

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 922
Committee Substitute Favorable 5/4/95

Short Title: Election Reform Legislation.

(Public)

Sponsors:

Referred to:

April 12, 1995

A BILL TO BE ENTITLED

AN ACT TO REFORM THE ELECTION LAWS.

The General Assembly of North Carolina enacts:

–ABOLISH THE STATUTORY REQUIREMENT THAT A CANDIDATE FOR SUPERIOR COURT BE A RESIDENT OF THE DISTRICT AT THE TIME OF FILING.

Section 1. G.S. 163-106(i) is repealed.

–REQUIRE THE GOVERNOR IN APPOINTING SPECIAL JUDGES TO GIVE PREFERENCE TO PERSONS ELECTED IN STATEWIDE ELECTIONS BUT DEFEATED IN DISTRICT ELECTIONS.

Sec. 2. (a) G.S. 7A-45.1 is amended by adding a new subsection to read:

"(a1) In appointing special superior court judges pursuant to this section, the Governor may only appoint a person who was elected in the most recent statewide general election for superior court judge but was defeated in the district election. If no eligible person accepts the appointment, the judgeship is abolished."

(b) This section is effective upon ratification, and applies to special superior court judges appointed on or after that date.

1
2 -PROVIDE FOR A CONFIRMATION BY THE GENERAL ASSEMBLY OF
3 APPOINTMENT OF THE EXECUTIVE SECRETARY-DIRECTOR OF THE STATE
4 BOARD OF ELECTIONS.

5 Sec. 3. (a) G.S. 163-27 reads as rewritten:

6 **"§ 163-27. Executive Secretary-Director to be appointed by Board.**

7 The ~~appointment~~term of office of the Executive Secretary-Director of the State Board
8 of Elections ~~is extended to May 15, 1989, expires~~ July 1, 1995, unless removed for
9 proper cause, and thereafter the Board shall~~shall~~, subject to confirmation by the General
10 Assembly, appoint an Executive Secretary-Director for a term of ~~four~~two years with
11 compensation to be determined by the ~~Department of~~Office of State Personnel. He shall
12 serve, unless removed for cause, until his successor is appointed. Such Executive
13 Secretary-Director shall be responsible for staffing, administration, execution of the
14 Board's decisions and orders and shall perform such other responsibilities as may be
15 assigned by the Board. In the event of a vacancy, the vacancy shall be filled for the
16 remainder of the term.

17 No person shall serve until confirmed by joint resolution of the General Assembly,
18 unless the vacancy occurs after the General Assembly has adjourned sine die or for more
19 than 10 days and has not reconvened. If the vacancy occurs after the General Assembly
20 has adjourned sine die or for more than 10 days and has not reconvened, the State Board
21 of Elections shall appoint a replacement who shall assume office and serve until no later
22 than the sixtieth calendar day following the next day either house of the General
23 Assembly is in session; except that this sentence does not operate to extend that term of
24 office and that term still expires on the date provided by law. For such person to continue
25 in office after that sixtieth day, the appointment must be confirmed by joint resolution of
26 the General Assembly. If the joint resolution has not been ratified by that date, the
27 appointee vacates the office, the person does not hold over, and the person may not be
28 reappointed to fill the vacancy during the remainder of that term of office.

29 The State Board of Elections may appoint an acting officer under the same procedures
30 as the Governor under G.S. 147-12(3) without confirmation by the General Assembly,
31 but that person may not serve:

- 32 a. For more than 60 calendar days if the vacancy occurs while the
33 General Assembly is in session;
34 b. After the sixtieth calendar day following the next day either
35 house of the General Assembly is in session if the vacancy
36 occurs after the General Assembly has adjourned sine die or for
37 more than 10 days and has not reconvened; or
38 c. If that person is prevented from serving by the last sentence of
39 the previous paragraph of this section."

40 (b) This section applies with respect to terms of office beginning on or after May
41 15, 1995, and any vacancies occurring before that date regardless of the date of
42 commencement of the term.
43

1 –PROVIDE THAT PRECINCT OFFICIALS AND OBSERVERS NEED ONLY BE
2 RESIDENTS OF THE COUNTY RATHER THAN THE PRECINCT.

3 Sec. 4. (a) G.S. 163-41(a) reads as rewritten:

4 **"§ 163-41. Precinct chief judges and judges of election; appointment; terms of**
5 **office; qualifications; vacancies; oaths of office.**

6 (a) Appointment of Chief Judge and Judges. – At the meeting required by G.S.
7 163-31 to be held on the Tuesday following the third Monday in August of the year in
8 which they are appointed, the county board of elections shall appoint one person to act as
9 chief judge and two other persons to act as judges of election for each precinct in the
10 county. Their terms of office shall continue for two years from the specified date of
11 appointment and until their successors are appointed and qualified. It shall be their duty
12 to conduct the primaries and elections within their respective precincts. Persons
13 appointed to these offices must be registered voters and residents of the ~~precinct for~~
14 ~~which appointed,~~ county in which the precinct is located, of good repute, and able to read
15 and write. Not more than one judge in each precinct shall belong to the same political
16 party as the chief judge.

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

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

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

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

30 The chairman of each political party in the county where possible shall recommend
31 two registered voters in each precinct who are otherwise qualified, are residents of the
32 ~~precinct,~~ county in which the precinct is located, have good moral character, and are able
33 to read and write, for appointment as chief judge in the precinct, and he shall also
34 recommend where possible the same number of similarly qualified voters for
35 appointment as judges of election in that precinct. If such recommendations are received
36 by the county board of elections no later than the fifth day preceding the date on which
37 appointments are to be made, it must make precinct appointments from the names of
38 those recommended. Provided that if only one name is submitted by the fifth day
39 preceding the date on which appointments are to be made, by a party for judge of election
40 by the chairman of one of the two political parties in the county having the greatest
41 numbers of registered voters in the State, the county board of elections must appoint that
42 person.

1 If, at any time other than on the day of a primary or election, a chief judge or judge of
2 election shall be removed from office, or shall die or resign, or if for any other cause
3 there be a vacancy in a precinct election office, the chairman of the county board of
4 elections shall appoint another in his place, promptly notifying him of his appointment. If
5 at all possible, the chairman of the county board of elections shall consult with the county
6 chairman of the political party of the vacating official, and if the chairman of the county
7 political party nominates a qualified voter of the county in which that precinct is located
8 to fill the vacancy, the chairman of the county board of elections shall appoint that
9 person. In filling such a vacancy, the chairman shall appoint a person who belongs to the
10 same political party as that to which the vacating member belonged when appointed. If
11 the chairman of the county board of elections did not appoint a person upon
12 recommendation of the chairman of the party to fill such a vacancy, then the term of
13 office of the person appointed to fill the vacancy shall expire upon the conclusion of the
14 next canvass held by the county board of elections under this Chapter, and any successor
15 must be a person nominated by the chairman of the party of the vacating officer.

16 If any person appointed chief judge shall fail to be present at the voting place at the
17 hour of opening the polls on primary or election day, or if a vacancy in that office shall
18 occur on primary or election day for any reason whatever, the precinct judges of election
19 shall appoint another to act as chief judge until such time as the chairman of the county
20 board of elections shall appoint to fill the vacancy. If such appointment by the chairman
21 of the county board of elections is not a person nominated by the county chairman of the
22 political party of the vacating officer, then the term of office of the person appointed to
23 fill the vacancy shall expire upon the conclusion of the next canvass held by the county
24 board of elections under this Chapter. If a judge of election shall fail to be present at the
25 voting place at the hour of opening the polls on primary or election day, or if a vacancy in
26 that office shall occur on primary or election day for any reason whatever, the chief judge
27 shall appoint another to act as judge until such time as the chairman of the county board
28 of elections shall appoint to fill the vacancy. Persons appointed to fill vacancies shall,
29 whenever possible, be chosen from the same political party as the person whose vacancy
30 is being filled, and all such appointees shall be sworn before acting.

