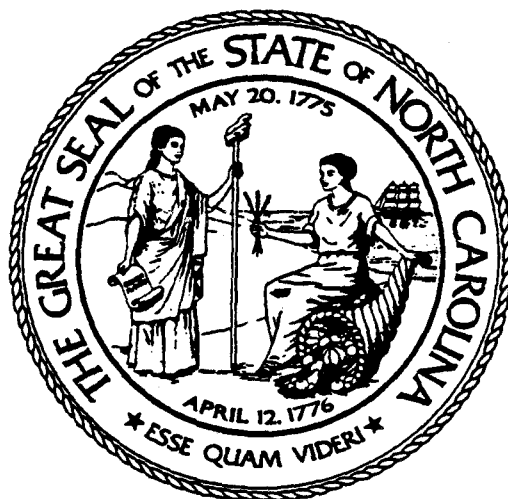


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LEGISLATIVE RESEARCH COMMISSION

ELECTION LAWS REVIEW



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REPORT TO THE
1993 GENERAL ASSEMBLY
OF NORTH CAROLINA

1994 REGULAR SESSION

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STATE OF NORTH CAROLINA
LEGISLATIVE RESEARCH COMMISSION
STATE LEGISLATIVE BUILDING
RALEIGH 27611



May 23, 1994

TO THE MEMBERS OF THE 1993 GENERAL ASSEMBLY (REGULAR SESSION 1994):

The Legislative Research Commission herewith submits to you for your consideration its interim report on ELECTION LAWS REVIEW. The report was prepared by the Legislative Research Commission's Committee on ELECTION LAWS REVIEW pursuant to G.S. 120-30.17(1).

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Daniel T. Blue, Jr.", written over a horizontal line.

Daniel T. Blue, Jr.
Speaker of the House

A handwritten signature in cursive script, appearing to read "Marc Basnight", written over a horizontal line.

Marc Basnight
President Pro Tempore

Cochair
Legislative Research Commission



1993-1994

LEGISLATIVE RESEARCH COMMISSION

MEMBERSHIP

President Pro Tempore of
the Senate
Marc Basnight, Cochair

Senator Austin Allran
Senator Frank W. Ballance, Jr.
Senator R. L. Martin
Senator J. K. Sherron, Jr.
Senator Lura S. Tally

Speaker of the House of
Representatives
Daniel T. Blue, Jr., Cochair

Rep. Harold J. Brubaker
Rep. Marie W. Colton
Rep. W. Pete Cunningham
Rep. Bertha M. Holt
Rep. Vernon G. James



PREFACE

The Legislative Research Commission, established by Article 6B of Chapter 120 of the General Statutes, is the general purpose study group in the Legislative Branch of State Government. The Commission is cochaired by the Speaker of the House and the President Pro Tempore of the Senate and has five additional members appointed from each house of the General Assembly. Among the Commission's duties is that of making or causing to be made, upon the direction of the General Assembly, "such studies of and investigations into governmental agencies and institutions and matters of public policy as will aid the General Assembly in performing its duties in the most efficient and effective manner" (G.S. 120-30.17(1)).

The Legislative Research Commission, prompted by actions during the 1993 Session, has undertaken studies of numerous subjects. These studies were grouped into broad categories and each member of the Commission was given responsibility for one category of study. The Cochairs of the Legislative Research Commission, under the authority of G.S. 120-30.10(b) and (c), appointed committees consisting of members of the General Assembly and the public to conduct the studies. Cochairs, one from each house of the General Assembly, were designated for each committee.

The study of ELECTION LAWS REVIEW would have been authorized by Part II, Section 2.1(31) and (62), and Part VII of House Bill 1319 (2nd edition), which passed both chambers but inadvertently was among the bills not ratified at the end of the 1993 Session. Part II of House Bill 1319 would allow studies authorized by that Part for the Legislative Research Commission to consider House Bill 778 and House Joint Resolution 1397 in determining the nature, scope and aspects of the study. The relevant portions of House Bills 1319 and 778 and House Joint Resolution 1397. The Legislative Research Commission authorized this study under authority of G.S. 120-

30.17(1) and grouped this study in its Cultural Resources and Election Law Grouping under the direction of Representative Marie W. Colton. The Committee was chaired by Senator J. Clark Plexico and Representative Paul Luebke. The full membership of the Committee is listed in Appendix B of this report. A committee notebook containing the committee minutes and all information presented to the committee is filed in the Legislative Library.

COMMITTEE PROCEEDINGS

First Meeting -- January 27, 1994

The Election Laws Review Study Committee held its first meeting on January 27, 1994 in the Legislative Office Building in Raleigh. The Co-Chairs, Representative Luebke and Senator Plexico, announced that the Committee would be divided into three Subcommittees, as follows:

- * Alternative Election Systems. Co-Chaired by Representative Church and Senator Leslie Winner. The other members were Ms. Craver, Representative Gist, Ms. Gullede, and Mr. Hodges. The Staff Counsel was Mr. Cohen.
- * Campaign Finance and Regulations. Co-Chaired by Representative Luebke and Senator Plexico. The other members were Representative Grady, Senator Gunter, Mr. Hall, Representative Lemmond, and Ms. Watts. The Staff Counsel was Mr. Joyce.
- * Voter Registration. Co-Chaired by Senator Ballance and Representative Michaux. The other members were Senator Gulley, Representative Justus, Mr. Leake, Representative Mosley, and Senator Smith. The Staff Counsel was Mr. Gilkeson.

Because the Extra Session on crime was imminent and its length was unknown, it was decided that the first meeting should be a plenary session devoted to explanations of the basic issues and presentations of the basic proposals for all Committee members to hear. Contrary to earlier plans, the Subcommittees did not meet January 27.

Mr. Gilkeson spoke about the idea of rewriting the election laws generally for the first time since the 1960s, and about the immediate need to change the State's voter-registration laws to comply with the National Voter Registration Act (NVRA) by January 1, 1995. He outlined what the NVRA will require the State to do, and areas where the NVRA leaves the State with choices of how to design its own voter registration program.

Mr. Joyce gave a primer on the North Carolina campaign finance laws, focusing on the questions of: Who may give? Who may receive? Who must report? and What must be reported? He also recounted recent proposals about how the law might be changed within those four categories.

Mr. Cohen gave a presentation about alternatives to the "winner-take-all" voting method most Americans are accustomed to: He discussed proportional representation, cumulative voting, limited voting. One way to experiment with them in North Carolina, he said, would be to add them to the list of optional forms that State law allows local governments to adopt on their own without coming to the General Assembly for approval.

With those explanations completed, the Co-Chairs recognized the following advocates:

- * Mr. Gary O. Bartlett, the new Executive Secretary-Director of the State Board of Elections, who spoke of his need for modernization (including computerization) and additional funding.

- * Mr. Peter MacDowell, Director of the Democratic Reform Project of the Institute for Southern Studies, who presented the findings of a study done by his organization about political financing. The conclusion, he said, was that political contributions come from a small concentration of families and business groups. He said those groups are attempting to purchase special access to government for their interests.
- * Ms. Shelley Day, Executive Director of the League of Women Voters, speaking for the North Carolina Alliance for Democracy. The Alliance, she said, comprises 17 groups that came together to work out a proposal to reform the regulation of campaign finance. The member groups include the North Carolina chapters of Common Cause, the AFL-CIO, the League of Women Voters, the National Organization for Women, and the Council of Churches, well as several statewide and local groups concerned with the environment and other issues. Although the Alliance for Democracy had not worked out its final proposal, she said, there was broad support for:
 - Expanding the information required to be reported on contributors (their occupation, employer, employer's address), moving the filing of reports closer to the election, and modernizing the Campaign Reporting Office so that it can produce more analysis of the data reported.
 - Strengthening the enforcement of campaign-finance regulations by increasing the late fees for delinquent reports, by raising the penalty for fraud from a misdemeanor to a felony, and by shifting the duty for prosecuting campaign violations from the local District Attorneys to the State Attorney General.
- * Mr. Lee Mortimer, State Coordinator of the Center for Voting and Democracy, who advocated the use of some of the alternative voting systems that had been explained by Mr. Cohen. Mr. Mortimer particularly focused on preference voting, whereby the voter indicates choices in a multi-seat race by ranking the candidates in order preference.

A next meeting of the Committee was tentatively set for April 7, with the understanding that the Subcommittees could meet on their own beforehand if the Extra Session permitted.

Second Meeting -- April 7, 1994

The Extra Session lasted from February 7 through March 26, leaving little time for Subcommittee activity during those months. Adjournment did arrive in time, however, for the full Committee to meet as planned on April 7 in the Legislative Office Building.

At that meeting, the Committee began by observing a moment of silence for Representative Gist, a Committee member, and for Senator John Codington, another legislator. Both had died during the Extra Session. (The Speaker appointed Rep. Braswell to replace Rep. Gist.)

The Committee then divided into Subcommittee meetings.

The Subcommittee on Alternative Election Systems heard from Mr. John McArthur, a Deputy State Attorney General, on the use of limited voting and cumulative voting in local governments. The Subcommittee members discussed the possibility of adding limited voting and cumulative voting to the list of choices available to local

governments in Chapters 153A (counties) and 160A (cities) in the General Statutes. The Subcommittee also discussed other changes to those two statutes to make them parallel. It was decided not to plan to make any recommendations to the 1994 Short Session.

The Subcommittee on Campaign Finance and Regulations decided that for the Short Session it should focus on disclosure issues and save decisions about contribution limitations for the fall. The Subcommittee heard a presentation from Mr. Joyce about what disclosure other jurisdictions require from contributors, what other jurisdictions' reporting schedules look like, and how other jurisdictions have set up the enforcement of campaign laws. It was decided that the Short Session should be asked to do two things:

1. Require the reporting of contributors' occupations, their employers, and their employers' addresses if the contributor gave \$200 or more.
2. Require a post-primary report of both winners and losers of primaries, and make it due 60 days before the general election. Currently, only losers are required to make post-primary reports: for primary winners, no report is due between the 10th day before the primary and the 10th day before the general election.

The Subcommittee on Voter Registration looked at and discussed a draft of a bill that would rewrite the entire Voter Registration laws (Article 7 of Chapter 163 of the General Statutes) to comply with the NVRA. The discussion focused on certain basic choices, including:

- * Should the old system of in-person registration be abolished in favor of relying on the do-it-yourself approach embodied in the mail-in form?
- * When should books be closed before an election? Should there be one deadline for all forms of registration?
- * Should applicants be asked for race and gender?
- * Should unemployment offices be required to provide voter registration services?

No votes were taken in the Subcommittee.

The full Committee reconvened after the Subcommittee meetings and heard reports from the Subcommittee Chairs. It was decided that the Voter Registration Subcommittee would need to meet before the next full Committee meeting to complete its recommendation, since the January 1 deadline for NVRA compliance gave the Committee no choice but to recommend voter-registration changes to the Short Session. Much of the remainder of the full Committee meeting was taken up with discussions of the Subcommittee recommendations on Campaign Finance. It was debated whether two thresholds should be set for disclosures of contributions--name and address at \$100 and occupation/employer/employer's address at \$200--or whether one threshold amount should be chosen for both kinds of disclosure.

The next meeting of the Committee was scheduled for April 28, with a goal of completing a report for the Short Session by the May 13 deadline for submission to the Co-Chairs of the LRC.

Third Meeting -- April 28, 1994

The Committee held its third meeting on April 28 in the Legislative Office Building. The Committee approved recommending the Legislative Proposals contained in Appendices D through H of this report to the 1993 General Assembly for enactment at its 1994 Short Session.

LEGISLATIVE PROPOSAL I. at Appendix D. was the recommendation of the Subcommittee on Voter Registration, with a minor change made by the full Committee. Representative Michaux, who had presided over a meeting of the Voter Registration Subcommittee on April 27, presented its report to the full Committee on April 28.

It should be noted that in its Campaign Finance recommendations, the Committee on April 28 voted to recommend several items (i.e., Legislative Proposals IV and V) that had not been identified in the April 7 meeting as being on the track for recommendation to the Short Session.

FINDINGS AND RECOMMENDATIONS

Part I -- Voter Registration.

- FINDING I-A:** Outdated Statutory Language. Chapter 163 of the General Statutes has not had a general rewrite since the 1960s, when many counties still conducted a new registration for every election. The changes that have been made to the law since that time have been major, but they have been drafted piecemeal and have left the statute as a whole confusing and sometimes ambiguous.
- FINDING I-B:** National Voter Registration Act. The National Voter Registration Act of 1993 (NVRA) requires North Carolina by January 1, 1995, to:
- * Allow people to apply to register to vote on self-executing forms that may be mailed in or hand-carried in by the applicant or a third party.
 - * Provide for voter registration at agencies where citizens apply for drivers' license and public-assistance and at another type of agency of the State's choosing.
 - * Conduct a uniform program to keep the voter-registration lists updated as cleared of ineligible persons.
- The NVRA requires that all the above be done according to certain precise specifications.
- FINDING I-C:** New Registration System. The NVRA's mandates provide the outlines of a complete voter-registration system. That system, because of its convenience for the applicant, will inevitably replace North Carolina's old system of registration before a voter registration official who examines the applicant and administers an oath. Moreover, election administrators do not seem to want to retain and administer the old system in addition to the federally mandated new one.
- FINDING I-D:** Voter Registration Rewrite. Findings I-A, I-B, and I-C, taken together, provide ample reason to undertake a complete rewrite of Article 7, the Voter Registration Article of Chapter 163, and of related portions of the General Statutes.
- FINDING I-E:** Statewide Computerized Voter Registration. While it is not mandated by the NVRA, a statewide computerized voter registration would greatly facilitate the administration of the new mandated system and assist in combatting mistake and fraud.

RECOMMENDATION I: The Election Laws Review Committee recommends that the 1993 General Assembly in its 1994 Short Session enact a complete rewrite of Article 7 of the Chapter 163 and related parts of the General Statutes so as to adopt the NVRA requirements as the core of a systematic and logical system of voter registration. The Committee recommends that the new Article 7A contain a provision for the State Board of Election to establish a statewide computerized voter registration system. (See LEGISLATIVE PROPOSAL I at Appendix D.)

Part II -- Campaign Finance Regulation.

- FINDING II-A: Primary winners and losers.** As the law now stands (G.S. 163-278.9), a losing candidate in a primary is required to file a postprimary report with the State Board of Elections within 30 days after the primary, but a winning candidate in the primary need not file a report until the preelection report, which is not required until the tenth day before the general election. Candidates and the public are confused by this difference in treatment between winners and losers following a primary. Also, the public has as much interest--and perhaps greater interest--in learning after the primary about the winner's contributions and expenditures related to the primary as it does in learning about loser's. The public would benefit by adding a requirement that winners file postprimary reports.
- FINDING II-B: Reporting contributors' occupations and businesses.** A voting public that is fully informed about the sources of a candidate's financial support is best able to judge whether that candidate as an office holder might be unduly influenced by the wishes of a particular set of contributors. The campaign finance laws are designed, in part, to help voters make that sort of judgment. When the information that is reported concerning individual contributors includes only name, address, and amount of the contribution, however, it is very difficult for the public to determine whether a particular portion of these individual contributors may in fact constitute a set with a common interest that may collectively influence the candidate. In some instances, for example, a large number of individual contributors may band together to make contributions that are each under the maximum allowable limit but which, when "bundled" together, constitute an influentially large contribution. Requiring that candidates report not only the name and address of contributors but also their occupations, employer's name, and business address would make it more likely that the public would be able to identify circumstances in which sets of individual contributions are linked by some common interest to which the candidate may feel beholden.
- FINDING II-C: Reporting All Contributions Made by PACs.** As G.S. 163-278.8(d) is now interpreted by the State Board of Elections, the provision that candidates need not report the names of contributors of \$100.00 or less applies to individual contributors and to political committees that make contributions. The exemption for small contributions by individuals is quite reasonable because of the large number of very small contributions which a candidate may receive from individuals, frequently in the form of cash. But the same rationale does not apply to contributions by committee. The statute should be revised to clarify that all contributions by committees must be reported in the name of the committee.
- FINDING II-D: Longer Prosecution Period for Campaign Law Violations.** Criminal violations of the campaign finance laws can go unpunished because of the short statute of limitations that applies. As the law now stands (G.S. 163-278.29), violations are misdemeanors with the standard

misdemeanor two-year limitations period. If it is discovered that a candidate made fraudulent reports more than two years ago, no criminal prosecution is possible. The statute should be revised to extend the limitations period.

RECOMMENDATIONS UNDER PART II

The Committee recommends that the 1993 General Assembly, in its 1994 Short Session, enact the following:

- * Postprimary Reporting for Winners and Losers. Both winners and losers of primaries would be required to file a postprimary report 60 days before the general election. This would be a new report for primary winners, adding to the information available to the public. It would be the same report now required of primary losers, only at 60 days before the general election instead of the current 30 days after the primary. As an example, if such a requirement were in effect now, the 1994 post primary report would be due by September 9. (See LEGISLATIVE PROPOSAL II, Appendix E.)
- * New Reporting Requirement for Contributors. Treasurers filing campaign reports would be required to report not only a contributor's name and address, as now required, but also the contributor's occupation, employer's name, and business address. In addition, this proposal would adopt a ban on commercial use of these reports similar to that of the Federal Campaign Reporting law. (See LEGISLATIVE PROPOSAL III, Appendix F.)
- * Reporting All PAC Contributions by Name. The statute would be amended to make clear that all contributions by political committees must be reported in the name of the committee and that the exemption for not reporting the name of the contributor where the contribution is \$100.00 or less applies only to individuals as contributors. (See LEGISLATIVE PROPOSAL IV, Appendix G.)
- * Longer Limitations Period for Criminal Violations. The period after which no prosecution for a criminal misdemeanor violation of the campaign finance laws can be brought would be lengthened from two years to five years. (See LEGISLATIVE PROPOSAL V, Appendix H.)



APPENDIX A

HOUSE BILL 1319, 2ND EDITION

AN ACT TO AUTHORIZE STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, TO CREATE AND CONTINUE VARIOUS COMMITTEES AND COMMISSIONS, AND TO DIRECT VARIOUS STATE AGENCIES TO STUDY SPECIFIED ISSUES.

The General Assembly of North Carolina enacts:

PART I.-----TITLE

Section 1. This act shall be known as "The Studies Act of 1993".

PART II.-----LEGISLATIVE RESEARCH COMMISSION

Sec. 2.1. The Legislative Research Commission may study the topics listed below. Listed with each topic is the 1993 bill or resolution that originally proposed the issue or study and the name of the sponsor. The Commission may consider the original bill or resolution in determining the nature, scope, and aspects of the study. The topics are:

...

(31) Voter Registration (H.B. 778 - Michaux),

...

(62) Alternate Election Systems (H.J.R. 1397 - Luebke),

...

(73) Constitutional Review (S.B. 21 - Lee),

...

Sec. 2.2. Committee Membership. For each Legislative Research Commission Committee created during the 1993-94 biennium, the cochairs of the Commission shall appoint the Committee membership.

Sec. 2.3. Reporting Dates. For each of the topics the Legislative Research Commission decides to study under this act or pursuant to G.S. 120-30.17(1), the Commission may report its findings, together with any recommended legislation, to the 1994 Regular Session of the 1993 General Assembly or the 1995 General Assembly, or both.

Sec. 2.4. Bills and Resolution References. The listing of the original bill or resolution in this Part is for reference purposes only and shall not be deemed to have

incorporated by reference any of the substantive provisions contained in the original bill or resolution.

Sec. 2.5. Funding. From the funds available to the General Assembly, the Legislative Services Commission may allocate additional monies to fund the work of the Legislative Research Commission.

PART III.-----MENTAL HEALTH STUDY COMMISSION

...

PART IV.-----JOINT LEGISLATIVE COMMISSION ON SEAFOOD AND
AQUACULTURE TO STUDY SHELLFISH LEASING PROGRAM

...

PART V.-----ENVIRONMENTAL REVIEW COMMISSION TO STUDY
ENVIRONMENTAL JUSTICE

...

PART VI.-----PUBLIC HEALTH STUDY COMMISSION

...

PART VII.-----ELECTION LAWS REVIEW COMMISSION

(S.B. 21 - Lee. Basnight)

Sec. 7.1. (a) There is created an Election Laws Review Commission to be composed of 18 members appointed as follows:

- (1) The President Pro Tempore of the Senate shall appoint six members;
- (2) The Speaker of the House of Representatives shall appoint six members; and
- (3) The Governor shall appoint six members.

As used in this Part and unless otherwise clearly indicated, "Commission" shall refer to the Election Laws Review Commission.

(b) The President Pro Tempore of the Senate and the Speaker of the House of Representatives shall each designate a cochair of the Commission from their appointees. Either cochair may call the first meeting of the Commission.

(c) Members shall serve until the termination of the Commission or, in case of a State legislator member, until the member either does not file for reelection to the General Assembly or is not reelected, whichever occurs first. Vacancies shall be filled in the same manner as the original appointments were made.

Sec. 7.2. (a) The Election Laws Review Commission shall study thoroughly:

- (1) The election laws, policies, and procedures of the State, specifically to include those relating to campaign finance regulation, the appropriateness of their sanctions, and the appropriate handling and disposition of campaign contributions;
 - (2) The administration of those laws, policies, and procedures at the State and local levels and the responsibilities of those administering these laws; and
 - (3) Federal and State case rulings impinging on these laws, policies, and practices.
- (b) The Commission shall recommend changes to the law that will:
- (1) Clarify the present law by removing inconsistencies and outdated provisions, including those of dubious constitutionality;
 - (2) Incorporate in the law any desirable uncodified procedures, practices, and rulings of a general nature that have been implemented by the State Board of Elections and its Executive Secretary-Director;
 - (3) Conform the law to State and federal case law and to any requirements of federal statutory law and regulation;
 - (4) Ensure the efficient and effective administration of elections in this State;
 - (5) Continue the impartial, professional administration of elections, which the citizens of the State expect and demand; and
 - (6) Recodify the election laws, as necessary, to produce a comprehensive current statement of law and practice of elections in North Carolina.

Sec. 7.3. With the prior approval of the Legislative Services Commission, the Legislative Administrative Officer shall assign professional and clerical staff to assist in the work of the Election Laws Review Commission. Clerical staff shall be furnished to the Commission through the Offices of the House of Representatives and Senate Supervisors of Clerks. The expenses of employment of the clerical staff shall be borne by the Commission. With the prior approval of the Legislative Services Commission, the Election Laws Review Commission may hold its meetings in the State Legislative Building or the Legislative Office Building.

Sec. 7.4. The Commission may submit an interim report of its findings and recommendations and the status of its work on or before the first day of the 1994 Regular Session of the 1993 General Assembly. The Commission shall submit a final written report of its findings and recommendations on or before the convening of the 1995 Session of the General Assembly. All reports shall be filed with the President Pro Tempore of the Senate and the Speaker of the House of Representatives, the Principal Clerks of the Senate and the House of Representatives, and the Legislative Librarian. Upon filing its final report, the Commission shall terminate.

Sec. 7.5. Members of the Commission shall be paid per diem, subsistence, and travel allowances as follows:

- (1) Commission members who are also members of the General Assembly, at the rate established in G.S. 120-3.1;

- (2) Commission members who are officials or employees of the State or local government agencies, at the rate established in G.S. 138-6;
- (3) All other Commission members, at the rate established in G.S. 138-5.

Sec. 7.6. The State Board of Elections and its Executive Secretary-Director, local boards of election, and all other State departments and agencies, and local governments and their subdivisions shall cooperate with the Commission and, upon request, shall furnish to the Commission and its staff any information in their possession or available to them.

PART VIII.-----JOINT LEGISLATIVE UTILITY REVIEW COMMITTEE TO STUDY RECENT RULINGS BY UTILITIES COMMISSION ON THE REGULATORY TREATMENT OF THE GAIN ON SALE OF WATER AND SEWER FACILITIES AND TO STUDY MUNICIPAL ELECTRIC UTILITY SYSTEMS

...

PART IX.-----JOINT LEGISLATIVE EDUCATION OVERSIGHT COMMITTEE TO STUDY THE ISSUE OF EDUCATIONAL NEGLECT

...

PART X.-----BOARD OF GOVERNORS OF THE UNIVERSITY OF NORTH CAROLINA TO DEVELOP A PROPOSAL FOR A NORTH CAROLINA INSTITUTE OF GERONTOLOGY, TO EVALUATE ALL MARINE SCIENCES PROGRAMS, AND TO STUDY CONSTITUENT STATUS OF SCHOOL OF SCIENCE AND MATHEMATICS

...

PART XI.-----APPROPRIATION FOR STUDIES

Sec. 11.1. From the appropriations to the General Assembly for studies, the Legislative Services Commission may allocate funds to conduct the studies authorized by this act.

PART XII.-----EFFECTIVE DATE

Sec. 12.1. This act is effective upon ratification. Part VI of this act is repealed on June 30, 1995.

APPENDIX B

**ELECTION LAWS REVIEW COMMITTEE
MEMBERSHIP
1993 - 1994**

LRC MEMBER: Rep. Marie W. Colton
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President Pro Tempore's Appointments

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Sen. Wib Gulley
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Sen. Linda Gunter
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Cary, NC 27511
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Mr. Bill Hodges
116 Washington Harbor
Washington, NC 27889

Mr. Larry Leake
701 BB & T Plaza
Asheville, NC 28801

Sen. Paul Smith
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(continued on next page)

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Rep. H. M. Michaux, Jr.
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(continued on next page)

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Mr. Gerry F. Cohen
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Mr. Robert Joyce
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5706 Old Stony Way
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APPENDIX C

THE NATIONAL VOTER REGISTRATION ACT OF 1993

PUBLIC LAW 103-31—MAY 20, 1993

107 STAT. 77

Public Law 103-31
103d Congress

An Act

To establish national voter registration procedures for Federal elections, and for other purposes.

May 20, 1993
[H.R. 2]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Voter Registration Act of 1993".

National Voter
Registration Act
of 1993.
Inter-
governmental
relations.
42 USC 1973gg
note.
42 USC 1973gg.

SEC. 2. FINDINGS AND PURPOSES.

(a) **FINDINGS.**—The Congress finds that—

- (1) the right of citizens of the United States to vote is a fundamental right;
- (2) it is the duty of the Federal, State, and local governments to promote the exercise of that right; and
- (3) discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups, including racial minorities.

(b) **PURPOSES.**—The purposes of this Act are—

- (1) to establish procedures that will increase the number of eligible citizens who register to vote in elections for Federal office;
- (2) to make it possible for Federal, State, and local governments to implement this Act in a manner that enhances the participation of eligible citizens as voters in elections for Federal office;
- (3) to protect the integrity of the electoral process; and
- (4) to ensure that accurate and current voter registration rolls are maintained.

SEC. 3. DEFINITIONS.

As used in this Act—

- (1) the term "election" has the meaning stated in section 301(1) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(1));
- (2) the term "Federal office" has the meaning stated in section 301(3) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431(3));
- (3) the term "motor vehicle driver's license" includes any personal identification document issued by a State motor vehicle authority;

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(4) the term "State" means a State of the United States and the District of Columbia; and

(5) the term "voter registration agency" means an office designated under section 7(a)(1) to perform voter registration activities.

42 USC 1973gg-2. SEC. 4. NATIONAL PROCEDURES FOR VOTER REGISTRATION FOR ELECTIONS FOR FEDERAL OFFICE.

(a) **IN GENERAL.**—Except as provided in subsection (b), notwithstanding any other Federal or State law, in addition to any other method of voter registration provided for under State law, each State shall establish procedures to register to vote in elections for Federal office—

(1) by application made simultaneously with an application for a motor vehicle driver's license pursuant to section 5;

(2) by mail application pursuant to section 6; and

(3) by application in person—

(A) at the appropriate registration site designated with respect to the residence of the applicant in accordance with State law; and

(B) at a Federal, State, or nongovernmental office designated under section 7.

(b) **NONAPPLICABILITY TO CERTAIN STATES.**—This Act does not apply to a State described in either or both of the following paragraphs:

(1) A State in which, under law that is in effect continuously on and after March 11, 1993, there is no voter registration requirement for any voter in the State with respect to an election for Federal office.

(2) A State in which, under law that is in effect continuously on and after March 11, 1993, or that was enacted on or prior to March 11, 1993, and by its terms is to come into effect upon the enactment of this Act, so long as that law remains in effect, all voters in the State may register to vote at the polling place at the time of voting in a general election for Federal office.

