

NORTH CAROLINA GENERAL ASSEMBLY  
1961 SESSION

CHAPTER 21  
HOUSE BILL 120

AN ACT PROVIDING RULES AND REGULATIONS FOR MUNICIPAL  
ELECTIONS HELD IN THE CITY OF GASTONIA.

The General Assembly of North Carolina do enact:

That all elections held in the City of Gastonia shall be held under the following rules and regulations:

Section 1. Time for Holding Election of Officers. On Tuesday after the first Monday of May, 1961, and biennially thereafter, an election of City officers shall be held.

Sec. 2. Time for Holding Special Elections. Special elections on propositions or other matters shall always be held on a Tuesday.

Sec. 3. Polling Places. There shall be one polling place in each election precinct of the City, as established by the City Council, and the City Council shall establish and designate each such polling places, and give notice thereof at least once by publication as hereafter required in the notice of elections.

Sec. 4. Election Precincts. The City Council shall by resolution establish, and fix the boundaries of, election precincts within the City of Gastonia, giving notice thereof by publication in a newspaper having a general circulation in the City of Gastonia at least thirty (30) days prior to the first municipal election which follows such establishment of such election precincts. After such election precincts are so established and fixed, the City Council shall thereafter from time to time have the power by resolution to alter or discontinue such election precincts or to establish and create such new election precincts within the City of Gastonia, as it deems expedient, giving notice thereof by publication in a newspaper having a general circulation in the City of Gastonia at least thirty (30) days prior to any municipal elections. After election precincts are once established by resolution of the City Council and notice of the same as so established published as above required, it shall not thereafter be necessary to make any further publication thereof unless a City Council thereafter alters, changes or discontinues the same as so established, or makes any additions thereto.

Sec. 5. Registrars Appointed. The City Council shall select at least thirty (30) days before any city election one person for each polling place who shall act as registrar of the voters for the election precinct in which such polling place is located. Such persons shall be residents of the City, able to read and write, be of good character, and, who, before entering upon discharge of their duties, shall take the oath hereinafter prescribed.

Sec. 6. Oath of Registrars and Judges or Assistant to Judges and Registrars. Before entering upon the duties of his office, each registrar, judge, or any person assisting said registrar or judge in the election, shall take the following oath to be administered by the City Clerk, or by the registrar to the two judges, or to such persons assisting him, and/or by one of the judges to the registrar or to such person assisting him, such oaths to be reduced to writing and signed by the person taking the same and indicating before whom such oath was sworn to, which shall be kept on file in the office of the City Clerk: "I do solemnly swear that I will administer the duties of my office without fear or favor; that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or proposition, and that I will not keep or make any memorandum of anything occurring within the voting booths, except I be called upon to testify in a judicial proceeding for a violation of the election laws of this municipality or state; so help me God."

Sec. 7. Judges of Election. The City Council shall at least thirty (30) days before any municipal election appoint two judges for each polling place who shall be of different favor to candidates for the same office where possible, if more than one candidate for the same office is running, and shall be residents of the City and persons of good character, able to read and write, and who, before entering upon the discharge of their duties, shall take the oath as hereinbefore prescribed.

Sec. 8. Persons Assisting Registrars and Judges. The registrars or the City Clerk may at any time prior to a municipal election appoint such additional number of persons as may be authorized by the City Council to assist the registrars and judges in the conduct of the election at their respective polling places, which persons shall, where possible, be of different favor to different candidates where more than one candidate is running for the same office, and shall be persons of good character, residents of the City, able to read and write, and who, before entering upon such duties, shall take the oath as hereinbefore prescribed.

Sec. 9. Compensation for Registrars, Judges and Persons Assisting Them. Expenses of Election. The City Council shall fix the compensation for registrars, judges, and any person assisting them in the election, and shall determine the number of persons to assist the registrar and judges at each polling place; and the City shall pay all other expenses incurred in an election.