31 As soon as practicable, following their training as prescribed in G.S. 163-82.24, each
32 chief judge and judge of election shall take and subscribe the following oath of office to
33 be administered by an officer authorized to administer oaths and file it with the county
34 board of elections:

35 'I,, do solemnly swear (or affirm) that I will support the Constitution of the
36 United States; that I will be faithful and bear true allegiance to the State of North
37 Carolina, and to the constitutional powers and authorities which are or may be established
38 for the government thereof; that I will endeavor to support, maintain and defend the
39 Constitution of said State not inconsistent with the Constitution of the United States; that
40 I will administer the duties of my office as chief judge of (judge of election in)
41 precinct, County, without fear or favor; that I will not in any manner request or seek
42 to persuade or induce any voter to vote for or against any particular candidate or
43 proposition; and that I will not keep or make any memorandum of anything occurring

1 within a voting booth, unless I am called upon to testify in a judicial proceeding for a
2 violation of the election laws of this State; so help me, God.'

3 Notwithstanding the previous paragraph, a person appointed chief judge by the judges
4 of election under this section, or appointed judge of election by the chief judge under this
5 section may take the oath of office immediately upon appointment.

6 Before the opening of the polls on the morning of the primary or election, the chief
7 judge shall administer the oath set out in the preceding paragraph to each assistant, and
8 any judge of election not previously sworn, substituting for the words 'chief judge of' the
9 words 'assistant in' or 'judge of election in' whichever is appropriate."

10 (b) G.S. 163-42 reads as rewritten:

11 **"§ 163-42. Assistants at polls; appointment; term of office; qualifications; oath of**
12 **office.**

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

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

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

31 (c) G.S. 163-43 reads as rewritten:

32 **"§ 163-43. Ballot counters; appointment; qualifications; oath of office.**

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

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

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

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

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

8 Upon acceptance of appointment, each ballot counter shall appear before the precinct
9 chief judge at the voting place immediately at the close of the polls on the day of the
10 primary or election and take the following oath to be administered by the chief judge:

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

19 The names and addresses of all ballot counters serving in any precinct, whether appointed
20 by the county board of elections or by the chief judge, shall be reported by the chief judge
21 to the county board of elections at the county canvass following the primary or election."

22 (d) G.S. 163-45 reads as rewritten:

23 **"§ 163-45. Observers; appointment.**

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

38 Individuals authorized to appoint observers must submit in writing to the chief judge
39 of each precinct a signed list of the observers appointed for that precinct. Individuals
40 authorized to appoint observers must, prior to 10:00 A.M. on the fifth day prior to any
41 primary or general election, submit in writing to the chairman of the county board of
42 elections two signed copies of a list of observers appointed by them, designating the
43 precinct for which each observer is appointed. Before the opening of the voting place on

1 the day of a primary or general election, the chairman shall deliver one copy of the list to
2 the chief judge for each affected precinct. He shall retain the other copy. The chairman,
3 or the chief judge and judges for each affected precinct, may for good cause reject any
4 appointee and require that another be appointed. The names of any persons appointed in
5 place of those persons rejected shall be furnished in writing to the chief judge of each
6 affected precinct no later than the time for opening the voting place on the day of any
7 primary or general election, either by the chairman of the county board of elections or the
8 person making the substitute appointment.

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

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

23 (e) G.S. 163-87 reads as rewritten:

24 **"§ 163-87. Challenges allowed on day of primary or election.**

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

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

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

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

1 The chief judge, judge, or assistant, or observer appointed under G.S. 163-45 may
2 enter challenges under this section against voters in the precinct for which appointed
3 regardless of the place of residence of the chief judge, judge, or observer.

4 If a person is challenged under this subsection, and the challenge is sustained under
5 G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. 163-82.15(e) if
6 eligible under that section, and the registration shall not be cancelled under G.S. 163-
7 90.2(a) if the transfer is made. A person who has transferred his registration under G.S.
8 163-82.15(e) may be challenged at the precinct to which the registration is being
9 transferred."

10
11 –ALLOW PARTIES TO OPEN THEIR PRIMARIES TO VOTERS OF THE OTHER
12 PARTY AND TO ALLOW PARTIES TO PERMIT UNAFFILIATED VOTERS OR
13 VOTERS AFFILIATED WITH OTHER PARTIES TO BE CANDIDATES OF THEIR
14 PARTY.

15 Sec. 5. (a) G.S. 163-119 reads as rewritten:

16 **"§ 163-119. Voting by unaffiliated voter in party primary.**

17 If a political party has, by action of its State Executive Committee reported to the
18 State Board of Elections by resolution delivered no later than the first day of ~~December~~
19 October preceding a primary, provided ~~that unaffiliated that~~:

20 (1) Unaffiliated voters may vote in the primary of that party, an unaffiliated
21 voter may vote in the primary of that party by announcing that intention
22 under ~~G.S. 163-150(a)~~ G.S. 163-150(a); and

23 (2) A voter affiliated with another party may vote in the primary of that
24 party, a voter affiliated with another party may vote in the primary of
25 that party by announcing that intention under G.S. 163-150(a).

26 For a party to withdraw its permission, it must do so by action of its State Executive
27 Committee, similarly reported to the State Board of Elections no later than the first day of
28 ~~December~~October preceding the primary where the withdrawal is to become effective."

29 (b) G.S. 163-150(a) reads as rewritten:

30 "(a) Checking Registration. – A person seeking to vote shall enter the voting
31 enclosure at the voting place through the appropriate entrance and shall at once state his
32 name and place of residence to one of the judges of election. In a primary election, the
33 voter shall also state the political party with which he affiliates and in whose primary he
34 desires to vote, or if the voter is ~~an unaffiliated~~ a voter permitted to vote in the primary of
35 a particular party under G.S. ~~163-116, 163-119,~~ the voter shall state the name of the
36 authorizing political party in whose primary he wishes to vote. The judge to whom the
37 voter gives this information shall announce the name and residence of the voter in a
38 distinct tone of voice. After examining the precinct registration records, the chief judge
39 shall state whether the person seeking to vote is duly registered."

40 (c) G.S. 163-150(b) reads as rewritten:

41 "(b) Distribution of Ballots; Information. – If the voter is found to be registered and
42 is not challenged, or, if challenged and the challenge is overruled as provided in G.S.
43 163-88, the responsible judge of election shall hand him an official ballot of each kind he

1 is entitled to vote. In a primary election the voter shall be furnished ballots of the political
2 party with which he affiliates and no others, except that ~~unaffiliated~~-voters who are
3 permitted to vote in a party primary under G.S. ~~163-116-163-119~~ shall be furnished
4 ballots for that primary. No ~~such unaffiliated~~-voter shall vote in the primary of more than
5 one party on the same day. It shall be the duty of the chief judge and judges holding the
6 primary or election to give any voter any information he desires in regard to the kinds of
7 ballots he is entitled to vote and the names of the candidates on the ballots. In response to
8 questions asked by the voter, the chief judge and judges shall communicate to him any
9 information necessary to enable him to mark his ballot as he desires."

