

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

H

1

HOUSE BILL 1128

Short Title: Deputy Elections Supervisors.

(Public)

Sponsors: Representatives Weatherly; Balmer, J. Brown, Cole, Colton, Culp, Dickson, Hayes, Holmes, Howard, Justus, and Nichols.

Referred to: Judiciary I.

April 19, 1993

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THAT A DEPUTY SUPERVISOR OF ELECTIONS FOR A
2 COUNTY MAY REGISTER VOTERS IN THAT COUNTY REGARDLESS OF
3 WHETHER THE DEPUTY SUPERVISOR RESIDES IN THAT COUNTY, AND
4 TO CHANGE THE REQUIREMENT OF THE ELECTION LAWS
5 CONCERNING VOTING BOOTHS.
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 163-80(a) reads as rewritten:

9 "(a) Only the following election officials shall be authorized to register

10 voters:

- 11 (1) Any member of a county board of elections who has been duly
12 appointed pursuant to G.S. 163-22(c) and properly installed as required
13 by G.S. 163-30 and 163-31.
- 14 (2) The supervisor of elections of a county board of elections appointed
15 pursuant to the provisions of G.S. 163-35.
- 16 (3) Precinct registrars and judges of election appointed pursuant to the
17 provisions of G.S. 163-41.
- 18 (4) Special registration commissioners appointed pursuant to the authority
19 and limitation contained in G.S. 163-41(b).
- 20 (5) Full-time and salaried deputy supervisors of elections employed by the
21 county board of elections and who work under the direct supervision
22 of the board's supervisor of elections appointed pursuant to the
23 provisions contained in G.S. 163-35. To accept applications to register

1 in a county under this subdivision, a deputy supervisor of elections
2 need not reside in that county.

3 (6) Local public library employees designated by the governing board of
4 such public library to be appointed by the county board of elections as
5 special library registration deputies. Appointment of such deputies is
6 mandatory for libraries covered by G.S. 153A-272; appointment is
7 optional for other libraries. Persons appointed under this subsection
8 shall be given the oath contained in G.S. 163-41(b), and shall be
9 authorized to accept applications to register on those days and during
10 those hours said special deputies are on duty with their respective
11 libraries. If, for good and valid reasons, the local public library director
12 shall request that the county board of elections appoint 'replacement'
13 special library registration deputies before the two-year term ends, the
14 county board of elections shall do so. To serve as a special library
15 registration deputy and accept applications to register in a county
16 under this subdivision, a library employee need not reside in that
17 county.

18 (7) Public high school employees appointed under this subdivision. A
19 local board of education may, but is not required to, designate high
20 school employees to be appointed by the county board of elections as
21 special high school registration commissioners. Only employees who
22 volunteer for this duty, and who are acceptable to the county board of
23 elections, may be designated by boards of education. A special high
24 school registration commissioner may register voters only while on
25 duty as a high school employee and only at times and under
26 arrangements approved by the local school board of education. A
27 person appointed under this subdivision shall take the oath prescribed
28 in G.S. 163-41(b). To serve as a special high school registration
29 commissioner and accept applications to register in a county under this
30 subdivision, a high school employee need not reside in that county."

31 Sec. 2. G.S. 163-145 reads as rewritten:

32 "**§ 163-145. Voting booths; description; provision. stations.**

33 The county board of elections shall furnish each voting place with ~~at least one voting~~
34 ~~booth for each 100 persons qualified to vote in the precinct. Each voting booth shall be~~
35 ~~at least three feet square and six feet high; it shall have three sides and a door or curtain~~
36 ~~in front. The bottom of the door or curtain shall hang two feet above the floor. Each~~
37 ~~voting booth shall be equipped with a table or shelf on which voters may conveniently~~
38 ~~mark their ballots.~~

39 ~~The provisions of this section shall not apply to voting places at which voting machines are~~
40 ~~used. the number and type of voting stations specified by the State Board of Elections in~~
41 ~~rules promulgated pursuant to the provisions of G.S. 163-22.~~"

42 Sec. 3. G.S. 163-33(7) reads as rewritten:

43 "(7) To provide for the purchase, preservation, and maintenance of voting
44 ~~booths, stations,~~ ballot boxes, registration and pollbooks, maps, flags,

1 cards of instruction, and other forms, papers, and equipment used in
2 registration, nominations, and elections; and to cause the voting places
3 to be suitably provided with voting ~~booths~~ stations and other supplies
4 required by law."

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

6 "(a) Appointment of Registrar and Judges. – At the meeting required by G.S. 163-
7 31 to be held on the Tuesday following the third Monday in August of the year in which
8 they are appointed, the county board of elections shall appoint one person to act as
9 registrar 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, of good repute, and able to read and write. Not more than one judge in
15 each precinct shall belong to the same political party as the registrar.

