

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005**

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SENATE BILL 558

Short Title: Overseas Runoff Absentee Ballots. (Public)

Sponsors: Senators Kinnaird; Atwater, Cowell, Holloman, Nesbitt, and Snow.

Referred to: Judiciary I.

March 15, 2005

A BILL TO BE ENTITLED
AN ACT TO ALLOW SPECIAL BALLOTS FOR RUNOFF PRIMARIES AND
RUNOFF ELECTIONS TO BE SENT TO OVERSEAS VOTERS.

Whereas, there is just a 28-day period between first and second primaries, and just a 21-day gap between first and second primaries in municipalities elected on a partisan basis, and a 28-day gap between municipal elections and the runoff in municipalities using that system; and

Whereas, voters outside the United States find it difficult to cast ballots in these second primaries and runoffs; and

Whereas, other states have faced litigation under the Federal Uniformed and Overseas Citizen Absentee Voting Act over election schedules that make it difficult for overseas voters to cast ballots; and

Whereas, Louisiana has enacted legislation allowing voters to indicate an order of preference so that the votes can also be counted in the runoffs using the same ballots used in the original election; Now, therefore,
The General Assembly of North Carolina enacts:

SECTION 1. Article 20 of Chapter 163 of the General Statutes is amended by adding a new section to read:

"§ 163-230.3. Special runoff ballots.

(a) This section applies to any ballot in a partisan primary, or in a municipal election where the election and runoff election method is used as provided in G.S. 163-293, but applies only where the ballot is to be mailed to a member of the United States Armed Services, or to an address outside the United States.

(b) Each county board of elections shall prepare a special absentee ballot for candidates to be voted on, subject to approval as to content by the State Board of Elections. Such special ballot shall permit the voter to vote by indicating an order of preference for each candidate for each office. To indicate the voter's order of preference for each candidate for each office to be voted on in the election, the voter shall put the number one next to the name of the candidate who is the voter's first choice, the number

1 two for his second choice and so forth so that, in consecutive numerical order, a number
2 indicating the voter's preference is written by the voter next to each candidate's name on
3 the ballot. The voter shall not be required to indicate his preference for more than one
4 candidate on the ballot if the voter so chooses. The county board of elections shall also
5 prepare instructions for use of the special ballot.

6 In the first primary or in the municipal election, the votes shall be counted for the
7 number of seats the voter is entitled to vote for, in the order of preference marked. If
8 there is a second primary or runoff, the votes shall be counted in the same order of
9 preference, excluding any candidates not on the ballot for the second primary or runoff.
10 If the voter does not indicate an order of preference but marks the ballot as usually
11 provided under this Chapter, the ballot for that office shall be counted under the normal
12 rules and shall not be counted in the second primary or runoff."

13 **SECTION 2.** Article 21 of Chapter 163 of the General Statutes is amended
14 by adding a new section to read:

15 **"§ 163-250.1. Special runoff ballots.**

16 (a) This section applies to any ballot in a partisan primary or in a municipal
17 election where the election and runoff election method is used as provided in
18 G.S. 163-293.

19 (b) Each county board of elections shall prepare a special absentee ballot for
20 candidates to be voted on, subject to approval as to content by the State Board of
21 Elections. Such special ballot shall permit the voter to vote by indicating an order of
22 preference for each candidate for each office. To indicate the voter's order of preference
23 for each candidate for each office to be voted on in the election, the voter shall put the
24 number one next to the name of the candidate who is the voter's first choice, the number
25 two for his second choice and so forth so that, in consecutive numerical order, a number
26 indicating the voter's preference is written by the voter next to each candidate's name on
27 the ballot. The voter shall not be required to indicate his preference for more than one
28 candidate on the ballot if the voter so chooses. The county board of elections shall also
29 prepare instructions for use of the special ballot.

30 In the first primary or in the municipal election, the votes shall be counted for the
31 number of seats the voter is entitled to vote for, in the order of preference marked. If
32 there is a second primary or runoff, the votes shall be counted in the same order of
33 preference, excluding any candidates not on the ballot for the second primary or runoff.
34 If the voter does not indicate an order of preference but marks the ballot as usually
35 provided under this Chapter, the ballot for that office shall be counted under the normal
36 rules and shall not be counted in the second primary or runoff."

37 **SECTION 3.** This act becomes effective with respect to primaries and
38 elections conducted on or after January 1, 2006.