

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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SENATE BILL 1263

Short Title: Election Law Amendments.

(Public)

Sponsors: Senator Nesbitt.

Referred to: Select Committee on Government and Election Reform.

March 26, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE ELECTION LAWS.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** G.S. 163-59 reads as rewritten:

5 "**§ 163-59. Right to participate or vote in party primary.**

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

8 (1) Is a registered voter, and

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

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

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

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

27 **SECTION 2.** G.S. 163-226.3(a)(4) reads as rewritten:

1 (a) Any person who shall, in connection with absentee voting in any election
2 held in this State, do any of the acts or things declared in this section to be unlawful,
3 shall be guilty of a Class I felony. It shall be unlawful:

4 ...

5 (4) For any owner, manager, director, employee, or other person, other
6 than the voter's near relative or verifiable legal guardian, to make a
7 written request pursuant to G.S. 163-230.1 or an application on behalf
8 of a registered voter who is a patient in any hospital, clinic, nursing
9 home or rest home in this State or for any owner, manager, director,
10 employee, or other person other than the voter's near relative or
11 verifiable legal guardian, to mark the voter's absentee ballot or assist
12 such a voter in marking an absentee ~~ballot~~;ballot. This subdivision
13 does not apply to members, employees, or volunteers of the county
14 board of elections, if those members, employees, or volunteers are
15 working as part of a multi-partisan team trained and authorized by the
16 county board of elections to assist voters with absentee ballots. Each
17 county board of elections shall train and authorize such teams,
18 pursuant to procedures which shall be adopted by the State Board of
19 Elections.

20 "

21 **SECTION 3.** G.S. 163-33.1 reads as rewritten:

22 **"§ 163-33.1. Power of chairman to administer oaths.**

23 The chairman of the county board of elections is authorized to administer to election
24 officials specified in ~~G.S. 163-80~~ Articles 4, 5, and 20 of this Chapter the required oath,
25 and may also administer the required oath to witnesses appearing before the county
26 board at a duly called public hearing."

27 **SECTION 4.(a)** G.S. 163-165.1(e) reads as rewritten:

28 "(e) Voted ballots and paper records of individual voted ballots shall be treated as
29 confidential, and no person other than elections officials performing their duties may
30 have access to voted ballots or paper records of individual voted ballots except by court
31 order or order of the appropriate board of elections as part of the resolution of an
32 election protest or investigation of an alleged election irregularity or violation. Voted
33 ballots and paper records of individual voted ballots shall not be disclosed to members
34 of the public in such a way as to disclose how a particular voter voted, unless a court
35 orders otherwise. Any person who has access to an official voted ballot and knowingly
36 discloses in violation of this section how an individual has voted that ballot is guilty of a
37 Class 2 misdemeanor."

38 **SECTION 4.(b)** This section becomes effective December 1, 2007.