42 USC 1973gg-3. SEC. 5. SIMULTANEOUS APPLICATION FOR VOTER REGISTRATION AND APPLICATION FOR MOTOR VEHICLE DRIVER'S LICENSE.

(a) **IN GENERAL.**—(1) Each State motor vehicle driver's license application (including any renewal application) submitted to the appropriate State motor vehicle authority under State law shall serve as an application for voter registration with respect to elections for Federal office unless the applicant fails to sign the voter registration application.

(2) An application for voter registration submitted under paragraph (1) shall be considered as updating any previous voter registration by the applicant.

(b) **LIMITATION ON USE OF INFORMATION.**—No information relating to the failure of an applicant for a State motor vehicle driver's license to sign a voter registration application may be used for any purpose other than voter registration.

(c) **FORMS AND PROCEDURES.**—(1) Each State shall include a voter registration application form for elections for Federal office as part of an application for a State motor vehicle driver's license.

(2) The voter registration application portion of an application for a State motor vehicle driver's license—

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(A) may not require any information that duplicates information required in the driver's license portion of the form (other than a second signature or other information necessary under subparagraph (C));

(B) may require only the minimum amount of information necessary to—

(i) prevent duplicate voter registrations; and

(ii) enable State election officials to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(C) shall include a statement that—

(i) states each eligibility requirement (including citizenship);

(ii) contains an attestation that the applicant meets each such requirement; and

(iii) requires the signature of the applicant, under penalty of perjury;

(D) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes; and

(E) shall be made available (as submitted by the applicant, or in machine readable or other format) to the appropriate State election official as provided by State law.

(d) CHANGE OF ADDRESS.—Any change of address form submitted in accordance with State law for purposes of a State motor vehicle driver's license shall serve as notification of change of address for voter registration with respect to elections for Federal office for the registrant involved unless the registrant states on the form that the change of address is not for voter registration purposes.

(e) TRANSMITTAL DEADLINE.—(1) Subject to paragraph (2), a completed voter registration portion of an application for a State motor vehicle driver's license accepted at a State motor vehicle authority shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

SEC. 6. MAIL REGISTRATION.

42 USC 1973gg-4.

(a) FORM.—(1) Each State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission pursuant to section 9(a)(2) for the registration of voters in elections for Federal office.

(2) In addition to accepting and using the form described in paragraph (1), a State may develop and use a mail voter registration

form that meets all of the criteria stated in section 9(b) for the registration of voters in elections for Federal office.

(3) A form described in paragraph (1) or (2) shall be accepted and used for notification of a registrant's change of address.

(b) **AVAILABILITY OF FORMS.**—The chief State election official of a State shall make the forms described in subsection (a) available for distribution through governmental and private entities, with particular emphasis on making them available for organized voter registration programs.

(c) **FIRST-TIME VOTERS.**—(1) Subject to paragraph (2), a State may by law require a person to vote in person if—

(A) the person was registered to vote in a jurisdiction by mail; and

(B) the person has not previously voted in that jurisdiction.

(2) Paragraph (1) does not apply in the case of a person—

(A) who is entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (42 U.S.C. 1973ff-1 et seq.);

(B) who is provided the right to vote otherwise than in person under section 3(b)(2)(B)(ii) of the Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)); or

(C) who is entitled to vote otherwise than in person under any other Federal law.

(d) **UNDELIVERED NOTICES.**—If a notice of the disposition of a mail voter registration application under section 8(a)(2) is sent by nonforwardable mail and is returned undelivered, the registrar may proceed in accordance with section 8(d).

42 USC 1973gg-5.

SEC. 7. VOTER REGISTRATION AGENCIES.

(a) **DESIGNATION.**—(1) Each State shall designate agencies for the registration of voters in elections for Federal office.

(2) Each State shall designate as voter registration agencies—

(A) all offices in the State that provide public assistance; and

(B) all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities.

(3)(A) In addition to voter registration agencies designated under paragraph (2), each State shall designate other offices within the State as voter registration agencies.

(B) Voter registration agencies designated under subparagraph

(A) may include—

(i) State or local government offices such as public libraries, public schools, offices of city and county clerks (including marriage license bureaus), fishing and hunting license bureaus, government revenue offices, unemployment compensation offices, and offices not described in paragraph (2)(B) that provide services to persons with disabilities; and

(ii) Federal and nongovernmental offices, with the agreement of such offices.

(4)(A) At each voter registration agency, the following services shall be made available:

(i) Distribution of mail voter registration application forms in accordance with paragraph (6).

(ii) Assistance to applicants in completing voter registration application forms, unless the applicant refuses such assistance.

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(iii) Acceptance of completed voter registration application forms for transmittal to the appropriate State election official.
 (B) If a voter registration agency designated under paragraph (2)(B) provides services to a person with a disability at the person's home, the agency shall provide the services described in subparagraph (A) at the person's home.

(5) A person who provides service described in paragraph (4) shall not—

(A) seek to influence an applicant's political preference or party registration;

(B) display any such political preference or party allegiance;

(C) make any statement to an applicant or take any action the purpose or effect of which is to discourage the applicant from registering to vote; or

(D) make any statement to an applicant or take any action the purpose or effect of which is to lead the applicant to believe that a decision to register or not to register has any bearing on the availability of services or benefits.

(6) A voter registration agency that is an office that provides service or assistance in addition to conducting voter registration shall—

(A) distribute with each application for such service or assistance, and with each recertification, renewal, or change of address form relating to such service or assistance—

(i) the mail voter registration application form described in section 9(a)(2), including a statement that—

(I) specifies each eligibility requirement (including citizenship);

(II) contains an attestation that the applicant meets each such requirement; and

(III) requires the signature of the applicant, under penalty of perjury; or

(ii) the office's own form if it is equivalent to the form described in section 9(a)(2), unless the applicant, in writing, declines to register to vote;

(B) provide a form that includes—

(i) the question, "If you are not registered to vote where you live now, would you like to apply to register to vote here today?";

(ii) if the agency provides public assistance, the statement, "Applying to register or declining to register to vote will not affect the amount of assistance that you will be provided by this agency.";

(iii) boxes for the applicant to check to indicate whether the applicant would like to register or declines to register to vote (failure to check either box being deemed to constitute a declination to register for purposes of subparagraph (C)), together with the statement (in close proximity to the boxes and in prominent type), "IF YOU DO NOT CHECK EITHER BOX, YOU WILL BE CONSIDERED TO HAVE DECIDED NOT TO REGISTER TO VOTE AT THIS TIME.";

(iv) the statement, "If you would like help in filling out the voter registration application form, we will help you. The decision whether to seek or accept help is yours. You may fill out the application form in private."; and

(v) the statement, "If you believe that someone has interfered with your right to register or to decline to register to vote, your right to privacy in deciding whether to register or in applying to register to vote, or your right to choose your own political party or other political preference, you may file a complaint with _____", the blank being filled by the name, address, and telephone number of the appropriate official to whom such a complaint should be addressed; and

(C) provide to each applicant who does not decline to register to vote the same degree of assistance with regard to the completion of the registration application form as is provided by the office with regard to the completion of its own forms, unless the applicant refuses such assistance.

(7) No information relating to a declination to register to vote in connection with an application made at an office described in paragraph (6) may be used for any purpose other than voter registration.

(b) **FEDERAL GOVERNMENT AND PRIVATE SECTOR COOPERATION.**—All departments, agencies, and other entities of the executive branch of the Federal Government shall, to the greatest extent practicable, cooperate with the States in carrying out subsection (a), and all nongovernmental entities are encouraged to do so.

(c) **ARMED FORCES RECRUITMENT OFFICES.**—(1) Each State and the Secretary of Defense shall jointly develop and implement procedures for persons to apply to register to vote at recruitment offices of the Armed Forces of the United States.

(2) A recruitment office of the Armed Forces of the United States shall be considered to be a voter registration agency designated under subsection (a)(2) for all purposes of this Act.

(d) **TRANSMITTAL DEADLINE.**—(1) Subject to paragraph (2), a completed registration application accepted at a voter registration agency shall be transmitted to the appropriate State election official not later than 10 days after the date of acceptance.

(2) If a registration application is accepted within 5 days before the last day for registration to vote in an election, the application shall be transmitted to the appropriate State election official not later than 5 days after the date of acceptance.

42 USC 1973gg-6. **SEC. 8. REQUIREMENTS WITH RESPECT TO ADMINISTRATION OF VOTER REGISTRATION.**

(a) **IN GENERAL.**—In the administration of voter registration for elections for Federal office, each State shall—

(1) ensure that any eligible applicant is registered to vote in an election—

(A) in the case of registration with a motor vehicle application under section 5, if the valid voter registration form of the applicant is submitted to the appropriate State motor vehicle authority not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(B) in the case of registration by mail under section 6, if the valid voter registration form of the applicant is postmarked not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

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(C) in the case of registration at a voter registration agency, if the valid voter registration form of the applicant is accepted at the voter registration agency not later than the lesser of 30 days, or the period provided by State law, before the date of the election; and

(D) in any other case, if the valid voter registration form of the applicant is received by the appropriate State election official not later than the lesser of 30 days, or the period provided by State law, before the date of the election;

(2) require the appropriate State election official to send notice to each applicant of the disposition of the application;

(3) provide that the name of a registrant may not be removed from the official list of eligible voters except—

(A) at the request of the registrant;

(B) as provided by State law, by reason of criminal conviction or mental incapacity; or

(C) as provided under paragraph (4);

(4) conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—

(A) the death of the registrant; or

(B) a change in the residence of the registrant, in accordance with subsections (b), (c), and (d);

(5) inform applicants under sections 5, 6, and 7 of—

(A) voter eligibility requirements; and

(B) penalties provided by law for submission of a false voter registration application; and

(6) ensure that the identity of the voter registration agency through which any particular voter is registered is not disclosed to the public.

(b) CONFIRMATION OF VOTER REGISTRATION.—Any State program or activity to protect the integrity of the electoral process by ensuring the maintenance of an accurate and current voter registration roll for elections for Federal office—

(1) shall be uniform, nondiscriminatory, and in compliance with the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.); and

(2) shall not result in the removal of the name of any person from the official list of voters registered to vote in an election for Federal office by reason of the person's failure to vote.

(c) VOTER REMOVAL PROGRAMS.—(1) A State may meet the requirement of subsection (a)(4) by establishing a program under which—

(A) change-of-address information supplied by the Postal Service through its licensees is used to identify registrants whose addresses may have changed; and

(B) if it appears from information provided by the Postal Service that—

(i) a registrant has moved to a different residence address in the same registrar's jurisdiction in which the registrant is currently registered, the registrar changes the registration records to show the new address and sends the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which

the registrant may verify or correct the address information; or

(ii) the registrant has moved to a different residence address not in the same registrar's jurisdiction, the registrar uses the notice procedure described in subsection (d)(2) to confirm the change of address.

(2)(A) A State shall complete, not later than 90 days prior to the date of a primary or general election for Federal office, any program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters.

(B) Subparagraph (A) shall not be construed to preclude—

(i) the removal of names from official lists of voters on a basis described in paragraph (3) (A) or (B) or (4)(A) of subsection (a); or

(ii) correction of registration records pursuant to this Act.

(d) REMOVAL OF NAMES FROM VOTING ROLLS.—(1) A State shall not remove the name of a registrant from the official list of eligible voters in elections for Federal office on the ground that the registrant has changed residence unless the registrant—

(A) confirms in writing that the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered; or

(B)(i) has failed to respond to a notice described in paragraph (2); and

(ii) has not voted or appeared to vote (and, if necessary, correct the registrar's record of the registrant's address) in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice.

(2) A notice is described in this paragraph if it is a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address, together with a notice to the following effect:

(A) If the registrant did not change his or her residence, or changed residence but remained in the registrar's jurisdiction, the registrant should return the card not later than the time provided for mail registration under subsection (a)(1)(B). If the card is not returned, affirmation or confirmation of the registrant's address may be required before the registrant is permitted to vote in a Federal election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice, and if the registrant does not vote in an election during that period the registrant's name will be removed from the list of eligible voters.

(B) If the registrant has changed residence to a place outside the registrar's jurisdiction in which the registrant is registered, information concerning how the registrant can continue to be eligible to vote.

(3) A voting registrar shall correct an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection.

(e) PROCEDURE FOR VOTING FOLLOWING FAILURE TO RETURN CARD.—(1) A registrant who has moved from an address in the

area covered by a polling place to an address in the same area shall, notwithstanding failure to notify the registrar of the change of address prior to the date of an election, be permitted to vote at that polling place upon oral or written affirmation by the registrant of the change of address before an election official at that polling place.

(2)(A) A registrant who has moved from an address in the area covered by one polling place to an address in an area covered by a second polling place within the same registrar's jurisdiction and the same congressional district and who has failed to notify the registrar of the change of address prior to the date of an election, at the option of the registrant—

(i) shall be permitted to correct the voting records and vote at the registrant's former polling place, upon oral or written affirmation by the registrant of the new address before an election official at that polling place; or

(ii)(I) shall be permitted to correct the voting records and vote at a central location within the same registrar's jurisdiction designated by the registrar where a list of eligible voters is maintained, upon written affirmation by the registrant of the new address on a standard form provided by the registrar at the central location; or

(II) shall be permitted to correct the voting records for purposes of voting in future elections at the appropriate polling place for the current address and, if permitted by State law, shall be permitted to vote in the present election, upon confirmation by the registrant of the new address by such means as are required by law.

(B) If State law permits the registrant to vote in the current election upon oral or written affirmation by the registrant of the new address at a polling place described in subparagraph (A)(i) or (A)(ii)(II), voting at the other locations described in subparagraph (A) need not be provided as options.

(3) If the registration records indicate that a registrant has moved from an address in the area covered by a polling place, the registrant shall, upon oral or written affirmation by the registrant before an election official at that polling place that the registrant continues to reside at the address previously made known to the registrar, be permitted to vote at that polling place.

(f) CHANGE OF VOTING ADDRESS WITHIN A JURISDICTION.—In the case of a change of address, for voting purposes, of a registrant to another address within the same registrar's jurisdiction, the registrar shall correct the voting registration list accordingly, and the registrant's name may not be removed from the official list of eligible voters by reason of such a change of address except as provided in subsection (d).

(g) CONVICTION IN FEDERAL COURT.—(1) On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the chief State election official designated under section 10 of the State of the person's residence.

(2) A notice given pursuant to paragraph (1) shall include—

- (A) the name of the offender;
- (B) the offender's age and residence address;
- (C) the date of entry of the judgment;
- (D) a description of the offenses of which the offender was convicted; and

(E) the sentence imposed by the court.

(3) On request of the chief State election official of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information as the United States attorney may have concerning the offender and the offense of which the offender was convicted.

(4) If a conviction of which notice was given pursuant to paragraph (1) is overturned, the United States attorney shall give the official to whom the notice was given written notice of the vacation of the judgment.

(5) The chief State election official shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection.

(h) **REDUCED POSTAL RATES.**—(1) Subchapter II of chapter 36 of title 39, United States Code, is amended by adding at the end the following:

“§ 3629. Reduced rates for voter registration purposes

“The Postal Service shall make available to a State or local voting registration official the rate for any class of mail that is available to a qualified nonprofit organization under section 3626 for the purpose of making a mailing that the official certifies is required or authorized by the National Voter Registration Act of 1993.”

(2) The first sentence of section 2401(c) of title 39, United States Code, is amended by striking out “and 3626(a)–(h) and (j)–(k) of this title,” and inserting in lieu thereof “3626(a)–(h), 3626(j)–(k), and 3629 of this title”.

(3) Section 3627 of title 39, United States Code, is amended by striking out “or 3626 of this title,” and inserting in lieu thereof “3626, or 3629 of this title”.

(4) The table of sections for chapter 36 of title 39, United States Code, is amended by inserting after the item relating to section 3628 the following new item:

“3629. Reduced rates for voter registration purposes.”

Records.

(i) **PUBLIC DISCLOSURE OF VOTER REGISTRATION ACTIVITIES.**—

(1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

(2) The records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made.

(j) **DEFINITION.**—For the purposes of this section, the term “registrar’s jurisdiction” means—

(1) an incorporated city, town, borough, or other form of municipality;

(2) if voter registration is maintained by a county, parish, or other unit of government that governs a larger geographic

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area than a municipality, the geographic area governed by that unit of government; or

(3) if voter registration is maintained on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

SEC. 9. FEDERAL COORDINATION AND REGULATIONS.

42 USC 1973gg-7.

(a) **IN GENERAL.—The Federal Election Commission—**

(1) in consultation with the chief election officers of the States, shall prescribe such regulations as are necessary to carry out paragraphs (2) and (3);

(2) in consultation with the chief election officers of the States, shall develop a mail voter registration application form for elections for Federal office;

(3) not later than June 30 of each odd-numbered year, shall submit to the Congress a report assessing the impact of this Act on the administration of elections for Federal office during the preceding 2-year period and including recommendations for improvements in Federal and State procedures, forms, and other matters affected by this Act; and

Reports.

(4) shall provide information to the States with respect to the responsibilities of the States under this Act.

(b) **CONTENTS OF MAIL VOTER REGISTRATION FORM.—The mail voter registration form developed under subsection (a)(2)—**

(1) may require only such identifying information (including the signature of the applicant) and other information (including data relating to previous registration by the applicant), as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process;

(2) shall include a statement that—

(A) specifies each eligibility requirement (including citizenship);

(B) contains an attestation that the applicant meets each such requirement; and

(C) requires the signature of the applicant, under penalty of perjury;

(3) may not include any requirement for notarization or other formal authentication; and

(4) shall include, in print that is identical to that used in the attestation portion of the application—

(i) the information required in section 8(a)(5) (A) and (B);

(ii) a statement that, if an applicant declines to register to vote, the fact that the applicant has declined to register will remain confidential and will be used only for voter registration purposes; and

(iii) a statement that if an applicant does register to vote, the office at which the applicant submits a voter registration application will remain confidential and will be used only for voter registration purposes.

SEC. 10. DESIGNATION OF CHIEF STATE ELECTION OFFICIAL.

42 USC 1973gg-8.

Each State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.

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42 USC 1973gg-9. SEC. 11. CIVIL ENFORCEMENT AND PRIVATE RIGHT OF ACTION.

(a) ATTORNEY GENERAL.—The Attorney General may bring a civil action in an appropriate district court for such declaratory or injunctive relief as is necessary to carry out this Act.

(b) PRIVATE RIGHT OF ACTION.—(1) A person who is aggrieved by a violation of this Act may provide written notice of the violation to the chief election official of the State involved.

(2) If the violation is not corrected within 90 days after receipt of a notice under paragraph (1), or within 20 days after receipt of the notice if the violation occurred within 120 days before the date of an election for Federal office, the aggrieved person may bring a civil action in an appropriate district court for declaratory or injunctive relief with respect to the violation.

(3) If the violation occurred within 30 days before the date of an election for Federal office, the aggrieved person need not provide notice to the chief election official of the State under paragraph (1) before bringing a civil action under paragraph (2).

(c) ATTORNEY'S FEES.—In a civil action under this section, the court may allow the prevailing party (other than the United States) reasonable attorney fees, including litigation expenses, and costs.

(d) RELATION TO OTHER LAWS.—(1) The rights and remedies established by this section are in addition to all other rights and remedies provided by law, and neither the rights and remedies established by this section nor any other provision of this Act shall supersede, restrict, or limit the application of the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

(2) Nothing in this Act authorizes or requires conduct that is prohibited by the Voting Rights Act of 1965 (42 U.S.C. 1973 et seq.).

42 USC
1973gg-10.

SEC. 12. CRIMINAL PENALTIES.

A person, including an election official, who in any election for Federal office—

(1) knowingly and willfully intimidates, threatens, or coerces, or attempts to intimidate, threaten, or coerce, any person for—

(A) registering to vote, or voting, or attempting to register or vote;

(B) urging or aiding any person to register to vote, to vote, or to attempt to register or vote; or

(C) exercising any right under this Act; or

(2) knowingly and willfully deprives, defrauds, or attempts to deprive or defraud the residents of a State of a fair and impartially conducted election process, by—

(A) the procurement or submission of voter registration applications that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held; or

(B) the procurement, casting, or tabulation of ballots that are known by the person to be materially false, fictitious, or fraudulent under the laws of the State in which the election is held,

shall be fined in accordance with title 18, United States Code (which fines shall be paid into the general fund of the Treasury, miscellaneous receipts (pursuant to section 3302 of title 31, United

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States Code), notwithstanding any other law), or imprisoned not more than 5 years, or both.

SEC. 13. EFFECTIVE DATE.42 USC 1973gg
note.

This Act shall take effect—

(1) with respect to a State that on the date of enactment of this Act has a provision in the constitution of the State that would preclude compliance with this Act unless the State maintained separate Federal and State official lists of eligible voters, on the later of—

(A) January 1, 1996; or

(B) the date that is 120 days after the date by which, under the constitution of the State as in effect on the date of enactment of this Act, it would be legally possible to adopt and place into effect any amendments to the constitution of the State that are necessary to permit such compliance with this Act without requiring a special election; and

(2) with respect to any State not described in paragraph (1), on January 1, 1995.

Approved May 20, 1993.

LEGISLATIVE HISTORY—H.R. 2 (S. 460):

HOUSE REPORTS: Nos. 103-9 (Comm. on House Administration) and 103-66 (Comm. of Conference).

SENATE REPORTS: No. 103-6 accompanying S. 460 (Comm. on Rules and Administration).

CONGRESSIONAL RECORD, Vol. 139 (1993):

Feb. 4, considered and passed House.

Mar. 10, 11, 15-17, S. 460 considered in Senate; H.R. 2, amended, passed in lieu.

May 5, House agreed to conference report.

May 6-8, Senate considered and agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 29 (1993):
May 20, Presidential remarks.



GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1993

H

H94-RRZ-002.3
THIS IS A DRAFT 2-MAY-94 15:35:33

Short Title: Voter Registration Rewrite

(Public)

Sponsors: Representative/Senator

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REWRITE THE VOTER REGISTRATION LAWS OF NORTH
3 CAROLINA.
4 The General Assembly of North Carolina enacts:
5 Section 1. Article 7 of Chapter 163 of the General Statutes is
6 repealed.
7 Sec. 2. Chapter 163 of the General Statutes is amended by adding
8 a new Article to read:
9 "ARTICLE 7A
10 Registration of Voters
11
12 "§163-82.1. General principles of voter registration.
13 (a) Pre-requisite to Voting. -- No person shall be permitted to vote who has
14 not been registered under the provisions of this Article or registered as
15 previously provided by law.
16 (b) County Board's Duty to Register. -- A county board of elections shall
17 register, in accordance with this Article, every person qualified to vote in that
18 county who makes an application in accordance with this Article.
19 (c) Permanent Registration. -- Every person registered to vote by a county
20 board of elections in accordance with this Article shall remain registered until:
21 (1) the registrant requests in writing to the county board of
22 elections to be removed from the list of registered voters; or
23 (2) the registrant becomes disqualified through death, conviction
24 of a felony, or removal out of the county; or

1 (3) the county board of elections determines, through the
2 procedure outlined in G.S. 163-82.14, that it can no longer
3 confirm where the voter resides.

4
5 "§163-82.2. Chief State Election Official.

6 The Executive Secretary-Director of the State Board of Elections is the
7 "Chief State Election Official" of North Carolina for purposes of P.L. 103-31,
8 The National Voter Registration Act of 1993, subsequently referred to in this
9 Article as the "National Voter Registration Act." As such the Executive
10 Secretary-Director is responsible for coordination of State responsibilities under
11 the National Voter Registration Act.

12
13 "§163-82.3. Voter registration application forms.

14 (a) Form Developed by State Board of Elections. -- The State Board of
15 Elections shall develop an application form for voter registration. Any person
16 may use the form to apply to do any of the following:

- 17 (1) Register to vote;
18 (2) Change party affiliation or unaffiliated status;
19 (3) Report a change of address within a county;
20 (4) Report a change of name.

21 The county board of elections for the county where the applicant resides
22 shall accept the form as application for any of those purposes if the form is
23 submitted as set out in G.S. 163-82.3.

24 (b) Interstate Form. -- The county board of elections where an applicant
25 resides shall accept as application for any of the purposes set out in subsection
26 (a) of this section the interstate registration form designed by the Federal
27 Election Commission pursuant to Section 9 of the National Voter Registration
28 Act, if the interstate form is submitted in accordance with G.S. 163-82.6.

29 (c) Agency Application Form. -- The county board of elections where an
30 applicant resides shall accept as application for any of the purposes set out in
31 subsection (a) of this section a form developed pursuant to G.S. 163-82.19 or
32 163-82.20.

33
34 "§163-82.4. Contents of application form.

35 (a) Information Requested of Applicant. -- The form required by G.S. 163-
36 82.3(a) shall request the applicant's:

- 37 (1) name,
38 (2) date of birth,
39 (3) residence address,
40 (4) county of residence,
41 (5) date of application,
42 (6) gender,
43 (7) race,

1 (8) political party affiliation, if any, in accordance with
2 subsection (c) of this section,
3 (9) telephone number (to assist the county board of elections in
4 contacting the voter if needed in processing the application),
5 and any other information the State Board finds is necessary to enable officials
6 of the county where the person resides to satisfactorily process the application.
7 The form shall require the applicant to state whether currently registered to
8 vote anywhere, and at what address, so that any prior registration can be
9 cancelled. The county board shall make a diligent effort to complete for the
10 registration records any information requested on the form that the applicant
11 does not complete, but no application shall be denied because an applicant
12 does not state race or gender.

13 (b) Notice of Requirements, Attestation, Notice of Penalty and
14 Confidentiality. -- The form shall contain, in uniform type, the following:

15 (1) a statement that specifies each eligibility requirement
16 (including citizenship) and an attestation that the applicant
17 meets each such requirement, with a requirement for the
18 signature of the applicant, under penalty of a Class I felony
19 under G.S. 163-275(a).

20 (2) a statement that, if the applicant declines to register to vote,
21 the fact that the applicant has declined to register will remain
22 confidential and will be used only for voter registration
23 purposes.

24 (3) a statement that if the applicant does register to vote, the
25 office at which the applicant submits a voter registration
26 application will remain confidential and will be used only for
27 voter registration purposes.

28 (c) Party Affiliation or Unaffiliated Status. -- The application form described
29 in G.S. 163-82.3(a) shall provide a place for the applicant to state a preference
30 to be affiliated with one of the political parties in G.S. 163-96, or a preference
31 to be an "unaffiliated" voter. Every person who applies to register shall state
32 his preference. If the applicant fails to declare a preference for a party or for
33 unaffiliated status, that person shall be listed as "unaffiliated," except that if
34 the person is already registered to vote in the county and that person's
35 registration already contains a party affiliation, the county board shall not
36 change the registrant's status to "unaffiliated" unless the registrant clearly
37 indicates a desire in accordance with G.S. 163-82.17 for such a change. An
38 unaffiliated registrant shall not be eligible to vote in any political party
39 primary, except as provided in G.S. 163-116, but may vote in any other
40 primary or general election. The application form shall so state.

41
42 "§163-82.5. Distribution of application forms.

43 The State Board of Elections shall make the forms described in G.S. 163-
44 82.3 available for distribution through governmental and private entities, with

1 particular emphasis on making them available for organized voter registration
2 drives.

3
4 "§163-82.6. Acceptance of application forms.

5 (a) How the Form May Be Submitted. -- The county board of elections shall
6 accept any form described in G.S. 163-82.3 if the applicant submits the form
7 by mail or in person. The applicant may delegate the submission of the form
8 to another person.

9 (b) Signature. -- The form shall be valid only if signed by the applicant.

10 (c) Registration Deadlines for an Election. -- In order to be valid for an
11 election, the form:

12 (1) If submitted by mail, must be postmarked at least twenty-five
13 (25) days before the election, except that any mailed
14 application on which the postmark is missing or unclear is
15 validly submitted if received in the mail not later than twenty
16 (20) days before the election,

17 (2) If submitted in person (by the applicant or another person),
18 must be received at least twenty-five (25) days before the
19 election,

20 except as provided in subsection (d) of this section.