10 (d) G.S. 163-82.4(c) reads as rewritten:

11 "(c) Party Affiliation or Unaffiliated Status. – The application form described in
12 G.S. 163-82.3(a) shall provide a place for the applicant to state a preference to be
13 affiliated with one of the political parties in G.S. 163-96, or a preference to be an
14 'unaffiliated' voter. Every person who applies to register shall state his preference. If the
15 applicant fails to declare a preference for a party or for unaffiliated status, that person
16 shall be listed as 'unaffiliated', except that if the person is already registered to vote in the
17 county and that person's registration already contains a party affiliation, the county board
18 shall not change the registrant's status to 'unaffiliated' unless the registrant clearly
19 indicates a desire in accordance with G.S. 163-82.17 for such a change. An unaffiliated
20 registrant shall not be eligible to vote in any political party primary, except as provided in
21 G.S. ~~163-116-163-119~~, but may vote in any other primary or general election. A person
22 affiliated with one political party may vote in the primary of another political party if
23 authorized by that party under G.S. 163-119. The application form shall so state."

24 (e) G.S. 163-87 reads as rewritten:

25 "**§ 163-87. Challenges allowed on day of primary or election.**

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

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

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

36 On the day of a party primary, any voter of the precinct who is registered as a member
37 of the political party conducting the primary may, at the time any registrant proposes to
38 vote, challenge his right to vote upon the ground that he does not affiliate with the party
39 conducting the primary or does not in good faith intend to support the candidates
40 nominated in that party's primary, and it shall be the duty of the chief judge and judges of
41 election to determine whether or not the challenged registrant has a right to vote in that
42 primary according to the procedures prescribed in G.S. 163-88; provided that no

1 challenge may be made on the grounds specified in the paragraph against ~~an unaffiliated~~
2 a voter voting in the primary under G.S. 163-74(a1). G.S. 163-119.

3 If a person is challenged under this ~~subsection, section,~~ and the challenge is sustained
4 under G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. 163-
5 82.15(e) if eligible under that section, and the registration shall not be cancelled under
6 G.S. 163-90.2(a) if the transfer is made. A person who has transferred his registration
7 under G.S. 163-82.15(e) may be challenged at the precinct to which the registration is
8 being transferred."

9 (f) G.S. 163-226.1 reads as rewritten:

10 "**§ 163-226.1. Absentee voting in primary.**

11 A qualified voter may vote by absentee ballot in a statewide or countywide primary
12 provided he is affiliated, at the time he makes application for absentee ballots, with the
13 political party in whose primary he wishes to ~~vote.~~ vote, or if that party allows the voter
14 to vote in its primary under G.S. 163-119. The official registration records of the county
15 in which the voter is registered shall be proof of whether he is affiliated with a political
16 party and of the party, if any, with which he is affiliated."

17 (g) G.S. 163-106(b) reads as rewritten:

18 "(b) Eligibility to File. ~~No~~ Except as provided by this subsection, no person shall
19 be permitted to file as a candidate in a primary if, at the time he offers to file notice of
20 candidacy, he is registered on the appropriate registration book or record as an affiliate of
21 a political party other than that in whose primary he is attempting to file. ~~No~~ Except as
22 provided by this subsection, no person who has changed his political party affiliation or
23 who has changed from unaffiliated status to party affiliation as permitted in G.S. 163-
24 82.17, shall be permitted to file as a candidate in the primary of the party to which he
25 changed unless he has been affiliated with the political party in which he seeks to be a
26 candidate for at least 90 days prior to the filing date for the office for which he desires to
27 file his notice of candidacy.

28 ~~A~~ Except as provided by this subsection, a person registered as 'unaffiliated' shall be
29 ineligible to file as a candidate in a party primary election.

30 A political party may, by action of its State Executive Committee reported to the State
31 Board of Elections by resolution delivered no later than the first day of October preceding
32 a primary, provide that:

33 (1) An unaffiliated voter may be a candidate of that party; and

34 (2) A voter affiliated with another party may be a candidate of that party.

35 For a party to withdraw its permission, it must do so by action of its State Executive
36 Committee, similarly reported to the State Board of Elections no later than the first day of
37 October preceding the primary where the withdrawal is to become effective."

38 (h) This section becomes effective January 1, 1996, and applies to all primaries
39 and elections held on or after that date, except that parties may adopt resolutions under
40 G.S. 163-106(b) and G.S. 163-119 as amended by this section at any time after
41 ratification of this act.

1 –ALLOW CHANGE-OF-ADDRESS NOTICES FROM THE NATIONAL CHANGE
2 OF ADDRESS SYSTEM OF THE UNITED STATES POSTAL SERVICE TO BE
3 USED AS EVIDENCE IN VOTER CHALLENGES.

4 Sec. 6. (a) G.S. 163-85(e) reads as rewritten:

5 "(e) Prima Facie Evidence That Voter No Longer Resides in Precinct. – The
6 presentation of a letter mailed by returnable first-class mail to the voter at the address
7 listed on the voter registration card and returned because the person does not live at the
8 address shall constitute prima facie evidence that the person no longer resides in the
9 precinct. The presentation of change-of-address information supplied by the United
10 States Postal Service through its licensees showing that a voter's address is no longer in
11 the precinct is prima facie evidence that the person no longer resides in the precinct
12 unless that change-of-address notice is temporary."

13 (b) G.S. 163-87 reads as rewritten:

14 "**§ 163-87. Challenges allowed on day of primary or election.**

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

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

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

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

34 If the county board of elections has change-of-address information supplied by the
35 United States Postal Service through its licensees showing that a voter's address is no
36 longer in the precinct, it may supply that information to the chief judge of the precinct
37 that the voter is registered in, and if a challenge is entered under this section, that
38 information is prima facie evidence that the person no longer resides in the precinct
39 unless that change-of-address notice is temporary.

40 If a person is challenged under this subsection, and the challenge is sustained under
41 G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. 163-82.15(e) if
42 eligible under that section, and the registration shall not be cancelled under G.S. 163-
43 90.2(a) if the transfer is made. A person who has transferred his registration under G.S.

1 163-82.15(e) may be challenged at the precinct to which the registration is being
2 transferred."

3 (c) This section becomes effective January 1, 1996.

4
5 **–REQUIRE VOTERS TO SIGN THE POLLBOOK BEFORE VOTING.**

6 Sec. 7. (a) G.S. 163-150(a) reads as rewritten:

7 "(a) Checking Registration. – A person seeking to vote shall enter the voting
8 enclosure at the voting place through the appropriate entrance and shall at once state his
9 name and place of residence to one of the judges of election. In a primary election, the
10 voter shall also state the political party with which he affiliates and in whose primary he
11 desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a
12 particular party under G.S. ~~163-116, 163-119~~, the voter shall state the name of the
13 authorizing political party in whose primary he wishes to vote. The judge to whom the
14 voter gives this information shall announce the name and residence of the voter in a
15 distinct tone of voice. After examining the precinct registration records, the chief judge
16 shall state whether the person seeking to vote is duly registered. If the chief judge states
17 that the person is duly registered, the person shall sign the pollbook in accordance with
18 subsection (f) of this section before voting."

