

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

H

1

HOUSE BILL 922

Short Title: Election Reform Legislation.

(Public)

Sponsors: Representatives Cansler; McComas and Pate.

Referred to: Judiciary II.

April 12, 1995

A BILL TO BE ENTITLED

AN ACT TO REFORM THE ELECTION LAWS.

The General Assembly of North Carolina enacts:

–ABOLISH THE STATUTORY REQUIREMENT THAT A CANDIDATE FOR SUPERIOR COURT BE A RESIDENT OF THE DISTRICT AT THE TIME OF FILING.

Section 1. G.S. 163-106(i) is repealed.

–REQUIRE THE GOVERNOR IN APPOINTING SPECIAL JUDGES TO GIVE PREFERENCE TO PERSONS ELECTED IN STATEWIDE ELECTIONS BUT DEFEATED IN DISTRICT ELECTIONS.

Sec. 2. (a) G.S. 7A-45.1 is amended by adding a new subsection to read:

"(a1) In appointing special superior court judges pursuant to this section, the Governor may only appoint a person who was elected in the most recent statewide general election for superior court judge but was defeated in the district election. If no eligible person accepts the appointment, the judgeship is abolished."

(b) This section is effective upon ratification, and applies to special superior court judges appointed on or after that date.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

1 –PROVIDE FOR A CONFIRMATION BY THE GENERAL ASSEMBLY OF  
2 APPOINTMENT OF THE EXECUTIVE SECRETARY-DIRECTOR OF THE STATE  
3 BOARD OF ELECTIONS.

4 Sec. 3. (a) G.S. 163-27 reads as rewritten:

5 **"§ 163-27. Executive Secretary-Director to be appointed by Board.**

6 The ~~appointment~~ term of office of the Executive Secretary-Director of the State Board  
7 of Elections ~~is extended to May 15, 1989,~~ expires May 15, 1995, unless removed for proper  
8 cause, and thereafter the Board ~~shall~~ shall, subject to confirmation by the General  
9 Assembly, appoint an Executive Secretary-Director for a term of ~~four~~ two years with  
10 compensation to be determined by the ~~Department of~~ Office of State Personnel. He shall  
11 serve, unless removed for cause, until his successor is appointed. Such Executive  
12 Secretary-Director shall be responsible for staffing, administration, execution of the  
13 Board's decisions and orders and shall perform such other responsibilities as may be  
14 assigned by the Board. In the event of a vacancy, the vacancy shall be filled for the  
15 remainder of the term.

16 No person shall serve until confirmed by joint resolution of the General Assembly,  
17 unless the vacancy occurs after the General Assembly has adjourned sine die or for more  
18 than 10 days and has not reconvened. If the vacancy occurs after the General Assembly  
19 has adjourned sine die or for more than 10 days and has not reconvened, the State Board  
20 of Elections shall appoint a replacement who shall assume office and serve until no later  
21 than the sixtieth calendar day following the next day either house of the General  
22 Assembly is in session; except that this sentence does not operate to extend that term of  
23 office and that term still expires on the date provided by law. For such person to continue  
24 in office after that sixtieth day, the appointment must be confirmed by joint resolution of  
25 the General Assembly. If the joint resolution has not been ratified by that date, the  
26 appointee vacates the office, the person does not hold over, and the person may not be  
27 reappointed to fill the vacancy during the remainder of that term of office.

28 The State Board of Elections may appoint an acting officer under the same procedures  
29 as the Governor under G.S. 147-12(3) without confirmation by the General Assembly,  
30 but that person may not serve:

- 31 a. For more than 60 calendar days if the vacancy occurs while the  
32 General Assembly is in session;  
33 b. After the sixtieth calendar day following the next day either  
34 house of the General Assembly is in session if the vacancy  
35 occurs after the General Assembly has adjourned sine die or for  
36 more than 10 days and has not reconvened; or  
37 c. If that person is prevented from serving by the last sentence of  
38 the previous paragraph of this section."

