

NORTH CAROLINA GENERAL ASSEMBLY
1969 SESSION

CHAPTER 113
SENATE BILL 154

AN ACT TO AMEND CHAPTER 21 OF THE SESSION LAWS OF 1961 RELATING
TO THE RULES AND REGULATIONS FOR MUNICIPAL ELECTIONS OF THE
CITY OF GASTONIA.

The General Assembly of North Carolina do enact:

Section 1. That Sections 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 17, 18, 19, 20, 22, 24 and 27 of Chapter 21 of the Session Laws of 1961 are each hereby rewritten and amended to read and provide as follows:

Sec. 4. Election Precincts. The city council shall by resolution establish, and fix the boundaries of, election precincts within the City of Gastonia, giving notice thereof by publication in a newspaper having a general circulation in the City of Gastonia at least forty (40) days prior to the first municipal election which follows such establishment of such election precincts. After such election precincts are so established and fixed, the city council shall thereafter from time to time have the power by resolution to alter or discontinue such election precincts or to establish and create such new election precincts within the City of Gastonia, as it deems expedient, giving notice thereof by publication in a newspaper having a general circulation in the City of Gastonia at least forty (40) days prior to any municipal elections. After election precincts are once established by resolution of the city council and notice of the same as so established published as above required, it shall not thereafter be necessary to make any further publication thereof unless a city council thereafter alters, changes or discontinues the same as so established, or makes any additions thereto. Provided, in the event the corporate limits of the City are extended after election precincts are so established and notice of the same as so established published as above required, any of said new area shall comprise and be a part of such Election Precinct or Precincts that such new area is contiguous to and that such Election Precinct or Precincts boundary lines, if extended, would generally embrace by following the center lines of streets, roads, highways, railroad tracks, creeks or branches, or other established, fixed or natural boundaries; and the city council shall cause the Official Election Precinct Map of the City of Gastonia to be so amended showing any such extensions of such Election Precinct or Precincts.

Sec. 5. Appointment Registrars And Judges; Deputy Registrars; Terms; Duties; Qualifications. Not later than the last Tuesday in March before each biennial election of city officers, the city council shall appoint one person to act as registrar and two other persons to act as judges of election for each election precinct of the city,

whose terms of office shall continue for two years from the date of such appointment and until their successors are appointed and qualified or their terms might theretofore be terminated by the city council. It shall be their duty to conduct the election of city officers and any other elections on propositions or other matters within their respective election precincts, and to perform such other duties as might be prescribed by these rules and regulations or directed by the city council. Persons appointed as a registrar or judges of election must be registered voters and residents of the election precinct for which appointed, of good repute, and able to read and write. No person who is otherwise an employee or officer of the city or who is a candidate for election as an officer of the city shall be eligible for appointment as, or to serve as, a registrar or judge of election.

The city council may also appoint such deputy registrars for any of the election precincts of the city as it deems necessary who shall have the same right and duty to register such voters and to handle such applications for transfer of a voter's registration from one election precinct to another to the same extent as does the registrar of the election precinct for which such deputy shall be appointed. Persons appointed as deputy registrars must be registered voters and residents of the election precinct for which appointed, of good repute, able to read and write, must not otherwise be an employee or officer of the city or a candidate for election as an officer of the city, shall be subject to the direction and supervision of the city clerk and of the registrar of the election precinct for which appointed, and shall serve for such term as the city council shall designate or until their term might theretofore be terminated by the city council.

Sec. 6. Oath of Registrars And Judges; Deputy Registrars; or Assistants To Registrars And Judges. Before entering upon the duties of his office, each registrar, judge, deputy registrar, or any person assisting the registrars or judges in the election, shall take the following oath to be administered by the city clerk, or by the registrar to the two judges, or to such of his deputy registrars, or to such persons assisting him, and/or by one of the judges to the registrar or to such person assisting him, such oaths to be reduced to writing and signed by the person taking the same and by the official before whom such oath was sworn to, which shall be kept on file in the office of the city clerk: "I do solemnly swear that I will administer the duties of my office of _____(name of office)_____ of Precinct No. _____ without fear or favor; that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or proposition, and (if other than a deputy registrar) that I will not keep or make any memorandum of anything occurring within the voting booths, except I be called upon to testify in a judicial proceeding for a violation of the election laws of this municipality or state; so help me God.