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

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

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

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

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

41 If, at any time other than on the day of a primary or election, a registrar or judge of
42 election shall be removed from office, or shall die or resign, or if for any other cause
43 there be a vacancy in a precinct election office, the chairman of the county board of
44 elections shall appoint another in his place, promptly notifying him of his appointment.

1 If at all possible, the chairman of the county board of elections shall consult with the
2 county chairman of the political party of the vacating official, and if the chairman of the
3 county political party nominates a qualified voter of that precinct to fill the vacancy, the
4 chairman of the county board of elections shall appoint that person. In filling such a
5 vacancy, the chairman shall appoint a person who belongs to the same political party as
6 that to which the vacating member belonged when appointed. If the chairman of the
7 county board of elections did not appoint a person upon recommendation of the
8 chairman of the party to fill such a vacancy, then the term of office of the person
9 appointed to fill the vacancy shall expire upon the conclusion of the next canvass held
10 by the county board of elections under this Chapter, and any successor must be a person
11 nominated by the chairman of the party of the vacating officer.

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

28 As soon as practicable, following their training as prescribed in G.S. 163-80(d), each
29 registrar and judge of elections shall take and subscribe the following oath of office to
30 be administered by an officer authorized to administer oaths and file it with the county
31 board of elections:

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

1 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 registrar by the judges
4 of election under this section, or appointed judge of election by the registrar 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
7 registrar shall administer the oath set out in the preceding paragraph to each assistant,
8 and any judge of elections not previously sworn, substituting for the words 'registrar of
9 the words 'assistant in' or 'judge of elections in' whichever is appropriate."

10 Sec. 5. G.S. 163-72.3(a)(5) reads as rewritten:

11 "(5) After marking the ballots, or using the voting equipment in a ~~booth~~
12 station or separate room provided for voting, the voter shall place the
13 ballots, if any, in the proper ballot box."

14 Sec. 6. G.S. 163-146 reads as rewritten:

15 **"§ 163-146. Voting enclosure at voting place; furnishings; arrangement.**

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

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

- 24 (1) A table or desk on which the registrar shall place and use the precinct
25 registration books and records.
- 26 (2) A table or desk on which the responsible judge shall place and
27 superintend the ballots for distribution and the box for spoiled ballots.
- 28 (3) A table or desk on which the responsible judge shall place and
29 maintain the pollbook.
- 30 (4) The ballot boxes.
- 31 (5) The voting ~~booths~~-stations.

32 All voting ~~booths~~-stations and ballot boxes shall be placed in plain view of the
33 registrar and judges as well as of the qualified voters present at the voting place.

34 The registrar's table shall be placed near the entrance to the voting enclosure.

35 Each voting ~~booth~~-station shall be located and arranged so that it is impossible for a
36 voter in one ~~booth~~-station to see a voter in another ~~booth~~-station in the act of marking his
37 ballots. Each voting ~~booth~~-station shall be kept properly lighted and provided with
38 pencils or pens for marking ballots.

39 In precincts in which voting machines are used, ballot boxes ~~and voting booths~~ shall
40 not be used. Within the voting enclosure at the voting place in such a precinct, each
41 machine shall be placed so that the exterior from all its sides is visible and so that
42 whenever it is not in use by a voter the ballot labels on its face may be plainly seen by
43 the precinct officials and assistants, and by observers appointed under the provisions of
44 G.S. 163-45. Precinct election officials and assistants shall not place themselves, nor

1 shall they permit any other person to place himself, in any position that will permit one
2 to see or ascertain how a voter votes on a voting machine except when the voter obtains
3 assistance as provided in this Chapter.

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

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

7 **"§ 163-150. Voting procedures.**

8 (a) Checking Registration. – A person seeking to vote shall enter the voting
9 enclosure at the voting place through the appropriate entrance and shall at once state his
10 name and place of residence to one of the judges of election. In a primary election, the
11 voter shall also state the political party with which he affiliates and in whose primary he
12 desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of
13 a particular party under G.S. 163-74(a1), the voter shall state the name of the
14 authorizing political party in whose primary he wishes to vote. The judge to whom the
15 voter gives this information shall announce the name and residence of the voter in a
16 distinct tone of voice. After examining the precinct registration records, the registrar
17 shall state whether the person seeking to vote is duly registered.

18 (b) Distribution of Ballots; Information. – If the voter is found to be registered
19 and is not challenged, or, if challenged and the challenge is overruled as provided in
20 G.S. 163-88, the responsible judge of election shall hand him an official ballot of each
21 kind he is entitled to vote. In a primary election the voter shall be furnished ballots of
22 the political party with which he affiliates and no others, except that unaffiliated voters
23 who are permitted to vote in a party primary under G.S. 163-74(a1) shall be furnished
24 ballots for that primary. No such unaffiliated voter shall vote in the primary of more
25 than one party on the same day. It shall be the duty of the registrar and judges holding
26 the primary or election to give any voter any information he desires in regard to the
27 kinds of ballots he is entitled to vote and the names of the candidates on the ballots. In
28 response to questions asked by the voter, the registrar and judges shall communicate to
29 him any information necessary to enable him to mark his ballot as he desires.