39 (b) This section applies with respect to terms of office beginning on or after May  
40 15, 1995, and any vacancies occurring before that date regardless of the date of  
41 commencement of the term.

42

1 –PROVIDE THAT PRECINCT OFFICIALS AND OBSERVERS NEED ONLY BE  
2 RESIDENTS OF THE COUNTY RATHER THAN THE PRECINCT.

3 Sec. 4. (a) G.S. 163-41(a) reads as rewritten:

4 **"§ 163-41. Precinct chief judges and judges of election; appointment; terms of**  
5 **office; qualifications; vacancies; oaths of office.**

6 (a) Appointment of Chief Judge and Judges. – At the meeting required by G.S.  
7 163-31 to be held on the Tuesday following the third Monday in August of the year in  
8 which they are appointed, the county board of elections shall appoint one person to act as  
9 chief judge and two other persons to act as judges of election for each precinct in the  
10 county. Their terms of office shall continue for two years from the specified date of  
11 appointment and until their successors are appointed and qualified. It shall be their duty  
12 to conduct the primaries and elections within their respective precincts. Persons  
13 appointed to these offices must be registered voters and residents of the ~~precinct for which~~  
14 ~~appointed, county in which the precinct is located,~~ of good repute, and able to read and  
15 write. Not more than one judge in each precinct shall belong to the same political party as  
16 the chief judge.

17 The term 'precinct official' shall mean chief judges and judges appointed pursuant to  
18 this section, and all assistants appointed pursuant to G.S. 163-42, unless the context of a  
19 statute clearly indicates a more restrictive meaning.

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

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

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

30 The chairman of each political party in the county where possible shall recommend  
31 two registered voters in each precinct who are otherwise qualified, are residents of the  
32 ~~precinct, county in which the precinct is located,~~ have good moral character, and are able  
33 to read and write, for appointment as chief judge in the precinct, and he shall also  
34 recommend where possible the same number of similarly qualified voters for  
35 appointment as judges of election in that precinct. If such recommendations are received  
36 by the county board of elections no later than the fifth day preceding the date on which  
37 appointments are to be made, it must make precinct appointments from the names of  
38 those recommended. Provided that if only one name is submitted by the fifth day  
39 preceding the date on which appointments are to be made, by a party for judge of election  
40 by the chairman of one of the two political parties in the county having the greatest  
41 numbers of registered voters in the State, the county board of elections must appoint that  
42 person.

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

16 If any person appointed chief judge shall fail to be present at the voting place at the  
17 hour of opening the polls on primary or election day, or if a vacancy in that office shall  
18 occur on primary or election day for any reason whatever, the precinct judges of election  
19 shall appoint another to act as chief judge until such time as the chairman of the county  
20 board of elections shall appoint to fill the vacancy. If such appointment by the chairman  
21 of the county board of elections is not a person nominated by the county chairman of the  
22 political party of the vacating officer, then the term of office of the person appointed to  
23 fill the vacancy shall expire upon the conclusion of the next canvass held by the county  
24 board of elections under this Chapter. If a judge of election shall fail to be present at the  
25 voting place at the hour of opening the polls on primary or election day, or if a vacancy in  
26 that office shall occur on primary or election day for any reason whatever, the chief judge  
27 shall appoint another to act as judge until such time as the chairman of the county board  
28 of elections shall appoint to fill the vacancy. Persons appointed to fill vacancies shall,  
29 whenever possible, be chosen from the same political party as the person whose vacancy  
30 is being filled, and all such appointees shall be sworn before acting.

