circle was marked except for a~~
41 ~~candidate for an office for which the voter has marked the~~
42 ~~candidate of any other party, in which case the vote marked for~~

- 1 any candidate or candidates of any other party shall be counted
2 instead for that office.
- 3 b. ~~If the voter votes a split ticket by omitting to mark the party~~
4 ~~circle and marks the voting square opposite the name of~~
5 ~~candidates for whom he desires to vote in different party~~
6 ~~columns, the ballot shall be counted as a vote for each candidate~~
7 ~~marked in a different party column.~~
- 8 e. ~~In a multi-seat race, if the voter has marked the party circle at the~~
9 ~~top of the column of a political party and has marked the voting~~
10 ~~square of a candidate of any other party, only those candidates of~~
11 ~~any party beside whose names the voting squares are marked~~
12 ~~shall receive a vote.~~
- 13 (7) Voting a Straight Ticket. – If a voter desires to vote for all candidates of
14 one political party, a straight ticket, he shall either:
- 15 a. ~~Mark the party circle printed at the top of the party column; or~~
16 b. ~~Mark the voting squares at the left of the name of every~~
17 ~~candidate of the same party printed on the ballot; or~~
18 c. ~~Mark the party circle and also mark some or all names printed in~~
19 ~~that party column. ballot.~~
- 20 ~~In either case, the The ballot shall be counted as a straight ticket and~~
21 ~~counted as a vote for every candidate whose name is printed in the party~~
22 ~~column."~~
- 23 Sec. 4. This act becomes effective with respect to elections held on or after
24 January 1, 1996.