

NORTH CAROLINA GENERAL ASSEMBLY
1981 SESSION

CHAPTER 542
HOUSE BILL 881

AN ACT TO SPECIFY THE PROCEDURE FOR APPEALING DENIAL OF
REGISTRATION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-75 as the same appears in Volume 3D of the General Statutes is rewritten to read:

"§ 163-75. Appeal from denial of registration. — Any person who is denied registration for any reason shall be notified in writing by the county board of elections by certified mail or by notice served by the Sheriff. The registration officer specified in G.S. 163-80 before whom the applicant appeared shall submit the name and address of any voter denied registration to the chairman or supervisor of the county board of elections in order that the chairman shall be able to notify the applicant promptly of his denial. Any person who receives a notice of denial of registration may appeal the denial to the county board of elections within five days following receipt of the notice required herein. The county board of elections shall promptly set a date for a public hearing. The notice of appeal shall be in writing and signed by the appealing party and shall set forth the name, age and address of the appealing party; it shall also state the reasons for the appeal."

Sec. 2. G.S. 163-76 as the same appears in Volume 3D of the General Statutes is rewritten to read:

"§ 163-76. Hearing on appeal before county board of elections. — The county board of elections shall set a date and time for a public hearing and shall notify the appealing party. Every person appealing to the county board of elections from denial of registration shall be entitled to a prompt and fair hearing on the question of the denied applicant's right and qualifications to register as a voter. All cases on appeal to a county board of elections shall be heard *de novo*.

Two members of the county board of elections shall constitute a quorum for the purpose of hearing appeals on questions of registration. The decision of a majority of the members of the board shall be the decision of the board. The board shall be authorized to subpoena witnesses and to compel their attendance and testimony under oath, and it is further authorized to subpoena papers and documents relevant to any matters pending before the board.

If at the hearing the board shall find that the person appealing from a denial of registration meets all requirements of law for registration as a voter in the county, the board shall enter an order directing that the appellant be registered and assign the appellant to the appropriate precinct. Not later than five days after an appeal is heard before the county board of elections, the board shall give written notice of its decision to the appealing party."

Sec. 3. This act shall become effective July 1, 1981.

In the General Assembly read three times and ratified, this the 10th day of June, 1981.