30 (c) Act of Voting. – When a person is given official ballots by the judge, he shall
31 be deemed to have begun the act of voting, and he shall not leave the voting enclosure
32 until he has deposited his ballots in the ballot boxes or returned them to the precinct
33 officials. When he leaves the voting enclosure, whether or not he has deposited his
34 ballots in the ballot boxes, he shall not be entitled to enter the voting enclosure again for
35 the purpose of voting. On receiving his ballots, the voter shall immediately retire alone
36 to one of the voting ~~booths~~ stations unless he is entitled to assistance under the
37 provisions of G.S. 163-152, and without undue delay he shall mark his ballots in
38 accordance with the provisions of G.S. 163-151.

39 (d) Spoiled and Damaged Ballots. – If a voter spoils or damages a ballot, he may
40 obtain another upon returning the spoiled or damaged ballot to the registrar. A voter
41 shall not be given a replacement ballot until he has returned the spoiled or damaged
42 ballot, and he shall not be given more than three replacement ballots in all. The registrar
43 shall deposit each spoiled or damaged ballot in the box provided for that purpose.

1 (e) Depositing Ballots and Leaving Enclosure. – When the voter has marked his
 2 ballots he shall leave the voting ~~booth~~-station and deposit them in the appropriate boxes
 3 or hand them to the registrar or a judge who shall deposit them for him. If he does not
 4 mark a ballot he shall return it to one of the precinct officials before leaving the voting
 5 enclosure. If the voter has been challenged and the challenge has been overruled, before
 6 depositing his ballots in the boxes he shall write his name on each of his ballots so they
 7 may be identified in the event his right to vote is again questioned. After depositing his
 8 ballots in the ballot boxes, the voter shall immediately leave the voting enclosure unless
 9 he is one of the persons authorized by law to remain within the enclosure for purposes
 10 other than voting.

11 (f) Maintenance of Pollbook or Other Record of Voting. – At each primary,
 12 general or special election, the precinct registrar shall appoint two precinct assistants
 13 (one from each political party as recommended by the county chairman thereof), one to
 14 be assigned to keep the pollbook or other voting record used in the county as approved
 15 by the State Board of Elections, and the other to keep the registration books under the
 16 supervision of the precinct officials. The names of all persons voting shall be checked
 17 on the registration records and entered on the pollbook or other voting record. In an
 18 election where observers may be appointed under G.S. 163-45 each voter's party
 19 affiliation shall be entered in the proper column of the book or other approved record
 20 opposite his name. The precinct assistant shall make each entry at the time the ballots
 21 are handed to the voter. As soon as the polls are closed, the registrar and judges of
 22 election shall sign the pollbook or other approved record immediately beneath the last
 23 voter's name entered therein. The registrar or the judge appointed to attend the county
 24 canvass shall deliver the pollbook or other approved record to the chairman of the
 25 county board of elections at the time of the county canvass, and the chairman shall
 26 remain responsible for its safekeeping.

27 (g) Occupation of Voting ~~Booth~~-Station. – Subject to the provisions of G.S. 163-
 28 152 and G.S. 163-152.1, no voter shall be allowed to occupy a voting ~~booth~~-station ~~or~~
 29 ~~voting machine~~ already occupied by another voter, provided, however, husbands and
 30 wives may occupy the same voting ~~booth~~-station if both wish to do so. No voter shall be
 31 allowed to occupy a voting ~~booth~~-station ~~or voting machine~~ more than five minutes if all
 32 the ~~booths~~-stations ~~or machines~~ are in use and other voters are waiting to obtain ~~booths~~
 33 stations. ~~or machines~~."

34 Sec. 8. G.S. 163-152 reads as rewritten:

35 "**§ 163-152. Assistance to voters in primaries and general elections.**

36 (a) In Primaries or General Elections. –

37 (1) Who Is Entitled to Assistance: In a primary or general election, a
 38 registered voter qualified to vote in the primary or general election
 39 shall be entitled to assistance in getting to and from the voting ~~booth~~
 40 station and in preparing his ballots in accordance with the following
 41 rules:

42 a. Any voter shall be entitled to assistance from a near relative of
 43 his choice.

