

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 17
Judiciary I Committee Substitute Adopted 4/9/01
House Committee Substitute Favorable 7/17/01

Short Title: Election Rewrite-1.

(Public)

Sponsors:

Referred to:

January 29, 2001

A BILL TO BE ENTITLED

AN ACT TO REWRITE ARTICLE 13 AND ARTICLE 14 OF CHAPTER 163 OF THE GENERAL STATUTES, AS RECOMMENDED BY THE ELECTION LAWS REVISION COMMISSION; TO PERMIT THE USE OF CERTAIN GENDER TITLES ON THE BALLOT; TO GIVE THE COUNTY BOARD OF ELECTIONS FLEXIBILITY IN SETTING A BUFFER ZONE AROUND A VOTING PLACE, WITH A MINIMUM OF 25 FEET; AND TO MAKE CONFORMING CHANGES.

The General Assembly of North Carolina enacts:

SECTION 1. Articles 13 and 14 of Chapter 163 of the General Statutes are repealed.

SECTION 2. G.S. 163-2 is repealed.

SECTION 3. Chapter 163 of the General Statutes is amended by adding a new Article to read:

"Article 13A.

"Voting.

"Part 1. Definitions.

"§ 163-165. Definitions.

In addition to the definitions stated below, the definitions set forth in Article 15A of Chapter 163 of the General Statutes also apply to this Article. As used in this Article:

(1) 'Ballot' means an instrument on which a voter indicates a choice so that it may be recorded as a vote for or against a certain candidate or referendum proposal. The term 'ballot' may include a paper ballot to be counted by hand, a paper ballot to be counted on an electronic scanner, the face of a lever voting machine, the image on a direct record electronic unit, or a ballot used on any other voting system.

(2) 'Ballot item' means a single item on a ballot in which the voters are to choose between or among the candidates or proposals listed.

- 1 (3) 'Ballot style' means the version of a ballot within a jurisdiction that an
2 individual voter is eligible to vote. For example, in a county that uses
3 essentially the same official ballot, a group office such as county
4 commissioner may be divided into districts so that different voters in
5 the same county vote for commissioner in different districts. The
6 different versions of the county's official ballot containing only those
7 district ballot items one individual voter may vote are the county's
8 different ballot styles.
- 9 (4) 'Election' means the event in which voters cast votes in ballot items
10 concerning proposals or candidates for office in this State or the
11 United States. The term includes primaries, general elections,
12 referenda, and special elections.
- 13 (5) 'Official ballot' means a ballot that has been certified by the State
14 Board of Elections and produced by or with the approval of the county
15 board of elections. The term does not include a sample ballot or a
16 specimen ballot.
- 17 (6) 'Provisional official ballot' means an official ballot that is voted and
18 then placed in an envelope that contains an affidavit signed by the
19 voter certifying identity and eligibility to vote.
- 20 (7) 'Referendum' means the event in which voters cast votes for or against
21 ballot questions other than the election of candidates to office.
- 22 (8) 'Voting booth' means the private space in which a voter is to mark an
23 official ballot.
- 24 (9) 'Voting enclosure' means the room or connected rooms within the
25 voting place that is used for voting.
- 26 (10) 'Voting place' means the building that contains the voting enclosure.
- 27 (11) 'Voting system' means a system of casting and tabulating ballots. The
28 term includes systems of paper ballots counted by hand as well as
29 systems utilizing mechanical and electronic voting equipment.

30 "Part 2. Ballots and Voting Systems.

31 **"§ 163-165.1. Scope and general rules.**

- 32 (a) Scope. – This Article shall apply to all elections in this State.
- 33 (b) Requirements of Official Ballots in Voting. – In any election conducted under
34 this Article:
- 35 (1) All voting shall be by official ballot.
- 36 (2) Only votes cast on an official ballot shall be counted.
- 37 (c) Compliance With This Article. – All ballots shall comply with the provisions
38 of this Article.
- 39 (d) Other Uses Prohibited. – An official ballot shall not be used for any purpose
40 not authorized by this Article.

41 **"§ 163-165.2. Sample ballots.**

- 42 (a) County Board to Produce and Distribute Sample Ballots. – The county board
43 of elections shall produce sample ballots, in all the necessary ballot styles of the official

1 ballot, for every election to be held in the county. The sample ballots shall be given an
2 appearance that clearly distinguishes them from official ballots. The county board shall
3 distribute sample ballots to the chief judge of every precinct in which the election is to
4 be conducted. The chief judge shall post a sample ballot in the voting place and may use
5 it for instructional purposes. The county board of elections may use the sample ballot
6 for other informational purposes.