21 (d) Instances When Person May Register and Vote on Election Day. -- If a
22 person has become qualified to register and vote between the twenty-fifth
23 (25th) day before an election and election day, then that person may apply to
24 register on election day by submitting an application form described in G.S.
25 163-82.3(a) or (b) to:

26 (1) A member of the county board of elections;

27 (2) The county supervisor of elections; or

28 (3) The chief judge or a judge of the precinct in which the person
29 is eligible to vote,

30 and, if the application is approved, that person may vote the same day. The
31 official in subdivisions (1) through (3) of this subsection to whom the
32 application is submitted shall decide whether the applicant is eligible to vote.
33 The applicant shall present to the official written or documentary evidence that
34 the applicant is the person he represents himself to be. The official, if in doubt
35 as to the right of the applicant to register, may require other evidence
36 satisfactory to that official as to the applicant's qualifications. If the official
37 determines that the person is eligible, the person shall be permitted to vote in
38 the election and the county board shall add the person's name to the list of
39 registered voters. If the official denies the application, the person shall be
40 permitted to vote a challenged ballot under the provisions of G.S. 163-88.1,
41 and may appeal the denial to the full county board of elections. The State
42 Board of Elections shall promulgate rules for the county boards of elections to
43 follow in hearing appeals for denial of election-day applications to register. No
44 person shall be permitted to register on the day of a second primary unless he

1 shall have become qualified to register and vote between the date of the first
2 primary and the date of the succeeding second primary. For purposes of this
3 subsection, persons who "become qualified to register and vote" during a time
4 period:

5 (1) Include those who during that time period are naturalized as
6 citizens of the United States or who are restored to citizenship
7 after a conviction of a felony; but

8 (2) Do not include persons who reach the age of 18 during that
9 time period, if those persons were eligible to register while 17
10 years old during an earlier period.

11
12 "§163-82.7. Verification of qualifications and address of applicant; denial
13 or approval of application.

14 (a) Tentative Determination of Qualification. -- When a county board of
15 elections receives an application for registration submitted pursuant to G.S.
16 163-82.6, the board either:

17 (1) shall make a determination that the applicant is not qualified
18 to vote at the address given, or

19 (2) shall make a tentative determination that the applicant is
20 qualified to vote at the address given, subject to the mail
21 verification notice procedure outlined in subsection (c) of this
22 section

23 within two business days after receiving the application.

24 (b) Denial of Registration. -- If the county board of elections makes a
25 determination pursuant to subsection (a) of this section that the applicant is not
26 qualified to vote at the address given, the board shall send, by certified mail, a
27 notice of denial of registration. The notice of denial shall contain the date on
28 which registration was denied, and shall be mailed within two business days
29 after denial. The notice of denial shall inform the applicant of alternatives that
30 the applicant may pursue to exercise the franchise. If the applicant disagrees
31 with the denial, the applicant may appeal the decision under G.S. 163-82.18.

32 (c) Verification of Address by Mail. -- If the county board of elections
33 tentatively determines that the applicant is qualified to vote at the address
34 given, then the county board shall send a notice to the applicant, by non-
35 forwardable mail, at the address the applicant provides on the application
36 form. The notice shall state that the county will register the applicant to vote if
37 the Postal Service does not return the notice as undeliverable to the county
38 board. The notice shall also inform the applicant of the precinct and voting
39 place to which the applicant will be assigned if registered.

40 (d) Approval of Application. -- If the Postal Service does not return the
41 notice as undeliverable, the county board shall register the applicant to vote.

42 (e) Second Notice If First Notice Is Returned as Undeliverable. -- If the
43 Postal Service returns the notice as undeliverable, the county board shall send a
44 second notice by nonforwardable mail to the same address to which the first

1 was sent. If the second notice is not returned as undeliverable, the county
2 board shall register the applicant to vote.

3 (f) Denial of Application Based on Lack of Verification of Address. -- If the
4 Postal Service returns as undeliverable the notice sent by nonforwardable mail
5 pursuant to subsection (e) of this section, the county board shall deny the
6 application. The county board need not try to notify the applicant further.

7 (g) Voting When Verification Process Is Incomplete. -- In cases where an
8 election occurs before the process of verification outlined in this section has
9 had time to be completed, the county board of elections shall be guided by the
10 following rules:

11 (1) If the county board has made a tentative determination that an
12 applicant is qualified to vote under subsection (a) of this
13 section, then that person shall not be denied the right to vote
14 in person in an election unless the Postal Service has returned
15 as undeliverable two notices to the applicant: one mailed
16 pursuant to subsection (c) of this section and one mailed
17 pursuant to subsection (e) of this section. This subdivision
18 does not preclude a challenge to the voter's qualifications
19 under Article 8 of this Chapter.

20 (2) If the Postal Service has returned as undeliverable a notice
21 sent within twenty-five (25) days before the election to the
22 applicant under subsection (c) of this section, then the
23 applicant may vote only in person in that first election and
24 may not vote by mailed absentee ballot. The county board of
25 elections shall establish a procedure at the voting site for:
26 a. obtaining the correct address of any person described in
27 this subdivision who appears to vote in person; and
28 b. assuring that the person votes in the proper place and in
29 the proper contests.

30 If a notice mailed under subsection (c) or subsection (e) of
31 this section is returned as undeliverable after a person has
32 already voted by absentee ballot, then that person's ballot
33 may be challenged in accordance with G.S. 163-89.

34 (3) If a notice sent pursuant to subsection (c) or (e) of this section
35 is returned by the Postal Service as undeliverable after a
36 person has already voted in an election, then the county board
37 shall treat the person as a registered voter but shall send a
38 confirmation mailing pursuant to G.S. 163-82.14(d)(1) and
39 remove or retain the person on the registration records in
40 accordance with that subdivision.

41
42 "§163-82.8. Voter registration cards.

43 (a) Authority to Issue Card. -- With the approval of the board of county
44 commissioners, the county board of elections may issue to each voter in the

1 county a voter registration card, or may issue cards to all voters registered after
2 January 1, 1995.

3 (b) Content and Format of Card. -- At a minimum, the voter registration
4 card shall:

- 5 (1) List the voter's name, address, and voting place;
6 (2) Contain the address and telephone number of the county
7 board of elections, along with blanks to report a change of
8 address within the county; and
9 (3) Be wallet size.

10 No voter registration card may be issued by a county board of elections
11 unless the State Board of Elections has approved the format of the card.

12 (c) Ways County Board and Registrant May Use Card. -- If the county board
13 of elections issues voter registration cards, the county board may use that card
14 as a notice of tentative approval of the voter's application pursuant to G.S.
15 163-82.7(c), provided that the mailing contains the statements and information
16 required in that subsection. The county board may also satisfy the requirements
17 of G.S. 163-82.15(b), 163-82.16(b), or 163-82.17(b) by sending the registrant
18 a replacement of the voter registration card to verify change of address, change
19 of name, or change of party affiliation. A registrant may use the card to report
20 a change of address, change of name, or change of party affiliation, satisfying
21 G.S. 163-82.15, 163-82.16, or 163-82.17.

22 (d) Card as Evidence of Registration. -- A voter registration card shall be
23 evidence of registration but shall not preclude a challenge as permitted by law.

24 (e) Display of Card May Not Be Required to Vote. -- No county board of
25 elections may require that a voter registration card be displayed in order to
26 vote.

27
28 "§ 163-82.9. Cancellation of prior registration.

29 If an applicant indicates on an application form described in G.S. 163-82.3
30 a current registration to vote in any other county, municipality, or State, the
31 county board of elections, upon registering the person to vote, shall send a
32 notice to the appropriate officials in the other county, municipality, or State
33 and shall ask them to cancel the person's voter registration there.

34
35 "§ 163-82.10. Official record of voter registration.

36 (a) Application Form Becomes Official Record. -- A completed and signed
37 registration application form described in G.S. 163-82.3, once approved by the
38 county board of elections, becomes the official registration record of the voter.
39 The county board of elections shall maintain custody of the official registration
40 records of all voters in the county and shall keep them in a place where they
41 are secure.

42 (b) Access to Registration Records. -- Upon request by that person, the
43 county board of elections shall provide to any person a list of the registered
44 voters of the county or of any precinct or precincts in the county. The county

1 board may furnish selective lists according to party affiliation, sex, race, date
2 of registration, or any other reasonable category. The county board shall
3 require each person to whom a list is furnished to make full reimbursement for
4 the expense incurred in preparing it, except as provided in subsection (c) of
5 this section.

6 (c) Free Lists. -- Free lists of all registered voters in the county shall be
7 provided in the following cases:

- 8 (1) a county board that maintains voter records on computer shall
9 provide, upon written request, one free list to:
10 a. the State chair of each political party; and
11 b. the county chair of each political party
12 once in every odd-numbered year, once during the first six
13 calendar months of every even-numbered year, and once
14 during the latter six calendar months of every even-numbered
15 year.
16 (2) a county board that does not maintain voter records on
17 computer shall provide one free paper list every two years to
18 the county chair of each political party.

19 Each free list shall include the name, address, sex, political affiliation, voting
20 history, and precinct of each registered voter. The list the State party chairs
21 shall additionally include the date of birth and race of each registered voter.

22 The free paper list to the county party chairs shall group voters by precinct.
23 All free lists shall be provided as soon as practicable but no later than 30 days
24 after written request. Each State party chair shall provide the discs or tapes
25 received from the county boards to candidates of that party who request the
26 discs or tapes in writing. Each State party chair shall return discs and tapes to
27 the county boards within 30 days after receiving them. As used in this section,
28 "political party" means a political party as defined in G.S. 163-96.

29
30 "§ 163-82.11. Establishment of statewide computerized voter registration.

31 The State Board of Elections shall develop and implement a statewide
32 computerized voter registration system to facilitate voter registration and to
33 provide a central database containing voter registration information for each
34 county. The system shall encompass both software development and purchasing
35 of the necessary hardware for the central and distributed-network systems.

36 The State Board of Elections shall develop and implement the system so that
37 each county board of elections can:

- 38 (1) Verify that an applicant to register in its county is not also
39 registered in another county;
40 (2) Be notified automatically that a registered voter in its county
41 has registered to vote in another county; and
42 (3) Receive automatically data about a person who has applied to
43 vote at a drivers license office or at another public agency that
44 is authorized to accept voter registration applications.

1 Each county board of elections shall be responsible for registering voters
2 within its county according to law. Each county board of elections shall
3 maintain its own computer file of registered voters in accordance with rules
4 promulgated by the State Board of Elections. Each county board of elections
5 shall transmit through the computer network all additions, deletions, and
6 changes in its list of registered voters promptly to the statewide computer file.
7 The State Board of Elections shall maintain a continually updated duplicate file
8 of each county's registered voters.

9
10 "§ 163-82.12. Promulgation of rules relating to computerized voter
11 registration.

12 The State Board of Elections shall make all rules necessary to administer the
13 statewide voter registration system established by this Article. These rules
14 shall include provisions for:

- 15 (1) Establishing, developing, and maintaining a computerized
16 central voter registration file;
- 17 (2) Linking the central file through a network with computerized
18 voter registration files in each of the counties;
- 19 (3) Interacting with the computerized drivers license records of
20 the Division of Motor Vehicles and with the computerized
21 records of other public agencies authorized to accept voter
22 registration applications;
- 23 (4) Protecting and securing the data; and
- 24 (5) Converting current voter registration records in the counties in
25 computer files that can be used on the statewide computerized
26 registration system.

27
28 "§ 163-82.13. Access to statewide voter registration file.

29 (a) Free Copy for Political Parties. -- Beginning January 1, 1996, the State
30 Board of Elections shall make available free of charge, upon written request,
31 one magnetic copy of the statewide computerized voter registration file to the
32 chairman of each political party as defined in G.S. 163-96 as soon as
33 practicable after the close of registration before every statewide primary and
34 election. The file made available to the political party chairmen shall contain
35 the name, address, sex, voting history, political affiliation, and precinct of
36 every registered voter in the State.

37 (b) Copies for Sale to Others. -- Beginning January 1, 1996, the State Board
38 of Elections shall sell, upon written request, to other public and private
39 organizations and persons magnetic copies of the statewide computerized voter
40 registration file. The State Board of Elections may sell selective lists of
41 registered voters according to county, congressional or legislative district, party
42 affiliation, sex, race, date of registration, or any other reasonable category, or
43 a combination of categories. The State Board of Elections shall require all

1 persons to whom any list is furnished under this subsection to make full
2 reimbursement of the expenses incurred in preparing it.

3
4 "§163-82.14. List maintenance.

5 (a) Uniform Program. -- The State Board of Elections shall adopt a uniform
6 program that makes a reasonable effort:

7 (1) To remove the names of ineligible voters from the official lists
8 of eligible voters and

9 (2) To update the addresses and other necessary data of persons
10 who remain on the official lists of eligible voters.

11 That program shall be nondiscriminatory and shall comply with the provisions
12 of the Voting Rights Act of 1965, as amended, and with the provisions of the
13 National Voter Registration Act. The State Board of Elections, in addition to
14 the methods set forth in this section, may use other methods toward the ends
15 set forth in subdivisions (1) and (2) of this subsection, including address-
16 updating services provided by the U.S. Postal Service. Each county board of
17 elections shall conduct systematic efforts to remove names from its list of
18 registered voters in accordance with this section and with the program adopted
19 by the State Board.

20 (b) Death. -- The Department of Environment, Health, and Natural
21 Resources, on or before the fifteenth day of March, June, September, and
22 December, shall furnish free of charge to each county board of elections a
23 certified list of the names of deceased persons who were residents of that
24 county. The Department of Environment, Health, and Natural Resources shall
25 base each list upon information supplied by death certifications it received
26 during the preceding quarter. Upon the receipt of the certified list, the county
27 board of elections shall remove from its voter registration records any person
28 the list shows to be dead. The county board need not send any notice to the
29 address of the person so removed.

30 (c) Conviction of a Felony. --

31 (1) Report of Conviction Within the State. -- The Clerk of
32 Superior Court, on or before the fifteenth day of March,
33 June, September, and December of every year, shall report to
34 the county board of elections of that county the name, county
35 of residence, and residence address if available, of each
36 individual against whom a final judgment of conviction of a
37 felony has been entered in that county in the preceding
38 calendar quarter. Any county board of elections receiving
39 such a report about an individual who is a resident of another
40 county in this State shall forward a copy of that report to the
41 board of elections of that county as soon as possible.

42 (2) Report of Federal Conviction. -- The Executive Secretary-
43 Director of the State Board of Elections, upon receipt of a
44 notice of conviction sent by a United States Attorney pursuant

- 1 to Section 8(g) of the National Voter Registration Act, shall
2 notify the appropriate county boards of elections of the
3 conviction.
- 4 (3) County Board's Duty Upon Receiving Report of Conviction.
5 -- When a county board of elections receives a notice pursuant
6 to subdivision (1) or (2) of this subsection relating to a
7 resident of that county and that person is registered to vote in
8 that county, the board shall, after giving 30 days' written
9 notice to the voter at his registration address, and if the voter
10 makes no objection, remove the person's name from its
11 registration records. If the voter notifies the county board of
12 elections of his objection to the removal within 30 days of the
13 notice, the chairman of the board of elections shall enter a
14 challenge under G.S. 163-85(c)(5), and the notice the county
15 board received pursuant to this subsection shall be prima facie
16 evidence for the preliminary hearing that the registrant was
17 convicted of a felony.
- 18 (d) Change of Address. -- A county board of elections shall conduct a
19 systematic program to remove from its list of registered voters those who have
20 moved out of the county, and to update the registration records of persons who
21 have moved within the county. The county board shall remove a person from
22 its list if the registrant:
- 23 (1) Gives confirmation in writing of a change of address for
24 voting purposes out of the county. "Confirmation in writing"
25 for purposes of this subdivision shall include:
- 26 a. A report to the county board from the Department of
27 Transportation or from a voter registration agency listed
28 in 163-82.20 that the voter has reported a change of
29 address for voting purposes outside the county;
- 30 b. A notice of cancellation received under G.S. 163-82.9;
31 or
- 32 c. A notice of cancellation received from an election
33 jurisdiction outside the State.
- 34 (2) Fails to respond to a confirmation mailing sent by the county
35 board in accordance with this subdivision and does not vote or
36 appear to vote in an election beginning on the date of the
37 notice and ending on the day after the date of the second
38 general election for U.S. House of Representatives that occurs
39 after the date of the notice. A county board sends a
40 confirmation notice in accordance with this subdivision if the
41 notice:
- 42 a. is a postage prepaid and pre-addressed return card, sent
43 by forwardable mail, on which the registrant may state
44 current address:

- 1 b. contains or is accompanied by a notice to the effect that
2 if the registrant did not change residence but remained
3 in the county, the registrant should return the card not
4 later than the deadline for registration by mail in G.S.
5 163-82.6(c)(1);
6 c. contains or is accompanied by information as to how
7 the registrant may continue to be eligible to vote if the
8 registrant has moved outside the county.

9 A county board shall send a confirmation mailing in
10 accordance with this subdivision if the registrant remains on
11 the list, the registrant has not voted in two successive
12 presidential elections or in any election in between, and the
13 county board has not confirmed the registrant's address by
14 another means. The county board may send a confirmation
15 mailing in accordance with this subdivision if the registrant
16 has been identified as residing outside the county through
17 change-of-address information supplied by the U.S. Postal
18 Service through its licensees.

19
20 "§163-82.15. Change of address within the county.

21 (a) Registrant's Duty to Report. -- No registered voter shall be required to
22 re-register upon moving from one precinct to another within the same county.
23 Instead, a registrant shall notify the county board of the change of address by
24 the close of registration for an election as set out in G.S. 163-82.6(c). The
25 registrant shall make the notification by means of a voter registration form as
26 described in G.S. 163-82.3, or by another written notice, signed by the
27 registrant, that includes the registrant's full name, former residence address,
28 new residence address, and date of moving from the old to the new address.

29 (b) Verification of New Address by Mail. -- When a county board of
30 elections receives a notice that a registrant in that county has changed
31 residence within the same county, the county board shall send a notice, by
32 non-forwardable mail, to the registrant at the new address. The notice shall
33 inform the registrant of any new precinct and voting place that will result from
34 the change of address, and it shall state whether the registrant shall vote at the
35 new voting place during the upcoming election or at a later election. If the
36 Postal Service returns the county board's notice to the registrant as
37 undeliverable, the county board shall either:

- 38 (1) send a second notice by non-forwardable mail to the new
39 address and, if it is returned as undeliverable, send to the
40 registrant's old address a confirmation notice as described in
41 G.S. 163-82.14(d)(2); or
42 (2) send to the registrant's old address a confirmation notice as
43 described in G.S. 163-82.14(d)(2) without first sending a
44 second nonforwardable notice to the new address.

1 In either case, if the registrant does not respond to the confirmation notice as
2 described in G.S. 163-82.14(d)(2), then the county board shall proceed with
3 the removal of the registrant from the list of voters in accordance with G.S.
4 163-82.14(d).

5 (c) Board's Duty to Make Change. -- If the county board confirms the
6 registrant's new address in accordance with subsection (b) of this section, the
7 county board shall immediately change the record to reflect the new address.

8 (d) Unreported Move Within the Same Precinct. -- A registrant who has
9 moved from one address to another within the same precinct shall,
10 notwithstanding failure to notify the county board of the change of address
11 before an election, be permitted to vote at the voting place of that precinct
12 upon oral or written affirmation by the registrant of the change of address
13 before a precinct official at that voting place.

14 (e) Unreported Move to Another Precinct Within the County. -- If a
15 registrant has moved from an address in one precinct to an address in another
16 precinct within the same county more than 30 days before an election and who
17 has failed to notify the county board of the change of address before the close
18 of registration for that election, the county board shall permit that person to
19 vote in that election. The county board shall permit the registrant described in
20 this subsection to vote at the registrant's new precinct, upon the registrant's
21 written affirmation of the new address, or, if the registrant prefers, at a central
22 location in the county to be chosen by the county board. If the registrant
23 appears at the old precinct, the precinct officials there shall send the registrant
24 to the new precinct or, at the registrant's choice, to the central location,
25 according to rules which shall be prescribed by the State Board of Elections.
26 At the new precinct, the registrant shall be processed by a precinct transfer
27 assistant, according to rules which shall be prescribed by the State Board of
28 Elections.

29 (f) When Registrant Disputes Registration Records. -- If the registration
30 records indicate that the registrant has moved outside the precinct, but the
31 registrant denies having moved from the address within the precinct previously
32 shown on the records, the registrant shall be permitted to vote at the voting
33 place for the precinct where the registrant claims to reside, if the registrant
34 gives oral or written affirmation before a precinct official at that voting place.

35 (g) Precinct Transfer Assistants. -- The county board of elections shall
36 either designate a board employee or appoint other persons to serve as precinct
37 transfer assistants to receive the election-day transfers of the voters described in
38 subsection (e) of this section. In addition, board members and employees may
39 perform the duties of precinct transfer assistants. The State Board of Elections
40 shall promulgate uniform rules to carry out the provisions of this section, and
41 shall define in those rules the duties of the precinct transfer assistant.

42
43 "§ 163-82.16. Change of name.

1 (a) Registrant's Duty to Report. -- If the name of a registrant is changed in
2 accordance with G.S. 48-36, G.S. 50-12, or Chapter 101 of the General
3 Statutes, of if a married registrant assumes the last name of the registrant's
4 spouse, the registrant shall not be required to re-register, but shall report the
5 change of name to the county board not later than the last day for applying to
6 register to vote for an election in G.S. 163-82.6. The registrant shall report the
7 change on a form described in G.S. 163-82.3 or on a voter registration card
8 described in G.S. 163-82.8 or in another written statement that is signed,
9 contains the registrant's full names, old and new, and the registrant's current
10 residence address.

11 (b) Verification of New Name by Mail. -- When a county board of elections
12 receives a notice of name change from a registrant in that county, the county
13 board shall send a notice, by non-forwardable mail, to the registrant's
14 residence address. The notice shall state that the registrant's records will be
15 changed to reflect the new name if the registrant does not respond that the
16 name change is incorrect. If the Postal Service returns the county board's
17 notice to the registrant as undeliverable, the county board shall send to the
18 registrant's residence address a confirmation notice as described in G.S. 163-
19 82.14(d)(2).

20 If the registrant does not respond to the confirmation notice as described in
21 G.S. 163-82.14(d)(2), then the county board shall proceed with the removal of
22 the registrant from the list of voters in accordance with G.S. 163-82.14(d).

23 (c) Board's Duty to Make Change. -- If the county board confirms the
24 registrant's address in accordance with subsection (b) of this section and the
25 registrant does not deny making the application for the name change, the
26 county board shall immediately change the record of the registrant's name to
27 conform to that stated in the application.

28 (d) Unreported Name Change. -- A registrant who has not reported a name
29 change in accordance with subsection (a) of this section shall be permitted to
30 vote if the registrant reports the name change to the chief judge at the voting
31 place, or to the county board along with the voter's application for an absentee
32 ballot.

33
34 "§ 163-82.17. Change of party affiliation.

35 (a) Registrant's Duty to Report. -- Any registrant who desires to have the
36 record of his party affiliation or unaffiliated status changed on the registration
37 list shall, no later than the last day for making application to register under
38 G.S. 163-82.6 before the election, indicate the change on an application form
39 as described in G.S. 163-82.3 or on a voter registration card described in G.S.
40 163-82.8. No registrant shall be permitted to change party affiliation or
41 unaffiliated status for a primary, second primary or special or general election
42 after the deadline for registration applications for that election as set out in
43 G.S. 163-82.6.

1 (b) Verification of Affiliation Change by Mail. -- When a county board of
2 elections receives a notice of change of party affiliation or unaffiliated status
3 from a registrant in that county, the county board shall send a notice, by non-
4 forwardable mail, to the registrant's residence address. The notice shall state
5 that the registrant's records will be changed to reflect the change of status if
6 the registrant does not respond by stating that he does not desire a change in
7 status. The notice shall also inform the registrant of the time that the change of
8 affiliation status will occur, and shall explain the provisions of subsection (d) of
9 this section. If the Postal Service returns the county board's notice to the
10 registrant as undeliverable, the county board shall send to the registrant's
11 residence address a confirmation notice as described in G.S. 163-82.14(d)(2).
12 If the registrant does not respond to the confirmation notice as described in
13 G.S. 163-82.14(d)(2), then the county board shall proceed with the removal of
14 the registrant from the list of voters in accordance with G.S. 163-82.14(d).

15 (c) Board's Duty to Make Change. -- If the county board confirms the
16 registrant's address in accordance with subsection (b) of this section and the
17 registrant does not deny making the application to change affiliated or
18 unaffiliated status, the county board of elections shall immediately change the
19 record of the registrant's party affiliation, or unaffiliated status, to conform to
20 that stated in the application. Thereafter the voter shall be considered
21 registered and qualified to vote in accordance with the change, except as
22 provided in subsection (d) of this section.

23 (d) Deadline to Change Status Before Primary. -- If a registrant applies to
24 change party affiliation or unaffiliated status later than the last day for applying
25 to register under G.S. 163-82.6 before a primary, the registrant shall not be
26 entitled to vote in that primary.

27 (e) Authority of County Board or Supervisor to Make Correction. -- If at
28 any time the chairman or supervisor of elections of the county board of
29 elections is satisfied that an error has been made in designating the party
30 affiliation of any voter on the registration records, then the chairman or
31 supervisor of elections of the county board of elections shall make the
32 necessary correction after receiving from the voter a sworn statement as to the
33 error and the correct status.

34
35 "§ 163-82.18. Appeal from denial of registration.

36 (a) Right to Appeal. -- Any applicant who receives notice of denial of
37 registration pursuant to G.S. 163-82.7 may appeal the denial within five days
38 after receipt of the notice of denial. The county board of elections shall
39 promptly set a date for a public hearing. The notice of appeal shall be in
40 writing and shall be signed by the appealing party, shall include the appealing
41 party's name, date of birth, address, and reasons for the appeal.

42 (b) Hearing Before County Board of Elections. -- The county board of
43 elections shall set a date and time for a public hearing and shall notify the
44 appealing party. Every person appealing to the county board of elections from

1 denial of registration shall be entitled to a prompt and fair hearing on the
2 question of the denied applicant's right and qualifications to register as a voter.
3 All cases on appeal to a county board of elections shall be heard de novo.

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

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

16 (c) Appeal to Superior Court. -- Any person aggrieved by a final decision of
17 a county board of elections denying registration may at any time within 10
18 days from the date on which he receives notice of the decision appeal to the
19 superior court of the county in which the board is located. Upon such an
20 appeal, the appealing party shall be the plaintiff and the county board of
21 elections shall be the defendant, and the matter shall be heard de novo in the
22 superior court in the manner in which other civil actions are tried and disposed
23 of in that court.

24 If the decision of the court is that the order of the county board of elections
25 shall be set aside, then the court shall enter its order so providing and
26 adjudging that the plaintiff is entitled to be registered as a qualified voter in
27 the precinct in which he originally made application to register, and in such
28 case the plaintiff's name shall be entered in the registration book of that
29 precinct. The court shall not order the registration of any person in a precinct
30 in which he did not apply to register prior to the proceeding in court.

31 From the judgment of the superior court an appeal may be taken to the
32 appellate division in the same manner as other appeals are taken from
33 judgments of that court in civil actions.

34
35 **§ 163-82.19. Voter registration at drivers license offices.**

36 The Division of Motor Vehicles shall, pursuant to the rules adopted by the
37 State Board of Elections, modify its forms so that any eligible person who
38 applies for original issuance, renewal or correction of a driver's license or
39 special identification card issued under G.S. 20-37.7 may, on a part of the
40 form, complete an application to register to vote or to update his registration if
41 the voter has changed his address or moved from one precinct to another or
42 from one county to another. Any person who willfully and knowingly and with
43 fraudulent intent gives false information on the application is guilty of a Class I
44 felony. The application shall state in clear language the penalty for violation of

1 this subsection. The necessary forms shall be prescribed by the State Board of
2 Elections. The form must ask for the previous voter registration address of the
3 voter, if any. If a previous address is listed, and it is not in the county of
4 residence of the applicant, the appropriate county board of elections shall treat
5 the application as an authorization to cancel the previous registration and also
6 process it as such under the procedures of G.S. 163-82.9. If a previous
7 address is listed and that address is in the county where the voter applies to
8 register, the application shall be processed as if it had been submitted under
9 G.S. 163-82.9.

10 Registration shall become effective as provided in G.S. 163-82.7.
11 Applications to register to vote accepted at a drivers license office under this
12 section until the deadline established in G.S. 163-82.6(c)(2) shall be treated as
13 timely made for an election, and no person who completes an application at
14 that drivers license office shall be denied the vote in that election for failure to
15 apply earlier than that deadline.

16 All applications shall be forwarded by the Department of Transportation to
17 the appropriate board of elections not later than two business days after the
18 date of acceptance, according to rules which shall be promulgated by the State
19 Board of Elections.

20

21 ”§ 163-82.20. Voter registration at other public agencies.