31 As soon as practicable, following their training as prescribed in G.S. 163-82.24, each  
32 chief judge and judge of election shall take and subscribe the following oath of office to  
33 be administered by an officer authorized to administer oaths and file it with the county  
34 board of elections:

35 'I, ....., do solemnly swear (or affirm) that I will support the Constitution of the  
36 United States; that I will be faithful and bear true allegiance to the State of North  
37 Carolina, and to the constitutional powers and authorities which are or may be established  
38 for the government thereof; that I will endeavor to support, maintain and defend the  
39 Constitution of said State not inconsistent with the Constitution of the United States; that  
40 I will administer the duties of my office as chief judge of (judge of election in) .....  
41 precinct, ..... County, without fear or favor; that I will not in any manner request or seek  
42 to persuade or induce any voter to vote for or against any particular candidate or  
43 proposition; and that I will not keep or make any memorandum of anything occurring

1 within a voting booth, unless I am called upon to testify in a judicial proceeding for a  
2 violation of the election laws of this State; so help me, God.'

3 Notwithstanding the previous paragraph, a person appointed chief judge by the judges  
4 of election under this section, or appointed judge of election by the chief judge under this  
5 section may take the oath of office immediately upon appointment.

6 Before the opening of the polls on the morning of the primary or election, the chief  
7 judge shall administer the oath set out in the preceding paragraph to each assistant, and  
8 any judge of election not previously sworn, substituting for the words 'chief judge of' the  
9 words 'assistant in' or 'judge of election in' whichever is appropriate."

10 (b) G.S. 163-42 reads as rewritten:

11 **"§ 163-42. Assistants at polls; appointment; term of office; qualifications; oath of**  
12 **office.**

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

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

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

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

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

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

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

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

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

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

19 The names and addresses of all ballot counters serving in any precinct, whether appointed  
20 by the county board of elections or by the chief judge, shall be reported by the chief judge  
21 to the county board of elections at the county canvass following the primary or election."  
22

23 –ALLOW PARTIES TO OPEN THEIR PRIMARIES TO VOTERS OF THE OTHER  
24 PARTY AND TO ALLOW PARTIES TO PERMIT UNAFFILIATED VOTERS OR  
25 VOTERS AFFILIATED WITH OTHER PARTIES TO BE CANDIDATES OF THEIR  
26 PARTY.

27 Sec. 5. (a) G.S. 163-119 reads as rewritten:

28 "**§ 163-119. Voting by unaffiliated voter in party primary.**

29 If a political party has, by action of its State Executive Committee reported to the  
30 State Board of Elections by resolution delivered no later than the first day of ~~December~~  
31 ~~October~~ preceding a primary, provided ~~that unaffiliated that~~:

32 (1) Unaffiliated voters may vote in the primary of that party, an unaffiliated  
33 voter may vote in the primary of that party by announcing that intention  
34 under G.S. 163-150(a).-G.S. 163-150(a); and

35 (2) A voter affiliated with another party may vote in the primary of that  
36 party, a voter affiliated with another party may vote in the primary of  
37 that party by announcing that intention under G.S. 163-150(a).

38 For a party to withdraw its permission, it must do so by action of its State Executive  
39 Committee, similarly reported to the State Board of Elections no later than the first day of  
40 ~~December~~ ~~October~~ preceding the primary where the withdrawal is to become effective."

41 (b) G.S. 163-150(a) reads as rewritten:

42 "(a) Checking Registration. – A person seeking to vote shall enter the voting  
43 enclosure at the voting place through the appropriate entrance and shall at once state his

1 name and place of residence to one of the judges of election. In a primary election, the  
2 voter shall also state the political party with which he affiliates and in whose primary he  
3 desires to vote, or if the voter is ~~an unaffiliated~~ a voter permitted to vote in the primary of  
4 a particular party under G.S. 163-116, the voter shall state the name of the authorizing  
5 political party in whose primary he wishes to vote. The judge to whom the voter gives  
6 this information shall announce the name and residence of the voter in a distinct tone of  
7 voice. After examining the precinct registration records, the chief judge shall state  
8 whether the person seeking to vote is duly registered."