7 (b) Document Resembling an Official Ballot to Contain Disclaimer. – No person
8 other than a board of elections shall produce or disseminate a document substantially
9 resembling an official ballot unless the document contains on its face a prominent
10 statement that the document was not produced by a board of elections and is not an
11 official ballot.

12 **"§ 163-165.3. Responsibilities for preparing official ballots.**

13 (a) State Board to Certify Official Ballots and Instructions to Voters. – The State
14 Board of Elections shall certify the official ballots and voter instructions to be used in
15 every election that is subject to this Article. In conducting its certification, the State
16 Board shall adhere to the following:

17 (1) No later than January 31 of every calendar year, the State Board shall
18 establish a schedule for the certification of all official ballots and
19 instructions during that year. The schedule shall include a time for
20 county boards of elections to submit their official ballots and
21 instructions to the State Board for certification and times for the State
22 Board to complete the certification.

23 (2) The State Board of Elections shall compose model ballot instructions,
24 which county boards of elections may amend subject to approval by
25 the State Board as part of the certification process. The State Board of
26 Elections may permit a county board of elections to place instructions
27 elsewhere than on the official ballot itself, where placing them on the
28 official ballot would be impractical.

29 (3) With regard only to multicounty ballot items on the official ballot, the
30 State Board shall certify the accuracy of the content on the official
31 ballot.

32 (4) With regard to the entire official ballot, the State Board shall certify
33 that the content and arrangement of the official ballot are in substantial
34 compliance with the provisions of this Article and standards adopted
35 by the State Board.

36 (5) The State Board shall proofread the official ballot of every county, if
37 practical, prior to final production.

38 (6) The State Board is not required to certify or review every official
39 ballot style in the county but may require county boards to submit and
40 may review a composite official ballot showing races that will appear
41 in every district in the county.

42 (b) County Board to Prepare and Produce Official Ballots and Instructions. –
43 Each county board of elections shall prepare and produce official ballots for all

1 elections in that county. The county board of elections shall submit the format of each
2 official ballot and set of instructions to the State Board of Elections for review and
3 certification in accordance with the schedule established by the State Board. The county
4 board of elections shall follow the directions of the State Board in placing candidates,
5 referenda, and other material on official ballots and in placing instructions.

6 (c) Late Changes in Ballots. – The State Board shall promulgate rules for late
7 changes in ballots. The rules shall provide for the reprinting, where practical, of official
8 ballots as a result of replacement candidates to fill vacancies in accordance with G.S.
9 163-114 or other late changes. If an official ballot is not reprinted, a vote for a candidate
10 who has been replaced in accordance with G.S. 163-114 will count for the replacement
11 candidate.

12 (d) Special Ballots. – The State Board of Elections, with the approval of a county
13 board of elections, may produce special official ballots, such as those for disabled
14 voters, where production by the State Board would be more practical than production by
15 the county board.

16 **"§ 163-165.4. Standards for official ballots.**

17 The State Board of Elections shall seek to ensure that official ballots throughout the
18 State have all the following characteristics:

- 19 (1) Are readily understandable by voters.
- 20 (2) Present all candidates and questions in a fair and nondiscriminatory
21 manner.
- 22 (3) Allow every voter to cast a vote in every ballot item without difficulty.
- 23 (4) Facilitate an accurate vote count.
- 24 (5) Are uniform in content and format, subject to varied presentations
25 required or made desirable by different voting systems.

26 **"§ 163-165.5. Contents of official ballots.**

27 Each official ballot shall contain all the following elements:

- 28 (1) The heading prescribed by the State Board of Elections. The heading
29 shall include the term 'Official Ballot'.
- 30 (2) The title of each office to be voted on and the number of seats to be
31 filled in each ballot item.
- 32 (3) The names of the candidates as they appear on their notice of
33 candidacy filed pursuant to G.S. 163-106 or G.S. 163-323, or on
34 petition forms filed in accordance with G.S. 163-122. No title,
35 appendage, or appellation indicating rank, status, or position shall be
36 printed on the official ballot in connection with the candidate's name.
37 Candidates, however, may use the title Mr., Mrs., Miss, or Ms.
38 Nicknames shall be permitted on an official ballot if used in the notice
39 of candidacy or qualifying petition, but the nickname shall appear
40 according to standards adopted by the State Board of Elections. Those
41 standards shall allow the presentation of legitimate nicknames in ways
42 that do not mislead the voter or unduly advertise the candidacy. In the
43 case of candidates for presidential elector, the official ballot shall not

1 contain the names of the candidates for elector but instead shall
2 contain the nominees for President and Vice President which the
3 candidates for elector represent.