22 (a) Voter Registration Agencies. -- Every office in this State which accepts:

23 (1) Applications for a program of public assistance under Article
24 2 of Chapter 108A of the General Statutes;

25 (2) Applications for State-funded State or local government
26 programs primarily engaged in providing services to persons
27 with disabilities, with such office designated by the State
28 Board of Elections; or

29 (3) Claims for benefits under Chapter 96 of the General Statutes,
30 the Employment Security Law.

31 (b) Duties of Voter Registration Agencies. -- A voter registration agency
32 described in subsection (a) of this section shall, unless the applicant declines,
33 in writing, to register to vote:

34 (1) Distribute with each application for service or assistance, and
35 with each recertification, renewal, or change of address
36 relating to such service or assistance:

37 a. The voter registration application form described in
38 G.S. 163-82.3(a) or (b); or

39 b. The voter registration agency's own form, if it is
40 substantially equivalent to the form described in G.S.
41 163-82.3 (a) or (b) and has been approved by the State
42 Board of Elections, provided that the agency's own
43 form may be a detachable part of the agency's paper
44 application or may be a paperless computer process, as

1 long as the applicant is required to sign an attestation
2 as part of the application to register.

3 (2) Provide a form that contains the elements required by section
4 7(a)(6)(B) of the National Voter Registration Act; and

5 (3) Provide to each applicant who does not decline to register to
6 vote the same degree of assistance with regard to the
7 completion of the registration application as is provided by
8 the office with regard to the completion of its own forms.

9 (c) Home Registration for Disabled. -- If a voter registration agency
10 provides services to a person with disability at the person's home, the voter
11 registration agency shall provide the services described in subsection (b) of this
12 section at the person's home.

13 (d) Prohibitions. -- Any person providing any service under subsection (b)
14 of this section shall not:

15 (1) Seek to influence an applicant's political preference or party
16 registration, except that this shall not be construed to prevent
17 the notice provided by G.S. 163-82.4(c) to be given if the
18 applicant refuses to declare his party affiliation;

19 (2) Display any such political preference or party allegiance;

20 (3) Make any statement to an applicant or take any action the
21 purpose or effect of which is to discourage the applicant from
22 registering to vote; or

23 (4) Make any statement to an applicant or take any action the
24 purpose or effect of which is to lead the applicant to believe
25 that a decision to register or not to register has any bearing
26 on the availability of services or benefits.

27 (e) Confidentiality of Declination to Register. -- No information relating to
28 a declination to register to vote in connection with an application made at a
29 voter registration agency may be used for any purpose other than voter
30 registration.

31 (f) Transmittal From Agency to Board of Elections. -- Any voter
32 registration application completed at a voter registration agency shall be
33 accepted by that agency in lieu of the applicant's mailing the application. Any
34 such application so received shall be transmitted to the appropriate board of
35 elections not later than two business days after acceptance, according to rules
36 which shall be promulgated by the State Board of Elections.

37 (g) Twenty-five-day Deadline for an Election. -- Applications to register
38 accepted by a voter registration agency shall entitle a registrant to vote in any
39 primary, general, or special election unless the registrant shall have made
40 application later than the twenty-fifth (25th) calendar day immediately
41 preceding such primary, general, or special election, provided that nothing
42 shall prohibit voter registration agencies from continuing to accept applications
43 during that period.

1 (h) Ineligible Applications Prohibited. -- No person shall make application
2 to register to vote under this section if that person is ineligible to vote on
3 account of age, citizenship, lack of residence for the period of time provided
4 by law, or because of conviction of a felony.

5
6 **§ 163-82.21. Voter registration at military recruitment offices.**

7 The Executive Secretary-Director, jointly with the U.S. Department of
8 Defense, shall develop and implement procedures for persons to apply to
9 register to vote at recruitment offices of the Armed Forces of the United States
10 in compliance with Section 7(c) of the National Voter Registration Act.

11
12 **§ 163-82.22. Voter registration at public libraries.**

13 Every library covered by G.S. 153A-272 shall make available to the public
14 the application forms described in G.S. 163-82.3, and shall keep a sufficient
15 supply of the forms so that they are always available. Every library covered by
16 G.S. 153A-272 shall designate at least one employee to assist voter registration
17 applicants in completing the form during all times that the library is open .

18
19 **§ 163-82.23. Voter registration at public high schools.**

20 Every public high school shall make available to its students and others who
21 are eligible to register to vote the application forms described in G.S. 163-
22 82.3, and shall keep a sufficient supply of the forms so that they are always
23 available. A local board of education may, but is not required to, designate
24 high school employees to assist in completing the forms. Only employees who
25 volunteer for this duty may be designated by boards of education.

26
27 **§ 163-82.24. Statewide training for election officials.**

28 The State Board of Elections shall conduct training programs in election law
29 and procedures. All the following officers shall attend a training program
30 conducted by the State Board at least once within six months after their initial
31 appointment:

32 (1) Members of county boards of elections;

33 (2) County supervisors of elections;

34 In addition, members of the county boards of elections and supervisors shall
35 attend a training program conducted by the State Board at least once a year
36 after their initial appointment. The State Board of Elections shall promulgate
37 rules for the training of precinct officials.

38
39 **§ 163-82.25. Mandated voter registration drive.**

40 The Governor shall proclaim as Citizens Awareness Month the month
41 designated by the State Board of Elections during every even-numbered year.
42 During that month, the State Board of Elections shall initiate a statewide voter
43 registration drive and shall adopt rules under which county boards of elections
44 shall conduct the drives. Each county board of elections shall participate in the

1 statewide voter registration drives in accordance with the rules adopted by the
2 State Board.

3
4 "§ 163-82.26. Rulemaking authority.

5 The State Board of Elections shall promulgate rules necessary to implement
6 the provisions of this Article."

7
8 Sec. 3. G.S. 163-41 reads as rewritten:

9 "§ 163-41. Precinct ~~registrars~~ chief judges and judges of election; special
10 registration commissioners; appointment; terms of office; qualifications;
11 vacancies; oaths of office.

12 (a) Appointment of ~~Registrar~~ Chief Judge and Judges. -- At the meeting
13 required by G.S. 163-31 to be held on the Tuesday following the third
14 Monday in August of the year in which they are appointed, the county board
15 of elections shall appoint one person to act as ~~registrar~~ chief judge and two
16 other persons to act as judges of election for each precinct in the county. Their
17 terms of office shall continue for two years from the specified date of
18 appointment and until their successors are appointed and qualified. It shall be
19 their duty to conduct the primaries and elections within their respective
20 precincts. Persons appointed to these offices must be registered voters and
21 residents of the precinct for which appointed, of good repute, and able to read
22 and write. Not more than one judge in each precinct shall belong to the same
23 political party as the ~~registrar~~ chief judge.

24 The term "precinct official" shall mean ~~registrars~~ chief judges and judges
25 appointed pursuant to this section, and all assistants appointed pursuant to
26 G.S. 163-42, unless the context of a statute clearly indicates a more restrictive
27 meaning.

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

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

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

40 The chairman of each political party in the county where possible shall
41 recommend two registered voters in each precinct who are otherwise qualified,
42 are residents of the precinct, have good moral character, and are able to read
43 and write, for appointment as ~~registrar~~ chief judge in the precinct, and he
44 shall also recommend where possible the same number of similarly qualified

1 voters for appointment as judges of election in that precinct. If such
2 recommendations are received by the county board of elections no later than
3 the fifth day preceding the date on which appointments are to be made, it must
4 make precinct appointments from the names of those recommended. Provided
5 that if only one name is submitted by the fifth day preceding the date on which
6 appointments are to be made, by a party for judge of election by the chairman
7 of one of the two political parties in the county having the greatest numbers of
8 registered voters in the State, the county board of elections must appoint that
9 person.

10 If, at any time other than on the day of a primary or election, a ~~registrar~~
11 chief judge or judge of election shall be removed from office, or shall die or
12 resign, or if for any other cause there be a vacancy in a precinct election
13 office, the chairman of the county board of elections shall appoint another in
14 his place, promptly notifying him of his appointment. If at all possible, the
15 chairman of the county board of elections shall consult with the county
16 chairman of the political party of the vacating official, and if the chairman of
17 the county political party nominates a qualified voter of that precinct to fill the
18 vacancy, the chairman of the county board of elections shall appoint that
19 person. In filling such a vacancy, the chairman shall appoint a person who
20 belongs to the same political party as that to which the vacating member
21 belonged when appointed. If the chairman of the county board of elections
22 did not appoint a person upon recommendation of the chairman of the party to
23 fill such a vacancy, then the term of office of the person appointed to fill the
24 vacancy shall expire upon the conclusion of the next canvass held by the
25 county board of elections under this Chapter, and any successor must be a
26 person nominated by the chairman of the party of the vacating officer.

27 If any person appointed ~~registrar~~ chief judge shall fail to be present at the
28 voting place at the hour of opening the polls on primary or election day, or if
29 a vacancy in that office shall occur on primary or election day for any reason
30 whatever, the precinct judges of election shall appoint another to act as
31 ~~registrar~~ chief judge until such time as the chairman of the county board of
32 elections shall appoint to fill the vacancy. If such appointment by the
33 chairman of the county board of elections is not a person nominated by the
34 county chairman of the political party of the vacating officer, then the term of
35 office of the person appointed to fill the vacancy shall expire upon the
36 conclusion of the next canvass held by the county board of elections under this
37 Chapter. If a judge of election shall fail to be present at the voting place at the
38 hour of opening the polls on primary or election day, or if a vacancy in that
39 office shall occur on primary or election day for any reason whatever, the
40 ~~registrar~~ chief judge shall appoint another to act as judge until such time as
41 the chairman of the county board of elections shall appoint to fill the vacancy.
42 Persons appointed to fill vacancies shall, whenever possible, be chosen from
43 the same political party as the person whose vacancy is being filled, and all
44 such appointees shall be sworn before acting.

1 As soon as practicable, following their training as prescribed in G.S.
2 ~~163-80(d),~~ 163-82.24, each ~~registrar~~ chief judge and judge of ~~elections~~
3 election shall take and subscribe the following oath of office to be administered
4 by an officer authorized to administer oaths and file it with the county board of
5 elections:

6 "I,, do solemnly swear (or affirm) that I will support
7 the Constitution of the United States; that I will be faithful and bear
8 true allegiance to the State of North Carolina, and to the
9 constitutional powers and authorities which are or may be
10 established for the government thereof; that I will endeavor to
11 support, maintain and defend the Constitution of said State not
12 inconsistent with the Constitution of the United States; that I will
13 administer the duties of my office as ~~registrar~~ chief judge of (judge
14 of ~~elections~~ election in) precinct, County, without fear or
15 favor; that I will not in any manner request or seek to persuade or
16 induce any voter to vote for or against any particular candidate or
17 proposition; and that I will not keep or make any memorandum of
18 anything occurring within a voting booth, unless I am called upon
19 to testify in a judicial proceeding for a violation of the election laws
20 of this State; so help me, God."

21 Notwithstanding the previous paragraph, a person appointed ~~registrar~~ chief
22 judge by the judges of election under this section, or appointed judge of
23 election by the ~~registrar~~ chief judge under this section may take the oath of
24 office immediately upon appointment.

25 Before the opening of the polls on the morning of the primary or election,
26 the ~~registrar~~ chief judge shall administer the oath set out in the preceding
27 paragraph to each assistant, and any judge of ~~elections~~ election not previously
28 sworn, substituting for the words "~~registrar~~ chief judge of" the words
29 "assistant in" or "judge of ~~elections~~ election in" whichever is appropriate.

30 ~~(b) Appointment of Special Registration Commissioners. -- In each county~~
31 ~~the county board of elections shall appoint as special registration~~
32 ~~commissioners the persons required by the next paragraph of this subsection,~~
33 ~~and may appoint additional persons as special registration commissioners.~~
34 ~~Special registration commissioners shall serve a term to expire on the date on~~
35 ~~which registrars and judges are appointed pursuant to subsection (a) of this~~
36 ~~subsection, and may be removed with cause. A special registration~~
37 ~~commissioner for a county must be a registered voter of that county.~~

38 ~~In each county, the county chairman of each of the two political parties~~
39 ~~having the greatest voter registration in the State may each, from time to time~~
40 ~~until the maximum number of special registration commissioners allowed by~~
41 ~~this sentence are appointed, recommend voters who are eligible and who are~~
42 ~~residents of the county for appointment as special registration commissioners in~~
43 ~~a number not to exceed:~~

- 1 (1) ~~One per 2,500 (or major fraction) residents of the county~~
2 ~~according to the most recent decennial federal census; or~~
3 (2) ~~Five, whichever is greater, but in no case greater than 100. If~~
4 ~~such recommendations are received by the county board of~~
5 ~~elections at least seven days prior to the next meeting of the~~
6 ~~county board of elections, the county board of elections shall~~
7 ~~at that meeting appoint as special registration commissioners~~
8 ~~the qualified persons on each list. The county board of~~
9 ~~elections shall meet within 45 days of receiving such~~
10 ~~nominations.~~
- 11 ~~No person shall be eligible to serve as a special registration commissioner,~~
12 ~~who holds any elective office under the government of the United States, or of~~
13 ~~the State of North Carolina or any political subdivision thereof.~~
- 14 ~~No person shall be eligible to serve as a special registration commissioner,~~
15 ~~who serves as chairman of any state, congressional district, county, or precinct~~
16 ~~political party or political organization.~~
- 17 ~~No person shall be eligible to serve as a special registration commissioner~~
18 ~~who is a candidate for nomination or election.~~
- 19 ~~No special registration commissioner who is the wife, husband, mother,~~
20 ~~father, son, daughter, brother or sister of any candidate for nomination or~~
21 ~~election may serve as special registration commissioner during the period~~
22 ~~beginning when the person files a notice of candidacy or otherwise obtains~~
23 ~~ballot access and ending on the date of the primary if the candidate is on the~~
24 ~~primary ballot or ending on the day of the general election if the candidate is~~
25 ~~on the general election ballot. The county board of elections shall temporarily~~
26 ~~disqualify the special registration commissioner for that period and shall have~~
27 ~~authority to appoint a temporary substitute who is a member of the same~~
28 ~~political party, to serve until the special registration commissioner is no longer~~
29 ~~disqualified.~~
- 30 ~~If the commissioner being temporarily replaced was appointed from a list of~~
31 ~~names which the board of elections was required to appoint one of, then the~~
32 ~~board of elections must appoint the temporary substitute from a list of two~~
33 ~~names submitted by the chairman of that political party.~~
- 34 ~~Before being eligible to take the oath of office, each special registration~~
35 ~~commissioner must receive the same training in registering voters as is required~~
36 ~~of registrars and judges under G.S. 163-80(d).~~
- 37 ~~Before entering upon his duties each special registration commissioner shall~~
38 ~~take and subscribe the following oath of office to be administered by an officer~~
39 ~~authorized to administer oaths and file it with the county board of elections:~~
- 40 ~~"I, _____ do solemnly swear (or affirm) that I will~~
41 ~~support the Constitution of the United States; that I will be faithful~~
42 ~~and bear true allegiance to the State of North Carolina, and to the~~
43 ~~constitutional powers and authorities which are or may be~~
44 ~~established for the government thereof; that I will endeavor to~~

1 ~~support, maintain and defend the Constitution of said State, not~~
2 ~~inconsistent with the Constitution of the United States; that I will~~
3 ~~administer the duties of my office as special registration~~
4 ~~commissioner for _____ County without fear or favor, to the best~~
5 ~~of my knowledge and ability, according to law; so help me, God."~~

6 Special Registration Commissioners Abolished; Optional Training. -- The
7 office of special registration commissioner is abolished. The State Board of
8 Elections and county boards of elections may provide training to persons
9 assisting in voter registration.

10 (b1) Repealed by Session Laws 1985, c. 387, s. 1.1.

11 (c) Publication of Names of Precinct Officials. -- Immediately after
12 appointing ~~registrars, judges, and special registration commissioners~~ chief
13 judges and judges as herein provided, the county board of elections shall
14 publish the names of the persons appointed in some newspaper having general
15 circulation in the county or, in lieu thereof, at the courthouse door, and shall
16 notify each person appointed of his appointment, either by letter or by having
17 a notice served upon him by the sheriff. Notice may additionally be made on a
18 radio or television station or both, but such notice shall be in addition to the
19 newspaper and other required notice."
20

20

21 Sec. 4. G.S. 163-47 reads as rewritten:

22 "§ 163-47. Powers and duties of ~~registrars~~ chief judges and judges of
23 election.

24 (a) The ~~registrars~~ chief judges and judges of election shall conduct the
25 primaries and elections within their respective precincts fairly and impartially,
26 and they shall enforce peace and good order in and about the place of
27 registration and voting. On the day of each primary and general and special
28 election, the precinct ~~registrar~~ chief judge and judges shall remain at the
29 voting place from the time fixed by law for the commencement of their duties
30 there until they have completed all those duties, and they shall not separate nor
31 shall any one of them leave the voting place except for unavoidable necessity.

32 (b) ~~The registrar shall have in his charge the actual registration of voters~~
33 ~~within his precinct and shall not delegate this responsibility. On the days~~
34 ~~required by law, he shall attend the voting place for the registration of new~~
35 ~~voters and for hearing challenges, but in the performance of these duties the~~
36 ~~registrar shall be subject to the observance of such reasonable rules and~~
37 ~~regulations as the county board of elections may prescribe, not inconsistent~~
38 ~~with law.~~ On the day of an election or primary, the ~~registrar~~ chief judge
39 shall have charge of the registration ~~book~~ list for the purpose of passing on
40 the registration of persons who present themselves at the polls to vote.

41 (c) The ~~registrars~~ chief judge and judges shall hear challenges of the right
42 of registered voters to vote as provided by law.

43 (d) The ~~registrars~~ chief judge and judges shall count the votes cast in their
44 precincts and make such returns of the same as is provided by law.

1 (e) The ~~registrars~~ chief judge and judges shall make such an accounting to
2 the chairman of the county board of elections for ballots and for election
3 supplies as is required by law.

4 (f) The ~~registrar~~ chief judge and judges of election shall act by a majority
5 vote on all matters not assigned specifically by law to the ~~registrar~~ chief judge
6 or to a judge."

7

8 Sec. 5. Wherever the term "registrar" appears in Chapter 163 of
9 the General Statutes, the term shall be changed to read "chief judge."

10

11 Sec. 6. Article 4 of Chapter 163 of the General Statutes is
12 amended by adding a new section to read:

13 "§ 163-36. Modified full-time offices.

14 The State Board of Elections shall promulgate rules permitting counties that
15 have fewer than 14,001 registered voters to operate a modified full-time
16 elections office to the extent that the operation of a full-time office is not
17 necessary. Nothing in this section shall preclude any county from keeping an
18 elections office open at hours consistent with the hours observed by other
19 county offices."

20

21 Sec. 7. Article 10 of Chapter 163 of the General Statutes is
22 amended by adding a new section to read:

23 "§ 163-116. Voting by unaffiliated voter in party primary.

24 If a political party has, by action of its State Executive Committee reported
25 to the State Board of Elections by resolution delivered no later than the first
26 day of December preceding a primary, provided that unaffiliated voters may
27 vote in the primary of that party, an unaffiliated voter may vote in the primary
28 of that party by announcing that intention under G.S. 163-150(a). For a party
29 to withdraw its permission, it must do so by action of its State Executive
30 Committee, similarly reported to the State Board of Elections no later than the
31 first day of December preceding the primary where the withdrawal is to
32 become effective.

33

34 Sec. 8. G.S. 18B-601(i) reads as rewritten:

35 "(i) Observers. -- The proponents and opponents for an alcoholic beverage
36 election, as determined by the local board of elections, shall have the right to
37 appoint two ~~watchers~~ observers to attend each voting place. The persons
38 authorized to appoint ~~watchers~~ observers shall, three days before the election,
39 submit in writing to the ~~registrar~~ chief judge of each precinct a signed list of
40 the ~~watchers~~ observers appointed for that precinct. The persons appointed as
41 ~~watchers~~ observers shall be registered voters of the precinct for which
42 appointed. The ~~registrar~~ chief judge and judges for the precinct may for good
43 cause reject any appointee and require that another be appointed. ~~Watchers~~
44 Observers shall do no electioneering at the voting place nor in any manner

1 impede the voting process, interfere or communicate with or observe any voter
2 in casting his ballot. ~~Watchers~~ Observers shall be permitted in the voting place
3 to make such observation and to take such notes as they may desire."
4

5 Sec. 9. G.S. 115C-506 reads as rewritten:

6 "**§115C-506. Action of board of county commissioners or governing body of**
7 **municipality.**

8 Petitions requesting special school elections and bearing the approval of the
9 board of education of the local school administrative unit shall be presented to
10 the board of county commissioners, and it shall be the duty of said board of
11 county commissioners to call an election and fix the date for the same:
12 Provided, that the board of education requesting the election may, for any
13 reason deemed sufficient by said board which shall be specified and recorded
14 in the minutes of the board, withdraw the petition ~~before the close of the~~
15 ~~registration books,~~ by the twenty-fifth (25th) day before the election, and if
16 the petition be so withdrawn, the election shall not be held unless by some
17 other provision of law the holding of such election is mandatory. In the case of
18 a city administrative unit in any incorporated city or town and formed from
19 portions of contiguous counties, said petition shall be presented to the
20 governing body of the city or town situated within, coterminous with, or
21 embracing such city administrative unit, and the election shall be ordered by
22 said governing body, and said governing body shall perform all the duties
23 pertaining to said election performed by the board of county commissioners in
24 elections held under this Article."
25

26 Sec. 10. G.S. 139-40 reads as rewritten:

27 "**§139-40. Conduct of election.**

28 (a) There shall be no new registration of voters for such an election. ~~The~~
29 ~~registration books.~~ Registration shall be open for registration of new voters in
30 said county and registration of any and all legal residents of said county, who
31 are or could legally be enfranchised as qualified voters for regular general
32 elections, shall be carried out in accordance with the general election laws of
33 the State of North Carolina as provided for local elections. Notice of such
34 registration of new voters shall be published in a newspaper circulated in said
35 county, once, not less than ~~30~~ 55 days before and not more than ~~40~~ 65 days
36 ~~before, the close of the registration books,~~ before the election, stating the
37 hours and days for registration. The special election, if called, shall be under
38 the control and supervision of the county board of elections.

39 (b) The form of the question shall be substantially the words "For
40 Watershed Improvement Tax of Not More Than Cents Per One
41 Hundred Dollar (\$100.00) Valuation." and "Against Watershed Improvement
42 Tax of Not More Than Cents Per One Hundred Dollar (\$100.00)
43 Valuation," which alternates shall appear separated from each other on one
44 ballot containing opposite, and to the left of each alternate, squares of

1 appropriate size in one of which squares the voter may make a mark "X" to
2 designate the voter's choice for or against such tax, provided, the board of
3 county commissioners may vary the aforesaid form of the question to be placed
4 upon the ballot for the watershed improvement tax election in such manner as
5 the board deems appropriate, and the board of elections shall cause to be
6 placed upon the ballot such form of the question as may be requested by the
7 board of county commissioners. The board of county commissioners shall
8 designate the amount of the maximum annual rate of such tax to be levied,
9 which amount may be less than but may not exceed twenty-five cents (25¢) on
10 the one hundred dollar (\$100.00) valuation of property in the county, and said
11 amount shall be stated on the ballot in the question to be voted upon. Such
12 ballot shall be printed on white paper and each polling place shall be supplied
13 with a sufficient number of ballots not later than the day before the election.
14 At such special election the election board shall cause to be placed at each
15 voting precinct in said county a ballot box marked "Watershed Improvement
16 Tax Election."

17 (c) The duly appointed judges and other election officials who are named
18 and fixed by the county board of elections shall count the ballots so cast in
19 such election and the results of the election shall be officially canvassed,
20 certified and announced by the proper officials of the board of elections,
21 according to the manner of canvassing, certifying and announcing the elections
22 held under the general election laws of the State as provided for local
23 elections.

24 (d) If a majority of those voting in such election favor the levying of such a
25 tax, the board of commissioners of such county is authorized to levy a special
26 tax at a rate not to exceed twenty-five cents (25¢) on each one hundred dollars
27 (\$100.00) of assessed value of real and personal property taxable in said
28 county, not to exceed the maximum rate of tax approved by the voters in such
29 election, and the General Assembly does hereby give its special approval for
30 the levy of such special tax."

31

32 Sec. 11. G.S. 158-17 reads as rewritten:

33 **"§158-17. Registration of voters; election under supervision of county board
34 of elections.**

35 There shall be no new registration of voters for such an election. ~~The~~
36 ~~registration books.~~ Registration shall be open for registration of new voters in
37 said county and registration of any and all legal residents of said county, who
38 are or could legally be enfranchised as qualified voters for regular general
39 elections, shall be carried out in accordance with the general election laws of
40 the State of North Carolina as provided for local elections. Notice of such
41 registration of new voters shall be published in a newspaper circulated in said
42 county, once, not less than ~~30~~ 55 days before and not more than ~~40~~ 65 days
43 ~~before, the close of the registration books, the election,~~ stating the hours and

1 days for registration. The special election, if called, shall be under the control
2 and supervision of the county board of elections."
3

4

Sec. 12. G.S. 163-22(o) reads as rewritten:

5 "(o) The State Board of Elections shall promulgate minimum requirements
6 for the number of pollbooks, voting machines and curbside ballots to be
7 available at each precinct. such that more of such will be available at general
8 elections and a sufficient number will be available to allow voting without
9 excessive delay. The State Board of Elections shall provide for a training and
10 screening program for ~~registrars~~ chief judges and judges. The State Board of
11 Elections shall provide additional testing of voting machines to ensure that they
12 operate properly even with complicated ballots.

13 The State Board of Elections shall require counties with voting systems to
14 have sufficient personnel available on election day with technical expertise to
15 make repairs in such equipment. to investigate election day problems, and
16 assist in curbside voting."
17

18

Sec. 13. G.S. 163-31 reads as rewritten:

19 "§163-31. Meetings of county boards of elections; quorum; minutes.

20 In each county of the State the members of the county board of elections
21 shall meet at the courthouse or board office at noon on the Tuesday following
22 the third Monday in July in the year of their appointment by the State Board
23 of Elections and, after taking the oath of office provided in G.S. 163-30, they
24 shall organize by electing one member chairman and another member secretary
25 of the county board of elections. On the Tuesday following the third Monday
26 in August of the year in which they are appointed the county board of elections
27 shall meet and appoint precinct ~~registrars~~ chief judges and judges of elections.
28 The board may hold other meetings at such times as the chairman of the
29 board, or any two members thereof, may direct. for the performance of duties
30 prescribed by law. A majority of the members shall constitute a quorum for the
31 transaction of board business. The chairman shall notify, or cause to be
32 notified, all members regarding every meeting to be held by the board.

33 The county board of elections shall keep minutes recording all proceedings
34 and findings at each of its meetings. The minutes shall be recorded in a book
35 which shall be kept in the board office and it shall be the responsibility of the
36 secretary, elected by the board, to keep the required minute book current and
37 accurate. The secretary of the board may designate the supervisor of elections
38 to record and maintain the minutes under his supervision."
39

40

Sec. 14. G.S. 163-32 reads as rewritten:

41 "§ 163-32. Compensation of members of county boards of elections.

42 In full compensation of their services, members of the county board of
43 elections (including the chairman) shall be paid by the county twenty-five
44 dollars (\$25.00) per meeting for the time they are actually engaged in the

1 discharge of their duties, together with reimbursement of expenditures
2 necessary and incidental to the discharge of their duties; provided that
3 members are not entitled to be compensated for more than one meeting held in
4 any one 24-hour period. In its discretion, the board of county commissioners
5 of any county may pay the chairman and members of the county board of
6 elections compensation in addition to the per meeting and expense allowance
7 provided in this paragraph.

8 In all counties the board of elections shall pay its clerk, assistant clerks, and
9 other employees such compensation as it shall fix within budget
10 appropriations. Counties which adopt full-time and permanent registration shall
11 have authority to pay supervisors of elections ~~and special registration~~
12 ~~commissioners~~ whatever compensation they may fix within budget
13 appropriations."