19 (b) G.S. 163-150(f) reads as rewritten:

20 "(f) Maintenance of Pollbook or Other Record of Voting. – At each primary,
21 general or special election, the precinct chief judge shall appoint two precinct assistants
22 (one from each political party as recommended by the county chairman thereof), one to
23 be assigned to keep the pollbook or other voting record used in the county as approved by
24 the State Board of Elections, and the other to keep the registration books under the
25 supervision of the precinct officials. ~~The names of all persons voting shall be checked on~~
26 ~~the registration records and entered on the pollbook or other voting record.~~ The names of
27 all persons voting shall be checked on the registration records and the voter, before
28 voting, shall sign his or her name on the pollbook or other voting record, unless the voter
29 shall be unable to sign his or her name, in which event the voter's name shall be entered
30 on the pollbook by a precinct official before the voter votes. In an election where
31 observers may be appointed under G.S. 163-45 each voter's party affiliation shall be
32 entered in the proper column of the book or other approved record opposite his name.
33 The precinct assistant shall make each entry at the time the ballots are handed to the
34 voter. As soon as the polls are closed, the chief judge and judges of election shall sign the
35 pollbook or other approved record immediately beneath the last voter's name entered
36 therein. The chief judge or the judge appointed to attend the county canvass shall deliver
37 the pollbook or other approved record to the chairman of the county board of elections at
38 the time of the county canvass, and the chairman shall remain responsible for its
39 safekeeping."

40 (c) This section becomes effective January 1, 1996, and applies to all primaries
41 and elections occurring on or after that date.

1 –ELIMINATE THE REQUIREMENT THAT A CANDIDATE BE A MEMBER OF A
2 PARTY FOR NINETY DAYS BEFORE FILING AS A CANDIDATE OF THAT
3 PARTY.

4 Sec. 8. (a) G.S. 163-106(b) reads as rewritten:

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

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

16 (b) This section becomes effective with respect to primary elections conducted
17 on or after January 1, 1996.

18
19 –REMOVE THE SUNSET ON DESIGNATION OF UNEMPLOYMENT OFFICES AS
20 VOTER REGISTRATION AGENCIES TO COMPLY WITH THE NATIONAL
21 VOTER REGISTRATION ACT.

22 Sec. 9. Section 73 of Chapter 762 of the 1993 Session Laws reads as rewritten:

23 "Sec. 73. Sections 1 through 68 of this act become effective January 1, 1995, and
24 apply to all primaries and elections occurring on or after that date. The remainder of this
25 act is effective upon ratification and shall apply to all primaries and elections occurring
26 on or after the date of ratification. Prosecutions for, or sentences based on, offenses
27 occurring before the effective date of any section of this act are not abated or affected by
28 this act and the statutes that would be applicable to those prosecutions or sentences but
29 for the provisions of this act remain applicable to those prosecutions or sentences. ~~G.S.
30 163-82.20(a)(3) and G.S. 163-82.20(b1) as enacted in Section 2 of this act expire January
31 1, 1996.~~"

32
33 –SBI REPORTS TO STATE BOARD OF ELECTIONS.

34 Sec. 10. Article 22 of Chapter 163 of the General Statutes is amended by
35 adding a new section to read:

36 "**§ 163-278.1. Copies of State Bureau of Investigation reports.**

37 In all instances where the State Board of Elections requests the State Bureau of
38 Investigation to investigate any violation of this Chapter, the State Bureau of
39 Investigation shall furnish a copy of the report of its investigation to the State Board of
40 Elections, and the copy of the report of the investigation in the possession of the State
41 Board of Elections or its staff shall not be considered a public record within the meaning
42 of Chapter 132 of the General Statutes and may be made available to the public only
43 upon an order of a court of competent jurisdiction."

1
2 –POLITICAL PARTY CHECKOFF RESTORED TO OLD LAW WHERE
3 INDIVIDUAL DESIGNATES PARTY.

4 Sec. 11. Effective January 1, 1996, G.S. 105-159.1(a) reads as rewritten:

5 "(a) Every individual whose income tax liability for the taxable year is one dollar
6 (\$1.00) or more may designate on his or her income tax return that one dollar (\$1.00) of
7 the tax shall be credited to the North Carolina Political Parties Financing Fund. ~~Fund for~~
8 the use of the political party designated by the taxpayer. In the case of a married couple
9 filing a joint return whose income tax liability for the taxable year is two dollars (\$2.00)
10 or more, each spouse may designate on the income tax return that one dollar (\$1.00) of
11 the tax shall be credited to the North Carolina Political Parties Financing Fund. ~~Amounts~~
12 Fund for the use of the political party designated by the taxpayer. Where any taxpayer
13 elects to so designate but does not specify a particular political party, amounts so credited
14 to the Fund shall be allocated among the political parties on a pro rata basis according to
15 their respective party voter registrations as determined by the most recent certification of
16 the State Board of Elections. As used in this section, the term 'political party' means one
17 of the following that has at least one percent (1%) of the total number of registered voters
18 in the State:

- 19 (1) A political party that at the last preceding general State election received
20 at least ten percent (10%) of the entire vote cast in the State for
21 Governor or for presidential electors.
22 (2) A group of voters who by July 1 of the preceding calendar year, by
23 virtue of a petition as a new political party, had duly qualified as a new
24 political party within the meaning of Chapter 163 of the General
25 Statutes."
26

27 –IN REGARD TO UNIFORMED AND OVERSEAS VOTERS, TO STREAMLINE,
28 SIMPLIFY, AND MODERNIZE THE ABSENTEE VOTING LAWS, AND TO
29 CONFORM TO FEDERAL LAWS ON ABSENTEE VOTING.

30 Sec. 12. G.S. 163-239 reads as rewritten:

31 "**§ 163-239. Article 21 relating to absentee voting by servicemen and certain civilians**
32 **uniformed and overseas citizens not applicable.**

33 Except as otherwise provided therein, Article 21 of this Chapter, relating to absentee
34 registration and voting by ~~servicemen and certain civilians, uniformed and overseas~~
35 citizens shall not apply to or modify the provisions of this Article."

36 Sec. 13. Effective with respect to elections held on or after January 1, 1996,
37 Article 21 of Chapter 163 of the General Statutes reads as rewritten:

38 "ARTICLE 21.

39 "~~MILITARY ABSENTEE REGISTRATION AND VOTING IN~~
40 ~~PRIMARY AND GENERAL ELECTIONS.~~
41 **ELECTIONS BY UNIFORMED AND OVERSEAS CITIZENS.**

1 "§ 163-245. ~~Persons in armed forces, their spouses, certain veterans, civilians~~
2 ~~working with armed forces, and members of Peace Corps~~ Uniformed and
3 overseas citizens may register and vote by mail.

4 (a) Any individual who is eligible to register and who is qualified to vote in any
5 ~~statewide primary or~~ election held under the laws of this State, other than municipal
6 elections where absentee voting is not permitted under G.S. 163-302, and who is absent
7 from the county of ~~his~~ the individual's residence in any of the capacities specified in
8 subsection (b) of this section, shall be entitled to register by mail and to vote by ~~military~~
9 uniformed and overseas citizens absentee ballot in the manner provided in this Article.

10 As has been the case since enactment of this Article in 1941, registration under this
11 Article is not permanent, and is only for the election or for the calendar year as provided
12 by this Article.