4 (4) Party designations in partisan ballot items.

5 (5) A means by which the voter may cast write-in votes, as provided in
6 G.S. 163-123.

7 (6) Instructions to voters, unless the State Board of Elections allows
8 instructions to be placed elsewhere than on the official ballot.

9 (7) The printed title and facsimile signature of the chair of the county
10 board of elections.

11 **"§ 163-165.6. Arrangement of official ballots.**

12 (a) Order of Precedence Generally. – Candidate ballot items shall be arranged on
13 the official ballot before referenda.

14 (b) Order of Precedence for Candidate Ballot Items. – The State Board of
15 Elections shall promulgate rules prescribing the order of offices to be voted on the
16 official ballot. Those rules shall adhere to the following guidelines:

17 (1) Federal offices shall be listed before State and local offices. Federal
18 offices shall be listed according to the size of the electorate.

19 (2) State and local offices shall be listed according to the size of the
20 electorate.

21 (3) Partisan offices shall be listed before nonpartisan offices.

22 (4) When offices are in the same class, they shall be listed in alphabetical
23 order by office name, or in numerical or alphabetical order by district
24 name. Governor and Lieutenant Governor, in that order, shall be listed
25 before other Council of State offices. Mayor shall be listed before
26 other citywide offices. Chair of a board, where elected separately, shall
27 be listed before other board seats having the same electorate. Chief
28 Justice shall be listed before Associate Justices.

29 (5) Ballot items for full terms of an office shall be listed before ballot
30 items for partial terms of the same office.

31 (c) Order of Candidates on Primary Official Ballots. – The order in which
32 candidates shall appear on a county's official ballots in any primary ballot item shall be
33 determined by the county board of elections using a process designed by the State Board
34 of Elections for random selection.

35 (d) Order of Party Candidates on General Election Official Ballot. – Candidates
36 in any ballot item on a general election official ballot shall appear in the following
37 order:

38 (1) Nominees of political parties that reflect at least five percent (5%) of
39 statewide voter registration, according to the most recent statistical
40 report published by the State Board of Elections so that such parties
41 rotate order each three years, and if there are more than two eligible
42 parties, then the order among those parties shall be determined by lot,

1 with no party being eligible for the top slot for three years after it has
2 left the top slot.

3 (2) Nominees of other political parties, in random order of the name of the
4 party.

5 (3) Unaffiliated candidates, in random order.

6 (e) Straight-Party Voting. – Each official ballot shall be arranged so that the
7 voter may cast one vote for a party's nominees for all offices except President and Vice
8 President. A vote for President and Vice President shall be cast separately from a
9 straight-party vote. The official ballot shall be prepared so that a voter may cast a
10 straight-party vote, but then make an exception to that straight-party vote by voting for a
11 candidate not nominated by that party or by voting for fewer than all the candidates
12 nominated by that party. Instructions for general election ballots shall clearly advise
13 voters of the rules in this subsection and of the statutes providing for the counting of
14 ballots.

15 (f) Write-In Voting. – Each official ballot shall be so arranged so that voters may
16 cast write-in votes for candidates except where prohibited by G.S. 163-123 or other
17 statutes governing write-in votes. Instructions for general election ballots shall clearly
18 advise voters of the rules of this subsection and of the statutes governing write-in
19 voting.

20 (g) Order of Precedence for Referenda. – The referendum questions to be voted
21 on shall be arranged on the official ballot in the following order:

22 (1) Proposed amendments to the North Carolina Constitution, in the
23 chronological order in which the proposals were approved by the
24 General Assembly.

25 (2) Other referenda to be voted on by all voters in the State, in the
26 chronological order in which the proposals were approved by the
27 General Assembly.

28 (3) Referenda to be voted on by fewer than all the voters in the State, in
29 the chronological order of the acts by which the referenda were
30 properly authorized.