9 (c) G.S. 163-150(b) reads as rewritten:

10 "(b) Distribution of Ballots; Information. – If the voter is found to be registered and  
11 is not challenged, or, if challenged and the challenge is overruled as provided in G.S.  
12 163-88, the responsible judge of election shall hand him an official ballot of each kind he  
13 is entitled to vote. In a primary election the voter shall be furnished ballots of the political  
14 party with which he affiliates and no others, except that ~~unaffiliated~~ voters who are  
15 permitted to vote in a party primary under G.S. 163-116 shall be furnished ballots for that  
16 primary. No ~~such unaffiliated~~ voter shall vote in the primary of more than one party on the  
17 same day. It shall be the duty of the chief judge and judges holding the primary or  
18 election to give any voter any information he desires in regard to the kinds of ballots he is  
19 entitled to vote and the names of the candidates on the ballots. In response to questions  
20 asked by the voter, the chief judge and judges shall communicate to him any information  
21 necessary to enable him to mark his ballot as he desires."

22 (d) G.S. 163-82.4(c) reads as rewritten:

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

36 (e) G.S. 163-87 reads as rewritten:

37 **"§ 163-87. Challenges allowed on day of primary or election.**

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

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

- 1 (1) One or more of the reasons listed in G.S. 163-85(c), or
- 2 (2) That the person has already voted in that primary or election, or
- 3 (3) That the person presenting himself to vote is not who he represents
- 4 himself to be.

5 On the day of a party primary, any voter of the precinct who is registered as a member  
6 of the political party conducting the primary may, at the time any registrant proposes to  
7 vote, challenge his right to vote upon the ground that he does not affiliate with the party  
8 conducting the primary or does not in good faith intend to support the candidates  
9 nominated in that party's primary, and it shall be the duty of the chief judge and judges of  
10 election to determine whether or not the challenged registrant has a right to vote in that  
11 primary according to the procedures prescribed in G.S. 163-88; provided that no  
12 challenge may be made on the grounds specified in the paragraph against ~~an unaffiliated~~ a  
13 voter voting in the primary under ~~G.S. 163-74(a1)~~ G.S. 163-116.

14 If a person is challenged under this ~~subsection~~, section, and the challenge is sustained  
15 under G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. 163-  
16 82.15(e) if eligible under that section, and the registration shall not be cancelled under  
17 G.S. 163-90.2(a) if the transfer is made. A person who has transferred his registration  
18 under G.S. 163-82.15(e) may be challenged at the precinct to which the registration is  
19 being transferred."

20 (f) G.S. 163-226.1 reads as rewritten:

21 "**§ 163-226.1. Absentee voting in primary.**

22 A qualified voter may vote by absentee ballot in a statewide or countywide primary  
23 provided he is affiliated, at the time he makes application for absentee ballots, with the  
24 political party in whose primary he wishes to ~~vote~~ vote, or if that party allows the voter to  
25 vote in its primary under G.S. 163-119. The official registration records of the county in  
26 which the voter is registered shall be proof of whether he is affiliated with a political  
27 party and of the party, if any, with which he is affiliated."

28 (g) G.S. 163-106(b) reads as rewritten:

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

39 ~~A~~ Except as provided by this subsection, a person registered as 'unaffiliated' shall be  
40 ineligible to file as a candidate in a party primary election.

41 A political party may, by action of its State Executive Committee reported to the State  
42 Board of Elections by resolution delivered no later than the first day of October preceding  
43 a primary, provide that:



(1) An unaffiliated voter may be a candidate of that party; and

(2) A voter affiliated with another party may be a candidate of that party.

For a party to withdraw its permission, it must do so by action of its State Executive Committee, similarly reported to the State Board of Elections no later than the first day of October preceding the primary where the withdrawal is to become effective."

(h) This section becomes effective January 1, 1996, and applies to all primaries and elections held on or after that date, except that parties may adopt resolutions under G.S. 163-106(b) and G.S. 163-119 as amended by this section at any time after ratification of this act.

–PROVIDE THAT WHEN NO CANDIDATE HAS FILED FOR A PARTY NOMINATION, THE APPROPRIATE PARTY EXECUTIVE COMMITTEE MAY NOMINATE A CANDIDATE.