_____(Signature of Official Taking Oath)____

Sworn to before me,

this _____ day of _____, 19____.

_____(Signature of Official Giving Oath)".____

Sec. 7. Watchers; Appointment; Restrictions. Each candidate named on the ballot, and each side of any proposition or matter set forth on the ballot, in any election shall have the right to appoint one watcher for each polling place in an election precinct

for such election. A person appointed as a watcher must be a then registered and qualified voter of the city and must have good moral character. Before any watcher shall be allowed to attend and be present at any polling place for which appointed, such candidate or the known spokesman or chairman of a side of such a proposition or matter must submit to the registrar of such election precinct a written verification of such watcher's appointment for that election precinct signed by such candidate or by the known leader or chairman of the side of such proposition or matter. The registrar for the precinct may for good cause reject, or eject from the polling place, any appointee and require another be appointed. A watcher shall do no electioneering at the polling place, and he shall in no manner impede the voting process or interfere or communicate with any voter within the polling place or observe any voter in casting his ballot, but, subject to these restrictions, the registrar and judges shall permit him to make sure observations and take such notes as he may desire.

Sec. 8. Assistants To Registrar And Judges; Appointment; Duties; Qualifications. The city clerk may appoint such assistant or assistants for each election precinct as may be authorized for such election by the city council to assist the registrars and judges in the conduct of the election within their respective election precincts. No person shall be appointed or be eligible to serve as such an assistant who does not meet the same qualifications and eligibility requirements that are required for the appointment or service as the registrar or a judge of election of such election precinct.

Sec. 9. Compensation For Registrars; Judges; Deputy Registrars; Assistants To Registrars And Judges; Counters; Expenses of Election. The city council shall fix the compensation to be paid the registrars, judges, deputy registrars, counters, and any assistants to registrars and judges in the election, and the city shall pay such compensation and all other expenses incurred in and incidental to the conduct of any election and the registration of voters.

Sec. 10. Registration System And Books Of Voters; How Kept. The modern looseleaf and visible registration system as now established in the city shall constitute the registration system of qualified voters of the city, and the registration shall be made and kept upon such form or forms as shall be prescribed by the city council and shall contain all information necessary to show qualification of the registered voter, and such other information as the city council may require, and shall be signed and sworn to by the registering voter and witnessed by the registrar, deputy registrar, or city clerk. All original registration certificates shall be kept separately in a looseleaf set of books for each election precinct, the registered voters for each election precinct being kept in the registration books for that election precinct. In addition to each original registration certificate which shall be kept in the registration books for the election precinct for which the registered voter is a resident, two exact typewritten, mimeographed, or printed duplicates or copies shall be made or kept by the city clerk, one of which shall be filed alphabetically in a master card index file of all the registered voters of the city, and the other of which shall be filed alphabetically in a separate card index for the election precinct of which said registered voter is a resident. The registration books for each election precinct shall be the official registration books of the city and for the purpose of city elections.

Sec. 11. When Registration Books Furnished Registrars; New Registration; How Often Ordered. The city clerk shall cause to be furnished and delivered to each registrar on the date on which the registration books are open for challenge and on the date of the election the registration books for his election precinct, showing the registered voters for that precinct. The city council may, in its discretion, order a new registration of voters, provided, that a new registration cannot be ordered any more frequently than every six years, except where the original and the duplicates of said registration may have been mutilated or destroyed. The city clerk shall have custody and be responsible for the safekeeping thereof. In the event any registration books, or any part thereof, are destroyed, mutilated, or lost, then the city clerk may make out a new registration or a new set of registration books from the duplicate master files as hereinbefore provided for, certifying on each registration card, which is duplicated as a result of said mutilation, destruction, or loss, that it is a true copy of the mutilated, destroyed, or lost original.