31 **"§ 163-165.7. Voting systems: powers and duties of State Board of Elections.**

32 The State Board of Elections shall have authority to approve types, makes, and
33 models of voting systems for use in elections and referenda held in this State. Only
34 voting systems that have been approved by the State Board shall be used to conduct
35 elections under this Chapter, and the approved systems shall be valid in any election or
36 referendum held in any county or municipality. The State Board may, upon request of a
37 local board of elections, authorize the use of a voting system not approved for general
38 use. The State Board may also, upon notice and hearing, disapprove types, makes, and
39 models of voting systems. Upon disapproving a type, make, or model of voting system,
40 the State Board shall determine the process by which the disapproved system is
41 discontinued in any county. If a county makes a showing that discontinuance would
42 impose a financial hardship upon it, the county shall be given up to four years from the
43 time of State Board disapproval to replace the system. A county may appeal a decision

1 by the State Board concerning discontinuance of a voting system to the superior court in
2 that county or to the Superior Court of Wake County. The county has 30 days from the
3 time of the State Board's decision on discontinuance to make that appeal.

4 Subject to the provisions of this Chapter, the State Board of Elections shall prescribe
5 rules for the adoption, handling, operation, and honest use of voting systems, including,
6 but not limited to, the following:

7 (1) Types, makes, and models of voting systems approved for use in this
8 State.

9 (2) Form of official ballot labels to be used on voting systems.

10 (3) Operation and manner of voting on voting systems.

11 (4) Instruction of precinct officials in the use of voting systems.

12 (5) Instruction of voters in the use of voting systems.

13 (6) Assistance to voters using voting systems.

14 (7) Duties of custodians of voting systems.

15 (8) Examination of voting systems before use in an election.

16 **"§ 163-165.8. Voting systems: powers and duties of board of county commissioners.**

17 The board of county commissioners, with the approval of the county board of
18 elections, may adopt and purchase or lease a voting system of a type, make, and model
19 approved by the State Board of Elections for use in some or all voting places in the
20 county at some or all elections.

21 The board of county commissioners may decline to adopt and purchase or lease any
22 voting system recommended by the county board of elections but may not adopt and
23 purchase or lease any voting system that has not been approved by the county board of
24 elections.

25 **"§ 163-165.9. Voting systems: powers and duties of county board of elections.**

26 Before approving the adoption and purchase or lease of any voting system by the
27 board of county commissioners, the county board of elections shall do all of the
28 following:

29 (1) Obtain a current financial statement from the proposed vendor or
30 lessor of the voting system and send copies of the statement to the
31 county attorney and the chief county financial officer.

32 (2) Witness a demonstration, in that county or at a site designated by the
33 State Board of Elections, of the voting system by the proposed vendor
34 or lessor and also witness a demonstration of at least one other type of
35 voting system approved by the State Board of Elections.

36 (3) Test, during an election, the proposed voting system in at least one
37 precinct in the county where the system would be used if adopted.

38 **"§ 163-165.10. Adequacy of voting system for each precinct.**

39 The county board of elections shall make available for each precinct voting place an
40 adequate quantity of official ballots or equipment so that all voters qualified to vote at
41 the precinct may do so. When the board of county commissioners has decided to adopt
42 and purchase or lease a voting system for voting places under the provisions of G.S.
43 165-165.8, the board of county commissioners shall, as soon as practical, provide for

1 each of those voting places sufficient equipment of the approved voting system in
2 complete working order. If it is impractical to furnish each voting place with the
3 equipment of the approved voting system, that which has been obtained may be placed
4 in voting places chosen by the county board of elections. In that case, the county board
5 of elections shall choose the voting places and allocate the equipment in a way that as
6 nearly as practicable provides equal access to the voting system for each voter. The
7 county board of elections shall appoint as many voting system custodians as may be
8 necessary for the proper preparation of the system for each election and for its
9 maintenance, storage, and care.

10 "Part 3. Procedures at the Voting Place.

11 **"§ 163-166. Hours for voting.**

12 In every election, the voting place shall be open at 6:30 A.M. and shall be closed at
13 7:30 P.M. In extraordinary circumstances, the county board of elections may direct that
14 the polls remain open until 8:30 P.M. If any voter is in line to vote at the time the polls
15 are closed, that voter shall be permitted to vote. No voter shall be permitted to vote who
16 arrives at the voting place after the closing of the polls.

17 **"§ 163-166.1. Duties of county board of elections.**

18 The county board of elections shall:

- 19 (1) Provide for the timely delivery to each voting place of the supplies,
20 records, and equipment necessary for the conduct of the election.
- 21 (2) Ensure that adequate procedures are in place at each voting place for a
22 safe, secure, fair, and honest election.
- 23 (3) Respond to precinct officials' questions and problems where necessary.

