

NORTH CAROLINA GENERAL ASSEMBLY
1977 SESSION

CHAPTER 130
HOUSE BILL 48

AN ACT TO AMEND G.S. 163-74 RELATING TO PARTY AFFILIATION AND CHANGE
OF PARTY AFFILIATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-74 is amended by rewriting to read as follows:

"§ 163-74. Record of political party affiliation or unaffiliated status; changing recorded affiliation; correcting erroneous record. — (a) Every person who registers to vote shall, at the time application is made, (1) state his desired political party affiliation or (2) state that he wishes to be recorded as an 'unaffiliated' voter. The person before whom the voter is registering shall record the affiliation requested by the voter. Such recorded party affiliation, or unaffiliated designation, shall thereafter be permanent unless, or until, the registrant changes it under the provisions of subsection (b) of this section.

If the applicant (registrant) refuses to declare his party affiliation upon request, or if the applicant refuses further to state that he desires to be recorded as unaffiliated, then the registrar or other officer shall inform the applicant that although he may register, his record shall be designated 'unaffiliated' and he shall not be eligible to vote in any political party primary but may vote in any general election.

(b) Change of party affiliation or unaffiliated status: No registered elector shall be permitted to change the record of his party affiliation or unaffiliated status for a primary, second primary or special or general election after the close of the registration books immediately prior to any such election. Any registrant who desires to have the record of his party affiliation or unaffiliated status changed on the registration book shall, not less than 21 days (not including Saturdays and Sundays) before the election go to the chairman or the executive secretary of the county board of elections or to other registration officials specified in G.S. 163-80 and request that the change be made. Before being permitted to have the change made, the chairman, executive secretary or other registration official shall require the registrant to take the following oath, and it shall be the duty of the elections officer to administer it:

- (1) If the voter desires to change from one political party to another, or from unaffiliated to a political party:

I, _____, do solemnly swear (or affirm) that I desire in good faith to change my party affiliation from the Party (or from unaffiliated status) to the Party, and that such change of affiliation be made on the registration records in the manner provided by law, so help me, God.

- (2) If the voter desires to change his affiliation with any political party to unaffiliated status:

I, _____, do solemnly swear (or affirm) that I desire in good faith to change my party affiliation with the Party to unaffiliated, and that such change of affiliation be made on the registration records in the manner provided by law, so help me, God.

Upon receipt of the required oath, the county board of elections shall immediately change the record of the registrant's party affiliation, or unaffiliated status, to conform to that stated in

the oath. Thereafter the voter shall be considered registered and qualified to vote in accordance with the effected change.

(c) Correction of erroneous record of party affiliation: If at any time the chairman or executive secretary of the county board of elections shall be satisfied that an error has been made in designating the party affiliation of any voter on the registration records, then the chairman or executive secretary of the county board of elections shall make the necessary correction after first administering to the voter the following oath:

I, _____, do solemnly swear (or affirm) that I desire in good faith to have the erroneous entry of my affiliation with the Party, or my unaffiliated status on the registration records corrected in the manner provided by law to show that I affiliate with the Party (or that I elect to be recorded as an unaffiliated voter), so help me, God."

Sec. 2. All persons who are recorded on the registration books as "Independent" or "No Party" designees, as of the date of ratification of this act, shall be presumed to be recorded as "unaffiliated" unless and until such persons request, in the manner provided by law, that their registration record be changed. The State Board of Elections shall issue appropriate directives to each county board of elections to effect compliance with this section.

Sec. 3. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 4th day of April, 1977.