Sec. 12. Notice Of New Registration. In the event a new registration of voters is ordered by the city council, the city council shall give at least ten (10) days notice thereof prior to the fifth Saturday, preceding the next election following such order, by advertising such order at least once in a newspaper of general circulation in the city, which is qualified under the general statutes of North Carolina to run legal publications.

Sec. 13. Revision of Registration Books. The city council shall have the power to revise the registration books and require them to be purged of illegal or disqualified voters. When an order for revision is made by the city council, it shall be directed to the city clerk to prepare from the registration books a list of names of registered voters, with their names and addresses as they appear on the registration books, who are, in the opinion of the city clerk dead or disqualified by removal from the city as a resident or otherwise, stating on said list the reason for said proposed removal. When such list is prepared, the city clerk shall thereupon cause to be mailed to each of the names on the list at his or her known address, or, if not known, then to such address as shown on the registration books, a notice requiring such person to appear at the city hall before the clerk on or before seven days from the date of said mailing, and show that they are legally entitled to vote in the city municipal elections, or in lieu of a personal appearance, such person may furnish such satisfactory evidence by mail, or otherwise, that he or she is qualified to vote in the city municipal elections. Upon failure of such person to make such personal appearance, or upon failure of such person to offer satisfactory evidence that he or she is qualified and entitled to vote in the municipal elections, their names and cause of removal shall be reported to the city council, who shall thereupon order their names stricken off the registration books. The city clerk shall keep a list of all names stricken off the registration books and causes for removal for a period of at least five years, after which such lists may be destroyed; provided, however, in the event that any person, whose name has been removed from the registration books by order of the city council as having been disqualified to vote in the municipal elections, should appear at his polling place on election day and give satisfactory evidence to the registrar and judges that he has never received any notice by mail or otherwise that his name has been placed on such list of disqualified voters in

that precinct, and can satisfy such precinct officials that he is qualified to vote in that election, then such person's name shall be placed back on the registration book, and he shall be allowed to vote in that precinct as before.

Sec. 17. Full-Time Registration. Except during the period from and after five o'clock (5:00) P.M. on the third Saturday preceding an election to, and including, the date of such election, the registration books and records shall be open continuously for the purpose of registering at all reasonable hours and times any person qualified to register as a voter. Any person qualified to register as a voter may do so at any reasonable hour and time before the city clerk or the registrar, or deputy registrar, of the election precinct in which any such person resides. Upon registration of any such person by such registrar, or deputy registrar, such registrar or deputy registrar shall promptly deliver such voter's registration certificate to the city clerk.

Sec. 18. Registration At Polling Places; When Registration Closed. If a new registration of all voters has been ordered by the city council, between the hours of nine o'clock (9:00) A.M. and five o'clock (5:00) P.M. on the third, fourth, fifth and sixth Saturdays preceding the first election following such order the registrars shall attend the polling places in their election precincts for the registration of any new voters residing in their respective election precincts, otherwise, between the hours of nine o'clock (9:00) A.M. and five o'clock (5:00) P.M. on the third, fourth, and fifth Saturdays preceding an election the registrars shall attend the polling places in their election precincts for the registration of any new voters residing in their respective election precincts. During the period from and after five o'clock (5:00) P.M. on the third Saturday preceding an election to, and including, the date of such election, no registration of any new voter shall be made, nor shall any person otherwise qualified to register have the right to register, except as hereinafter provided.

Sec. 19. Registration Of Persons Becoming Qualified After Registration Closed. Any person who shall give satisfactory evidence to the registrar that he will become qualified by age or residence to register and vote in an election, even though not so qualified by the date on which the registration prior to such election closes, shall be entitled to register for such election while the registration books are open for registration prior to such election; provided, no such person may register earlier than 42 days prior to such election nor later than five o'clock (5:00) P.M. on the third Saturday preceding such election.