24 **"§ 163-166.2. Arrangement of the voting enclosure.**

25 Each voting enclosure shall contain at a minimum:

- 26 (1) A sufficient number of private spaces for all voters to mark their
27 official ballots in secrecy.
- 28 (2) Adequate space and furniture for the separate functions of:
 - 29 a. The checking of voter registration records.
 - 30 b. The distribution of official ballots.
 - 31 c. Private discussion with voters concerning irregular situations.
- 32 (3) A telephone or some facility for communication with the county board
33 of elections.

34 The equipment and furniture in the voting enclosure shall be arranged so that it can
35 be generally seen from the public space of the enclosure.

36 **"§ 163-166.3. Limited access to the voting enclosure.**

37 During the time allowed for voting in the voting place, only the following persons
38 may enter the voting enclosure:

- 39 (1) An election official.
- 40 (2) An observer appointed pursuant to G.S. 163-45.
- 41 (3) A person seeking to vote in that voting place on that day but only
42 while in the process of voting or seeking to vote.

- 1 (4) A voter in that precinct while entering or explaining a challenge
2 pursuant to G.S. 163-87 or G.S. 163-88.
- 3 (5) A person authorized under G.S. 163-166.9 to assist a voter but only
4 while assisting that voter.
- 5 (6) Persons conducting or participating in a simulated election within the
6 voting place or voting enclosure, if that simulated election is approved
7 by the county board of elections.
- 8 (7) Any other person determined by election officials to have an urgent
9 need to enter the voting enclosure but only to the extent necessary to
10 address that need.

11 **"§ 163-166.4. Limitation on activity in the voting place and in a buffer zone around**
12 **it.**

13 No person or group of persons shall hinder access, harass others, distribute campaign
14 literature, place political advertising, solicit votes, or otherwise engage in election-
15 related activity in the voting place or in a buffer zone which shall be prescribed by the
16 county board of elections around the voting place. In determining the dimensions of that
17 buffer zone for each voting place, the county board of elections shall, where practical,
18 set the limit at 50 feet from the entrance to the voting place, but in no event shall it set
19 the limit at less than 25 feet. The county board of elections shall also, where practical,
20 provide an area outside the buffer zone for each voting place in which persons or groups
21 of persons may distribute campaign literature, place political advertising, solicit votes,
22 or otherwise engage in election-related activity.

23 **"§ 163-166.5. Procedures at voting place before voting begins.**

24 The State Board of Elections shall promulgate rules for precinct officials to set up
25 the voting place before voting begins. Those rules shall emphasize:

- 26 (1) Continual participation or monitoring by officials of more than one
27 party.
- 28 (2) Security of official ballots, records, and equipment.
- 29 (3) The appearance as well as the reality of care, efficiency, impartiality,
30 and honest election administration.

31 The county boards of elections and precinct officials shall adhere to those
32 procedures.

33 **"§ 163-166.6. Designation of tasks.**

34 The State Board of Elections shall promulgate rules for the delegation of tasks
35 among the election officials at each precinct. Those rules shall emphasize:

- 36 (1) The need to place primary managerial responsibility upon the chief
37 judge.
- 38 (2) The need to have maximum multiparty participation in all duties where
39 questions of partisan partiality might be raised.
- 40 (3) The need to provide flexibility of management to the county board of
41 elections and to the chief judge, in consideration of different abilities
42 of officials, the different availability of officials, and the different
43 needs of voters precinct by precinct.

1 **"§ 163-166.7. Voting procedures.**

2 (a) Checking Registration. – A person seeking to vote shall enter the voting
3 enclosure through the appropriate entrance. A precinct official assigned to check
4 registration shall at once ask the voter to state current name and residence address. The
5 voter shall answer by stating current name and residence address. In a primary election,
6 that voter shall also be asked to state, and shall state, the political party with which the
7 voter is affiliated or, if unaffiliated, the authorizing party in which the voter wishes to
8 vote. After examination, that official shall state whether that voter is duly registered to
9 vote in that precinct and shall direct that voter to the voting equipment or to the official
10 assigned to distribute official ballots.

11 (b) Distribution of Official Ballots. – If the voter is found to be duly registered
12 and has not been successfully challenged, the official assigned to distribute the official
13 ballots shall hand the voter the official ballot that voter is entitled to vote, or that voter
14 shall be directed to the voting equipment that contains the official ballot. No voter in a
15 primary shall be permitted to vote in more than one party's primary. The precinct
16 officials shall provide the voter with any information the voter requests to enable that
17 voter to vote as that voter desires.