14

15 Sec. 15. G.S. 163-33(2) reads as rewritten:

16 "(2) To appoint all ~~registrars~~, chief judges, judges, assistants, and
17 other officers of elections, and designate the precinct in which
18 each shall serve; and, after notice and hearing, to remove any
19 ~~registrar~~, chief judge, judge of elections, assistant, or other
20 officer of election appointed by it for incompetency, failure to
21 discharge the duties of office, failure to qualify within the
22 time prescribed by law, fraud, or for any other satisfactory
23 cause. In exercising the powers and duties of this subdivision,
24 the board may act only when a majority of its members are
25 present at any meeting at which such powers or duties are
26 exercised."

27

28 Sec. 16. G.S. 163-35(d) reads as rewritten:

29 "(d) Duties. -- The supervisor of elections may be empowered by the county
30 board of elections to perform such administrative duties as might be assigned
31 by the board and the chairman. ~~In addition to any administrative duties the~~
32 ~~supervisor of elections shall be authorized to receive applications for~~
33 ~~registration and in pursuit of such authority shall be given the oath required of~~
34 ~~all registrars.~~ In addition, the supervisor of elections may be authorized by the
35 chairman to execute the responsibilities devolving upon the chairman provided
36 such authorization by any chairman shall in no way transfer the responsibility
37 for compliance with the law. The chairman shall remain liable for proper
38 execution of all matters specifically assigned to him by law.

39 The county board of elections shall have authority, by resolution adopted by
40 majority vote, to delegate to its supervisor of elections so much of the
41 administrative detail of the election functions, duties, and work of the board,
42 its officers and members, as is now, or may hereafter be vested in the board or
43 its members as the county board of elections may see fit: Provided, that the
44 board shall not delegate to a supervisor of elections any of its quasi-judicial or

1 policy-making duties and authority. Within the limitations imposed upon him
2 by the resolution of the county board of elections the acts of a properly
3 appointed supervisor of elections shall be deemed to be the acts of the county
4 board of elections, its officers and members."
5

6

Sec. 17. G.S. 163-42 reads as rewritten:

7 **"§163-42. Assistants at polls; appointment; term of office; qualifications;
8 oath of office.**

9 Each county and municipal board of elections is authorized, in its discretion,
10 to appoint two or more assistants for each precinct to aid the ~~registrar~~ chief
11 judge and judges. Not more than two assistants shall be appointed in precincts
12 having 500 or less registered voters. Assistants shall be qualified voters of the
13 precinct for which appointed. When the board of elections determines that
14 assistants are needed in a precinct an equal number shall be appointed from
15 different political parties, unless the requirement as to party affiliation cannot
16 be met because of an insufficient number of voters of different political parties
17 within a precinct.

18 The chairman of each political party in the county shall have the right to
19 recommend from three to 10 registered voters in each precinct for appointment
20 as precinct assistants in that precinct. If the recommendations are received by it
21 no later than the thirtieth day prior to the primary or election, the board shall
22 make appointments of the precinct assistants for each precinct from the names
23 thus recommended.

24 Before entering upon the duties of the office, each assistant shall take the
25 oath prescribed in G.S. 163-41(a) to be administered by the ~~registrar~~ chief
26 judge of the precinct for which the assistant is appointed. Assistants serve for
27 the particular primary or election for which they are appointed, unless the
28 county board of elections appoints them for a term to expire on the date
29 appointments are to be made pursuant to G.S. 163-41."
30

31

Sec. 18. G.S. 163-43 reads as rewritten:

32 **"§163-43. Ballot counters; appointment; qualifications; oath of office.**

33 The county board of elections of any county may authorize the use of
34 precinct ballot counters to aid the ~~registrars~~ chief judges and judges of election
35 in the counting of ballots in any precinct or precincts within the county. The
36 county board of elections shall appoint the ballot counters it authorizes for
37 each precinct or, in its discretion, the board may delegate authority to make
38 such appointments to the precinct ~~registrar~~, chief judge, specifying the number
39 of ballot counters to be appointed for each precinct. A ballot counter must be a
40 resident of that precinct.

41 No person shall be eligible to serve as a ballot counter, who holds any
42 elective office under the government of the United States, or of the State of
43 North Carolina or any political subdivision thereof.

1 No person shall be eligible to serve as a ballot counter, who serves as
2 chairman of a state, congressional district, county, or precinct political party or
3 political organization.

4 No person who is the wife, husband, mother, father, son, daughter, brother
5 or sister of any candidate for nomination or election may serve as ballot
6 counter during any primary or election in which such candidate qualifies.

7 No person shall be eligible to serve as a ballot counter who is a candidate
8 for nomination or election.

9 Upon acceptance of appointment, each ballot counter shall appear before the
10 precinct ~~registrar~~ chief judge at the voting place immediately at the close of the
11 polls on the day of the primary or election and take the following oath to be
12 administered by the ~~registrar~~ chief judge:

13 'I,, do solemnly swear (or affirm) that I will support the
14 Constitution of the United States; that I will be faithful and bear true
15 allegiance to the State of North Carolina, and to the constitutional powers and
16 authorities which are or may be established for the government thereof; that I
17 will endeavor to support, maintain and defend the Constitution of said State
18 not inconsistent with the Constitution of the United States; that I will honestly
19 discharge the duties of ballot counter in precinct, County for
20 primary (or election) held this day, and that I will fairly and honestly tabulate
21 the votes cast in said primary (or election); so help me, God.'

22 The names and addresses of all ballot counters serving in any precinct, whether
23 appointed by the county board of elections or by the ~~registrar~~ chief judge,
24 shall be reported by the ~~registrar~~ chief judge to the county board of elections at
25 the county canvass following the primary or election."
26

27 Sec. 19. G.S. 163-45 reads as rewritten:
28 § 163-45. Observers; appointment.

29 The chairman of each political party in the county shall have the right to
30 designate two observers to attend each voting place at each primary and
31 election and such observers may, at the option of the designating party
32 chairman, be relieved during the day of the primary or election after serving
33 no less than four hours and provided the list required by this section to be filed
34 by each chairman contains the names of all persons authorized to represent
35 such chairman's political party. Not more than two observers from the same
36 political party shall be permitted in the voting enclosure at any time. This
37 right shall not extend to the chairman of a political party during a primary
38 unless that party is participating in the primary. In any election in which an
39 unaffiliated candidate is named on the ballot, he or his campaign manager shall
40 have the right to appoint two observers for each voting place consistent with
41 the provisions specified herein. Persons appointed as observers must be
42 registered voters of the precinct for which appointed and must have good
43 moral character. Observers shall take no oath of office.

1 Individuals authorized to appoint observers must submit in writing to the
2 registrar chief judge of each precinct a signed list of the observers appointed
3 for that precinct. Individuals authorized to appoint observers must, prior to
4 10:00 A.M. on the fifth day prior to any primary or general election, submit
5 in writing to the chairman of the county board of elections two signed copies
6 of a list of observers appointed by them, designating the precinct for which
7 each observer is appointed. Before the opening of the voting place on the day
8 of a primary or general election, the chairman shall deliver one copy of the list
9 to the registrar chief judge for each affected precinct. He shall retain the other
10 copy. The chairman, or the registrar chief judge and judges for each affected
11 precinct, may for good cause reject any appointee and require that another be
12 appointed. The names of any persons appointed in place of those persons
13 rejected shall be furnished in writing to the registrar chief judge of each
14 affected precinct no later than the time for opening the voting place on the day
15 of any primary or general election, either by the chairman of the county board
16 of elections or the person making the substitute appointment.

17 An observer shall do no electioneering at the voting place, and he shall in no
18 manner impede the voting process or interfere or communicate with or observe
19 any voter in casting his ballot, but, subject to these restrictions, the registrar
20 chief judge and judges of elections shall permit him to make such observation
21 and take such notes as he may desire.

22 Whether or not the observer attends to the polls for the requisite time
23 provided by this section, each observer shall be entitled to obtain at times
24 specified by the State Board of Elections, but not less than three times during
25 election day with the spacing not less than one hour apart, a list of the persons
26 who have voted in the precinct so far in that election day. Counties that use
27 an 'authorization to vote document' instead of poll books may comply with the
28 requirement in the previous sentence by permitting each observer to inspect
29 election records so that the observer may create a list of persons who have
30 voted in the precinct so far that election day; each observer shall be entitled to
31 make the inspection at times specified by the State Board of Elections, but not
32 less than three times during election day with the spacing not less than one
33 hour apart."

34

35 Sec. 20. G.S. 163-46 reads as rewritten:

36 "§163-46. Compensation of precinct officials and assistants.

37 The precinct registrar chief judge shall be paid the state minimum wage for
38 his services on the day of a primary, special or general election. Judges of
39 election shall each be paid the state minimum wage for their services on the
40 day of a primary, special or general election. Assistants, appointed pursuant to
41 G.S. 163-42, shall each be paid the state minimum wage for their services on
42 the day of a primary, special or general election. Ballot counters appointed
43 pursuant to G.S. 163-43 shall be paid a minimum of five dollars (\$5.00) for
44 their services on the day of a primary, general or special election.

1 ~~Registrars~~ Chief judges shall be paid the sum of twenty dollars (\$20.00) per
2 day and judges shall be paid the sum of fifteen dollars (\$15.00) per day for
3 attendance at the county canvass, pursuant to G.S. ~~163-173; or for attending~~
4 ~~the polling place for the purpose of registering voters upon instruction from~~
5 ~~the chairman of the county board of elections, 163-173.~~

6 The chairman of the county board of elections, along with the supervisor of
7 elections, shall conduct an instructional meeting prior to each primary and
8 general election which shall be attended by each ~~registrar~~ chief judge and judge
9 of election, unless excused by the chairman, and such precinct election officials
10 shall be paid the sum of fifteen dollars (\$15.00) for attending the instructional
11 meetings required by this section.

12 In its discretion, the board of county commissioners of any county may
13 provide funds with which the county board of elections may pay ~~registrars,~~
14 chief judges, judges, assistants, and ballot counters in addition to the amounts
15 specified in this section. Observers shall be paid no compensation for their
16 services.

17 A person appointed to serve as ~~registrar~~ chief judge, or judge of election
18 when a previously appointed ~~registrar~~ chief judge or judge fails to appear at
19 the voting place or leaves his post on the day of an election or primary shall be
20 paid the same compensation as the ~~registrar~~ chief judge or judge appointed
21 prior to that date.

22 For the purpose of this section, the phrase 'the State minimum wage,'
23 means the amount set by G.S. 95-25.3(a). For the purpose of this section, no
24 other provision of Article 2A of Chapter 95 of the General Statutes shall
25 apply."

26

27 Sec. 21. G.S. 163-48 reads as rewritten:

28 "§ 163-48. Maintenance of order at place of registration and voting.

29 The ~~registrar~~ chief judge and judges of election shall enforce peace and good
30 order in and about the place of registration and voting. They shall especially
31 keep open and unobstructed the place at which voters or persons seeking to
32 register or vote have access to the place of registration and voting. They shall
33 prevent and stop improper practices and attempts to obstruct, intimidate, or
34 interfere with any person in registering or voting. They shall protect challenger
35 and witnesses against molestation and violence in the performance of their
36 duties, and they may eject from the place of registration or voting any
37 challenger or witness for violation of any provisions of the election laws. They
38 shall prevent riots, violence, tumult, or disorder.

39 In the discharge of the duties prescribed in the preceding paragraph of this
40 section, the ~~registrar~~ chief judge and judges may call upon the sheriff, the
41 police, or other peace officers to aid them in enforcing the law. They may
42 order the arrest of any person violating any provision of the election laws, but
43 such arrest shall not prevent the person arrested from registering or voting if
44 he is entitled to do so. The sheriff, ~~constables,~~ police officers, and other

1 officers of the peace shall immediately obey and aid in the enforcement of any
2 lawful order made by the precinct election officials in the enforcement of the
3 election laws. The ~~registrar~~ chief judge and judges of election of any precinct,
4 or any two of such election officials, shall have the authority to deputize any
5 person or persons as police officers to aid in maintaining order at the place of
6 registration or voting."

7

8 Sec. 22. G.S. 163-57 reads as rewritten:

9 "§ 163-57. Residence defined for registration and voting.

10 All ~~registrars and judges,~~ election officials in determining the residence of a
11 person offering to register or vote, shall be governed by the following rules, so
12 far as they may apply:

- 13 (1) That place shall be considered the residence of a person in
14 which his habitation is fixed, and to which, whenever he is
15 absent, he has the intention of returning.
- 16 (2) A person shall not be considered to have lost his residence
17 who leaves his home and goes into another state or county of
18 this State, for temporary purposes only, with the intention of
19 returning.
- 20 (3) A person shall not be considered to have gained a residence
21 in any county of this State, into which he comes for
22 temporary purposes only, without the intention of making
23 such county his permanent place of abode.
- 24 (4) If a person removes to another state or county within this
25 State, with the intention of making such state or county his
26 permanent residence, he shall be considered to have lost his
27 residence in the state or county from which he has removed.
- 28 (5) If a person removes to another state or county within this
29 State, with the intention of remaining there an indefinite time
30 and making such state or county his place of residence, he
31 shall be considered to have lost his place of residence in this
32 State or the county from which he has removed,
33 notwithstanding he may entertain an intention to return at
34 some future time.
- 35 (6) If a person goes into another state or county, or into the
36 District of Columbia, and while there exercises the right of a
37 citizen by voting in an election, he shall be considered to
38 have lost his residence in this State or county.
- 39 (7) School teachers who remove to a county for the purpose of
40 teaching in the schools of that county temporarily and with
41 the intention or expectation of returning during vacation
42 periods to live in the county in which their parents or other
43 relatives reside, and who do not have the intention of
44 becoming residents of the county to which they have moved

- 1 to teach, for purposes of registration and voting shall be
2 considered residents of the county in which their parents or
3 other relatives reside.
- 4 (8) If a person removes to the District of Columbia or other
5 federal territory to engage in the government service, he shall
6 not be considered to have lost his residence in this State
7 during the period of such service unless he votes there, and
8 the place at which he resided at the time of his removal shall
9 be considered and held to be his place of residence.
- 10 (9) If a person removes to a county to engage in the service of
11 the State government, he shall not be considered to have lost
12 his residence in the county from which he removed, unless he
13 demonstrates a contrary intention.
- 14 (10) For the purpose of voting a spouse shall be eligible to
15 establish a separate domicile.
- 16 (11) So long as a student intends to make his home in the
17 community where he is physically present for the purpose of
18 attending school while he is attending school and has no
19 intent to return to his former home after graduation, he may
20 claim the college community as his domicile. He need not
21 also intend to stay in the college community beyond
22 graduation in order to establish his domicile there. This
23 subdivision is intended to codify the case law."
24

25 Sec. 23. G.S. 163-59 reads as rewritten:

26 "§ 163-59. Right to participate or vote in party primary.

27 No person shall be entitled to vote or otherwise participate in the primary
28 election of any political party unless he

- 29 (1) Is a registered voter, and
30 (2) Has declared and has had recorded on the registration book or
31 record the fact that he affiliates with the political party in
32 whose primary he proposes to vote or participate, and
33 (3) Is in good faith a member of that party.

34 Notwithstanding the previous paragraph, any unaffiliated voter who is
35 authorized under G.S. ~~163-74(a1)~~ 163-116 may also vote in the primary if the
36 voter is otherwise eligible to vote in that primary except for subdivisions (2)
37 and (3) of the previous paragraph.

38 Any person who will become qualified by age or residence to register and
39 vote in the general election or regular municipal election for which the primary
40 is held, even though not so qualified by the date of the primary, shall be
41 entitled to register for the primary and general or regular municipal election
42 prior to the primary and then to vote in the primary after being registered.
43 Such person may register not earlier than 60 days nor later than the last day
44 for making application to register under G.S. ~~163-67~~ 163-82.6(c) prior to the

1 primary. In addition, persons who will become qualified by age to register and
2 vote in the general election or regular municipal election for which the primary
3 is held, who do not register during the special period may register to vote after
4 such period as if they were qualified on the basis of age, but until they are
5 qualified by age to vote, they may vote only in primary elections."

6

7

Sec. 24. G.S. 163-84 reads as rewritten:

8 "§163-84. Time for challenge other than on day of primary or election.

9 The registration records of each county shall be open to inspection by any
10 registered voter of the county, including any ~~registrar~~ chief judge or judge of
11 elections, during the normal business hours of the county board of elections on
12 the days when the board's office is ~~open pursuant to G.S. 163-67~~ open. At
13 those times the right of any person to register, remain registered, or vote shall
14 be subject to objection and challenge."

15

16

Sec. 25. G.S. 163-85(a) reads as rewritten:

17 "(a) Right to Challenge; When Challenge May Be Made. -- Any registered
18 voter of the county may challenge the right of any person to register, remain
19 registered or vote in such county. No such challenge may be made after the
20 ~~close of the registration books, pursuant to G.S. 163-67~~ twenty-fifth (25th)
21 day before each primary, general, or special election."

22

23

Sec. 26. G.S. 163-87 reads as rewritten:

24 "§ 163-87. Challenges allowed on day of primary or election.

25 On the day of a primary or election, at the time a registered voter offers to
26 vote, any other registered voter of the precinct may exercise the right of
27 challenge, and when he does so may enter the voting enclosure to make the
28 challenge, but he shall retire therefrom as soon as the challenge is heard.

29 On the day of a primary or election, any other registered voter of the
30 precinct may challenge a person for one or more of the following reasons:

31

(1) One or more of the reasons listed in G.S. 163-85(c), or

32

(2) That the person has already voted in that primary or election.

33

or

34

(3) That the person presenting himself to vote is not who he
35 represents himself to be.

36

37 On the day of a party primary, any voter of the precinct who is registered as
38 a member of the political party conducting the primary may, at the time any
39 registrant proposes to vote, challenge his right to vote upon the ground that he
40 does not affiliate with the party conducting the primary or does not in good
41 faith intend to support the candidates nominated in that party's primary, and it
42 shall be the duty of the ~~registrar~~ chief judge and judges of election to
43 determine whether or not the challenged registrant has a right to vote in that
primary according to the procedures prescribed in G.S. 163-88; provided that

1 no challenge may be made on the grounds specified in the paragraph against
2 an unaffiliated voter voting in the primary under G.S. 163-74(a1).

3 If a person is challenged under this subsection, and the challenge is
4 sustained under G.S. 163-85(c)(3), the voter may still transfer his registration
5 under G.S. ~~163-72.3~~ 163-82.15(e) if eligible under that section, and the
6 registration shall not be cancelled under G.S. 163-90.2(a) if the transfer is
7 made. A person who has transferred his registration under G.S. ~~163-72.3~~
8 163-82.15(e) may be challenged at the precinct to which the registration is
9 being transferred."

10

11 Sec. 27. G.S. 163-88 reads as rewritten:

12 "§ 163-88. Hearing on challenge made on day of primary or election.

13 A challenge entered on the day of a primary or election shall be heard and
14 decided by the ~~registrar~~ chief judge and judges of election of the precinct in
15 which the challenged registrant is registered before the polls are closed on the
16 day the challenge is made. When the challenge is heard the precinct officials
17 conducting the hearing shall explain to the challenged registrant the
18 qualifications for registration and voting in this State, and shall examine him as
19 to his qualifications to be registered and to vote. If the challenged registrant
20 insists that he is qualified, and if, by sworn testimony, he shall prove his
21 identity with the person in whose name he offers to vote and his continued
22 residence in the precinct since he was registered, one of the judges of election
23 or the ~~registrar~~ chief judge shall tender to him the following oath or
24 affirmation, omitting the portions in brackets if the challenge is heard on the
25 day of an election other than a primary:

26 'You do solemnly swear (or affirm) that you are a citizen of the United
27 States; that you are at least 18 years of age [or will become 18 by the date of
28 the next general election]; that you have [or will have] resided in this State and
29 in the precinct for which registered for 30 days [by the date of the next general
30 election]; that you are not disqualified from voting by the Constitution and
31 laws of this State; that your name is and that in such name you
32 were duly registered as a voter of this precinct; that you are the person you
33 represent yourself to be; [that you are affiliated with the party]; and
34 that you have not voted in this [primary] election at this or any other voting
35 place. So help you. God.'

36 If the challenged registrant refuses to take the tendered oath, the challenge
37 shall be sustained, and the precinct officials conducting the hearing shall mark
38 the registration records to reflect their decision, and they shall erase the
39 challenged registrant's name from the pollbook if it has been entered therein.
40 If the challenged registrant takes the tendered oath, the precinct officials
41 conducting the hearing may, nevertheless, sustain the challenge unless they are
42 satisfied that the challenged registrant is a legal voter. If they are satisfied that
43 he is a legal voter, they shall overrule the challenge and permit him to vote.
44 Whenever any person's vote is received after having taken the oath prescribed

1 in this section, the ~~registrar~~ chief judge or one of the judges of election shall
2 write on the registration record and on the pollbook opposite the registrant's
3 name the word 'sworn.'

4 Precinct election officials conducting hearings on challenges on the day of a
5 primary or election shall have authority to administer the necessary oaths or
6 affirmations to all witnesses brought before them to testify to the qualifications
7 of the person challenged.

8 A letter or postal card mailed by returnable mail and returned by the United
9 States Postal Service purportedly because the person no longer lives at that
10 address or because a forwarding order has expired shall not be admissible
11 evidence in a challenge heard under this section which was made under G.S.
12 163-87."

13

14 Sec. 28. G.S. 163-88.1 reads as rewritten:

15 "§ 163-88.1. Request for challenged ballot.

16 (a) If the decision of the ~~registrar~~ chief judge and judges pursuant to G.S.
17 163-88 is to sustain the challenge, the challenged voter may request a
18 challenged ballot by submitting an application to the ~~registrar~~, chief judge,
19 such application shall include as part thereof an affidavit that such person
20 possesses all the qualifications for voting and is entitled to vote at the election.
21 The form of such affidavit shall be prescribed by the State Board of Elections
22 and shall be available at the polls.

23 (b) Any person requesting a challenged ballot shall have the letter 'C'
24 entered at the appropriate place on the voter's permanent registration record.
25 The voter's name shall be entered on a separate page in the pollbook entitled
26 "Challenged Ballot," and serially numbered. The challenged ballot shall be the
27 same type of ballot used for absentee voters, and the ~~registrar~~ chief judge shall
28 write across the top of the ballot 'Challenged Ballot # ' and shall insert
29 the same serial number as entered in the pollbook. The ~~registrar~~ chief judge
30 shall deliver to such voter a challenged ballot together with an envelope
31 marked 'Challenged Ballot' and serially numbered. The challenged voter shall
32 forthwith mark the ballot in the presence of the ~~registrar~~ chief judge in such
33 manner that the ~~registrar~~ chief judge shall not know how the ballot is marked.
34 He shall then fold the ballot in the presence of the ~~registrar~~ chief judge so as
35 to conceal the markings and deposit and seal it in the serially numbered
36 envelope. He shall then deliver such envelope to the ~~registrar~~, chief judge. The
37 ~~registrar~~ chief judge shall retain all such envelopes in an envelope provided by
38 the county board of elections, which he shall seal immediately after the polls
39 close, and deliver to the board chairman at the canvass.

40 (c) The chairman of the county board of elections shall preserve such ballots
41 in the sealed envelopes for a period of six months after the election. However,
42 in the case of a contested election, either party to such action may request the
43 court to order that the sealed envelopes containing challenged ballots be
44 delivered to the board of elections by the chairman. If so ordered, the board of

1 elections shall then convene and consider each challenged ballot and rule as to
2 which ballots shall be counted. In such consideration, the board may take such
3 further evidence as it deems necessary, and shall have the power of subpoena.
4 If any ballots are ordered to be counted, they shall be added to the vote
5 totals."

6

7 Sec. 29. G.S. 163-89 reads as rewritten:

8 "§ 163-89. Procedures for challenging absentee ballots.

9 (a) Time for Challenge. -- The absentee ballot of any voter may be
10 challenged on the day of any statewide primary or general election or county
11 bond election beginning no earlier than noon and ending no later than 5:00
12 P.M., or by the ~~registrar~~ chief judge at the time of closing of the polls as
13 provided in G.S. ~~163-233~~ 163-232 and G.S. 163-251(b).

14 (b) Who May Challenge. -- Any registered voter of the same precinct as the
15 absentee voter may challenge that voter's absentee ballot.

16 (c) Form and Nature of Challenge. -- Each challenged absentee ballot shall
17 be challenged separately. The burden of proof shall be on the challenger. Each
18 challenge shall be made in writing and, if they are available, shall be made on
19 forms prescribed by the State Board of Elections. Each challenge shall specify
20 the reasons why the ballot does not comply with the provisions of this Article
21 or why the absentee voter is not legally entitled to vote in the particular
22 primary or election. The challenge shall be signed by the challenger.

23 (d) To Whom Challenge Addressed; to Whom Challenge Delivered. -- Each
24 challenge shall be addressed to the county board of elections. It may be filed
25 with the board at its offices or with the ~~registrar~~ chief judge of the precinct in
26 which the challenger and absentee voter are registered. If it is delivered to the
27 ~~registrar~~, chief judge, the ~~registrar~~ chief judge shall personally deliver the
28 challenge to the chairman of the county board of elections on the day of the
29 county canvass.

30 (e) Hearing Procedure. -- All challenges filed under this section shall be
31 heard by the county board of elections on the day set for the canvass of the
32 returns. All members of the board shall attend the canvass and all members
33 shall be present for the hearing of challenges to absentee ballots.

34 Before the board hears a challenge to an absentee ballot, the chairman shall
35 mark the word "challenged" after the voter's name in the register of absentee
36 ballot applications and ballots issued and in the pollbook of absentee voters.

37 The board then shall hear the challenger's reasons for the challenge, and it
38 shall make its decision without opening the container-return envelope or
39 removing the ballots from it.

40 The board shall have authority to administer the necessary oaths or
41 affirmations to all witnesses brought before it to testify to the qualifications of
42 the voter challenged or to the validity or invalidity of the ballot.

43 If the challenge is sustained, the chairman shall mark the word "sustained"
44 after the word "challenged" following the voter's name in the register of

1 absentee ballot applications and ballots issued and in the pollbook of absentee
2 voters; the voter's ballots shall not be counted; and the container-return
3 envelope shall not be opened but shall be marked "Challenge Sustained." All
4 envelopes so marked shall be preserved intact by the chairman for a period of
5 six months from canvass day or longer if any contest then is pending
6 concerning the validity of any absentee ballot.

7 If the challenge is overruled, the absentee ballots shall be removed from the
8 container-return envelopes and counted by the board of elections, and the
9 board shall adjust the appropriate abstracts of returns to show that the ballots
10 have been counted and tallied in the manner provided for unchallenged
11 absentee ballots.

12 If the challenge was delivered to the board by the ~~registrar~~ chief judge of the
13 precinct and was sustained, the board shall reopen the appropriate ballot
14 boxes, remove such ballots, determine how those ballots were voted, deduct
15 such ballots from the returns, and adjust the appropriate abstracts of returns.

16 Any voter whose ballots have been challenged may, either personally or
17 through an authorized representative, appear before the board at the hearing
18 on the challenge and present evidence as to the validity of the ballot."
19

20 Sec. 30. G.S. 163-105 reads as rewritten:

21 "§ 163-105. Payment of expense of conducting primary elections.

22 The expense of printing and distributing the poll and registration books,
23 blanks, and ballots for those offices required by G.S. 163-109(b) to be
24 furnished by the State, and the per diem and expenses of the State Board of
25 Elections while engaged in the discharge of primary election duties imposed by
26 law upon that Board, shall be paid by the State.

27 The expenses of printing and distributing the ballots for those offices
28 required by G.S. 163-109(c) to be furnished by counties, and the per diem (or
29 salary) and expenses of the county board of elections and the ~~registrars~~ chief
30 judges and judges of election, while engaged in the discharge of primary
31 election duties imposed by law upon them, shall be paid by the counties."
32

33 Sec. 31. G.S. 163-106(b) reads as rewritten:

34 "(b) Eligibility to File. -- No person shall be permitted to file as a candidate
35 in a primary if, at the time he offers to file notice of candidacy, he is
36 registered on the appropriate registration book or record as an affiliate of a
37 political party other than that in whose primary he is attempting to file. No
38 person who has changed his political party affiliation or who has changed from
39 unaffiliated status to party affiliation as permitted in G.S. ~~163-74(b),~~ 163-
40 82.17, shall be permitted to file as a candidate in the primary of the party to
41 which he changed unless he has been affiliated with the political party in which
42 he seeks to be a candidate for at least 90 days prior to the filing date for the
43 office for which he desires to file his notice of candidacy.