13 (b) The provisions of this Article shall apply to the following persons:

14 (1) ~~Persons serving in the armed forces of the United States, including (but~~
15 ~~not limited to) the army, the navy, the air force, the marine corps, the~~
16 ~~coast guard, the Army Nurse Corps, the Navy Nurse Corps, the~~
17 ~~Women's Navy Reserve, the Marine Corps Women's Reserve, the~~
18 ~~Women's Army Corps, Army, Navy, Air Force, Marine Corps, and~~
19 ~~Coast Guard, the commissioned corps of the Public Health Service, the~~
20 ~~commissioned corps of the National Oceanic and Atmospheric~~
21 ~~Administration, the Merchant Marine, and members of the national~~
22 ~~guard and military reserve who on the day of a primary or general~~
23 ~~election are absent from the county where registered to vote by reason~~
24 ~~of active duty.~~

25 (2) ~~Spouses of persons serving in the armed forces of the United States~~
26 ~~residing outside the counties of their spouses' voting residence. A~~
27 ~~spouse or dependent of a member referred to in subdivision (2) or (5) of~~
28 ~~this section who, by reason of the active duty or service of the member,~~
29 ~~is absent from the county where the spouse or dependent is otherwise~~
30 ~~qualified to vote;~~

31 (3) ~~Disabled war veterans in United States government hospitals.~~

32 (4) ~~Civilians attached to and serving outside the United States with the~~
33 ~~armed forces of the United States.~~

34 (5) ~~Members of the Peace Corps.~~

35 (6) Members of the merchant marine who, by reason of service in the
36 merchant marine, are absent from the county.

37 (c) As used in this section, 'member of the merchant marine' means an individual
38 (other than a person covered by subdivision (b)(1) of this section or an individual
39 employed, enrolled, or maintained on the Great Lakes or the inland waterways):

40 (1) Employed as an officer or crew member of a vessel documented under
41 the laws of the United States, or a vessel owned by the United States, or
42 a vessel of foreign-flag registry under charter to or control of the United
43 States; or

- 1 (2) Enrolled with the United States for employment or training for
2 employment, or maintained by the United States for emergency relief
3 service, as an officer or crew member of any such vessel.

4 **"§ 163-246. Provisions of Article 20 applicable except as otherwise provided; State**
5 **Board of Elections to adopt ~~regulations-~~ rules.**

6 Except as otherwise provided in this Article, registration by mail and absentee voting
7 by individuals to whom this Article is applicable shall be governed by the provisions of
8 Article 20 of this Chapter. By way of illustration rather than limitation, the provisions of
9 this paragraph shall apply to the form of absentee ballots, certificates and container-return
10 envelopes; the manner of depositing and voting military absentee ballots; the counting
11 and certifying of results; the hearing of challenges; and the preservation of container-
12 return envelopes in which executed military absentee ballots are transmitted.

13 The State Board of Elections ~~is authorized to~~ may adopt and promulgate whatever
14 rules ~~and regulations~~ (not in conflict with other provisions of this Chapter) it may deem
15 necessary to carry out the true intent and purpose of this Article.

16 **"§ 163-247. Methods of applying for absentee ballots.**

17 An individual entitled to exercise the rights conferred by this Article and who is
18 absent from the county of ~~his~~ the individual's residence may apply for absentee ballots in
19 ~~either any~~ of the ways provided in this section. as follows:

- 20 (1) Federal Postcard Application Form. – At any time prior to the statewide
21 primary or general election in which ~~he~~ the applicant seeks to vote, the
22 applicant may make and sign a written application to the County Board
23 of ~~Election in~~ Elections in the County of Voter's Residence for absentee
24 ballots on the postcard form specified in or promulgated by regulation
25 under 42 U.S.C. ~~1973ee-14-~~ 1973ff.
- 26 (2) Application to Chairman of County Board of Elections. – In lieu of
27 applying on the federal post card as provided in the preceding
28 subdivision, at any time prior to the ~~statewide primary or general~~
29 election in which ~~he~~ seeks to vote the applicant may make and sign a
30 written application to the chairman of the board of elections of the
31 county of ~~his~~ the applicant's residence upon a form prepared and
32 furnished ~~him~~ the applicant upon request by the county board of
33 elections. This form shall require the applicant's signature and shall
34 elicit from ~~him~~ the applicant:
- 35 a. A request for absentee ballots to be voted in a specified ~~statewide~~
36 ~~primary or general~~ election.
- 37 b. A statement of ~~his~~ the applicant's political party affiliation if ~~he~~
38 the applicant seeks to vote by absentee ballot in a partisan
39 primary election.
- 40 c. A statement of ~~his~~ the applicant's membership in ~~the armed~~
41 ~~forces of the United States, or his membership in one of the other~~
42 ~~categories~~ a category to which this Article is made applicable in
43 G.S. 163-245.

1 d. A statement of the precinct in which ~~he~~ the applicant is registered
2 to vote, or, if the applicant is not registered, a statement of ~~his~~ the
3 applicant's address before entering military or other qualifying
4 service and the period of time ~~he~~ the applicant resided at that
5 address.

6 e. A statement of the address to which the absentee ballots should
7 be mailed.

8 In lieu of using a form prepared and furnished by the county board
9 of elections, the voter may apply in an informal writing. If the written
10 application is signed by the voter and if it contains all the information
11 required by this subdivision, it shall be regarded as sufficient to permit
12 the chairman of the county board of elections to act upon it.

13 (3) Notwithstanding subdivisions (1) or (2) of this section, if the application
14 under either of those subdivisions so requests, it shall constitute an
15 application for more than one or for all of the primaries and elections
16 held during the calendar year when the application is received.

17 The postcard application form, written application, or informal writing provided by
18 this section may be transmitted to the county board of elections, by mail, by fax, or
19 delivered in person by the voter or the voter's near relative or legal verifiable guardian.

20 **"§ 163-248. Register, ballots, container-return envelopes, and instruction sheets.**

21 (a) Register of Military Absentee Ballot Applications and Ballots Issued. – The
22 State Board of Elections shall furnish the chairman of the board of elections in each
23 county of the State with a book to be called the register of military absentee ballot
24 applications and ballots issued in which shall be recorded whatever information and
25 official action may be required by this Article. In lieu of furnishing this register, the State
26 Board of Elections may provide for a separate military section in the register furnished
27 under the provisions of G.S. 163-228 which shall be used for the same purpose.

28 The State Board of Elections may provide for the register to be kept by electronic data
29 processing equipment, as long as the information required by this Article to be in the
30 register has a hard copy printed out each business day, or a supplement printed out each
31 day of new information.

32 The register of military absentee ballot applications and ballots issued, whether
33 contained in a separate book or maintained as a separate part of the register furnished
34 under the provisions of G.S. 163-228, shall constitute a public record and shall be opened
35 to the inspection of any registered voter of the county at any time.

36 (b) Absentee Ballot Form. – Persons entitled to vote by absentee ballot under the
37 terms of this Article shall be furnished with ~~regular official ballots; separate or distinctly~~
38 ~~marked absentee ballots shall not be used.~~ official ballots. The State Board of Elections
39 and the county boards of elections shall have all necessary absentee ballots printed and in
40 the hands of the proper election officials not later than 50 days before the primary or
41 election.

42 (c) Container-Return Envelope. – The county board of elections shall print a
43 sufficient number of envelopes in which persons casting military absentee ballots may

1 transmit their marked ballots to the ~~chairman of the~~ county board of elections. The
2 container-return envelopes shall be printed and available for use not later than 50 days
3 before the primary or election. Each container-return envelope shall be printed in
4 accordance with the following instructions:

5 (1) On one side shall be arranged identified spaces in which the ~~chairman of~~
6 ~~the~~ county board of elections may insert the name of the applicant, the
7 number assigned ~~his~~ to the application, and the designation of the
8 precinct in which ~~his~~ the applicant's ballots are to be voted.