18 (c) The State Board of Elections shall promulgate rules for the process of voting.
19 Those rules shall emphasize the appearance as well as the reality of dignity, good order,
20 impartiality, and the convenience and privacy of the voter. Those rules, at a minimum,
21 shall include procedures to ensure that all the following occur:

- 22 (1) The voting system remains secure throughout the period voting is
23 being conducted.
- 24 (2) Only properly voted official ballots are introduced into the voting
25 system.
- 26 (3) No official ballots leave the voting enclosure during the time voting is
27 being conducted there.
- 28 (4) All improperly voted official ballots are returned to the precinct
29 officials and marked as spoiled.
- 30 (5) Voters leave the voting place promptly after voting.
- 31 (6) Voters not clearly eligible to vote in the precinct but who seek to vote
32 there are given proper assistance in voting a provisional official ballot
33 or guidance to another voting place where they are eligible to vote.
- 34 (7) Information gleaned through the voting process that would be helpful
35 to the accurate maintenance of the voter registration records is
36 recorded and delivered to the county board of elections.
- 37 (8) The registration records are kept secure.
- 38 (9) Party observers are given access as provided by G.S. 163-45 to current
39 information about which voters have voted.

40 **"§ 163-166.8. Assistance to voters.**

41 (a) Any registered voter qualified to vote in the election shall be entitled to
42 assistance with entering and exiting the voting booth and in preparing ballots in
43 accordance with the following rules:

1 (1) Any voter is entitled to assistance from the voter's spouse, brother,
2 sister, parent, grandparent, child, grandchild, mother-in-law, father-in-
3 law, daughter-in-law, son-in-law, stepparent, or stepchild, as chosen by
4 the voter.

5 (2) A voter in any of the following four categories is entitled to assistance
6 from a person of the voter's choice, other than the voter's employer or
7 agent of that employer or an officer or agent of the voter's union:

8 a. A voter who, on account of physical disability, is unable to
9 enter the voting booth without assistance.

10 b. A voter who, on account of physical disability, is unable to
11 mark a ballot without assistance.

12 c. A voter who, on account of illiteracy, is unable to mark a ballot
13 without assistance.

14 d. A voter who, on account of blindness, is unable to enter the
15 voting booth or mark a ballot without assistance.

16 (b) A qualified voter seeking assistance in an election shall, upon arriving at the
17 voting place, request permission from the chief judge to have assistance, stating the
18 reasons. If the chief judge determines that such assistance is appropriate, the chief judge
19 shall ask the voter to point out and identify the person the voter desires to provide such
20 assistance. If the identified person meets the criteria in subsection (a) of this section, the
21 chief judge shall request the person indicated to render the assistance. The chief judge,
22 one of the judges, or one of the assistants may provide aid to the voter if so requested, if
23 the election official is not prohibited by subdivision (a)(2) of this section. Under no
24 circumstances shall any precinct official be assigned to assist a voter qualified for
25 assistance, who was not specified by the voter.

26 (c) A person rendering assistance to a voter in an election shall be admitted to the
27 voting booth with the voter being assisted. The State Board of Elections shall
28 promulgate rules governing voter assistance, and those rules shall adhere to the
29 following guidelines:

30 (1) The person rendering assistance shall not in any manner seek to
31 persuade or induce any voter to cast any vote in any particular way.

32 (2) The person rendering assistance shall not make or keep any
33 memorandum of anything which occurs within the voting booth.

34 (3) The person rendering assistance shall not, directly or indirectly, reveal
35 to any person how the assisted voter marked ballots, unless the person
36 rendering assistance is called upon to testify in a judicial proceeding
37 for a violation of the election laws.

38 **"§ 163-166.9. Curbside voting.**

39 In any election or referendum, if any qualified voter is able to travel to the voting
40 place, but because of age or physical disability and physical barriers encountered at the
41 voting place is unable to enter the voting enclosure to vote in person without physical
42 assistance, that voter shall be allowed to vote either in the vehicle conveying that voter

1 or in the immediate proximity of the voting place. The State Board of Elections shall
 2 promulgate rules for the administration of this section.