Sec. 6. (a) Article 10 of Chapter 163 of the General Statutes is amended by adding a new section to read:

**"§ 163-114.1. Failure to file creates vacancy in nomination to be filled by appropriate party executive committee.**

If under the provisions of G.S. 163-106 and G.S. 163-107.1, a party does not have a nominee for a particular office because of the failure of any person to file for an office, or because an insufficient number of candidates have filed for a group of offices, there exists a vacancy in nomination by that party.

A vacancy in nomination by a party under this section may be filled by the appropriate executive committee of that political party under G.S. 163-114, but only if the party executive committee fills the vacancy in nomination prior to July 1 of the year of the election, and reports, no later than 10 calendar days after the nomination is made, that nomination to the same board of elections that a candidate would have filed with.

This section does not apply to partisan municipal elections governed by Subchapter IX of this Chapter."

(b) G.S. 163-114 reads as rewritten:

**"§ 163-114. Filling vacancies among party nominees occurring after nomination and before election.**

If any person nominated as a candidate of a political party for one of the offices listed below (either in a primary or convention or by virtue of having no opposition in a primary) dies, resigns, or for any reason becomes ineligible or disqualified before the date of the ensuing general election, or if there is a vacancy in nomination under G.S. 163-114.1, the vacancy shall be filled by appointment according to the following instructions:

Position		Vacancy is to be filled by
Any elective State office		appointment of State
United States Senator		executive committee of
		political party in which
		vacancy occurs

1		
2	A district office, including:	
3	Member of the United States	
4	House of Representatives	
5	Judge of superior court	
6	Judge of district court	Appropriate district executive
7	District Attorney	committee of political party
8	State Senator in a multi-	in which vacancy occurs
9	county senatorial district	
10	Member of State House of	
11	Representatives in a multi-	
12	county representative	
13	district	
14		
15	State Senator in a single-	County executive committee
16	county senatorial district	of political party in which
17	Member of State House of	vacancy occurs, provided, in
18	Representatives in a	the case of the State
19	single-county	Senator or State
20	representative district	Representative in a
21	Any elective county office	single-county district where
22		not all the county is
23		located in that district,
24		then in voting, only those
25		members of the county
26		executive committee who
27		reside within the
28		district shall vote
29		
30	Judge of Superior Court in a	County executive committee
31	single-county superior	of political party in
32	court district where the	which vacancy occurs;
33	district is the whole	provided, in the case of
34	county or part of the	a superior court judge in a
35	county single-county district where	
36		not all the county is
37		located in that district,
38		then in voting, only those
39		members of the county
40		executive committee who
41		reside within the
42		district shall vote
43		

1 Judge of Superior Court in a | Appropriate district  
2 multi-county superior | executive committee of  
3 court district | political party in which  
4 | vacancy occurs.

5 The party executive making a nomination in accordance with the provisions of this  
6 section shall certify the name of its nominee to the chairman of the board of elections,  
7 State or county, charged with the duty of printing the ballots on which the name is to  
8 appear. If at the time a nomination is made under this section the general election ballots  
9 have already been printed, the provisions of G.S. 163-139 shall apply. If any person  
10 nominated as a candidate of a political party vacates such nomination and such vacancy  
11 arises from a cause other than death and the vacancy in nomination occurs more than 120  
12 days before the general election, the vacancy in nomination may be filled under this  
13 section only if the appropriate executive committee certifies the name of the nominee in  
14 accordance with this paragraph at least 75 days before the general election.

15 In a county which is partly in a multi-county superior court district, in choosing that  
16 county's member or members of the superior court district executive committee for the  
17 multi-county district, only the county convention delegates or county executive  
18 committee members who reside within the area of the county which is within that multi-  
19 county district may vote.

20 In a county not all of which is located in one congressional district, in choosing the  
21 congressional district executive committee member or members from that area of the  
22 county, only the county convention delegates or county executive committee members  
23 who reside within the area of the county which is within the congressional district may  
24 vote.

