

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 896

Short Title: Ballot Amendments.

(Public)

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Sponsors: Representative Beall.

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Referred to: Courts, Justice, Constitutional Amendments & Referenda.

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April 18, 1991

A BILL TO BE ENTITLED

AN ACT TO MAKE CERTAIN CHANGES IN BALLOT INSTRUCTIONS AND  
BALLOT FORMAT.

The General Assembly of North Carolina enacts:

Section 1. G.S. 163-140(a) reads as rewritten:

"(a) Kinds of General Election Ballots; Right to Combine. – For purposes of  
general elections, there shall be seven kinds of official ballots entitled:

(1) Ballot for presidential electors

(2) Ballot for United States Senator

(3) Ballot for member of the United States House of Representatives

(4) State ballot

(5) County ballot

(7) Ballot for constitutional amendments and other propositions submitted  
to the people.

Use of official ballots shall be limited to the purposes indicated by their titles. The  
printing on all ballots shall be plain and legible but, unless large type is specified by this  
section, type larger than 10-point shall not be used in printing ballots. All general  
election ballots shall be prepared in such a way as to leave sufficient blank space  
beneath each name printed thereon in which a voter may conveniently write the name of  
any person for whom he may desire to vote.

Unless prohibited by this section, the board of elections, State or county, charged by  
law with printing ballots may, in its discretion, combine any two or more official  
ballots. Whenever two or more ballots are combined, the voting instructions for the  
State ballot set out in subsection (b)(4) of this section shall be used, except that if the

1 two ballots being combined do not contain a multi-seat race, then the second sentence of  
2 instruction b. shall not appear on the ballot.

3 Except on mechanical voting machines, candidates in the general election for offices  
4 in any multicounty district shall appear on a ballot for that district that is separate from  
5 any other ballot.

6 If the State Board of Elections divides the State ballot into two or more ballots, all  
7 candidates for superior court shall appear on the same ballot except that the State Board  
8 of Elections may divide the election of superior court judges into two ballots either  
9 because of length of the ballot or to provide a separate ballot for multi-seat races but  
10 only superior court judges shall be on those ballots, and all candidates for the Appellate  
11 Division shall appear on the same ballot."

12 Sec. 2. G.S. 163-140(f) reads as rewritten:

13 "(f) Multi-seat Races. – The General Assembly finds that since the federal court  
14 opinion voiding the law which provided that a straight-ticket ballot shall take  
15 precedence in counting over a ballot marked for individual candidates, confusion has  
16 occurred in the counting of ballots in multi-seat races. In order to minimize the  
17 confusion of instructions for marking ballots in multi-seat races, which must be  
18 different than those in single-seat races, the General Assembly finds it necessary that  
19 these ballots be printed separately, except in the case of mechanical voting machines.  
20 On such machines, where it is physically impossible to vote both a straight-ticket and  
21 for an individual candidate, without pulling up the lever of an individual candidate,  
22 clearly showing the voter's intention, it is unnecessary to have a separate ballot for  
23 multi-seat races, and having such a separate ballot would result in more columns and  
24 rows on the machine than the mechanical machine can handle.

25 Multi-seat races in partisan general elections, which except as provided in this  
26 section would have appeared on the State ballot or county ballot, and except for multi-  
27 seat races on mechanical voting machines, shall be placed on a separate multi-seat ballot  
28 or ballots, which shall not be combined with any ballot other than a multi-seat ballot.  
29 Beneath the title and general instructions set out in this subsection, the ballot(s) for  
30 multi-seat races shall be divided into parallel columns separated by distinct black lines.  
31 The State Board of Elections shall assign a separate column to each political party  
32 having candidates in multi-seat races and one to unaffiliated candidates, if any. At the  
33 head of each party column the party's name shall be printed in large type, and at the  
34 head of the column for unaffiliated candidates shall be printed in large type the words  
35 'Unaffiliated Candidates.' Below the party name in each column shall be printed a  
36 circle, one-half inch in diameter, and around which shall be plainly printed the  
37 following instruction: 'For a straight ticket, mark within this circle.' With distinct black  
38 lines, the State Board of Elections shall divide the columns into horizontal sections and,  
39 in the customary order of office, assign a separate section to each group of offices to be  
40 filled. On a single line at the top of each section shall be printed a direction as to the  
41 number of candidates for whom a vote may be cast. If candidates are to be chosen for  
42 different terms to the same office, the term in each instance shall be printed as part of  
43 the title of the office.

1 The name or names of each political party's candidate or candidates for each office  
2 listed on the ballot shall be printed in the appropriate office section of the proper party  
3 column and the names of unaffiliated candidates shall be printed in the appropriate  
4 office section of the column headed 'Unaffiliated Candidates.' At the left of each name  
5 shall be printed a voting square, and in each column all voting squares shall be arranged  
6 in a perpendicular line.

7 On the face of the ballot, above the party and unaffiliated column division, the  
8 following instructions shall be printed in heavy red type to contrast with the type of the  
9 rest of the ballot:

- 10 'a. To vote for all candidates of one party (a straight ticket), make a  
11 cross (X) mark in the circle of the party of your choice.
- 12 b. To vote a split ticket, you are urged not to mark the party circle  
13 at all. Instead, you should make a cross (X) mark in the square  
14 opposite the name of each candidate for whom you wish to  
15 vote. If you do mark the party circle, however, you will still be  
16 allowed to vote a split ticket by making a cross (X) mark in the  
17 square opposite the name of each candidate for whom you wish  
18 to vote in any race where you wish to split your ticket. You may  
19 vote a split ticket in one of two ways:
- 20 (1) ~~By making a cross mark opposite the name of each~~  
21 ~~candidate for whom you wish to vote and making no~~  
22 ~~mark in the party circle, or~~
- 23 (2) ~~By marking the party circle and then making a cross~~  
24 ~~mark opposite the name of each candidate you choose in~~  
25 ~~the race(s) where you wish to vote a split ticket.~~
- 26 c. If you tear or deface or wrongly mark this ballot, return it and  
27 get another.'

28 Ballot instructions need not be printed in red type except on the  
29 separate ballot(s) for multi-seat races."

30 Sec. 3. This act becomes effective for elections held on or after October 1,  
31 1991.