3 **"§ 163-166.10. Procedures after the close of voting.**

4 The State Board of Elections shall promulgate rules for closing the voting place and
 5 delivering voting information to the county board of elections for counting, canvassing,
 6 and record maintenance. Those rules shall emphasize the need for the appearance as
 7 well as the reality of security, accuracy, participation by representatives of more than
 8 one political party, openness of the process to public inspection, and honesty. The rules,
 9 at a minimum, shall include procedures to ensure all of the following:

- 10 (1) The return and accurate accounting of all official ballots, regular,
 11 provisional, voted, unvoted, and spoiled, according to the provisions of
 12 Article 15A of this Chapter.
- 13 (2) The certification of ballots and voter-authorization documents by
 14 precinct officials of more than one political party.
- 15 (3) The delivery to the county board of elections of registration documents
 16 and information gleaned through the voting process that would be
 17 helpful in the accurate maintenance of the voter registration records.
- 18 (4) The return to the county board of all issued equipment.
- 19 (5) The restoration of the voting place to the condition in which it was
 20 found."

21 **SECTION 4.** G.S. 163-114 reads as rewritten:

22 **"§ 163-114. Filling vacancies among party nominees occurring after nomination**
 23 **and before election.**

24 If any person nominated as a candidate of a political party for one of the offices
 25 listed below (either in a primary or convention or by virtue of having no opposition in a
 26 primary) dies, resigns, or for any reason becomes ineligible or disqualified before the
 27 date of the ensuing general election, the vacancy shall be filled by appointment
 28 according to the following instructions:

30 Position		Vacancy is to be filled by
31 Any elective State office		appointment of State
32 United States Senator		executive committee of
33		political party in which
34		vacancy occurs
35 A district office, including:		
36 Member of the United States		
37 House of Representatives		
38 Judge of district court		Appropriate district executive
39 District Attorney		committee of political party
40 State Senator in a multi-		in which vacancy occurs
41 county senatorial district		
42 Member of State House of		
43 Representatives in a multi-		

<p>1 county representative 2 district 3 State Senator in a single- 4 county senatorial district 5 Member of State House of 6 Representatives in a 7 single-county 8 representative district 9 Any elective county office</p>	<p> County executive committee of political party in which vacancy occurs, provided, in the case of the State Senator or State Representative in a single-county district where not all the county is located in that district, then in voting, only those members of the county executive committee who reside within the district shall vote</p>
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18 The party executive making a nomination in accordance with the provisions of this
 19 section shall certify the name of its nominee to the chairman of the board of elections,
 20 State or county, charged with the duty of printing the ballots on which the name is to
 21 appear. If at the time a nomination is made under this section the general election ballots
 22 have already been printed, the provisions of ~~G.S. 163-139~~ G.S. 163-165.3(c) shall
 23 apply. If any person nominated as a candidate of a political party vacates such
 24 nomination and such vacancy arises from a cause other than death and the vacancy in
 25 nomination occurs more than 120 days before the general election, the vacancy in
 26 nomination may be filled under this section only if the appropriate executive committee
 27 certifies the name of the nominee in accordance with this paragraph at least 75 days
 28 before the general election.

29 In a county not all of which is located in one congressional district, in choosing the
 30 congressional district executive committee member or members from that area of the
 31 county, only the county convention delegates or county executive committee members
 32 who reside within the area of the county which is within the congressional district may
 33 vote.

34 In a county which is partly in a multi-county senatorial district or which is partly in a
 35 multi-county House of Representatives district, in choosing that county's member or
 36 members of the senatorial district executive committee or House of Representatives
 37 district executive committee for the multi-county district, only the county convention
 38 delegates or county executive committee members who reside within the area of the
 39 county which is within that multi-county district may vote."

40 **SECTION 5.** G.S. 163-209 reads as rewritten:

41 **"§ 163-209. Names of presidential electors not printed on ballots.**

42 The names of candidates for electors of President and Vice-President nominated by
 43 any political party recognized in this State under G.S. 163-96, or nominated under G.S.

1 163-1(c) by a candidate for President of the United States who has qualified to have his
2 name printed on the general election ballot as an unaffiliated candidate under G.S.
3 163-122, shall be filed with the Secretary of State but shall not be printed on the ballot.
4 In the case of the unaffiliated candidate, the names of candidates for electors must be
5 filed with the Secretary of State no later than 12:00 noon on the first Friday in August.
6 In place of their names, ~~in accordance with the provisions of G.S. 163-140~~ there shall be
7 printed on the ballot the names of the candidates for President and Vice-President of
8 each political party recognized in this State, and the name of any candidate for President
9 who has qualified to have his name printed on the general election ballot under G.S.
10 163-122. A candidate for President who has qualified for the general election ballot as
11 an unaffiliated candidate under G.S. 163-122 shall, no later than 12:00 noon on the first
12 Friday in August, file with the State Board of Elections the name of a candidate for
13 Vice-President, whose name shall also be printed on the ballot. A vote for the
14 candidates named on the ballot shall be a vote for the electors of the party or unaffiliated
15 candidate by which those candidates were nominated and whose names have been filed
16 with the Secretary of State."