25 In a county which is partly in a multi-county senatorial district or which is partly in a  
26 multi-county House of Representatives district, in choosing that county's member or  
27 members of the senatorial district executive committee or House of Representatives  
28 district executive committee for the multi-county district, only the county convention  
29 delegates or county executive committee members who reside within the area of the  
30 county which is within that multi-county district may vote."

31 (c) This section becomes effective January 1, 1996.

32  
33 –ALLOW CHANGE-OF-ADDRESS NOTICES FROM THE NATIONAL CHANGE  
34 OF ADDRESS SYSTEM OF THE UNITED STATES POSTAL SERVICE TO BE  
35 USED AS EVIDENCE IN VOTER CHALLENGES.

36 Sec. 7. (a) G.S. 163-85(e) reads as rewritten:

37 "(e) Prima Facie Evidence That Voter No Longer Resides in Precinct. – The  
38 presentation of a letter mailed by returnable first-class mail to the voter at the address  
39 listed on the voter registration card and returned because the person does not live at the  
40 address shall constitute prima facie evidence that the person no longer resides in the  
41 precinct. The presentation of change-of-address information supplied by the United  
42 States Postal Service through its licensees showing that a voter's address is no longer in

1 the precinct is prima facie evidence that the person no longer resides in the precinct  
2 unless that change-of-address notice is temporary."

3 (b) G.S. 163-87 reads as rewritten:

4 **"§ 163-87. Challenges allowed on day of primary or election.**

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

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

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

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

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

15 On the day of a party primary, any voter of the precinct who is registered as a member  
16 of the political party conducting the primary may, at the time any registrant proposes to  
17 vote, challenge his right to vote upon the ground that he does not affiliate with the party  
18 conducting the primary or does not in good faith intend to support the candidates  
19 nominated in that party's primary, and it shall be the duty of the chief judge and judges of  
20 election to determine whether or not the challenged registrant has a right to vote in that  
21 primary according to the procedures prescribed in G.S. 163-88; provided that no  
22 challenge may be made on the grounds specified in the paragraph against an unaffiliated  
23 voter voting in the primary under G.S. 163-74(a1).

24 If the county board of elections has change-of-address information supplied by the  
25 United States Postal Service through its licensees showing that a voter's address is no  
26 longer in the precinct, it may supply that information to the chief judge of the precinct  
27 that the voter is registered in, and if a challenge is entered under this section, that  
28 information is prima facie evidence that the person no longer resides in the precinct  
29 unless that change-of-address notice is temporary.

30 If a person is challenged under this subsection, and the challenge is sustained under  
31 G.S. 163-85(c)(3), the voter may still transfer his registration under G.S. 163-82.15(e) if  
32 eligible under that section, and the registration shall not be cancelled under G.S. 163-  
33 90.2(a) if the transfer is made. A person who has transferred his registration under G.S.  
34 163-82.15(e) may be challenged at the precinct to which the registration is being  
35 transferred."

36 (c) This section becomes effective January 1, 1996.

37  
38 –REQUIRE VOTERS TO SIGN THE POLLBOOK BEFORE VOTING.

39 Sec. 8. (a) G.S. 163-150(a) reads as rewritten:

40 "(a) Checking Registration. – A person seeking to vote shall enter the voting  
41 enclosure at the voting place through the appropriate entrance and shall at once state his  
42 name and place of residence to one of the judges of election. In a primary election, the  
43 voter shall also state the political party with which he affiliates and in whose primary he

1 desires to vote, or if the voter is an unaffiliated voter permitted to vote in the primary of a  
2 particular party under G.S. 163-116, the voter shall state the name of the authorizing  
3 political party in whose primary he wishes to vote. The judge to whom the voter gives  
4 this information shall announce the name and residence of the voter in a distinct tone of  
5 voice. After examining the precinct registration records, the chief judge shall state  
6 whether the person seeking to vote is duly registered. If the chief judge states that the  
7 person is duly registered, the person shall sign the pollbook in accordance with  
8 subsection (f) of this section before voting."