Sec. 10. Registration of Voters. The modern loose-leaf and visible registration system as now established in the City shall constitute the registration of qualified voters of the City, and the registration shall be made and kept upon such form or forms as shall be prescribed by the City Council and shall contain all information necessary to show qualification of the registered voter, and such other information as the City Council may require, and shall be signed and sworn to by the registering voter and witnessed by the registrar or City Clerk. All original registration certificates shall be kept separately in a loose-leaf set of books for each election precinct, the registered voters for each election precinct being kept in the registration books for that election precinct. In addition to each original registration certificate, which shall be kept in the registration books for the election precinct for which the registered voter is a resident, two exact typewritten, mimeographed, or printed duplicates or copies shall be made by

the City Clerk, one of which shall be filed alphabetically in a master card index file of all the registered voters of the City, and the other of which shall be filed alphabetically in a separate card index for the election precinct of which said registered voter is a resident. The registration books for each election precinct shall be the official registration books of the City and for the purpose of City elections.

Sec. 11. Registration Books Furnished Each Registrar and New Registration. The City Council shall cause to be furnished to each registrar registration books showing the registered voters of his election precinct. The City Council may, in its discretion, order a new registration of voters, provided, that a new registration cannot be ordered any more frequently than every ten years, except where the original and the duplicates of said registration may have been mutilated or destroyed. The City Clerk shall have custody and be responsible for the safekeeping of all registration books and any required copies or duplicates of registrations, except when the registration books are in use by the registrars, in which event the registrars shall be solely responsible for the safekeeping thereof. In the event any registration books, or any part thereof, are destroyed, mutilated, or lost, then the City Clerk may make out a new registration or a new set of registration books from the duplicate master files as hereinbefore provided for, certifying on each registration card, which is duplicated as a result of said mutilation, destruction, or loss, that it is a true copy of the mutilated, destroyed, or lost original.

Sec. 12. Notice of New Registration. In the event a new registration is ordered by the City Council, the City Council shall give at least thirty (30) days notice thereof by publication for once a week for four consecutive weeks in a newspaper of general circulation in the City, which newspaper shall be one qualified under the general statutes of North Carolina to run legal publications, and also by posting such notice at the City Hall.

Sec. 13. Registration Books Revised. The City Council shall have the power to revise the registration books and require them to be purged of illegal or disqualified voters. When an order for revision is made by the City Council, it shall be directed to the City Clerk to prepare from the registration books a list of names of registered voters, with their names and addresses as they appear on the registration books, who are, in the opinion of the City Clerk, dead or disqualified by removal from the City as a resident or otherwise, stating on said list the reason for said proposed removal. When such list is prepared, the City Clerk shall thereupon cause to be mailed to each of the names on the list at his or her known address, or, if not known, then to such address as shown on the registration books, a notice requiring such person to appear at the City Hall before the clerk on or before seven days from the date of said mailing, and show that they are legally entitled to vote in the City municipal elections, or in lieu of a personal appearance, such person may furnish such satisfactory evidence by mail, or otherwise, that he or she is qualified to vote in the City municipal elections. Upon failure of such person to make such personal appearance, or upon failure of such person to offer satisfactory evidence that he or she is qualified and entitled to vote in the municipal elections, their names and cause of removal shall be reported to the City Council, who shall thereupon order their names stricken off the registration books. The City Clerk

shall keep a list of all names stricken off the registration books and causes for removal for a period of at least five years, after which such lists may be destroyed; provided, however, in the event that any person, whose name has been removed from the registration books by order of the City Council as having been disqualified to vote in the municipal elections, should appear at his polling place on election day and give satisfactory evidence to the registrar and judges that he is qualified to vote in that election, then such person's name shall be placed back on the registration book, and he shall be allowed to vote in said election.

Sec. 14. Who Qualified to Register or Vote. Any person who is twenty-one (21) years of age on the date of the election, who is not an idiot or lunatic, who has not been convicted or has confessed to guilt in open court upon indictment for any crime punishable by confinement in the state prison unless having been restored to citizenship, is able to read and write any Section of the North Carolina Constitution in the English language, and who has been a resident and citizen of North Carolina for one year and resided in the City of Gastonia for thirty (30) days, shall be qualified to register and vote, if registered as required, in all municipal elections.

Sec. 15. Absentee Ballots. No vote by absentee ballot shall be permitted in connection with any municipal elections.