1 A person registered as "unaffiliated" shall be ineligible to file as a candidate
2 in a party primary election."

3

4 Sec. 32. G.S. 163-109(c) reads as rewritten:

5 "(c) Ballots to Be Furnished by County Board of Elections. -- It shall be the
6 duty of the county board of elections to print official ballots for each political
7 party having candidates for the following offices to be voted for in the primary:
8 Superior court judge,
9 District court judge,
10 District attorney,
11 State Senator,
12 Member of the House of Representatives of the General Assembly, and
13 All county offices.

14 In printing primary ballots, the county board of elections shall be governed
15 by instructions of the State Board of Elections with regard to width, color, kind
16 of paper, form, and size of type.

17 In its discretion, the county board of elections may print separate primary
18 ballots for the district and county offices listed in this subsection, or it may
19 combine some or all of them on a single ballot. In a primary election, if there
20 shall be 10 or more candidates for nomination to any one office, the county
21 board of elections in its discretion may prepare a separate ballot for said office.

22 Three days before the primary election, the chairman of the county board
23 of elections shall distribute official State, district, and county ballots to the
24 ~~registrar~~ chief judge of each precinct in his county, and the ~~registrar~~ chief
25 judge shall give him a receipt for the ballots received. On the day of the
26 primary it shall be the ~~registrar's~~ chief judge's duty to have all the ballots
27 delivered to him available for use at the precinct voting place."

28

29 Sec. 33. G.S. 163-128(a) reads as rewritten:

30 "(a) Each county shall be divided into a convenient number of precincts for
31 the purpose of voting, and there shall be at least one precinct encompassed
32 within the territory of each township; provided, however, that upon a
33 resolution adopted by the county board of elections and approved by the
34 Secretary-Director of the State Board of Elections voters from a given precinct
35 within a township may be temporarily transferred, for the purpose of voting, to
36 a precinct in an adjacent township. Any such transfers shall be for the period
37 of time equal only to the term of office of the county board of elections
38 making such transfer. When such a resolution has been adopted by the county
39 board of elections to assign voters from more than one township to the same
40 precinct, then the county board of elections shall maintain separate registration
41 and voting records, consistent with the procedure prescribed by the State Board
42 of Elections, so as to properly identify the township in which such voters
43 reside. Except as provided in G.S. 163-132.2(a)(1), the polling place for a
44 precinct shall be located within the precinct.

1 Except as provided by Article 12A of this Chapter, the county board of
2 elections shall have power from time to time, by resolution, to establish, alter,
3 discontinue, or create such new election precincts or voting places as it may
4 deem expedient. Upon adoption of a resolution establishing, altering,
5 discontinuing, or creating a precinct or voting place, the board shall give 20
6 45 days' notice thereof prior to the ~~date on which the registration books or~~
7 ~~records next close pursuant to G.S. 163-67~~ next primary or election. Notice
8 shall be given by advertisement in a newspaper having general circulation in
9 the county, by posting a copy of the resolution at the courthouse door, and by
10 mailing a copy of the resolution to the chairman of every political party in the
11 county. Notice may additionally be made on a radio or television station or
12 both, but such notice shall be in addition to the newspaper and other required
13 notice."

14

15 Sec. 34. G.S. 163-129 reads as rewritten:

16 "§ 163-129. Structure at voting place; marking off limits of voting place.

17 At the voting place in each precinct established under the provisions of G.S.
18 163-128, the county board of elections shall provide or procure by lease or
19 otherwise a suitable structure or part of a structure in which registration and
20 voting may be conducted. To this end, the county board of elections shall be
21 entitled to demand and use any school or other State, county, or municipal
22 building, or a part thereof, or any other building, or a part thereof, which is
23 supported or maintained, in whole or in part by or through tax revenues
24 provided, however, that this section shall not be construed to permit any board
25 of elections to demand and use any tax exempt church property for such
26 purposes without the express consent of the individual church involved, for the
27 purpose of conducting registration and voting for any primary or election, and
28 it may require that the requisitioned premises, or a part thereof, be vacated for
29 these purposes.

30 The county board of elections shall inspect each precinct voting place to
31 ascertain how it should be arranged for voting purposes, and shall direct the
32 ~~registrar~~ chief judge and judges of any precinct to define the voting place by
33 roping off the area or otherwise enclosing it or by marking its boundaries. The
34 boundaries of the voting place shall at any point lie no more than 100 feet
35 from each ballot box or voting machine. The space so roped off or enclosed or
36 marked for the voting place may contain area both inside and outside the
37 structure in which registration and voting are to take place."

38

39 Sec. 35. G.S. 163-141 reads as rewritten:

40 "§ 163-141. Sample ballots.

41 Sample ballots of each kind to be voted in each primary and election shall
42 be printed by the board of elections responsible for printing the official ballots.
43 Sample ballots shall be printed on paper of a color different from that used for
44 the official ballots, and each sample ballot shall have the words 'Sample

1 Ballot' printed conspicuously on its face. Sample ballots shall be used for
2 instructional purposes and shall not be used as official ballots.

3 The State Board of Elections shall distribute the sample ballots for which it
4 is responsible to the county boards of elections at the time it distributes the
5 official ballots; and the county board of elections, at the time it is required to
6 distribute official ballots, shall furnish each precinct ~~registrar~~ chief judge with
7 an adequate supply of the sample ballots prepared by the State Board of
8 Elections as well as of those the county board is required to prepare."

9

10 Sec. 36. G.S. 163-142 reads as rewritten:

11 "§ 163-142. Number of ballots to be furnished each voting place;
12 packaging; date of delivery; receipt for ballots; accounting for ballots.

13 The county board of elections shall furnish each precinct voting place with
14 each kind of ballot to be voted in the primary or election in a number equal to
15 at least eighty percent (80%) of the number of persons registered to vote in the
16 primary or election in the precinct. Provided that in those instances where
17 precincts are provided with less than a number of ballots equal to one hundred
18 percent (100%) of the number of voters registered to vote in the primary or
19 election in the precinct, the responsible board of elections shall ensure that a
20 number of additional ballots are stored in its offices for distribution to precincts
21 where the need for additional ballots becomes evident so that a number of
22 ballots equal to one hundred percent (100%) of the number of registered voters
23 in the primary or election in each precinct is available.

24 Each kind of ballot shall be wrapped in a separate package or packages for
25 each precinct voting place. The number of ballots to be placed in each package
26 shall be determined by the chairman of the county board of elections, and the
27 outside of each package shall be marked or stamped to show the kind of ballot
28 and the number contained.

29 Three days before the primary or election, the county board of elections
30 shall deliver to such precinct ~~registrar~~ chief judge the required number of
31 ballots of each kind to be voted in his precinct, and the ~~registrar~~ chief judge
32 shall immediately give a receipt for the ballots delivered to him in accordance
33 with the information marked or stamped on the ballot packages.

34 Within three days after the primary or election, the ~~registrar~~ chief judge
35 shall deliver to the county board of elections all ballots spoiled in his precinct.
36 At the same time he shall also deliver to the county board of elections all
37 unused ballots from his precinct. Thereupon, the county board of elections
38 shall make a check to ascertain whether the total of spoiled ballots and unused
39 ballots, when added to the number of ballots cast in the precinct, equal the
40 number of ballots furnished to and receipted for by the ~~registrar~~ chief judge
41 prior to the primary or election.

42 The provisions of this section shall not apply to voting places at which
43 voting machines are used."

44

1 Sec. 37. G.S. 163-143 reads as rewritten:

2 "§ 163-143. Ballot boxes to be furnished each voting place; date of
3 delivery; receipt for boxes.

4 The county board of elections shall furnish each precinct voting place with a
5 ballot box for each kind of ballot to be voted in the primary or election,
6 together with one additional box in which spoiled ballots are to be deposited.
7 Each box shall be plainly marked to indicate the ballots to be deposited
8 therein, and the extra box to be delivered to each precinct shall be marked 'For
9 Spoiled Ballots.'

10 Each ballot box shall be designed so that it may be locked and sealed and
11 shall be constructed with an opening in the top large enough to allow a single
12 ballot to be easily passed through, but no larger. At the time ballot boxes are
13 delivered to the precinct, the chairman of the county board of elections shall
14 furnish each ~~registrar~~ chief judge with a lock and proper seals for each box to
15 be used in his precinct, with instructions as to how each box is to be securely
16 locked and sealed in compliance with G.S. 163-171.

17 Three days before the primary or election, the county board of elections
18 shall deliver to each precinct ~~registrar~~ chief judge the number of ballot boxes
19 required for his precinct, and the ~~registrar~~ chief judge shall immediately give a
20 receipt for them.

21 The provisions of this section shall not apply to voting places at which
22 voting machines are used."

23

24 Sec. 38. G.S. 163-144 reads as rewritten:

25 "§ 163-144. Lost, destroyed, damaged, and stolen ballots; replacement;
26 report.

27 Should official ballots furnished to any precinct in accordance with the
28 provisions of this chapter be lost, destroyed, damaged, or stolen, the county
29 board of elections, upon ascertaining that a shortage of ballots exists in the
30 precinct, shall furnish the needed replacement ballots.

31 Within three days after the primary or election, the ~~registrar~~ chief judge of
32 the precinct in which the loss occurred shall make a written report, under oath,
33 to the county board of elections describing in detail the circumstances of the
34 loss, destruction, damage, or theft of the ballots."

35

36 Sec. 39. G.S. 163-146 reads as rewritten:

37 "§ 163-146. Voting enclosure at voting place; furnishings; arrangement.

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

- 1 Within the voting enclosure and in plain view of the qualified voters present
2 at the voting place shall be placed:
- 3 (1) A table or desk on which the ~~registrar~~ chief judge shall place
4 and use the precinct registration books and records.
 - 5 (2) A table or desk on which the responsible judge shall place
6 and superintend the ballots for distribution and the box for
7 spoiled ballots.
 - 8 (3) A table or desk on which the responsible judge shall place
9 and maintain the pollbook.
 - 10 (4) The ballot boxes.
 - 11 (5) The voting booths.

12 All voting booths and ballot boxes shall be placed in plain view of the
13 ~~registrar~~ chief judge and judges as well as of the qualified voters present at the
14 voting place.

15 The ~~registrar's~~ chief judge's table shall be placed near the entrance to the
16 voting enclosure.

17 Each voting booth shall be located and arranged so that it is impossible for a
18 voter in one booth to see a voter in another booth in the act of marking his
19 ballots. Each voting booth shall be kept properly lighted and provided with
20 pencils or pens for marking ballots.

21 In precincts in which voting machines are used, ballot boxes and voting
22 booths shall not be used. Within the voting enclosure at the voting place in
23 such a precinct, each machine shall be placed so that the exterior from all its
24 sides is visible and so that whenever it is not in use by a voter the ballot labels
25 on its face may be plainly seen by the precinct officials and assistants, and by
26 observers appointed under the provisions of G.S. 163-45. Precinct election
27 officials and assistants shall not place themselves, nor shall they permit any
28 other person to place himself, in any position that will permit one to see or
29 ascertain how a voter votes on a voting machine except when the voter obtains
30 assistance as provided in this Chapter.

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

33 Sec. @. G.S. 163-147(a) reads as rewritten:

34 "(a) No person or group of persons shall, while the polls are open at the
35 voting place on the day of the primary or election, loiter about, congregate,
36 distribute campaign material, or do any electioneering within the voting place,
37 or within 50 feet in any direction of the entrance or entrances to the building
38 in which the voting place is located. Notwithstanding the above provision, if
39 the voting place is located in a large building, the ~~registrar~~ chief judge and
40 judges of the precinct may designate the entrance to the voting place within
41 said building and none of the above activity shall be permitted within 50 feet
42 of said entrance or entrances of said voting place. This section shall not,
43 however, prohibit any candidate for nomination or election from visiting such
44 voting place in person, provided he does not enter the voting enclosure except

1 to cast his vote as a registered voter in said precinct. The county boards of
2 elections and precinct ~~registrars~~ chief judges shall have full authority to enforce
3 the provisions of this section.”

4

5 Sec. 40. G.S. 163-148 reads as rewritten:

6 “§163-148. Procedures at voting place before polls are opened.

7 At least one-half hour before the time set for opening the polls for each
8 primary and election, the judges of elections and assistants, shall meet the
9 ~~registrar~~ chief judge at the precinct voting place, at which time the ~~registrar~~
10 chief judge shall administer to them the appropriate oaths set out in G.S.
11 163-41(a) and G.S. 163-42.

12 The ~~registrar~~ chief judge and judges shall arrange the voting enclosure
13 according to the requirements of G.S. 163-146 and the instructions of the
14 county board of elections. They shall then unlock the official ballot boxes, see
15 that they are empty, allow authorized observers and other voters present to
16 examine the boxes, and then they shall relock them while still empty. They
17 shall open the sealed packages of ballots, and one of the judges, at the
18 ~~registrar's~~ chief judge's request, shall announce that the polls are open and
19 state the hour at which they will be closed.

20 If voting machines are used in the precinct, immediately before the polls are
21 opened the ~~registrar~~ chief judge and judges shall open each voting machine,
22 examine the ballot labels, and check the counters to see that they are set to
23 indicate that no votes have been cast or recorded; at the same time, the
24 precinct officials shall allow authorized observers and other voters present to
25 examine the machines. If found to be in order and the ballot labels in proper
26 form, the precinct officials shall lock and seal each machine, and it shall
27 remain locked until after the polls are closed.”

28

29 Sec. 41. G.S. 163-150 reads as rewritten:

30 “§ 163-150. Voting procedures.

31 (a) Checking Registration. -- A person seeking to vote shall enter the voting
32 enclosure at the voting place through the appropriate entrance and shall at
33 once state his name and place of residence to one of the judges of election. In
34 a primary election, the voter shall also state the political party with which he
35 affiliates and in whose primary he desires to vote, or if the voter is an
36 unaffiliated voter permitted to vote in the primary of a particular party under
37 G.S. ~~163-74(a1)~~, 163-116, the voter shall state the name of the authorizing
38 political party in whose primary he wishes to vote. The judge to whom the
39 voter gives this information shall announce the name and residence of the voter
40 in a distinct tone of voice. After examining the precinct registration records,
41 the ~~registrar~~ chief judge shall state whether the person seeking to vote is duly
42 registered.

43 (b) Distribution of Ballots; Information. -- If the voter is found to be
44 registered and is not challenged, or, if challenged and the challenge is

1 overruled as provided in G.S. 163-88, the responsible judge of election shall
2 hand him an official ballot of each kind he is entitled to vote. In a primary
3 election the voter shall be furnished ballots of the political party with which he
4 affiliates and no others, except that unaffiliated voters who are permitted to
5 vote in a party primary under G.S. ~~163-74(a1)~~ 163-116 shall be furnished
6 ballots for that primary. No such unaffiliated voter shall vote in the primary of
7 more than one party on the same day. It shall be the duty of the ~~registrar~~
8 chief judge and judges holding the primary or election to give any voter any
9 information he desires in regard to the kinds of ballots he is entitled to vote
10 and the names of the candidates on the ballots. In response to questions asked
11 by the voter, the ~~registrar~~ chief judge and judges shall communicate to him any
12 information necessary to enable him to mark his ballot as he desires.

13 (c) Act of Voting. -- When a person is given official ballots by the judge, he
14 shall be deemed to have begun the act of voting, and he shall not leave the
15 voting enclosure until he has deposited his ballots in the ballot boxes or
16 returned them to the precinct officials. When he leaves the voting enclosure,
17 whether or not he has deposited his ballots in the ballot boxes, he shall not be
18 entitled to enter the voting enclosure again for the purpose of voting. On
19 receiving his ballots, the voter shall immediately retire alone to one of the
20 voting booths unless he is entitled to assistance under the provisions of G.S.
21 163-152, and without undue delay he shall mark his ballots in accordance with
22 the provisions of G.S. 163-151.

23 (d) Spoiled and Damaged Ballots. -- If a voter spoils or damages a ballot, he
24 may obtain another upon returning the spoiled or damaged ballot to the
25 ~~registrar~~, chief judge. A voter shall not be given a replacement ballot until he
26 has returned the spoiled or damaged ballot, and he shall not be given more
27 than three replacement ballots in all. The ~~registrar~~ chief judge shall deposit
28 each spoiled or damaged ballot in the box provided for that purpose.

29 (e) Depositing Ballots and Leaving Enclosure. -- When the voter has marked
30 his ballots he shall leave the voting booth and deposit them in the appropriate
31 boxes or hand them to the ~~registrar~~ chief judge or a judge who shall deposit
32 them for him. If he does not mark a ballot he shall return it to one of the
33 precinct officials before leaving the voting enclosure. If the voter has been
34 challenged and the challenge has been overruled, before depositing his ballots
35 in the boxes he shall write his name on each of his ballots so they may be
36 identified in the event his right to vote is again questioned. After depositing his
37 ballots in the ballot boxes, the voter shall immediately leave the voting
38 enclosure unless he is one of the persons authorized by law to remain within
39 the enclosure for purposes other than voting.

40 (f) Maintenance of Pollbook or Other Record of Voting. -- At each primary,
41 general or special election, the precinct ~~registrar~~ chief judge shall appoint two
42 precinct assistants (one from each political party as recommended by the
43 county chairman thereof), one to be assigned to keep the pollbook or other
44 voting record used in the county as approved by the State Board of Elections,

1 and the other to keep the registration books under the supervision of the
2 precinct officials. The names of all persons voting shall be checked on the
3 registration records and entered on the pollbook or other voting record. In an
4 election where observers may be appointed under G.S. 163-45 each voter's
5 party affiliation shall be entered in the proper column of the book or other
6 approved record opposite his name. The precinct assistant shall make each
7 entry at the time the ballots are handed to the voter. As soon as the polls are
8 closed, the ~~registrar~~ chief judge and judges of election shall sign the pollbook
9 or other approved record immediately beneath the last voter's name entered
10 therein. The ~~registrar~~ chief judge or the judge appointed to attend the county
11 canvass shall deliver the pollbook or other approved record to the chairman of
12 the county board of elections at the time of the county canvass, and the
13 chairman shall remain responsible for its safekeeping.

14 (g) Occupation of Voting Booth. -- Subject to the provisions of G.S.
15 163-152 and G.S. 163-152.1, no voter shall be allowed to occupy a voting
16 booth or voting machine already occupied by another voter, provided,
17 however, husbands and wives may occupy the same voting booth if both wish
18 to do so. No voter shall be allowed to occupy a voting booth or voting
19 machine more than five minutes if all the booths or machines are in use and
20 other voters are waiting to obtain booths or machines."

21

22 Sec. 42. G.S. 163-152(a)(2) reads as rewritten:

23 "(2) Procedure for Obtaining Assistance: A person seeking
24 assistance in a primary or general election shall, upon arriving
25 at the voting place, first request the ~~registrar~~ chief judge
26 permit him to have assistance, stating his reasons. If the
27 ~~registrar~~ chief judge determines that the voter is entitled to
28 assistance, he shall ask the voter to point out and identify the
29 person he desires to help him and to whose assistance he is
30 entitled under this section. The ~~registrar~~ chief judge shall
31 thereupon request the person indicated to render the requested
32 aid. The ~~registrar~~, chief judge, one of the judges, or one of
33 the assistants may provide aid to the voter if so requested, if
34 the election official is not prohibited by sub-subdivision
35 (a)(1)b. of this section. Under no circumstances shall any
36 precinct official be assigned to assist a voter who qualifies for
37 assistance under this section, who was not specified by the
38 voter."

39

40 Sec. 43. G.S. 163-152.1 reads as rewritten:

41 "§163-152.1. Assistance to blind voters in primaries and elections.

42 Any blind voter may record a certificate issued by the Department of Human
43 Resources, by an optometrist or by a physician, stating that the named
44 individual should be entitled to assistance as a blind voter. Upon receipt of

1 such certification the ~~registrar or special registration commissioner~~ appropriate
2 election official shall enter on the voter's registration record the words 'blind
3 voter' so as to establish such fact and so as to entitle such voter to the same
4 assistance in subsequent primaries and elections. The certification presented to
5 the precinct ~~registrar or special registrar~~ chief judge, the county board of
6 elections, or the person accepting the application to register shall be forwarded
7 to the chairman of the county board of elections to be filed as a permanent
8 record with the voter's duplicate registration record as required by G.S.
9 163-65."

10

11 Sec. 44. G.S. 163-153(1) reads as rewritten:

12 "(1) Officers of election, that is, members of the State Board of
13 Elections, members of the county board of elections,
14 supervisors of elections, and the precinct ~~registrar~~, chief
15 judge, precinct judges of election, and assistants appointed for
16 the precinct under the provisions of G.S. 163-42."

17

18 Sec. 45. G.S. 163-155 reads as rewritten:

19 "§ 163-155. Aged and disabled persons allowed to vote outside voting
20 enclosure.

21 In any primary or election any qualified voter who is able to travel to the
22 voting place, but because of age, or physical disability and physical barriers
23 encountered at the voting place is unable to enter the voting place or enclosure
24 to vote in person without physical assistance, shall be allowed to vote either in
25 the vehicle conveying such person to the voting place or in the immediate
26 proximity of the voting place under the following restrictions:

27 (1) The county board of elections shall have printed and
28 numbered a sufficient supply of affidavits to be distributed to
29 each precinct ~~registrar~~ chief judge which shall be in the
30 following form:

31 'Affidavit of person voting outside voting place or
32 enclosure.

33 State of North Carolina

34 County of _____

35 I do solemnly swear (or affirm) that I am a registered
36 voter in _____ precinct. That because of age or
37 physical disability I am unable to enter the voting place
38 to vote in person without physical assistance. That I
39 desire to vote outside the voting place and enclosure.

40 I understand that a false statement as to my condition
41 will subject me to a fine not to exceed one thousand
42 dollars (\$1,000) or imprisonment not to exceed six
43 months, or both.

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_____ Date _____ Signature of Voter

_____ Address

_____ Signature of assistant who administered oath.

- (2) The ~~registrar~~ chief judge shall designate one of the assistants, appointed under G.S. 163-42 to attend the voter. Upon arrival outside the voting place, the voter shall execute the affidavit after being sworn by the assistant. The ballots shall then be delivered to the voter who shall mark the ballots and hand them to the assistant. The ballots shall then be delivered to one of the judges of elections who shall deposit the ballots in the proper boxes. The affidavit shall be delivered to the other judge of election.
- (3) The voter shall be entitled to the same assistance in marking the ballots as is authorized by G.S. 163-152.
- (4) The affidavit executed by the voter shall be retained by the county board of elections for a period of six months. In those precincts using voting machines, the county board of elections shall furnish paper ballots of each kind for use by persons authorized to vote outside the voting place by this section.
- (5) If there is no assistant appointed under G.S. 163-42 to perform the duties required by this section, the precinct ~~registrar~~ chief judge or one of the precinct judges, to be designated by the voter, if he chooses, or, if he does not, by the precinct ~~registrar~~ chief judge, shall perform those duties.

A violation of this section is a Class 2 misdemeanor."

Sec. 46. G.S. 163-22(o) reads as rewritten:

"§ 163-168. Proceedings when polls are closed.

At the time set by G.S. 163-2 for closing the polls on the day of a primary, general or special election, the precinct ~~registrar~~ chief judge shall announce that the polls are closed, but any qualified voters who are then in the process of voting or who are in line at the voting place waiting to vote, whether or not they are within the voting enclosure or voting place boundaries, shall be allowed to vote.

At closing time, the ~~registrar~~ chief judge, or a judge designated by the ~~registrar~~ chief judge, shall enter into the pollbook, on a separate page labeled 'Persons Waiting to Vote at Closing Time in the Primary Election Held the Day of 19. ' the names of all persons then

1 in line at the voting place waiting to vote. beginning with the person last in
2 line and proceeding to the person first in line at closing time. No persons shall
3 be allowed to vote after closing time unless their names are so listed."

4 Sec. @. G.S. 163-169 reads as rewritten:

5 "§ 163-169. Counting ballots at precincts; unofficial report of precinct vote
6 to county board of elections.

7 (a) Instructions. -- Before each primary and election. the chairman of the
8 county board of elections shall furnish each ~~registrar~~ chief judge written
9 instructions on how ballots shall be marked and counted. Before starting the
10 counting of ballots in his precinct, the ~~registrar~~ chief judge shall instruct all of
11 the judges, assistants, and ballot counters in how differently marked ballots
12 shall be counted and tallied.

13 (b) General Rule. -- Only official ballots shall be voted and counted. No
14 official ballot shall be rejected because of technical errors in marking it, unless
15 it is impossible to determine the voter's choice under the rules for counting
16 ballots. Such determination shall be made by the county board of elections if
17 the ~~registrar~~ chief judge and judges are unable to determine the voter's choice,
18 or whether a particular ballot should be counted.

19 (c) Right to Witness Precinct Count. -- The counting of the ballots in each
20 box shall be made in the presence of the precinct election officials and
21 witnesses and observers who are present and desire to observe the count.
22 Observers shall not interfere with the orderly counting of the ballots.

23 (d) Counting to Be Continuous; Precinct Officials Not to Separate. -- As
24 soon as the polls are closed the ~~registrar~~ chief judge and judges shall, without
25 adjournment or postponement, open the ballot boxes and count the ballots.
26 The counting of ballots at the precinct shall be continuous until completed.
27 More than one box may be counted at the same time by the precinct officials,
28 assistants, and ballot counters, but the ~~registrar~~ chief judge and judges shall
29 supervise the counting of all boxes and shall be responsible for them. From the
30 time the first ballot box is opened and the count of votes begun until the votes
31 are counted and the statement of returns made out, signed, certified as
32 required by G.S. 163-173. and delivered to the ~~registrar~~ chief judge or judge
33 chosen to deliver them to the county board of elections, the precinct ~~registrar~~
34 chief judge and judges shall not separate, nor shall any one of them leave the
35 voting place except for unavoidable necessity.

36 (e) Counting Primary Ballots. -- In a primary election the ballots shall be
37 emptied on a table in full view of the precinct election officials, ballot
38 counters, if used, and witnesses present. Identically marked ballots may be
39 arranged in orderly piles to be counted. The results of those counts shall be
40 stated aloud and the totals recorded on the tally sheet. For all other ballots, the
41 name of each candidate voted for shall be read aloud distinctly, and the vote
42 received by each candidate shall be tallied on the tally sheet. This procedure
43 shall be followed for all boxes being counted.

1 (f) Counting General Election Ballots. -- In a general election the contents of
2 a ballot box may be emptied upon a table and the ballots divided into two
3 piles:

- 4 (1) All those ballots marked in the circle of one political party to
5 indicate a vote for all of the candidates of that party, that is,
6 'straight tickets,' which shall be so counted and tallied.
7 (2) All those ballots marked for candidates of more than one
8 political party, that is, 'split tickets,' which shall be called
9 and tallied in the manner prescribed for counting primary
10 ballots in subsection (e) of this section.

11 (g) Questioned Ballots. -- All questions arising with respect to how a ballot
12 shall be counted or tallied shall be referred to the ~~registrar~~ chief judge and
13 judges of election for determination before the completion of the counting of
14 the ballots in the box from which the questioned ballot was taken.

15 (h) Unofficial Report of Precinct Returns. -- On the night of the primary or
16 election, as soon as the votes have been counted and the precinct returns
17 certified, the ~~registrar~~, chief judge, or one of the judges selected by the
18 ~~registrar~~, chief judge, shall report the total precinct vote for each candidate,
19 constitutional amendment, and proposition by telephone or otherwise to the
20 county board of elections. This report shall be unofficial and shall have no
21 binding effect upon the official county canvass to follow. As soon as the
22 precinct reports are received, the chairman, secretary, or clerk to the county
23 board of elections shall publish the reports to the press, radio, and television.
24 The costs incurred in executing the provisions of this subsection shall be
25 charged to the operating expense of the county board of elections.

26 (i) Absentee Ballots. -- Absentee ballots shall be deposited and voted in
27 accordance with the provisions of G.S. 163-234; they shall be counted and
28 tabulated as provided in this section and G.S. 163-170.

29 (j) Repealed by Session Laws 1977, c. 265, s. 12."
30

31 Sec. 47. G.S. 163-171 reads as rewritten:

32 "§ 163-171. Preservation of ballots; locking and sealing ballot boxes;
33 signing certificates.

34 When the precinct count is completed after a primary or election, all ballots
35 shall be put back in the ballot boxes from which they were taken, and the
36 ~~registrar~~ chief judge and judges shall promptly lock and place a seal around the
37 top of each ballot box, so that no ballot may be taken from or put in it. The
38 ~~registrar~~ chief judge and judges shall then sign the seal on each ballot box. In
39 the alternative, the county board of elections may permit the precinct officials
40 to put the counted ballots back in one ballot box or more to facilitate
41 safekeeping provided the board prescribes an appropriate procedure to keep the
42 different kinds of ballots separated in bundles or bags within the box.