17 **SECTION 6.** G.S. 163-294(b) reads as rewritten:

18 "(b) In the primary, the two candidates for a single office receiving the highest
19 number of votes, and those candidates for a group of offices receiving the highest
20 number of votes, equal to twice the number of positions to be filled, shall be declared
21 nominated. In both the primary and election, a voter should not mark more names for
22 any office than there are positions to be filled by ~~election, as provided in G.S. 163-~~
23 ~~135(e) and G.S. 163-151(2).~~ election. If two or more candidates receiving the highest
24 number of votes each received the same number of votes, the board of elections shall
25 determine their relative ranking by lot, and shall declare the nominees accordingly. The
26 canvass of the primary shall be held on the third day (Sunday excepted) following the
27 primary. In accepting the filing of complaints concerning the conduct of an election, a
28 board of elections shall be subject to the rules concerning Sundays and holidays set
29 forth in G.S. 103-5."

30 **SECTION 7.** G.S. 163-299(b) reads as rewritten:

31 "(b) The form of municipal ballots to be used in partisan municipal elections shall
32 be the same as the form prescribed in this Chapter for the county ballot. ~~A nonpartisan~~
33 ~~municipal ballot shall be divided into sections according to the offices to be filled.~~
34 ~~Within each section the names of the candidates for that office shall be printed. At the~~
35 ~~left of each name shall be printed a voting square, and all voting squares on the ballot~~
36 ~~shall be arranged in a perpendicular line. On the face of the ballot, above the list of~~
37 ~~candidates and below the title of the ballot shall be printed in heavy black type the~~
38 ~~following instructions: "If you tear or deface or wrongly mark this ballot, return it and~~
39 ~~get another."~~

40 **SECTION 8.** G.S. 163-299(d) reads as rewritten:

41 "(d) The provisions of ~~G.S. 163-151(1), (2) and (3)~~ Articles 13A and 15A of this
42 Chapter shall apply to ballots used in municipal primaries and elections in the same

1 manner as it is applied to county ballots provided, however, the exceptions contained in
2 G.S. 163-151 shall be adhered to if applicable. ballots."

3 **SECTION 9.** G.S. 163-332(a) reads as rewritten:

4 "(a) General. – In elections there shall be official ballots. The ballots shall be
5 printed to conform to the requirement of ~~G.S. 163-140(e)~~ G.S. 163-165.6(c) and to show
6 the name of each person who has filed notice of candidacy, and the office for which
7 each aspirant is a candidate.

8 Only those who have filed the required notice of candidacy with the proper board of
9 elections, and who have paid the required filing fee or qualified by petition, shall have
10 their names printed on the official primary ballots. Only those candidates properly
11 nominated shall have their names appear on the official general election ballots."

12 **SECTION 10.** Article 25 of Chapter 163 of the General Statutes is amended
13 by adding a new section to read:

14 "**§ 163-327.1. Rules when vacancies for superior court judge are to be voted on.**

15 If a vacancy occurs in a judicial district for any offices of superior court judge, and
16 on account of the occurrence of such vacancy, there is to be an election for one or more
17 terms in that district to fill the vacancy or vacancies, at that same election in accordance
18 with G.S. 163-9 and Article VI, Section 19 of the North Carolina Constitution, the
19 nomination and election shall be determined by the following special rules in addition to
20 any other provisions of law:

21 (1) If the vacancy occurs prior to the opening of the filing period under
22 G.S. 163-323(b), nominations shall be made by primary election as
23 provided by this Article, without designation as to the vacancy.

24 (2) If the vacancy occurs beginning on opening of the filing period under
25 G.S. 163-323(b), and ending on the sixtieth day before the general
26 election, candidate filing shall be as provided by G.S. 163-329 without
27 designation as to the vacancy.

28 (3) The general election ballot shall contain, without designation as to
29 vacancy, spaces for the election to fill the vacancy where nominations
30 were made or candidates filed under subdivision (1) or (2) of this
31 section. The persons receiving the highest numbers of votes equal to
32 the term or terms to be filled shall be elected to the term or terms."

33 **SECTION 11.** This act becomes effective January 1, 2002.