Sec. 16. Oath Upon Registration. Any person registering as a voter for any municipal election shall take the following oath to be administered by the registrar of the election precinct in which being registered, or by the City Clerk: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and of North Carolina; that I have been a resident and citizen of North Carolina for one year, and a resident of the City of Gastonia thirty (30) days; that I am a resident of Election Precinct No. \_\_\_\_\_; that I am twenty-one (21) years of age, or will be on or before the date of the next election; that I can read and write the Constitution of North Carolina in the English language; and that I have not been convicted, nor have I confessed my guilt, in open court upon the indictment of any crime, the punishment of which is imprisonment in the state prison (or if so convicted, or made confession of such guilt, I have been restored to citizenship)."

Sec. 17. Continuous Registration. Any person qualified to register as a voter may do so at any time by appearing before the City Clerk and taking the required oath hereinbefore prescribed, and the City Clerk shall thereupon enter registration of such person in the registration books for the election precinct that person is then a resident; except, however, that no person shall be allowed to register before the City Clerk during or after any registration period hereinafter provided when the registration books are in the custody and hands of duly appointed registrars, in which event any person qualified to register shall do so before the registrar of the election precinct in which such person resides.

Sec. 18. Registration by Registrars. Each registrar shall, between the hours of nine o'clock (9:00) A. M., and five o'clock (5:00) P. M., on the second, third and fourth Saturdays preceding the election keep open the registration books at the polling place for the registration of any new voters residing in that election precinct and entitled to register and whose names are not then registered for a municipal election; provided,

however, such registrars may register such persons at other times and places on and from the fourth Saturday preceding the election and to and including five o'clock (5:00) P.M. on the second Saturday preceding the election. On the second Saturday preceding the election, the registration books shall be closed as of five o'clock (5:00) P. M. and thereafter no registration shall be made of any new voter by either the registrar or the City Clerk prior to the election, except as hereinafter provided.

Sec. 19. Registration After Registration Books are Closed. No registration shall be allowed after five o'clock (5:00) P. M. on the second Saturday preceding or thereafter prior to the election, but if any person shall give satisfactory evidence to the registrar that he has attained the age of twenty-one (21) years, or otherwise become qualified to register and vote since the registration books were closed to registration, he shall be allowed to register after five o'clock (5:00) P. M. of the second Saturday preceding the election and prior to or on the election day and vote in said election.

Sec. 20. Books Open for Challenge. On the first Saturday immediately before the election, the registration books shall be kept open at each election precinct's polling place in the City for the inspection of the electors and voters of the City, and any of such electors or voters shall be allowed to object to the name of any person appearing on said registration books.

Sec. 21. Practice and Challenges. When a person is challenged, the registrar shall enter upon his books on the registration of the name of the person objected to the word "challenged", and the registrar shall appoint a time and place on or before Monday immediately preceding the election day, when he, together with the judges and the registrar of the election for that election precinct, shall hear and decide the objection, giving personal notice to the voter so objected to, who shall have the opportunity of being present at said hearing; and if for any cause personal notice cannot be given, then, it shall be sufficient to leave a copy of such notice at his residence. If any person challenged shall be found not duly qualified, the registrar shall remove his name from the registration books, noting thereon the reason therefor. The registrar and the judges of that election precinct shall hear and determine the cause of challenge under the rules and regulations prescribed by the general law regulating elections for members of the North Carolina General Assembly.

Sec. 22. Vacancies in the Office of Registrar or Judges on Election Day or within Seven Days Prior Thereto. If any vacancy shall occur on the day of election in any office of the registrar, or in any office of judges, or of persons appointed as assistants, or within seven days immediately preceding the election, such vacancy shall be filled by appointment of the City Clerk; vacancies occurring at any other time shall be filled by the City Council.

Sec. 23. Where to Vote. All registered and qualified voters shall be required to vote at the polling place in the election precinct in which they reside on the day of the election.