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

11 **'CERTIFICATE OF ABSENTEE VOTER**

12 I,, do hereby certify that I am a resident and qualified voter in
13 precinct, County, North Carolina, and that I am [check whichever of the following
14 statements is correct]

15 ~~Serving in the armed forces of the~~ United States Army, Navy, Air Force, Marine
16 Corps, and Coast Guard, the commissioned corps of the Public Health Service, the
17 commissioned corps of the National Oceanic and Atmospheric Administration, the
18 merchant marine, or a member of the national guard and military reserve and on the day
19 of the election expect to be absent from the county by reason of my active duty.

20 ~~The spouse of a member of the armed forces of the United States residing outside the~~
21 county of my spouse's residence a person in a category listed above and will, by reason of
22 the active duty of that person, expect on the day of the election to be absent from the
23 county where I am registered to vote.

24 ~~A disabled war veteran in a United States government hospital~~

25 ~~A civilian attached to and serving outside the United States with the armed forces of~~
26 ~~the United States~~

27 ~~A member of the Peace Corps~~

28 I further certify that I am affiliated with the Party. [To be completed only if
29 applicant seeks to vote in the primary of the political party to which ~~he~~ the applicant
30 belongs.]

31 I further certify that the following is my official address:

32
33 [Unit (Co., Sq., Trp., Bn., etc.), Governmental Agency, or Office]

34
35 [Military Base, Station, Camp, Fort, Ship, Airfield, etc.]

36
37 [Street number, APO, or FPO number]

38
39 [City, ~~postal zone~~, State, and zip code or applicable foreign address]

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

1 Witness my hand in the presence of [Insert names and addresses of witnesses]
 2 this day of....., ~~19~~.....

3
 4 (Signature of voter)

5 Signature of witness #1

6 Address of witness #1

7 Signature of witness #2

8 Address of witness #2

9 Note: This certificate must be witnessed by any two persons who are 18 years of age or
 10 older, and must contain their signatures and addresses.'

11 (d) Instruction Sheets. – The county board of elections shall prepare and print a
 12 sufficient number of sheets of instructions on how voters covered by the provisions of
 13 this Article are to prepare absentee ballots and return them to the ~~chairman of the county~~
 14 board of elections. The instruction sheets shall be printed and available for use not later
 15 than ~~60~~ 50 days before the ~~primary or~~ election.

16 **"§ 163-249. Consideration and approval of applications and issuance of absentee**
 17 **ballots.**

18 The procedure to be followed in receiving applications for absentee ballots under this
 19 Article, passing upon their validity, and issuing absentee ballots shall be governed by the
 20 provisions of this section.

21 (1) Record of Applications Received and Ballots Issued. – Upon receipt of
 22 a voter's written application for absentee ballots in ~~either any~~ of the
 23 forms permitted by G.S. 163-247, the ~~chairman~~ chairman, secretary,
 24 supervisor of elections, or an employee of the county board of elections
 25 shall promptly enter in the register of military absentee ballot
 26 applications and ballots issued:

- 27 a. Name of voter applying for absentee ballots.
- 28 b. Applicant's political party affiliation as stated in an application
 29 for ballots in a primary.
- 30 c. Number assigned voter's application. (Numbers assigned
 31 applications received under the provisions of this Article shall be
 32 chosen so as not to be identical with numbers assigned
 33 applications received under the provisions of Article 20.)
- 34 d. Precinct in which applicant is registered if ~~he~~ the applicant is
 35 already registered, or precinct in which applicant is registered by
 36 the ~~chairman of the~~ county board of elections under the
 37 provisions of subdivisions (2) and (3) of this section.
- 38 e. Address to which ballots are to be mailed.
- 39 f. Statement of basis on which applicant asserts ~~his~~ the applicant's
 40 qualifications for obtaining absentee ballots under the provisions
 41 of this Article.
- 42 g. Date application for ballots is received by ~~chairman~~ county
 43 board of elections.

- 1 (2) Determination of Validity of Applications for Absentee Ballots;
2 Handling Applications for Persons Not Registered. – The chairman or
3 supervisor of elections of the county board of elections shall pass upon
4 the validity of all applications for absentee ballots received under the
5 provisions of this Article, and ~~he~~ neither of them shall ~~not~~ delegate this
6 responsibility.

7 If the chairman or supervisor finds that the applicant is a qualified voter of the county,
8 that ~~he~~ the applicant is registered in the precinct stated in ~~his~~ the applicant's application,
9 that the assertions in ~~his~~ the applicant's application are true, that they demonstrate that ~~he~~
10 the applicant is entitled to vote by absentee ballot under the terms of this Article, and that
11 ~~his~~ the applicant's application is in proper form, the chairman or supervisor shall approve
12 the application for absentee ballots.

13 If the chairman or supervisor finds that the applicant is not registered to vote in the
14 precinct in which ~~he~~ the applicant declares ~~he~~ the applicant is a resident, the chairman
15 shall make a reasonable investigation as to the applicant's residence. If the chairman
16 determines that the applicant is a resident of the precinct asserted, that ~~he~~ the applicant is
17 eligible to register and vote under the Constitution and statutes of this State, and that ~~his~~
18 the applicant's application is otherwise in order, the chairman or supervisor shall register
19 ~~him~~ the applicant according to the procedure specified in subdivision (3) of this
20 section and approve ~~his~~ the applicant's application for absentee ballots.

- 21 (3) Record of ~~Chairman's~~ Decisions; ~~Registration~~ by
22 ~~Chairman~~ Registration. – At the time the chairman or supervisor of the
23 county board of elections makes ~~his~~ the decision on an application for
24 absentee ballots, ~~he~~ that person shall enter in the appropriate column in
25 the register of military absentee ballot applications and ballots issued
26 opposite the name of the applicant a notation of whether ~~his~~ the
27 applicant's application was 'Approved' or 'Disapproved.' In cases in
28 which the chairman or supervisor determines that an unregistered
29 applicant is entitled to register, ~~he~~ that person shall also note in the
30 appropriate column of the register the designation of the precinct in
31 which the applicant is entitled to vote. This entry shall constitute
32 registration and shall entitle an otherwise qualified applicant to receive
33 absentee ballots. As has been the case since enactment of this Article in
34 1941, registration under this Article is not permanent, and is only for the
35 election or for the calendar year as provided by this Article.

- 36 (4) Delivery of Absentee Ballots and Container-Return Envelope to
37 Applicant. – When the chairman or supervisor of the county board of
38 elections approves an application for military absentee ballots ~~he~~ that
39 person shall promptly issue and transmit them in accordance with the
40 following instructions:

- 41 a. On the top margin of each ballot the applicant is entitled to vote,
42 the ~~chairman~~ chairman, member, supervisor, or employee of the
43 county board of elections shall write or type the words 'Absentee

1 Ballot No' or an abbreviation approved by the State Board of
2 Elections and insert in the blank space the number assigned the
3 applicant's application in the register of military absentee ballot
4 applications and ballots issued. ~~He shall not write, type, or print~~
5 There shall not be written, typed, or printed any other extraneous
6 matter upon the ballots transmitted to the absentee voter.
7 Alternatively, the board of elections may cause to be barcoded on
8 the ballot the voter's application number, if such barcoding
9 system is approved by the State Board of Elections.