- 1 b. Any voter in any of the following four categories shall be
2 entitled to assistance from a person of the voter's choice, other
3 than the voter's employer or agent of that employer or officer or
4 agent of the voter's union:
- 5 1. One who, on account of physical disability, is unable to
6 enter the voting ~~booth~~station without assistance;
 - 7 2. One who, on account of physical disability, is unable to
8 mark his ballots without assistance;
 - 9 3. One who, on account of illiteracy, is unable to mark his
10 ballots without assistance;
 - 11 4. One who, on account of blindness, is unable to enter the
12 voting ~~booth~~station or mark his ballots without
13 assistance.
- 14 (2) Procedure for Obtaining Assistance: A person seeking assistance in a
15 primary or general election shall, upon arriving at the voting place,
16 first request the registrar to permit him to have assistance, stating his
17 reasons. If the registrar determines that the voter is entitled to
18 assistance, he shall ask the voter to point out and identify the person he
19 desires to help him and to whose assistance he is entitled under this
20 section. The registrar shall thereupon request the person indicated to
21 render the requested aid. The registrar, one of the judges, or one of the
22 assistants may provide aid to the voter if so requested, if the election
23 official is not prohibited by sub-subdivision (a)(1)b. of this section.
24 Under no circumstances shall any precinct official be assigned to assist
25 a voter who qualifies for assistance under this section, who was not
26 specified by the voter.
- 27 (b) Repealed by Session Laws 1973, c. 793, s. 63.
- 28 (c) Conduct of Persons Rendering Assistance. – Anyone rendering assistance to a
29 voter in a primary or general election or election under the provisions of this section
30 shall be admitted to the voting ~~booth~~station with the person being assisted and shall be
31 governed by the following rule:
- 32 (1) He shall not in any manner seek to persuade or induce any voter to cast
33 his vote in any particular way.
 - 34 (2) Except when going to or returning from a voting ~~booth~~station with a
35 voter as authorized by this section, he shall remain within the voting
36 place but shall not come within 10 feet of the voting enclosure.
 - 37 (3) Immediately after rendering assistance, he shall vacate the voting ~~booth~~station
38 and withdraw to his place in the voting place outside the voting
39 enclosure.
 - 40 (4) He shall not accompany the voter from the voting ~~booth~~station to the
41 ballot box unless the voter requires and requests assistance on account
42 of physical disability; if assistance is rendered in this way, he shall not
43 converse with the voter prior to the time he deposits his ballots in the
44 ballot boxes.

1 (5) He shall not make or keep any memorandum of anything which occurs
2 within the voting ~~booth~~-station.

3 (6) He shall not, directly or indirectly, reveal to any person how, in any
4 particular, the assisted voter marked his ballots, unless he or they are
5 called upon to testify in a judicial proceeding for a violation of the
6 election laws.

7 (d) Meaning of 'Near Relative'. – As used in this section, the words 'near relative'
8 shall include the voter's husband, wife, brother, sister, parent, child, grandparent, and
9 grandchild, but no other relative.

10 (e) Violation of Section. – It shall be a misdemeanor for any person to give,
11 receive, or permit assistance in the voting ~~booth~~-station during any primary or general
12 election or election to any voter otherwise than as is allowed by this section."

13 Sec. 9. G.S. 163-226.3(3) reads as rewritten:

14 "(3) For a voter who votes an absentee ballot under the procedures
15 authorized by G.S. 163-227.2 to vote his absentee ballot outside of the
16 voting ~~booth~~-station or private room provided to him for that purpose
17 in the office of the county board of elections or to receive assistance in
18 getting to and from the voting ~~booth~~-station or private room and in
19 preparing and marking his ballots from any person other than a
20 member of the county board of elections, the supervisor of elections,
21 an employee of the board of elections authorized by the board, a near
22 relative of the voter as defined in G.S. 163-227(c)(4), or the voter's
23 legal guardian;".

24 Sec. 10. G.S. 163-227.2(e) reads as rewritten:

25 "(e) The voter shall vote his absentee ballot in a voting ~~booth~~-station and the
26 county board of elections shall provide a voting ~~booth~~-station for that purpose, provided
27 however, that the county board of elections may in the alternative provide a private
28 room for the voter adjacent to the office of the board, in which case the voter shall vote
29 his absentee ballot in that room. The voting ~~booth~~-station shall be in the office of the
30 county board of elections. If the voter needs assistance in getting to and from the voting
31 ~~booth~~-station and in preparing and marking his ballots or if he is a blind voter, only a
32 member of the county board of elections, the supervisor of elections, an employee of the
33 board of elections authorized by the board, a near relative of the voter as defined in G.S.
34 163-227(c)(4), or the voter's legal guardian shall be entitled to assist the voter."

35 Sec. 11. G.S. 163-273(5) reads as rewritten:

36 "(5) For any voter to remain longer than the specified time allowed by this
37 Chapter ~~in a voting booth~~, at a voting station, after being notified that
38 his time has expired."

39 Sec. 12. This act is effective upon ratification.