Sec. 24. Transfer of Registration. If a voter has duly registered in an election precinct and since said registration has moved his residence to another election precinct of the City, such applicant shall, before being allowed to vote, fill out and sign a printed transfer certificate requesting that his registration be transferred from the election

precinct of his former residence to the election precinct of his new residence, and thereupon said registration shall be so transferred by the City Clerk, Provided, however, that no transfer of a registration shall be made after the first Thursday preceding any election day, but on such Thursday and on any day preceding such Thursday, said application may be made to the City Clerk or to the registrar of the election precinct in which then registered or to the registrar of the election precinct in which then a resident, and upon such application to either of said registrars, such registrar shall immediately turn over such application for transfer of registration to the City Clerk, who shall in turn transfer such voter's registration to the registration books of the election precinct in which the voter is then residing. Any such request for transfer of registration may be made to the City Clerk at any time on said Thursday or prior thereto, whether the registration books are then open or not. The transfer certificate shall be substantially the following form:

"Date: \_\_\_\_\_, 19\_\_\_\_.

I, \_\_\_\_\_, hereby certify that I have moved my residence  
(Print Name Plainly)  
from Election Precinct No. \_\_\_\_\_ in which I am now a registered voter to  
\_\_\_\_\_ in Election Precinct No. \_\_\_\_\_ and request that my  
(Present Address)  
registration be transferred to said election precinct of my new residence.

\_\_\_\_\_  
(Signature of Registered Voter)

Witness:

\_\_\_\_\_  
"\_\_\_\_\_  
(Registrar of Election Precinct No. \_\_\_\_\_,  
or City Clerk)

Sec. 25. When Polls Open and Close. The polls shall be open on the day of election from six-thirty o'clock (6:30) A. M. until six-thirty o'clock (6:30) P. M., Eastern Standard Time, and no longer; each person whose name may be registered as hereinbefore provided shall be entitled to vote; provided, however, that any person who is in bounds of a polling place as of six-thirty o'clock (6:30) P. M. on the date of election and has not voted shall be allowed to vote.

Sec. 26. Registration Books, Where Deposited. Immediately after any election, the registrars shall deposit the registration books for their respective election precincts with the City Clerk.

Sec. 27. Ballots Counted. When the election shall be finished, the registrar and judges of the election shall immediately thereafter open the boxes and count the ballots cast at their polling place, reading aloud the names of the persons who shall appear on each ballot; and the counting of votes shall be continued without adjournment until completed and the result thereof declared. When completed, the result shall be reduced to writing and certified to over the signatures of the registrar and the judges of the election for that election precinct. The registrar and judges of the election at that election precinct may designate citizens and qualified voters of the City to aid them in counting the ballots, which persons so designated where possible shall be of different

favor to different candidates running against each other for the same office. If any ballot shall contain the names of more persons marked than the voter has the right to vote for, or shall be defaced, have a device or ornament thereon, or be mutilated, in either of these cases such ballots shall not be numbered in the counting.

Sec. 28. Board of Canvasses. The registrar and judges of each election precinct shall appoint one of their number to attend the meeting of the board of canvasses as a member thereof, of which board the City Clerk shall be a member and chairman, and shall deliver to the member who shall have been so appointed the original returns of the results of the election in such election precinct, certified as above provided; and the members of the board of canvasses so appointed shall constitute the board of canvasses for such election and a majority of them shall constitute a quorum, but the City Clerk shall be chairman thereof and shall vote only in case of a tie. After canvassing the vote from all election precincts, the board of canvasses shall declare the results of the election, and shall so certify said result over their signatures to the City Council and the results thereon shall be incorporated into the minutes of the City Council. The board of canvasses shall meet immediately following the election, but not later than eight-thirty o'clock (8:30) A. M. on the day following the election and shall hold said meeting for the purpose of canvassing said votes at the City Hall, which meeting shall be open to the general public.

Sec. 29. Filing as a Candidate; Filing Date; Publication. Any person qualified to run as a candidate for mayor or membership on the City Council of the City of Gastonia shall file as a candidate for such office by five o'clock (5:00) P. M. on the fifth Monday immediately preceding the date of the election and with said filing shall pay a fee of five dollars (\$5.00). Any candidate for any office shall file such notice with the City Clerk and pay the five dollars (\$5.00) filing fee with said notice, which said notice shall be substantially in the following form:

"I, \_\_\_\_\_, do hereby give notice that I reside at \_\_\_\_\_ in Ward No. \_\_\_\_\_ of the City of Gastonia; that I am a  
(Street Address)  
candidate for election to the office of Councilman from Ward No. \_\_\_\_\_(or to the office of Mayor of the City of Gastonia) to be voted upon at an election to be held on Tuesday, May \_\_\_\_\_, 19\_\_\_\_, and I hereby request that my name be printed upon the official ballot as a candidate for the election to such office; and I hereby agree to be bound and to abide by the official results of said election.

