

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 1099
HOUSE BILL 1796

AN ACT TO PUT NORTH CAROLINA IN COMPLIANCE WITH A FEDERAL COURT DECISION CONCERNING STRAIGHT TICKET VOTING.

The General Assembly of North Carolina enacts:

Section 1. Notwithstanding any other provision of law, the State Board of Elections is authorized and directed to promulgate all needful rules to bring the State into compliance with the federal court order in civil action A-C-82-357 Western District of North Carolina, Asheville Division and may modify ballot formats, ballot instructions, and counting and tabulating procedures for such purpose. Such rules shall also apply to paper ballots.

Sec. 1.1. When a person voting in a general election marks the party circle of one party and either:

- (1) marks the voting square of an individual candidate of another party; or
- (2) writes in the name of a person under the name of a candidate of any other party; then the ballot shall be counted as a vote for every candidate of the party whose circle has been marked except candidates of that party for an office where:
 - (1) an individual candidate of another party has been marked; or
 - (2) a name of a person has been written in under the name of a candidate of any other party; and in such cases, no vote of that voter for that office shall be counted.

Sec. 1.2. Notwithstanding any other provision of law, the State Board of Elections is authorized and directed to promulgate all needful rules to comply with Section 1.1 of this act, including modifying ballot formats, ballot instructions, and counting and tabulating procedures for such purpose.

Sec. 2. Rules made under Section 1 of this act shall only apply to elections held before March 1, 1985. Sections 1.1 and 1.2 of this act shall become effective March 1, 1985, and apply to elections held on or after that date.

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 6th day of July, 1984.