10 b. ~~The chairman~~ chairman, member, supervisor, or employee of the
11 county board of elections shall fold and place the ballots
12 (identified in accordance with the preceding instruction) in a
13 container-return envelope and write or type in the appropriate
14 blanks thereon, the absentee voter's name, ~~his~~ the absentee voter's
15 application number, and the designation of the precinct in which
16 ~~his~~ the absentee voter's ballots are to be voted. If the ballot is
17 barcoded under this section, the envelope may be barcoded rather
18 than having the actual number appear. ~~The chairman~~ chairman,
19 member, supervisor, or employee of the county board of
20 elections shall leave the container-return envelope holding the
21 ballots unsealed.

22 c. ~~The chairman~~ chairman, member, supervisor, or employee of the
23 county board of elections shall then place the unsealed container-
24 return envelope holding the ballots, together with printed
25 instructions for voting and returning the ballots, in an envelope
26 addressed to the applicant at the address stated in ~~his~~ the
27 applicant's application, seal the envelope, and mail it at the
28 expense of the county board of elections.

29 **"§ 163-250. Voting absentee ballots and transmitting them to chairman of county**
30 **board of elections.**

31 (a) Procedure for Voting Absentee Ballots. – In the presence of two persons who
32 are at least 18 years of age, and who are not disqualified by G.S. 163-226.3(a)(4) or G.S.
33 163-274(5a), the voter shall:

- 34 (1) Mark ~~his~~ the voter's ballots, or cause them to be marked by one of such
35 persons in ~~his~~ the voter's presence according to ~~his~~ the voter's
36 instructions.
37 (2) Fold each ballot separately, or cause each of them to be folded in ~~his~~ the
38 voter's presence.
39 (3) Place the folded ballots in the container-return envelope and securely
40 seal it, or have this done in ~~his~~ the voter's presence.
41 (4) Make and subscribe the certificate printed on the container-return
42 envelope according to the provisions of G.S. 163-248(c).

1 The persons in whose presence the ballots were marked shall sign the certificate as
 2 witnesses, and shall give their addresses.

3 (b) Transmitting Executed Absentee Ballots to ~~Chairman of County Board of~~
 4 Elections. – When executed and witnessed in accordance with the provisions of
 5 subsection (a) of this section, the sealed container-return envelope in which executed
 6 absentee ballots have been placed shall be mailed by the voter to the ~~chairman of the~~
 7 county board of elections ~~who~~ which issued them.

8 **"§ 163-251. Certified list of approved military absentee ballot applications; record**
 9 **of ballots received; disposition of list; list constitutes registration.**

10 (a) Preparation of List. – The ~~chairman of the~~ county board of elections shall
 11 prepare, or cause to be prepared, a list in quadruplicate of all military absentee ballots
 12 returned to the county board of elections to be counted which have been approved by the
 13 county board of ~~elections~~ elections, and which have been received as of 5:00 p.m. on the
 14 day before the election. At the end of the list the chairman shall execute the following
 15 certificate under oath:

16 'State of North Carolina
 17 County of

18 I,, Chairman of the County Board of Elections, do hereby
 19 certify that the foregoing is a list of all executed military absentee ballots to
 20 be voted in the election to be conducted on the day of, ~~19~~.....,
 21 which have been approved by the County Board of ~~Elections~~ Elections and
 22 which have been received no later than 5:00 p.m. on the day before the
 23 election. I further certify that I have issued ballots to no other persons than
 24 those listed herein and further that I have not delivered military absentee
 25 ballots to persons other than those listed herein; that this list constitutes the
 26 only precinct registration of military absentee voters whose names have not
 27 heretofore been entered on the regular registration of the appropriate
 28 precinct.

29 This the day of.....~~19~~.....

30
 31 (Signature of Chairman of County
 32 Board of Elections)

33 Sworn to and subscribed before me this day of.....~~19~~.....

34
 35 (Signature of Officer administering oath)

36
 37 (Title of officer)'

38 (b) Distribution of List. – No ~~earlier than 3:00 P.M. on the day before the election~~
 39 ~~and no~~ later than 10:00 A.M. on election day, the ~~chairman~~ county board of elections
 40 shall cause one copy of the list of executed military absentee ~~ballots~~ ballots prepared
 41 under subsection (a) of this section, which may be a continuing countywide list or a
 42 separate list for each precinct, to be immediately deposited as first-class mail to the State
 43 Board of Elections. The ~~chairman~~ county board of elections shall retain one copy in the

1 board office for public inspection and he shall cause two copies of the appropriate
2 precinct list to be delivered to the chief judge of each precinct in the county. The chief
3 judge shall post one copy in the voting place and retain one copy until all challenges of
4 absentee ballots have been heard by the county board of elections. Challenges shall be
5 made as provided in G.S. 163-89.

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

12 (b1) Preparation of List. - The county board of elections shall prepare, or cause to
13 be prepared, a list in quadruplicate of all military absentee ballots returned to the county
14 board of elections to be counted which have been approved by the county board of
15 elections, and which have been received after 5:00 p.m. on the day before the election but
16 before 7:30 p.m. on election day. At the end of the list the chairman shall execute the
17 following certificate under oath:

18 'State of North Carolina
19 County of

20 I,, Chairman of the County Board of Elections, do hereby
21 certify that the foregoing is a list of all executed military absentee ballots to
22 be voted in the election to be conducted on the day of,,
23 which have been approved by the County Board of Elections and which
24 have been received after 5:00 p.m. on the day before the election but before
25 7:30 p.m. on the day of the election. I further certify that this list constitutes
26 the only supplemental precinct registration of military absentee voters
27 whose names have not heretofore been entered on the regular registration of
28 the appropriate precinct.

29 This the day of..... ..

30 _____
31 (Signature of Chairman of County

32 Board of Elections) Sworn to and subscribed before me this

33 day of.... ..

34 _____
35 (Signature of Officer administering oath)

36 _____
37 (Title of officer)'

38 No later than 10:00 p.m. on election day, the county board of elections shall cause one
39 copy of the list of executed military absentee ballots, which may be a continuing
40 countywide list or a separate list for each precinct, to be immediately deposited as 'first-
41 class' mail to the State Board of Elections. The board shall retain one copy in the board
42 office for public inspection. In addition the county board of elections shall, upon request,
43 provide a copy of the complete list to the chairman of each political party, recognized

1 under the provisions of G.S. 163-96, represented in the county. Challenges shall be made
2 to absentee ballots as provided in G.S. 163-89.

3 On or before the day of the canvass by the county board of elections, a member or
4 employee of the board of elections shall call the name of each person recorded on the list
5 and enter an 'A' in the appropriate voting square on the voter's permanent registration
6 record, if any. If such person is already recorded as having voted in that election, the
7 supervisor of elections shall enter a challenge which shall be presented to the county
8 board of elections for resolution by the board of elections prior to certification of results
9 by the board.

10 (c) List Constitutes Registration. – The 'List of Applicants for Military Absentee
11 Ballots to Whom Ballots Have Been Issued' prescribed by subsections (a) and (b1) of this
12 section, when delivered to the chief judges of the various precincts, shall constitute the
13 only precinct registration of the military absentee voters listed thereon whose names are
14 not already entered in the registration records of the appropriate precinct. Chief judges
15 shall not add the names of persons listed on the military absentee list to the regular
16 registration books of their precincts.

17 (d) Counting Ballots, Hearing Challenges. – The county board of elections shall
18 count military ballots as provided for civilian absentee ballots in G.S. 163-234, and shall
19 hear challenges as provided in G.S. 163-89.