43 Ballot boxes in which ballots have been placed and which have been locked
44 and sealed as required by the preceding paragraph shall remain in the safe

1 custody of the ~~registrar~~, chief judge, subject to the orders of the chairman of
2 the county board of elections as to their disposition; provided that ballot boxes
3 with paper ballots shall be delivered in person to the office of the county board
4 of elections; provided further that in the case of paper ballots which have been
5 counted either mechanically or electronically either the counting machines with
6 the paper ballots sealed inside shall be delivered in person to the office of the
7 county board of elections, or the paper ballots shall be placed in ballot boxes,
8 sealed, and those boxes shall be delivered in person to the office of the county
9 board of elections. The ballots and ballot boxes shall be delivered at a time
10 specified by the county board of elections. No ballot box shall be opened
11 except upon the written order of the county board of elections or upon a
12 proper order of court.

13 Ballots cast in a primary or general election shall be preserved for at least
14 two months after the primary or general election in which voted.

15 On each precinct return form there shall be printed a statement to be signed
16 by the ~~registrar~~ chief judge and judges certifying that, after the precinct count
17 was completed, each ballot box was properly locked, sealed, and the seals
18 signed, as prescribed in this section, before the precinct officials left the voting
19 place on the night of the primary or election.

20 Willful failure to securely lock, seal, and sign the seal on each ballot box on
21 the night of any primary or election, and willful failure to sign the certificate
22 on the duplicate return forms certifying that this was done, shall constitute a
23 Class 2 misdemeanor.

24 In the event that a recount is requested as provided by law or there is other
25 filing of an appeal of the election results, the county board of elections shall
26 seal and secure the ballots, ballot boxes, and voting machines within a uniform
27 period of time set by the State Board of Elections, to the extent that such
28 actions have not already been taken as required by law. The aforementioned
29 items shall then be stored in locations that are securely locked by members of
30 the county board of elections. In counties that utilize voting machines or
31 voting systems the county board of elections shall be required to store in one
32 location that record on which the official vote cast is recorded."
33

34 Sec. 48. G.S. 163-173 reads as rewritten:

35 "§ 163-173. How precinct returns are to be made.

36 In each precinct, when the results of the counting of the ballots have been
37 ascertained they shall be recorded in original and duplicate statements to be
38 prepared, signed, and certified to by the ~~registrar~~ chief judge and judges on
39 forms provided by the county board of elections.

40 One of the statements of the voting in the precincts shall be placed in a
41 sealed envelope and delivered to the ~~registrar~~ chief judge or a judge selected
42 by the precinct officials for the purpose of delivery to the county board of
43 elections for review at its meeting on the second day after the primary or
44 election. The other copy of the statement shall either be mailed immediately or

1 delivered in person immediately, as directed by the county board of elections,
2 by one of the other two precinct election officials. to the chairman of the
3 county board of elections or the supervisor of elections if authorized by the
4 chairman to receive the statement.

5 Any ~~registrar~~ chief judge or judge appointed to deliver the certified precinct
6 returns who shall fail to deliver them to the county board of elections by 12:00
7 noon, on the day the board meets to canvass the returns shall be guilty of a
8 Class 2 misdemeanor, unless the failure resulted from illness or other good
9 cause."

10

11 Sec. 49. G.S. 163-174 reads as rewritten:

12 "§ 163-174. Registration and pollbooks to be returned to chairman of
13 county board of elections.

14 On the day preceding the county canvass or on the day of the county
15 canvass, following each primary and election, as may be directed by the
16 chairman of the county board of elections, the ~~registrar~~ chief judge (or judge
17 appointed to bring in the precinct returns) shall deliver the precinct registration
18 book or records and the pollbook to the chairman of the county board of
19 elections at the time directed by the chairman."

20

21 Sec. 50. G.S. 163-213.7 reads as rewritten:

22 "§163-213.7. Voting in presidential preference primary; ballots.

23 The names of all candidates in the presidential preference primary shall
24 appear at an appropriate place on the ballot or voting machine. In addition the
25 State Board of Elections shall provide a category on the ballot or voting
26 machine allowing voters in each political party to vote an 'uncommitted' or 'no
27 preference' status. The voter shall be able to cast his ballot for one of the
28 presidential candidates of a political party or for an 'uncommitted' or 'no
29 preference' status, but shall not be permitted to vote for candidates or
30 'uncommitted' status of a political party different from his registration. ~~Persons~~
31 ~~registered as 'Independents' or 'No Party' shall not participate in the~~
32 ~~presidential preference primary except upon changing such affiliation in~~
33 ~~accordance with law. Persons registered as 'Unaffiliated' shall not participate~~
34 in the presidential primary except as provided in G.S. 163-116."

35

36 Sec. 51. G.S. 163-227.2(b) reads as rewritten:

37 § 163-227.2. Alternate procedures for requesting application for absentee
38 ballot; "one-stop" voting procedure in board office.

39 (a) A person expecting to be absent from the county in which he is
40 registered during the entire period that the polls are open on the day of an
41 election in which absentee ballots are authorized or is eligible under G.S.
42 163-226(a)(2) or 163-226(a)(4) may request an application for absentee ballots,
43 complete the application, receive the absentee ballots, vote and deliver them

1 sealed in a container-return envelope to the county board of elections in the
2 county in which he is registered under the provisions of this section.

3 (b) Not earlier than the ~~day following the day on which the registration~~
4 ~~books close~~ twenty-fourth (24th) day before an election, in which absentee
5 ballots are authorized, in which he seeks to vote and not later than 5:00 P.M.
6 on the Friday prior to that election, the voter shall appear in person only at the
7 office of the county board of elections and request that the chairman, a
8 member, or the supervisor of elections of the board, or an employee of the
9 board of elections, authorized by the board, furnish him with an application
10 form as specified in G.S. 163-227. The voter shall complete the application in
11 the presence of the chairman, member, supervisor of elections or authorized
12 employee of the board, and shall deliver the application to that person.

13 (c) If the application is properly filled out, the chairman, member,
14 supervisor of elections of the board, or employee of the board of elections,
15 authorized by the board, shall enter the voter's name in the register of absentee
16 ballot applications and ballots issued; shall furnish the voter with the
17 instruction sheets called for by G.S. 163-229(c); shall furnish the voter with
18 the ballots to which the application for absentee ballots applies; and shall
19 furnish the voter with a container-return envelope. The voter thereupon shall
20 comply with the provisions of G.S. 163-231(a) except that he shall deliver the
21 container-return envelope to the chairman, member, supervisor of elections of
22 the board, or an employee of the board of elections, authorized by the board,
23 immediately after making and subscribing the certificate printed on the
24 container-return envelope as provided in G.S. 163-229(b). All actions required
25 by this subsection shall be performed in the office of the board of elections.
26 For the purposes of this section only, the chairman, member, supervisor of
27 elections of the board, or full-time employee, authorized by the board shall
28 sign the application and certificate as the witness and indicate the official title
29 held by him or her. Notwithstanding G.S. 163-231(a), in the case of this
30 subsection, only one witness shall be required on the certificate.

31 (d) Only the chairman, member or supervisor of elections of the board shall
32 keep the voter's application for absentee ballots and the sealed container-return
33 envelope in a safe place, separate and apart from other applications and
34 container-return envelopes. At the first meeting of the board pursuant to G.S.
35 163-230(2) held after receipt of the application and envelope, the chairman
36 shall comply with the requirements of G.S. 163-230(1) and 163-230(2) b. and
37 c. If the voter's application for absentee ballots is approved by the board at
38 that meeting, the application form and container-return envelope, with the
39 ballots enclosed, shall be handled in the same manner and under the same
40 provisions of law as applications and container-return envelopes received by the
41 board under other provisions of this Article. If the voter's application for
42 absentee ballots is disapproved by the board, the board shall so notify the voter
43 stating the reason for disapproval by first-class mail addressed to the voter at
44 his residence address or at the address shown in the application for absentee

1 ballots; and the board chairman shall retain the container-return envelope in its
2 unopened condition until the day of the primary or election to which it relates
3 and on that day he shall destroy the container-return envelope and the ballots
4 therein, without, however, revealing the manner in which the voter marked the
5 ballots.

6 (e) The voter shall vote his absentee ballot in a voting booth and the county
7 board of elections shall provide a voting booth for that purpose, provided
8 however, that the county board of elections may in the alternative provide a
9 private room for the voter adjacent to the office of the board, in which case the
10 voter shall vote his absentee ballot in that room. The voting booth shall be in
11 the office of the county board of elections. If the voter needs assistance in
12 getting to and from the voting booth and in preparing and marking his ballots
13 or if he is a blind voter, only a member of the county board of elections, the
14 supervisor of elections, an employee of the board of elections authorized by
15 the board, a near relative of the voter as defined in G.S. 163-227(c)(4), or the
16 voter's legal guardian shall be entitled to assist the voter.

17 (f) Notwithstanding the exception specified in G.S. ~~163-67(b)~~ 163-116
18 counties which operate a modified full-time office shall remain open five days
19 each week during regular business hours consistent with daily hours presently
20 observed by the county board of elections, commencing with the date
21 prescribed in G.S. 163-227.2(b) and continuing until 5:00 P.M. on the Friday
22 prior to that election or primary. The boards of county commissioners shall
23 provide necessary funds for the additional operation of the office during such
24 time."

25

26 Sec. 52. G.S. 163-232 reads as rewritten:

27 **"§163-232. Certified list of executed absentee ballots; distribution of list.**

28 The chairman of the county board of elections shall prepare, or cause to be
29 prepared, a list in at least quadruplicate, of all absentee ballots returned to the
30 county board of elections to be counted, which have been approved by the
31 county board of elections. At the end of the list, the chairman shall execute the
32 following certificate under oath:

33 'State of North Carolina

34 County of

35 I,, chairman of the County board of elections, do
36 hereby certify that the foregoing is a list of all executed absentee ballots to be
37 voted in the election to be conducted on the day of 19

38 which have been approved by the county board of elections. I further certify
39 that I have issued ballots to no other persons than those listed herein, whose
40 original applications or original applications made by near relatives are filed in
41 the office of the county board of elections; and I further certify that I have not
42 delivered ballots for absentee voting to any person other than the voter himself.
43 by mail or in person, except as provided by law, in the case of approved

1 applications received after 5:00 P.M. on the Tuesday or Friday before the
2 election.

3 This the day of 19

4
5 (Signature of chairman of
6 county board of elections)

7 Sworn to and subscribed before me this day of, 19

8 Witness my hand and official seal.

9
10 (Signature of officer
11 administering oath)

12
13 (Title of officer)

14 No earlier than 3:00 P.M. on the day before the election and no later than
15 10:00 A.M. on election day, the chairman shall cause one copy of the list of
16 executed absentee ballots, which may be a continuing countywide list or a
17 separate list for each precinct, to be immediately deposited as 'first-class' mail
18 to the State Board of Elections, ~~Post Office Box 1166, Raleigh, N.C. 27602,~~
19 Elections. He shall retain one copy in the board office for public inspection
20 and he shall cause two copies of the appropriate precinct list to be delivered to
21 the ~~registrar~~ chief judge of each precinct in the county. The chairman shall be
22 authorized to call upon the sheriff of the county to distribute the list to the
23 precincts. In addition the chairman shall, upon request, provide a copy of the
24 complete list to the chairman of each political party, recognized under the
25 provisions of G.S. 163-96, represented in the county.

26 The ~~registrar~~ chief judge shall post one copy of the list immediately in a
27 conspicuous location in the voting place and retain one copy until all
28 challenges of absentee ballots have been heard by the county board of
29 elections. Challenges shall be made to absentee ballots as provided in G.S.
30 163-89.

31 After receipt of the list of absentee voters required by this section the
32 ~~registrar~~ chief judge shall call the name of each person recorded on the list and
33 enter an 'A' in the appropriate voting square on the voter's permanent
34 registration record. If such person is already recorded as having voted in that
35 election, the ~~registrar~~ chief judge shall enter a challenge which shall be
36 presented to the chairman of the county board of elections for resolution by the
37 board of elections prior to certification of results by the board.

38 All lists required by this section shall be retained by the county board of
39 elections for a period of four years after which they may then be destroyed."

40

41 Sec. 53. G.S. 163-234(5) reads as rewritten:

42 "(5) As each ballot envelope is opened, the board shall cause to be
43 entered into a pollbook designated 'Pollbook of Absentee
44 Voters' the name of the absentee voter. Preserving secrecy,

1 the ballots shall be placed in the appropriate ballot boxes, at
2 least one of which shall be provided for each type of ballot.

3 After all ballots have been placed in the boxes, the
4 counting process shall begin.

5 If a challenge transmitted to the board on canvass day
6 by a registrar chief judge is sustained, the ballots
7 challenged and sustained shall be withdrawn from the
8 appropriate boxes, as provided in G.S. 163-89(e).

9 As soon as the absentee ballots have been counted and
10 the names of the absentee voters entered in the
11 pollbook as required herein, the board members and
12 assistants employed to count the absentee ballots shall
13 each sign the pollbook immediately beneath the last
14 absentee voter's name entered therein. The chairman
15 shall be responsible for the safekeeping of the pollbook
16 of absentee voters."

17
18 Sec. 54. G.S. 163-251(b) reads as rewritten:

19 "(b) Distribution of List. -- No earlier than 3:00 P.M. on the day before the
20 election and no later than 10:00 A.M. on election day, the chairman shall
21 cause one copy of the list of executed military absentee ballots, which may be
22 a continuing countywide list or a separate list for each precinct, to be
23 immediately deposited as first-class mail to the State Board of ~~Elections, Post~~
24 ~~Office Box 1166, Raleigh, North Carolina 27602, Elections.~~ The chairman
25 shall retain one copy in the board office for public inspection and he shall
26 cause two copies of the appropriate precinct list to be delivered to the ~~registrar~~
27 chief judge of each precinct in the county. The ~~registrar~~ chief judge shall post
28 one copy in the voting place and retain one copy until all challenges of
29 absentee ballots have been heard by the county board of elections. Challenges
30 shall be made as provided in G.S. 163-89.

31 After receipt of the list of absentee voters required by this section the
32 ~~registrar~~ chief judge shall call the name of each person recorded on the list and
33 enter an 'A' in the appropriate voting square on the voter's permanent
34 registration record, if any. If such person is already recorded as having voted
35 in that election, the ~~registrar~~ chief judge shall enter a challenge which shall be
36 presented to the chairman of the county board of elections for resolution by the
37 board of elections prior to certification of results by the board."
38

39 Sec. 55. G.S. 163-251(c) reads as rewritten:

40 "(c) List Constitutes Registration. -- The 'List of Applicants for Military
41 Absentee Ballots to Whom Ballots Have Been Issued' prescribed by this
42 section, when delivered to the ~~registrars~~ chief judges of the various precincts,
43 shall constitute the only precinct registration of the military absentee voters
44 listed thereon whose names are not already entered in the registration records

1 of the appropriate precinct. ~~Registrars~~ Chief judges shall not add the names of
2 persons listed on the military absentee list to the regular registration books of
3 their precincts."

4
5 Sec. 56. (a) G.S. 163-274(1) reads as rewritten:

6 "(1) For any person to fail, as an officer or as a judge or ~~registrar~~
7 chief judge of a primary or election, or as a member of any
8 board of elections, to prepare the books, ballots, and return
9 blanks which it is his duty under the law to prepare, or to
10 distribute the same as required by law, or to perform any
11 other duty imposed upon him within the time and in the
12 manner required by law;"

13
14 (b) G.S. 163-274(2) reads as rewritten:

15 "(2) For any person to continue or attempt to act as a judge or
16 ~~registrar chief judge~~ of a primary or election, or as a member
17 of any board of elections, after having been legally removed
18 from such position and after having been given notice of such
19 removal;"

20 (c) G.S. 163-274(4) reads as rewritten:

21 (4) For any person to be guilty of any boisterous conduct so as to
22 disturb any member of any election board or any ~~registrar~~
23 chief judge or judge of election in the performance of his
24 duties as imposed by law;"

25
26 (d) G.S. 163-275(8) reads as rewritten:

27 "(8) For any ~~registrar~~ chief judge or any clerk or copyist to make
28 any entry or copy with intent to commit a fraud;"

29
30 (e) G.S. 163-275(10) reads as rewritten:

31 "(10) For any person to assault any ~~registrar~~, chief judge, judge of
32 election or other election officer while in the discharge of his duty in the
33 registration of voters or in conducting any primary or election;"

34
35 (f) G.S. 163-275(11) reads as rewritten:

36 "(11) For any person, by threats, menaces or in any other manner,
37 to intimidate or attempt to intimidate any ~~registrar~~, chief judge, judge of
38 election or other election officer in the discharge of his duties in the
39 registration of voters or in conducting any primary or election;"

40
41 (g) G.S. 163-275(12) reads as rewritten:

42 "(12) For any ~~registrar~~, chief judge, judge of election, member of a
43 board of elections, assistant, marker, or other election official, directly or
44 indirectly, to seek, receive or accept money or the promise of money, the

1 promise of office, or other reward or compensation from a candidate in any
2 primary or election or from any source other than such compensation as may
3 be provided by law for his services;

4

5 (h) This section applies to offenses committed on or after January 1, 1995.

6

7 Sec. 57. G.S. 163-280(c) reads as rewritten:

8 "(c) On the Monday following the seventh Saturday before each regular
9 municipal primary or election, the municipal board of elections shall meet and
10 appoint precinct ~~registrars~~ chief judges and judges of elections. The municipal
11 board of elections may then or at any time thereafter appoint a supervisor of
12 elections, who shall have all of the powers and duties of a supervisor of
13 elections to a county board of elections. The board may hold other meetings at
14 such times and places as the chairman of the board, or any two members
15 thereof, may direct, for the performance of duties prescribed by law. A
16 majority of the members shall constitute a quorum for the transaction of
17 business."

18

19 Sec. 58. G.S. 163-281 reads as rewritten:

20 "§ 163-281. Municipal precinct election officials.

21 (a) ~~Registrars~~ Chief Judges and Judges. -- At the meeting required by G.S.
22 163-280(c), the municipal board of elections shall appoint one person to act as
23 ~~registrar~~ chief judge and two other persons to act as judges of election for each
24 precinct in the city. Not more than one judge in each precinct where there are
25 registered voters of more than one political party shall belong to the same
26 political party as the ~~registrar~~, chief judge, if the municipal elections are on a
27 nonpartisan or partisan basis. If the city and county precincts are identical and
28 the board so chooses, it may decline to exercise its power to appoint precinct
29 ~~registrar~~ chief judge and judges, in which event the persons appointed by the
30 county board of elections as precinct ~~registrar~~ chief judge and judges in each
31 precinct within the city shall serve as such for municipal elections under
32 authority and subject to the supervision and control of the municipal board of
33 elections. Nothing herein shall prohibit a municipal board of elections from
34 using the ~~registrar~~ chief judge and judges of election appointed by the county
35 board of elections in those precincts which are not identical provided the
36 county board of elections agrees, in writing, to such arrangement. ~~Registrars~~
37 Chief judges and judges shall be appointed for terms of two years. Except as
38 modified by this Article, municipal precinct ~~registrar~~ chief judge and judges
39 shall meet all of the qualifications, perform all the duties, and have all of the
40 powers imposed and conferred on county precinct ~~registrar~~ chief judge and
41 judges by G.S. 163-41(a), G.S. 163-47, and G.S. 163-48. Municipal precinct
42 ~~registrar~~ chief judge and judges shall not have the powers and duties with
43 respect to registration of voters prescribed by G.S. 163-47(b). Immediately
44 after appointing ~~registrar~~ chief judge and judges as herein provided, the

1 municipal board of elections shall publish the names of the persons appointed
2 in some newspaper having a general circulation in the city, or in lieu thereof,
3 by posting at the city hall or some other prominent place within the city, and
4 shall notify each person appointed of his appointment. Notice may additionally
5 be made on a radio or television station or both, but such notice shall be in
6 addition to the newspaper and other required notice.

7 (b) Assistants at Polls. -- Municipal boards of elections shall have the same
8 authority to appoint assistants to aid the ~~registrar~~ chief judge and judges as is
9 conferred on county boards of elections by G.S. 163-42.

10 (c) Ballot Counters. -- Municipal boards of elections shall have the same
11 authority to appoint ballot counters as is conferred on county boards of
12 elections by G.S. 163-43.

13 (d) Markers. -- Municipal boards of elections shall not appoint markers, and
14 markers shall not be used in municipal elections.

15 (e) Observers. -- In cities holding partisan municipal elections, the chairman
16 of each political party in the county shall have the same authority to appoint
17 observers for municipal elections as he has for county elections under G.S.
18 163-45.

19 (f) Compensation. -- Precinct officials and assistants appointed under this
20 section shall be paid such sums as the city council may fix. County precinct
21 officials and assistants serving in municipal elections in default of appointment
22 of precinct officials by the municipal board of elections shall be compensated
23 by the city in the sums specified in G.S. 163-46.

24 (g) Party Chairman Not to Recommend Persons for Appointment. -- No
25 municipal, county, State or national chairman of any political party shall have
26 the right to recommend to the municipal board of elections the name of any
27 person for appointment as a precinct ~~registrar~~, chief judge, judge of elections,
28 assistant or ballot counter.

29 (h) Designation of Precincts in Which Officials to Serve. -- The municipal
30 board of elections may designate the precinct in which each ~~registrar~~, chief
31 judge, judge, assistant, ballot counter, or observer or other officers of elections
32 shall serve; and, after notice and hearing, may remove any ~~registrar~~, chief
33 judge, judge, assistant, ballot counter, observer, supervisor of elections or
34 other officers of elections appointed by it for incompetency, failure to
35 discharge the duties of office, failure to qualify within the time prescribed by
36 law, fraud, or for any other satisfactory cause.

37 (i) Powers and Duties. -- Except as otherwise provided in this Chapter,
38 precinct assistants, ballot counters, observers, and supervisors of elections and
39 other officers of elections appointed by the municipal board of elections shall
40 have the same powers and duties with respect to municipal elections as precinct
41 assistants, ballot counters, observers, and supervisors of elections and other
42 officers of elections appointed by county boards of elections."

43

1 Sec. 59. Any person who on December 31, 1994, was a registrar
2 under G.S. 163-41 shall be a chief judge under G.S. 163-41.

3
4
5 Sec. 60. G.S. 163-283 reads as rewritten:

6 **"§ 163-283. Right to participate or vote in party primary.**

7 No person shall be entitled to vote or otherwise participate in the primary
8 election of any political party unless he

9 (1) Is a registered voter, and

10 (2) Has declared and has had recorded on the registration book or
11 record the fact that he affiliates with the political party in
12 whose primary he proposes to vote or participate, and

13 (3) Is in good faith a member of that party.

14 Notwithstanding the previous paragraph, any unaffiliated voter who is
15 authorized under G.S. ~~163-74(a1)~~ 163-116 may also vote in the primary if the
16 voter is otherwise eligible to vote in that primary except for subdivisions (2)
17 and (3) of the previous paragraph.

18 Any person who will become qualified by age or residence to register and
19 vote in the general election for which the primary is held, even though not so
20 qualified by the date of the primary election, shall be entitled to register while
21 the registration books are open during the regular registration period prior to
22 the primary and then to vote in the primary after being registered, provided
23 however, under full-time and permanent registration, such an individual may
24 register not earlier than 60 days nor later than the last day for making
25 application to register under G.S. ~~163-67~~ 163-82.6(c) prior to the primary. In
26 addition, persons who will become qualified by age to register and vote in the
27 general election for which the primary is held, who do not register during the
28 special period may register to vote after such period as if they were qualified
29 on the basis of age, but until they are qualified by age to vote, they may vote
30 only in primary elections."

31
32 Sec. 61. G.S. 163-285(3) is repealed.

33
34 Sec. 62. G.S. 163-286 reads as rewritten:

35 **§163-286. Conduct of municipal and special district elections; application of**
36 **Chapter 163.**

37 (a) To the extent that the laws, rules and procedures applicable to the
38 conduct of primary, general and special elections by county boards of elections
39 under Articles 3, 4, 5, 6, ~~7~~ 7A, 8, 9, 10, 11, 12, 13, 14, 15, 19 and 22 of
40 this Chapter are not inconsistent with provisions of this Article, those laws,
41 rules and procedures shall apply to municipal and special district elections and
42 their conduct by the board of elections conducting those elections. The State
43 Board of Elections shall have the same authority over all such elections as it
44 has over county and State elections under those Articles.

1 (b) Any city, town or incorporated village which elects to conduct its own
2 elections, under the provisions of G.S. 163-285, shall comply with the
3 requirements contained in G.S. 163-280 and G.S. 163-281. "

4

5 Sec. 63. G.S. 163-287 reads as rewritten:

6 **§163-287. Special elections; procedure for calling.**

7 Any city, whether its elections are conducted by the county board of
8 elections or the municipal board of elections, or any special district shall have
9 authority to call special elections as permitted by law. Prior to calling a special
10 election, the city council or the governing body of the special district shall
11 adopt a resolution specifying the details of the election, and forthwith deliver
12 the resolution to the appropriate board of elections. The resolution shall call on
13 the board of elections to conduct the election described in the resolution and
14 shall state the date on which the special election is to be conducted. The
15 special election may be held at the same time as any other State, county or
16 municipal primary, election or special election or referendum, but may not
17 otherwise be held within the period of time beginning 30 days before and
18 ending 30 days after the date of any other primary, election, special election or
19 referendum held for that city or special district.

20 Legal notice of the special election shall be published no less than ~~20~~ 45
21 days prior to ~~the date on which the registration books or records close for the~~
22 special election. The appropriate board of elections shall be responsible for
23 publishing the legal notice. The notice shall state the date and time of the
24 special election, the issue to be submitted to the voters, and the precincts in
25 which the election will be held. This paragraph shall not apply to bond
26 elections."

27

28 Sec. 64. G.S. 163-288 reads as rewritten:

29 "§ 163-288. Registration for city elections; county and municipal boards of
30 elections.

31 ~~(a) Where the county board of elections conducts the municipal election,~~
32 Regardless of whether the municipal board of elections is conducted by the
33 county board of elections or by a municipal board of elections, the registration
34 record of the county board of elections shall be the official registration record
35 for voters to vote in all elections, city, district, county, State or national.