\_\_\_\_\_  
(Signature of Candidate)

Signed before me and filed, this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.  
\_\_\_\_\_  
(City Clerk or other City Official)

Publication of the last date on which a candidate may file shall be made in a newspaper with general circulation in the City of Gastonia at least seven (7) days, and not more than fourteen (14) days prior to said last filing date; provided, however, this provision as to publication shall be deemed directive and not mandatory.

Sec. 30. Result of Election. The candidate receiving the highest vote for each different office shall be elected to that office. The board of canvasses shall at their meeting and in the presence of such electors as choose to attend, open, canvass and judicially determine the result, making such counts or recounts as it determines, and shall make abstracts, stating the number of legal ballots cast in each election precinct for each office, the name of each person voted for, and the number of votes given to each person for each different office, and shall certify the same over their signatures to the City Council, which shall be recorded in the minutes of the City Council. The board of canvasses shall have power and authority to pass upon judicially all the votes relative to the election and judicially determine and declare the results of the same, and shall have power and authority to send for papers and persons and examine the latter upon oath; and in case of a tie between opposing candidates, the result shall then be determined by lot before the board of canvasses.

Sec. 31. Notice of Election. The City Council shall cause to be published a notice of the election once a week for four successive weeks preceding the date of election in a newspaper in general circulation in the City of Gastonia and by posting a like notice at City Hall, which notice shall set forth and contain the date and hours of the election, the proposition to be voted on or the officers to be elected, the names and addresses of the registrar and judges for each election precinct, the polling places for each election precinct, the dates and places the registration books will be open, the manner of transferring registration from one election precinct to another, and the challenge date.

Sec. 32. Notice of Special Elections. No special elections shall be held for any purpose in the City unless notice as above provided is given.

Sec. 33. Ballots; Printing, Delivery, Accounting For, etc. The City Clerk shall cause to be printed by at least six days prior to the election the official ballots for the election, which shall contain the names of all candidates for election to each office who have filed as hereinbefore provided, or the questions or propositions to be voted on, which shall be printed on white paper with black ink and in a number at least equal to the registered voters of the City. Sample ballots of the official ballots shall be printed in black ink on colored paper and with the words, "sample ballot" printed conspicuously thereon, and shall be printed in such number as the City Clerk determines necessary to distribute for instructing voters.

The City Clerk shall cause to be delivered to the registrar for each election precinct at least one day before the election ballots equal at least in number to the voters registered in that election precinct, which shall be packaged and each package shall have written or stamped thereon the number of ballots contained in each package, and the registrar shall not open or unpackage said ballots until the date of the election and except at the polling place, and the registrars shall be responsible to safeguard the same until the election. Upon delivery of the ballots, the City Clerk shall cause to be obtained a receipt therefor from each registrar.

Upon completion of the election each registrar shall return to the City Clerk all used ballots, as well as all unused and spoiled ballots, and shall render a full accounting of all ballots over his signature showing the number of ballots received,

number used, number spoiled, etc. Upon the close of the counting of ballots as herein provided, the registrar shall replace the said ballots in the official ballot box, lock the same, and deliver it to the City Clerk.

Sec. 35. Disability or Absence of City Clerk. In the event of the absence, death, sickness, or disability of the City Clerk, either the Assistant City Clerk, City Attorney, Assistant City Attorney, or City Manager shall have the power or authority to act in his place and stead.

Sec. 36. Other Aspects of Election. In all other respects, all elections held in the City shall be conducted as prescribed for the election of members of the General Assembly of North Carolina, where such rules and laws are not in conflict with the above.

Sec. 37. That all of the provisions of Chapter 106 of the 1957 Session Laws of North Carolina are hereby repealed, and any and all laws in conflict with this Act are also hereby repealed.

Sec. 38. This Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 7th day of March, 1961.