Sec. 20. Books Open For Challenge; Date Of. On the first Saturday immediately preceding the election from nine o'clock (9:00) A.M. until three o'clock (3:00) P.M., the registration books for the election precincts shall be kept open at the respective polling places of each election precinct for inspection by the registered voters of the city. During these hours any registered voter of the city shall be allowed to challenge the registration and voting rights of any person appearing on the registration books.

Sec. 22. Vacancies In The Office Of Registrar, Judges, Or Deputy Registrar. If any vacancy, due to death, resignation or any other cause, shall occur on the day of election in any office of a registrar, judge, or deputy registrar, or within 20 days immediately preceding the election, such vacancy shall be filled by appointment of the

city clerk. Vacancies occurring at any other time in any such offices shall be filled by the city council.

Sec. 24. Transfer Of Registration; Time For. If a voter has duly registered in an election precinct and since said registration has moved his residence to another election precinct of the city, such applicant shall, before being allowed to vote, fill out and sign a printed transfer certificate requesting that his registration be transferred from the election precinct of his former residence to the election precinct of his new residence, and thereupon said registration shall be so transferred by the city clerk; provided, however, during the period from and after five o'clock (5:00) P.M. on the third Saturday preceding any election day to, and including, the date of such election, no application for nor transfer of a registration shall be made. Except during any such periods, said application may be made at any reasonable hour or time to the city clerk or to the registrar of the election precinct in which then registered or to the registrar of the election precinct in which then a resident, and upon such application to either of said registrars, such registrar shall immediately turn over such application for transfer of registration to the city clerk, who shall in turn transfer such voter's registration to the registration books of the election precinct in which the voter is then residing. The transfer certificate shall be substantially the following form:

"Date: _____, 19____

I, _____(Print Name Plainly)_____, hereby certify that I have moved my residence from Election Precinct No. _____ in which I am now a registered voter to _____(Present Address)_____ in Election Precinct No. _____ and request that my registration be transferred to said election precinct of my new residence.

_____(Signature of Registered Voter)____

Witness:

_____(Registrar or Deputy Registrar of Election Precinct No. __, or City Clerk)"

Sec. 27. Ballots Counted; Counters; Appointment; Oath. When the election shall be finished, the registrar and judges of the election shall immediately thereafter open the boxes and count the ballots cast at their polling place, reading aloud the names of the persons who shall appear on each ballot; and the counting of votes shall be continued without adjournment until completed and the result thereof declared. When completed, the result shall be reduced to writing and certified to over the signatures of the registrar and the judges of the election for that election precinct. If any ballot shall contain the names of more persons marked than the voter has the right to vote for, or shall be defaced, have a device or ornament thereon, or be mutilated, in either of these cases such ballots shall not be numbered in the counting.

The registrar of each election precinct shall have the right to appoint as counters such then qualified and registered voters of the city, not to exceed eight in number or such higher number as might be authorized by the city clerk, to aid them in counting the ballots cast at their polling place. The persons so appointed as a counter must also be of good repute, able to read and write, shall be subject to the supervision of such registrar, and where feasible shall be representative of the different favor to different candidates on the ballot running against each other for the same office or to the

different sides to any proposition or matter on the ballot. Before any counter shall enter upon his duty as a counter of votes such person shall take the following oath to be administered by the registrar or one of the judges of the precinct for which appointed, such oath to be reduced to writing and signed by the person taking the same and by the official before whom sworn to, and filed with the city clerk:

"I do solemnly swear that I will well and truly administer the duties as a counter of the ballots cast at the polling place of Election Precinct No. _____ without fear or favor; and that I will truly and correctly to my best ability count and properly tally any and all votes as the same shall appear upon any of the ballots which I shall be given the responsibility of counting and tallying, except for such ballots or votes as the registrar and judges of such precinct shall rule defective and not to be counted; so help me God.

_____(Signature of Counter)_____

Sworn and subscribed to before

me, this _____ day of _____, 19____.

_____(Signature of Official Giving Oath)."

Sec. 2. All laws and clauses of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 3. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 25th day of March, 1969.