36 ~~(b) Where the municipal board of elections conducts the elections, each~~
37 ~~such municipality shall purchase only those loose-leaf binders for the~~
38 ~~registration records that have been approved by the State Board of Elections.~~

39 ~~The loose-leaf registration forms shall be those approved by the State Board~~
40 ~~of Elections. When completed by each municipal registrant, the forms shall be~~
41 ~~the official registration record in each municipality and shall be kept in~~
42 ~~agreement with the county registration records for that registrant. They shall~~
43 ~~be prepared, completed, maintained and kept current pursuant to the same~~
44 ~~provisions of Article 7, Chapter 163, as apply to registration records of county~~

1 ~~boards of elections. They also shall be furnished by the State Board of~~
2 ~~Elections, through the respective county boards of elections, to the~~
3 ~~municipalities.~~

4 ~~Every municipal board of elections conducting the elections in any city,~~
5 ~~town, or incorporated village shall secure and install those binders and~~
6 ~~loose-leaf forms required by this section no later than January 1, 1973, or no~~
7 ~~later than 90 days after any such municipality elects to conduct its own~~
8 ~~elections.~~

9 ~~(c) Registration of voters and preparation of registration books for city~~
10 ~~elections in cities electing to conduct their own elections shall be conducted~~
11 ~~under one of the following alternative methods:~~

12 (1) ~~METHOD A. -- A permanent, full-time registration office~~
13 ~~shall be established in a convenient place within a city, and~~
14 ~~the municipal board of elections shall appoint a special~~
15 ~~registration commissioner to be in charge of the office, and~~
16 ~~the commissioner shall have full power and authority to~~
17 ~~register voters who reside within the city without regard to~~
18 ~~their precinct or county of residence. A municipal board of~~
19 ~~elections may appoint special registration commissioners~~
20 ~~notwithstanding the population limitation contained in G.S.~~
21 ~~163-67(b).~~

22 (2) ~~METHOD B. -- The municipal board of elections may~~
23 ~~contract with the county board of elections to prepare two~~
24 ~~extra sets of registration forms for each person who registers~~
25 ~~with the county board of elections and who resides in the~~
26 ~~municipality which negotiates such agreement. Any such~~
27 ~~agreement shall be in writing and shall be on such terms as is~~
28 ~~agreeable to the majority of the county board of elections~~
29 ~~involved.~~

30 (3) ~~(For effective date see note) METHOD C. -- The county~~
31 ~~board of elections shall permit the municipal board of~~
32 ~~elections to copy county registration books from the precinct~~
33 ~~binder record or from the duplicate required to be maintained~~
34 ~~by said county board of elections. During the period~~
35 ~~beginning on the twenty-first day before each municipal~~
36 ~~election (excluding Saturdays and Sundays), the municipal~~
37 ~~board of elections shall compare the municipal registration~~
38 ~~books with the appropriate county books and shall add or~~
39 ~~delete registration certificates in order that the city and county~~
40 ~~records shall agree. The precincts established for municipal~~
41 ~~elections may differ from those established by the county~~
42 ~~board of elections.~~

43 (3) ~~(For effective date see note) METHOD C. -- The county~~
44 ~~board of elections shall permit the municipal board of~~

1 ~~elections to copy county registration books from the precinct~~
2 ~~binder record or from the duplicate required to be maintained~~
3 ~~by said county board of elections. During the period~~
4 ~~beginning on the last day for making application to register~~
5 ~~under G.S. 163-67, the municipal board of elections shall~~
6 ~~compare the municipal registration books with the appropriate~~
7 ~~county books and shall add or delete registration certificates~~
8 ~~in order that the city and county records shall agree. The~~
9 ~~precincts established for municipal elections may differ from~~
10 ~~those established by the county board of elections.~~

11 (4) ~~METHOD D. -- The county board of elections may, in its~~
12 ~~sole discretion, deliver to the municipal board of elections the~~
13 ~~county precinct registration books for each precinct wholly or~~
14 ~~partially located within the city, and these books shall be used~~
15 ~~in conducting the municipal elections.~~

16 ~~(d) The State Board of Elections shall have authority to promulgate rules~~
17 ~~and regulations for the detailed administration of each alternative method of~~
18 ~~registration offered by this section.~~

19 ~~(e) Each city, town or incorporated village electing to conduct its own~~
20 ~~elections shall select one of the registration methods offered by this section by~~
21 ~~joint agreement with the appropriate county boards of elections, subject to the~~
22 ~~approval of the State Board of Elections. The selection of method shall be~~
23 ~~evidenced by concurrent resolutions of the city council and each affected~~
24 ~~county board of elections, which shall be filed with the State Board of~~
25 ~~Elections, and which shall become effective upon the State Board's approval~~
26 ~~thereof. Provided, however, if METHOD A is selected, the municipal board of~~
27 ~~elections shall only be required to send a copy of the resolution to the State~~
28 ~~Board of Elections and the county board of elections. If the city and the county~~
29 ~~board of elections fail to agree then METHOD C shall be used."~~

30

31 Sec. 65. G.S. 163-288.2 reads as rewritten:

32 "§ 163-288.2. Registration in area proposed for incorporation or annexed.

33 (a) Whenever the General Assembly incorporates a new city and provides in
34 the act of incorporation for a referendum on the question of incorporation or
35 for a special election for town officials or for both, or whenever an existing
36 city or special district annexes new territory under the provisions of Chapter
37 160A, Article 4A, or other general or local law, the board of elections of the
38 county in which the proposed city is located or in which the newly annexed
39 territory is located shall determine those individuals eligible to vote in the
40 referendum or special election or in the city or special district elections. In
41 determining the eligible voters the board may, in its discretion, use either of
42 the following methods:

43 METHOD A. -- The board of elections shall prepare a list of those
44 registered voters residing within the proposed city or newly annexed territory.

1 The board shall make this list available for public inspection in its office for a
2 two-week period ending on the ~~last day for making application to register~~
3 ~~under G.S. 163-67~~ twenty-fifth (25th) day before the day of the referendum or
4 special election, or the next scheduled city or special district election. During
5 this period, any voter resident within the proposed city or newly annexed
6 territory and not included on the list may cause his name to be added to the
7 list. At least one week and no more than two weeks before the day the period
8 of public inspection is to begin, the board shall cause notice of the list's
9 availability to be posted in at least two prominent places within the proposed
10 city or newly annexed territory and may cause the notice to be published in a
11 newspaper of general circulation within the county. The notice shall state that
12 the list has been prepared, that only those persons listed may vote in the
13 referendum or special election, that the list will be available for public
14 inspection in the board's office, that any qualified voter not included on the list
15 may cause his name to be added to the list during the two-week period of
16 public inspection, and that persons in newly annexed territory should present
17 themselves so their registration records may be activated for voting in city or
18 special district elections in the newly annexed territory. Notice may
19 additionally be made on a radio or television station or both, but such notice
20 shall be in addition to the newspaper and other required notice.

21 METHOD B. -- The board of elections shall conduct a special registration of
22 eligible persons desiring to vote in the referendum or special election or in the
23 newly annexed territory. The registration records shall be open for a two-week
24 period (except Sundays) ending on the ~~last day for making application to~~
25 ~~register under G.S. 163-67~~ twenty-fifth (25th) day before the day of the
26 referendum or special election or the next scheduled city or special district
27 election. On the two Saturdays during that two-week period, the records shall
28 be located at the voting place for the referendum or special election or the next
29 scheduled city or special district election; on the other days it may, in the
30 discretion of the board, be kept at the voting place, at the office of the board,
31 or at the place of business of a person designated by the board to conduct the
32 special registration. At least one week and no more than two weeks before the
33 day the period of special registration is to begin, the board shall cause notice
34 of the registration to be posted in at least two prominent places within the
35 proposed city or newly annexed territory and may cause the notice to be
36 published in a newspaper of general circulation within the county. The notice
37 shall state the purpose and times of the special registration, the location of the
38 registration records, that only those persons registered in the special
39 registration may vote in the referendum or special election, and that persons in
40 newly annexed territory should present themselves so their registration records
41 may be activated for voting in city or special district elections in the newly
42 annexed territory. Notice may additionally be made on a radio or television
43 station or both, but such notice shall be in addition to the newspaper and other
44 required notice.

1 (b) Only those persons registered pursuant to this section may vote in the
2 referendum or special election, provided, however, that in cases where voters
3 are activated under either Method A or B to vote in a city or special district
4 that annexes territory, the city or special district shall permit them to vote in
5 the city or special district's election and shall, as well, permit other voters to
6 vote in such elections who did not register under the provisions of this section
7 if they are otherwise registered, qualified and eligible to vote in the same."

8

9 Sec. 66. G.S. 163-295 reads as rewritten:

10 "§163-295. Municipal and special district elections; application of Chapter
11 163.

12 To the extent that the laws, rules and procedures applicable to the conduct
13 of primary, general or special elections by county boards of elections under
14 Articles 3, 4, 5, 6, ~~7~~ 7A, 8, 9, 10, 11, 12, 13, 14, 15, 19 and 22 of this
15 Chapter are not inconsistent with the provisions of this Article, those laws,
16 rules and procedures shall apply to municipal and special district elections and
17 their conduct by the board of elections conducting those elections. The State
18 Board of Elections shall have the same authority over all such elections as it
19 has over county and State elections under those Articles."

20

21 Sec. 67. Notwithstanding the language of G.S. 163-72.4(c), a voter
22 registration application is valid if, before January 1, 1995, the applicant
23 submits the form by mail or in person. The applicant may delegate the
24 submission of the form to another person. The form shall be valid only if
25 signed by the applicant. Before January 1, 1995, in order to be valid for an
26 election, the form:

27

28 (1) If submitted by mail, must be postmarked at least twenty-nine
29 (29) days before the election, except that any mailed
30 application on which the postmark is missing or unclear is
31 validly submitted if received in the mail not later than twenty-

32

33 (2) If submitted in person (by the applicant or another person),
34 must be received at least twenty-nine (29) days before the
35 election.

36

37 Sec. 68. Sections 1 through 66 of this act become effective January
38 1, 1995, and apply to all primaries and elections occurring on or after that date.
39 The remainder of this act is effective upon ratification and shall apply to all
40 primaries and elections occurring on or after the date of ratification.
41 Prosecutions for, or sentences based on, offenses occurring before the effective
42 date of any section of this act are not abated or affected by this act and the
43 statutes that would be applicable to those prosecutions or sentences but for the
44 provisions of this act remain applicable to those prosecutions or sentences.

44



**SUMMARY OF
LEGISLATIVE PROPOSAL I - A REWRITE
OF ARTICLE 7 OF CHAPTER 163
TO CONFORM TO NATIONAL VOTER REGISTRATION ACT OF 1993**

Sec. 1. Would repeal current Article 7 (Voter Registration) and replace it with Article 7A, effective January 1, 1995.

Sec. 2. Would enact Article 7A, effective January 1, 1995, as follows:

163-82.1. General Rules of voter registration.

- (a) Pre-requisite to Voting.
- (b) County Board's Duty to Register.
- (c) Permanent Registration.
Until:
 - (1) requests removal;
 - (2) becomes disqualified through death, felony conviction, or removal from county;
 - (3) board can no longer confirm residence.

163-82.2. Chief State Election Official. Executive Sec-Direc.

163-82.3. Voter Registration Application Forms.

- (a) Form Developed by State Board.
- (b) Interstate Form.
- (c) Agency Application Form.

163-82.4. Contents of Application Form.

- (a) Information Requested of Applicant. Name, DOB, address, county of residence, date of application, gender, race, party, phone number.
- (b) Notice of Requirements, Attestation, Notice of Penalty and Confidentiality.
- (c) Party Affiliation or Unaffiliated Status.

163-82.5. Distribution of Application Forms. Language from NVRA.

163-82.6. Acceptance of Application Forms.

- (a) How Form May Be Submitted. Mail or person, delegated.
- (b) Signature.
- (c) Registration Deadlines for an Election. 25 days by mail or in person. 20 days receipt if no readable postmark.
- (d) Instances When Person May Register and Vote on Election Day. Restates current law: only when the person has qualified to register and vote after the close of books. Mainly affects newly naturalized citizens and felons whose citizenship has been restored.

163-82.7. Verification of Qualifications and Address of Applicant; Denial or Approval of Application.

- (a) Tentative Determination of Qualification.
- (b) Denial of Registration.

- (c) Verification of Address by Mail. Send out nonforwardable notice (can be VR card).
- (d) Approval of Application. If notice in (c) not returned undeliverable, put applicant on the books.
- (e) Second Notice If First Notice is Returned as Undeliverable. Also by nonforwardable mail.
- (f) Denial of Application Based on Lack of Verification of Address. If two notices come back undeliverable, don't put applicant on the books.
- (g) Voting When Verification Process Is Incomplete. Rules for what to do if election day arrives before verification is complete:
 - (1) If county has tentatively determined the voter is qualified, the voter may vote in person unless two notices have been returned as undeliverable.
 - (2) If one notice has come back undeliverable that was sent out less than 21 days before the election, then that person shall not be allowed to vote by absentee mail. If such a person comes in to vote in person, the county board shall make sure he votes in the right place.
 - (3) If a person comes in to vote and afterward a notice is returned as undeliverable, the board treats the person as a registered voter, but begins the purge process in accordance with 163-82.14.

163-82.8. Voter Registration Cards.

- (a) Authority to Issue Card. Restates current law: county BOE with approval of county commissioners.
- (b) Content and Format of Card. Restates current law: SBOE has veto over a county's format.
- (c) Ways County Board and Registrant May Use Card. As notice of tentative approval of application, as way to report and verify address, name, party change.
- (d) Card as Evidence of Registration. Restates current law.
- (e) Display of Card May Not Be Required to Vote. Restates current law.

163-82.9. Cancellation of Prior Registration. Restates current law.

163-82.10. Official Record of Registration.

- (a) Application Form Becomes Official Record. New.
- (b) Access to Registration Records. Restates current law.
- (c) Free Lists. Restates current law, with minor changes.

163-82.11. Establishment of Statewide Computerized Registration.

State Board shall develop a system so county can:

- (1) verify applicant not registered in another county;
- (2) be notified that its own registrant is registered in another county;
- (3) get DMV and agency registrations automatically.

Essence of House Bill 445.

163-82.12. Promulgation of Rules Relating to Computerized Voter Registration.

SBOE shall make rules.

163-82.13. Access to Statewide Voter Registration File.
Free copy of statewide file for parties. Cost charged to everyone else.

163-82.14. List Maintenance.

- (a) Uniform Program.
- (b) Death.
- (c) Conviction of a Felony. State or federal.
- (d) Change of Address.
 - (1) Gives confirmation in writing.
 - (2) Fails to respond to forwardable confirmatory mailing with postage-paid return card inside and doesn't vote in two congressional general elections.

Must send the notice to anyone you haven't heard from in two successive presidential elections. May send the notice if NCOA turns you up at a different address.

163-82.15. Change of Address Within the County.

- (a) Registrant's Duty to Report. By mail-in form or by other signed writing.
- (b) Verification of New Address by Mail. Nonforwardable-1; if comes back, NF-2 or forwardable removal notice with postage-paid return card inside.
- (c) Board's Duty to Make Change. If confirmed.
- (d) Unreported Move Within Same Precinct.
- (e) Unreported Move to Another Precinct Within the County. This changes current law by giving registrant choice of going to new precinct or going to central site in county. Cannot vote in old precinct. Currently, county has the choice of whether voter goes to new precinct or central site.
- (f) When Registrant Disputes Registration Records.
- (g) Precinct Transfer Assistant.

163-82.16. Change of Name.

- (a) Registrant's Duty to Report. May be done on mail-in form, VR card, or other signed writing.
- (b) Verification of New Name by Mail.
- (c) Board's Duty to Make Change.
- (d) Unreported Name Change.

163-82.17. Change of Party Affiliation.

- (a) Registrant's Duty to Report. May be done on mail-in form or VR card, but not on other writing. Pre-mail-in, this could be done only by a special oath.
- (b) Verification of Affiliation Change by Mail.
- (c) Board's Duty to Make Change.
- (d) Deadline to Change Status Before Primary.
- (e) Authority of County Board or Supervisor to Make Correction.

163-82.18. Appeal from Denial of Registration. Restates current law.

- (a) Right of Appeal.
- (b) Hearing Before County Board of Elections.
- (c) Appeal to Superior Court.

163-82.19. Registration at Drivers License Offices.

Same 25-day deadline as other registration. State Board of Elections to determine by rule how accepted applications shall be transmitted to counties.

163-82.20. Registration at Other Public Agencies.

- (a) Voter Registration Agencies. Public assistance, disabled, unemployment offices. All but the unemployment offices are mandated by NVRA.
- (b) Duties of Voter Registration Agencies.
- (c) Home Registration for Disabled.\
- (d) Prohibitions.
- (e) Confidentiality of Declination to Register.
- (f) Transmittal From Agency to Board of Elections. SBOE determines by rule how accepted applications shall be transmitted to counties.
- (g) 25-Day Deadline for an Election.
- (h) Ineligible Applications Prohibited.

163-82.21. Voter registration at military recruitment offices. ES-D must work with Defense Dept. to work it out. Required by NVRA.

163-82.22. Voter registration at public libraries. They must have mail-in forms on hand and must assign someone to help people fill them out.

163-82.23. Voter registration at public high schools. They must have mail-in forms on hand. School board may designate an employee to help students fill them out, but only if employee volunteers.

163-82.24. Statewide Training for Election Officials.

Within 6 months after appointment for board members and supervisors. At least once every year after that.

163-82.25. Mandated Registration Drive. Restates current law.

163-82.26. Rulemaking Authority.

Secs. 3 and 4. Would change 163-41 and 163-47. outside Article 7. Registrars would become "chief judges." Remove outdated duty of registrar to "attend the voting place for the registration of new voters" "on the days required by law." Office of Special Registration Commissioner abolished, on theory that under new system, any person is now has authority to fulfill the duties they have had. Authorizes State Board or county boards to conduct training for people assisting voter registration.

Sections 5 through 66. Cleanup of references in rest of Chapter 163--mostly concerning "registrar." "special registration commissioner." and "close of registration books." Sections 61 and 64 would remove the voter-registration function of municipal boards of elections; municipal boards, where they still exist, would be limited to operating the polls and counting the votes.

Section 67. For the rest of 1994. would correct oversights in mail-registration law so that mail-in forms could be hand-carried in as well as mailed in, and so

that the postmarking and hand-carrying deadline is 29 days before the election rather than 30 days (which always falls on a Sunday).

Section 68. Whole bill made effective January 1, 1995 except for next-to-last section.



APPENDIX E
LEGISLATIVE PROPOSAL II

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1993

H/S

D

94-RRZ-003
THIS IS A DRAFT 3-MAY-94 22:40:51

Short Title: Postprimary Report.

(Public)

Sponsors: Representative/Senator

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CAMPAIGN LAWS TO ELIMINATE THE
3 DIFFERENCE IN POSTPRIMARY REPORTING BY PRIMARY LOSERS
4 AND WINNERS.
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 163-278.9(a)(3) reads as rewritten:
7 "(3) Postprimary Report(s). -- The treasurer of each candidate
8 shall file a report with the Board no later than the 30th day
9 after the primary election if the candidate was eliminated in
10 the primary. If there is a second primary, the treasurer shall
11 file a report with the Board no later than the 30th day after
12 the second primary election if the candidate was eliminated in
13 the second primary, 60th day before the general election."
14

SUMMARY OF LEGISLATIVE PROPOSAL II

LEGISLATIVE PROPOSAL II would eliminate the difference in treatment between winners of primaries and losers in making postprimary reports.

As the law now stands, losers must file a postprimary report within 30 days after the primary. Winners need not file a report until the preelection report 10 days before the general election.

LEGISLATIVE PROPOSAL II would make the postprimary report applicable to both winners and losers and would move it to 60 days before the general election.

APPENDIX F
LEGISLATIVE PROPOSAL III

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1993

H/S

D

94-RRZ-004
THIS IS A DRAFT 3-MAY-94 22:47:48

Short Title: Donor's Occupation.

(Public)

Sponsors: Representative/Senator

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE THAT INFORMATION TO BE REPORTED
3 CONCERNING CAMPAIGN CONTRIBUTORS SHALL INCLUDE
4 OCCUPATION, EMPLOYER'S NAME, AND BUSINESS ADDRESS;
5 AND TO PROHIBIT SALE OR USE OF CAMPAIGN FINANCE
6 REPORTS FOR SOLICITATION OR COMMERCIAL PURPOSES.
7
8 The General Assembly of North Carolina enacts:
9 Section 1. G.S. 163-278.8(c) reads as rewritten:
10 "(c) A treasurer may not accept a contribution of more than one hundred
11 dollars (\$100.00) from a nonresident of this State unless the contribution is
12 accompanied by a written statement setting forth the name and address name,
13 complete home address, occupation, employer's name, and complete business
14 address of each contributor."
15 Sec. 2. G.S. 163-278.8(d) reads as rewritten:
16 "(d) A treasurer shall not be required to report the name of any resident of
17 this State who makes a total contribution of one hundred dollars (\$100.00) or
18 less but he shall instead report the fact that he has received a total contribution
19 of one hundred dollars (\$100.00) or less, the amount of the contribution, and
20 the date of receipt. If a treasurer receives contributions of one hundred dollars
21 (\$100.00) or less, each at a single event, he may account for and report the
22 total amount received at that event, the date and place of the event, the nature
23 of the event, and the approximate number of people at the event. With respect
24 to the proceeds of sale of services, campaign literature and materials, wearing

1 apparel, tickets or admission prices to campaign events such as rallies or
2 dinners, and the proceeds of sale of any campaign-related services or goods, if
3 the price or value received for any single service or goods exceeds one hundred
4 dollars (\$100.00), the treasurer shall account for and report the name of the
5 individual paying for such services or ~~goods.~~ goods and other information
6 concerning the individual required in G.S. 163-278.11(a)(1), the amount
7 received, and the date of receipt, but if the price or value received for any
8 single service or item of goods does not exceed one hundred dollars (\$100.00),
9 the treasurer may report only those services or goods rendered or sold at a
10 value that does not exceed one hundred dollars (\$100.00), the nature of the
11 services or goods, the amount received in the aggregate for the services or
12 goods, and the date of the receipt.

13 Sec. 3. G.S. 163-278.11 reads as rewritten:

14 "§163-278.11. Contents of treasurer's statement of receipts and
15 expenditures.

16 (a) Statements filed pursuant to provisions of this Article shall set forth the
17 following:

- 18 (1) Contributions. -- A list of all contributions required to be
19 listed under G.S. 163-278.8 received by or on behalf of a
20 candidate, political committee, or referendum committee. The
21 statement shall list the ~~name and complete mailing address~~
22 name, complete home mailing address, occupation,
23 employer's name, and complete business address of each
24 contributor, the amount contributed, and the date such
25 contribution was received. The total sum of all contributions
26 to date shall be plainly exhibited. Forms for required reports
27 shall be prescribed by the Board.
- 28 (2) Expenditures. -- A list of all expenditures required under G.S.
29 163-278.8 made by or on behalf of a candidate, political
30 committee, or referendum committee. The statement shall list
31 the name and complete mailing address of each payee, the
32 amount paid, the purpose, and the date such payment was
33 made. The total sum of all expenditures to date shall be
34 plainly exhibited. Forms for required reports shall be
35 prescribed by the Board.
- 36 (3) Loans. -- Every candidate and treasurer shall attach to the
37 campaign transmittal submitted with each report an addendum
38 listing all proceeds derived from loans for funds used or to be
39 used in this campaign. The addendum shall be in the form as
40 prescribed by the State Board of Elections and shall list the
41 amount of the loan, the source, the period, the rate of
42 interest, and the security pledged, if any, and all makers and
43 endorsers.

1 (b) Statements shall reflect anything of value paid for or contributed by any
2 person or individual, both as a contribution and expenditure."

3 Sec. 4. G.S. 163-278.22 reads as rewritten:

4 "§163-278.22. Duties of State Board.

5 It shall be the duty and power of the State Board:

- 6 (1) To prescribe forms of statements and other information
7 required to be filed by this Article, to furnish such forms to
8 the county boards of elections and individuals, media or
9 others required to file such statements and information, and to
10 prepare, publish and distribute or cause to be distributed to
11 all candidates at the time they file notices of candidacy a
12 manual setting forth the provisions of this Article and a
13 prescribed uniform system for accounts required to file
14 statements by this Article;
- 15 (2) To accept and file any information voluntarily supplied that
16 exceeds the requirements of this Article;
- 17 (3) To develop a filing, coding, and cross-indexing system
18 consonant with the purposes of this Article;
- 19 (4) To make statements and other information filed with it
20 available to the public at a charge not to exceed actual cost of
21 copying; copying, except that any information copied from
22 statements filed pursuant to the provisions of this Article may
23 not be sold or used by any person for the purpose of
24 soliciting contributions or for commercial purposes, other
25 than using the name and address of any political committee to
26 solicit contributions from such committee.
- 27 (5) To preserve reports and statements filed under this Article.
28 Such reports and statements, after a period of two years
29 following the election year, may be transferred to the
30 Department of Cultural Resources, Division of Archives and
31 History, and shall be preserved for a period of 10 years.
- 32 (6) To prepare and publish such reports as it may deem
33 appropriate;
- 34 (7) To make investigations to the extent the Board deems
35 necessary with respect to statements filed under the provisions
36 of this Article and with respect to alleged failures to file any
37 statement required under the provisions of this Article, and,
38 upon complaint under oath by any registered voter, with
39 respect to alleged violations of any part of this Article; and
- 40 (8) After investigation, to report apparent violations by
41 candidates, political committees, referendum committees,
42 individuals or persons to the proper district attorney as
43 provided in G.S. 163-278.27.

- 1 (9) To prescribe and furnish forms of statements and other
2 material to the county boards of elections for distribution to
3 candidates and committees required to be filed with the
4 county boards.
5 (10) To instruct the chairman and supervisors of elections of each
6 county board as to their respective duties and responsibilities
7 relative to the administration of this Article.
8 (11) To require appropriate certification of delinquent or late
9 filings from the county boards of elections and to execute the
10 same responsibilities relative to such reports as provided in
11 G.S. 163-278.27.
12 (12) To assist county boards of elections in resolving questions
13 arising from the administration of this Article.
14 (13) To require county boards of elections to hold such hearings,
15 make such investigations, and make reports to the State Board
16 as the State Board deems necessary in the administration of
17 this Article."

SUMMARY OF LEGISLATIVE PROPOSAL III

LEGISLATIVE PROPOSAL III would require that treasurers for candidates, political committees, and referendum committees report the occupation, employer, and business address of contributors in addition to reporting, as current law requires, the name and address of the contributor. The report exemption for contributions of \$100.00 OR LESS would be retained.

A provision is added specifying that information copied from reports filed by treasurers with the State Board of Elections--which is public information open to inspection--may not be sold or used for the purpose of soliciting contributions or for commercial purposes.



APPENDIX G
LEGISLATIVE PROPOSAL IV

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1993

H/S

D

94-RRZ-005
THIS IS A DRAFT 3-MAY-94 23:06:25

Short Title: No Anonymous PAC Gifts.

(Public)

Sponsors: Representative/Senator

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE ELECTION CAMPAIGN LAWS TO LIMIT
3 THE EXEMPTION FROM REPORTING THE NAMES OF SMALL
4 CONTRIBUTORS
5 SO THAT IT APPLIES ONLY TO CONTRIBUTORS WHO ARE
6 INDIVIDUALS.
7
8 The General Assembly of North Carolina enacts:
9 Section 1. G.S. 163-278.8(d) reads as rewritten:
10 "(d) A treasurer shall not be required to report the name of any individual
11 who is a resident of this State who makes a total contribution of one hundred
12 dollars (\$100.00) or less but he shall instead report the fact that he has
13 received a total contribution of one hundred dollars (\$100.00) or less, the
14 amount of the contribution, and the date of receipt. If a treasurer receives
15 contributions of one hundred dollars (\$100.00) or less, each at a single event,
16 he may account for and report the total amount received at that event, the
17 date and place of the event, the nature of the event, and the approximate
18 number of people at the event. With respect to the proceeds of sale of services,
19 campaign literature and materials, wearing apparel, tickets or admission prices
20 to campaign events such as rallies or dinners, and the proceeds of sale of any
21 campaign-related services or goods, if the price or value received for any single
22 service or goods exceeds one hundred dollars (\$100.00), the treasurer shall
23 account for and report the name of the individual paying for such services or
24 goods, the amount received, and the date of receipt, but if the price or value

1 received for any single service or item of goods does not exceed one hundred
2 dollars (\$100.00), the treasurer may report only those services or goods
3 rendered or sold at a value that does not exceed one hundred dollars
4 (\$100.00), the nature of the services or goods, the amount received in the
5 aggregate for the services or goods, and the date of the receipt."
6

SUMMARY OF LEGISLATIVE PROPOSAL IV

The law now provides that a treasurer for a candidate, political committee, or referendum committee need not report that name and address of a contributor when the contribution is \$100.00 or less and the contributor is a resident of North Carolina. The State Board of Elections has interpreted this provision to apply to contributions by individuals and by committees.

LEGISLATIVE PROPOSAL IV would make clear that the exemption applies only to contributions by individuals, and that all contributions by committees, regardless of their amount, must be reported in the name of the committee.



APPENDIX H
LEGISLATIVE PROPOSAL V

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 1993

H/S

D

94-RRZ-006
THIS IS A DRAFT 3-MAY-94 23:07:37

Short Title: Campaign Crime Cutoff.

(Public)

Sponsors: Representative/Senator

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO CHANGE THE LIMITATIONS PERIOD FOR VIOLATIONS
3 OF THE CAMPAIGN CONTRIBUTIONS AND EXPENDITURES LAWS.
4
5 The General Assembly of North Carolina enacts:
6 Section 1. G.S. 163-278.27(a) reads as rewritten:
7 "(a) Any individual, candidate, political committee, referendum committee,
8 treasurer, person or media who violates the provisions of G.S. 163-278.7,
9 163-278.8, 163-278.9, 163-278.10, 163-278.11, 163-278.12, 163-278.14,
10 163-278.16, 163-278.17, 163-278.18, 163-278.40A, 163-278.40B,
11 163-278.40C, 163-278.40D or 163-278.40E is guilty of a Class 2
12 misdemeanor. Notwithstanding any other provision of law, no prosecution for
13 a violation brought under this section shall be barred before the expiration of
14 five years after the date of the violation."

SUMMARY OF LEGISLATIVE PROPOSAL V

LEGISLATIVE PROPOSAL V would change the statute of limitations for criminal violations of the campaign finance laws from two years to five.



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