9 (b) G.S. 163-150(f) reads as rewritten:

10 "(f) Maintenance of Pollbook or Other Record of Voting. – At each primary,  
11 general or special election, the precinct chief judge shall appoint two precinct assistants  
12 (one from each political party as recommended by the county chairman thereof), one to  
13 be assigned to keep the pollbook or other voting record used in the county as approved by  
14 the State Board of Elections, and the other to keep the registration books under the  
15 supervision of the precinct officials. ~~The names of all persons voting shall be checked on the~~  
16 ~~registration records and entered on the pollbook or other voting record. —~~ The names of all  
17 persons voting shall be checked on the registration records and the voter, before voting,  
18 shall sign his or her name on the pollbook or other voting record, unless the voter shall be  
19 unable to sign his or her name, in which event the voter's name shall be entered on the  
20 pollbook by a precinct official before the voter votes. In an election where observers may  
21 be appointed under G.S. 163-45 each voter's party affiliation shall be entered in the  
22 proper column of the book or other approved record opposite his name. The precinct  
23 assistant shall make each entry at the time the ballots are handed to the voter. As soon as  
24 the polls are closed, the chief judge and judges of election shall sign the pollbook or other  
25 approved record immediately beneath the last voter's name entered therein. The chief  
26 judge or the judge appointed to attend the county canvass shall deliver the pollbook or  
27 other approved record to the chairman of the county board of elections at the time of the  
28 county canvass, and the chairman shall remain responsible for its safekeeping."

29 (c) This section becomes effective January 1, 1996, and applies to all primaries  
30 and elections occurring on or after that date.

31  
32 –ELIMINATE THE REQUIREMENT THAT A CANDIDATE BE A MEMBER OF A  
33 PARTY FOR NINETY DAYS BEFORE FILING AS A CANDIDATE OF THAT  
34 PARTY.

35 Sec. 9. (a) G.S. 163-106(b) reads as rewritten:

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

1 ~~for at least 90 days prior to the filing date for the office for which he desires to file his notice of~~  
2 ~~candidacy.~~

3 A person registered as 'unaffiliated' shall be ineligible to file as a candidate in a party  
4 primary election."

5 (b) This section becomes effective with respect to primary elections conducted  
6 on or after January 1, 1996.

7  
8 -CHALLENGE OF A NOTICE OF CANDIDACY BASED ON FACTS IN  
9 EXISTENCE AT THE TIME OF THE CLOSE OF FILING MUST BE MADE WITHIN  
10 THIRTY DAYS OF THE CLOSE OF FILING.

11 Sec. 10. (a) Chapter 163 of the General Statutes is amended by adding a new  
12 section to read:

13 **"§ 163-108A. Challenge to notice of candidacy.**

14 (a) No later than 30 days after the date of certification, a certification of a notice of  
15 candidacy under G.S. 163-108 may be challenged by any qualified voter eligible to vote  
16 in the election for that office on the grounds that the person is not eligible to hold that  
17 office.

18 (b) The State Board of Elections shall adopt by rule procedures for hearing such  
19 challenges. Challenges shall be made to and heard by the board of elections which  
20 certified the candidacy, except that decisions of a county board of elections may be  
21 appealed to the State Board of Elections by the challenger or by the candidate. Appeal  
22 from a decision of the State Board of Elections under this section, whether that decision  
23 was original or on appeal from a county board of elections shall lie:

24 (1) In the case where the appeal was of a certification of a county board of  
25 elections, in the superior court of that county; and

26 (2) In the case where the appeal was of a certification of the State Board of  
27 Elections, in the Superior Court of Wake County.

28 (c) If a challenge is sustained, it shall be considered a disqualification for the  
29 purpose of filling vacancies under G.S. 163-114."

30 (b) This section becomes effective with respect to elections held on or after  
31 January 1, 1996.

32 Sec. 11. Except as otherwise provided, this act is effective upon ratification.