20 **"§ 163-253. Article inapplicable—Applicability to persons after change of status;**
21 **reregistration required. status.**

22 ~~Upon discharge from the armed forces of the United States or The termination of any~~
23 ~~other status qualifying him a person to register and vote by absentee ballot under the~~
24 ~~provisions of this Article, the voter shall not be entitled to vote by military absentee~~
25 ~~ballot, and if he was registered under the provisions of this Article his registration shall~~
26 ~~become void and he shall be required to register under the provisions of Article 7 before~~
27 ~~being entitled to vote in any primary or election. does not invalidate any application made~~
28 ~~or ballot returned while the person was eligible.~~

29 **"§ 163-254. Registration and voting on primary or election day.**

30 ~~Notwithstanding any other provisions of Chapter 163 of the General Statutes, any~~
31 ~~person entitled to vote an absentee ballot pursuant to G.S. 163-245 shall be permitted to~~
32 ~~register in person at any time including the day of a primary or election. Should such~~
33 ~~person's eligibility to register or vote as provided in G.S. 163-245 terminate after the~~
34 ~~registration records have closed prior to a primary or election, such person, if he appears~~
35 ~~in person, shall be entitled to register if otherwise qualified during the time the records~~
36 ~~are closed, or on the primary or election day, and shall be permitted to vote if such person~~
37 ~~is otherwise qualified. If any person was eligible to vote an absentee ballot under this~~
38 ~~Article on the last day to submit voter registration applications in person under G.S. 163-~~
39 ~~82.6(c)(2), that person may register and vote on election day in accordance with G.S.~~
40 ~~163-82.6(d).~~

41 **"§ 163-255. Absentee voting at office of board of elections.**

42 Notwithstanding any other provisions of Chapter 163 of the General Statutes, any
43 person eligible to vote an absentee ballot pursuant to G.S. 163-245 shall be permitted to

1 vote an absentee ballot pursuant to G.S. 163-227.2 if the person has not already voted an
2 absentee ballot which has been returned to the board of elections, and if ~~he~~the person
3 will not be in the county on the day of the ~~primary or~~ election.

4 In the event an absentee application or ballot has already been mailed to such person
5 applying to vote pursuant to G.S. 163-227.2, the board of elections shall void the
6 application and ballot unless the voted absentee ballot has been received by the board of
7 elections. Such person shall be eligible to vote pursuant to G.S. 163-227.2 no later than
8 5:00 P.M. on the day Friday next preceding the ~~primary, second primary or~~ election.

9 **"§ 163-256. Regulations of State Board of Elections.**

10 The State Board of Elections shall adopt rules ~~and regulations~~ to carry out the intent
11 and purpose of G.S. 163-254 and 163-255, and to ensure that a proper list of persons
12 voting under said sections shall be maintained by the boards of elections, and to ensure
13 proper registration records, and such rules ~~and regulations~~ shall not be subject to the
14 provisions of G.S. 150B-9.

15 **"§ 163-256.1. Compliance with Uniformed and Overseas Citizens Absentee Voting**
16 **Act.**

17 (a) In order to comply with the Uniformed and Overseas Citizens Absentee Voting
18 Act, 42 U.S.C. 1973ff et. seq., the State Board of Elections shall by rule provide for:

19 (1) Overseas voters as defined in that act who are not eligible under this
20 Article or Article 20 of this Chapter to register and vote in any federal
21 general election if the application is received no later than 30 days
22 before the election. Such application may be received my mail, by fax,
23 or in person from the voter or a near relative.

24 (2) Overseas voters as defined in that act to use a federal write-in absentee
25 ballot under that act.

26 (b) In accord with suggestions of the Federal Voting Assistance Program of the
27 Department of Defense, the State Board of Elections shall by rule provide for:

28 (1) Overseas voter as defined in that act to use a federal write-in absentee
29 ballot under that act for primary and special elections for federal office,
30 including the Presidential Preference Primary.

31 (2) Acceptance of the Federal Write-In Absentee Ballot transmission
32 envelope as a request for registration for that election as an overseas
33 absentee voter for the federal election involved where the person is
34 eligible under the act and the request is received not less than 30 days
35 before the election.

36 (3) If a person is a citizen of the United States, but has never been
37 domiciled in the United States, but that person's parent is registered to
38 vote in this State for that person to be eligible to vote under that act as if
39 that person was an overseas voter as defined in that act but for the fact
40 of never having a domicile in this State."

41
42 -COPIES OF REGISTRATION RECORDS.

43 Sec. 14. Effective January 1, 1996, G.S. 163-82.10 reads as rewritten:

1 **"§ 163-82.10. Official record of voter registration.**

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

7 (b) Access to Registration Records. – Upon request by that person, the county
8 board of elections shall provide to any person a list of the registered voters of the county
9 or of any precinct or precincts in the county. The county board may furnish selective lists
10 according to party affiliation, gender, race, date of registration, precinct name, precinct
11 identification code, congressional district, senate district, representative district, and,
12 where applicable, county commissioner district, city governing board district, fire district,
13 soil and water conservation district, and voter history including primary, general, and
14 special districts, or any other reasonable category. The following shall apply if a county
15 maintains or has its voter registration list maintained on a computer:

16 (1) In addition to the typed, mimeographed, photocopied, computer printout
17 or label lists, the county board of elections shall make the voter
18 registration information available to the public on magnetic medium.
19 Magnetic medium for the purpose of this section shall consist of nine
20 track tape or 3.5 inch diskettes and 5.25 inch diskettes readily accessible
21 using MS-DOS or Microsoft Windows operating systems or both such
22 systems; and

23 (2) Information requested on magnetic medium shall contain the following:
24 voter name, county voter identification number, residential address,
25 mailing address, sex, race, age or date of birth or both, party affiliation,
26 precinct name, precinct identification code, congressional district,
27 senate district, representative district, and, where applicable, county
28 commissioner district, city governing board district, fire district, soil and
29 water conservation district, and any other district information available,
30 and voter history including primary, general, and special districts, or any
31 other reasonable category,

32 provided that this subsection shall not require a county to computerize its lists, but if a
33 county does computerize it shall comply with subdivisions (1) and (2) of this subsection.
34 The county board shall require each person to whom a list is furnished to reimburse the
35 board for the actual cost incurred in preparing it, except as provided in subsection (c) of
36 this section. Actual cost for the purpose of this section shall not include the cost of any
37 equipment or any imputed overhead expenses. It may include the actual cost of paper,
38 labels, and magnetic medium. The purchaser at its discretion may provide the magnetic
39 medium.

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

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

- 1 a. The State chair of each political party; and
2 b. The county chair of each political party
3 once in every odd-numbered year, once during the first six calendar
4 months of every even-numbered year, and once during the latter six
5 calendar months of every even-numbered year.

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

9 Each free list shall include the name, address, gender, date of birth, race, political
10 affiliation, voting history, ~~and precinct-precinct, precinct name, precinct identification~~
11 ~~code, congressional district, senate district, representative district, and, where applicable,~~
12 ~~county commissioner district, city governing board district, fire district, soil and water~~
13 ~~conservation district, and voter history including primary, general, and special districts of~~
14 each registered voter. The free paper list to the county party chairs shall group voters by
15 precinct. All free lists shall be provided as soon as practicable but no later than 30 days
16 after written request. Each State party chair shall provide the discs or tapes received from
17 the county boards to candidates of that party who request the discs or tapes in writing.
18 Each State party chair shall return discs and tapes to the county boards within 30 days
19 after receiving them. As used in this section, 'political party' means a political party as
20 defined in G.S. 163-96."

21 Sec. 15. Except as otherwise provided, this act is effective upon ratification.